

# MINUTES REGULAR COUNCIL MEETING

8:15 p.m.

September 18, 2007

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on September 14, 2007:

## ROLL CALL

**Councilmen Present:** Mr. Fiala, Mr. Harrold, Mr. Ranally, Mrs. Manning, Mr. Woodin, Mr. Black, Mr. Cox

**Others Present:** Mayor Anderson, Law Director Wiles, Service Director Tomaselli, City Engineer Sayles, Fire Chief Zwegat, Police Chief Straube, Chief Building and Zoning Inspector Smith, Finance Director Rogowski, Parks and Recreation Director Katz, Clerk Radebaugh

The meeting was led in prayer and the Pledge of Allegiance by Council President Cox.

## Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of September 4, 2007.

Roll Call:       7 yes  
                  0 no

Motion carried 7 to 0

## PUBLIC HEARING

The Clerk read the legal notice for the Public Hearing on a proposed text change to the Planning and Zoning Code as follows:

Amending Chapter 1155 of the Codified Ordinances of the City of Willoughby, Ohio, entitled "Conditional Use Regulations", by amending section 1155.06 Schedule of Regulations for Conditional Uses in Business, Commercial and Industrial Districts. For Conditional Uses numbered 36, 38, 39, 44 and 45, the letters in the reference to Codified Ordinance Section 1155.07 will be changed from "ii" to "jj", "jj" to "kk", "kk" to "ll", "ll" to "mm" and "mm" to "nn" respectively.

**THOSE SPEAKING IN FAVOR** - No one

**THOSE SPEAKING IN OPPOSITION** – No one

## STANDING COMMITTEES OF COUNCIL

**Committee of Full, Mr. Cox** – The meeting scheduled for Nov. 6<sup>th</sup>, which is election night, will be changed to November 13<sup>th</sup>. The November 20<sup>th</sup> meeting will be cancelled. If it is necessary to have another meeting, a Special Council meeting will be held on Nov. 20<sup>th</sup>. A Committee of Full meeting was held this evening with three items on the agenda.

**Economic Development Committee, Mr. Black** – No report.

**Environmental Planning Committee, Mr. Ranally** – No report.

**Finance and Audit Committee, Mr. Ranally** – No report.

**Parks & Recreation Committee, Mr. Woodin** – No report.

**Personnel Committee, Mr. Harrold** – No report.

**Safety Committee, Mr. Black** – No report.

**Service Committee, Mrs. Manning** – No report.

**WPCC Committee, Mr. Harrold** – No report.

**Clean City Commission, Mr. Cox** – The Clean City Commission met last Monday and took a tour of the city to look for future projects.

**Planning Commission, Mr. Fiala** – No report.

**Shade Tree Commission, Mrs. Manning** – The Shade Tree Commission won a trophy, for the second year in a row, in the Frontier Day Parade.

## **CORRESPONDENCE**

No correspondence.

## **PUBLIC PORTION**

**John Calhoon, 4306 Orchard Ave.-** Complaint regarding the lack of yard drains at new construction at 37533 Park Avenue. Wants to make sure that a temporary occupancy permit will not be issued until a yard drain is installed.

Mr. Smith said a yard drain is shown on the plans. He will contact the builder to see when it will be put in. An occupancy permit will not be issued until all work on the site plan, including grading, is done.

**Bill Kennelly, 1213 S. Beachview-** His house was in the flooding study. Wants the city to strongly consider the culvert on Lakeshore Blvd. Feels the Tamarac pond should be kept open.

Mr. Sayles explained that the pond is on private property. The city maintains the gate. He suggested contacting the Condo Association. Analysis shows that whether the pond is there or not, it doesn't change the flooding. The flooding is caused by the two culverts.

Law Director Wiles said the city has no legal obligation to maintain streams or ditches that are on private property. It is the property owner's obligation to keep the streams clear.

Mr. Sayles said that when Council discussed the Ward Creek Report, it was recommended that the city develop a policy regarding streams, ditches, etc. on private property. Mr. Wiles said the major problem with a policy is that the city cannot go on private property.

Mr. Tomaselli commented that if the homeowners would get together to clean out the debris in the ditches/streams, the city would pick it up.

Councilman Woodin asked that before the gate is authorized to be shut could we wait until after further studies are done and we have heard from Chagrin Watershed Partners. Mr. Sayles agreed.

**Resident, 1212 S. Beachview** - Would like the flood gates open a little longer.

**Terry Hinkle, 4318 Kirtland Rd.** – Complaint about speeding on Kirtland Road and heavy truck traffic.

Police Chief Straube said that his officers write a large quantity of tickets on that road. He said that legally trucks cannot be prohibited on a road that connects two state routes.

Councilman Fiala asked if the trucks that are doing work on Tudor Estates could be told to use a different route. Mr. Tomaselli said they were told this at the Pre-Con meeting, but he will remind them in a letter tomorrow.

**Alan DiFranco, 4122 Clark Ave.** – Complained about the bar traffic walking in his neighborhood at 2:30 in the morning. Stated that Clark Avenue needs a general clean up. Also has a problem with the condition of the business behind his home. Would like the city to look into possible violations with maintenance of the property. There are also three trucks there instead of one.

## **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

## **ORDINANCE NO. 2007-115**

**An Ordinance amending Chapter 1155 of the Codified Ordinances of the City of Willoughby, Ohio, entitled, “Conditional Use Regulations”.**

Motion made and seconded to pass Ordinance No. 2007-115.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

## **RESOLUTION NO. 2007-116**

**A Resolution amending Resolution No. 2007-8, accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, certifying same to the Lake County Auditor, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-116 be declared an emergency measure.

Roll Call: 7 yes  
0 no Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-116.

Roll Call: 7 yes  
0 no Motion carried 7 to 0

**RESOLUTION NO. 2007-117**

**A Resolution declaring certain obsolete and/or damaged equipment; specifically, fifty (50) sets of turn-out gear (coats and pants), forty (40) pairs of boots, and thirty-five (35) helmets which are owned by the City of Willoughby and no longer serviceable for the Fire Department, as surplus, authorizing the disposal thereof, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-117 be declared an emergency measure.

Roll Call: 7 yes  
0 no Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-117.

Roll Call: 7 yes  
0 no Motion carried 7 to 0

**RESOLUTION NO. 2007-118**

**A Resolution authorizing the Mayor to make application to the Ohio Public Works Commission for funds necessary to the Ridge Road/Breckenridge Slope Repair Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-118 be declared an emergency measure.

Roll Call: 7 yes  
0 no Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-118.

Roll Call: 7 yes  
0 no Motion carried 7 to 0

**MAYOR'S REPORT** – No report. Councilman Ranally asked if the three items referenced in a memo from Ms. Lipscomb regarding the plan from D.B. Hartt have been finalized. Mayor Anderson said he was waiting for comments.

**OTHER REPORTS**

**Law Director Wiles** – Reported that the Public Records Act becomes effective September 30<sup>th</sup>. The law requires that every elected official or a designee attend a training class. Mr. Wiles will clarify whether there will be one designee or if each official has to have a designee.

Councilman Black asked if the case involving Ledenican (Tic Tac Fruit) could come back again. Mr. Wiles said he didn't think it would. Litigation is pending concerning a violation of zoning on Apollo Parkway.

**Service Director Tomaselli** – He sent a memo to council explaining the results of the last two houses with flooding problems. Mentor Avenue job is almost done. The double stripes will be removed. Landscaping and curb replacing has to be done in the road program.

Councilman Harrold commended the Service Dept. on the great job they did at the top of Timber Ridge.

**City Engineer Sayles** – ODOT anticipates bidding the Rt. 2 Widening Project one year from now. Construction will start in the winter of 2008/09. This project also involves raising the bridge over Rt. 2. Councilman Woodin asked if the city could have input into not putting the median strip back on the bridge in the event of future expansion. Mr. Sayles said he will get back with ODOT.

**Fire Chief Zwegat** – Thanked Council for the passage of legislation.

**Police Chief Straube**-. No report.

**Chief Building and Zoning Inspector Smith**– No report.

**Parks & Recreation Director Katz** – Thanked Council for walking in the Frontier Day's Parade.

**Finance Director Rogowski**– No report.

**COUNCILMEN**

**Mr. Woodin** – No report.

**Mr. Fiala** – No report.

**Mr. Ranally** – No report.

**Mrs. Manning** – No report.

**Mr. Harrold** – No report.

**Mr. Black** – No report.

**Mr. Cox** – No report.

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

Date approved \_\_\_\_\_

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Clerk of Council

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Charles W. Cox, President

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David E. Anderson, Mayor