

MINUTES REGULAR COUNCIL MEETING

7:04 p.m.

February 1, 2022

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on January 28, 2022.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director Lucas, Police Chief Schultz, Finance Director Bosley, Clerk Novak

Others Present via Zoom: Service Director Palmisano, City Engineer Lannon, Fire Chief Ungar, Chief Building & Zoning Inspector Keller, Parks & Recreation Director Banker

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

Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of January 18, 2022.

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, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – Reported the committee met this evening to review EAS #15-12-21a.

Finance and Audit Committee, Mr. Tomaselli – Reported there was a committee meeting to discuss sewer rates. The outcome of the meeting will lead to legislation at the next meeting.

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

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Mr. Woodin – 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 Stock transfer for 4051 Erie Street, Inc. dba Nicklebys, 1st Floor and Basement and Patio, 4051 Erie Street, Willoughby, Ohio 44094. There were no objections. Clerk Novak read a request from the Ohio Division of Liquor Control for a Trex from Local Sol LLC, dba Local Sol, 38257 Glenn Avenue & Patio, Willoughby, Ohio 44094 to SN & GN LLC, dba Local Sol 38257 Glenn Avenue & Patio, Willoughby, Ohio 44094. There were no objections.

PUBLIC HEARING:

Clerk Novak read the legal notice for the public hearing to be held tonight on the proposed zoning map amendment (see attached).

Those Speaking in Favor –

George Davis, 9124 Tyler Blvd., Mentor, Ohio – Mr. Davis stated he is the developer of the project. He said as a developer, he feels good about the development which is the catalyst of a project that will conserve 105 acres including a large portion along the banks of the Chagrin River. He is looking forward to working with the Planning Commission on the project. He said all builders in the development will be local.

Brett Rodstrom, 11341 Winding Brook Lane, Chesterland, Ohio (representing Western Reserve Land Conservancy (WRLC)) - Mr. Rodstrom said the Western Reserve Land Conservancy has been working with the City, Andrews Osborne Academy and the developer for many years. He said the WRLC feels the project is a great win for conservation for the City as well as the Chagrin River. He said WRLC is working through details of a larger plan of conservation that will include a partnership with Chagrin River Watershed Partners that will ultimately protect more than 200 acres along the Chagrin River including removal of the remnants of the Daniels Park dam, realignment of the east branch of the Chagrin River so it doesn't impact State Route 84 and provide an additional 105 acres of protected park space for the City connecting Daniels Park to Todd Field. He said the cost of the project is close to \$4 million dollars with \$2.2 million dollars already in place. He said he is excited about the project with the public access it will bring the City, but really for the conservation aspect and water quality of the Chagrin River.

Larry Goodman, 38588 Mentor Avenue, Willoughby (representing Andrews Osborne Academy (AOA)) – With respect to the rezoning and the project, Mr. Goodman said he is very excited about the way the project brings the entire community into AOA's bottom line which is education. The project will create a land lab along the Chagrin River that will be a site for students throughout the county to learn about river conservation and forest progression. He said this also teaches the students at AOA that you can develop property and conserve at the same time. He said 50 acres will be a development and 102 acres will be conserved.

Kim Brewster Shefelton, Deputy Director, Chagrin River Watershed Partners (CRWP) – Ms. Brewster Shefelton said CRWP is a non-profit organization and the City has been a member of the organization for many years. She said CRWP has been working with the City, WRLC and other local partners on the protection of sensitive riparian land within the Chagrin River corridor. She said CRWP supports the City's efforts to protect the flood plain and low lands areas; in particular this will provide flooding erosion control and water quality benefits for the Chagrin River as well as Lake Erie. She said CRWP has been working with the City and WRLC and other partners on a Chagrin River to Lake Erie trail plan initiative which is

supported by 26 local partners. The protection of the Chagrin River will preserve the land and open it up to public access. She said CRWP is excited to be working on the recently awarded H2Ohio project which will provide a lot of benefits to the Chagrin River.

Mayor Fiala – Mayor Fiala said this process started over two years ago with the first rezoning application. At that time, Dr. Goodman met with local residents including the St. John’s Bluff Homeowners Association where he explained that the property would be sold regardless of how the Planning Commission or City Council votes simply because AOA needs the funds to create an annuity in order to fund an ongoing capital improvement program. He said the project went from a rezoning request to R-60 with 102 lots to a rezone request to R-80 with 91 lots, both of which were rejected. Recently with the collaboration between the developer, the City, CRWP and WRLC, the developer is now requesting 54 lots which is almost half of the original request for rezoning. He said at the end of the day, there will be over 100 acres of land dedicated to conservation in perpetuity He said it is the opinion of the City’s administration that the rezoning is a small concession to gain a huge give back with 200 acres of conserved property along the Chagrin River. This collaboration will help conserve the single largest tract of land in the history of the City.

Those Speaking in Opposition – No one spoke.

PUBLIC PORTION:

Tom Drayer, 5340 Nan Linn Drive – Regarding the passing of Frank Murphy who was the corn hole league coordinator for many years, Mr. Drayer asked if the City would consider recognizing his achievements at a memorial to take place later this year. Mr. Drayer voiced concerns about the increase to join the senior center from \$7.00 a year to \$12.00 a year with an additional \$3 per month to every member of the corn hole league. He asked the City to reconsider the increase and at the very least, cut out the \$3 per month for the corn hole league.

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

NEW BUSINESS:

RESOLUTION NO. 2022-15

A resolution approving EAS #15-12-21A for the rezoning of 49.38 acres of real property located on Johnnycake Ridge Road and further identified as Permanent Parcel No. 27A0310000170 and portions of Permanent Parcel Nos. 27A0310000020, 27A0310000160, and 27A0310000180 from Residential One-Family 100 (R-100) to Residential One-Family 80 (R-80).

Motion made and seconded to adopt Resolution No. 2022-15.

Discussion: Council President Carr thanked the Mayor, CRWC, WRLC for their hard work. He said the project is a great opportunity to create conservation land along the river for generations to come.

Councilman Merhar said he was part of the Planning Commission who rejected the rezoning last year and indicated he is not a fan of rezoning in order to put more homes on a piece of property. He said there is a huge upside for the City, but doesn't want rezoning to be a common occurrence.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2022-16

An ordinance amending the Zone Map of the City of Willoughby, Ohio, to reclassify 49.38 acres of real property located on Johnnycake Ridge Road (Permanent Parcel No. 27A0310000170 and portions of Permanent Parcel Nos. 27A0310000020, 27A0310000160, and 27A0310000180) from Residential One-Family 100 (R-100) to Residential One-Family 80 (R-80).

Motion made and seconded to adopt Ordinance No. 2022-16.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2022-17

A resolution authorizing the Mayor to enter into an agreement to accept a Northeast Ohio Public Energy Council (NOPEC) 2022 Energized Community Grant in the amount of \$59,776.00, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-17 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2022-17.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2022-18

A resolution supporting the Willoughby Lions Club in their submission of an application to State Farm for the State Farm Neighborhood Assist Grant, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-18 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2022-18.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala thanked Council for their support with the passage of the rezoning. He said there were a lot of questions regarding the H2Ohio Grant. He said the City is in the final stages of completing the capital grant application; he would like to invite CRWP and WRLC to a Council meeting to make a presentation on the capital grant application, the H2Ohio project and the Chagrin River trail. Mr. Carr suggested holding a special meeting to discuss the project and give a presentation that is open to the public.

Mr. Carr asked the Mayor to share information regarding the parking lot behind the library. Mayor Fiala said the library has purchased the former Citizens Bank building which includes the parking lot behind the building. The property is zoned such that it would permit multi-family residential. The library asked if the City would have an objection if the front lawn area and the parking lot were sold. The City asked that neither piece be sold; the City believes the front lawn will make a nice adjunct park to Wes Point Park and the City would like to see the back parking lot be used as public parking. He said the City is meeting with the library to formalize details and in the meantime, the City offered to maintain the back parking lot including sealcoating, striping and snow removal. The parking lot was recently plowed, but was done after all other City snowplowing was complete. He said the parking lot could also potentially provide parking for those who lost their parking due to a downtown development. The Mayor said the library will be moving their offices into the former bank building with a formal agreement forthcoming.

DIRECTOR'S REPORTS

Law Director Lucas – Regarding the parking agreement with the library, Mr. Lucas said Council would ultimately approve by resolution a Memorandum of Understanding (MOU) outlining the terms and conditions. Mr. Lucas said he has been advised that the money from the opioid settlements is being distributed to the counties for administration; he believes there will be legislation on the agenda at the next meeting regarding the settlement money.

Police Chief Schultz – No report.

Finance Director Bosley – Ms. Bosley said there will be some upgrades to security firewalls shortly; some of the original COVID money has helped the City with e-mail upgrades and dual verification to get into the network. She said budget discussions need to take place at some point.

Service Director Palmisano – Mr. Palmisano said the Service Department is anticipating the incoming storm and are prepared. There was a discussion regarding establishing a safe crosswalk for the residents of Abbott's Manor who regularly walk across the street to Heinens. Mr. Garry thanked the Service Department for cleaning up the snow on the cul-de-

sacs from the last snowstorm. Mr. Carr and Mr. Woodin thanked the Service Department for the snow clean up. Mr. Tomaselli asked about additional clean up on some cul-de-sacs.

City Engineer Lannon – No report. Mr. Woodin asked how the pipe installation on Lakeshore Blvd. was progressing. Mr. Lannon the project is going very well; the pipe has been installed.

Fire Chief Ungar – No report. Mr. Anderson asked if the Fire Department cleans around the fire hydrants or if they are asking residents to do it. Chief Ungar said he is not pushing residents to clean around the hydrants due to the heavy snow which is very dangerous. He said the department is getting to them as they can.

Building Inspector Keller – No report.

Parks & Recreation Director Banker – Ms. Banker thanked Council for the discussion regarding seasonal rates. Ms. Banker said fireworks will take place on July 4th at the shredder plant.

COUNCILMEN:

Mr. Woodin – No report.

Mr. Kary – Mr. Kary thanked Mr. Merhar for his time serving on the Planning Commission. He said he and Mr. Merhar had rejected the rezoning for 100 homes. He said the project is very exciting for the City.

Mr. Tomaselli – Mr. Tomaselli said the land that will be protected is in Ward 3. He had told the developer originally he would never vote for the rezoning, but was happy to see the collaboration and he believes it was the right thing to do.

Mr. Merhar – No report.

Mr. Garry – No report.

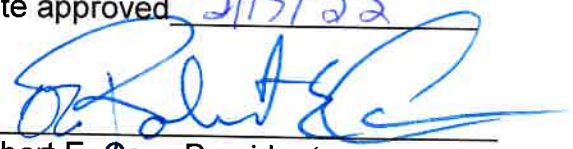
Mr. Anderson – No report.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 8:09 p.m.

Date approved

2/15/22



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, February 1, 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 George Davis of Probuilt Homes, 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: January 17, 2022