

MINUTES REGULAR COUNCIL MEETING

7:00 p.m.

September 7, 2021

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on September 3, 2021.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director Lucas, City Engineer Lannon, Service Director Palmisano, Fire Chief Ungar, 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 Garry.

FIRE DEPARTMENT SWEARING IN AND AWARDS

Mayor Fiala swore in Assistant Fire Chief Dorsey, Battalion Chief Heil, Lieutenant Bolton, Lieutenant Ruthenberg, Firefighter Cavotta and Firefighter Schueren. Fire Chief Ungar presented the 2020 Firefighter(s) of the Year award to Dan Carroll and Kyle Kline.

Mayor Fiala said he is hoping to have the members of the Public Art Committee confirmed by Council at the next meeting; 4 of the 5 members have been selected.

Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of August 10, 2021.

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 – No report.

Finance and Audit Committee, Mr. Tomaselli – Reported three items on the agenda this evening.

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

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

Safety Committee, Mr. Tomaselli – Reported the Safety Committee is recommending Resolution 2021-58 be permanently tabled. More discussion regarding Blue Line Solutions will take place and will be brought before Council when appropriate.

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

WPCC Committee, Mr. Anderson – No report.

Clean City Commission, Mr. Garry – Reported the Chagrin River cleanup is this Saturday at 9:00 a.m.; please meet at Daniels Park if you would like to participate.

Planning Commission, Mr. Kary – Reported the Planning Commission has had full agendas this summer with major developments; Council can reach out to the Planning Commission members with any questions or concerns.

Shade Tree Commission, Ms. McNeill – No report

CORRESPONDENCE: Clerk Novak read a request from the Ohio Division of Liquor Control for a Transfer from Speedway LLC dba Speedway 3998, 4189 SR 306, Willoughby, Ohio to Midwest Convenience, Inc., dba Rebel, 4189 SR 306, Willoughby, Ohio 44094. There were no objections. Clerk Novak read a request from the Ohio Division of Liquor Control for a new D5H (sale of beer or liquor by the glass on the premises) license for the Fine Arts Association, 38660 Mentor Avenue, Willoughby, Ohio 44094. There were no objections.

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 7 yes
 0 no

Motion carried 7 to 0

UNFINISHED BUSINESS:

RESOLUTION NO. 2021-48 - Tabled

A resolution declaring it necessary to improve the streets and public thoroughfares of the City of Willoughby, Ohio, within the termini designated herein, by supplying said streets and public thoroughfares with street lighting, and declaring an emergency.

Motion made and seconded to remove Resolution No. 2021-48 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. 2021-48 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-48.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-58- Tabled

A resolution authorizing the Mayor to enter into an Automated Speed Enforcement System Agreement with Blue Line Solutions, LLC necessary to a Traffic Law Photo-Monitoring Program and establishing Civil Penalties for Automated Speed Violations.

Motion made and seconded to permanently table Resolution No. 2021-58

Roll Call 7 yes
0 no

Motion carried 7 to 0

NEW BUSINESS:

ORDINANCE NO. 2021-78

An ordinance accepting a permanent easement from Bruce C. and Bobbi R. Sundman for sidewalk purposes, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2021-78 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2021-78.

Roll Call 6 yes
1 no (Tomaselli)
0 no

Motion carried 6 to 1

RESOLUTION NO. 2021-79

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. 2021-79 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-79.

Roll Call 7 yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2021-80

An ordinance certifying to the Auditor of Lake County certain unpaid bills owing to 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 Ordinance No. 2021-80 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2021-80.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-81

A resolution authorizing the Mayor to enter into a Memorandum of Understanding with Liberty Development Company to memorialize the business terms agreed to by the Developer and the City of Willoughby for the planning of the Union Point Site, prior to the execution of a Purchase/Development Agreement, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-81 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-81.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-82

A resolution authorizing the Mayor to submit a Loan Application and enter into a Loan Agreement with the Ohio Environmental Protection Agency, Division of the Environmental and Financial Assistance, and the Ohio Water Development Authority, through the Water Pollution Control Loan Fund (WPCLF) for Planning, Design and/or Construction of the Meadowlands Basin Outlet Improvements project; designating a dedicated repayment source for the loan; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-82 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-82.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-83

A resolution authorizing the Mayor to apply for and enter into a contract with the Ohio Public Works Commission (OPWC), for funds necessary to the Nason Basin to Grove Avenue Storm Sewer Phase 1 Project and the 2022 Concrete Slab 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. 2021-83 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-83.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-84

A resolution declaring it necessary and determining to proceed with acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary to abate erosion along properties within the City included within the Lake 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. 2021-84 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-84.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2021-85

A ordinance levying Special Assessments for acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary to abate erosion along properties within the City included within the Lake 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. 2021-85 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2021-85.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-86

A resolution authorizing the Mayor to review and accept the best pricing and time period proposed by a retail natural gas supplier for the subsequent inclusion within an agreement for purchase of natural gas and related services for the City of Willoughby's public buildings, and within such time period parameters to be established between twelve (12) and forty-eight (48) months, effective December 1, 2021.

Motion made and seconded to adopt Resolution No. 2021-86.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Regarding the fireworks that took place over the weekend, Mayor Fiala thanked Judean Banker, Shana Boyd, Mike Kocab, Chief Ungar, Chief Schultz and Service Director Palmisano for their hard work in putting together the fireworks display. He said he is still working on merging Shade Tree Commission and Clean City Association; he is working through a legal issue. He asked Council to consider merging Sign Review Board and Design Review board because often times they are conflicted and their agendas are light. There is currently one vacancy on Sign Review Board. Councilman Kary said he would be in favor of merging those two boards.

Councilman Carr asked about the public art to be placed at the corner of Erie Street and Mentor Avenue. Mayor Fiala said the steel is up and the masonry has started. The sign (the top) will be delivered at the end of September. Councilman Anderson said he received positive comments from residents who liked having the fireworks over Labor Day because they can be held earlier in the evening. He asked if this was something the City is considering doing in the future. Parks and Recreation Director Banker said it has been discussed and will be looking for more feedback. Mayor Fiala said it would be a nice "end of summer" celebration.

Councilman Woodin asked if there was any further discussion about the City selling property on Beachview. Mayor Fiala said Economic and Development Director Thielman asked several developers to weigh in on the appraisal which is about \$1 million. The feedback is that the appraisal is good, but the sale price needs to be reduced due to the erosion issues. Each parcel will be looked at individually to determine what amount should be deducted. The Mayor explained that the Hocevar's submitted an unsolicited bid to purchase the property on Beachview. The Mayor said if the City keeps the property, the erosion will need to be addressed. There will be further discussion with Council regarding the properties. Mr. Woodin

asked if there was an update on the contract with Republic Waste. The Mayor said they have met a few times with the new district manager. Service Director Palmisano said he has received requested data but is waiting on some other information. Councilman Tomaselli asked if the City had a strategy regarding the protests at Kirtland Country Club. Mayor Fiala said Chief Schultz has been giving clear instructions on the protests, but the protestors have violated those instructions. He said what was started as a free speech issue has become a nuisance issue for the residents.

DIRECTOR'S REPORTS

Law Director Lucas – Mr. Lucas reported he will be meeting tomorrow with Kirtland Country Club's independent legal counsel as well as a representative from Tudor Estates regarding the protests.

Service Director Palmisano – Councilman Kary asked if anything can be done with missing asphalt on Lost Nation Road. Mr. Palmisano said Lost Nation Road will get a thorough patching prior to winter. The contractor for Rt. 84 is obligated to finish by October 15th. Regarding the water line replacement on Orchard, Mr. Woodin said one resident had to replace their water line and one resident had to replace their hot water tank. Both residents filed paperwork with the county for reimbursement, but both were denied. Mr. Palmisano said he spoke with Brian Cook who said those issues had nothing to do with the water line replacement, but said he would talk to the inspector again.

City Engineer Lannon – No report.

Fire Chief Ungar – Chief Ungar thanked Council for allowing the swearing in tonight. He said there will be a 9/11 20 year anniversary ceremony at Wes Point Park on Saturday at 9:45 a.m.

Police Chief Schultz – Absent.

Building Inspector Keller – No report.

Parks & Recreation Director Banker – Reported the fireworks this past weekend were a huge success with Andrews Osborne, Fine Arts Association and Todd Field packed with people viewing the fireworks. The last concert of the season is this Thursday. The Osborne Park concerts are both complete and were a huge success; she is looking to increase the concerts at Osborne Park next summer. There will be a clam bake at the Lost Nation Golf course on October 16th.

Finance Director Bosley – Regarding American Relief Act monies, Ms. Bosley reported she calculated the City's lost revenue was between \$1.9 and \$2.3 million. The City can repay itself for the lost revenue and will potentially be able to have a choice in what the money can be used for. Councilman Anderson asked if the City is paying for sick time if an employee has to quarantine due to a COVID exposure. Ms. Bosley said that an employee needs to use their sick time because there is no longer any funding for that purpose.

COUNCILMEN:

Mr. Woodin – No report.

Mr. Kary – Mr. Kary said as an outcome of a recent conversation he had with former Mayor Anderson, he said the Lake County Executive Airport will be adding new signage, landscaping and benches down Lost Nation Road within the next year.

Mr. Tomaselli – No report.

Mr. Anderson – No report.

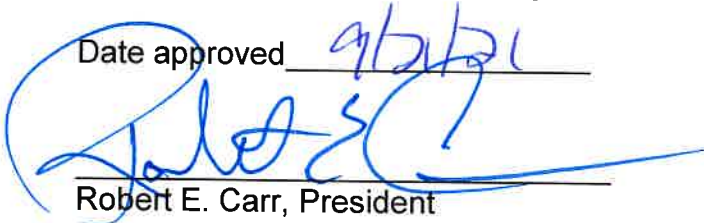
Mr. Garry – No report.

Ms. McNeill – No report.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 8:10 p.m.

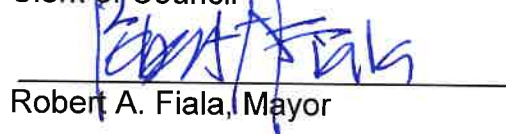
Date approved 9/21/21



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor