

# MINUTES REGULAR COUNCIL MEETING

7:07 p.m.

December 6, 2022

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on December 2, 2022.

## ROLL CALL

**Council Members Present:** Sievers, Tomaselli, Anderson, Carr, Garry, Kary and Merhar

**Others Present:** Mayor Fiala, Law Director Lucas (via Zoom), Service Director Palmisano, City Engineer Lannon, Fire Chief Ungar, Police Chief Schultz, Finance Director Bosley, Deputy Finance Director Hoffman, Clerk Novak

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

## Approval of Minutes

Motion made and seconded to approve the Regular Meeting Minutes of November 15, 2022.

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 there was a committee meeting tonight to review two EAS's and there are four items on the agenda this evening.

Finance and Audit Committee, Mr. Tomaselli – Reported two items on the agenda this evening.

Parks & Recreation Committee, Ms. Sievers – Reported one item on the agenda this evening.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – Reported there was a committee meeting this evening to discuss a safety levy for the purpose of Police and Fire. There are two items on the agenda this evening.

Service Committee, Mr. Anderson – Reported three items on the agenda this evening.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

**PUBLIC HEARING:**

Clerk Novak read the legal notice for the public hearing to be held tonight for the proposed rezoning on Hodgson Road (see attached).

**Those Speaking in Favor-**

**Michael Ross, 4735 Wood Street, Willoughby** – Mr. Ross said the Stone's have owned the property since 1978. With the current zoning classification of the property, he does not believe traditional residential financing can be done because it's zoned a commercial designation even though it's a residential use. With that being said, it would be a severe detriment to the overall value of the Stone's property creating a financial hardship. He said he assumes housing would be much more beneficial than storage units or an airport hangar which are permitted uses under it's current zoning classification as airport district. The land is for sale and if this rezoning doesn't move forward, another application will be forthcoming with more discussion.

**Those Speaking in Opposition-**

Mr. Carr read into the record the following e-mails received in opposition:

**Bonnie Sivillo, 7319 Hodgson Road, Mentor -**

I strongly oppose the application for rezoning for a residential multi-family low rise on MY STREET. Hodgson Road already gets too much traffic with speeders. My neighbors and I enjoy the mature trees, nature setting and wildlife. We do not need any more newly built homes/properties jammed on Hodgson Road. This proposal negatively affects the residents of Mentor who are the majority of people living on this street. Joseph Conti should take his idea elsewhere and where rezoning is not required.

**Suzanne Zak, 7305 Hodgson Road, Mentor -**

I am writing to you today regarding the hearing taking place tomorrow, December 6, 2022, that is to address the rezoning of the property located at 38751 Hodgson Road. I very much would have liked to attend the hearing in person tomorrow but unfortunately I have a work meeting that I have to attend at the same time so I am hoping that this email can represent my and my husband's (Brian Zak) position on this matter. We are current residents at 7305 Hodgson Road and we would like it noted that we are strongly AGAINST such rezoning and hope that Willoughby and City Council members will listen to our voice and those of other residents in this area. We have lived on Hodgson for over 15 years now and the traffic increase on our road has been extreme due to the constant building of new homes at the end of Hodgson and in that area. We have two young children and are constantly concerned about the cars and traffic going down our street when they are playing. So many cars speed and even pass others on our street and this has only increased significantly as more houses and cluster homes were built. We understand the need for new housing but enough is enough and there is a need for some green space in the cities to STAY along with larger single home properties and not multiple units crammed in a few acres. If only those planning to build such housing on OUR street would consider if they would like the same type of housing built on or near their large house with acreage? If so, please do so there instead of finding any other single property to build on Hodgson Road where we love any bit of nature and wildlife that still remains. Please respect those of us that love our location, our city, our neighbors and especially our children that we have fought to stay here with what peace we can keep. Our children have started to question why "they" keep building houses and notice the increased traffic that causes them to fear playing in the yard at times. Please take this and others stand against this type of rezoning very seriously and consider the families and children this affects. Thank you for your time and

I appreciate the opportunity to express our position against rezoning 38751 Hodgson Road. It should be kept a single residence that could one day be a very nice home and property for a family to appreciate as we have very little properties like it left anymore. If you can kindly confirm receipt of this email, I would greatly appreciate it. Again, thank you for your time.

**Lisa Arcaro (no address given) -**

Per your request I am emailing you and the Willoughby City Council that I do not support develop of the parcel 38751 Hodgson Road.

- There is already too much traffic on Hodgson Road and the area around it due to all the development.
- That property provides a noise barrier for the airport to the existing homes nearby.
- Safety is important to residents of that area, it is already overly congested and does not have safety mechanisms in place including traffic lights.
- The feel when people moved into that area was a rural, country-like feel, that is slowly eroding.

Please relay my "vote" against this rezoning.

**Paul Mats, 38702 Avenel Court, Willoughby -**

Regarding hearing on December 6, 2022, for rezoning parcel # 27-B-052-0-00-004/38751 Hodgson Rd. Willoughby, OH 44094 from Airport District to Residential Multi-Family Low Rise for an attached condominium subdivision. If the property is rezoned as multifamily housing, nothing can stop developer from building apartments on Hodgson Road, across Willoughby Crossing single family condominium, where me and my family are living. There will be amount of increasing traffic on Lost nation and Hodgson Roads, noise pollution, because beautiful wood buffer, between airport and Willoughby Crossing will be removed, utilities infrastructure (water, sewer, etc.) can't tolerate additional housing and population boom, so, please vote against rezoning.

**Gene and Kathi Rowe, 38754 Congressional Lane, Willoughby –**

Good afternoon. We are not able to make the Public Hearing tonight relative the property on Hodgson by the airport across from Willoughby Crossings. Just a few comments about building residential there, which I know can't be stopped, but there are already issues with traffic on Hodgson, especially at Lost Nation. Trying to pull off Hodgson in the morning and afternoons is ridiculous without a traffic light. I'm surprised there are not more accidents there. Since the Ryan development on Lost Nation just south of Hodgson, not only has the traffic gotten worse, but so have the speeders. We have also noticed a marked difference in our water pressure since that development was built. We tried to get a back-up for our sump pump using a water pressure system and couldn't do it because our water pressure is too low, especially in the summer. Aren't there some height restrictions because of the airport? Just wanted to give you some feedback.

**Pat O'Day, 38883 Hodgson Road, Willoughby –** Mr. O'Day said he lives next door to the former organic farm that was located (on the parcel to be rezoned). Mr. O'Day asked what the City thought about the sale of the parcel for \$380,000. He asked how much money the City was putting forward for traffic lights, widening the street, and adding sidewalks to make the property useful. He asked if the City considered buying the property and making it a greenspace.

**Bill Regal, 38593 Fairway Glen, Willoughby** – Mr. Regal stated he is the Homeowner's Association President for the development. He said there are traffic concerns in the area including additional cut through traffic through developments. He is not opposed to the development but is opposed to that many houses.

**Mike Cackowski, 38627 Congressional Lane, Willoughby** – Mr. Cackowski asked if the City has looked into FAA loans or grant proposals for expansion of the airport and for safe zones around the airport. He said Geauga airport had secured grants to add safe zones around that airport. He asked the City to look into that before the property is sold for residential purposes. As a former pilot who has used the airport, he asked if there has been any noise studies done for the area; he said the buffer does help quiet the area.

**Sean and Bobbie Kelley, 38740 Avenel Ct. Willoughby** – Mr. Kelley said he wanted to go on record as being opposed to the rezoning for the reasons already expressed.

**Barry Carpa, 2096 Canterbury Drive** – Mr. Carpa said he was opposed to the rezoning.

**PUBLIC HEARING:**

Clerk Novak read the legal notice for the public hearing to be held tonight for the proposed rezoning on Shankland Road (see attached).

**Those Speaking in Favor-**

**Greg Sommers, Sommers Development Group, 10585 Somerset Drive, Chardon** – Mr. Sommers said he is in favor of the proposed rezoning and associated townhouse development. He said he submitted a conceptual development plan to the administration to review and consulted with their architectural and planning firm and it has been determined that high quality townhouses are an ideal use for the site. It's a unique site that borders general business zoning and the school property transitioning into residential properties to the south and east.

**Those Speaking in Opposition-** No one spoke.

**CORRESPONDENCE:** No correspondence.

**PUBLIC PORTION:**

**Lorraine White, 2044 Canterbury Drive, Willoughby** – Regarding traffic lights on Lost Nation, Ms. White said the City really needs to do something on Lost Nation Road. She said it's a tragedy waiting to happen. She said she doesn't try to leave her house between 2:30 p.m. and 4 p.m. because she can't get out. She said a light somewhere would help stop the traffic.

**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

**UNFINISHED BUSINESS:**

**RESOLUTION NO. 2022-138 - Tabled**

**A resolution approving EAS #12-6-22(a) for the rezoning of 17.416 acres of real property located on Pelton Road and further identified as Permanent Parcel No. 27B0390000300 from Limited Industrial (L-I) to General Industrial (G-I).**

**ORDINANCE NO. 2022-139 - Tabled**

**An ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 17.416 acres of certain real property located at 0 Pelton Road (Permanent Parcel No. 27B0390000300) from Limited Industrial (L-I) to General Industrial (G-I).**

**NEW BUSINESS:**

**RESOLUTION NO. 2022-147**

**A resolution approving EAS #13-7-22(a) for the rezoning of 7.72 acres of real property located at 38751 Hodgson Road and further identified as Permanent Parcel No. 27B0520000040 from Airport District (A) to Residential Multi-Family Low Rise (R-MF-L).**

Motion made and seconded to adopt Resolution No. 2022-147.

Roll Call      0 yes  
                     7 no

Motion defeated 0 to 7

**ORDINANCE NO. 2022-148**

**An ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 7.72 acres of certain real property located at 38751 Hodgson Road (Permanent Parcel No. 27B0520000040 from Airport District (A) to Residential Multi-Family Low Rise (R-MF-L).**

Motion made and seconded to adopt Ordinance No. 2022-148.

Roll Call      0 yes  
                     7 no

Motion defeated 0 to 7

**RESOLUTION NO. 2022-149**

**A resolution approving EAS #17-10-22(a) for the rezoning of 0.296 acres of real property located on Shankland Road and further identified as a portion of Permanent Parcel No. 27A0150000240 from Residential One-Family 100 (R-100) to Residential Multi-Family Low Rise (R-MF-L).**

Motion made and seconded to adopt Resolution No. 2022-149.

Roll Call      5 yes  
                     2 no (Merhar, Tomaselli)

Motion carried 5 to 2

**ORDINANCE NO. 2022-150**

**An ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 0.296 acres of certain real property located on Shankland Road (a portion of Permanent Parcel**



Motion made and seconded to adopt Resolution No. 2022-153.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2022-154**

**A resolution declaring a 2016 Ford Explorer K9 vehicle owned by the City of Willoughby as obsolete and not needed for public use, authorizing the sale thereof to the City of Euclid, Ohio, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-154 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2022-154.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2022-155**

**A resolution authorizing the Mayor to enter into an agreement with SmithGroup Architects & Landscape Architects PLLC in an amount not to exceed \$226,500 to provide design services for the Osborne Park Coastal Improvement Project Phase 1, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-155 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2022-155.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2022-156**

**A resolution authorizing the Mayor to enter into the Heights-Hillcrest Technical Rescue Team (HHTRT) Agreement for Special Rescue Services, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-156 be declared an emergency measure.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2022-156.

Roll Call      7 yes  
                  0 no

Motion carried 7 to 0

**ORDINANCE NO. 2022-157**

**An ordinance declaring that any funds remaining unclaimed for a period of five (5) years are hereby forfeited and the Willoughby Building Department is hereby authorized to transfer said funds into the Willoughby General Fund, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2022-157 be declared an emergency measure.

Roll Call      7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Ordinance No. 2022-157.

Roll Call      7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2022-158**

**A resolution authorizing the Director of Finance to accept funding from the U.S. Department of Treasury, as authorized under the American Rescue Plan Act, for the reimbursement to the City of revenue losses in any given year from 2020 through 2024, and for additional expenses incurred related to the COVID-19 pandemic, as permitted by H.R. 1319 – 117<sup>th</sup> Congress.**

Motion made and seconded to adopt Resolution No. 2022-158.

Roll Call      7 yes  
                  0 no

Motion carried 7 to 0

**RESOLUTION NO. 2022-159**

**A resolution approving Change Order No. 2-Final in the 2021 Pavement Repair Program with Burton Scot Contractors, LLC, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2022-159 be declared an emergency measure.

Roll Call      7 yes  
                  0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2022-159.

Roll Call      7 yes  
                  0 no

Motion carried 7 to 0



**MAYOR'S REPORT** – Mayor Fiala said in anticipation of Finance Director Bosley's retirement this year, the City requested resumes. He said four candidates including the current Deputy Finance Director Hoffman were interviewed. Given Ms. Hoffman's performance over the last several weeks regarding the Police Station project, it is his recommendation the City retain Ms. Hoffman as Finance Director; he will be asking for confirmation by Council.

## **DIRECTOR'S REPORTS**

**Law Director Lucas (via Zoom)** – No report.

**Service Director Palmisano** – Mr. Palmisano reported the Service Department will be completing the fall leaf pick up season this Friday. He said over 290 truckloads have been collected which is slightly higher than average. Mr. Carr asked about sidewalk work he noticed going on in the City. Mr. Palmisano said the volunteer sidewalk contractor is very active and is getting a lot of sidewalks completed.

**City Engineer Lannon** – Mr. Lannon said with the closeout of the last couple of years road programs, he is gearing up for next year's asphalt road program, a concrete slab program (with some assistance from Ohio Public Works Commission), the Kirtland Road paving project which is sponsored by the Ohio Department of Transportation and Hayes Avenue which is the result of a Community Development Block Grant.

**Fire Chief Ungar** – Chief Ungar thanked Council for the passage of Resolution No. 2022-156. He said there will be an MOU forthcoming regarding the equipment the City will carry as a member of the team.

**Police Chief Schultz** – Chief Schultz thanked Council for the passage of Resolution No. 2022-154. He said the 27<sup>th</sup> Annual Lake County Protect and Serve Tavern at the Great Lakes Mall from noon until 3 p.m. is this Saturday. This event is hosted by the Lake County Crime Prevention Task Force, Lake County Safe Communities Coalition and the Lake County Association of Chiefs of Police. He said snacks and beverages will be served. Also, this Saturday is the Stuff the Cruisers event to be held at Willoughby Marc's and Target from 11 a.m. until 3 p.m.; donations of toys and food are welcome. Toys for Tots has been ongoing for the last few weeks and the support has been overwhelming. These toys will benefit local children.

**Building Inspector Keller** – Absent.

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

**Finance Director Bosley** – Ms. Bosley said there will be legislation on the agenda for the next Council meeting as the department finishes out the year.

## **COUNCILMEMEN REPORTS**

**Ms. Sievers** – No report.

**Mr. Kary** – No report.

Mr. Tomaselli – No report.

Mr. Merhar – No report.

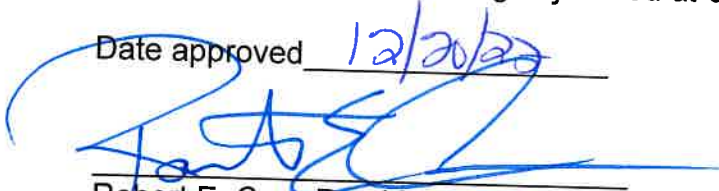
Mr. Garry – No report.

Mr. Anderson – Mr. Anderson said over the course of the public hearing for the rezoning, every person except one is concerned about traffic on Lost Nation Road. He feels the City needs to make a traffic light a priority; he knows it's not cheap, but the City needs to move forward. Mr. Kary said from Atkins Road to Lakeshore Blvd. on Lost Nation Road there is two miles of road and not one traffic light. There are a lot of locations that could warrant a traffic light; Hodgson Road is one, but the cost of a light there is \$500,000. He said he is willing to work with Council to find out where a signal could be placed.


Mr. Carr – No report.

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

Date approved 12/20/22

  
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Robert E. Carr, President

  
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Clerk of Council

  
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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, December 6, 2022 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 Joseph Conti, 2760 Loreto Drive Willoughby Hills, OH 44094 for the rezoning of 7.72 acres of land from Airport District (A) to Residential Multi-Family Low Rise (R-MF-L) located at 38751 Hodgson Road aka PPN #27-B-052-0-00-004.**

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: November 16, 2022**

## **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, December 6, 2022 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 Greg Sommers, Sommers Development Group LLC for the rezoning of approximately 0.2960 acres of PPN #27A0150000240 located on Shankland Road from Residential 100 (R-100) to Residential Multi-Family Low Rise (R-MF-L).**

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: November 18, 2022**