

MINUTES REGULAR COUNCIL MEETING

7:00 p.m.

November 16, 2021

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on November 12, 2021.

ROLL CALL

Council Members Present: Tomaselli, Woodin, Anderson, Carr, Garry and Kary

Others Present: Mayor Fiala, Law Director Lucas, Service Director Palmisano, City Engineer Lannon, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Keller, Parks & Recreation Director Banker, Finance Director Bosley, Clerk Novak

Absent: Councilwoman McNeill

Motion made and seconded to excuse Councilwoman McNeill from the meeting.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

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

Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of November 2, 2021.

Roll Call 5 yes
 1 abstain (Garry)
 0 no

Motion carried 5 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Ms. McNeill – Absent.

Environmental Planning Committee, Mr. Kary – Reported the committee met this evening addressing two EAS statements that are on the agenda tonight.

Finance and Audit Committee, Mr. Tomaselli – No report. Mr. Tomaselli requested a committee meeting on December 7th.

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

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Mr. Woodin – Reported two items on the agenda.

WPCC Committee, Mr. Anderson – Reported one item on the agenda.

Clean City Commission, Mr. Garry – Reported one item on the agenda.

Planning Commission, Mr. Kary – No report.

Shade Tree Commission, Ms. McNeill – Absent.

CORRESPONDENCE: There was no correspondence.

PUBLIC PORTION:

Brent Woerner, 39385 King Edward Court – Regarding Ordinance 2021-112 and the public hearing on the agenda this evening, Mr. Woerner asked what the City's intentions were. He said the same parcel numbers are listed on both Ordinance 2021-112 and the public hearing notice. Council President Carr said the public hearing is in recess and will remain in recess because the zoning request has been tabled. He said there are two pieces of legislation on the agenda tonight regarding the purchase of property; both of those items will be tabled because contracts have not been finalized. Mr. Woerner asked if the City is purchasing parcels for a park. Mayor Fiala said the City is considering purchasing parcels that are different than the parcels the developer is considering noting the parcels have not been split. Law Director Lucas said both pieces of legislation will be placed on the table because there are some modifications that took place with the parties involved as well as some third parties. He said discussions regarding contracts under negotiations should not take place.

Mr. Woerner asked about the status of the apartments located next to the courthouse. Chief Building and Zoning Inspector Keller said the apartments are sitting empty. There are still building code issues on the interior; an occupancy permit will not be issued until those are issues are corrected.

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

PUBLIC HEARING:

Council President Carr said the public hearing is currently in recess; it will remain in recess this evening.

RESOLUTION NO. 2021-102

A resolution approving EAS #6-7-21 for construction of an addition to the existing building to include three restaurants and a common dining area located at 36944 Vine Street (Vine Street Sunoco).

Motion made and second to remove Resolution No. 2021-102 from the table.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2021-102.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2021-104

A resolution approving EAS #13-10-21 for the construction of a subdivision consisting of Forty-Eight (48) Fee Simple Townhomes located on the south side of Euclid Avenue (Shepherds Glen).

Motion made and second to remove Resolution No. 2021-104 from the table.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2021-104.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2021-105

A resolution approving Change Order No. 2-Final in the 2020 Concrete Pavement Slab Replacement Project with A & J Cement Contractors, Inc., and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-105 be declared an emergency measure.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2021-105.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

ORDINANCE NO. 2021-106

An ordinance repealing Chapter 162 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Clean City Commission".

Motion made and seconded to adopt Ordinance No. 2021-106.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2021-107

A resolution authorizing the Mayor to enter into a Memorandum of Understanding with the American Federation of State, County, and Municipal Employees, AFL-CIO, Local 1657, and Ohio Council 8 (AFSCME) necessary to establish modification to the equalization of overtime requirements of Article 35 of the agreement between the City of Willoughby, Ohio and AFSCME, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-107 be declared an emergency measure.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2021-107.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2021-108

A resolution authorizing the Mayor to enter into a contract with Morton Salt, Inc. in the amount of \$258,500 to provide bulk de-icing salt for the season 2021/2022, with a commencement date of November 5, 2021, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-108 be declared an emergency measure.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2021-108.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

ORDINANCE NO. 2021-109

An ordinance amending Chapter 943 of the Codified Ordinances of the City of Willoughby, Ohio titled, "Tree Planting and Management".

Motion made and seconded to adopt Ordinance No. 2021-109.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

ORDINANCE NO. 2021-110

An ordinance repealing Chapter 161 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Shade Tree Commission".

Motion made and seconded to adopt Ordinance No. 2021-110.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2021-111

A resolution authorizing the Mayor to enter into an agreement for the sale and development of 2.337 acres of real estate and building with Liberty Development Company, and declaring an emergency.

Motion made and seconded to table Resolution No. 2021-111.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

ORDINANCE NO. 2021-112

An ordinance authorizing the Mayor to enter into an agreement with Andrews Osborne Academy for the purchase of real property; said real property located with frontage on Mentor Avenue and Ridge Road and further identified as Permanent Parcel Nos. 27A0310000160, 27A0310000170, and 27A0310000020, and declaring an emergency.

Motion made and seconded to table Ordinance No. 2021-112.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

MAYOR'S REPORT – No report. Mr. Carr asked what the status was on combining the Design Review Board and Sign Review Board. Mayor Fiala said he was still working on combining those two boards along with amending some other code sections. Mr. Carr asked if there was ribbon cutting date for "The Bridge". Mayor Fiala said the ribbon cutting should take place before the end of the year.

Mr. Tomaselli asked if the City is interested in protecting the brick building at the corner of Third Street and Clark (near the post office). Mayor Fiala said he would check into it.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – Mr. Palmisano said leaf pickup continues with extended days starting next week. Regarding the paving on Lakeshore, the final inspection was completed resulting with a punch list of five items. He is hoping those items are completed by the end of the month and the project can be finalized. Regarding the paving on Rt. 84, the contractor will be out tomorrow to work on intersections. The

contractor is currently in the middle of striping with traffic loops at Kirtland Road and Oakdale to follow. He doesn't anticipate the curbing will be done this year. Regarding the road program, there are three streets that have not been finalized; they have a base coat. Burton Scot will be in town tomorrow and those three streets will be completed. Parkway, Comanche, Wood Road and Elmwood will not be completed due to weather; these roads will be done next spring. Mr. Carr voiced concerns about snow plows tearing up more curbs this winter on Rt. 84 and asked if the contractor would take care of that work on their dime. Mr. Palmisano said he asked ODOT that earlier today, but doesn't have an answer yet. Mr. Palmisano said he is currently having those areas of the road staked out to keep the plow drivers away but there are no guarantees. Mr. Woodin asked if letters could go out to the homeowners who live on the streets that won't be paved this year explaining why.

City Engineer Lannon – No report.

Fire Chief Ungar – No report.

Police Chief Schultz – Chief Schultz said at the last meeting there was a resident who was concerned with cars speeding on Robinhood. He said in the past two weeks, his officers have done nine targeted traffic enforcements resulting in nine vehicles that were stopped for speeding. He is hoping this will slow down the cars on Robinhood.

Building Inspector Keller – No report.

Parks & Recreation Director Banker – Ms. Banker said the downtown Christmas lighting is scheduled for Thursday, December 2nd at 7:00 p.m. There will be a Santa Parade on 12/17 and 12/18.

Finance Director Bosley – No report.

COUNCILMEN:

Mr. Woodin – No report.

Mr. Kary – No report.

Mr. Tomaselli – No report.

Mr. Anderson – No report.

Mr. Garry – No report. Mr. Garry thanked Chief Schultz for his attention to the traffic concerns on Robinhood.

Ms. McNeill – Absent.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 7:31 p.m.

Date approved

12/1/21

Robert E. Carr, President

Clerk of Council

Robert A. Fiala, Mayor

LEGAL NOTICE

Pursuant to Chapter 1115.03(f) of the Codified Ordinances of the City of Willoughby, Ohio notice is hereby given of a Public Hearing to be held by the Council on Tuesday, October 19, 2021 at 7:10 p.m. (remote access through Zoom) in the Municipal Building, One Public Square, Willoughby, Ohio.

Said hearing is for a rezoning application initiated by George Davis of GD3 Ventures, 9124 Tyler Blvd., Mentor, OH 44060 for the rezoning of PPN #27-A-031-0-00-017-0 and the partial rezoning of PPN #27-A-031-0-00-002-0, #27-A-031-0-00-016-0 and #27-A-031-0-00-018-0 from an R-100 zone district to an R-80 zone district .

Persons affected may appear at said hearing and may speak for or against the proposal either in person or by attorney.

BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY

Alisa Novak
Clerk of Council

Publish: October 4, 2021