

## MINUTES REGULAR COUNCIL MEETING

7:01 p.m.

October 19, 2021

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on October 15, 2021.

### ROLL CALL

**Council Members Present:** Garry, Kary, McNeill, Tomaselli, Woodin 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 Keller, Parks & Recreation Director Banker, Finance Director Bosley, Clerk Novak

**Absent:** Councilman Anderson

Motion made and seconded to excuse Councilman Anderson from the meeting.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

The meeting was led in Prayer and Pledge of Allegiance by Councilman Kary.

### STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Ms. McNeill – No report.

Environmental Planning Committee, Mr. Kary – No report.

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

Parks & Recreation Committee, Mr. Woodin – Reported one item on the agenda.

Personnel Committee, Mr. Anderson – Absent.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Mr. Woodin – Reported two items on the agenda.

WPCC Committee, Mr. Anderson – Absent.

Clean City Commission, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

Shade Tree Commission, Ms. McNeill – No report.

**CORRESPONDENCE:** Clerk Novak read a request from the Ohio Division of Liquor Control for a new D5I liquor license for Cracker Barrel Old Country Store, Inc., dba Cracker Barrel Store 525, 6055 SOM Center Rd., Willoughby, OH 44094. Cracker Barrel will be serving alcohol nationwide. There were no objections.

Regarding the public hearing scheduled for this evening, Council President Carr said typically public hearings are held in conjunction with legislation in front of Council (in this case a rezone). However, the applicant has asked that the application be tabled, but the public hearing is still on the record. Mr. Carr informed the public they will be given an opportunity to speak tonight at the public hearing. The public hearing will be recessed and will be back on the agenda in two weeks. Law Director Lucas said the notice went out in a timely manner; therefore, the public will be able to speak tonight on the rezoning from R-100 to R-80 and also have the opportunity to speak again at the next meeting.

**PUBLIC PORTION:**

**Greg Patt, 38005 Brown Avenue, Willoughby** – Mr. Patt said there was a lot of discussion when he was on the Planning Commission and in the years since about rezoning from larger zone districts to smaller ones. He said it's really not a matter if the property is an R-100 or R-80 in terms of number of homes but rather the visual spaces between the homes. He said the houses on Park Avenue are zoned R-60 with a driveway next to each house which separates each house. He said there is a housing development off Lost Nation Road in which the houses all have front loading garages and those houses can be a minimum of 10 to 15 feet apart. He suggested in the future looking at developments where the garages load in the back of the houses making the front yards and porches smaller.

**PUBLIC HEARING:**

Clerk Novak read the legal notice for the public hearing to be held tonight on the proposed zoning map amendment (see attached).

**Those Speaking in Favor** – No one spoke.

**Those Speaking in Opposition**

**Martin Smoley, 38800 Johnnycake Ridge, Willoughby** – Mr. Smoley said he was against the change from R-100 to R-80. He said all the homes across the street are R-100. He said he is concerned with the traffic flow indicating that one street will come out directly in front of his house. He said the homes in that area have septic systems. He said there is no information about the sewers; if the sewers are going to be gravity sewers or if they will have to be pumped across the street. He said he is concerned if the houses are too close together, a fire could destroy many of them.

**Connie Frazza, 38796 Johnnycake Ridge, Willoughby** – Ms. Frazza said she was against the rezoning. She said she has lived in her home for 50 years and enjoys the peace and quiet. She said there could be more accidents with the increase in traffic.

Motion was made and seconded to recess the public hearing.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0





made into condos or apartments. He suggested communicating with them about keeping it a public parking lot with the City offering to help maintain it. Mr. Tomaselli asked about putting parking meters there to create a revenue stream. Mayor Fiala said he hasn't had a conversation with the library about the parking lot yet.

Mr. Carr asked about the outcome of the request from Ms. Kiss to install a high tunnel. Chief Building and Zoning Inspector Keller said it was resolved; the City issued a temporary certificate of occupancy. If it becomes a problem, she agreed to remove it.

Mr. Carr asked about the status of the public art piece at the Citizens Bank building. Mayor Fiala said the piers are up and the sculptural piece is in fabrication; it will be in on November 11<sup>th</sup>. A ribbon cutting will be scheduled once complete.

Mr. Tomaselli asked if the City used the lawn of the former Citizens Bank building for programs. Parks and Recreation Director Banker said drive in movies were done on the lawn there. She said those would continue because previously the City had partnered with the bank and library.

## **DIRECTOR'S REPORTS**

**Law Director Lucas** – No report. Mr. Tomaselli asked if the City has heard anything from the Sundman's regarding the sidewalk easement. Mr. Lucas said he would check into it. Mr. Carr asked about the Residential Income District (RID) legislation for the Sommers property on Rt. 91. Mr. Lucas said the City received consent from the school board but are waiting until the November 2<sup>nd</sup> meeting because the Lake County Commissioners have 30 days to weigh in. Mr. Woodin mentioned he received a Republic Waste survey call.

**Service Director Palmisano** – Mr. Palmisano said the Service department is finishing up all the crack sealing and concrete and asphalt work. The leaf pick up will begin next week.

**City Engineer Lannon** – Regarding the road program, there will be some repair work tomorrow on Maplegrove with resurfacing of repaired streets next week. Regarding the storm outfall project, three of the four sites are substantially complete; the remaining one is east of Tops Industrial Park. He said the contractor is waiting on a concrete pipe. He said the contractor working on the Lakeshore Boulevard culvert on the City's side of Two Town Ditch is waiting on a 4 ft. diameter steel pipe that won't be available for 16 to 18 weeks.

**Fire Chief Ungar** – No report.

**Police Chief Schultz** – Chief Schultz reported that a number of vehicles were stolen as well as items stolen from vehicles. He said he had reported to Council last Thursday that two arrests had been made. He said on Thursday morning, an officer saw three vehicles that appeared suspicious coming from Tamarac Boulevard. He learned one vehicle was stolen and the other two had just been stolen. He attempted to stop the vehicles but they fled. For the safety of the officer and the public, the pursuit stopped at that time. He said earlier that morning, detectives located one of two vehicles stolen in Cleveland. He said the vehicle was occupied by two teenagers who were arrested. One of the teenagers did have a weapon, but did not reach for it. Since that time, detectives and officers have been working to recover the other stolen vehicles. He believes the two suspects arrested last week are connected to other

stolen vehicles. Chief Schultz wanted to give thanks to the officers, detectives and dispatchers involved. He said the second annual Lake County Trunk or Treat will take place on Sunday, October 24<sup>th</sup> from 5 p.m. until 8 p.m. at the Lake County Captains Stadium parking lot; all are welcome to stop by. He said the Fire Department will be joining this year.

**Building Inspector Keller** – No report.

**Parks & Recreation Director Banker** – Reported 65 people attended the clam bake which was moved inside at the golf course due to the weather. Ms. Banker thanked Council for the passage of the golf course equipment resolution.

**Finance Director Bosley** – Reported a Health Care Committee meeting was held last Friday. Health insurance renewals have been received with an increase of 9.7%. She said putting the increase in perspective; the City had no increases for three years, one year at 2.74% and then no increase. She said there are some members of the OGBC Consortium that have double digit increases. There is an increase of 5% for dental insurance, but that premium remains lower than the premium with the prior vendor.

#### COUNCILMEN:

**Mr. Woodin** – No report.

**Mr. Kary** – Mr. Kary thanked Ms. Banker, Brian McCoy and Greg Hill for their hard work on the recent clam bake; he said he is in full support of these types of activities at the golf course. He congratulated the City, the Heart of Willoughby and the Willoughby Arts Collaborative and the Downtown Willoughby Organization for the public art mural that went up at the library.

**Mr. Tomaselli** – No report.

**Mr. Anderson** – Absent.

**Mr. Garry** – No report.

**Ms. McNeill** – No report.

**Mr. Carr** – Mr. Carr inquired about the availability to meet on December 21<sup>st</sup>. He asked the Mayor to ask the directors about their availability as well.

Motion made and seconded to go into Executive Session in accordance with ORC 121.22(G)2 to consider the purchase and sale of property at 7:54 p.m.

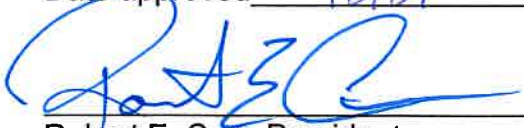
Roll Call      6 yes  
                    0 no

Motion carried 6 to 0


The Council meeting reconvened at 8:56 p.m. from the Executive Session.

The Regular Council Meeting adjourned at 8:56 p.m.

Date approved 11/2/21

  
Robert E. Carr, President

  
Clerk of Council

  
Robert A. Fiala, Mayor

## **LEGAL NOTICE**

Pursuant to Chapter 1115.03(f) of the Codified Ordinances of the City of Willoughby, Ohio notice is hereby given of a Public Hearing to be held by the Council on Tuesday, October 19, 2021 at 7:10 p.m. (remote access through Zoom) in the Municipal Building, One Public Square, Willoughby, Ohio.

**Said hearing is for a rezoning application initiated by George Davis of GD3 Ventures, 9124 Tyler Blvd., Mentor, OH 44060 for the rezoning of PPN #27-A-031-0-00-017-0 and the partial rezoning of PPN #27-A-031-0-00-002-0, #27-A-031-0-00-016-0 and #27-A-031-0-00-018-0 from an R-100 zone district to an R-80 zone district .**

Persons affected may appear at said hearing and may speak for or against the proposal either in person or by attorney.

**BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY**

Alisa Novak  
Clerk of Council

**Publish: October 4, 2021**