

MINUTES REGULAR COUNCIL MEETING

7:09 p.m.

August 10, 2021

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on August 6, 2021.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director Lucas, City Engineer Lannon, Service Director Palmisano, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Keller, Finance Director Bosley, Clerk Novak

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

PUBLIC HEARING:

Clerk Novak read the legal notice for the public hearing to be held tonight on proposed text amendments to the Planning and Zoning Code (see attached).

Those Speaking in Favor – No one spoke.

Those Speaking in Opposition – No one spoke.

Economic Development Director Thielman continued discussion regarding Ordinance 2021-76 and Resolution No. 2021-77 from the Legislative Caucus meeting held earlier. He said a few months ago, the City received several opportunities for Building A (formally Willoughby Career Academy). After receiving the two new opportunities, a committee was formed to look at both proposals. The committee recommended the proposal from Liberty Development to develop the building into 28 or 29 market rate apartments and to build 19 for-sale townhomes. He said the City had to go back to the school board and renegotiate the price of the building and property. He thanked Katie McNeill for her help with that negotiation. Mayor Fiala said the City needed to wait until last night's school board meeting before bringing the legislation forward.

Dru Siley from Liberty Development said the company is excited about the opportunity and understands the trust the City has extended to the company with a historic asset to the City. He said Liberty Development is a residential, commercial and industrial developer. He said he runs the residential group and has had a lot of success recently developing townhomes mostly on the west side of Cleveland in communities like Willoughby that have a strong downtown and are walkable. He said the company has also been successful in adoptive reuse of historic buildings using historic tax credits. The school building will be converted into 28 market rate apartments with an elevator; 35 parking spaces plus guest parking. There will be three different types of townhomes; a group of three story townhomes that will face Euclid Avenue; a group of two story townhomes that will face Center Street featuring a first floor master bedroom and a group in the center of the site that will be similar to the townhomes

recently built near City Hall. Mayor Fiala said this project saves a valuable asset with minimal density.

Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of July 13, 2021.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – Mr. Carr congratulated Council and the Mayor on their upcoming re-election.

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 – Reported one item on the agenda this evening.

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

Safety Committee, Mr. Tomaselli – Reported there was a committee meeting this evening to discuss speed cameras in school zones with Blue Line Solutions. He requested the related legislation on the agenda remain tabled.

Service Committee, Mr. Woodin – Reported four items on the agenda this evening.

WPCC Committee, Mr. Anderson – Reported two items on the agenda this evening.

Clean City Commission, Mr. Garry – Reported the shredding event will be held on August 21st from 9 to 12 p.m. for Willoughby residents (paper only).

Planning Commission, Mr. Kary – Reported two items on the agenda this evening.

Shade Tree Commission, Ms. McNeill – No report. Mayor Fiala said legislation was not on the agenda this evening addressing changes to the commission due to the lengthy agenda. He would like to have a conversation with Council on merging two other boards (Sign Review Boards and Design Review Board).

CORRESPONDENCE: Clerk Novak read a request from the Ohio Division of Liquor Control for a Trex from Marc Glassman, Inc., dba Marcs 20th Street Plaza, 3014 Cromer Avenue NW, Canton, OH 44709 to Marc Glassman, Inc. dba Marcs Willoughby, 34881 Euclid Avenue, Willoughby, OH 44094. This license would be for wine and mixed beverages; they previously were issued a license to sell beer. Marc's in on the November ballot requesting Sunday wine sales. There were no objections to this request.

PUBLIC PORTION:

Dave Burrington, 37427 Harlow Drive, Willoughby, Ohio – Mr. Burrington asked if the project at the former high school was for just apartments. Mayor Fiala said the school building itself will be 28 market rate apartments and 19 for sale townhomes will be built.

Jerry Ranally, 37832 Park Avenue, Willoughby, Ohio – Mr. Ranally congratulated Council and the administration for Ordinance No. 2021-75. Mr. Ranally asked if the Resolution regarding Blue Line Solutions is still tabled. Mr. Tomaselli said it will remain tabled due to some legal issues. Mr. Ranally congratulated the City on the upcoming former high school project.

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.

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.

NEW BUSINESS:

RESOLUTION NO. 2021-64

A resolution to accept the material terms of the One Ohio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-64 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-64.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2021-65

An ordinance amending Chapter 779 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Transient Guest Registration"; specifically, Section 779.04, titled, "Register May Be Inspected".

Motion made and seconded to adopt Ordinance No. 2021-65.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2021-66

An ordinance amending Chapter 1103 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Definitions"; specifically, Section 1103.03, titled, "Definitions of General Terms".

Motion made and seconded to adopt Ordinance No. 2021-66.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-67

A resolution designating Public Depositories for active funds of the City of Willoughby, Ohio, repealing Resolution No. 2018-118, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-67 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-67.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-68

A resolution amending Resolution No. 2021-21 to provide for current expenses and other expenditures of the City of Willoughby, Ohio, during the period ending December 31, 2021, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-68 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-68.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-69

A resolution authorizing an expenditure in the amount of \$423,762 (base price of \$453,762 minus a trade in amount of \$30,000 for one 2005 Vactor Combination Sewer Truck) for the purchase of (1) Gap Vax Sewer Cleaning Combination Truck from MTech for use by the Sewer Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-69 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-69.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-70

A resolution authorizing an expenditure of \$39,828 for the purchase of one (1) 2022 Ford Super Duty F-550 Cab and Chassis from Classic Ford of Mentor for use by the WPCC, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-70 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-70.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-71

A resolution authorizing an expenditure in the amount of \$91,895 for the purchase of one (1) Single Axle Freightliner Truck Chassis from Valley Freightliner & Western Star through the State of Ohio Cooperative Purchasing Program; said vehicle for use by the Street Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-71 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-71.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-72

A resolution authorizing an expenditure of \$89,232.06 for the purchase of one (1) Body Assembly for a Single Axle Freightliner Truck from Concord Road Equipment, Mfg. for use by the Street Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-72 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-72.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-73

A resolution approving Change Order No. 5-Final in the WPCC Capacity Enhancement Project with The Great Lakes Construction Co., and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-73 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-73.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-74

A resolution authorizing the Mayor to distribute Requests for Qualifications for Parks and Recreation, Civil Engineering, and Architecture Landscape Design Services for the Willoughby Amphitheater and Chagrin River Trail Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-74 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-74.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2021-75

An ordinance authorizing Amendment No. 1 to Ordinance No. 2021-19, the Manning & Payroll Ordinance, relative to payment of accumulated sick leave upon retirement or death.

Motion made and seconded to adopt Ordinance No. 2021-75.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2021-76

An ordinance authorizing the Mayor to enter into an Amendment to the Agreement with the Board of Education of the Willoughby-Eastlake City School District for the purchase of Real Property; said Real Property located with frontage on Euclid Avenue, River Street and Center Street and further identified as Permanent Parcel No. 27A0290000010, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2021-76 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2021-76.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2021-77

A resolution authorizing and directing the Mayor to proceed forward in the preparation of an Agreement with Liberty Development for the Sale and Development of 3.277 acres of land situated in Historic Downtown Willoughby for approval of Council, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2021-77 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2021-77.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala said he will be requesting confirmation of a new board member at the next Council meeting for the Sign Review Board. He will also be asking for confirmation of members for the new public art committee. He has asked the Willoughby Fine Arts and the Willoughby Arts Collaborative to submit names for the board. He has asked John Tique and Jean Fleming Gifford to sit on the board. Mr. Carr asked about the status of the main art piece (The Bridge). Mr. Thielman said it's currently in fabrication with installation slated for late September.

There was discussion about resuming formal swear in activities at Council. Mayor Fiala suggested waiting a week to see what the COVID numbers are. Mr. Anderson suggested using the front steps of City Hall to do the swear ins.

Mr. Carr said a resident recently brought up questions and concerns about leash laws and walking dogs on sidewalks. After much discussion, according to Chief Schultz, the current law gives his department the authority to take care of these nuisance complaints. A resident can give the Police Department a call to handle these situations.

Regarding the Osborne Park shoreline erosion project, Mr. Woodin asked if there was a time frame for the planning of the project. Mayor Fiala said he put together a quick schedule for that project and one for the amphitheater project as well. He said he would like to have community engagement meetings in September for both projects with the Smith Group. Mr. Woodin asked about installing cameras at Osborne Park. Service Director Palmisano said the Parks Department purchased several "game" cameras. Chief Schultz said these wildlife cameras can be placed anywhere but cannot be viewed remotely. Mr. Woodin would like a live camera installed.

DIRECTOR'S REPORTS

Law Director Lucas – No report. Regarding a possible development on the north end, Mr. Woodin asked if Mr. Lucas could look into the feasibility of vacating a street and opening up a vacated street (Windermere). Mr. Lucas said a reopening would be in conjunction with the City Engineer and he will need more information to proceed.

Service Director Palmisano – Mr. Palmisano thanked Council for the passage of Resolution Nos. 2021-69 through 2021-72. Mr. Carr asked about the no parking signs that were absent from the market this past Saturday. Mr. Palmisano said the signs should have been out; he will make sure they are out on upcoming Saturdays.

City Engineer Lannon – No report. Mr. Anderson asked when the EPA will be asking for more work to be completed at WPCC. Mr. Lannon said the City is caught up; however, there is a long term list. Sewer rates will be discussed at an upcoming Finance Committee meeting.

Fire Chief Ungar – Reported on an incident this morning due to the recent storms and said there are severe storms and high heat advisories for the next three days.

Police Chief Schultz – Reported there was a good turnout last Tuesday, August 3rd for National Night Out which was held at Osborne Park. It was a great event for the police to become engaged with the community and build trust. He noted that it has been year since the dispatch center started provided dispatch service for the City of Kirtland. He said he is proud

of the dispatchers during the transition along with Assistant Chief Tartaglia and Communications Supervisor Marlene Matteo.

Building Inspector Keller – Mr. Keller thanked Council for approving the legislation affecting the building and zoning code this evening. Mr. Anderson asked what the status of Browning School was. Mr. Keller said he spoke with the developer, Dave Knot, regarding the process for demolition. Mr. Anderson noted that 6 out of the 9 lots have been sold. Mr. Keller said the lots are not sub-divided yet and they will need to go to Planning Commission for approval. Mr. Lucas said the original decision by the Planning Commission is under appeal in the Lake County Common Pleas court. He confirmed with Mr. Keller the developer is in the process of tearing the building down.

Parks & Recreation Director Banker – Absent.

Finance Director Bosley – No report.

COUNCILMEN:

Mr. Woodin – He said he was happy to report the boat races were a success at Osborne Park.

Mr. Kary – Mr. Kary said there was a good turnout for the recent Diamond Project concert at Osborne; he thanked Ms. Banker for her hard work in putting it together. He said the Willoughby Art Commission is having professional chalk artists on hand this next Saturday as part of the Last Stop Willoughby. The artists will be creating “selfie” photo taking images at nine locations throughout the City. There will be voting on the best “selfie” taking location.

Mr. Tomaselli – No report.

Mr. Anderson – Congratulated everyone on the the upcoming election.

Mr. Garry – No report.

Ms. McNeill – No report.

Mr. Carr – Mr. Carr reminded Council about marching in the upcoming parade.

The Regular Council Meeting adjourned at 8:27 p.m.

Date approved

8/17/21

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, August 10, 2021 at 7:10 p.m. in the Municipal Building, One Public Square, Willoughby, Ohio.

Said hearing will be held on the following proposed text changes to the Planning and Zoning Code:

Amend Chapter 1103 of the Codified Ordinances of the City of Willoughby, Ohio titled, "Definitions", specifically Section 1103.03(b)(78) titled "Hotel (or motel)" deleting the verbiage "less than one week", replacing with "not more than thirty days".

Recommendation of the Planning Commission: Approved

BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY

Alisa Novak
Clerk of Council

Publish: July 26, 2021