

# MINUTES REGULAR COUNCIL MEETING

7:05 p.m.

April 5, 2022

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on April 1, 2022.

## ROLL CALL

**Council Members Present:** Anderson, Carr, Garry, Kary, Merhar and Tomaselli

**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

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 March 15, 2022.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

## STANDING AND REGULAR COMMITTEE REPORTS

**Committee of Full, Mr. Carr** – Mr. Carr reported there was an overwhelming response to the Ward 1 vacancy spot due to Mr. Woodin's resignation; nine (9) people have applied. Interviews will take place this Saturday with the goal of appointing the new Councilperson at the April 19<sup>th</sup> meeting. Council has until the end of the month to make the appointment; if Council does not appoint someone, the Mayor can appoint someone.

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

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

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

**Parks & Recreation Committee** – Mr. Carr reported there was a committee meeting this evening regarding the H2Ohio grant initiative.

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

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

**Service Committee** – No report.

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

Planning Commission, Mr. Kary – No report.

**CORRESPONDENCE:** Clerk Novak read a request from the Ohio Division of Liquor Control for a transfer from Painesville Pizza Inc., dba Pizza Hut, 35050 Euclid Avenue, Willoughby, OH 44094 to SFR X Holdings LLC, dba Pizza Hut of OH, 35050 Euclid Avenue, Willoughby OH 44094. There were no objections.

**PUBLIC PORTION:**

**Brent Woerner, Commander of American Legion Post 214, 4304 Center Street, Willoughby** - Mr. Woerner read a prepared statement regarding the American Legion Post 214 regarding the relationship between the City and the post (see attached statement).

**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

**NEW BUSINESS:**

**RESOLUTION NO. 2022-38**

**A resolution expressing an intent to sell unneeded, obsolete, or unfit property by internet auction and establishing a procedure for conducting the sale.**

Motion made and seconded to adopt Resolution No. 2022-38.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2022-39**

**A resolution authorizing the Mayor on behalf of the City of Willoughby to participate in the ODOT road salt contract awarded in 2022, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-39 be declared an emergency measure.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2022-39.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**ORDINANCE NO. 2022-40**

**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 adopt Ordinance No. 2022-40.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2022-41**

**A resolution authorizing an expenditure in an amount not to exceed \$50,000 for engineering costs for the WPCB Belt Press 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. 2022-41 be declared an emergency measure.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2022-41.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2022-42**

**A resolution authorizing the Mayor to enter into a contract with DiGioia-Suburban Excavating, LLC in the amount of \$3,825,968 for implementation of the Meadowlands Basin Outlet Improvements Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-42 be declared an emergency measure.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2022-42.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2022-43**

**A resolution authorizing the Mayor to enter into a contract with J.D. Striping & Services, Inc. in the amount of \$113,576.50 for the 2022 Pavement Marking Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-43 be declared an emergency measure.

Roll Call      6 yes  
                  0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2022-43.

Roll Call      6 yes  
                  0 no

Motion carried 6 to 0

#### **RESOLUTION NO. 2022-44**

**A resolution authorizing the Mayor to enter into a contract agreement with Chagrin River Watershed Partners, Inc. necessary to the East Branch Chagrin River Restoration H2Ohio Project.**

Motion made and seconded to adopt Resolution No. 2022-44.

Roll Call      6 yes  
                  0 no

Motion carried 6 to 0

**MAYOR'S REPORT** – Mayor Fiala reported that the county has been releasing some of the American Rescue Plan Act (ARPA) monies to municipalities, townships and villages for projects. He said Eastlake has been granted \$800,000 for lights and \$200,000 for paving and they are seeking a few million for improvements to the Lake County Captains stadium. The City has requested about \$1.4 million for water quality projects along the Chagrin River and flood management specifically at the Vine Street overpass bridge; if flooded it could impact the safety forces. Regarding the comments made earlier by the American Legion Post 214, Mayor Fiala said he was saddened by their comments. He said he believes, along with former Mayor Anderson, has kept open lines of communication with them and met with them when they requested. He said the City's obligation is to the people of Willoughby. The first goal was to sell the property and make it developable. This doesn't lessen his support and respect for what veterans have done in serving their country.

#### **DIRECTOR'S REPORTS**

**Law Director Lucas** – No report.

**Service Director Palmisano** – No report.

**City Engineer Lannon** – Mr. Lannon reported he is pursuing funding for the S.R. 174-River Street slope stability projects (at South Street). As part of the application requirements for FEMA funds, a notice needs to be published in the local paper. Councilman Kary thanked Mr. Lannon for all his hard work on the Ward Creek Project.

**Fire Chief Ungar** – Chief Ungar reported the department has started the spring hydrant flushing and maintenance program. Signs will go up 2-5 days prior to each shift that goes out. He noted that the water will turn rust colored due to this process.

**Police Chief Schultz** – Chief Schultz thanked Council for the passage of Resolution 2022-38. Chief Schultz reported on a case that was recently in the news regarding the death of a

three week old infant. Chief Schultz acknowledged the sacrifice that Blufton Police Officer Dominic Francis gave as he was killed in the line of duty on I-75.

**Building Inspector Keller** – Mr. Keller reported that property maintenance inspections have begun. Any questions or concerns should be reported to the Building Department.

**Parks & Recreation Director Banker** – Ms. Banker reported that to date, there are 38 employees for the pools which includes managers and cashiers. This includes about 28 lifeguards; typically 80 are utilized to operate both pools. There is one more spring break lifeguard class with two more in June. Pool passes have gone on sale. She said the toddler pool will be open at the Euclid Avenue location and the entire pool will be open Friday, Saturday and Sunday. The Osborne pool will be open 7 days a week with reduced hours on Monday and Sunday evening (closing at 5 p.m. versus 7 p.m.).

**Finance Director Bosley** – Ms. Bosley said the audit is 43% complete. This year, Deputy Finance Director Chef Hoffman has taken the lead on the audit. She received notification the department received the GFOA Comprehensive Annual Award from the 2020 audit. She said the state had overlooked the City on the Auditor of State Award for the 2020 audit. There was only one comment for the Comprehensive Annual Report.

**COUNCILMEMEN:**

**Mr. Kary** – No report.

**Mr. Tomaselli** – No report.

**Mr. Merhar** – No report.

**Mr. Garry** – No report.

**Mr. Anderson** – No report.

**Mr. Carr** – No report.

Motion made and seconded to go into Executive Session in accordance with ORC 121.22(G)1 to consider the appointment of a public employee or official at 7:41 p.m.

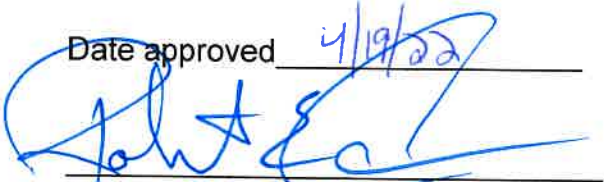
Roll Call      6 yes  
                    0 no

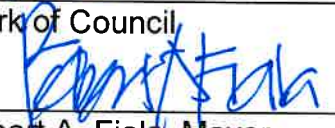
Motion carried 6 to 0

The Council meeting reconvened at 9:16 p.m. from the Executive Session.

*The Regular Council Meeting adjourned at 9:17 p.m.*

Date approved 4/19/22

  
\_\_\_\_\_  
Robert E. Carr, President

  
\_\_\_\_\_  
Clerk of Council  
  
\_\_\_\_\_  
Robert A. Fiala, Mayor

## Life of the American Legion Post 214

Palmer –Roberts post 214 was named after Carl Roberts and Harold Palmer both Willoughby residents and were Killed in action during WWI. The Post received its charter and established itself in November of 1919. The original Post home was where TDA design stands now. In 1923 The Post home was sold to the Board of education to build Willoughby Memorial Junior High school where there is a plaque in TDA Design building signifying this. The Legion then held its meetings on the second floor above which is now Arabica and then moved to the 2<sup>nd</sup> floor above which is now Fiona's. In 1940 the Palmer – Roberts American Legion Post 214 moved into its current location of 4304 Center Street.

The post has thrived and held many functions and Community events. The American Legion which also includes the Son of the American Legion and The American Legion Auxiliary. The City of Willoughby and the Legion has enjoyed a good working relationship with city events and Holidays. The American Legion has marched and provided programing for every Memorial Day observance. The color guard has marched in all parades that Willoughby has had from Frontier days to Last stop Willoughby. We have supported functions here are just a few to name.

The Easter egg hunt

Youth Baseball sponsor

Eagle Scout Supporter

Flag education at the Middle school level, American and Government testing for boys and girls in high school, and Boys and Girls state, a week long camp during the summer.

Provide snacks for Police and Fire departments on Holiday weekends.

Donate food and supplies to McKinley center.

Had Flag pole restored and rededicated at McKinley center.

Provided food for Willoughby veteran families for Thanksgiving and food and Gifts for Christmas.

We provide and place headstone flags at both cemeteries for our fallen war heros prior to Memorial Day and have purchased the Memorial stone at Willoughby Memorial cemetery.

The Legion had the cannon that is in point park restored and is proudly displayed in Point Park.

We continue to provide flags for the monument at Point Park

We have services every Veterans day in honor of those who have served.

Now we move to the current day developments. In 2016 the City of Willoughby became owners of the Union High school and Memorial Middle school this was under the previous administration. The property was formally the Willoughby–Eastlake school board property. When the City took ownership of the property the city redrew the property line to reflect that the city owned up to the front of the school were the previous line was 300 feet from the intersection of Euclid ave and River street. The parking lot behind the school between the school and the Legion post was split into 3 lots. The Legion approached previous administration and requested if a deal could be entertained on securing the lot closest to the post. The request was denied as was stated “We need this for the development of this property”

We have talked to this administration about the single lot also without any success in securing this piece of property. Then as we know the events of COVID had closed everything down. At that point the legion was no longer able to maintain a positive cash flow business and decided to keep the Post closed and open for limited functions and meeting. The post property was placed on the real estate market in February 2021 until February of 2022. Many investors toured the building some to remodel for apartments and others for business opportunities. The deciding factor on the property was the property line as it is only 10 feet from the building.

Discussions were held with City officials in regards to the possibility of having the city request favorable actions in regards to the legion building during negotiations with a prospective buyer. After the building was purchased, contact was made with the Liberty development group. As the developer has purchased the property for well below market value it is difficult for the legion to negotiate a somewhat of a fair price for the building with the developer. At this time the developer has stated that they have no intent or interest in the building and is not part of their development plans. As was told to the developer "We are not looking to get rich off the sale, we are a veterans organization that is looking to sell the building to better the project and move to a facility so that we continue to be good stewards to the city of Willoughby and support veteran causes"

As you know fraternal and Veterans organizations are decreasing and we at the American Legion will continue to provide support and services as we are able. Veterans fought for and defended our freedoms that we have here in the United States and in Willoughby. As you can see overseas freedom is at risk. We feel that there were opportunities to better support the veterans of Willoughby but the city has failed.