

**MINUTES
REGULAR COUNCIL MEETING
VIRTUAL MEETING VIA ZOOM**

7:00 p.m.

January 19, 2021

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on January 15, 2021.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director Lucas, City Engineer Lannon, Service Director Palmisano, 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 by Councilman Carr.

ORGANIZATIONAL BUSINESS

COUNCIL APPOINTMENTS

Motion made and seconded to appoint council members to the following board:

Volunteer Firefighters' Dependents Fund Board - Bob Carr and Chris Woodin

ROLL CALL: 7 yes
 0 no

Motion carried 7 to 0

Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of January 5, 2021.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Council President Carr said the committee assignments will remain the same for 2021.

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Ms. McNeill – No report.

Environmental Planning Committee, Mr. Kary – Reported two items on the agenda this evening. The Committee met earlier this evening to discuss EAS #10-11-20 and #13-11-20.

Finance and Audit Committee, Mr. Tomaselli – Reported two items on the agenda this evening. He said the Finance and Audit Committee will meet prior to the next Council meeting; the proposed budget will be sent out electronically for review.

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

Personnel Committee, Mr. Anderson – Reported one item on the agenda tonight. There will be a committee meeting in the near future.

Safety Committee, Mr. Tomaselli – Reported two items on the agenda honoring two long time employees of the City.

Service Committee, Mr. Woodin – No report.

WPCC Committee, Mr. Anderson – No report.

Clean City Commission, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

Shade Tree Commission, Ms. McNeill – Reported the commission met last week; the commission is looking to make some changes. Councilwoman McNeill said she will be starting a garden club with the support of the commission and Mayor Fiala.

CORRESPONDENCE: Clerk Novak read a request from the Ohio Division of Liquor Control for a transfer from Nation Gas Station LLC, dba Lost Nation Sunoco, 1065 Lost Nation Road, Willoughby, OH 44094 to Faya LLC, dba Lost Nation Sunoco, 1065 Lost Nation Road, Willoughby, OH 44094. There were no objections.

PUBLIC PORTION: Mike Mayher, Executive Vice President and Treasurer, Lakeland Community College, 7700 Clocktower Drive, Kirtland – Mr. Mayher said he was also speaking on behalf of Lake Health where he has been a long time trustee. He said Lakeland Community College and Lake Health are both concerned about the traffic analysis that was provided by Sheetz in order to obtain approval for the construction of Sheetz. He noted that both Lakeland and Lake Health look forward to having Sheetz as neighbors; however, they would like a true representation of the level of traffic so safety improvements can be made. He said one traffic analysis was done this summer during COVID when all learning was remote and the other was done in August, 2017 which was 10 days prior to the beginning of fall classes. He requested the vote be tabled until the traffic study is reviewed. Councilman Carr said this resolution was discussed earlier and will be tabled.

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:

ORDINANCE NO. 2021-5

An ordinance authorizing Amendment No. 2 to Ordinance No. 2020-32, the Manning & Payroll Ordinance, relative to Golf Course Division, and Salaried, Non Elected Personnel, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2021-5 be declared an emergency measure.

Roll Call 6 yes
 1 abstain (Kary)
 0 no

Motion carried 6 to 0

Motion made and seconded to adopt Ordinance No. 2021-5.

Roll Call 6 yes
 1 abstain (Kary)
 0 no

Motion carried 6 to 0

RESOLUTION NO. 2021-6

A resolution authorizing the Director of Finance to implement payment for the City of Willoughby's share of the purchase of property located in the City of Eastlake necessary to the installation of the Lakeshore Boulevard East Equalization Basin Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-6 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-6.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-7

A resolution to honor and give recognition to Colette Ackroyd for forty-five (45) plus years of dedicated service to the City of Willoughby.

Chief Ungar read Resolution No. 2021-7 in its entirety.

Motion made and seconded to adopt Resolution No. 2021-7.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-8

A resolution honoring Assistant Chief of Fire Scott Mlakar and commending him for his thirty-five (35) years of service to the City of Willoughby.

Chief Ungar read Resolution No. 2021-8 in its entirety.

Motion made and seconded to adopt Resolution No. 2021-8.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-9

A resolution approving EAS #10-11-20 for construction of a manufacturing facility located at Lost Nation Road and Aquarius Parkway (Prestan Products).

Motion made and seconded to adopt Resolution No. 2021-9.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-10

A resolution approving #13-11-20 for construction of a self-service fuel center located at 4145 S.R. 306 (Sheetz).

Motion made and seconded to table Resolution No. 2021-10.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala reported that more code updates are being worked on. These include the appeals process for the Design Review Board, landscaping inclusions that Planning Commission member, Jodi McQue, would like added and the arts code. As a result of recent discussions between the Mayor, Law Director Lucas, Darryl Keller and Karen Brooks, there will be a shift on how codes are written. He said the more prescriptive the codes are written, the harder they are to enforce. This will ensure that the boards have more flexibility when it comes to landscaping, sidewalks, etc. He said he wants the Planning Commission to be able to dictate the size of trees and sidewalks with a code that supports that as part of the review process.

Councilman Anderson wanted the Mayor and Council to know that he had received a call from a resident who had reached out to Republic Waste regarding recycling. She was informed that if there was one pizza box in the recycling truck, the entire truck load of recyclables is thrown out. Mr. Anderson said he doesn't understand why residents are paying for recycling if this is the case. Mr. Carr said the City should request a facility visit similar to the one that was done a few years ago with Waste Management. Service Director Palmisano said he would reach out to Republic Waste. He said that he is aware that if a food container is not clean or a pizza box is found, all potential recyclables get thrown out.

DIRECTOR'S REPORTS

Law Director Lucas – Regarding the restructuring of the building and zoning codes and the interpretation of the codes, Mr. Lucas said he will work to resolve and streamline the codes, including the arts code, that are found to be less user friendly.

Mr. Lucas said he received word that the partial consent decree on the federal litigation for Riverside Commons has been signed by the judge. The City is moving forward with the

resulted remediation that the City is required to do within 120 days. He reminded Council that there is a pending cross claim filed by the City against Mr. Osborne and a pending cross claim filed by Mr. Osborne against the City which is still pending in the federal court action. He's not sure when any litigation will take place because Mr. Osborne has filed for bankruptcy.

Mr. Lucas said several members of Council and the Law Director have received calls regarding political signs still being up. An amendment to the sign ordinance regarding political signs will be on Planning Commission agenda next week.

Regarding the consent decree, Mr. Carr asked if Tom Thielman can get moving on the development of Riverside Commons. Mr. Lucas said there is still one lot that isn't owned by the Osbornes that needs to be dealt with. He said the Mayor has been very active in contacting this individual regarding this lot. He is hopeful this parcel can be brought into the equation and move forward with the development of the property. Mayor Fiala said that Tom Thielman will begin to "soft" promote the property.

Regarding the posting of political signs, Councilwoman McNeill asked what the current time limit was on them. Mr. Lucas said durational limits on political signs was ruled unconstitutional, was inadvertently put back into the code during the 2020 update. He said the City is currently working on getting the clerical error rectified.

Service Director Palmisano – No report. Mr. Anderson asked if he or Mr. Lannon were aware there was some surveying done on River Road this past week possibly related to erosion issues. Mr. Palmisano said Mr. Lannon is involved in that work regarding the erosion; he believes it's related to the outfall from South Street going into the river. Mr. Tomaselli asked if a damaged electronic speed sign on Kirtland Road will be replaced. Mr. Palmisano said he was not aware there was an accident there; but said it will be replaced.

City Engineer Lannon – Regarding a funding source that Mr. Anderson had asked about for counties located in northwest Ohio, he said that funding source is not available to Willoughby for erosion. He said a structural engineer was out on River Street last Wednesday to do some measurements to make sure the road isn't moving.

Fire Chief Ungar – Chief Ungar thanked Council for the two resolutions passed this evening. There was a total of over 80 years of service between the two retirees in the department. The department recently promoted a new Assistant Chief, Battalion Chief and Lieutenant. A new firefighter is going through the pre-employment process and should start soon. He said he was happy to hear that Prestan Products is moving into Willoughby; their simulators are the preferred product to use in the industry.

Police Chief Schultz – Regarding the recent events in the country and in DC, Chief Schultz wanted to ensure the community that the City will be safe and doesn't feel there will be any issues tomorrow. He said due to some recent sun in the last week and a half, the department has had some success with the Flock Safety camera program. He said last week a stolen car was recovered and the suspect arrested in the Lowe's parking lot. He reported another incident when a stolen car with multiple occupants resulted in a pursuit that ended in Euclid. The flock cameras and officers have prevented a multitude of vehicles break-ins. There has

been an increase in vehicle break-ins throughout the City and Lake County. Through shared intelligence in Lake County, the department learned there have been a lot of young adults and juveniles who have been stealing cars in Lake and Cuyahoga counties and committing vehicle break-ins. He suggested that residents lock their vehicles and not leave valuables in them. He also suggested residents look into a home video surveillance system such as Ring or Nest. He said the department has a program called Operation S.C.R.A.M. (Surveillance Camera Registration and Mapping). This program provides law enforcement the locations of homes and businesses throughout the City that have surveillance cameras. The department has no access to the camera; it simply means you are willing to assist law enforcement with a crime. This program will be effective in solving and preventing crimes and will build partnerships with the community. Registration forms are available on the Police Department website as a PDF.

Building Inspector Keller – No report.

Parks & Recreation Director Banker – Ms. Banker reported the senior center now has a relationship with the Cleveland Food Bank. Food distributions for seniors in need will be distributed the fourth Thursday of every month. She is seeking volunteers from 1:15 p.m. to 4:30 p.m. at the senior center. This will help those seniors in need during the pandemic.

Finance Director Bosley – No report.

COUNCILMEN:

Mr. Woodin –Mr. Woodin congratulated Assistant Chief Mlakar and Colette Ackroyd on their retirements and thanked them for their service.

Mr. Kary – Mr. Kary sent his best wishes to Assistant Fire Chief Mlakar and Colette Ackroyd on their retirements.

Mr. Tomaselli – No report.

Mr. Anderson – No report.

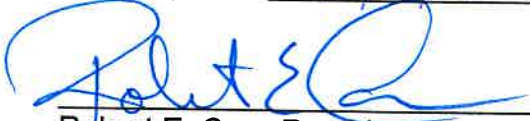
Mr. Garry – No report.

Ms. McNeill – No report.


Mr. Carr – No report.


The Regular Council Meeting adjourned at 7:53 p.m.

Date approved 2/2/21



Robert E. Carr, President



Clerk of Council


Robert A. Fiala, Mayor