

# MINUTES

## REGULAR COUNCIL MEETING

8:00 p.m.

March 4, 2008

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on February 29, 2008:

### ROLL CALL

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

**Absent:** Mr. Black

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

Motion made and seconded to excuse Mr. Black

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.

### Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of February 19, 2008.

Roll Call           6 yes  
                          0 no

Motion carried 6 to 0

### STANDING COMMITTEES OF COUNCIL

**Committee of Full, Mr. Ranally** – There was discussion prior to the Council Meeting regarding the Erie Road Pump Station and Sanitary Sewer Project. Legislation is on tonight's agenda.

**Economic Development Committee, Mr. Black** – Absent

**Environmental Planning Committee, Mr. Fiala** – There is one EAS for the Breckenridge Satellite Community on the agenda recommended for approval this evening.

**Finance and Audit Committee, Mrs. Manning** – No report.

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

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

**Safety Committee, Mr. Black** – Absent.

**Service Committee, Mr. Woodin**– No report.

**WPCC Committee, Mr. Harrold** – The annual WPCC Joint meeting was held at the plant on February 27<sup>th</sup>. We reviewed the 2007 Annual Report, Sewer System Evaluation Survey, Erie Road Maintenance, Port Authority Agreement and the investigation of drilling natural gas on the WPCC property.

**Clean City Commission, Mr. Ranally** – The meeting was cancelled last month. Next meeting is Monday at 7:00 p.m.

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

**Shade Tree Commission, Mr. Carr** – The meeting was cancelled. Don Lewis informed Mr. Carr that this year is the 25<sup>th</sup> anniversary of Willoughby being a Shade Tree City.

**CORRESPONDENCE**

No correspondence.

**PUBLIC PORTION**

No one spoke at Public Portion

**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. 2008-24**

**A Resolution approving EAS#3-2-08 for construction of four (4) buildings to be located on Ridge Road near Breckenridge Village (Breckenridge Satellite Community)**

Motion made and seconded to adopt Resolution No. 2008-24.

Roll Call: 5 yes  
0 no Motion carried 5 to 0  
1 abstain (Manning)

**RESOLUTION NO. 2008-25**

**A Resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the 2008 Pavement Repair Program.**

Motion made and seconded to adopt Resolution No. 2008-25.

Roll Call: 6 yes  
0 no Motion carried 6 to 0

**RESOLUTION NO. 2008-26**

**A Resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the Erie Road Sanitary Sewer and Pump Station Project.**

Motion made and seconded to adopt Resolution No. 2008-26.

Roll Call: 6 yes  
0 no

Motion carried 6 to 0

**ORDINANCE NO. 2008-27**

**An Ordinance amending Chapter 913 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Sanitary Sewerage System Charges"; specifically, Section 913.10, titled, "Surcharge for Extra-Strength Wastes".**

Motion made and seconded to pass Ordinance No. 2008-27.

Roll Call: 6 yes  
0 no

Motion carried 6 to 0

**RESOLUTION NO. 2008-28**

**A Resolution establishing a Special Revenue Fund entitled, Police Continuing Professional Training Fund, Fund No. 2212, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2008-28 be declared an emergency measure.

Roll Call: 6 yes  
0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2008-28.

Roll Call: 6 yes  
0 no

Motion carried 6 to 0

**RESOLUTION NO. 2008-29**

**A Resolution authorizing the Mayor to enter into a three- (3-) year contract with Negrelli Catering for the operation of the concession stands at the Willoughby Municipal Pool and the Osborne Park pool for the 2008, 2009, and 2010 seasons.**

Motion made and seconded to adopt Resolution No. 2008-29.

Roll Call: 6 yes  
0 no

Motion carried 6 to 0

**RESOLUTION NO. 2008-30**

**A Resolution authorizing an expenditure in an amount not to exceed \$70,000 from the Willoughby-Eastlake Water Pollution Control Center ("WPCC") Replacement Fund for the emergency replacement of a section of the Lakeshore Boulevard Force Main, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2008-30 be declared an emergency measure.

Roll Call: 6 yes  
0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2008-30.

Roll Call: 6 yes  
0 no

Motion carried 6 to 0

**MAYOR'S REPORT** – Thanked Council President Ranally for giving the State of the City speech for the Willoughby Area Chamber. Updated everyone on Finance Director Rogowski's recovery from surgery. He is hoping to be back on a limited basis next week. Reported that Metro Parks has come to an agreement to buy the property on River Road known as Gullybrook. They hope to close on the property in five or six weeks. Plans are already laid out to make this a passive park similar to Chagrin River Park.

### **OTHER REPORTS**

**Law Director Wiles**– Reported that, thanks to the efforts of Assistant Chief Cooper, the city is in strict compliance with the new Public Records Act. Announced that Sherry Smith, in the Law Department, is retiring effective April 30<sup>th</sup>. Explained that he received a letter regarding the lawsuit for the young men who drowned stating that the Federal Court Judge is not going to grant the city immunity in a Summary Judgment. Trial is set for Feb. 9, 2009.

Councilman Harrold asked Mr. Wiles about information regarding gas wells that they spoke about on the phone. Mr. Wiles explained that the city previously when the city wanted to allow gas well drilling, they were sued by one of the exploration companies. We were told that we had to bid gas well drilling. Mr. Wiles said he will have an ordinance for the next Council meeting to try again.

**Service Director Tomaselli** – No report. Councilman Harrold asked the status of the recycling. Mr. Tomaselli said he finished the specs today and hopes to talk to a couple of companies on Monday. Councilwoman Manning said she had another request from a resident for recycling pickup. Mr. Tomaselli said he talked to Waste Management and they are not interested in curbside pickup. Whether there is 100% participation or not, they would still have to cover the entire city which is a big expense. Mr. Tomaselli said the sites are working and will be a lot cleaner once we get the 20 yard bins.

**City Engineer Sayles** – Reported that the 2008 construction season will consist of the following projects: River Street Sanitary Sewer, Ridge Road Slope Stabilization, Rt. 91 Slope Stabilization, Erie Road Sanitary Sewer, SOM Sanitary Sewer, the Road Program and the WPCC Drive Culvert. In addition, Lake County Utilities will be constructing water mains on E. 364<sup>th</sup> St., Johnny Cake Ridge, Robinhood and Kilarney. ODOT will be resurfacing Rt. 91. Bids will be opened in October for the Rt. 2 widening.

Councilman Ranally asked about the time schedule for the Rt. 84 Slope Stabilization. Mr. Sayles said this project can't go to construction before July 1<sup>st</sup>. This project is Issue 2 funded. He said that the project will be done around the time school is starting – there may be a little overlap.

Councilman Ranally asked if most of the water mains are going to be in the tree lawns. Mr. Sayles said E. 364<sup>th</sup>, Robinhood and Kilarney will be in the tree lawn. Most of Johnny Cake Ridge Road will be off the edge of the road, but a portion will be in the street. Councilman Harrold commented that whichever side of Robinhood is dug up, they will be taking out trees on the tree lawns. Mr. Sayles said he told Lake County Utilities that the city expects them to replace the trees, but has not received an answer yet.

**Fire Chief Zwegat** – No report.

**Assistant Police Chief Cooper** - No report. Council President Ranally thanked Assistant Chief Cooper for the work he did with the Public Records.

**Chief Building and Zoning Inspector Smith**– No report. Councilman Woodin asked if Mr. Smith has worked on anything regarding the situation of cutting down trees on vacant property and requiring the property to be seeded. Mr. Smith and Mr. Wiles are working on this. Mr. Woodin asked what is the time frame to remove gas tanks from a vacant gas station. Mr. Smith said there is no local ordinance. Mr. Wiles answered that this is controlled by the Bureau of Underground Storage Tanks in Dayton. Mr. Woodin asked if the city notifies the state about vacant gas stations. Mr. Wiles said we don't, but if Mr. Woodin would get an address, he would contact them.

**Parks & Recreation Director Katz** – Thanked Council for the passage of legislation for the concession stand. The Easter Egg Hunt will be March 22<sup>nd</sup>. If the weather does not permit the use of Todd Field, there will be a drive thru Easter Egg Hunt.

**Deputy Finance Director Bosley** – No report.

**COUNCILMEN**

**Mr. Woodin** – No report

**Mr. Fiala** – No report.

**Mr. Carr** – No report

**Mrs. Manning** – Asked if there was discussion regarding wind turbines after the last Planning Commission meeting. Mr. Fiala said there was and there will be further discussion at a Committee of Full meeting. Councilman Carr said he found an independent neutral third party who has sent information to Planning Commission. Mr. Fiala said that Janice Lipscomb is trying to contact an expert in Kirtland to talk at a meeting.

**Mr. Harrold** – Thanked Jim Sayles and Richard Smith for meeting with the residents two days before Planning Commission to have their questions answered regarding Breckenridge.

**Black** – No report.

**Mr. Ranally**– Thanked the Mayor for giving him the information for State of the City speech he gave at the Willoughby Chamber luncheon.

**Regular Council Meeting adjourned at 8:35 p.m.**

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

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Clerk of Council

\_\_\_\_\_  
Jerome P. Ranally, Council President

\_\_\_\_\_  
David E. Anderson, Mayor