

MINUTES LEGISLATIVE CAUCUS

7:30 p.m.

May 19, 2009

Pursuant to Codified Ordinance Section 111.01 (17) and ORC Section 121.22, notice of the following meeting was given on May 15, 2009.

Council Members Present: Mr. Ranally, Mr. Harrold, Mrs. Manning, Mr. Fiala
Mr. Woodin and Mr. Black

Others: Law Director Wiles, City Engineer Sayles, Service Director Tomaselli, Assistant Fire Chief Cook, Police Chief Straube, Chief Building and Zoning Inspector Smith, Parks and Recreation Director Katz, Finance Director Rogowski, Lake County Gazette Reporter McMahon, Clerk Radebaugh

NEW BUSINESS

RESOLUTION NO. 2009-43

A Resolution congratulating the Willoughby South High School Academic Decathlon Team on their Ohio Academic Decathlon Championship.

Law Director Wiles informed Council that the city received an email from the principal regarding this resolution.

RESOLUTION NO. 2009-44

A Resolution authorizing the Mayor to apply to the Ohio Department of Public Safety, Governor's Highway Safety Office for the High Visibility Overtime Grant.

Chief Straube said that this is the same grant the Police Department applied for and successfully got last year based on the number of accidents and fatalities. Accidents are down this year so he is not sure if they will qualify. Chief Straube explained the statistics that are kept for this grant.

RESOLUTION NO. 2009-45

A Resolution authorizing the Mayor to enter into a contract with Monte Construction Co., Inc. in the amount of \$117,892.50 for implementation of the Erie Street Storm Relief Sewer Project.

Mr. Sayles explained that the estimate for this project was \$120,000 but feels that was low. He said that Monte Construction has done other projects in the city including the project in the downtown area. The project was completed ahead of schedule and on budget. He explained that a little under \$50,000 for this project is to repair the pavement at the intersection of Mentor Avenue/Vine St./Erie St. as well as in the downtown area where there had been water main breaks. The cost for this project to Willoughby will be approximately \$70,000. The scope and duration of the project was discussed by Mr. Sayles and Mr. Ranally.

RESOLUTION NO. 2009-46

A Resolution approving Change Order No. 1 in the Ridge Road and Breckenridge Village Retaining Wall Improvements Project Contract with Perk Company, Inc., and declaring an emergency.

Mr. Sayles explained that this is a deduct change order for \$1,573.00 for quantity adjustments.

Councilman Ranally asked if there was any concern about other sections in this area. Mr. Sayles said they are watching the area of River Street by the sharp curve, River Rd. going down the hill and other spots along the same stretch as Breckenridge. Nothing is critical at this point. He said that the Service Department discovered an area west of the curb repair that was done (south side of Rt. 84) where the storm sewer outfall built in the 1920's has collapsed. It looks as if it has been eroding for many years.

ORDINANCE NO. 2009-47

An Ordinance amending Chapter 947 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Parks"; specifically, Section 947.09 titled, "Prohibited Acts".

Mr. Katz explained that there are signs in the parks stating "No Golf" and referencing an ordinance number. He said that this ordinance actually didn't prohibit golfing in the parks. He cited a number of reasons why golfing in the parks is dangerous and should be prohibited. This amended ordinance will prohibit golfing in parks.

RESOLUTION NO. 2009-48

A Resolution accepting the gift of a 2000 Ford Explorer from Thomas J. Juhasz.

Chief Straube explained that Mr. Juhasz was dealing drugs and an agreement was made with the attorney and prosecutor regarding jail time and the forfeiture of his vehicle. This vehicle will be used for undercover work.

RESOLUTION NO. 2009-49

A Resolution approving the amendment to Attachment 2 of the contract with Joseph L. Myers, Architect, Inc. to prepare the plans and specifications necessary for the renovation of the Willoughby Municipal Building located at 1 Public Square, Willoughby, Ohio, and declaring an emergency.

Mr. Wiles explained that council had previously authorized a contract with Joe Myers. This is phase 2 of the contract which shows costs where there previously were none. Councilman Black asked if the numbers were in line because they seemed to be big numbers. Councilman Fiala commented that the numbers total up to about 8% which is not unreasonable. He explained that remodeling is usually more expensive than construction. Mr. Wiles said the agreement has a cap of 8%.

Councilman Fiala said that there needs to be an understanding that, during construction, one of the basic services should be that the architect will be on call.

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Mr. Rogowski stated that the Board of Building Code Appeals has approved the staircase plan. He expects to go out for bid in September and hopefully construction will start in November.

RESOLUTION NO. 2009-50

A Resolution approving Change Order No. 1-final in the Daniels Park Streambank Stabilization Project with King Excavating Co., and declaring an emergency.

Mr. Sayles explained that this change order is actually a \$500 addition and a \$600 deduct.

RESOLUTION NO. 2009-51

A Resolution approving Change Order No. 1 in the River Street Sanitary Sewer Replacement Project with Fabrizi Trucking and Paving Co., Inc., and declaring an emergency.

Mr. Sayles explained that this change order is for \$22,700. Early in the job the contractor encountered pipes and sewers that they didn't know were there and sewers that were abandoned or switched. This is the first of two change orders which will total approximately \$40,000. Subsequent to that, there will be a final quantity adjustment. The contingency that was built into the WPCLF loan is \$100,000/\$150,000. Mr. Sayles is also pursuing pavement replacement for the northern most end of River Street.

RESOLUTION NO. 2009-52

A Resolution adopting an Identity Theft Policy for the City of Willoughby, Ohio.

Mr. Wiles said this is called the "Red Flag" ordinance which was enacted by the FCC. Every municipality in the U.S. is supposed to adopt this ordinance by August 1, 2009. Our city's ordinance is a composite of a couple of ordinances from the Ohio Municipal League. Mr. Wiles said the only department affected by this policy would be the Finance Department.

RESOLUTION NO. 2009-53

A Resolution approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Willoughby, Ohio, and declaring an emergency.

Mr. Wiles explained that this is done every year. The changes that are made in the ordinances throughout the year are published in the Codified Ordinances.

RESOLUTION NO. 2009-54

A Resolution approving EAS #4-4-09 for construction of a building (wellness and fitness center) and an addition and renovation of the existing building (Healthcare Center) at Breckenridge Village on Euclid Ave.

The Environmental Planning Committee approved this EAS tonight and recommended passage.

ADDENDUM

ORDINANCE NO. 2009-55

An Ordinance changing the name of a street within Ridge Acres Subdivision from Marydale Drive to Jack Reinhardt Ave.

Councilman Bob Harrold explained that Jack Reinhardt is a charter member of the Ridge Acres Association and has been there since 1954. He served as president and in every other office and one year was voted Mr. Ridge Acres. He is a past Councilman-at-Large. The association decided to rename Marydale Drive (a cross street) to Jack Reinhardt Ave. and present that to him at the next Ridge Acres meeting for his 90th birthday.

RESOLUTION NO. 2009-56

A Resolution authorizing the City Engineer to provide a preliminary engineering study necessary to the State Route 91 Bike Path Project.

Council received a handout from Mr. Sayles providing information for the preliminary engineering and cost summaries for the Rt. 91 Bike Path Project. The estimated cost for preliminary engineering is \$28,250. Mr. Rogowski said that the cost of the project is unknown at this time because of potential utility relocation and right-of-way acquisition. This study will give an estimate of those numbers before we move forward. Mr. Sayles explained that there are a couple of areas in Willoughby that will be tough to get the bike path through. There may be some special costs involved. He said they will be looking at fire hydrants, telephone poles, traffic signal poles, guardrails and landscaping. Mr. Sayles will do a survey, identify these areas and estimate the cost.

Councilman Fiala commented that this bike path will go from Rt. 20 to Willoughby Hills and asked if there were any plans to go from Rt. 20 to Eastlake. Mr. Sayles said he looked at a couple of corridors and submitted this to NOACA to show how these would interconnect with Lakeshore Blvd. and Rt. 91. Eastlake has applied for stimulus money for their project, so Willoughby will be joined in their application.

The Legislative Caucus meeting adjourned at 8:05 p.m.

Date approved _____

Jerome P. Ranally, Chairman

Clerk of Council