

# MINUTES REGULAR COUNCIL MEETING

7:00 p.m.

February 6, 2024

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on February 2, 2024.

## ROLL CALL

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

**Others Present:** Mayor Fiala, Law Director Lucas, 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 Tomaselli

## Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of January 16, 2024.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

## PUBLIC HEARING:

Clerk Novak read the legal notice for the public hearing that was recessed at the January 16, 2024 Council meeting for the proposed rezoning on Hodgson Road (see attached).

## Those Speaking in Favor –

**Michael Ross, 4735 Wood Street, Willoughby, Ohio** – Mr. Ross stated he is the agent for the applicant for the rezoning request. He believes the homes will be a wonderful addition to the City. There has been a lot of thought and discussion that has gone into the current application.

**Those Speaking in Opposition** – No one spoke.

## 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 – No report.

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.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

**CORRESPONDENCE:** No correspondence.

**PUBLIC PORTION:** No one spoke.

**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:**

**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.**

**RESOLUTION NO. 2024-12**

**A resolution approving EAS #15-10-23(a) for the rezoning of 7.72 acres of real property located at 38751 Hodgson Road and further identified as Permanent Parcel No. 27B0520000040 from Airport District (A) to Residential One-Family 80 (R80).**

Motion made and seconded to remove Resolution No. 2024-12 from the table.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-12.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**ORDINANCE NO. 2024-13**

**An ordinance amending the Zone Map of the City of Willoughby, Ohio to reclassify 7.72 acres of certain real property located at 38751 Hodgson Road (Permanent Parcel No. 27B0520000040) from Airport District (A) to Residential One-Family 80 (R80).**

Motion made and seconded to remove Ordinance No. 2024-13 from the table.

Roll Call 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2024-13.

Roll Call 7 yes  
0 no

Motion carried 7 to 0

**NEW BUSINESS:**

**RESOLUTION NO. 2024-16**

**A resolution declaring the official intent and reasonable expectation of the City of Willoughby, on behalf of the State of Ohio, to reimburse its WPCC Capital Replacement Fund for the CG22AA/CG23AA, WPCC Water Main Replacement, with the proceeds of tax exempt debt of the State of Ohio, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-16 be declared an emergency measure.

Roll Call 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-16.

Roll Call 7 yes  
0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-17**

**A resolution declaring the official intent and reasonable expectation of the City of Willoughby, on behalf of the State of Ohio, to reimburse its WPCC Capital Replacement Fund for the CG56AA/CG57AA, WPCC Belt Filter Press Replacement, with the proceeds of tax exempt debt of the State of Ohio, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-17 be declared an emergency measure.

Roll Call 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-17.

Roll Call 7 yes  
0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-18**

**A resolution declaring the official intent and reasonable expectation of the City of Willoughby, on behalf of the State of Ohio, to reimburse its Road and Bridge Levy Fund for the CG60AA, Reeves, Gale, Abbots Mill, et al Concrete Slab Replacement, with proceeds of tax exempt debt of the State of Ohio, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-18 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-18.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-19**

**A resolution authorizing the Mayor to enter into an agreement to accept a Northeast Ohio Public Energy Council (NOPEC) 2024 Energized Community Grant in the amount of \$59,658.00, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-19 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-19.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**ORDINANCE NO. 2024-20**

**An ordinance amending Chapter 1335 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Permit and Inspection Fees"; specifically, Section 1335.02, titled, "Application and Plan Review Fees".**

Motion made and seconded to adopt Ordinance No. 2024-20.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**ORDINANCE NO. 2024-21**

**An ordinance amending Tables of Special Ordinances of the Codified Ordinances of the City of Willoughby, Ohio; specifically, establishing Table K – Environmental Covenants.**

Motion made and seconded to adopt Ordinance No. 2024-21.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-22**

**A resolution authorizing the Mayor to enter into a contract with CJ Excavating & Construction, LLC for the implementation of the 2024 Voluntary Concrete Sidewalk**

**Repair & Replacement Program with additional City option for one (1) year renewal for 2025, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-22 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-22.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-23**

**A resolution authorizing the Mayor to enter into a contract agreement with Chagrin River Watershed Partners, Inc. necessary to the Floodplain Restoration and Recreational Trail Improvements, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-23 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-23.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-24**

**A resolution authorizing the Mayor to distribute requests for qualifications for the engineering and design phase of the Chagrin River Floodplain and Riparian Restoration Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-24 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-24.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-25**

**A resolution authorizing the Mayor to distribute requests for qualifications for development of concept, engineering and design plans for the Osborne Park Wetlands and Coastal Habitat Enhancement Planning Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-25 be declared an emergency measure.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-25.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**PENDING LITIGATION STATUTORY REQUIREMENT:**

**Council review and approval of findings and conclusions of fact per rezoning denial of October 17, 2023.**

**Motion made and seconded to approve the written findings and conclusions of fact per the rezoning denial of October 17, 2023 in the case of ALM Properties versus the City of Willoughby.**

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**MAYOR'S REPORT** – Mayor Fiala stated that the nine members of the Charter Review Commission have all agreed to serve. The next step will be for the Commission to hold their organizational meeting. All Charter Review Commission meetings will be public and they will be posted on the website.

**DIRECTOR'S REPORTS**

**Law Director Lucas** – No report.

**Service Director Palmisano** – Mr. Palmisano thanked Council for the passage of Resolution 2024-22. Regarding the NOPEC grant, he stated another possible use for the money would be for lighting at Osborne pool.

**City Engineer Lannon** – No report.

**Fire Chief Ungar** – No report.

**Police Chief Schultz** – Chief Schultz stated the department recently received a nice compliment from Crossroads Health. Three and half years ago Crossroads Health expanded their services into the community with regard to mental health and public safety. They partnered with law enforcement agencies with Willoughby as one of the first to join the partnership which include crises intervention training and creating a team. They recently recognized the

Willoughby Police Department in their newsletter noting the departments commitment as a community partner in the community crises intervention team program. Chief Schultz also recognized two dispatchers, Michelle Spehar and Kiersten Jaggie for their dedication, work and loyalty that they provide to the department, the community and the City.

**Chief Building and Zoning Inspector Puskas** – Mr. Puskas thanked Council for the passage of Ordinance No. 2024-20 noting the increase in the deposit will greatly affect the Building Department as well as Engineering.

**Parks & Recreation Director Keller** – Ms. Keller thanked Council for the passage of Resolution Nos. 2024-23 through 25.

**Finance Director Hoffman** – Ms. Hoffman thanked Council for the passage of Resolution Nos. 2024-16, 17, 18 and 19.

**COUNCILMEN REPORTS**

**Ms. Sievers** – No report.

**Mr. Kary** – No report. Mr. Carr thanked Mr. Kary for his work on the Planning Commission with regards to the Hodgson Road development.

**Mr. Tomaselli** – No report.

**Mr. Merhar** – No report.


**Mr. Garry** – No report.



**Mr. Anderson** – No report.

**Mr. Carr** – No report.

*The Regular Council Meeting adjourned at 7:32 p.m.*

Date approved 2/6/24

  
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Robert E. Carr, President

  
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Clerk of Council  
  
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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, January 16, 2024 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 Joseph Conti, 2760 Loreto Drive Willoughby Hills, OH 44094 for the rezoning of 7.72 acres of land from Airport District (A) to Residential One-Family 80 (R-80) located at 38751 Hodgson Road, PPN #27-B-052-0-00-004-0.**

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: December 29, 2023**