

**PLANNING COMMISSION
CITY OF WILLOUGHBY
AUGUST 10, 2017
PUBLIC HEARING
MINUTES**

PRESENT: C. Cox; R. Fiala; K. Kary, Vice Chairman

ABSENT: Wade Mitchell; G. Merhar, Chairman

OTHERS: Mike Germano, Asst. Law Director; Darryl Keller, Chief Bldg. & Zoning Official;
Vicki Grinstead, Secretary

Vice Chairman Kary called the public hearing to order at 7:00 p.m.

The legal notice was read into record by Mrs. Grinstead.

**Frank and Tony's
38107 Second St.
(Angelo Gallo, Owner)**

**Amend current Conditional
Use Permit**

Vice Chairman Kary asked if there was anyone that would like to speak in favor for the proposal.

The following spoke **FOR** the proposal:

**Angelo Gallo
4126 Amelia Ave.
Willoughby, OH 44094**

Mr. Angelo Gallo, Owner of Frank and Tony's, 38107 Second St., Willoughby, Ohio is representing his application.

Mr. Gallo stated that in his application he asked for live music until midnight, Sunday through Sunday. He needs additional hours to compete with neighboring businesses. He wished to amend his application and not do Sunday through Sunday, but would like to have the hours that are in the future ordinances which include Thursday, Friday and Saturdays with the exception of adding Tuesday evening until midnight. He would be fine with a one year probationary period for Tuesday evenings.

Vice Chairman Kary asked if there was anyone else that would like to speak in favor of the proposal and there was no one.

Vice Chairman Kary asked if there was anyone that would like to speak in opposition of the proposal.

The following spoke **IN OPPOSITION** of the proposal:

**Mark Gerber
4176 Clark Ave.
Willoughby, OH 44094**

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Mr. Gerber believes that Friday and Saturday, as it exists in the ordinance, is the right time for entertainment and outside entertainment at conversational level has already been established. He does not believe outdoor live entertainment should be allowed in this location unless it is acoustic/conversational level because this business is closer to the residential areas than some of the other downtown businesses. He is in favor of the one year probationary period for Tuesday evening.

**Deanna Rowe, Owner
Homestead House & Breakfast
38111 W. Spaulding
Willoughby, OH 44094**

Ms. Rowe has attended many meetings with regard to downtown businesses that have included discussions on outdoor patios and acoustic level music. She decided to do some research on acoustic level music on Brim's outdoor patio, (presented pictures on overhead). She knew other businesses were also going to ask for the same considerations. She listened at many different locations, days and times. What she found was the music was very low key and at times could not even be heard. She would like Frank and Tony's to pull down the garage doors on the outdoor patio because they are very effective at blocking out the noise. She has had issues with noise problems with Frank and Tony's several times and has had to call the police. Patrons were being loud and using fowl language. She is ok with him having music on his patio in accordance with the future regulations, but is asking that the garage door to the south be down at all times. She has spoken to Mr. Gallo in the past and he was not opposed to this suggestion but has never complied. She would also like his speakers to face north in case the music does get out of control so it would not impact her business.

**Mark Gerber
4176 Clark Ave.
Willoughby, OH 44094**

Mr. Gerber agrees with Ms. Rowes requests. He would still like it to be Friday and Saturdays and possibly Tuesdays.

Vice Chairman Kary asked if there was anyone in **favor IN REBUTTAL** for the proposal:

**Angelo Gallo
4126 Amelia Ave.
Willoughby, OH 44094**

Mr. Gallo stated he was before the Board three years ago and discussed a second floor patio and what the impact would be on the community. He is just trying to make a living and people come to town for the entertainment. He apologized for his patrons using offensive language. He lives in this city, loves it and would never do anything to harm the city.

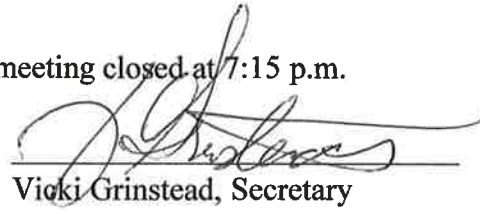
Vice Chairman Kary asked if there was anyone else that would like to speak in favor of the proposal and there was no one.

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Vice Chairman Kary asked if there was anyone that would like to speak in opposition of the proposal and there was no one.

There being no further business the public hearing meeting closed at 7:15 p.m.


Ken Kary, Vice Chairman


Vicki Grinstead, Secretary