

MINUTES REGULAR COUNCIL MEETING

7:00 p.m.

August 8, 2023

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on August 4, 2023.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director Lucas (via Zoom), Service Director Palmisano, City Engineer Lannon, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Puskas, Parks & Recreation Director Keller, Finance Director Hoffman, Deputy Clerk Lory

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

Sunshine Law Training Designee

Motion made and seconded to appoint Alisa Novak as the Sunshine Law Training Designee.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of July 11, 2023.

Roll Call 6 yes
 0 no
 1 abstain (Anderson)

Motion carried 6 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Mr. Anderson – Mr. Anderson reported the committee met this evening for a six month economic development review.

Environmental Planning Committee, Mr. Kary – No report.

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

Parks & Recreation Committee, Ms. Sievers – Ms. Sievers requested a committee meeting for September 5th for approximately 30 minutes for the Smith Group to give an update on the Re-Imagined Osborne Park Project.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Dan Anderson – No report.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION:

Kenneth Edgar, 4062 Erie Street, Willoughby – Mr. Edgar asked what the City is doing about the homeless in the City. Mayor Fiala stated he believes the individual Mr. Edgar is speaking of is a homeless woman. Mayor Fiala stated he visited the breakfast spots in downtown Willoughby; two of the establishments have asked the woman to not come in their establishment and she has honored that request. The other two establishments stated that she is a paying customer. Mayor Fiala stated that people have offered to take the women to social services but she has declined help. He stated that he realizes there is an issue but it's an issue that needs to be addressed with humanity. The City has researched what laws can be written to address the issue of homelessness. The City cannot pass laws that deal with loitering or vagrancy; they are unconstitutional. There will be an upcoming work session with Council, the Planning Commission, the Zoning Board of Appeals and the Design Review Board where the issue of homelessness will be discussed and hopefully a solution can be found within the law.

Brian Mannello, 4031 Kirtland Road, Willoughby – Mr. Mannello stated that he has received numerous violations regarding his property over the last few years. He stated that he has connected his property with two other neighbors and has a total of 13 chickens. He stated the code allows for 6 chickens per property and he has three properties that are connected. He stated he is now facing charges in the Willoughby Municipal Court due to the chickens. He started a petition in his neighborhood supporting him. Law Director Lucas stated he will check with the prosecutor, Rick Perez, on Monday as to the basis of the prosecution. Mr. Tomaselli stated that Mr. Mannello is in his ward and he has received phone calls regarding the size of his chicken pen. He stated that Mr. Mannello has cooperated with the Building Department regarding those issues and the remaining issue is the number of chickens on his property.

John Siptry, Gardenside, Willoughby – Mr. Siptry stated there are no issues with the chickens; he feels it's harassment.

Bruce Burry, 39045 Gardenside Drive, Willoughby – Mr. Burry expressed concern about a landscaping company located on Church Street that leaves gravel on the street; he has almost crashed his motorcycle due to the gravel several times. Regarding the chickens on Gardenside, he stated they really are loved.

State Senator Jerry Cirino – Mr. Cirino stated the state just passed a budget of \$86,000,000,000. He stated tax cuts account for \$3,100,000,000; the state reduced the number of brackets for state income tax from 4 to 2. Anyone earning under \$26,000 will pay no taxes. There will be a two and a half to three week tax holiday on anything under \$500 in value (this will not affect taxes in local communities). He stated that about 90% of businesses are currently paying the Commercial Activity Tax, however, there will be a reduction. For the first year of the budget, if a business has \$3 million in gross revenue, you are exempt from paying taxes or

filing a return. For the second year, if your revenue is \$6 million or below you are exempt from paying taxes or filing a return. If your gross revenue is over \$6 million you still pay tax but it will be reduced by 20%. This is a huge relief for small to medium size businesses. Mr. Cirino stated a lot of money was put into education at all levels. There will be an increase in scholarships and grants for students going to state and community colleges. An increase of \$2,000,000,000 was made for public school funding. Private schools benefited from the budget as well with an increase in scholarships. The Department of Education has also been restructured for better accountability. The budget also focused on housing by extending historic tax credits, etc. He stated Senate Bill 83 will address needed reform at the 14 public universities and 23 community colleges in the state; it will increase accountability at these institutions. Regarding rail safety, Mr. Cirino stated that \$100,000,000 was allocated for rail safety and to bring accountability to the railroad tracks and rail cars. Mr. Cirino stated \$750,000,000 has been allocated for special community projects; projects will be looked at in September with awarding of money sometime in January, 2024.

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

NEW BUSINESS:

RESOLUTION NO. 2023-92

A resolution authorizing the Mayor to enter into a third amendment to the Purchase Agreement between the City of Willoughby and Liberty Development Company, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-92 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-92.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-93

A resolution authorizing the Mayor to enter into a contract with T.C. Construction Co., Inc. in the amount of \$292,950 for implementation of the Concrete Pavement Slab Replacement Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-93 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-93.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-94

A resolution authorizing the Mayor to enter into a contract with J.D. Striping & Services, Inc. in the amount of \$115,636 for the 2023 Pavement Marking Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-94 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-94.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-95

A resolution authorizing the Mayor to enter in a contract with Master Renovations, Inc. in the amount of \$169,900.00 for the Willoughby Fire Department Station No. 1 and Station No. 2 Roof Replacement Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-95 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-95.

Roll Call 7 yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2023-96

An ordinance accepting the Final Plat, for the Enclave at Literary Pointe, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2023-96 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2023-96.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2023-97

An ordinance accepting the Final Plat for the Townhomes at Literary Pointe 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. 2023-97 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2023-97.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2023-98

An ordinance accepting the Final Plat for the Townhomes at Literary Pointe Phase 2, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2023-98 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2023-98.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-99

A resolution expressing an intent to sell unneeded, obsolete, or unfit property by internet auction and establishing a procedure for conducting the sale.

Motion made and seconded to adopt Resolution No. 2023-99.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2023-100

An ordinance authorizing the transfer of 0.12 acres of City-Owned Real Property located on the Willoughby-Eastlake Water Pollution Control Center and further identified as a portion of Permanent Parcel No. 34B02000010 to Yvonne Kirby without public bidding.

Motion made and seconded to adopt Ordinance No. 2023-100.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2023-101

An ordinance levying assessments for the improvement of all streets within the City of Willoughby, Ohio by supplying said streets with electric street lighting, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2023-101 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2023-101.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-102

A resolution amending Resolution No. 2023-44 to provide for current expenses and other expenditures for the City of Willoughby, Ohio, during the period ending December 31, 2023, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-102 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-102.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-103

A resolution authorizing the Mayor to enter into an eight (8) year lease purchase agreement with Leasing 2, Inc. for one (1) 2025 E-One HR 100 Single Axel Aerial Truck for use by the Willoughby Fire Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-103 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-103.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala stated he would like to get together with Council and members of Boards and Commissions in September to discuss housekeeping items for the building and zoning codes. He wants to invite the Willoughby Stingers, who won the Suburban League Championship to a September Council meeting to honor them.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – Mr. Palmisano thanked Council for the passage of Resolution Nos. 2023-94 and 2023-95.

City Engineer Lannon – No report.

Fire Chief Ungar – Chief Ungar stated that during a Lake County Fire Chief's Association meeting, the medical director, Dr. Carter, acknowledged that in July the department responded to three cardiac arrests and brought all three back. He stated the patrol officers from our department were at two out of the three incidents first; both were given commendations for their actions. Chief Ungar stated that all the patrol cars carry AED's.

Police Chief Schultz – Chief Schultz stated National Night Out took place last Tuesday at Osborne Park. This year dispatchers, members of the SWAT team, bike patrol, canine units and members of the Northeast Ohio Task Force were in attendance. He stated the event was well attended and he wanted to thank all residents who came out.

Building Inspector Puskas – No report.

Parks & Recreation Director Keller – Ms. Banker reported that the Euclid Avenue pool is closed and Osborne Park pool closes on Sunday but will be open on weekends through Labor Day. The Last Stop Willoughby Parade is this Saturday.

Finance Director Hoffman – Ms. Hoffman thanked Council for the passage of Ordinance No. 2023-101 and Resolution No. 2023-102.

COUNCILMEN REPORTS

Ms. Sievers – Reported she had a ward meeting in July. She thanked Chief Schultz for the mobile radar unit placed in her ward and for the assistance of the Building Department.

Mr. Kary – No report.

Mr. Tomaselli – No report.

Mr. Merhar – No report.

Mr. Garry – Mr. Garry reminded everyone that the shredding event will take place this Saturday, August 12th from 9 a.m. to 12 p.m. at the Service Garage.

Mr. Anderson – Reminded Council that petitions are due to the Board of Elections tomorrow.

Mr. Carr – No report.

Motion made and seconded to go into Executive Session in accordance with ORC 121.22(G)3 to discuss pending and imminent litigation. 8:05 p.m.


Roll Call 7 yes
 0 no

Motion carried 7 to 0


The Council meeting reconvened at 8:52 p.m. from the Executive Session.


The Regular Council Meeting adjourned at 8:55 p.m.

Date approved 8/5/2023



John Tomaselli, Vice President



Clerk of Council


Robert A. Fiala, Mayor