

MINUTES REGULAR COUNCIL MEETING

7:06 p.m.

March 19, 2024

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on March 15, 2024.

ROLL CALL

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

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

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

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of March 5, 2024.

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, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – No report.

Finance and Audit Committee, Mr. Tomaselli – Mr. Tomaselli stated a committee meeting was held tonight for the continuation of the 2024 operating budget discussion with legislation on the agenda tonight.

Parks & Recreation Committee, Ms. Sievers – No report.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Dan Anderson – No report. Mr. Anderson stated someone posted a picture of a pothole on Facebook. He stated the pothole was reported and filled within a few hours noting that it was shared over 400 times after it had been filled. He wanted to acknowledge the great job by the Service Department for addressing the pothole so quickly.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

PUBLIC HEARING:

Clerk Novak read the legal notice for the proposed text amendments (see attached).

Those Speaking in Favor – No one spoke.

Those Speaking in Opposition – No one spoke.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION:

Neil Sharpe, 39425 King Edward Court, Willoughby – Regarding Ordinance No. 2024-43 on camping prohibition upon public property, Mr. Sharpe voiced concerns on how the legislation reads; a homeless individual can camp and not have any repercussions. He feels the legislation does not address the homeless issue. Someone can identify themselves as homeless and therefore, they can camp. He feels this can apply to an individual who is legal and illegal. Mayor Fiala stated the City will not discriminate against the homeless and individuals will be asked to camp in a designated location. Mayor Fiala stated that in the legislation (Section 541.11 (c)), an individual must meet all three of the criteria listed (homeless, no available shelter and no ability to find accommodation on their own). If the individual meets all the criteria, the City cannot do anything. However, there is a local shelter and the City will transport individuals if necessary.

Robin Brunkala, 4428 Center Street, Willoughby – Ms. Brunkala stated that she had gone to the Police Station last year regarding individuals camping and was told that homeless could sleep in the backyard of the Police Station. Chief Schultz stated that was never a direction given to his Patrol Officers.

Motion made and seconded that all ordinances and resolutions be read by caption only with the exception of Ordinance Nos. 2024-41 and 2024-42 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 excepting Ordinance No. 2024-41 and 2024-42.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

UNFINISHED BUSINESS:

ORDINANCE NO. 2023-146 - Tabled

An ordinance agreeing to change portions of the boundary of the City of Willoughby with the Village of Waite Hill, and superseding Ordinance No. 2023-6.

NEW BUSINESS:

RESOLUTION NO. 2024-35

A resolution authorizing the Mayor to enter into a Memorandum of Understanding with Lake County Regional Transit Authority necessary to the SOM Center Road Sidewalks Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-35 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-35.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2024-36

A resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the SOM Center Road Sidewalks Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-36 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-36.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2024-37

A resolution authorizing the Mayor to enter into an agreement with Everstream Solutions, LLC to provide fiber internet service for 60 months for all City Departments, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-37 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-37.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2024-38

An ordinance providing for the Manning Levels and Compensation of Elected and Appointed Officials and Salaried and Non-Union Employees of the City of Willoughby, Ohio; repealing any and all other ordinances or parts thereof which may be inconsistent herewith or which may be redundant hereto; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2024-38 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2024-38.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2024-39

A resolution to make appropriations for current expenses and other expenditures of the City of Willoughby, Ohio, during the period ending December 31, 2024, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-39 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-39.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2024-40

A resolution authorizing an extension until June 15, 2024 of the temporary moratorium, now in effect, on the approval of any application for premises to be occupied by and used, in total or in part, for the sale and consumption on site of Kava, Kratom, Delta 8-THC and/or Delta 9-THC; and further temporarily prohibiting any such similar use permit, license, variance or development plan approval for said facilities within the City of Willoughby, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-40 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-40.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2024-41 – First Reading

An ordinance amending Chapters 1103, 1141, and 1155 of the Codified Ordinances of the City of Willoughby, Ohio, titled, “Definitions”, “Business Districts”, and “Use Specific Regulations”, respectively.

ORDINANCE NO. 2024-42 – First Reading

An ordinance amending Chapters 1103, 1141, and 1155 of the Codified Ordinances of the City of Willoughby, Ohio, titled, “Definitions”, “Business Districts”, and “Use Specific Regulations”, respectively.

ORDINANCE NO. 2024-43

An ordinance amending Chapter 541 of the Codified Ordinances of the City of Willoughby, Ohio titled, “Property Offenses”; specifically, establishing Section 541.11, titled, “Camping Prohibition Upon Public Property”.

Motion made and seconded to adopt Ordinance No. 2024-43.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2024-44

An ordinance amending Chapter 913 of the Codified Ordinances of the City of Willoughby, Ohio, titled, “Sanitary Sewerage System Charges”; specifically, Section 913.10, titled, “Surcharge for Extra-Strength Wastes”, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2024-44 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2024-44.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2024-45

A resolution approving EAS #5-1-24 for renovation of the existing building into forty (40) apartments and construction of eighteen (18) townhomes located at 25 Public Square (Willoughby Union High School).

Motion made and seconded to adopt Resolution No. 2024-45.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2024-46

An ordinance repealing Ordinance No. 2023-145 and accepting the amended final plat for Andrews Ridge Subdivision, Phase 1, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2024-46 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2024-46.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2024-47

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 an Andrews Ridge Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of such service payments and related matters, as amended.

Motion made and seconded to adopt Ordinance No. 2024-47.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR’S REPORT – Mayor Fiala stated some other code changes are coming soon that were the result of the joint Planning Commission meeting. He stated the City is obligated to go through a reevaluation of the Local Government Fund (LGF) which is dictated by the county’s budget commission. The LGF is money that the City receives that is passed through the county. It is almost certain that western Lake County cities will lose money; however, the full implications are not known. This reduction will be rolled out over the next 7 years until the next census. It is based on population; the biggest growth in population is on the eastern end of the county. The City receives approximately \$1.5 million and he believes the City will lose about \$300,000.

DIRECTOR’S REPORTS

Assistant Law Director Peterson – No report. Mr. Carr stated he recently heard that former Law Director John Wiles had passed away.

Service Director Palmisano – Mr. Palmisano thanked Council for the passage of Ordinance No. 2024-44. He thanked Mr. Anderson for his comment earlier about the Service Department addressing a pothole. Mr. Carr confirmed with Mr. Palmisano that Wickcliffe will be paving Rt. 84 up to the border at SOM Center Road.

City Engineer Lannon – Mr. Lannon stated he’s looking forward to coming back to Council for sidewalk bids for SOM Center Road as he’s been working on cost estimates for about 25 years.

Fire Chief Ungar – No report.

Police Chief Schultz – Chief Schultz stated that over a year ago, the department was able to get into a partnership with all 22 Lake County law enforcement agencies to create the first ever Lexipol policy management system for all police departments. This was done under the guidance of Lake County Commissioner John Hamercheck. The Lexipol system is a policy system backed by state and federal case law and best practices. It is constantly reviewed by their attorney and updated all the time. He stated the better policies the department has, the better service the department can provide to the community.

Chief Building and Zoning Inspector Puskas – No report.

Parks & Recreation Director Keller – Ms. Keller reported the Easter egg hunt is this Saturday at noon at Willoughby South High School. Mr. Kary asked about the busing to and from Osborne Park pool. Ms. Keller stated there will be a shuttle bus but she doesn’t have the schedules yet.

Finance Director Hoffman – Ms. Hoffman thanked Council for passage of Ordinance Nos. 2024-38 and 39 and Resolution No. 2024-37.

COUNCILMEN REPORTS

Ms. Sievers – No report.

Mr. Kary – No report.

Mr. Tomaselli – No report.

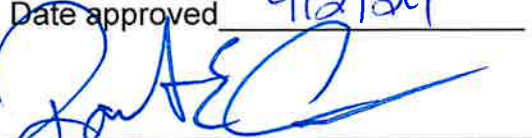
Mr. Merhar – No report.

Mr. Garry – No report.

Mr. Anderson – No report.

Mr. Carr – Mr. Carr thanked City Engineer Lannon, Mayor Fiala and Council for their support for the SOM Center Road sidewalks.

The Regular Council Meeting adjourned at 7:50 p.m.

Date approved 4/2/24

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, March 19, 2024 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 Chapters 1103, 1141, and 1155 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Definitions", "Business Districts", and "Use Specific Regulations", specifically Section 1103.03 titled "Definitions of General Terms" adding definitions for Retail Sales of Controlled Substances and Retail Sales of Electronic Cigarettes and Vaping Devices, Section 1141.03, titled "Schedule of Permitted Uses" adding schedule of permitted uses for Retail Sales of Controlled Substances and Retail Sales of Electronic Cigarettes and Vaping Devices and Section 1155.04 titled, "Use Specific Regulations" adding standards and requirements for Retail Sales of Controlled Substances and Retail Sales of Electronic Cigarettes and Vaping Devices.

BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY

Alisa Novak
Clerk of Council

Publish: March 1, 2024