

MINUTES REGULAR COUNCIL MEETING

7:13 p.m.

March 7, 2023

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on March 3, 2023.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director Lucas, Service Director Palmisano, City Engineer Lannon, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Keller, 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 February 21, 2023.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – Mr. Carr said the first of the ward meetings will begin with the Ward 4 meeting at 7 p.m. at the Senior Center this Thursday.

Economic Development Committee, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – No report.

Finance and Audit Committee, Mr. Tomaselli – Reported there was a committee meeting this evening to discuss the 2023 operating budget.

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 – Reported the annual WPCC meeting is tomorrow at 6 p.m. at Eastlake City Hall.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION:

Mary Beth Cole, 425 Hendricks Street, Cleveland, Ohio (representing It Takes Heart Campaign) – Ms. Cole said she is before Council tonight representing a statewide initiative by Governor DeWine. The initiative is to recruit foster and adoptive parents. She said there are 16,000 children just in Cuyahoga County alone and not enough homes for these children. She said they are looking for citizens who are willing to give what it takes to raise children. She asked to spread the word about the initiative for fostering or adopting children.

Jeff Ruple, 8836 Shetland Court, Kirtland, Ohio – Mr. Ruple thanked Mr. Lucas, Mr. Keller and Mr. Kary for their comments tonight. He feels it (passage of Resolution No. 2022-138 and Ordinance No. 2022-139) will be a step forward for Mr. John Ruple and his project (EAS #12-6-22(a) and rezoning on Pelton Road).

Greg Patt, 38005 Brown Avenue, Willoughby, Ohio – With recent train derailments especially the one in East Palestine, Ohio, Mr. Patt asked what the protocol was if something similar happened in Willoughby. Chief Ungar said his department would organize the hazardous material response the same way they manage a fire. If the department was faced with that situation, appropriate resources would be called in but more for a hazardous materials standpoint. He said his department has the most hazardous material technicians on the county team and Assistant Chief Dorsey is the team leader for the Lake County HazMat team. He said the department is very well staffed and versed in hazardous materials response and feels if something happened, there would be a very well organized approach to the situation.

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:

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 remove Resolution No. 2022-138 from the table.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

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

Roll Call 6 yes
 1 no (Tomaselli)

Motion carried 6 to 1

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 remove Ordinance No. 2022-139 from the table.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

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

Roll Call 6 yes
 1 no (Tomaselli)

Motion carried 6 to 1

RESOLUTION NO. 2023-21

A resolution authorizing a temporary moratorium 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 for one year after the effective date of this resolution, and declaring an emergency.

Motion made and seconded to remove Resolution No. 2023-21 from the table.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to amend Resolution No. 2023-21 to remove Kava and Exhibit B.

Discussion: Mr. Merhar said when this resolution was first introduced, Council asked who would have more expertise on this subject. Council received reasonable explanations from both Chief Ungar and Chief Schultz on why they felt all of the products should be prohibited for at least a period of time until Council does more research and determines if Council wants more of these products in the City. He said based on some ad hoc communications; Council is now overruling it. He said he is not comfortable doing that and said he wanted to go on record stating that Council has asked for advice and is now ignoring it. Mr. Kary said he made that comment at the last meeting is also uncomfortable taking Kava out of the legislation.

Roll Call 3 yes
 4 no (Merhar, Tomaselli, Garry, Kary)

Motion defeated 3 to 4

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-21 be declared an emergency measure.

Roll Call 5 yes
 2 no (Sievers, Carr)

Motion carried 5 to 2

Motion made and seconded to adopt Resolution No. 2023-21.

Roll Call	4 yes	
	3 no (Sievers, Tomaselli, Carr)	Motion defeated 4 to 3 (as emergency measure)

Council voted four (4) to three (3) to pass Resolution 2023-21. Without the required five (5) votes, the Resolution cannot become effective immediately as an emergency. However, because the Resolution did receive a majority four (4) to three (3) votes, it therefore passed and will become effective in thirty (30) days.

NEW BUSINESS:

RESOLUTION NO. 2023-32

A resolution approving EAS #15-11-22 for construction of an ice cream shop with drive through located at 38720 Lakeshore Blvd. (JoJo’s Ice Cream Shop).

Motion made and seconded to adopt Resolution No. 2023-32.

Roll Call	7 yes	
	0 no	Motion carried 7 to 0

RESOLUTION NO. 2023-33

A resolution authorizing the Mayor to enter into a Memorandum of Understanding between the Cities of Willoughby, Eastlake and Willowick, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-33 be declared an emergency measure.

Roll Call	7 yes	
	0 no	Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-33.

Roll Call	7 yes	
	0 no	Motion carried 7 to 0

ORDINANCE NO. 2023-34

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”.

Motion made and seconded to adopt Ordinance No. 2023-34.

Roll Call	7 yes	
	0 no	Motion carried 7 to 0

RESOLUTION NO. 2023-35

A resolution amending the meeting schedule of the Council of the City of Willoughby, Ohio, for the month of May, 2023.

Motion made and seconded to adopt Resolution No. 2023-35.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-36

A resolution authorizing an expenditure in the amount of \$59,544.24 for the purchase of one (1) Kobota 3.5-ton Mini Excavator for use by the Cemetery Department from Mentor Mfg. through the State of Ohio Cooperative Purchasing Program, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-36 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-36.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-37

A resolution authorizing an expenditure in the amount of \$102,953 for the purchase of one (1) Single Axle Freightliner Truck Chassis for the use by the Street Department from Valley Freightliner, Inc. through the State of Ohio Cooperative Purchasing Program, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-37 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-37.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-38

A resolution authorizing an expenditure in the amount of \$103,597.56 for the purchase of a Patriot SDS Dump Body for use by the Street Department from Concord Road Equipment Mfg. through the State of Ohio Cooperative Purchasing Program, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-38 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-38.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala said the City will be applying for a state capital grant; he said the City will probably be applying with Willowick and Eastlake for the Vine Street Corridor for implementation dollars. He said the City will be applying for between \$2 million and \$3 million for federal grant money for Osborne Park. Ms. Sievers asked when the City would hear about the grant for Osborne Park. Mayor Fiala said it would probably be mid-summer, but the City wouldn't see the money until 2024. Mr. Tomaselli asked if this grant money is a new funding source for Osborne Park. Mayor Fiala said that is correct; he said if the City receives the \$3 million, it should be enough to complete Phase I work including the revetment and grading.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – Mr. Palmisano thanked Council for the passage of Ordinance No. 2023-34 and Resolution Nos. 2023-36, 37 and 38. He said the snowplow shifts will remain on until the middle or end of the month. Mr. Tomaselli asked if a contract has been completed for a new animal control company. He said he will be completing the contract soon. He said four contractors were interviewed and the one chosen is out of Chardon. The City will be reducing the capture to two animals per resident (it was previously five) and the residents will be responsible for anything above that. The new contractor will be charging \$65.00 per animal.

City Engineer Lannon – No report.

Fire Chief Ungar – No report.

Police Chief Schultz – No report.

Building Inspector Keller – Mr. Keller thanked Council for their efforts and approval of Resolution No. 2022-138 and Ordinance No. 2022-139.

Parks & Recreation Director Keller – No report.

Finance Director Hoffman – No report.

COUNCILMEMEN 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 – No report.

The Regular Council Meeting adjourned at 7:57 p.m.

Date approved 3/21/23



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor