

# MINUTES REGULAR COUNCIL MEETING

8:02 p.m.

July 9, 2019

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on July 3, 2019.

## ROLL CALL

**Council Members Present:** Kary, McNeill, Tomaselli, Woodin, Anderson, Carr, and Harrold

**Others Present:** Mayor Fiala, Law Director Lucas, Service Director Bock, City Engineer Sayles, Fire Chief Ungar, Police Chief Beckwith, Chief Building & Zoning Inspector Keller, Finance Director Bosley, Clerk Novak

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

## Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of June 11, 2019.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

## STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Ms. McNeill – No report.

Environmental Planning Committee, Mr. Kary – Reported three Environmental Assessment Statements were addressed this evening and will be forwarded to the Planning Commission for review with a list of recommendations.

Finance and Audit Committee, Mr. Tomaselli – Reported one item on the agenda.

Parks & Recreation Committee, Mr. Woodin – Reported there was a committee meeting this evening to discuss and address the erosion at Osborne Park as well as the master plan. Further discussions will take place on these topics.

Personnel Committee, Mr. Anderson – Reported he will be requesting a committee meeting in the next few months.

Safety Committee, Mr. Harrold – Reported one item on the agenda to address the purchase of five (5) police vehicles.

Service Committee, Mr. Woodin – No report.

**WPCC Committee, Mr. Anderson** – Reported there was a committee meeting this evening to discuss the capacity enhancement project.

**Clean City Commission, Mr. Anderson** – No report.

**Planning Commission, Mr. Kary** – Reported two items on the agenda this evening.

**Shade Tree Commission, Ms. McNeill** – No report.

**CORRESPONDENCE:**

Clerk Novak read a request from the Ohio Division of Liquor Control for a liquor license transfer from MPP Partners LLC, dba All Axs, 4027 Erie Street & Patio, Willoughby, Ohio 44094 to All Axs LLC, dba All Axs, 4027 Erie Street & Patio, Willoughby, Ohio 44094

Mayor Fiala said the Administration will be appealing this transfer.

**PUBLIC PORTION:**

**Brent Woerner, Immaculate Conception:** Regarding the Immaculate Conception Octoberfest, Mr. Woerner asked what the plan was for regulating traffic at the intersection of Wilson and Park. Mayor Fiala said it would be beneficial to have a part-time officer at that intersection for the two nights due to the absence of the traffic light.

**Michael Kline, 38520 Melrose Farms** – Regarding the Melrose Farms subdivision, Mr. Kline said the original plan for Gold Rush Drive was for it to be cut through to Lost Nation Road. This information was made available to any current and potential home buyers in the development and he believes it's only fair that the residents of Gold Rush Drive bear their burden of the traffic that intersects with Lost Nation as was originally sold. He said no premium lot prices were paid by Gold Rush residents to be on a cul-de-sac street.

**Andy Lufi, 38527 Gold Rush Drive** – Mr. Lufi presented Council with a petition from a resident of Gold Rush Drive signed by 26 families mainly from Gold Rush Drive, Steve Guard Drive and Melrose Farm (50 people signed the petition). Mr. Lufi read the verbiage contained in the petition that noted safety concerns and decreased property values if Gold Rush Drive were to cut through to Lost Nation Road. The petition also states that the residents are requesting that the City and the developer pay for the costs to have a new drainage system put in place.

**John Haslinger, 38479 Melrose Farms** – Mr. Haslinger said he purchased his home in 2012 in Melrose Farms and at that time it was clearly denoted that there would be two entry points going out to Lost Nation Road. He said he feels it's unfair that Melrose Farms has to take the brunt of all the traffic coming in and out of the development. He said he is concerned about the property values on Melrose.

**The Public Portion was paused in order to hold tonight's public hearing.**

**PUBLIC HEARING:**

Clerk Novak read the legal notice for the public hearing to be held tonight on the 2020 Tax Budget (see attached).

**Those Speaking in Favor** – No one spoke.

**Those Speaking in Opposition** – No one spoke.

**Public Portion resumed.**

**Kim Neff, 3055 Steve Guard Ct.** – Ms. Neff said since purchasing her home, she has spent tens of thousands of dollars on landscaping and back patio area. She said there is constant standing water in the back yard and feels the water issues come from Flossy Court and Wood Road. She said the City came out last year and put a swale in on the west side of her back yard that went to a City drain but it has not resolved the problem. Ms. Neff asked what the status of the survey that was done by Polaris is.

Council President Carr said the approval of the final plat is being tabled this evening noting the road access and the drainage concerns that Mr. Sayles is looking into. Mr. Sayles will have the results of that survey available prior to the next Council meeting.

**Jeremy Paytas, 38477 Gold Rush Drive** – Regarding the cut through issue on his street, he said he has four children who have become accustomed to having the cul-de-sac. He said property value is also a concern with a cut through. He said the developer was agreeable to keeping the cul-de-sac but the Fire Department had issues with it. He said other developments have an access road for fire use that could solve the safety issue. He said speed bumps could be installed on Melrose in order to combat the speeding issue.

**John Metrisin, 38427 Wood Rd.** – Mr. Metrisin said he has lived on Wood Road for 28 years and feels it's getting harder to get out on Lost Nation Road. Mr. Metrisin asked how long the decision to table the resolution is for. Mr. Carr said until the next Council meeting or when the City Engineer's report is complete and a special meeting could take place. Mr. Carr said the vote will be to approve the final plat. Mr. Tomaselli said the reason the legislation is being tabled is because the solution that is unknown to the residents is also unknown to the City.

**Tricia Gardner, 38532 Gold Rush Drive** – Regarding the cut through on Gold Rush, Ms. Gardner said she feels very safe with one entrance and doesn't feel there would be a time that firefighters couldn't get into the development. She said the cul-de-sac is the best solution and will retain the property values.

Ms. McNeill asked if she asked the residents of Melrose to sign the petition. Ms. Gardner said she didn't door knock but if someone wanted to sign it, she took it over for their signature.

**Mark Miazga, 3015 Steve Guard Ct.** – Mr. Miazga said he has standing water in his back yard in the middle of August and trying to keep plants alive is impossible and expensive. He said he doesn't feel it's the responsibility of the homeowners since the City inspected the final grade. He feels that Flossy Court was built up too high and that water runs into his development.

**Kelly Varney, 38517 Gold Rush Drive** – Ms. Varney said she is for keeping the cul-de-sac for all the reasons her neighbors have already stated.

**UNFINISHED 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. 2019-64 - Tabled**

**A resolution approving the Petition for Special Assessments for Special Energy Improvement Projects and Affidavit under Ohio Revised Code Chapter 1710 and approving the Necessity of Acquiring, Installing, Equipping, and Improving Certain Public Improvements in the City Of Willoughby, Ohio in Cooperation with The Lake County Communities Energy Special Improvement District (Todd Field #2 Project), and declaring an emergency.**

Motion made and seconded to remove Resolution 2019-64 from the table.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2019-64 be declared an emergency measure.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2019-64.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2019-65 - Tabled**

**A resolution declaring an intent to proceed with the Acquisition, Installation, Equipment, and Improvement of Certain Public Improvements in The City of Willoughby, Ohio in cooperation with The Lake County Communities Energy Special Improvement District (Todd Field #2 Project).**

Motion made and seconded to remove Resolution 2019-65 from the table.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2019-65.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0



Motion made and seconded to adopt Resolution No. 2019-68.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2019-69**

**A resolution approving EAS #7-6-19 for exterior alterations, awning replacement, and construction of a garden patio for the existing building located at 38501 Lakeshore Blvd. (At Witz End).**

Motion made and seconded to adopt Resolution No. 2019-69.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2019-70**

**A resolution authorizing the Mayor to reject all bids for the E. 364<sup>th</sup>, E. 365<sup>th</sup> and Harvard Drive Storm Sewer Replacement Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2019-70 be declared an emergency measure.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2019-70.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2019-71**

**A resolution authorizing the City Engineer to re-advertise for bids for the E. 364<sup>th</sup>, E. 365<sup>th</sup>, and Harvard Drive Storm Sewer Replacement Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2019-71 be declared an emergency measure.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2019-71.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2019-72**

**A resolution authorizing the Mayor to enter into a contract with S.E.T. in the amount of \$317,750 for implementation of the Plains Road Force Main Replacement Project.**

Motion made and seconded to adopt Resolution No. 2019-72.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2019-73**

**A resolution authorizing termination of the current lease agreement between the Willoughby-Eastlake Board of Education and the City of Willoughby for the Browning Center Facility.**

Motion made and seconded to adopt Resolution No. 2019-73.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**ORDINANCE NO. 2019-74**

**An ordinance accepting the final plat for Melrose Farms Subdivision, Phase 5, and declaring an emergency.**

Motion made and seconded to table Ordinance No. 2019-74.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**MAYOR'S REPORT** – Mayor Fiala reminded everyone that the opening for Union Village is August 10<sup>th</sup>. Mr. Carr asked the Mayor for an update on the school project (Junior High) that is proceeding. Mayor Fiala said the asbestos abatement and demolition was done. The developer applied for an SBA 504 loan but it was stalled when the government was shut down; when it was reactivated they failed to be successful in that loan. The developer just received traditional financing in the last few weeks. Regarding the other property, Mr. Fiala said he had met with Steve Thompson and asked if he would consider reducing the cost of the property. He felt he would be willing to accept a reduced offer. He said he has asked the development team to establish a land value for the existing building and to obtain another equity partner so they can continue on.

Mr. Woodin asked if there could be a discussion about getting some of the land next to the A building for the American Legion. Mayor Fiala said he has asked the development team to talk to the American Legion on possibly relocating it and buying their property. Mr. Woodin said he had found an article that states that when Daniels Park was donated to the City there would be a one acre parcel set aside for the American Legion. He asked if this is something the City would entertain. Mr. Fiala said the building (in Daniel's Park) could be repurposed or it may be demolished. He said Building A will be given back to the schools if the developer can't move forward with the project.

Mr. Woodin inquired about two parcels of land that are owned by the City in which residents want to clear a path on to access the back of the lots on Oak and Chestnut. Mr. Sayles said he thought one of them had a storm sewer on it. Law Director Lucas said the right-of-way would need to be looked at with further discussion regarding the inquiry.

## **DIRECTOR'S REPORTS**

**Law Director Lucas** – Reported that Assistant Law Director Mike Germano is moving on to a new employment venture as of July 18<sup>th</sup>. The Law Department will continue to have representation at both the Zoning Board of Appeals and Planning Commission.

Regarding a memo Council received from former Mayor Dave Anderson regarding the downtown Special Improvement District (SID) formation, Mr. Carr asked if there needed to be any follow up legislation. Law Director Lucas said some of the property owners that were involved in the request for the SID formation are highly motivated and wanted to have another meeting regarding available options.

**Service Director Bock** – Reported that pavement striping and pavement resurfacing is complete. Bids documents for garbage pickup are being reviewed by the Law Department and he hopes to have it back soon.

**City Engineer Sayles** – No report.

**Fire Chief Ungar** – Reported the department was awarded \$21,094.89 in grant money for the purchase of two CPR devices that provide perfect CPR. Having these devices will allow the person in the back of the squad to have their seat belt on providing for a safer environment.

**Police Chief Beckwith** – Chief Beckwith thanked Council for the approval of Police Department purchase.

**Building Inspector Keller** – No report.

**Parks & Recreation Director Banker** – Absent.

**Finance Director Bosley** – No report.

## **COUNCILMEN:**

**Mr. Woodin** – No report.

**Mr. Kary** – No report.

**Mr. Tomaselli** – No report.

**Mr. Anderson** – No report.

**Mr. Harrold** – No report.

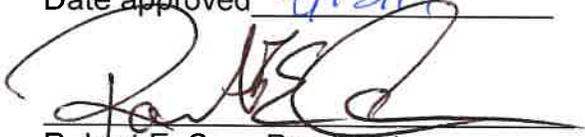
**Ms. McNeill** – Regarding the Melrose Development, Ms. McNeill said the original plan to have the street go through to Lost Nation is what everyone knew and agreed to. Unless every single person in the development agrees to it, she said she cannot vote for it (cannot vote for keeping the cul-de-sac).

**Mr. Carr** – No report.

*The Regular Council Meeting adjourned at 9:20 p.m.*

Date approved

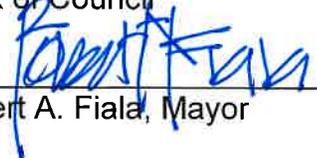
8/13/19



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor

**2020 TAX BUDGET  
PUBLIC HEARING NOTICE**

Pursuant to ORC Section 705.17, notice is hereby given that the Council of the City of Willoughby will hold a Public Hearing on the proposed 2020 Tax Budget on Tuesday, July 9, 2019 at 8:15 p.m. in the Council Chambers of Willoughby City Hall, One Public Square, Willoughby, Ohio.

The proposed Tax Budget of the City of Willoughby, Ohio for the year 2020 is on file in the office of the City Finance Director and available for public inspection from 8:00 a.m. to 4:30 p.m. Any person interested in being heard on the proposed 2020 Tax Budget of the City of Willoughby will have an opportunity to be heard at the date and time slated above.

**BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY**

Alisa Novak  
Clerk of Council

**Publish: June 28, 2019**