

MINUTES REGULAR COUNCIL MEETING

7:03 p.m.

September 15, 2026

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on September 11, 2026.

ROLL CALL

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

Others Present: Mayor Fiala, Law Director McConville, City Engineer Lannon, Service Director Knecht, Police Chief Schultz, Parks & Recreation Director Keller, Finance Director Hoffman, Clerk Novak

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

Approval of Minutes

Motion made by Mr. Anderson and seconded by Mr. Garry to approve the Regular Council Meeting Minutes of September 1, 2026.

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 – No report.

Parks & Recreation Committee, Ms. Sievers – No report. Mr. Carr asked about a committee meeting to discuss the Euclid Avenue pool. Ms. Keller stated she wanted to discuss the pool at the second Council meeting in October.

Personnel Committee, Ms. Sievers – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Mr. Anderson – No report.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION:

Bill Collins, 38409 South Beachview Road, Willoughby, Ohio - Mr. Collins stated that although he had not attended the last few Council meetings, he had reviewed the meeting minutes and related documentation provided by Jeff Malecki. Based on his review, he stated he believes the documentation identifies several concerns that may have been overlooked or insufficiently addressed by City Council, the Mayor, and other City officials, including questions regarding inspections, testing, and other project-related matters. Mr. Collins encouraged Council and board members to review the documentation carefully and consider the concerns raised by residents. He stated that members of the community feel their concerns regarding the McKinley project have not been adequately heard and recalled prior assurances that the project would not move forward due to community opposition and concerns that the proposed development does not align with existing housing in the area. He urged Council to support the residents, further evaluate the matter, and consider whether additional testing or review is necessary before the project proceeds. Mr. Collins also requested that the City consider installing traffic-calming measures, such as speed bumps, on South Beachview between Lakeshore Boulevard and Lost Nation Road. He stated that vehicles frequently travel through the area at high speeds.

Jeff Malecki, 1249 South Beachview Road, Willoughby - See Exhibit A.

Gerald Beuck, 1157 South Beachview, Willoughby - Mr. Beuck stated that he is opposed to the McKinley project. He raised a separate concern regarding a dumpster that has been located on South Beachview for more than a month. The dumpster is obstructing approximately half of the roadway, and he recently observed a school bus having difficulty navigating around it. As of today, it also appears that the south side of the road is beginning to deteriorate, possibly as a result of the dumpster's placement.

Sherry Chavis, Willoughby – Ms. Chavis stated she has lived in Willoughby for approximately two years in a new development off SOM Center Road. Since moving in, residents have experienced several ongoing issues with the development. Residents have attempted to contact the HOA and she has spoken with Mr. Carr multiple times regarding their concerns. One significant concern is the pond located behind her home. It is overgrown, unsightly, and appears to be contributing to drainage issues. After recent heavy rain, she contacted the Sewer Department because the pond was filling up and affecting drainage. Although some vegetation was cut back, the area remains a concern. Residents are also concerned about safety, particularly because children live in the neighborhood. In addition, a sidewalk was promised as part of the development, but gravel and rocks were installed instead. She stated it's her understanding the developer may be preparing to transition the HOA to the residents. However, many residents have not received responses from Mr. Sommers. She would like Council to be aware of these concerns and ask what assistance may be available.

To provide an update, Mr. Carr stated that Mr. Sommers recently requested approval for the Shankland Road project. Council tabled the matter to hold the developer accountable for completing work on the retention basins. Since then, a performance bond has been submitted. He understands that one of Ms. Chavis's neighbors contacted the City today regarding the HOA transition. Law Director McConville has been in contact with that neighbor, who is also an attorney, and provided suggestions on how to proceed. An inspection has been completed, and the performance bond is in place to ensure the basins are completed. If the developer does not perform soon, the City may be able to use the bond to complete the necessary work.

Patricia Weiss, 586 Tioga Trail, Willoughby - As a senior citizen facing increasingly high property taxes, Ms. Weiss asked for clarification regarding maintenance at the Windermere project. It was previously mentioned that the City was mowing the property. She asked if taxpayer dollars are being used for that maintenance? Given the financial impact of rising taxes on residents, she believes it is important to understand how those funds are being used. Mayor Fiala stated that if the City performs the mowing, the property owner is billed for the service. If the bill is not paid, the cost is added to the owner's tax duplicate. City residents are not responsible for those expenses. Ms. Weiss stated there is a group home operated by the same organization associated with Windermere at the corner of Tioga and Wasatka. A dryer has remained on the front porch for approximately six months, trees are growing from the gutters, weeds are prevalent, and portions of the porch appear to be deteriorating.

Matthew Fertig, 976 Bellevue Drive, Willoughby – Mr. Fertig stated he is here because many of the issues currently being discussed directly affect his family. He has four children, ages 11 to 15, who attend schools within the district. Projects such as Shankland and, in particular, the proposed McKinley project have raised concerns for him as a resident of Bellevue Drive. There has been considerable discussion and speculation within the community regarding this project, and he would like to better understand its potential impact. Given its proximity to local businesses, including Jeff's Candy Shop and Charlotte's, and the fact that many children regularly travel through the area, he wants to ensure that all appropriate due diligence has been conducted. Ultimately, he is seeking reassurance that this project will not negatively affect the safety, well-being, or quality of life of his children.

Whitney Allen, 4949 Corduroy Road, Mentor – Ms. Allen stated she and her husband own Witz End Bar, located near the proposed Windermere McKinley project and she is here to express their strong opposition to this proposal. Based on their experience as local business owners and property owners in the area, they have significant concerns about the project's potential impact on the neighborhood. She believes the area already faces challenges related to available services and existing housing density, and she is concerned that this development could place additional strain on the community.

She stated she also owns property on Windermere that directly faces McKinley School, and she is concerned about the possible effect this project may have on surrounding property values and neighborhood character. Additionally, she has questions about the

long-term management and supervision plan for residents. Understanding how the facility will be monitored and supported is important to ensuring the safety and well-being of both residents and the surrounding community. She respectfully urges City Council to carefully consider these concerns and explore all available options before moving forward with this proposal.

David Hudek, 1228 Mohegan Trail, Willoughby – Mr. Hudek reiterated his opposition to the Windermere project, stating that the prior speaker's comments reflected many of his own concerns. He expressed concern about neighborhood safety and supervision, referenced ongoing concerns regarding the school property transfer, and warned of potential legal exposure if future problems arise. Mr. Hudek also voiced support for Mr. Malecki's statement and urged Council to reject the project, noting the investments many residents have made in improving the neighborhood.

Emily Bissell, 1015 Hayes Avenue, Willoughby – Ms. Bissell explained that her family has long been involved in North Willoughby and expressed strong concern about the Windermere project. She questioned why the project was being permitted and stated that, in her view, undesirable decisions have historically been directed toward the North End. Ms. Bissell stated residents are tired of this pattern and reminded elected officials that they are expected to consider residents' opinions. She also referenced the McKinley meeting and stated that she believed Mayor Fiala had indicated the project would not proceed.

Mayor Fiala stated that he did not want the project to proceed. Ms. Bissell then asked why the project was still moving forward. Mayor Fiala explained that, legally, the City cannot prevent the use because it is permitted on the property, and that attempting to stop it could place the City in conflict with the Fair Housing Act. Ms. Bissell asked whether there was any way to stop the project and expressed concern about another facility being introduced into the neighborhood. Mayor Fiala stated that the City does not know who would be placed there and is not permitted to ask certain questions. Ms. Bissell responded that she believed the purpose of the facility was clear. The Mayor reiterated that the matter is governed by the Fair Housing Act and stated that he had told Pastor Mike Currier, on multiple occasions, that he did not want the project. He added that although he continued to oppose it personally, the City would likely face a federal lawsuit if it attempted to block the permitted use, and he believed the City would probably lose.

Ms. Bissell asked whether residents had any course of action or recourse. Mayor Fiala explained that rejecting the project would likely result in litigation and that defending such a lawsuit would require the use of City funds, including taxpayer dollars. When Ms. Bissell asked how the property was obtained and whether there were any legal limitations, the Mayor stated that there were no zoning issues with the property and that the proposed use was permitted.

Law Director McConville explained that the City cannot control the intentions of a private developer. He stated that the property is privately owned and that the owner has the right to develop it in accordance with applicable codes. Mr. McConville further noted that the

use is permitted on the property, the Planning Commission had granted approval, and he agreed with the legal analysis that Fair Housing Act claims in federal court could be costly and damaging to the City, particularly because there may be limited legal grounds to oppose the project.

Ms. Bissell stated that she understood the legal explanation but questioned why similar facilities appear to be allowed elsewhere, referencing another location on Elmwood. Mayor Fiala responded by discussing recent action taken by Council. He explained that concerns had been raised at the state level regarding the proliferation of group homes, including issues involving safety, unregulated growth, and the welfare of residents. He stated that the Ohio House was working on legislation to address these concerns and noted that, at the previous City Council meeting, Council approved a one-year moratorium on future group homes. Ms. Bissell asked whether the moratorium applied only to future facilities and not those already in place. Mayor Fiala confirmed that the City could not take action against existing facilities. Ms. Bissell then stated that the North End has long had a negative reputation and emphasized that it is a good neighborhood where people return to live. She expressed concern that continued development of this nature could add pressure on police and public services, and questioned whether those impacts would ultimately outweigh the potential cost of litigation.

Bill Collins, 349 South Beachview Road, Willoughby - Mr. Collins stated that he wanted to address the concern raised regarding the dumpster on South Beachview Road. He explained that the dumpster is located at the first house on the right when turning off Lost Nation Road, which belongs to Robert Wagner had sustained fire damage. Mr. Collins stated that the dumpster is being used because the house is being completely gutted and rebuilt. He acknowledged that the property has been a concern due to its condition, but emphasized that the dumpster is present for that specific reconstruction purpose. Mr. Collins then addressed comments made by Mayor Fiala regarding whether the matter could be stopped, stating that he believed that Mayor Fiala's statement was incorrect. He referenced prior documentation and asserted that the testing conducted had been inadequate and required additional and more extensive review. He urged Council and the administration to review the documentation carefully and to require the appropriate testing and follow-up actions, which he believed could halt the matter until those concerns were addressed.

Mayor Fiala responded that there was currently no evidence that the land had transferred to the Windermere Village development representatives. He stated that, before such a transfer would typically occur, a Phase I environmental assessment would normally be required. If that assessment identified any contamination on the site, a more detailed Phase II environmental assessment would then be necessary. He stated that the City is sending a letter to both Pastor Mike Currier and Karen McLeod to acknowledge the serious concerns raised by the neighborhood regarding the former Sunoco station and to confirm that the City will ensure a Phase I environmental assessment is completed before any permit applications or approvals proceed.

Hope Raynard, 561 Tiogo Trail, Willoughby - Ms. Raynard asked for an update regarding the proposed gas station at the corner of Tamarac and Lost Nation Road. She noted that the property had been cleared but that no further visible activity appeared to be taking place, and she requested clarification on the current status of the project. Mr. Kary explained that the land at the corner of Tamarac and Lost Nation Road was cleared some time ago due to requirements related to the Indiana bat. The trees had to be removed within a specific timeframe. He stated that the developer is still moving forward with the project and is awaiting final approval from the State regarding the installation of the fuel tanks, including confirmation that the tanks meet applicable code and quality requirements. Once the State grants approval, construction could begin within a week or two, depending on when that authorization is received. Mr. Kary also addressed the separately cleared property near Aquarius, across from the airport. He stated that the land was cleared at the request of the airport to the owner of the nine parcels located before the water treatment plant. The clearing was intended to support the airport's needs and potentially make the property more attractive to prospective buyers by removing that expense from a future purchase. He noted that the property remains available for general business use and that the nine lots may be purchased individually or together.

Alice Pescrilli, 38387 Shearwater Lane, Willoughby – Ms. Pescrilli stated that she wanted to hear the information that was going to be shared regarding gas station near McKinley. Mayor Fiala explained that, as previously mentioned, the property located at the former Sunoco site at 1230 Windermere was acquired either through auction or forfeiture by the Land Reutilization Corporation, also known as the Land Bank. Because the site had formerly operated as a gas station, the Land Bank received a \$110,000 grant through the State Brownfield funding program and began environmental testing at the property. The testing indicated that petroleum may still be present in the soil. As a result, six monitoring wells were installed around the site to determine whether any plume is migrating from the property and to assess the extent of the contamination. Mayor Fiala stated that the City does not have jurisdiction over this matter. Jurisdiction rests with the Bureau of Underground Storage Tank Regulations and the Ohio Environmental Protection Agency. He stated that he has spoken with representatives from those agencies, as well as John Rogers of the Land Reutilization Corporation, and that the next step is to secure additional funding to remove the remaining contaminated soil and evaluate the monitoring wells for any off-site contamination.

Jeff Malecki, 1249 South Beachview Road, Willoughby - Addressing Mayor Fiala, Mr. Malecki stated that he agreed with part of the Mayor's comments. Mr. Malecki explained that he had spoken with all three agencies involved and understood that action on the property had been suspended as of September 1st. He stated that he also spoke with the land bank, which he described as a 501(c)(3) corporation, and expressed concern that its testing appeared to be limited to the three parcels in question and the areas believed to contain storage tanks. Mr. Malecki questioned whether the delineation should also include the path to the northern edge of the property, noting that a creek known as Two Town Creek is located within approximately 80 feet of the brownfield. He further stated that runoff flows in both southeast and southwest directions from the property and emphasized that the creek runs through his property. Mr. Malecki also raised concerns about how long

the site has remained in its current condition and questioned whether tanks located across the street at Fourth Generation had been removed. He expressed concern about potential pollution impacts to the City and characterized the matter as a significant environmental issue. Mr. Malecki stated that, in his view, the creek has not been adequately addressed and has been burdened by stormwater systems from both Willoughby and Mentor. He questioned the amount of pollution entering Lake Erie without mechanical filtration and stated that the current reliance on natural filtration may be insufficient because the creek system has already been inundated. He stated that, in his opinion, Mr. Lannon should remove himself from matters involving McKinley due to a perceived conflict of interest.

Matthew Verdig, 976 Bellevue, Willoughby – Regarding the McKinley project, Mr. Verdig recognizes that the property owners have the right to move forward, he does not believe this is the appropriate location for the proposed use. He noted that the surrounding area has already experienced safety-related concerns, including incidents near the apartments across from the McKinley property, and stated that he has observed several issues during the approximately three years he has lived in the neighborhood. Mr. Verdig asked what measures are being considered to help protect residents and ensure the neighborhood remains safe, particularly given the project's proximity to businesses frequented by families, including a candy store and an ice cream parlor. He further explained that he and his family chose to move to the neighborhood because they viewed it as improving and because the community held a sense of nostalgia for him from time he spent there in the 1990s. He emphasized his desire to raise his children in a safe and positive environment and requested that these concerns be carefully considered as the project moves forward.

Jeff Stewart, 1283 Beech Street, Willoughby – Mr. Stewart stated he has lived in the community for about four years and has also spent time in various areas, including parts of Cleveland, Detroit, and Portsmouth. Based on his experiences, he has seen the serious challenges that can arise when communities are not careful about where certain projects are placed. He stated his concern is that the proposed McKinley project, and the population it may serve whether individuals experiencing homelessness, mental health challenges, or other difficulties could have negative impacts on the City. He stated he is particularly concerned about safety and location. A previous speaker mentioned the proximity to a candy shop; he wanted to point out its proximity to a bar. He stated there are ongoing concerns related to Fox Run and other subsidized housing developments, including recent serious incidents.

Lee Rockhour, 38396 South Beachview Road, Willoughby – Mr. Rockhour stated that he no longer feels safe in his neighborhood after dark. Two nights ago, a police cruiser drove down his street with a flashlight shining. The cruiser traveled along South Beachview and then onto Beech Street at approximately 4 o'clock in the morning. At his age, disturbances at that hour are especially unsettling. He stated he used to feel comfortable walking in the neighborhood after dark, but he no longer feels safe doing so.

David Hudek, 1228 Mohegan Trail, Willoughby – Mr. Hudek stated he has heard several references this evening regarding required distances from candy stores and other locations. However, he would like to know what the required distance is from private residences. He does not believe this proposal is safe. As he previously explained, he has a relative with a condition that requires supervision, and this situation does not appear to provide adequate oversight. There is no way to know who may be present at this location. He is concerned about the impact this could have on nearby homeowners and their property values. He does not want to sell his home under these circumstances.

Motion made by Mr. Tomaselli and seconded by Ms. Sievers 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. 2026-112

A resolution authorizing the Mayor to apply for and enter into a contract with the Ohio Public Works Commission (OPWC), Round 41, for funds necessary to the Lakeshore East EQ Basin – PH 1 Force Main Loan Assistance, and declaring an emergency.

Motion made by Mr. Anderson and seconded by Mr. Tomaselli that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-112 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Anderson and seconded by Mr. Tomaselli to adopt Resolution No. 2026-112.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-113

A resolution authorizing the Mayor to apply for and enter into a contract with the Ohio Public Works Commission (OPWC), Round 41, for funds necessary to the Lyon Avenue Storm Sewer Replacement Project, and declaring an emergency.

Motion made by Mr. Tomaselli and seconded by Mr. Anderson that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-113 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Tomaselli and seconded by Mr. Anderson to adopt Resolution No. 2026-113.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-114

A resolution authorizing the Mayor to apply for and enter into a contract with the Ohio Public Works Commission (OPWC), Round 41, for funds necessary to the 2027 Concrete Pavement Slab Replacement Program, and declaring an emergency.

Motion made by Mr. Garry and seconded by Mr. Anderson that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-114 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Garry and seconded by Mr. Anderson to adopt Resolution No. 2026-114.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-115

A resolution authorizing the Mayor to apply for and enter into a contract with the Ohio Public Works Commission (OPWC), Round 41, for funds necessary to the Buckeye Avenue Storm Sewer Replacement Project, and declaring an emergency.

Motion made by Mr. Tomaselli and seconded by Mr. Garry that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-115 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Tomaselli and seconded by Mr. Garry to adopt Resolution No. 2026-115.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-116

A resolution authorizing the Director of Parks and Recreation to prepare specifications and to advertise for bids for a Pool Filtration System for the Osborne Park Pool, and declaring an emergency.

Motion made by Ms. Sievers and seconded by Mr. Garry that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-116 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Ms. Sievers and seconded by Mr. Garry to adopt Resolution No. 2026-116.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-117

A resolution approving Change Order No. 1 in the 2026 Concrete Pavement Slab Replacement Project with T.C. Construction Co., Inc., and declaring an emergency.

Motion made by Mr. Anderson and seconded by Mr. Tomaselli that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-117 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Anderson and seconded by Mr. Tomaselli to adopt Resolution No. 2026-117.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-118

A resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, certifying same to the Lake County Auditor, and declaring an emergency.

Motion made by Mr. Tomaselli and seconded by Mr. Kary that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-118 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Tomaselli and seconded by Mr. Kary to adopt Resolution No. 2026-118.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2026-119 – Amended 9/15/2026

An ordinance amending Chapter 474 of the Codified Ordinances of the City of Willoughby, Ohio, titled, “Bicycles and Motorcycles”; specifically, replacing Section 474.17 titled, “Electric Bicycles”, and repealing certain sections therein.

Motion made by Mr. Anderson to amend Ordinance No. 2026-119, Subsection (d)(1) to add “with engine engaged” after the word “bicycle” in the first sentence in that section, seconded by Mr. Luciano.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Anderson and seconded by Mr. Luciano to adopt Ordinance No. 2026-119 as amended.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2026-120

An ordinance amending Chapter 476 of the Codified Ordinances of the City of Willoughby, Ohio, titled, “Snowmobiles and All-Purpose Vehicles”; specifically, establishing Section 476.02, titled, “Operation Restricted for Low-Speed Vehicles and Under-Speed Vehicles”.

Motion made by Mr. Luciano and seconded by Ms. Sievers to adopt Ordinance No. 2026-120.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR’S REPORT – No report. He stated he wanted to congratulate the organizers of the Willoughby 5K. This year’s event appears to have been their largest to date, with approximately 1,800 runners participating. In addition, the event raised funds for a very worthy cause, the Make-A-Wish Foundation.

DIRECTOR’S REPORTS

Law Director McConville – Mr. McConville reminded Council that the moratorium prohibiting new gas stations is expected to expire at the end of October and suggested that Council may wish to schedule a committee meeting to discuss possible new

regulations or consider extending the moratorium. Mr. Carr asked whether the administration had a recommendation regarding the moratorium. Mayor Fiala stated that in light of the recent matter on Lost Nation Road, the administration would recommend prohibiting standalone gas fueling facilities within the City, while allowing them only when they are part of a larger commercial development, such as a possible development at Riverside Commons. Mr. Carr asked whether Council should extend the moratorium with that condition or move forward with new legislation. Mayor Fiala stated that, if Council wished to proceed, the administration could draft legislation and forward it for review, with the matter also being brought before the Planning Commission. It was determined that the moratorium had been passed in May for a six-month period and was set to expire the following month. Mr. McConville suggested that Council could extend the moratorium for an additional six months to allow the Planning Commission process to move forward, and Mr. Carr agreed that this would be appropriate while the proposed language is developed.

Mr. Carr asked Mr. McConville about the Chagrin Mill Farm performance bond, noting concern that the matter not remain unresolved for an extended period. He stated there are emails indicating that the developer intended to transfer control of the homeowners association to the residents on October 1st, despite the outstanding work not appearing likely to be completed by that date.

Mr. McConville responded that he intended to discuss the proposed transfer with Mr. Sommers and did not believe it would be appropriate to transfer the common elements to the homeowners association before the remedial work is completed, as doing so could complicate responsibility for the work. He explained that the purpose of the bond is to allow the City to act if the work is not completed within a reasonable time frame. He recommended that, if the work is not completed by the end of the year, the City should notify the developer that it intends to exercise the bond in the spring and complete the work. He stated that the developer had previously indicated the work should take no more than one month, making completion before the end of 2026 a reasonable expectation. Mr. Carr agreed that advising both the developer and the residents not to proceed with the transfer until the work is complete may provide additional incentive to resolve the matter promptly.

Service Director Knecht – Mr. Knecht congratulated Wayne Williams, an equipment operator in the Service Department for the past 31 years, who will be retiring this Friday. He thanked him for his dedicated service to the residents and the City. Mr. Carr asked if the work will begin soon for current year's concrete program. Mr. Knecht stated that saw cutting is expected to begin within the next couple of weeks, with the remaining work to follow.

Mr. Carr asked where the sidewalk projects stand, including State Route 84/SOM Center Road and Hartshire Drive? Mr. Knecht stated that two pre-construction meetings are scheduled this week with two contractors. The State Route 84 project near the Wickliffe line is underway and should be completed soon.

Regarding the electric company's tree trimming in Ward 1, Ms. Sievers stated some of the work appeared aggressive; she asked if the City could inquire about a less severe approach where possible. Mr. Knecht stated he can share those concerns with the FirstEnergy representative. The work is performed under their contract and direction.

Mr. Luciano asked about new streetlight poles being installed on River Street. Mr. Knecht stated several utility poles were relocated for the slope stabilization project. The poles are temporary utility poles to move power away from the hillside during the project and will be removed afterward.

City Engineer Lannon – Mr. Lannon stated that Great Lakes Construction is finishing drilling on Ridge Road and plans to move equipment to River Street on Friday, at which point River Street will close. Ridge Road will remain closed until pavement restoration is complete, likely requiring another crew to replace curb and pavement sections. He estimated the Ridge Road work could take about two weeks but emphasized that an official schedule is still pending. Mr. Garry observed that the guardrails appear to be installed, and Mr. Lannon confirmed the project is moving forward, with concrete work continuing over the next couple of days. Mr. Lannon stated that the north lane of Ridge Road remains in decent condition, so only part of the south lane needs repair before the full lane is milled and filled for a uniform finish.

Mr. Carr asked whether the sidewalk spalling issue with Fabrizi on Spalding had been resolved. Mr. Lannon said it had not, explaining that the pattern of damaged and undamaged sections suggests a finishing issue rather than salt or environmental damage. Because Fabrizi is the contractor of record, with Great Lakes Construction performing the work under that contract, the City is refocusing on closing out the matter, which also involves Laketrans sidewalk work. No schedule is available yet.

Mr. Carr noted that ARPA funds must be spent before the end of the year and stressed the need to complete the work before payment can be made. Mr. Lannon confirmed that at least a 4% retainage remains available. Mr. Carr asked about the progress on the estimate for basin cleanup. Mr. Lannon said progress is being made and noted that survey work and a related study were discussed the prior week. He explained that Chagrin River Watershed Partners' new deputy director has offered, at no charge, to assess older retention basins for efficiency improvements. The Big Turtle area, which includes multiple connected basins, may be a good candidate for that assistance. Mr. Lannon stated that watershed partners are ready to help, and the City may have an opportunity to engage them before other communities do.

Fire Chief Ungar – Absent.

Police Chief Schultz – No report. Regarding the new police station, Chief Schultz stated grass has been planted with fencing by the end of the week.

Chief Building and Zoning Inspector Keller – Absent.

Parks & Recreation Director Keller – No report.

Finance Director Hoffman – Ms. Hoffman thanked Council for passage of Resolution No. 2026-118. Property tax money should be received shortly.

COUNCILMEN REPORTS

Ms. Sievers – Ms. Sievers reiterated the importance of listening to her constituents that were here this evening noting the importance of reviewing all documentation and listening to the City's Law Department.

Mr. Kary – No report.

Mr. Tomaselli – No report.

Mr. Luciano – No report.

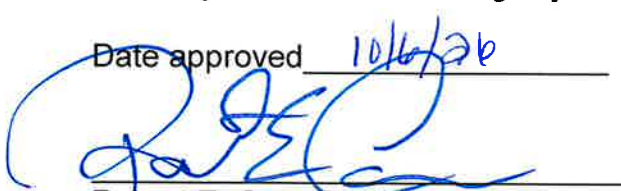
Mr. Garry – No report.

Mr. Anderson – No report.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 8:14 p.m.

Date approved 10/6/26


Robert E. Carr, President


Clerk of Council


Robert A. Fiala, Mayor

Exhibit A

Good evening, Honorable Mayor and Members of the City Council,

My name is **Jeff Malecki**, and I am a resident living at **1249 South Beachview Road**. I am speaking tonight regarding the **Windermere Village** housing project located at **1200 Lost Nation Road**, adjacent to **Windermere Drive**.

The city has completely failed to recognize the contaminated Sunoco Brownfield site located just **50 feet away at 1230 Lost Nation Road (also known as 1230 Windermere Drive)**, which sits directly adjacent to **1200 Lost Nation adjacent to the Wildomar Village housing project**. Instead, the city has pushed the Windermere project through its Environmental Assessment (EAS) and preliminary plat review, ignoring critical environmental realities.

For the record, I want to outline how this oversight compromises our community:

- **Failure to Disclose:** The city and the developer completely failed to disclose their prior knowledge of the adjacent Brownfield site during the application process—misleading the public.
- **Zero Remediation Has Begun:** Despite approvals moving forward, actual cleanup and remediation on the adjacent former Sunoco site at 1230 Lost Nation Road have not even started.
- **The Contamination Plume is Larger Than Anticipated:** Recent data reveals that the underground contamination plume has expanded and is significantly larger than originally anticipated, **further testing and remediation are necessary** as it directly threatens the adjacent properties.
- **Obligation to Void Flawed Approvals:** Due to this expanding underground hazard and the failure to disclose, the city must immediately **void the previously passed EAS and preliminary plat plan**, as they were approved under false environmental assumptions.
- **Severe Public Health Risks:** Proceeding with construction risks exposing workers and nearby residents to migrating toxins, which are also at risk of entering the nearby Two Town Creek.

Passing an EAS and preliminary plat does not erase the expanding contamination threatening this property. I urge this council to immediately pause all final plat approvals and building permits for the project at 1200 Lost Nation Road, as **prematurely passing** these approvals places corporate timelines ahead of public safety.

Thank you for your time.

Sincerely,

Jeffrey Jeff Malecki
1249 South Beachview Road

