

**MINUTES  
SPECIAL COUNCIL MEETING  
VIRTUAL MEETING VIA ZOOM**

**5:06 p.m.**

**June 23, 2020**

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on June 19, 2020

**ROLL CALL**

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

**Absent:** Councilwoman McNeill

**Others Present:** Law Director Lucas, Mayor Fiala, Chief Building and Zoning Inspector Keller

Motion made and seconded to excuse Councilwoman McNeill from tonight's meeting.

Roll Call:     6 yes  
                  0 no

Motion carried 6 to 0

**UNFINISHED BUSINESS:**

**RESOLUTION NO. 2020-60 - Tabled**

**A resolution approving the application for a new awning over the garage style windows and man door as submitted by Seamus Coyne, as owner, for Nora's Public House and authorizing the issuance of a Certificate of Appropriateness, and declaring an emergency.**

Motion made and seconded to remove Resolution No. 2020-60 from the table.

Roll Call       6 yes  
                  0 no

Motion carried 6 to 0

**DISCUSSION:**

Council President Carr said this resolution was on the agenda at the last council meeting. Council was uncomfortable voting on it at the last meeting with a memo regarding it coming out an hour before the meeting. The matter didn't go back to Design Review Board (DRB) because it had been denied. Law Director Lucas said it was denied which ends the DRB's jurisdiction to rule on it. They procedurally could have made a motion for reconsideration but they generally require new evidence. But with no new evidence, the applicant has to wait 12 months per the ordinance. Regarding the respect between Council and DRB, he said he spoke with the Chairman of DRB and the Secretary. He said they understood and realized it was part of the process. The question was raised if the DRB had knowledge that the awning was already purchased because it was never formally brought up during the course of any meeting. Mr. Carr said the DRB would have preferred it to be two awnings with an opening over the man door.

Councilman Kary said as a former member of the DRB, he agrees with the board's concern with the proposed awning. On Page 38 of the guidelines for the Willoughby Historic Preservation District under awnings and canopies, the board is directed to not cover up the prominent architectural features of the building which is what they were basing their decision on. He said he would have been concerned with covering up some of the glass which probably should have been repaired. He said he is disappointed that Codified Ordinance 1347.08, the issuance of Certificate of Appropriateness, was not followed which states that if a satisfactory alternative has not been worked out after six weeks, then the board shall refer the matter to Council with the board's written recommendation for the application. He feels the DRB didn't refer it to Council nor did they give Council their recommendation for the application. He believes the applicant needs to understand how important their leadership position is within the City because they are prominent business owners in the City. He said the City has had a DRB since 1983 and everyone needs to realize that all those who reside or conduct business in the historical district must comply with the directions and guidelines of the DRB.

Councilman Woodin said he didn't particularly see any historical features that would be covered up. He asked if there is another building in downtown that the awning covers the window and the door in one swoop. Councilman Tomaselli said there could be an awning in one framed building with two different businesses each with their own awning. If you look at the building, it looks like one unit but two awnings, one over each business. That's what Nora's would look like if they didn't occupy both sides of the building. Mr. Woodin asked if there could be a way to approve the awning for two years and after two years, ask the applicant to redo the awning. Mr. Lucas said he would recommend not doing that.

Councilman Anderson noted that the pilasters can still be viewed when you walk down the street but not when you're look straight at the building.

Mr. Tomaselli said he doesn't see a problem with the awning and doesn't like the fact that Council has to make a decision on the matter. Mayor Fiala said every board has a clear path for an appeal process except for DRB; it should be reviewed and amended. Mr. Tomaselli asked what would happen if Council rules no on the awning and they put it up anyway? He referenced the painting at All Axes with no repercussions. Council could set a precedent in punishing someone like Nora's but not punishing All Axes? If Council denies the application and he keeps the awning up anyway, it would go to the Lake County Prosecutor who could demand the awning be taken down. If it doesn't come down, he would be held in contempt of court. Council Clerk said that Daryl Keller mentioned that All Axes was held accountable for painting the building. The Mayor said All Axes ultimately did receive approval.

**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.**

Chief Building and Zoning Inspector Keller joined the meeting at this time. Mr. Tomaselli said at the last meeting, Councilwoman McNeill said that All Axes did something at the time that wasn't supported by the DRB. He said Council didn't know what happened after that. He thought perhaps the Coyne's would feel they were being punished for something when All Axes was not.

Mr. Keller said all work at All Axes was stopped but they were basically done by that time. They did go immediately to the DRB and were approved as it was painted. Mr. Lucas noted that the resolution itself is an emergency and requires five votes to enact the emergency clause. Mr. Tomaselli asked if the City can commit to amending the appeal process for the DRB. Mr. Lucas said he and the Mayor will review the current process and make it more user friendly. Mr. Kary said he spoke to the DRB and found out that when the applicant attended the first meeting, the DRB tabled it. The applicant came back to the second meeting with no revisions so it was tabled again asking him to come back with revisions. The applicant was a no show at the third meeting. The DRB voted on the application that was in front of them at the first meeting.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-60 be declared an emergency measure.

Roll Call      4 yes  
                    2 no (Kary, Woodin)

Motion denied 4 to 2

Mr. Carr asked where that left Council on voting. Mr. Lucas explained it could not pass as an emergency measure and will be voted upon without the emergency measure. He said the standard ordinance in the absence of the emergency clause when passed by Council has a 30 period from the date of signing before it becomes legally effective. The emergency clause eliminates the 30 day wait period and makes it effective immediately upon signing.

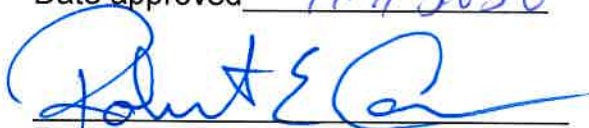
Motion made and seconded to adopt Resolution No. 2020-60 without the emergency declaration.

Roll Call      4 yes  
                    2 no (Kary, Woodin)

Motion carried 4 to 2

*The Special Council Meeting adjourned at 5:45 p.m.*

Date approved 7/14/2020



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor