

MINUTES REGULAR COUNCIL MEETING

7:05 p.m.

November 1, 2022

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on October 28, 2022.

ROLL CALL

Council Members Present: Merhar, Sievers, Tomaselli, Carr and Garry

Absent: Councilmen Anderson and Kary

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

Motion made and seconded to excuse Councilman Kary from tonight's meeting.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to excuse Councilman Anderson from tonight's meeting.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

The meeting was led in Prayer and Pledge of Allegiance by Councilwomen Sievers.

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Mr. Anderson – Absent.

Environmental Planning Committee, Mr. Kary – Absent.

Finance and Audit Committee, Mr. Tomaselli – No report.

Parks & Recreation Committee, Ms. Sievers – Reported there will be a committee meeting in January, 2023 to review surveys and review the Todd Field amphitheater project. Mayor Fiala said the same consulting firm will be at the City to review the amphitheater project and the Osborne Park project.

Personnel Committee, Mr. Anderson – Absent.

Service Committee, Mr. Anderson – Absent.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – Absent.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION:

Dave Radachy, Lake County Planning & Community Development Director – Mr. Radachy said the Ohio Chapter of the American Planning Association have an awards program called APA Great Places in Ohio which is a biennial program that honors outstanding physical spaces that planners have made permanent through careful planning and unbridled imagination in Ohio. Lake County nominated Willoughby's downtown as a great place in Ohio because it is a textbook case of how planning has worked well to create a wonderful space through a comprehensive plan and following proper codes to create the gem that is downtown Willoughby. The Mayor accepted the award on behalf of the City.

PUBLIC HEARING:

Clerk Novak read the legal notice for the public hearing to be held tonight for the proposed rezoning on Pelton Road (see attached).

Those Speaking in Favor-

Jeff Ruple, 8836 Shetland Court, Kirtland – Mr. Ruple said he is happy with the progress of the project. He said he believes it will be a good use of the property.

David Novak, Barrington Consulting Group, 9114 Tyler Blvd., Mentor – Mr. Novak said he is in favor of the rezoning. He said the property lacks some of the fundamental utilities including sanitary sewer, water, gas and electricity. He feels it is a great use for the property as it's wedged in between two railroad tracks with no neighbors that would be affected by the project.

John Ruple, 37904 Erie Road, Willoughby – Mr. Ruple said he is in favor of the rezoning because he believes it is a good application for the property.

Greg Patt, 38005 Brown Avenue, Willoughby – Mr. Patt said he is speaking in favor of the rezoning for a different reason. He feels there are too many zoning codes, and he believes the code needs to be reviewed. He said this would be a great use for the property; it's nothing but industrial.

Those Speaking in Opposition-

No one spoke.

STANDING AND REGULAR COMMITTEE REPORTS - CONTINUED

Safety Committee, Mr. Tomaselli – Mr. Tomaselli said there was another meeting regarding the purchase of the Meister Media building on October 27th where the focus was on funding. Sudsina & Associates attended the meeting as financial advisors for the City; they have a lot of experience in using public funds as a funding source and how to work that into levies if that is the path the City decides to take. There was discussion regarding the timeline and what needs to happen before the City may go to the voters for a safety levy. Ms. Bosley presented a historical review of the Fire Department levy from a few years back. He said the City needs to notify the Lake County Board of Elections by February 1st if the City wants to be on the May, 2023 ballot.

If the City decides to have three readings on legislation for a levy, that will need to start at the December 20th Council meeting. When the timeline was discussed with Sudsina, they recommended the City have final numbers for the ballot measure for the first reading of the legislation. There had been a previous discussion on how the City could obtain more definite numbers on design and development and the Mayor discussed going out for request for quotes (RFQs) early. He said the reality is, that will not be possible if the City wants to begin the process of having three readings on December 20th. He said having the levy on the ballot in May will give the City an idea how the residents feel about the funding of a new Police Station. The two things that are not in favor for the City are inflation; numbers could change by next year if the City waits until a November ballot. The other urgency is interest rates that continue to go up. There could be a levy just for the Police Station or one that includes additional items such as equipment or new roofs for the Fire Stations. There will be a separate Safety Committee meeting to review the numbers for a safety levy that the Mayor is putting together.

PUBLIC PORTION - CONTINUED

Greg Patt, 38005 Brown Avenue, Willoughby – Mr. Patt explained the difference between a Special Improvement District (SID) and Residential Income District (RID). He said with a SID, owners' tax themselves and the City collects the money and gives it back to the owners. He said with a RID, the City takes the amount of money that the county takes. He said this means that the county will no longer get the money for the senior levy he voted for or any other levy he voted for. He said the money goes into a specific fund that can only be spent in a small geographic area versus having the money going into the general fund.

John Klco, 38784 Wood Road, Willoughby – Mr. Klco said the condominiums at the end of the street put their trash cans out on Wood Road. He would like to propose some sort of enclosure where these trash cans can go. Mr. Tomaselli feels there should be some sort of enclosure on their property for the trash cans. Mr. Tomaselli will work with Mr. Cloe to resolve this issue.

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 5 yes
 0 no

Motion carried 5 to 0

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.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-136 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2022-136.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

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.

Motion made and seconded to adopt Resolution No. 2022-137.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

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).

Motion made and seconded to table Resolution No. 2022-138.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

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).

Motion made and seconded to table Ordinance No. 2022-139.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

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.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-140 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2022-140.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2022-141 – Amended 11/1/22

A resolution authorizing an expenditure of \$47,030 for the purchase of one (1) 2022 2023 F250 4x4 from Classic Ford for use by the Parks and Recreation Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-141 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2022-141 as amended on 11/1/22.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

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.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-142 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2022-142.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

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.

Motion made and seconded to adopt Ordinance No. 2022-143.

Discussion: Mr. Merhar asked why the City hasn't discussed doing a SID instead of a RID; he said it seems like the City is using funds from all residents to benefit a small portion of the City. Mr. Lucas said historically the SID areas have been along the shoreline of Willoughby to enable, in part, the properties contiguous to Lake Erie to set up environmental protection for the erosion in the area. He said the RID's have all been limited to new residential areas, in part, to take care of increased burdens on the infrastructure in the area. It could also provide sidewalks. Mayor Fiala said typically SIDs are geographically bound and identify a specific number of properties. In the case of the lakefront SID, all lakefront property owners were identified, and they effectively taxed themselves for erosion control. The downtown SID involved the downtown business owners who would have taxed themselves to help pay for security and other enhancements for downtown. A certain percentage of the geographic area has to vote in order for it to proceed. Mr. Tomaselli said the homes that are participating are specific; his tax dollars on Harmondale are not used in Shepard's Glen RID. Mr. Merhar said those in the RID are not paying for the City services because that money is going into the RID. Mayor Fiala said the RID money can only be used in the area where the RID is in effect; that money can only be used along the Rt. 91 corridor specifically for infrastructure i.e., sanitary sewers, storm water management or sidewalks.

Roll Call 1 yes (Carr)
 4 no (Merhar, Sievers, Tomaselli, Garry)

Motion defeated 1 to 4

MAYOR'S REPORT – Mayor Fiala said there will be a meeting tomorrow night at the Senior Center to discuss the new Police Station. He said the meeting will review the history of the existing station, the need for a new Police Station and broad brush look at associated costs.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – Mr. Palmisano thanked Council for the passage of Resolution No. 2022-140 and 2022-141. The Service Department is in the middle of leaf pick up with all vehicles out. He said they are averaging four to five streets per day per truck. Leaf pick up will continue until the first week of December.

City Engineer Lannon – No report.

Fire Chief Ungar – No report.

Police Chief Schultz – Regarding the recent incidents in the City over the last week, Chief Schultz said the Police Department, Fire Department and Service Department and City employees are the best and finest. Chief Schultz presented a proclamation to Stacia Wills for assisting Patrol Officer Stacey Wright during an incident as a result of a traffic stop on September 10th on Lost Nation Road. Chief Schultz thanked Council for the passage of Resolution No. 2022-142.

Building Inspector Keller – No report.

Parks & Recreation Director Keller – No report. Mr. Carr thanked Ms. Keller for the recent Trick or Treat Trail; it was very well done.

Finance Director Bosley – No report.

COUNCILMEN REPORTS

Ms. Sievers – No report.

Mr. Kary – Absent.

Mr. Tomaselli – No report.

Mr. Merhar – No report.

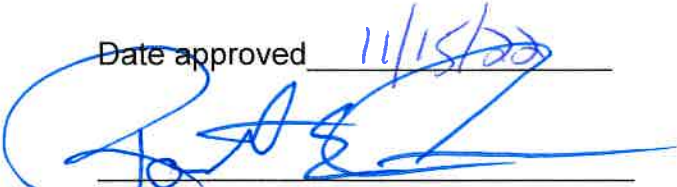
Mr. Garry – No report.

Mr. Anderson – Absent.


Mr. Carr – No report.


The Regular Council Meeting adjourned at 7:59 p.m.

Date approved 11/15/22



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, 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