

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

7:00 p.m.

February 2, 2021

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on January 29, 2021.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director Lucas, City Engineer Lannon, Service Director Palmisano, Fire Chief Ungar, Police Chief Schultz, Parks & Recreation Director Banker, Finance Director Bosley, Clerk Novak

The meeting was led in prayer by Councilman Carr.

Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of January 19, 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 – Reported one item on the agenda tonight.

Finance and Audit Committee, Mr. Tomaselli – Reported there was a committee meeting this evening to discuss the 2021 budget; further discussions will take place on February 16th.

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. Anderson – Reported the annual joint WPCC committee meeting will be held in person at Eastlake City Hall on March 10th at 6:00 p.m.

Clean City Commission, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

Shade Tree Commission, Ms. McNeill – No report.

CORRESPONDENCE: Clerk Novak read a request from the Ohio Division of Liquor Control for a new C-1 permit class (carry out beer) for Marc Glassman, Inc. dba Marcs Willoughby, 34881 Euclid Avenue, Willoughby, Ohio. Mr. Anderson asked if they will be selling wine as well. Mayor Fiala said there was a license for wine but not for beer. There were no objections.

PUBLIC PORTION: Cindy Bernardo, 4524 River Street – Ms. Bernardo said she wanted to discuss the slope failure at the intersection of River and South Streets. She said in 1998, a retaining wall was constructed south of the intersection. At that time, and in the years since, she was told it was being monitored. Recently she noticed a few men from CT Consultants taking measurements. In a May, 2017 report, CT Consultants recommended a few repairs to the slope and also provided an estimate for a retaining wall for erosion prevention. She said since that time the erosion has accelerated. The slope and erosion is threatening a state route and a vital link to downtown as well as private property. Ms. Bernardo requested that the administration and Council make the erosion on River Street a priority. City Engineer Lannon said their structural engineer, who had done the measurements previously, did the current measurements after someone called regarding additional slope failure noting more of the road has been lost off the edge of the cliff. He said he doesn't have the results yet, but it's obvious that it has changed. Mr. Lannon said an updated cost estimate will also be prepared that can be used to approach the Ohio Department of Transportation (ODOT) to ask them to participate in a retaining wall project. ODOT denied it previously, but the City will keep trying. He said it was denied in the past because it's a state route within a City, and ODOT views the work as the City's responsibility. Mr. Anderson asked if the City can make that part of River Street, a "no truck" street. It was his understanding that because it's a state route; you are not allowed to prohibit trucks. Law Director Lucas said he was always under the impression that the City doesn't have any regulatory authority over state routes. He said it seems like neighboring communities have prohibitions on heavy trucks on state routes. He said he would like to contact ODOT and inquire about the matter and also talk to the City Engineer. Ms. Bernardo felt the heavy truck traffic is now a moot point. She said it's her understanding the outflow from the sewer is also a contributor to the erosion. Mr. Lannon said it isn't helping with an outflow that is down near the river.

Jessica Guerreri, River Street – Ms. Guerreri said she feels it's a little too late to limit the truck traffic at this point. She said it's alarming to watch in real time the rate in which the land is disappearing. She said she has a copy of the study from 2017 that CT Consultants had prepared. She said the area near South Street has been monitored since 2003. At that point, a 19' wide slope failure about 5' off the edge of the pavement was being monitored. Since that time, that slope failure has widened to 24' and there has been an additional larger slope failure of 45' that has occurred right next to it. In 2017, CT Consultants anticipated the land in between those two slope failures would also fail. CT Consultant also identified a 122' longitudinal crack in the pavement between those two areas. She said the results of the study were pretty alarming and CT Consultants made some strong recommendations on short and long term solutions. She said currently the slope failure is at the pavement. She said the one long term solution was a 125' soldier pile retaining wall which is a large expense. She said if the City waits longer, it will be even more expense. She wants the issue brought back into the

forefront for discussion and drastic action needs to happen. Mr. Anderson asked what will be done in the immediate future about the road cracking. Service Director Palmisano said there is no scheduled maintenance on the road right now. He said once the weather breaks, any cracks can be addressed with the crack sealing crew. Mr. Lannon said the failure is up to the guiderail post; fencing may be an option.

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. 2021-10 - TABLED

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

NEW BUSINESS:

RESOLUTION NO. 2021-11

A resolution authorizing the Mayor to enter into an agreement to accept a Northeast Ohio Public Energy Council (NOPEC) 2021 Energized Community Grant in the amount of \$61,665, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-11 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-11.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-12

A resolution in ratification of a previously completed tap-in to the Willoughby-Eastlake Sewer System for Permanent Parcel No. 31A017A000040, owned by Mary Rose Estates Apartments LP, in the City of Willoughby Hills, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-12 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-12.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Reported he will be meeting with the Building Department and the Law Department to continue the modifications to the codes. He said he would reach out to Councilwoman McNeill with some ideas after doing some research on the Shade Tree Commission, Clean City Commission and Clean City Association. He said he is making a priority the scheduling of a Ward 5 meeting with Councilman Anderson to discuss the Browning School as well as meeting with Law Director Lucas and City Engineer Lannon to discuss the erosion on Rt. 84. Regarding the code updates, Councilman Kary asked if the City could look at requiring sidewalks for new developments and redevelopments. The Mayor agreed with Mr. Kary and said he would like to give the Planning Commission that flexibility to allow for sidewalks and other walkability options. Mr. Kary asked when the new arts code may be in front of Council. Mayor Fiala thought within the next month along with other code updates.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – No report. Mr. Anderson asked how much salt has been used and if the City is using beet juice. Mr. Palmisano said 1,800 tons has been ordered this year, 4,500 must be ordered to satisfy the requirement. He said the City has been using beet juice when the temperature is between 20 and 25 degrees. Mr. Anderson asked if the City has considered the pre-treated salt instead of incurring the cost of salt and beet juice. Mr. Palmisano said the pre-treated salt is a great product but is \$20 a ton more; he said the City can't afford to use it in all areas. He said the beet juice is \$1.50 per gallon and is the cheapest and most effective product right now.

City Engineer Lannon – No report.

Fire Chief Ungar – Regarding a question about COVID trends that came up earlier in the Finance meeting, he said he receives daily updates from the Lake County General Health District showing how many Willoughby residents test positive. Near the end of December, that number was 139 residents during the course of a week. For the current week (Wednesday to Tuesday) that number is 39. He said numbers have dropped significantly; the current county total for the week is 58. Mr. Carr asked if the current reporting is more accurate than previously when totals didn't necessarily include nursing homes. Chief Ungar said he felt it is far more accurate. He said the health department reassigned a lot of people to different roles. He said he is in touch with the same 2 or 3 people who only do contact tracing. Mr. Kary asked if our Fire Department personnel have received the vaccine. He said 60% of the department has been vaccinated with some personnel declining to receive the vaccine.

Police Chief Schultz – Chief Schutz reported that tomorrow, four officers will receive awards from the Lake County Police Chief's Association. In April, 2019 Lt. John Begovic and

Patrolman Paul Sciarrino went into a burning apartment at Willow Park Apartments and saved a woman trapped in a back bedroom. Patrolmen Kevin Crowley and Matt Neath performed life saving measures on a 14 month old child in July, 2020. He said he is very proud of all four officers and their dedication to protecting our community. He thanked Chief Ungar for notifying him on both incidents.

Regarding an incident that took place early Friday morning, Chief Schultz said he wanted to commend the efforts of Lt. Dan Pitts, Sgt. Toby Davis and their officers, Detective Lt. Matt Tartaglia and his detectives. He said two males from out of state were caught stealing \$50,000 worth of Snap-on and Milwaukee tools from a storage unit off Euclid Avenue and Campbell Road. With the help of the Wickliffe and Willowick Police Departments, K-9 Rex and his handler Patrolman Brandon Zinner, the suspects were caught after a short foot pursuit. He said it is believed that the two suspects are involved in a multi-state theft ring. He said the department was tipped off by a shop owner working on Campbell Road who saw the two men going back and forth to a van with a shopping cart.

Building Inspector Keller – Absent.

Parks & Recreation Director Banker – Ms. Banker said she received many calls and e-mails regarding the playground equipment being removed at Browning. The City is removing the playground structure, picnic tables and benches. The playground structure will be moved to Gilson Park. A lot of people asked that the equipment be placed at Falconwood, but unfortunately it's not big enough when it comes to implementing safety zones. She said fences would need to go up, taking away from the neighborhood. A free library that was built by a Boy Scout for an Eagle Scout project will be moved to Falconwood. The swings will be re-used as replacement parts in the City.

Finance Director Bosley – No report. Council can reach out to her if they have any further questions regarding the budget.

COUNCILMEN:

Mr. Woodin – Mr. Woodin thanked Ms. Bosley and the finance Department for putting together the budget and the Directors for maintaining their budgets each year.

Mr. Kary – No report.

Mr. Tomaselli – No report.

Mr. Anderson – Mr. Anderson thanked Ms. Banker for addressing the playground equipment. Regarding the upcoming Ward 5 meeting, he would like as many people as possible to attend. There will be a discussion about Browning and the new development on Shankland. The meeting will be announced on Facebook.

Mr. Garry – No report.

Ms. McNeill – No report.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 7:51 p.m.

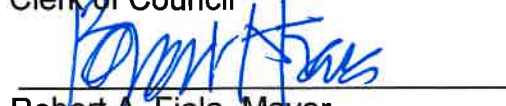
Date approved 2/14/21



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor