

MINUTES

REGULAR COUNCIL MEETING

8:20 p.m.

July 13, 2010

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on July 9, 2010.

The Regular Council Meeting was held at the Willoughby Fire Station at 37000 Euclid Ave.

ROLL CALL

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

Absent: Mr. Woodin

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, Finance Director Rogowski, Lake County Gazette Reporter Borstnik, Clerk Radebaugh

Motion made and seconded to excuse Mr. Woodin from tonight's meeting

ROLL CALL: 6 yes
0 no

Motion carried 6 to 0

The meeting was led in Prayer and the Pledge of Allegiance by Councilwoman Manning.

PUBLIC HEARING

The Clerk read the legal notice for the public hearing on the proposed 2011 Tax Budget to be held on Tuesday, July 13, 2010 at 8:15 p.m. in the training room in the basement of the Fire Station, 37000 Euclid Avenue, Willoughby Ohio.

THOSE SPEAKING IN FAVOR

No one

THOSE SPEAKING IN OPPOSITION

No one

The Clerk read the legal notice for the application of John E. Spear, agent for Infinity property holdings LLC, to rezone two parcels of land consisting of 9.213 acres from Commercial Manufacturing (C-M) to General Business (G-B) located at 38809 Mentor Avenue and Pelton Road, aka P.P. #27B-39-22 and P.P. #27B-39-23.

THOSE SPEAKING IN FAVOR

No one

THOSE SPEAKING IN OPPOSITION

No one

Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of June 8, 2010.

ROLL CALL: 6 yes
 0 no

Motion carried 6 to 0

STANDING COMMITTEES OF COUNCIL

Committee of Full, Mr. Ranally – Reported that we had a meeting this evening to discuss the sale of the Recreation Building to the Willoughby Welcome Center for \$1.00. We also discussed three Incentive Grant applications for Signature Health, Cast Nylons Limited and Marketing Communication Resource Inc.

Economic Development Committee, Mr. Black – No report.

Environmental Planning Committee, Mr. Fiala – Reported that the committee recommended that the EAS discussed tonight be permanently tabled.

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 – Absent.

WPCC Committee, Mr. Harrold – No report.

Clean City Commission, Mr. Ranally – The committee met last evening. The picnic for all members is July 26th.

Planning Commission, Mr. Fiala – No report.

Shade Tree Commission, Mr. Carr – The commission conducted their drive around the city.

CORRESPONDENCE

No correspondence.

PUBLIC PORTION

William Quinn, 37930 Second St. – Complaint about his shrubs cut down by a neighbor, people walking through his property coming from Convenient Store and throwing trash in his yard. He would like them to put up screening. He asked to have parking lines painted in front of his business.

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: 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-78

A Resolution amending Resolution No. 2010-39 to provide for current expenses and other expenditures of the City of Willoughby, Ohio, during the period ending December 31, 2010, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2010-78 be declared an emergency measure.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-78

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-79

A Resolution authorizing the Mayor to accept a one- (1-) year “Community Safety Officer Overtime Project” Grant from the Bureau of Justice Assistance to reimburse the Willoughby Police Department for up to 191 hours of overtime, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2010-79 be declared an emergency measure.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-79.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-80

A Resolution establishing a Special Revenue Fund titled, Edward Byrne Justice Assistance Fund, Fund No. 2213, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2010-80 be declared an emergency measure.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-80

Roll Call 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2010-81

An Ordinance amending Chapter 115 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Affirmative Action", specifically, Section 115.03, "titled, "Policy".

Motion made and seconded to pass Ordinance No. 2010-81

Roll Call 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2010-82

An Ordinance amending Chapter 195 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Transient Guest Tax"; specifically, Section 195.99, titled, "Penalty".

Motion made and seconded to pass Ordinance No. 2010-82

Roll Call 6 yes
0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-83

A Resolution authorizing an expenditure in the amount of \$33,095.76 for the purchase of two (2) dump bodies for use by the Service Department from Concord Road Equipment Mfg., Inc. through the State of Ohio Cooperative Purchasing Program.

Motion made and seconded to adopt Resolution No. 2010-83

Roll Call 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2010-84

An Ordinance amending Chapter 521 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Health, Safety and Sanitation", specifically, Section 521.05, titled, "Trimming of Trees, Shrubs and Weeds Required".

Motion made and seconded to pass Ordinance No. 2010-84

Roll Call 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2010-85

An Ordinance amending Chapter 521 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Health, Safety and Sanitation"; specifically, establishing Section 521.051 titled "Noxious Weeds, Uncontrolled Growth, and Accumulation of Certain Materials Prohibited".

Motion made and seconded to pass Ordinance No. 2010-85

Roll Call 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2010-86

An Ordinance amending Chapter 521 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Health, Safety and Sanitation"; specifically, establishing Section 521.052 titled, "Nuisance Abatement".

Motion made and seconded to pass Ordinance No. 2010-86

Roll Call 6 yes
0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-87

A Resolution authorizing the Mayor to enter into a Municipal Tax Incentive Agreement with Signature Health, pursuant to R.C. Chapter 718, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2010-87 be declared an emergency measure.

Roll Call 6 yes
0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-87

Roll Call 6 yes
0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-88

A Resolution authorizing the Mayor to enter into a Municipal Tax Incentive Agreement with Marketing Communication Resource, Inc., pursuant to R.C. Chapter 718, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2010-88 be declared an emergency measure.

Roll Call 6 yes
0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-88

Roll Call 6 yes
0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-89

A Resolution authorizing the Mayor to enter into a Municipal Tax Incentive Agreement with Cast Nylons Limited, pursuant to R.C. Chapter 718, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2010-89 be declared an emergency measure.

Roll Call 6 yes
0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-89

Roll Call 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2010-90

An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,135,000 for the purpose of refunding at a lower interest cost a portion of the City’s outstanding Various Purpose Improvement Bonds, dated as of December 1, 1996, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2010-90 be declared an emergency measure.

Roll Call 6 yes
0 no

Motion carried 6 to 0

Motion made and seconded to pass Ordinance No. 2010-90

Roll Call 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2010-91

An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$4,160,000 for the purpose of refunding at a lower interest cost a portion of the City’s outstanding Fire Station Improvement Bonds, Series 1999, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2010-91 be declared an emergency measure.

Roll Call 6 yes
0 no

Motion carried 6 to 0

Motion made and seconded to pass Ordinance No. 2010-91

Roll Call 6 yes
0 no

Motion carried 6 to 0

An Ordinance amending Chapter 432 of the Codified ordinances of the City of Willoughby, Ohio, titled, “Operations Generally”, to establish Section 432.43 titled, “Text Messaging While Driving”, and declaring an emergency

Motion made and seconded to table Ordinance No. 2010-92.

Roll Call 6 yes
0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-93

A Resolution authorizing the Mayor to enter into a contract with Interstate Gas Supply, Inc. for the purchase of natural gas and related services for the City of Willoughby's public buildings for a period of two (2) years, effective November 1, 2010.

Motion made and seconded to amend Section 1 to read "various funds" instead of "general fund".

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-93, amended.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-94

A Resolution approving EAS#8-5-10 for the rezoning of real property located at 38809 Mentor Avenue from Commercial Manufacturing (C-M) to General Business (G-B). (Former Glavic Automobile Dealership).

Motion made and seconded to permanently table Resolution No. 2010-94.

ORDINANCE NO. 2010-95

An Ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 9.213 acres of certain real property located at 38809 Mentor Avenue and Pelton Road and further identified as Permanent Parcel Nos. 27B-039-00-022 and 27B-029-00-023 from Commercial Manufacturing (C-M) to General Business (G-B).

Motion made and seconded to permanently table Ordinance No. 2010-95.

RESOLUTION NO. 2010-96

A Resolution authorizing the mayor to enter into a contract with Sudsina & Associates, LLC in the amount of \$30,000 to assist the city with financial advisory services relating to bond and note issues, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2010-96 be declared an emergency measure.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2010-96

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2010-97

A Resolution approving Change Order No. 2 in the Lost Nation Airport Building Exterior Improvements Contract with Kempel Industries, Inc., and declaring an emergency.

Service Director Tomaselli – Reported that the auction will be held on July 24th at the armory at 10:00 a.m.

Councilman Black, on behalf of Councilman Woodin who was absent, asked about the gravel at the entrance ramp to Rt. 2. Mr. Tomaselli said he has relayed this concern to ODOT.

Councilman Carr asked if Mr. Tomaselli would have someone look at the trees that overhang the sidewalk on Rt. 91 going towards Heinens. There is also a complaint about turning right, looking north, out of the Halle area. They cannot see because of the shrubs. Mr. Tomaselli said he will send a letter about the shrubs.

Councilman Ranally asked the status of the Road Pavement program. Mr. Tomaselli said they are at the north end adjusting manholes and catch basins. A couple of sink holes need to be addressed on Park Ave.

City Engineer Sayles – The Rt. 91 and 20 Signalization Project being done by ODOT has started. There have been some minor lane closures, but traffic problems will start when they close lanes on Rt 91. He also reported that Erie Rd. is going to be closed under Rt. 2 while they prepare for replacing the bridge. (he did not have a specific date) They will be building a temporary bridge. Also, the ramp from south bound Lost Nation to west bound Rt. 2 will be closed for a year. Discussion followed regarding which ramps and roads would be open and which roads would be only one lane.

Councilman Ranally asked the status of the Erie Road sanitary sewer project. Mr. Sayles said he had not received an update in two weeks. He said the project is going quite well with a few minor adjustments.

Police Chief Straube - No report. Councilwoman Manning said she has had complaints from a resident on River Street regarding the motorcycle noise. She asked if signage could be put up to remind people that it is a residential area. After some discussion, it was the consensus that signage was not the answer to this problem.

Fire Chief Zwegat – No report. Councilman Ranally commented on the ladder truck being back. Chief Zwegat said that the company did a nice job on it and we should get at least another ten or twelve years out of the truck.

Chief Building and Zoning Inspector Smith - No report.

Parks & Recreation Director Katz – American Fireworks did another good job this year on the 4th. Attendance in June for the pools was down by 1000, but the revenue was up. Not a lot of season passes were sold this year; a lot of people are paying daily rates. There are about two weeks left for baseball. Mr. Katz explained a problem they had with the baby pool which was down about 4 to 5 days.

Finance Director Rogowski – No report.

COUNCILMEN

Mr. Woodin – Absent

Mr. Fiala – No report

Mr. Carr – No report

Mrs. Manning– No report.

Mr. Harrold – Presented President Ranally with the flag that was on hole #7 which Council sponsored at the South High Boosters golf outing.

Mr. Black – Reported that he and Councilman Fiala were invited to a presentation put on by Main Street Community. They organize groups and do fund raising in downtown areas. Fifteen downtown business merchants attended. Mr. Black said that Painesville does “email blasts” and has a brochure that is given to the downtown businesses. The brochure has a map with every downtown business represented. Mr. Black said he will tell Ms. Lipscomb about these ideas. He said that Painesville brings people downtown with events, but Willoughby brings people downtown because of their restaurants and do not have to rely on events.

Mr. Ranally – Reported that he met with Mayor Anderson, Mr. Sayles, Mr. Tomaselli, and Mr. Wetzel regarding the flooded basement issues. They are going to meet with the residents on August 3rd at city hall.

Reported that Mayor Anderson talked with a lady who was concerned about her house on Harvard being too close to the new ramp. He explained to her that this section did not qualify for a sound barrier.

Mr. Ranally and Mr. Fiala will meet with the Fiscal Strategies Task Force next Tuesday. He asked council to email any questions, suggestions or comments to him that they have for the task force.

Mr. Ranally will send \$75 to the South High Boosters for council’s ad in their football program. Council does this every year.

The Regular Council Meeting adjourned at 9:35 p.m.

Date approved_____

Clerk of Council

Jerome P. Ranally, President

David E. Anderson, Mayor