

# MINUTES REGULAR COUNCIL MEETING

7:06 p.m.

November 14, 2023

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on November 9, 2023.

## 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, Finance Director Hoffman, Clerk Novak

The meeting was led in Prayer by Councilman Garry and Pledge of Allegiance by Cub Scout Troop 282.

## Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of October 17, 2023.

Roll Call      7 yes  
                     0 no

Motion carried 7 to 0

## STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – Reported the committee met earlier this evening to address and recommend to Council EAS #13-9-23.

Finance and Audit Committee, Mr. Tomaselli – Reported the committee met this evening to discuss EMS rates and mileage with legislation at the next meeting.

Parks & Recreation Committee, Ms. Sievers – Ms. Sievers requested a committee meeting prior to the December 5<sup>th</sup> council meeting.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Dan Anderson – Mr. Anderson commended the Service Department on the leaf pick up this year.

WPCC Committee, Mr. Garry – No report.

**Planning Commission, Mr. Kary** – No report.

**CORRESPONDENCE:** Clerk Novak read two requests from the Ohio Division of Liquor Control. The first request is for a new license (D5) for Carmen V LLC, dba Vital, 4041 Erie Street, Willoughby, Ohio, 44094. The second request is for a new license (D5) for Phuong Tran, Inc. 5876 SOM Center Road, Willoughby, Ohio, 44094. Mr. Carr commented that the increase in population in the City opened up two additional permits. It was noted that the license (Carmen V LLC) can be sold and could be used for a downtown establishment. There were no objections

**PUBLIC PORTION: Brent Woerner (via Zoom), 3935 King Edward Court, Willoughby, Ohio** – Mr. Woerner asked what the status was for the development of the former high school by Liberty Development. Mayor Fiala stated that the development is moving forward; they recently submitted for informational purposes to the Planning Commission. They have received historic tax credits and have applied for grants for asbestos remediation and demolition from the state. On behalf of the American Legion Post 214, Mr. Woerner stated that as part of Wreathes Across America, 100 wreathes will be delivered in December with 50 wreathes placed at the Sharpe Avenue Cemetery and 50 at the Willoughby Memorial Gardens Cemetery. One week prior, flags will be placed as indicators to where the wreathes will be placed.

**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. 2023-125**

**A resolution approving EAS #13-9-23 for a parking lot expansion located at 4659 Hamann Parkway (Slabe Machine Company).**

Motion made and seconded to adopt Resolution No. 2023-125.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-126**

**A resolution authorizing the Mayor to accept the Coastal Management Assistance Grant (CMAG) through the Ohio Department of Natural Resources (ODNR) in an amount not to exceed \$75,000, with a project match of \$75,000, to implement the Osborne Park Wetlands and Coastal Habitat Enhancement Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-126 be declared an emergency measure.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-126.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**ORDINANCE NO. 2023-127**

**An ordinance authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation (ODOT) and requesting the cooperation of the Director of the Ohio Department of Transportation to resurface Vine Street (SR-640) in the City of Willoughby, Lake County, Ohio and declaring an emergency .**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2023-127 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2023-127.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-128**

**A resolution authorizing the Mayor to enter into a First Amendment to Lease Agreement with Meister Media Worldwide, Inc. for the use of a City-owned commercial building located at 37733 Euclid Avenue, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-128 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-128.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**ORDINANCE NO. 2023-129**

**An ordinance authorizing the transfer of 0.302 acres of City-owned real property located on Robin Drive in the City of Eastlake and further identified as Permanent Parcel No. 34B021E000100, to the City of Eastlake without public bidding.**

Motion made and seconded to adopt Ordinance No. 2023-129.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**ORDINANCE NO. 2023-130**

**An ordinance accepting two (2) permanent watermain easements from Yvonne Kirby, and declaring an emergency.**

Motion made and seconded to adopt Ordinance No. 2023-130.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-131**

**A resolution accepting a total donation of \$14,000 from the Fraternal Order of Eagles, Willoughby, Aerie No. 2300, to be used to assist the Willoughby Police Department in the purchase of a canine.**

Motion made and seconded to adopt Resolution No. 2023-131.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-132**

**A resolution approving Change Order No. 1 in the Willoughby Fire Stations No. 1 and No. 2 Roof Replacements with Master Renovations, Inc., and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-132 be declared an emergency measure.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-132.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**ORDINANCE NO. 2023-133**

**An ordinance amending Chapter 185 of the Codified Ordinance of the City of Willoughby, Ohio titled "Municipal Income Tax", with an effective date of January, 2024.**

Motion made and seconded to adopt Ordinance No. 2023-133.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-134**

**A resolution approving Change Order No. 1 in the Willoughby Osborne Park Coastal Improvements Project with SmithGroup, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-134 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-134.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-135**

**A resolution making a third amendment to 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. 2023-135 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-135.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-136**

**A resolution approving Change Order No. 1 in the 2023 Concrete Pavement Slab Replacement Project with T.C. Construction Co., Inc., and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-136 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-136.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2023-137**

**A resolution authorizing the Director of Finance to transfer funds from the General Fund to the Golf Course Fund, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-137 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-137.

Roll Call      7 yes  
                  0 no

Motion carried 7 to 0

**MAYOR'S REPORT** – Mayor Fiala reported that it appears the City may receive an unsolicited grant from the Ohio Department of Natural Resources (ODNR) of \$111,600 for design services for the recently acquired Andrews Osborne property. He stated that the Chagrin River Watershed Partners developed the cost to complete the design drawings and it appears the City will receive the grant. He stated that this Saturday at noon is the rededication of the Garrett Morgan stop light near the courthouse.

## **DIRECTOR'S REPORTS**

**Law Director Lucas** – No report.

**Service Director Palmisano** – Mr. Palmisano thanked Council for the passage of Resolution Nos. 2023-132 and 136. He stated the Service Department is halfway through the leaf pick up season. The online auction is currently on going and will end this coming Saturday; links to the auction are available through the City website. Mr. Tomaselli inquired about a snow fence typically put up near King Edward Court and Polo Park. Mr. Palmisano stated a snow fence will most likely be put up on the Illuminating Company's property across the street from King Edward Court (north side of Johnnycake Ridge Road). Mr. Kary inquired about a snow fence on Lost Nation Road near the airport on the west side. Mr. Palmisano stated a snow fence will be put up there as well.

**City Engineer Lannon** – No report.

**Fire Chief Ungar** – Chief Ungar thanked Council for the discussion on EMS billing rates.

**Police Chief Schultz** – Chief Schultz thanked Council for the passage of Resolution No. 2023-131. He publicly thanked the Willoughby Fraternal Order of Eagles Lodge 2300 for their support of the Willoughby Police Department and the canine program. He appreciates Ed Glass, Rocque Trem, Jerry Frye and Jeff Mitchell. Mr. Mitchell has been a longtime supporter of the department and the canine program. He stated this Saturday from 10 a.m. to 2 p.m. is the Stuff the Cruiser event at Marc's. The department is also collecting new toys in the lobby for Toys for Tots. On Saturday, December 9<sup>th</sup> at noon is the Protect and Serve Tavern at the Great Lakes Mall; non-alcoholic beverages will be served. Mr. Tomaselli inquired about the live action cameras downtown. Chief Schultz stated that through Flock, the live action cameras have already been installed in downtown Willoughby.

**Building Inspector Puskas** – No report. Regarding retention ponds, Mr. Tomaselli asked if there are guidelines regarding the maintenance of retention ponds. Mr. Puskas stated he will need to review the current code. Mr. Kary stated that retention ponds come up a lot as a member of the Planning Commission and directives are agreed to by the applicants regarding the maintenance of the ponds. He believes the codified ordinances should be updated to include the maintenance of retention ponds.

**Parks & Recreation Director Keller** – Absent.

**Finance Director Hoffman** – Ms. Hoffman thanked Council for the passage of Ordinance No. 2023-133 and Resolution Nos. 2023-135 and 137.

**COUNCILMEN REPORTS**

**Ms. Sievers** – Ms. Sievers reported there was a Ward 1 meeting in November; she thanked Chief Ungar for allowing her to host the meeting at Fire station #2. She thanked the residents of Ward 1 for allowing her to continue to serve.

**Mr. Kary** – No report.

**Mr. Tomaselli** – No report.

**Mr. Merhar** – No report.

**Mr. Garry** – No report.

**Mr. Anderson** – No report

**Mr. Carr** – Mr. Carr congratulated the Andrews Osborne Academy boys soccer team who won the state championship representing 12 countries.

*The Regular Council Meeting adjourned at 7:43 p.m.*

Date approved 12/5/23

John Tomaselli

~~Robert E. Carr, President~~  
John Tomaselli, Vice President

Olivia Koch

Clerk of Council

Robert A. Fiala

Robert A. Fiala, Mayor