

MINUTES REGULAR COUNCIL MEETING

7:02 p.m.

March 5, 2024

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on March 1, 2024.

ROLL CALL

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

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, Economic Development Director Thielman.

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

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of February 20, 2024.

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 – No report.

Finance and Audit Committee, Mr. Tomaselli – Mr. Tomaselli stated a committee meeting was held tonight to discuss the 2024 operating budget; another meeting will take place on March 19th.

Parks & Recreation Committee, Ms. Sievers – No report.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Dan Anderson – No report.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION:

Dennis Quigney, 5349 Strawberry Lane, Willoughby – Mr. Quigney stated he had a few questions, but a few of his questions were answered by watching the Mayor's video report. Mr. Quigney asked how the decision was made to close the Euclid Avenue pool and what the plans are for the property. He asked what the intention was for the former Police Station; the Mayor's video indicated it may be used for public use but that was a different answer than the one he received about 15 months ago when he came to a Council meeting. He stated that the YMCA in Willoughby has an affiliation with the Jakse pool in Eastlake; he wasn't sure if the City has a similar collaboration with the YMCA. He stated he lives in Ridge Acres and would not be buying a pool pass to use the Osborne Park pool. He inquired about the project at Osborne Park. He attended a baseball meeting recently where he learned the amphitheater is not moving forward at this time. He inquired about the former Union High School project.

Regarding the Euclid Avenue pool, Mayor Fiala stated there are some serious safety issues; the pool is about 60 years old with the last renovation about 20 years ago. Along with the safety issues, it is costing the City a lot of money to run it primarily because the pool loses about 3,000 gallons of water a day. He stated the City has an opportunity to rethink that whole area; a planner will be hired and the hope is to have some sort of aquatic feature. Regarding the Police Station, the City does have a willing buyer but the site could be an expanded park site. Regarding Union High School, Mayor Fiala stated that groundbreaking will begin in April. The Osborne Park project has been broken into two different projects. The first priority is the slope stabilization project which is about \$3 million to \$3.5 million. The engineering for that project is done with permitting currently in progress. The City has about \$1.8 million between land sales and grants and some ARPA money that was allocated to that project; he is hopeful to receive more grant money. That project will start hopefully in the spring of 2025. He stated Council approved legislation to do the engineering for the uplands part of Osborne Park which includes an overlook and customer friendly features. That project is approximately \$3 million. Regarding the amphitheater, Mayor Fiala stated that project would not affect any of the baseball fields; the project has been put on the back burner. The City has secured property from Andrews Osborne Academy (AOA) and has put the focus on the other side of the river. There are no plans at this time to move or relocate any baseball fields. Mr. Quigney asked if there was any thought to putting an amphitheater on the AOA property near the Fine Arts Association. Mayor Fiala stated that was not considered but the City will be collaborating with the Fine Arts Association and AOA.

Scott Halloran, 13599 County Line Road, Russell Township – Mr. Halloran states he is CEO and co-founder of Buckeye Relief located in Eastlake, Ohio. He stated the company employs 123 people and has three dispensaries: one in Bedford, one in Cleveland Hts., and one in Columbus near New Albany. He stated with the passage of Issue 2 in November, adult use (of marijuana) is coming to Ohio as early as June or as late as September. He stated through Issue 2, Buckeye Relief as a Level 1 cultivator, is allotted 3 additional dispensary licenses. He stated they are working through the process with the state to determine where the dispensaries will be located. He stated that currently there are 125 dispensaries in the state, and with the passage of Issue 2 there will be an additional 125 to 135 more depending. He stated a lot of municipalities have passed moratoriums or prohibitions on businesses like his to see how the chips are going to fall in regard to the tax dollars and the impact on the communities. He stated this puts a damper on businesses such as his because applications

are due in June indicating where the businesses will be opening. He stated a typical business would be about 3,500 to 4,000 s.f. with a very large parking lot in a community such as Willoughby. He stated his store located in Columbus would be a good analog as to what a store on Euclid Avenue would look like. The business sees about 600 people a day; there are 165,000 medical marijuana patients in Ohio. A best guess is there is about 12%-13% of the population that are regular adult use consumers; that would immediately increase the customer base from 165,000 to about 1.1 to 1.3 million people. The store would need to accommodate 1,000 people a day or more. He stated the store would need between 60 to 80 parking spaces. He stated with the passage of Issue 2 for adult use marijuana there is a 10% excise tax or sales tax, which is in addition to the regular sales tax. He stated that 36% of the 10% goes to the host City or community. He stated his store in Columbus did almost \$10 million in revenue in the medical market and he expects an adult use store in Columbus or in Willoughby will do \$20 million to \$25 million in revenue; multiply that by 3.6% you get around \$850,000 that would come to Willoughby. He stated his business is state regulated, all employees are background checked and fingerprinted, they don't advertise to children and have no neon signs. He stated he would like to open a dispensary on Euclid Avenue in Ward 4; he is aware the City recently passed a moratorium but he would like Council to consider the opening of a store. Council President Carr encouraged him to speak with the City's administration.

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:

ORDINANCE NO. 2023-146 - Tabled

An ordinance agreeing to change portions of the boundary of the City of Willoughby with the Village of Waite Hill, and superseding Ordinance No. 2023-6.

NEW BUSINESS:

RESOLUTION NO. 2024-28

A resolution authorizing the Mayor to enter into a Fifth Amendment to the Purchase Agreement between the City of Willoughby and Liberty Development Company, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-28 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2024-28.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala stated that with the passage of Resolution No. 2024-29 and a newly established Community Reinvestment Area, the City needs to establish a Community Reinvestment Housing Council; two members need to be appointed by the Mayor, two appointed by Council and one member from the Planning Commission. He will send out a note later this week regarding the formation of that housing council.

DIRECTOR'S REPORTS

Law Director Lucas – Law Director Lucas stated that the administration has two ordinances that will be before Council for conditional uses. One regulates retail sales of controlled substances i.e., Kava and Kratom. The other one deals with electronic cigarettes and vaping devices. He stated this is not a ban, but passage of the ordinances would put them in certain zoning classification districts that the City thinks is appropriate. This is included as part of the conditional use permit itself. He stated he will be sending out a memo on conditional use permits to Council (what a conditional use permit is and the fact that the City has the right to deny a conditional use permit). He said the legislation itself is not emergency legislation because he feels Council will want a chance to discuss it. He stated the definition of “retail sales” is very broad in the code; the City wants to define retail sales for these products (Kava, et al) with a narrower focus.

Service Director Palmisano – Mr. Palmisano reported that third shift (for snowplowing) is ending this coming Monday. Mr. Anderson asked about the \$50,000 set aside for road paving and the three openings on the manning table that are not being filled and if he will fill one of those position in the future to accommodate more paving. Mr. Palmisano stated that is not his plan; those positions will remain on the manning in case they are needed in the future. The material is being ordered for road paving because he is expanding what was done last year. Regarding curbing, Mr. Carr noted the curbing near Bald Eagle Lane on Rt. 91 needs attention. Mr. Palmisano stated that if the developer doesn't take care of it, the Street Department will. Mr. Palmisano stated that the school board will be filling in the sidewalk on Rt. 91 near Chagrin Mills down from their driveway. Mr. Carr also noted curbs missing on the north side of Johnnycake Ridge up the hill past Daniels Park. Mr. Palmisano noted there was a water main break on Johnnycake Ridge (on the hill near Daniels Park); repairs were completed by the county and so far there is no water seepage.

City Engineer Lannon – Mr. Lannon reported good progress for the design of the Rt. 91 sidewalks with Laketran; they have added a little more money so the City is almost doubling the initial investment from the City's side. A Memorandum of Understanding should be before Council at the next meeting authorizing the bidding process.

Fire Chief Ungar – Chief Ungar reported the department received another grant award from the state for the purchase of new radios. This is the second award within the last month and a half bringing the total amount of grant received to \$20,000. He stated the department will be submitting for an Assistance to Firefighters FEMA grant for the rest of the radios.

Police Chief Schultz – No report. Mr. Carr asked if one of the hotels on Rt. 91 has been sold or had a change in ownership (he noticed an agenda item for a new sign at the hotel for the Sign Review Board). Chief Building and Zoning Inspector Puskas stated that ownership has not changed and they did apply for a sign permit. They requested an extended stay but that implied more than a 30 day stay; it will be rebranded as the Willoughby Lodge.

Chief Building and Zoning Inspector Puskas – No report. Mr. Carr noted the disarray of the Sheetz at Rt. 91 and Maplegrove.

Parks & Recreation Director Keller – Ms. Keller reported that the Easter Egg Hunt is March 23rd at noon. Mr. Anderson asked if there will be a group of people who will look at new ideas for the Euclid Avenue pool site. She stated Ms. Sievers asked to be included as well as a few others. Mr. Anderson asked to be included. Residents are also encouraged to submit ideas as well. Mr. Tomaselli asked about plant life in Daniels Park. Ms. Keller stated there will be two days of planting; one will be in April and another one in May. There will be some sort of ribbon cutting once a plaque is in place. Mr. Carr suggested a walk through once the project is complete.

Finance Director Hoffman – No report.

COUNCILMEN REPORTS

Ms. Sievers – No report.

Mr. Kary – No report.

Mr. Tomaselli – No report.

Mr. Merhar – No report.

Mr. Garry – No report.

Mr. Anderson – No report. Mr. Anderson asked if the City would lift the overnight parking ban for St. Patrick’s Day. Chief Schultz stated that had not been discussed noting it falls on Sunday this year.

Mr. Carr – No report. Mr. Carr reminded Council about the joint work session this Thursday.

The Regular Council Meeting adjourned at 7:47 p.m.

Date approved 3/19/24


Robert E. Carr, President


Clerk of Council

Robert A. Fiala, Mayor