

MINUTES REGULAR COUNCIL MEETING

7:03 p.m.

July 11, 2023

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on July 7, 2023.

ROLL CALL

Council Members Present: Merhar, Sievers, Tomaselli, 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 Puskas, Finance Director Hoffman, Clerk Novak

Absent: Councilmen Anderson and Carr

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

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to excuse Councilman Carr 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 Councilman Garry.

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of June 13, 2023.

Roll Call 4 yes
 0 no
 1 abstain (Sievers)

Motion carried 4 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – Absent.

Economic Development Committee, Mr. Anderson – Absent.

Environmental Planning Committee, Mr. Kary – Reported the committee met this evening to discuss EAS #3-2-23.

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

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

Personnel Committee, Mr. Anderson – Absent.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Dan Anderson – Absent.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION: No one spoke.

PENDING LITIGATION STATUTORY REQUIREMENT:

Council review and approval of findings and conclusions of fact per rezoning denial of April 4, 2023.

Motion made and seconded to approve the written findings and conclusions of fact per the rezoning denial of April 4, 2023 in the case of Joseph Conti versus the City of Willoughby.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

PUBLIC HEARING:

Clerk Novak read the legal notice for the public hearing to be held tonight on the proposed 2024 Tax Budget (see attached).

Those Speaking in Favor – No one spoke.

Those Speaking in Opposition – 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 5 yes
 0 no

Motion carried 5 to 0

UNFINISHED BUSINESS:

RESOLUTION NO. 2023-57 - Tabled

A resolution approving EAS #3-2-23 for the construction of ~~eight (8)~~ four (4) townhomes on single family fee simple envelope lots located on Kirtland Road (Kirtland Tudor Townhomes at Kirtland Tudor Estates).

Motion made by Councilman Kary and seconded by Councilman Merhar to amend Resolution No. 2023-57 striking out the word eight and the number 8 replacing with the word four and the number 4 in both the caption and Section 1 of the resolution.

Discussion: Law Director Lucas stated that there are only 5 Council members present tonight and 4 are required to vote affirmatively. He stated that although this is unusual for Council, typically the Planning Commission and the Zoning Board of Appeals ask the applicant if they want to keep the item on the table when there is a limited quorum (as amended in this case). With 7 Council members present 4 votes are required as opposed to when 5 members are present, 80% of the quorum is needed. Mr. Lucas stated the decision (to move forward with the vote) is at the discretion of the Chairman. Weather there are 7 or 5 Council members present, 4 votes in the affirmative are necessary. Vice President Tomaselli stated he wished to move forward.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-57 as amended.

Roll Call 0 yes
 5 no

Motion defeated 0 to 5

NEW BUSINESS:

RESOLUTION NO. 2023-82

A resolution authorizing the Mayor to enter into an agreement with the Board of Lake County Commissioners to participate in the Urban Entitlement Community Development Block Grant (CDBG) Program and for the utilization of funds made available by the Housing and Community Development Act of 1974, as amended, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-82 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-82.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-83

A resolution approving the editing and inclusion of certain ordinances as part of the various component codes of the Codified Ordinances of the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-83 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-83.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-84

A resolution authorizing the Mayor to negotiate and execute a contract with Richard L. Bowen & Associates, Inc. for architectural services and design of the building located at 37733 Euclid Avenue necessary for the Willoughby Police Station, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-84 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-84.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

ORDINANCE NO. 2023-85

An ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$17,000,000 for the purpose of paying the costs of constructing, reconstructing, remodeling, furnishing and equipping a new Police Station and acquiring certain real estate for the same, with related site improvements and necessary appurtenances thereto, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2023-85 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Ordinance No. 2023-85.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-86

A resolution amending Resolution No. 2023-44 to provide for current expenses and other expenditures of 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. 2023-86 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-86.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-87

A resolution adopting the Tax Budget of the City of Willoughby, Ohio for the Fiscal Year beginning January 1, 2024; submitting same to the Lake County Auditor, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-87 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-87.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-88

A resolution authorizing the Mayor to accept the proposal by CT Consultants, Inc. for engineering design and construction services for the River Street Soil Stabilization Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-88 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-88.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-89

A resolution authorizing CT Consultants, Inc. to prepare plans and specifications and to advertise for bids for the River Street Soil Stabilization Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-89 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-89.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-90

A resolution authorizing an expenditure in an amount not to exceed \$300,000 for engineering services for the River Street Soil Stabilization Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-90 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-90.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-91

A resolution authorizing the Mayor to enter into a contract for the purchase of one (1) 2025 e-One HR 100 Single Axel Aerial Truck for an amount not to exceed \$1,413,344.00 and to complete the necessary financing for this authorized purchase, which transaction is being made under the State of Ohio Cooperative Purchasing Program 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. 2023-91 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-91.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

MAYOR'S REPORT – Mayor Fiala reported that Liberty Development was successful in obtaining historic preservation credits. A meeting is taking place tomorrow with them to see what the schedule is and what their next steps are. He stated he would like Economic

Development Director Thielman to attend the next meeting to give an economic development update.

Regarding the SOM Center Trail, Mayor Fiala said several years ago the City applied for a Congestion Mitigation and Air Quality (CMAQ) grant for the creation of a trail. The grant was awarded but costs for the trail increased post-COVID. The City went back to the Northeast Ohio Areawide Coordinating Agency (NOACA) to request an increase in their budget. NOACA helped the City apply for another grant, but was not successful. In the meantime, City Engineer Lannon suggested a sidewalk which would be about \$411,000. Council agreed to contribute \$250,000 of American Rescue Plan Act (ARPA) funds towards the project. The City would be short by about \$160,000. Ben Capelle has indicated Laketran would be able to help with the remaining funding. There may be enough money to bid on the project by early spring. This sidewalk would be on the west side of SOM Center Road.

Mayor Fiala stated he recently participated in a day long work session with the Chagrin River consulting team to create an action plan. He would like to report on both the Osborne Park and Chagrin River Trail project at upcoming Council meetings. Regarding the Vine Street Corridor Project, Mayor Fiala said the community meetings are complete and there is \$150,000 to spend but the project is \$20 million. The City may get a large portion of money and it would be used between Rt. 2 and downtown for the arch treatment of the railroad and Rt. 2 bridges. Vine Street is scheduled to be paved in 2024.

DIRECTOR'S REPORTS

Law Director Lucas – Mr. Lucas thanked Council for approving the findings and conclusions of facts; the Law Department will submit the documentation to the court.

Service Director Palmisano – Mr. Palmisano thanked Council for the passage of Resolution Nos. 2023-88, 89 and 90. Artsfest is this weekend followed by the boat parade at 6 p.m.

City Engineer Lannon – No report.

Fire Chief Ungar – Chief Ungar thanked Council for the passage of Resolution No. 2023-91. Chief Ungar reported that a newly hired paramedic set a University Hospital record for administering a thrombolytic on a stroke victim within 14 minutes of crossing the plane of the emergency room doors at UH Lake West Medical Center.

Police Chief Schultz – Chief Schultz reported that there were two recent vehicle pursuits in the City that were not initiated by the Willoughby Police Department. Both incidents involved stolen vehicles and one involved a loaded firearm. Both incidents occurred during high volume of traffic. The Willoughby Police Department was asked to assist; dispatchers and patrol officers assisted in the apprehension of the suspects. There was no City property damage and no patrol officers were hurt; one person suffered minor injuries. There are policies and procedures in place to reduce the possibility of injuries and do what's right for the community. Chief Schultz was asking everyone to go on Facebook and vote so the department may secure a grant for the department's K-9 program.

Building Inspector Puskas – No report.

Parks & Recreation Director Keller – Absent.

Finance Director Hoffman – Ms. Hoffman thanked Council for the passage of Resolution No. 2023-86 and 87 and Ordinance No. 2023-85.

COUNCILMEN REPORTS

Ms. Sievers – Ms. Sievers reported there will be a Ward 1 meeting on Tuesday, July 18th at 7 p.m. at Osborne park at the pavilion closest to the lake.

Mr. Kary – No report. Mr. Kary stated that the Lake County Executive Airport is hosting a Wings and Wheels event where planes can fly in for free. Cars are welcome as well. The event is on August 5th from 11 a.m. until 3 p.m.

Mr. Tomaselli – Mr. Tomaselli reminded that signatures for the November ballot are due the first week of August.

Mr. Merhar – No report.

Mr. Garry – No report.

Mr. Anderson – Absent.

Mr. Carr – Absent.

The Regular Council Meeting adjourned at 7:52 p.m.

Date approved 8/8/2023

John Tomaselli
John Tomaselli, Vice-President

Patricia Koch
Clerk of Council
Robert A. Fiala
Robert A. Fiala, Mayor

**2024 TAX BUDGET
PUBLIC HEARING NOTICE**

Pursuant to ORC Section 705.17, notice is hereby given that the Council of the City of Willoughby will hold a Public Hearing on the proposed 2024 Tax Budget on Tuesday, July 11, 2023 at 7:10 p.m. in the Council Chambers of Willoughby City Hall, One Public Square, Willoughby, Ohio.

The proposed Tax Budget of the City of Willoughby, Ohio for the year 2024 is on file in the office of the City Finance Director and available for public inspection from 8:00 a.m. to 4:30 p.m. Any person interested in being heard on the proposed 2024 Tax Budget of the City of Willoughby will have an opportunity to be heard at the date and time slated above.

BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY

Alisa Novak
Clerk of Council

Publish: June 30, 2023