



# WILLOUGHBY

## Council Office

Daniel J. Anderson, At-Large

Kristie Sievers, Ward 1

Ken J. Kary, Ward 2

John Tomaselli, Ward 3, Vice President

Robert E. Carr, Ward 4, President

Mike L. Merhar, Ward 5

Daniel J. Garry, Ward 6

Alisa J. Novak, Clerk

### WEEKLY MEETING SCHEDULE

**TO:** All Councilmen, Administration, News Media, and other parties requesting notice pursuant to Codified Ordinance Chapter 107.

**FROM:** Alisa Novak  
Clerk of Council

**DATE:** October 28, 2022

**RE:** Meeting Schedule

.....  
The following meetings have been scheduled by Council for the week of October 31, 2022:

<u>TIME</u>	<u>DATE</u>	<u>DAY</u>	<u>MEETING</u>
6:15 p.m.	11/01/2022	Tuesday	Environmental Planning*
Immed. following	11/01/2022	Tuesday	Safety Committee**
Immed. following	11/01/2022	Tuesday	Legislative Caucus***
7:00 p.m.	11/01/2022	Tuesday	Regular Council Meeting****

#### OTHER MEETINGS SCHEDULED:

7:00 p.m.	11/02/2022	Wednesday	Design Review Board
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\*The purpose of the Environmental Planning Committee meeting is to review:

EAS #12-6-22

Rezoning of 17.416 acres of real property located on Pelton Road, PPN #27B0390000300 from Limited Industrial (L-I) to General Industrial (G-I).

\*\*The purpose of the Safety Committee is to discuss the purchase of Municipal property.

\*\*\*The general purpose of the Legislative Caucus meeting is to review legislation on the Regular Council agenda including any addenda and other related matters.

\*\*\*\*The general purpose of the Regular Council meeting is to consider items on the agenda. In addition, legislation resulting from unanticipated circumstances will appear on an addendum to the Regular Council agenda for discussion and possible action.



# WILLOUGHBY

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Alisa J. Novak, Clerk

### AGENDA REGULAR COUNCIL MEETING (REMOTE ACCESS – ZOOM MEETING ID #815 2120 6856)\* NOVEMBER 1, 2022

**PUBLIC HEARING – 7:10 p.m.**  
**Rezoning Pelton Road (see attached)**

**ROLL CALL  
PRAYER AND PLEDGE OF ALLEGIANCE**

#### **STANDING AND REGULAR COMMITTEE REPORTS**

	<b><u>Chairman</u></b>	<b><u>Members</u></b>
<b>COMMITTEE OF FULL</b> .....	Bob Carr .....	All Council
<b>ECONOMIC DEVELOPMENT COMMITTEE</b> .....	Dan Anderson .....	Ken Kary Mike Merhar
<b>ENVIRONMENTAL PLANNING</b> .....	Ken Kary .....	Dan Garry Dan Anderson
<b>FINANCE AND AUDIT COMMITTEE</b> .....	John Tomaselli .....	Dan Garry Ken Kary
<b>PARKS &amp; RECREATION COMMITTEE</b> .....	Kristie Sievers.....	Dan Garry John Tomaselli
<b>PERSONNEL COMMITTEE</b> .....	Dan Anderson.....	Mike Merhar Kristie Sievers
<b>SAFETY COMMITTEE</b> .....	John Tomaselli .....	Ken Kary Dan Anderson
<b>SERVICE COMMITTEE</b> .....	Dan Anderson.....	Dan Garry John Tomaselli
<b>WPCC COMMITTEE</b> .....	Dan Garry .....	Mike Merhar Kristie Sievers
<b>PLANNING COMMISSION</b> .....	Council Member .....	Ken Kary

**CORRESPONDENCE  
PUBLIC PORTION**

\*To listen only, Dial 1-301-715-8592 or 1-312-626-6799 and enter Zoom ID.

**NEW BUSINESS:**

**RESOLUTION NO. 2022-136**

A resolution authorizing the Director of Finance to transfer funds from the Senior Center Capital Fund to the General Bond Fund, and declaring an emergency.

**RESOLUTION NO. 2022-137**

A resolution authorizing the Mayor to enter into an Amendment No. 1 to the Contract Agreement between the City of Willoughby and Chagrin River Watershed Partners, Inc. and thereby extending the contractual deadline until December 31, 2023.

**RESOLUTION NO. 2022-138**

A resolution approving EAS #12-6-22(a) for the rezoning of 17.416 acres of real property located on Pelton Road and further identified as Permanent Parcel No. 27B0390000300 from Limited Industrial (L-I) to General Industrial (G-I).

**ORDINANCE NO. 2022-139**

An ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 17.416 acres of certain real property located at 0 Pelton Road (Permanent Parcel No. 27B0390000300) from Limited Industrial (L-I) to General Industrial (G-I).

**RESOLUTION NO. 2022-140**

A resolution authorizing an expenditure of \$24,999 for the purchase of one (1) 2023 Maverick AWD SuperCrew from Classic Ford for use by the Building Department, and declaring an emergency.

**RESOLUTION NO. 2022-141**

A resolution authorizing an expenditure of \$47,030 for the purchase of one (1) 2022 F250 4x4 from Classic Ford for use by the Parks and Recreation Department, and declaring an emergency.

**RESOLUTION NO. 2022-142**

A resolution authorizing an expenditure of \$130,935 for the purchase of three (3) 2023 Chevrolet Tahoe PPVs from Ganley Chevrolet of Aurora for use by the Willoughby Police Department, and declaring an emergency.

**ORDINANCE NO. 2022-143**

An Ordinance declaring 100% of improvements to certain parcels of real property to be a public purpose, describing the public infrastructure improvements to be made to benefit those parcels, requiring the owners of the improvements thereon to make service payments in lieu of taxes, establishing a Shepherd's Glen Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of such service payments and related matters.

Mayor's Report  
Directors' Reports  
Councilmen Reports  
Adjournment

## **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, November 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 Jeffrey W. Ruple, Esq. of Cardenas, Ruple & Kurt LLC, agent for DACMM, John Ruple, for the rezoning of PPN #27B0390000300 to be rezoned from Limited Industrial (L-I) to General Industrial (G-I).**

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: October 17, 2022**

**RESOLUTION NO. 2022-136**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER FUNDS FROM THE SENIOR CENTER CAPITAL FUND TO THE GENERAL BOND FUND, AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** That the Director of Finance is hereby authorized to transfer up to the amount of \$110,000 from the Senior Center Capital Fund (3030), as follows:

<u>TITLE</u>	<u>FUND</u>	<u>AMOUNT</u>
General Bond Fund	4010	<u>\$110,000.00</u>
<b>TOTAL</b>		<b>\$110,000.00</b>

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 3.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to continue the funding of operations of the City; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

**RESOLUTION NO. 2022-137**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT NO. 1 TO THE CONTRACT AGREEMENT BETWEEN THE CITY OF WILLOUGHBY AND CHAGRIN RIVER WATERSHED PARTNERS, INC. AND THEREBY EXTENDING THE CONTRACTUAL DEADLINE UNTIL DECEMBER 31, 2023.**

**WHEREAS**, the Contract Agreement between the City of Willoughby (“City”) and Chagrin River Watershed Partners, Inc. (“CRWP”) for the completion of the East Branch Chagrin River Restoration H2Ohio Project provides that the Contract Period ends June 30, 2023; and

**WHEREAS**, the Ohio Department of Natural Resources (“ODNR”) has approved the extension of the Project Period of Performance through to December 31, 2023; and

**WHEREAS**, CRWP and the City agree to amend the previous Contract Agreement and extend the Contract Period to December 31, 2023;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** That the Mayor is hereby authorized to enter into an Amendment No. 1 to the Contract Agreement between the City of Willoughby and Chagrin River Watershed Partners, Inc. for the completion of the East Branch Chagrin River Restoration H2Ohio Project and thereby extend the Contract Period to December 31, 2023.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 3.** That this Resolution shall be in full force and take effect immediately upon its adoption by Council and its approval by the Mayor, or at the earliest period allowed by law.

Passed: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

**RESOLUTION NO. 2022-138**

**A RESOLUTION APPROVING EAS #12-6-22(a) FOR THE REZONING OF 17.416 ACRES OF REAL PROPERTY LOCATED ON PELTON ROAD AND FURTHER IDENTIFIED AS PERMANENT PARCEL NO. 27B0390000300 FROM LIMITED INDUSTRIAL (L-I) TO GENERAL INDUSTRIAL (G-I).**

**WHEREAS**, the rezoning application which is the subject of this Resolution has been submitted and considered by this Council, pursuant to Chapter 1109 of the Codified Ordinances of the City of Willoughby;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** That the application submitted by Jeffrey W. Ruple, Esq. for the rezoning of 17.416 acres of real property located on Pelton Road and further identified as Permanent Parcel No. 27B0390000300 from Limited Industrial (L-I) to General Industrial (G-I) is approved, and the Council hereby determines that, based on environmental considerations, such project shall be allowed to commence or be constructed subject to compliance with all applicable ordinances and regulations of the City of Willoughby and statutes of the State of Ohio.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 3.** That this Resolution shall be in full force and take effect immediately upon its adoption by Council and its approval by the Mayor, or at the earliest period allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

**ORDINANCE NO. 2022-139**

**AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF WILLOUGHBY, OHIO, TO RECLASSIFY 17.416 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 0 PELTON ROAD (PERMANENT PARCEL NO. 27B0390000300) FROM LIMITED INDUSTRIAL (L-I) TO GENERAL INDUSTRIAL (G-I).**

**WHEREAS**, application has been made by Jeffrey W. Ruple, Esq., to reclassify 17.416 acres of certain real property located at 0 Pelton Road (Permanent Parcel No. 27B0390000300) from Limited Industrial (L-I) to General Industrial (G-I);

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** That the zoning classification of 17.416 acres of certain real property located at 0 Pelton Road (Permanent Parcel No. 27B0390000300) and more fully described in the legal description substantially in the form now on file with the Clerk of Council and incorporated herein by this reference as though fully rewritten, is hereby reclassified from Limited Industrial (L-I) to General Industrial (G-I);

**SECTION 2.** That with regard to the subject real property, any development plans, conditions, or amendments presented heretofore are incorporated herein pursuant to Section 1115.03 of the Codified Ordinances of the City of Willoughby.

**SECTION 3.** That, upon the effective date of this Ordinance, the City Engineer and/or the Chief Building and Zoning Inspector are authorized and directed to cause said changes to be entered on the Zone Map of the City of Willoughby and, to that extent, the Zone Map enacted by Ordinance No. 1962-66 and revised pursuant to Ordinance No. 1981-10 and any related Ordinances thereafter is hereby amended in accordance herewith.

**SECTION 4.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 5.** That this Ordinance shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.



Passed: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

Situated in Lots 6, 13 & 14, Tracts Gore, & 4, City of Willoughby and, Lake County, Ohio:

Beginning at a point in the centerline of Pelton Road (60 feet wide) where it intersects the northwest corner of Todd W. Tornstrom (27-B-039-0-00-027-0, 1061/1067), said point being South 76 degrees 01 minutes 51 seconds West, 200.20 feet, North 88 degrees 47 minutes 09 seconds West, 500.00 feet, North 72 degrees 49 minutes 09 seconds West, 140.00 feet & North 63 degrees 20 minutes 30 seconds West, 279.53 feet from a 1" iron pin found in a monument box in the centerline of Mentor Avenue :

Course 1: Thence North 63 degrees 20 minutes 30 seconds West along the centerline of Pelton Road, 902.92 feet to and angle point;

Course 2: Thence North 29 degrees 20 minutes 36 seconds West along the centerline of Pelton Road, 35.04 feet to a point on the South line of CSX Transportation INC. (21-A-999-0-00-200-A);

Course 3: Thence Easterly and Northeasterly along the Southerly line of said CSX and along a curve deflecting to the left having a radius of 5749.23 feet, a delta of 26 degrees 50 minutes 53 seconds, a tangent of 1372.21 feet, a chord of 2669.43 feet, a chord bearing of North 71 degrees 16 minutes 10 seconds East (passing through a 5/8" capped "Polaris 7987" Iron pin found in the East line of Pelton Road at 32.59 feet) a total arc distance of 2694.01 feet to a point on the City of Willoughby and City of Mentor corporation line;

Course 4: Thence South 07 degrees 47 minutes 28 seconds East, 41.20 feet along the said corporation line to a point on the North line of Norfolk Southern combined railroad;

Course 5: Thence South 51 degrees 35 minutes 00 seconds west along the North line of said railroad, 1635.20 feet to a 5/8" capped "Slay" iron pin found;

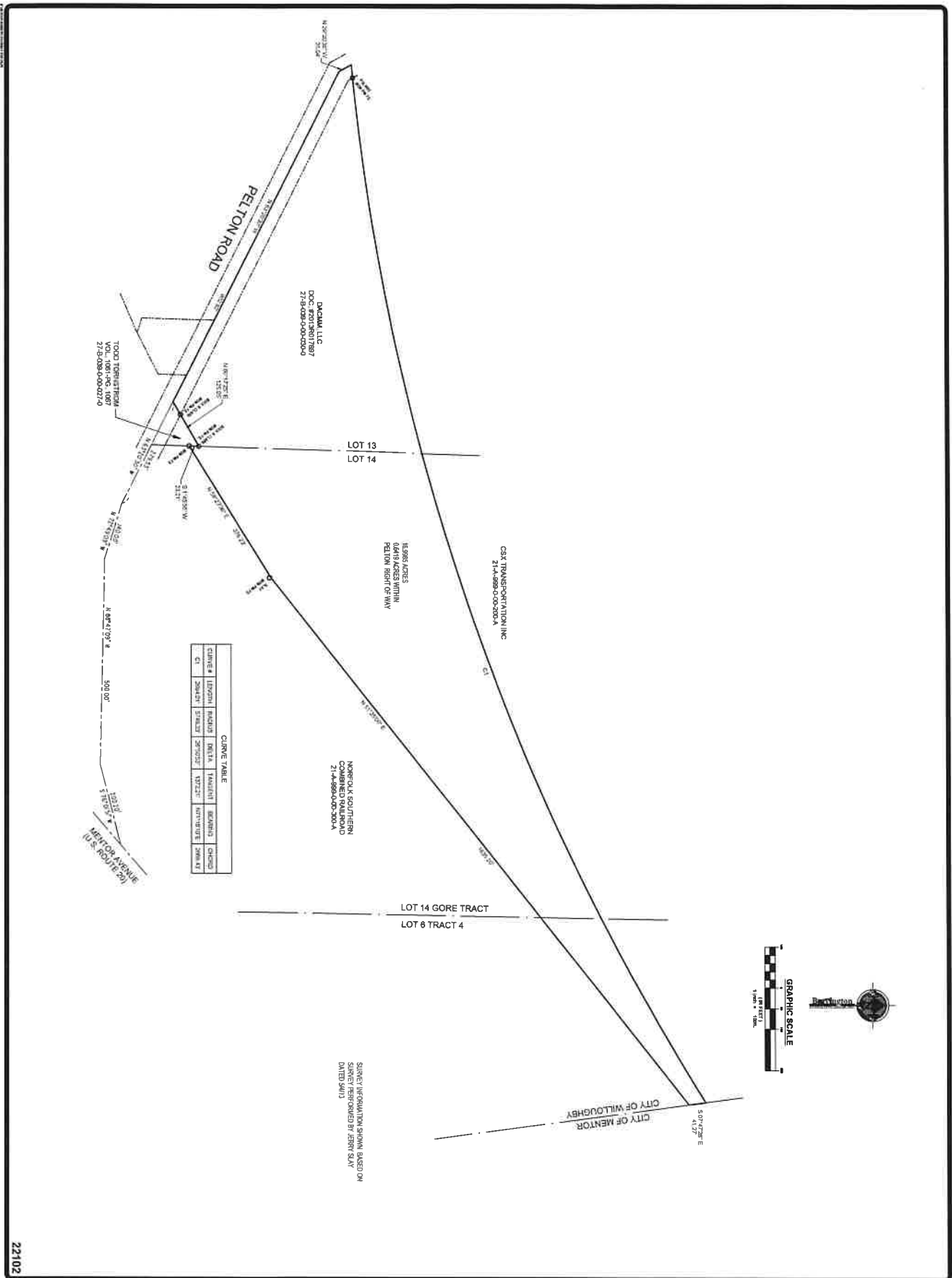
Course 6: Thence South 58 degrees 23 minutes 36 seconds West along the North line of said railroad, 376.23 feet to a 5/8" Iron pin found on the East line of Lot 13, Gore Tract and on the East line of Todd Tornstrom (27-B-039-0-00-027-0, 1061/1067);

Course 7: Thence North 01 degrees 45 minutes 56 seconds East along the East line of Lot 13 and the East line Tornstrom, 23.21 feet to a 5/8" capped "Bock & Clark" iron pin found;

Course 8: Thence South 60 degrees 17 minutes 25 seconds West along the North line of Tornstrom passing through a 5/8" capped "Bock & Clark" iron pin found, 24.98 feet centerline) a total distance of 125.05 feet to the place of beginning and containing 16.9985 acres, 0.6419 acres of which is in Pelton Road right of way.

Bearings are to an assumed meridian and indicate angles only as per survey by Jerry Slay, Ohio Surveyor number 5298 dated May 2, 2013

Intent is to describe the portion of 27-B-039-0-00-030-0 which is located in the City of Willoughby and also located on the northeast side of the Pelton Road right of way.



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	TANGENT	BEARING
C1	500.00'	1570.80'	90.00°	1570.80'	S 0° 00' 00\"/>



SURVEY INFORMATION SHOWN BASED ON  
SURVEY PERFORMED BY JOHN RUPLE  
DATE 09/10

22102

DATE	BY
OCT 26, 2022	JOHN RUPLE
SCALE	1"=100'
PROJECT	22102
SHEET	1

**REZONING PLAT**  
P.P. No. 27-B-039-0-00-030-0 PELTON ROAD  
WILLOUGHBY, OHIO 44094

**DACMM LLC.**  
JOHN RUPLE  
P.O. BOX 173  
WILLOUGHBY, OHIO 44096  
PH:440.975.1556/FAX:440.975.4108

**Barrington**  
CONSULTING GROUP, INC.  
9114 TYLER BLVD., MENTOR, OHIO 44060  
PHONE 440.205.1260 FAX 440.205.1262

REVISIONS	31

**RESOLUTION NO. 2022-140**

**A RESOLUTION AUTHORIZING AN EXPENDITURE OF \$24,999 FOR THE PURCHASE OF ONE (1) 2023 MAVERICK AWD SUPERCREW FROM CLASSIC FORD FOR USE BY THE BUILDING DEPARTMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Director of Public Service received two (2) quotes for the purchase of one (1) 2023 Maverick AWD SuperCrew; and

**WHEREAS**, the quote received from Classic Ford in the amount of \$24,999 for the purchase of one (1) 2023 Maverick AWD SuperCrew was, in the opinion of the Council of the City, the lowest and best bid received thereon;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** That an expenditure of \$24,999 for the purchase of one (1) 2023 Maverick AWD SuperCrew for use by the Building Department is hereby approved and the Director of Public Service is authorized to proceed with such purchase from Classic Ford, 8540 Tyler Blvd., Mentor, OH 44060; said amount to be expended from the Capital Fund.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 3.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason of limited availability; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

**RESOLUTION NO. 2022-141**

**A RESOLUTION AUTHORIZING AN EXPENDITURE OF \$47,030 FOR THE PURCHASE OF ONE (1) 2022 F250 4X4 FROM CLASSIC FORD FOR USE BY THE PARKS AND RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Director of Public Service received three (3) quotes for the purchase of one (1) 2022 F250 4x4; and

**WHEREAS**, the quote received from Classic Ford in the amount of \$47,030 for the purchase of one (1) 2022 F250 4x4 was, in the opinion of the Council of the City, the lowest and best bid received thereon;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** That an expenditure of \$47,030 for the purchase of one (1) 2022 F250 4X4 for use by the Parks and Recreation Department is hereby approved and the Director of Public Service is authorized to proceed with such purchase from Classic Ford, 8540 Tyler Blvd., Mentor, OH 44060; said amount to be expended from the Capital Fund.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 3.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason of limited availability; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

**RESOLUTION NO. 2022-142**

**A RESOLUTION AUTHORIZING AN EXPENDITURE OF \$130,935 FOR THE PURCHASE OF THREE (3) 2023 CHEVROLET TAHOE PPVS FROM GANLEY CHEVROLET OF AURORA FOR USE BY THE WILLOUGHBY POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Chief of Police received a quote of \$136,470 from Tim Lally Chevrolet through the State of Ohio Cooperative Purchasing Program for the purchase of three (3) 2023 Chevrolet Tahoe Police Pursuit Vehicles for use by the Willoughby Police Department; and

**WHEREAS**, Ganley Chevrolet of Aurora advised that it would provide the City with a price of \$130,935 for the purchase of such vehicles; and

**WHEREAS**, it is in the best interest of the City to purchase the three (3) 2023 Chevrolet Tahoe Police Pursuit Vehicles from Ganley Chevrolet of Aurora without bidding or advertising;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** That an expenditure of \$130,935 for the purchase of three (3) 2023 Chevrolet Tahoe Police Pursuit Vehicles for use by the Willoughby Police Department is hereby approved and the Chief of Police is authorized to proceed with such purchase from Ganley Chevrolet of Aurora, 310 West Garfield Road, Aurora, OH 44202; said amount to be expended from the Capital Fund.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 3.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason of time constraints; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

## ORDINANCE NO. 2022-143

**AN ORDINANCE DECLARING 100% OF IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A SHEPHERD'S GLEN MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED MATTERS.**

**WHEREAS**, Ohio Revised Code Sections 5709.40(C), 5709.42 and 5709.43 (the "Act") provide that Council of the City of Willoughby, Ohio may describe Public Infrastructure Improvements ("Public Improvements") to be made which benefit certain parcels, declare the Improvement (as defined in Revised Code Section 5709.40(A)) with respect to such parcels of real property located in the City to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

**WHEREAS**, the Public Improvements are generally described in Exhibit A hereto and depicted on the map attached as Exhibit B-1, and will benefit or serve certain parcels of real property located within the City identified below; and

**WHEREAS**, the City wishes to declare one hundred percent (100%) of the Improvement, as defined by Section 5709.40(A) of the Revised Code, to be a public purpose, thereby wholly exempting the Improvement from real property taxation; and

**WHEREAS**, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

**WHEREAS**, the Public Improvements will benefit or serve the parcels of real property depicted on Exhibit B-1 (the "Properties"), the permanent parcel numbers of which are listed in Exhibit B-2, both of which are attached hereto and incorporated by reference herein, located in the areas of the City known as the "Shepherd's Glen area"; and

**WHEREAS**, one or more developers have proposed the construction and development of approximately forty-eight (48) fee simple townhomes in the Shepherd's Glen area of the City that will place additional demand on the current public infrastructure and which the current infrastructure in the Shepherd's Glen area of the City is not adequate to support the additional demand; and

**WHEREAS**, the public infrastructure serving the Shepherd's Glen area is inadequate to meet the development needs of that area as evidenced by the City of Willoughby's Updated Comprehensive Master Plan, Phase I and II, adopted by Council of the City of Willoughby ("City Council") pursuant to Ordinance No. 2008-172 on December 16, 2008; and

**WHEREAS**, notice of the above described property tax exemptions has been transmitted to the Board of Education of the Willoughby-Eastlake School District (the "School District"), Board of Education of the Northern Career Institute, (the "NCI"), and to the Board of Lake County Commissioners (the "County") pursuant to Ohio Revised Code Sections 5709.40 and 5709.83;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** The Public Improvements described in Exhibit A hereto and anticipated to be made by the City are hereby designated Public Improvements that benefit or serve, or that once made, will benefit or serve the Properties which are set forth in Exhibits B-1 and B-2 hereto which are incorporated herein.

**SECTION 2.** Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(C), Council hereby finds and determines the one hundred percent (100%) of the increase in the assessed value of the Properties that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" as defined in Section 5709.40(A)) is a public purpose, and one hundred percent (100%) of said Improvement is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with respect to any Improvement with the tax year in which such Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date the Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Improvements authorized in Section 4 hereof which are to be paid from that fund.

**SECTION 3.** As provided in Section 5709.42 of the Revised Code, the Owners of the Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Lake County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. In accordance with Section 5709.42 of the Revised Code, the Lake County Treasurer shall distribute a portion of the Service Payments directly to the School District in an amount equal to the property tax payments that the School District would have received had the Improvements not been exempted under this Ordinance. In accordance with Section 5709.40(E) of the Revised Code, the Lake County Treasurer shall retain a portion of the Service Payments for the County beginning in the eleventh year of the exemption for each Improvement and continuing until the exemption ends as provided in Section 2, such portion to be in an amount equal to fifty percent (50%) of the property tax payments that Lake County would have received had the Improvements not been exempted under this Ordinance. The Lake County Treasurer shall also distribute a portion of the Service Payments, if required in accordance with Section 5709.40 (F), and the identified tax levies therein.



The remaining Service Payments when distributed to the City by the Lake County Treasurer shall be deposited in the Fund established by Section 4 hereof. Council hereby authorizes and directs the Mayor, Manager, Finance Director, Law Director, and other appropriate officers of the City, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to obtaining the exemptions, and to make such arrangements as are necessary and proper for payment of said service payments in lieu of taxes.

**SECTION 4.** Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Shepherd's Glen Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments in lieu of taxes distributed to the City with respect to the Improvements on the Properties by, or on behalf of, the Lake County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- A. To pay any and all direct and indirect costs of the Public Improvements, including to reimburse the City for any such costs incurred; and
- B. To pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the City to finance those costs of the Public Improvements provided in clause (A) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

**SECTION 5.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of the Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Finance Director or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 6.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 7.** That this Ordinance shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.

Passed: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Mayor

Submitted to the Mayor for his approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council