



City of Willowick
Special Council Meeting
Monday, October 23, 2023 at 5:30 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

Amended Agenda

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTION & CONSIDERATION OF LEGISLATION

1. Ordinance No. 2023-46

An Ordinance Amending Ordinance 2023-5 to Provide for Additional Appropriations from the General Fund (101); for Current Expenses and Other Expenditures of the City of Willowick, State of Ohio, During the Calendar Year Ending December 31, 2023, and Declaring an Emergency

2. Ordinance No. 2023-47

An Ordinance Amending Chapter 139 of the Codified Ordinances of the City of Willowick, Ohio, titled "Division of Police:" Specifically, Section 139.02 titled Residence Requirement: Bond" and Declaring an Emergency

3. Ordinance No. 2023-48

An Ordinance Authorizing the Approval of the Ohio Department of Transportation (ODOT) Requested Addition Legislation and Requirements to Complete the Terms of the Cooperative Agreement Between ODOT and the Cities of Eastlake, Willowick and Willoughby, for the Resurfacing of Vine Street, Project No. 89274 and Declaring an Emergency

MISCELLANEOUS

4. Motion Authorizing the Flat-Rate Sewer Charge to be Billed by Lake County Department of Utilities on a Daily Basis

ADJOURNMENT

ORDINANCE NO. 2023 - 46

AN ORDINANCE AMENDING ORDINANCE 2023 - 5 TO PROVIDE FOR ADDITIONAL APPROPRIATIONS FROM THE GENERAL FUND (101); FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WILLOWICK, STATE OF OHIO, DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2023, AND DECLARING AN EMERGENCY.

SECTION 1. Be it ordained by the Council of the City of Willowick, State of Ohio, that to provide for the current expenses and other expenditures of said City of Willowick during the calendar year ending December 31, 2023, that the following sums be and they are hereby set aside and appropriated as follows:

SECTION 2. That there be appropriated from the General Fund:

GENERAL FUND

Leisure Time Activities

Parks & Playgrounds

Other

Capital Improvements	101.301.5600	63,000.00
Total Other Expense		63,000.00
Total Parks Department		63,000.00

TOTAL GENERAL FUND: 63,000.00

TOTAL ALL FUNDS 63,000.00

SECTION 3. That the Finance Director is hereby authorized to make expenditures or payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Board of Officers authorized by law to approve the same, or an Ordinance or Resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION 4. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 3.12 of the Charter of the City of Willowick and Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council be and she is hereby requested to deliver a certified copy of this Ordinance to the Lake County Auditor.

SECTION 6. That this Ordinance is hereby declared and determined to be an emergency measure necessary for the preservation of the public peace, health and safety of said City for the reason that immediate provision must be made for the appropriation herein provided for and it shall, therefore, be in effect immediately upon its approval by the Mayor of the City.

PASSED: _____, 2023

Submitted to the Mayor for his approval
on _____, 2023

Council President

Approved by the Mayor on
_____, 2023

ATTEST:

Clerk of Council

Mayor

ORDINANCE NO. 2023-47

AN ORDINANCE AMENDING CHAPTER 139 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “DIVISION OF POLICE;” SPECIFICALLY, SECTION 139.02 TITLED “RESIDENCE REQUIREMENT; BOND” AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Willowick believes it to be in the best interest of the City to amend Section 139.02 of the Codified Ordinances of the City of Willowick to ensure compliance with Ohio law;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, AND STATE OF OHIO:

SECTION 1. That Chapter 193.02 of the Codified Ordinances of the City of Willowick, Ohio, titled “DIVISION OF POLICE” specifically Section 139.02, titled “Residency Requirement; Bond” is hereby amended to read and provide as follows:

139.02 RESIDENCY REQUIREMENT; BOND

All regular members of the Police Division ~~shall reside within twenty-five air miles of the Municipal Center, and each~~ shall give bond in the sum of one thousand dollars (\$1,000).

Section 2. The existing Section 139.02 of the City’s Codified Ordinances is hereby repealed in that said Section to the extent inconsistent herewith is superseded by this legislation.

Section 3. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick, and that it will ensure the orderly and efficient testing of civil service candidates.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2023

Monica Koudela, Council President

Submitted to the Mayor: _____, 2023

Michael Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council

PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

Ordinance #: 2023-48

PID No. : 89274

County/Route/Section: LAK SR 640 00.00

The following is an Ordinance enacted by the City of Willowick of Lake County, Ohio hereinafter
(Ordinance/Resolution) (Local Public Agency)
referred to as the Local Public Agency (LPA).

ORDINANCE NO. 2023-48

AN ORDINANCE AUTHORIZING THE APPROVAL OF THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) REQUESTED ADDITIONAL LEGISLATION AND REQUIREMENTS TO COMPLETE THE TERMS OF THE COOPERATIVE AGREEMENT BETWEEN ODOT AND THE CITIES OF EASTLAKE, WILLOWICK AND WILLOUGHBY, FOR THE RESURFACING OF VINE STREET, PROJECT NO. 89274, AND DECLARING AN EMERGENCY.

SECTION I. Project Description

WHEREAS, the STATE has determined the need for the described project: Resurface Vine Street (SR-640) from Lakeshore Boulevard (SR-283) to East 364th Street in the Cities of Willowick, Eastlake, and Willoughby. The portion of SR-640 within the Willowick municipal limits is from Lake Shore Boulevard to the East Corporation Line.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, AND STATE OF OHIO, THAT:

SECTION II. Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III. Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the cost of the project. The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated

by the Federal Highway Administration, United States Department of Transportation. The City of Eastlake is acting as the lead contractual agency for the construction funding on behalf of the Cities of Willowick and Willoughby.

ODOT financial participation for construction will be limited to 80% of the cost of a face-to-face of curb surface treatment using Urban Paving Funds and the City will provide 20% of the cost within their municipal limits.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA further agrees to pay 100% of the cost to upgrade and/or install and/or repair curb ramps within the project limits to ensure compliance with the Americans with Disabilities Act.

SECTION IV. Authority to Sign.

The LPA hereby authorizes the Mayor of said City of Willowick to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Willowick to ODOT arising from any (LPA) agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V. Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI. Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as

necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION VIII. This Ordinance is hereby declared to be an emergency measure necessary to expedite the highway project and promote highway safety. Following appropriate legislative action, it shall take effect and be in effect immediately upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted by Council: _____, 2023

Council President

Submitted to the Mayor: _____, 2023

Michael Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Willowick of Lake County, Ohio

(LPA)

I, Christine Morgan as Clerk of the **City of Willowick of Lake County, Ohio** do hereby certify
(LPA)

that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said City of Willowick on the ____ day of October, 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _day of October, 2023.

SEAL

(Clerk)

City of Willowick of Lake County, Ohio

(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)