

MINUTES REGULAR COUNCIL MEETING

7:05 p.m.

September 20, 2022

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on September 16, 2022.

ROLL CALL

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

Absent: Councilwoman Sievers and Councilman Merhar

Others Present: Mayor Fiala, Law Director Lucas, Service Director Palmisano, Aleksa Cyvas Fire Chief Ungar, Police Chief Schultz, Chief Building and Zoning Inspector Keller, Finance Director Bosley, Clerk Novak

Motion made and seconded to excuse Councilwoman Sievers and Councilman Merhar from tonight's meeting.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

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

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of September 6, 2022.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to approve the Special Council Meeting Minutes of September 6, 2022.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – Reported two items on the agenda tonight; the committee reviewed EAS #14-8-22.

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

Parks & Recreation Committee, Ms. Sievers – Absent.

Personnel Committee, Mr. Anderson – Reported two items on the agenda this evening.

Safety Committee, Mr. Tomaselli – Reported there was a committee meeting this evening to discuss Resolution No. 2022-122 for the purchase of the Meister Media building on Euclid Avenue.

Service Committee, Dan Anderson – Reported two items on the agenda tonight.

WPCC Committee, Mr. Garry – Reported one item tonight.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: No correspondence.

PUBLIC HEARING:

Clerk Novak read the legal notice for the public hearing to be held tonight on the proposed rezoning on Oak Ridge Drive (see attached).

Those Speaking in Favor-

John Kelm, 5379 Oak Ridge Drive, Willoughby – Mr. Kelm said he and his family are in favor of the rezoning from multi-family to single family; it makes the zoning consistent with the other properties in the neighborhood. He said it's his understanding the parcel was given to the City in the mid-80's for use by the residents of Oak Ridge Estates, but since that time the property has sat there. He said there is a lot of new construction nearby in Shepard's Glen and with the current zoning, low rise apartments could be built. He prefers the area remain available to the neighborhood.

Linda Webb, 5365 Oak Ridge Drive, Willoughby - Ms. Webb said she is in favor of the rezoning and is in support of her neighbors. She wanted to know if the property was surveyed and it affected the placement of her fence, would she be responsible for the cost of fixing it. Mr. Carr asked her to follow up with the Law Department tomorrow.

Those Speaking in Opposition-

Nick Brown, 5446 Oak Ridge Drive, Willoughby – Mr. Brown said he is opposed to the rezoning in order to create a park on the parcel which is already owned by the City. If the rezoning is passed, a park won't be an option. He said currently there isn't a public park west of Rt. 91, south of Euclid Avenue or north of Ridge Road. All these roads are high traffic roads and Rt. 91 is a five lane road and separates the Oak Ridge neighborhood from the entirety of the City. The parcel in question is a hub for several unconnected residential communities that have been developed or are being developed. In his neighborhood alone, he is aware of at least 20 kids under the age of 10 years old. There are several other new developments nearby with children who could utilize the park. He would like to know if the City is willing to build a park on the parcel for the benefit of all residents. He said Council President Carr expressed interest in a park. He said there is a legal process called "quick take" under ORC 163.06, Subsection B which allows for an expedited eminent domain for the purpose of creating a public road. He said the issue of the City not having access to the parcel would be resolved by this

process in creating access for a road for maintenance and emergency services. This park would serve as the City's commitment to the neighborhood.

Rose Harden – Ms. Harden read verbatim an e-mail she had sent on September 20, 2022.

"I am writing in opposition for the application to rezone the above property from Residential Multi-Family Low Rise to R-60. I live on the south end of this 3.90 acre woodlot with a recorded 25ft easement (PPN 027A-OO5-00-0080) with the City of Willoughby listed for the addresses of 5405, 5407 and 5409 Oakridge Dr. When I purchased my home, the woods were intended to become a park which was a major factor in my decision to buy this property. After receiving the legal notice regarding the application to rezone the property (Published Aug. 7, 2022), I reached out to Mike Lucas and Vicki Grinstead and was given the name of the neighbor leading the efforts to buy this property for their personal use (Ashley Kelm). I addressed my concerns over the loss of value of my own personal property due to the loss of use, the interference this would cause with our property rights (5405, 5407 and 5409), along with the substantial gain to her and the other neighbors currently trying to gain additional property hence adding value not common to all surrounding property owners. My concerns were ultimately dismissed by Mrs. Kelm stating that myself and my neighbors with the easement were voted out. Although this lot is directly connected to approximately 13 houses, only 6 are being given the opportunity to buy this land. The fact that this land was never available for sale therefore not published by the City of Willoughby for anyone else to place their bids is not fair. From my understanding only, a select few neighbors were sent the legal notice about the rezoning when in fact the entire Oakridge neighborhood should be made aware that the lot that was previously designated to become a park for all to enjoy will no longer come to fruition. This change would impact more than just the houses immediately surrounding this lot and everyone's voices should be heard. If this rezoning occurs and the property becomes private what will happen to the 25ft easement myself and my neighbors share?"

Debra Petrick, 5405 Oak Ridge Drive – Ms. Petrick said she agrees with Ms. Harden and Mr. Brown; she is against the rezoning. She would like the parcel to be fixed up as a park. She has six grandchildren who would love to play back there.

PUBLIC PORTION: No one spoke.

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 5 yes
 0 no

Motion carried 5 to 0

UNFINISHED BUSINESS:

ORDINANCE NO. 2022-114 – Amended 9/6/2022 – Tabled 9/6/2022

An ordinance providing for the Manning Levels and Compensation of Elected and Appointed Officials and Salaried and Non-Union Employees of the City of Willoughby, Ohio; repealing any and all other ordinances or parts thereof which may be inconsistent herewith or which may be redundant hereto; and declaring an emergency.

Motion made and seconded to remove Resolution No. 2022-114 from the table.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2022-114 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Ordinance No. 2022-114 as amended on 9/6/22.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

NEW BUSINESS:

RESOLUTION NO. 2022-117

A resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, certifying same to the Lake County Auditor, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-117 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2022-117.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2022-118

A resolution approving EAS #14-8-22 for the rezoning of 3.9032 acres of real property located on Oak Ridge Drive and further identified as Permanent Parcel No. 27A0050000080 from Residential Multi-Family Low Rise (R-MF-L) to One-Family 60 (R-60).

Motion made and seconded to adopt Resolution No. 2022-118.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

ORDINANCE NO. 2022-119

An ordinance amending the Zone Map of the City of Willoughby, Ohio to reclassify 3.9032 acres of certain real property located at 0 Oak Ridge Drive Rear (Permanent Parcel No. 27A0050000080) from Residential Multi-Family Low Rise (R-MF-L) to Residential One-Family 60 (R-60).

Motion made and seconded to adopt Ordinance No. 2022-119.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2022-120

A resolution declaring it necessary and determining to proceed with acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion along properties within the City and further included within the Lake County Communities Shoreline Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-120 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2022-120.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

ORDINANCE NO. 2022-121

An ordinance levying Special Assessments for acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion along properties within the City included within the Lake County Communities Shoreline Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2022-121 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Ordinance No. 2022-121.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Ordinance No. 2022-124.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2022-125

A resolution approving an agreement between the American Federation of State, County, and Municipal Employees, AFL-CIO, Local 1657, and Ohio Council 8, and the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-125 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2022-125.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

MAYOR'S REPORT – Reported the City will be submitting for a NOAA grant on October 14th; this grant will be for the acquisition of Andrews Osborne properties. If the grant is secured, it would provide all the funding necessary to secure 100 acres from Andrews Osborne.

DIRECTOR'S REPORTS

Law Director Lucas – No report. Mr. Tomaselli asked about the truck legislation. Mr. Lucas said the draft is done, but wants to get additional comments.

Service Director Palmisano – No report.

Aleksa Cyvas, CT Consultants – No report.

Fire Chief Ungar – No report.

Police Chief Schultz – Chief Schultz thanked Council for passage of Resolution No. 2022-122. He said on September 10th, his department participated in the Miracle League of Lake County Heroes Game; proceeds from the annual golf outing were donated to the Miracle League again this year. He said tomorrow is the 10-year anniversary of the passing of Officer Jason Gresko. There will be a brief memorial ceremony outside the police station in the front parking lot at 7 p.m. All are welcome.

Building Inspector Keller – No report.

Parks & Recreation Director Keller – Absent.

Finance Director Bosley – Ms. Bosley thanked Council for passage of resolutions related to her department.

COUNCILMEN REPORTS

Ms. Sievers – Absent.

Mr. Kary – Mr. Kary reported that he met with former Mayor Dave Anderson regarding what could be done to dress up the area around the airport (Lake County Executive Airport). He worked with landscape architect, Jody McCue, to create some plans for observation areas with benches that will be placed on Lost Nation Road using pavers and landscaping to provide shade. He said former Mayor Dave Anderson (Executive Director of the Lake County Port Authority) provided \$25,000 to do the plans; three benches will be installed. The airport itself is putting in new offices, new signage and a new mural.

Mr. Tomaselli – No report.

Mr. Merhar – Absent.

Mr. Garry – No report.

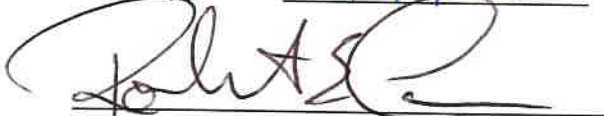
Mr. Anderson – Reported he went to the last concert at Osborne Park; he said the Service Department did an amazing job with parking for the concert. Mayor Fiala said they estimated there were over 1,500 people at that concert.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 7:44 p.m.

Date approved

10/4/22



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, September 20, 2022 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 the City of Willoughby for the rezoning of PPN #27A0050000080 (Oak Ridge Drive Rear) from Residential Multi-Family Low Rise (R-MF-L) to One-Family 60 (R-60).

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: September 2, 2022