

MINUTES

REGULAR COUNCIL MEETING

8:15 p.m.

September 1, 2009

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on August 28, 2009.

ROLL CALL

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

Others Present: Mayor Anderson, City Engineer Sayles, Service Director Tomaselli, Law Director Wiles, Fire Chief Zwegat, Police Chief Straube, Parks and Recreation Director Katz, Chief Building and Zoning Inspector Smith, Lake County Gazette Reporter Borstnik, Clerk Radebaugh

The meeting was led in Prayer and the Pledge of Allegiance by Councilman Harrold.

POLICE DEPARTMENT K-9

Police Chief Straube introduced Pete Romano, President, and Tom Rowe, Secretary, of Willoughby Eagles 2300. Willoughby Eagles purchased the K-9 for the Police Department. Patrolman Burrington and his K-9, Rebel, performed a narcotics search for the audience.

PRESENTATION OF CERTIFICATE OF RECOGNITION

Fire Chief Zwegat introduced Cory and Josh, two young men who almost drowned in Lake Erie and their two rescuers, Andrew Kalar and Kevin McCollum. Chief Zwegat read a brief narrative of the incident that took place on July 29th. Chief Zwegat, on behalf of the members of the Willoughby Fire Department, Mayor and Safety Director Dave Anderson, Willoughby City Council and Willoughby Administration, thanked Kevin and Andrew for their rescue efforts.

Mayor Anderson presented Kevin and Andrew with a Willoughby Fire Department Certificate of Recognition.

Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of August 4 and the Special Council Minutes of August 25, 2009.

Roll Call: 7 yes
 0 no

Motion carried 7 to 0

STANDING COMMITTEES OF COUNCIL

Committee of Full, Mr. Ranally – We met last week and discussed several items that are on for legislation tonight including the issuing of notes.

Economic Development Committee, Mr. Black – No report.

Environmental Planning Committee, Mr. Fiala – No report.

Finance Committee, Mrs. Manning – No report.

Parks & Recreation Committee, Mr. Harrold - No report.

Personnel Committee, Mr. Carr – No report.

Safety Committee, Mr. Black – No report.

Service Committee, Mr. Woodin – No report.

WPCC Committee, Mr. Harrold – No report.

Clean City Commission, Mr. Ranally – No report.

Planning Commission, Mr. Fiala – Members of the Downtown Task Force have just completed a tour of all the downtown structures. Planning Commission will hold a special meeting with council to review the report. This report will become the basis of the downtown master plan.

Mr. Fiala reported that Vintage Developers of the River Walk Project presented a revised proposal to Planning Commission. The plan exchanges retail with senior living (assisted living). Mr. Fiala said that the city has no provision for senior housing in the Historic District. Language will have to be developed to allow senior housing as a conditional use. Mr. Fiala stated that one concern is the aesthetics of three story apartments. He suggested having Vintage Development attend the work session with Council and Planning Commission to review their plans.

Shade Tree Commission, Mr. Carr – Shade Tree had a float in the parade which received a ribbon.

CORRESPONDENCE

There was no correspondence.

PUBLIC PORTION

Mr. Lytle, 4260 Parklawn Dr. – Commented that since the road paving project on his street, the height of the street is higher than the driveway apron and is gathering water. Mr. Sayles said that the contractor has been directed to fix the problem to the satisfaction of the homeowner before winter. If the contractor is not making progress in fixing the problem, Mr. Sayles said that the city will fix it with the money that is still owed the contractor. The resident will be notified by the city one way or another.

NEW BUSINESS

Motion made and seconded that all ordinances and resolutions be read by caption only and that as to legislation not containing an emergency clause, the rules requiring that ordinances and resolutions be read on three separate days be waived.

Roll Call: 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-88

A Resolution authorizing the Mayor to make application to the Ohio Attorney General's Office for the purpose of acquiring financial assistance for the 2009-2010 Drug Use Prevention Grant, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-88 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-88.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-89

A Resolution authorizing the Mayor to apply to the Ohio Attorney General's Office, Crime Victim Assistance and Prevention Section for the purpose of acquiring financial assistance for the 2009-2010 Victim of Crime Advocate Grant (VOCA/SVAA), and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-89 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-89.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-90

A Resolution accepting the gift of a 1998 Acura from Tony Valente.

Motion made and seconded to adopt Resolution No. 2009-90.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-91

A Resolution declaring certain materials and personal property of the City as surplus and authorizing the sale thereof, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-91 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-91.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2009-92

An Ordinance certifying to the Auditor of Lake County certain unpaid bills owing to the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2009-92 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2009-92.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-93

A Resolution authorizing the Mayor to enter into a contract with John W. Wiles in the amount of \$131,388 to serve as legal counsel in the capacity of Director of Law for the City of Willoughby.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-93 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-93.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-94

A Resolution approving Change Order No. 3 in the River Street Sanitary Sewer Replacement Project with Fabrizi Trucking and Paving Co., Inc., and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-94 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-94.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-95

A Resolution approving Change Order No. 4 in the River Street Sanitary Sewer Replacement Project with Fabrizi Trucking and Paving Co., Inc., and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-95 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-95.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-96

A Resolution approving Change Order No. 5 in the River Street Sanitary Sewer Replacement Project with Fabrizi Trucking and Paving Co., Inc., and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-96 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-96.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2009-97

A Resolution approving Change Order No. 1-Final in the SR 91 Slope Stabilization Project with Great Lakes Crushing, Ltd, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2009-97 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2009-97.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2009-98

An Ordinance authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation and requesting the cooperation of the Director of the Ohio Department of Transportation to upgrade traffic signals and make intersection improvements along S.O.M. Center Road (S.R. 91) in the cities of Willoughby and Willoughby Hills, Lake County, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2009-98 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2009-98.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2009-99

An Ordinance providing for the issuance and sale of \$3,500,000 Notes, in anticipation of the issuance of Bonds, to pay costs of renovating, remodeling, furnishing and equipping Municipal Hall and improving the site thereof and acquiring and installing communications systems improvements and energy conservation improvements in municipal facilities together with all necessary appurtenances, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2009-99 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2009-99.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2009-100

An Ordinance providing for the issuance and sale of \$100,000 Notes in anticipation of the issuance of Bonds, to pay costs of improving Lost Nation Municipal Airport by the acquisition, construction and installation of airport improvements, including paving the airport parking lot and installing associated drainage facilities and barriers and providing safety markings for airport structures, together with all necessary appurtenances, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2009-100 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2009-100.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2009-101

An Ordinance providing for the issuance and sale of \$1,658,300 Notes, in anticipation of the issuance of Bonds, to pay costs of improving and equipping a Municipal Golf Course together with the necessary buildings and facilities appurtenant thereto, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2009-101 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2009-101.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2009-102

An Ordinance providing for the issuance and sale of \$1,535,700 Notes, in anticipation of the issuance of Bonds, to pay costs of improving the City's sanitary sewer system by constructing trunk sewers and relief sewers, installing sewer lining, and reconstructing and replacing existing sewer lines, together with all necessary appurtenances thereto, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2009-102 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2009-102.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2009-103

An Ordinance providing for the issuance and sale of \$5,356,000 Notes, in anticipation of the issuance of Bonds, to pay the property owners' portion, in anticipation of the levy and collection of special assessments, of costs of improving the Riverside Commons property identified and described in Resolution No. 2002-134, adopted July 9, 2002, by grading, draining, curbing, and paving, constructing sidewalks and driveway approaches, and constructing sanitary/storm sewers and water lines, and otherwise improving the same in the manner provided in the aforesaid Resolution No. 2002-134 and otherwise improving the same, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2009-103 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2009-103.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT - Reported that he received a notice from the publisher and editor of Ohio Magazine informing him that Willoughby has been chosen one of Ohio's best hometowns for 2010. Willoughby will be featured in the cover story of the November 2009 issue.

OTHER REPORTS

Law Director Wiles – Thanked council for approving his contract. Council President Ranally thanked Mr. Wiles for working with Mr. Brown to become the city's FBO. Mr. Wiles related the good experience he had dealing with Mr. Brown and his attorney in working out the contract.

Service Director Tomaselli – Reported on three projects taking place in the city. A water main is being replaced near the old sheep farm going from Rt 20 to Rt 84. A force main is going in for Kirtland near SR 90. The water line will be replaced from Rt. 84 going down Robinhood and extending down Kilarney. Reported that the steel for the Lost Nation bridge won't be delivered until October or November. Mr. Tomaselli said that as soon as the contract for the waste disposal is signed, he will meet with the contractor to discuss the details. Councilman Carr asked if the city could do a community collection of computer equipment. Mr. Tomaselli said he would look into possibly doing this at the market on Saturday. He cited some places nearby that do take computer equipment.

City Engineer Sayles – Reported that they went out for bid for the two sewer lining projects and hopes to have a recommendation for award in the next couple of weeks. Councilman Ranally thanked Mr. Sayles and John Tigue for the meeting regarding the sewer project. He commented that only 4 people showed up.

Fire Chief Zwegat – Thanked council for allowing them to present the Certificate of Recognition to Andy and Kevin. Councilman Woodin thanked Chief Zwegat for having one of the trucks come to the street party on Sheerwater Lane. He also thanked Chief Straube for the officer that was there also.

Police Chief Straube - No report. Councilwoman Manning thanked Chief Straube for his response to a noise issue. Council President Ranally thanked the Chief for having Patrolman Burrington and his dog here tonight.

Chief Building and Zoning Inspector Smith - No report. Councilman Carr asked Mr. Smith if he would look at the congregate living definition while he is looking at the assisted living language. Mr. Smith said he thinks that the Vintage Development Project will not be a licensed facility. This is senior independent living which is a facility with a dining room.

Councilman Harrold and Mr. Smith discussed a house on Chestnut Hill. Mr. Smith said the contract with Yanesh is to clean the entire house out. He sent a prosecutor’s hearing request in order to get the other violations resolved. Councilman Ranally said he appreciates Karen Books’ letter sent to the residents on Second Street who use their front yards as parking lots. Councilman Woodin referred to a problem with an obnoxious odor coming from a property. Rick Perez or John Wiles will get together with Mr. Smith to see what can be done.

Parks & Recreation Director Katz – Thanked council and the mayor for participating in the “Last Stop Willoughby” parade.

Finance Director Rogowski – Thanked council for all the ordinances passed tonight.

COUNCILMEN

Mr. Woodin – No report.

Mr. Fiala – No report

Mr. Carr – No report.

Mrs. Manning– No report

Mr. Harrold – No report.

Mr. Black – No report.

Mr. Ranally – No report.

The Regular Council Meeting adjourned at 9:30 p.m.

Date approved _____

Clerk of Council

Jerome P. Ranally, President

David E. Anderson, Mayor