

**MINUTES
REGULAR COUNCIL MEETING**

7:01 p.m.

September 5, 2023

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on September 1, 2023.

ROLL CALL

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

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

Absent: Councilmen Carr and Kary

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

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to excuse Councilman Kary 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 Councilwoman Sievers.

FIRE DEPARTMENT SWEARING IN AND AWARDS

Mayor Fiala swore in Battalion Chief Gamiere, Lieutenant McLaughlin, Firefighters Meaney, Ragazzo, Steigerwald and Watral. Fire Chief Ungar presented the 2021 Firefighter of the Year award to Nick Bernakis.

ORGANIZATIONL BUSINESS - COUNCIL APPOINTMENTS

Motion made and seconded to confirm Jerry Ranally to the Civil Service Commission.

ROLL CALL: 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to confirm Jeannie Fleming-Gifford, Jessica Barbarich, Patrick McLaughlin, Maryann Messina and Wade Mitchell to the Public Art Committee.

ROLL CALL: 5 yes
 0 no

Motion carried 5 to 0

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of August 8, 2023.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – Absent.

Economic Development Committee, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – Absent.

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

Parks & Recreation Committee, Ms. Sievers – Ms. Sievers reported that the SmithGroup did a presentation this evening.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – Reported there was a swearing in and award ceremony for the Fire Department this evening.

Service Committee, Dan Anderson – Mr. Anderson requested a committee meeting to review the Lost Nation Road traffic study.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – Absent.

CORRESPONDENCE: Clerk Novak read a request from the Ohio Division of Liquor Control for a new license (D5I) for First Watch Restaurants, Inc., 36001 Euclid Avenue, Unit 1, Willoughby, Ohio, 44094. There were no objections.

PUBLIC PORTION:

Jennifer Izzy Horvath, 38444 North Beachview Road, Willoughby – Ms. Horvath stated she was advocating on behalf of her neighborhood regarding a persistent issue that has been compromising the air quality, health and safety and overall quality of life over the past year. She stated her Lakeshore neighborhood has seen a dramatic uptick in open burning over the last year with residents lighting large back yard fires that spew excessive smoke and debris. Ms. Horvath stated this prevents her from walking outside and the smoke also enters her home and pollutes the air inside. She stated this causes significant breathing issues for herself and her husband Brian. She believes the size and frequency of the fires are not reasonable especially given the small yard spaces in her neighborhood. She has reported the fires many times to the Willoughby Police and Fire Departments who have been helpful and responsive but cannot do anything about them due to Willoughby's lack of open burning regulations, unlike neighboring communities like Mentor, Euclid, Willoughby Hills and Lakewood who all enforce open burning statutes to protect their residents. Willoughby's silence on the subject defaults the matter to Ohio state law which is much more permissive and not designed for communities

where houses are only a few feet away from each other. In other communities such as Mentor and Euclid, recreational fires cannot be lit within 25' of any structure and cannot exceed 2' in height. She is asking Council to protect her quality of life. Mayor Fiala stated the subject of open burning will be discussed in a few weeks during a joint meeting between Council and Boards and Commissions.

Brian Horvath, 38444 North Beachview Road, Willoughby – Mr. Horvath thanked Chief Ungar for speaking to him about the fires. He stated he is not trying to clamp down on people making smores in their backyard or get into a large environmental argument. He stated he is trying to get to a point of reasonableness with the neighbors who have the large round fire pits who are burning day after day. He suggested some sort of permitting system.

Bronco Zigman, 3593 Heritage Court, Willoughby – Mr. Zigman stated there are training planes coming out of Lost Nation Road airport (Lake County Executive Airport) that are constantly doing the same pattern day after day, hour after hour. He stated he counted 123 times in one day that a plane went over his property. He stated the plane flies low; approximately two tree lengths high. He stated he can hear the plane noise over the sound of his lawn mower. He would like some sort of resolution to the problem. Mr. Zigman stated he called to talk to the manager of the airport, but she has not returned his calls.

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

NEW BUSINESS:

RESOLUTION NO. 2023-104

A resolution authorizing the Director of Parks and Recreation to prepare specifications and to advertise for bids for the conversion of three (3) tennis courts to six (6) pickleball courts at Osborne Park, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-104 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-104.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-105

A resolution authorizing the Director of Parks and Recreation to prepare specifications and to advertise for bids for the leasing of new golf carts at the Willoughby Lost National Municipal Golf Course, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-105 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-105.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-106

A resolution authorizing an expenditure of \$183,000 for the purchase and subscription of Flock Safety Equipment from Flock Group, Inc. for a five (5) year term for use by the Willoughby Police Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-106 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-106.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

RESOLUTION NO. 2023-107

A resolution authorizing the Mayor to accept the National Oceanic and Atmospheric Administration (NOAA) Grant through the Ohio Department of Natural Resources (ODNR), to implement the Chagrin River Floodplain Restoration and Trail Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-107 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-107.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

ORDINANCE NO. 2023-108

An ordinance authorizing the Mayor to enter into a Grant of Conservation Easement and Covenant for Stewardship Fees to Western Reserve Land Conservancy on approximately 105.1486 acres of real property located on Permanent Parcel No.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-111 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Resolution No. 2023-111.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

ORDINANCE NO. 2023-112

An ordinance authorizing the sale of real property located at 38393 Beachview Road, consisting of a 0.1825 acre lot identified as Permanent Parcel No. 27B056F000670, without public bidding, for the sum of One Hundred Fifty-Four Thousand Dollars (\$154,000), and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2023-112 be declared an emergency measure.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

Motion made and seconded to adopt Ordinance No. 2023-112.

Roll Call 5 yes
 0 no

Motion carried 5 to 0

MAYOR'S REPORT – Mayor Fiala stated he would like to invite the Willoughby Stingers swim team to the next Council meeting to acknowledge their victory in the Suburban Swim League this year.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – Mr. Palmisano stated there were two recent storms. The Sewer Department has resolved most of the flooding issues. The Service Department started working 10 hour days the Friday after the storms; they will be working through the end of this week doing clean up. Mr. Tomaselli complimented the Service Department on their clean up efforts.

City Engineer Lannon – No report. Mr. Garry asked how long it will take to tear down the dam. Mr. Lannon said it will take about a month. Ms. Banker the dam is about 75% complete with removal. The contractor needs to be out of the dam area by September 15th; the permit was supposed to be issued in July but that didn't happen. Rocks were being hauled away today.

Fire Chief Ungar – Chief Ungar thanked the Mayor and Council for allowing the swearing in tonight.

Police Chief Schultz – Chief Schultz thanked Council for the passage of Resolution 2023-106. He stated the project was started back in 2020 and he acknowledged Assistant Chief Tartaglia who worked hard and negotiated this past deal for the Flock cameras. The Flock cameras have added safety and security to the City and he is glad to see the program grow throughout the county.

Building Inspector Puskas – No report. Mr. Tomaselli asked if the City has any say if a tree has landed on a home and it needs to get back up to code. Mr. Puskas stated its on a case by case basis and insurance companies are involved in that.

Parks & Recreation Director Keller – No report. Mr. Tomaselli asked if the City can put out signs when a concert is cancelled at Wes Point Park.

Finance Director Hoffman – Ms. Hoffman thanked Council for the passage of Resolution No. 2023-109 and Ordinance No. 2023-110.

COUNCILMEN REPORTS

Ms. Sievers – Ms. Sievers thanked Chief Schultz for the portable speed trailer set up in her ward; she believes it has made a difference.

Mr. Kary – Absent.

Mr. Tomaselli – No report.

Mr. Merhar – Mr. Merhar thanked the Service Department for their efforts with the storm clean up.


Mr. Garry – No report.

Mr. Anderson – Mr. Anderson also thanked the Service Department for the city-wide clean up.

Mr. Carr – Absent.

The Regular Council Meeting adjourned at 8:03 p.m.

Date approved 9/19/23



John Tomaselli, Vice President



Clerk of Council


Robert A. Fiala, Mayor