

MINUTES REGULAR COUNCIL MEETING

7:01 p.m.

September 1, 2026

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on August 28, 2026.

ROLL CALL

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

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

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

Approval of Minutes

Motion made by Mr. Anderson and seconded by Mr. Garry to approve the Regular Council Meeting Minutes of August 11, 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 – Reported there was a committee meeting earlier this evening to discuss EAS #7-7-26; the committee is recommending passage by Council.

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

Parks & Recreation Committee, Ms. Sievers – Ms. Sievers reported there was a committee meeting to discuss the possibility of changing the hours for the park, vandalism and e-bikes.

Personnel Committee, Ms. Sievers – No report.

Safety Committee, Mr. Tomaselli – Mr. Tomaselli reported that the committee met this evening to discuss e-bike legislation; final legislation will be on the agenda at the next meeting.

Service Committee, Mr. Anderson – No report.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: Clerk Novak read a request from the Ohio Division of Liquor Control for a transfer from Red Robin International, Inc. 36565 Euclid Avenue, Willoughby, Ohio 44094 to Op Burgers OH LLC, 36565 Euclid Avenue, Willoughby, Ohio 44094. There were no objections. Mr. Tomaselli stated that it appears that Op Burgers has purchased 69 Red Robin locations.

PUBLIC PORTION:

Heath Wenzel, 4404 River Street, Willoughby, Ohio – See attached Exhibit A.

Regarding emergency legislation, Mr. Carr noted that it has historically allowed Council to act more efficiently, particularly on routine matters that would otherwise require three separate readings and delay passage for several weeks. Law Director McConville stated that the distinction between emergency and non-emergency legislation is not based solely on efficiency, but also on when an ordinance becomes effective. He stated that non-emergency legislation takes effect 30 days after passage, while emergency legislation takes effect more quickly when timely action is necessary.

Denise O'Brien, 37527 Park Avenue, Willoughby, Ohio -

Ms. O'Brien expressed concern about the merge area on Euclid Avenue near Aldi, stating that drivers frequently leave the line, cut off other vehicles, and create road-rage concerns, particularly during rush hour. She stated she is a lifelong Willoughby resident who regularly travels through the area from Park Avenue; the location has become increasingly problematic and suggested additional patrols or other measures to prevent serious accidents.

Mr. Carr acknowledged the concern and noted that the area has previously been discussed as a difficult traffic location, particularly where the roadway transitions from two lanes to one. City Engineer Lannon stated that the area has not yet been reviewed in detail, but preliminary observations suggest that structural improvements may be needed rather than pavement markings alone. Ms. O'Brien suggested adding merge signs farther in advance to alert drivers that the lane ends. Mr. Lannon stated that the City has a pending Safe Streets for All grant application through ODOT for a citywide transportation study, which would allow residents and meeting attendees to raise concerns such as this. He added that the citywide signal system dates back to approximately 1996, making a broader review of signal timing, lane patterns, and traffic conditions along Euclid Avenue overdue.

Richard Sommers (no address given) - Regarding the Chagrin Mill Pond, Mr. Sommers stated that there was an inspection Thursday and everything was completed except the dredging. He stated he received permission from the school board to use their driveway, and work should be done within 30 days. He will post the \$20,000 bond; the approximate cost of the contract is \$12,000.

Jeff Malecki, 1249 S. Beachview Road, Willoughby, Ohio – See attached Exhibit B.

Motion made by Mr. Tomaselli and seconded by Mr. Anderson 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. 2026-99

An ordinance vacating and terminating a portion of an easement no longer necessary for storm sewer purposes located on Permanent Parcel No. 27A0150000230, Lake County, Ohio (Shankland Reserve).

Motion made by Mr. Anderson and seconded by Mr. Garry to remove Ordinance No. 2026-99 from the table.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Anderson and seconded by Mr. Garry to adopt Ordinance No. 2026-99 and to direct the City administration not to execute or facilitate recording of the easement until such time the developer posts the \$20,000 stormwater bond for compliance work on the Chagrin Mill development.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2026-100

An ordinance accepting the Final Plat for Shankland Reserve, and declaring an emergency.

Motion made by Mr. Anderson and seconded by Mr. Garry to remove Ordinance No. 2026-100 from the table

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made by Mr. Anderson and seconded by Mr. Garry that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2026-100 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. Garry to adopt Ordinance No. 2026-100 and to direct the City administration to withhold signature on the final plat for Shankland Reserve until such time the developer posts the \$20,000 bond for stormwater compliance work on the Chagrin Mill development.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

NEW BUSINESS:

RESOLUTION NO. 2026-105

A resolution approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Willoughby, Ohio, and declaring an emergency.

Motion made by Mr. Tomaselli and seconded by Mr. Luciano that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-105 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. Luciano to adopt Resolution No. 2026-105.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2026-106

An ordinance levying assessments for the improvement of all streets within the City of Willoughby, Ohio, by supplying said streets with electric street lighting, 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 Ordinance No. 2026-106 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 Ordinance No. 2026-106.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2026-107

An ordinance certifying to the Auditor of Lake County certain unpaid bills owing to the City of Willoughby, Ohio, and declaring an emergency.

Motion made by Ms. Sievers and seconded by Mr. Anderson that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2026-107 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. Anderson to adopt Ordinance No. 2026-107.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-108

A resolution authorizing the Director of Finance to transfer funds from the Safety Tax Levy Fund to the General Bond Retirement Fund, and declaring an emergency.

Motion made by Mr. Garry and seconded by Mr. Tomaselli that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-108 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. Tomaselli to adopt Resolution No. 2026-108.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-109

A resolution approving EAS #7-7-26 for an adult day support program at the existing building located at 4853 Robinhood Drive (Peggy Rose Elite Healthcare & Transportation LLC).

Motion made by Mr. Garry and seconded by Mr. Luciano to adopt Resolution No. 2026-109.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-110

A resolution authorizing the Mayor to enter into a Memorandum of Understanding with the Ohio Patrolmen's Benevolent Association, Communications Clerks, Communications Operators and Police Records/Communications Supervisor, to revise compensatory time provisions in Article 26 of the Agreement between the City of Willoughby, Ohio and the Ohio Patrolmen's Benevolent Association, 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. 2026-110 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. 2026-110.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2026-111

A resolution authorizing a temporary moratorium on the acceptance, processing, or approval of any application for a group home within the City of Willoughby for 12 months after the effective date of this resolution, and declaring an emergency.

Motion made by Ms. Sievers and seconded by Mr. Kary that the rules of Council requiring three separate readings be suspended and that Resolution No. 2026-111 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. Kary to adopt Resolution No. 2026-111.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala stated that several council members had asked when the new police station could be used for community meetings. Although construction is expected to be substantially completed later in September, some punch-list and related work will continue. He recommended waiting until late October, noting that the building would be safer and more complete by then. Chief Schultz stated there may be a possibility to use the space in late September or early October, pending further review. He stated the October 25 timeframe would likely be the better option.

Ms. Sievers asked whether a groundbreaking date had been set for the Windermere project in response to Mr. Malecki's concerns. Mayor Fiala stated that no review was currently in process and that the project had only received preliminary plat approval. Chief Building and Zoning Inspector Keller confirmed that final plat approval was still required, and no date had been submitted. Mayor Fiala stated that Council would be notified when the final plat is submitted and noted that previous discussions suggested the project was unlikely to begin soon, possibly pending another funding cycle.

Mr. Tomaselli asked about the Lake County Commissioners' cancellation of the Route 2 maintenance agreement and whether cities had been advised of their responsibilities. Mayor Fiala explained that the existing agreement dates back to 1972 and that the Commissioners terminated it effective December 31st in order to update it. However, maintenance and snowplowing practices are expected to continue through April to avoid service disruption during snow season. He stated that a small group of mayors, including representatives from Mentor, Willoughby, Wickliffe, and the Chairman of Mayors and Managers Association, have been negotiating with the Commissioners. Key issues include improving maintenance standards, defining responsibilities beyond snowplowing, addressing capital expenses, and replacing lights at an estimated cost of \$1.6 million. He stated progress has been made, including resolving concerns about staffing charges and developing a plan for vehicle costs to be amortized over the agreement term. He stated the maintenance of Route 2 is paid for with a \$5 license plate fee and that is the only money used to maintain that road. The agreement would need approval from all six affected communities and the County Engineer; he expressed optimism that an agreement could be reached by the end of the year or, at the latest, before the end of May. Mr. Tomaselli asked whether the negotiations would include a performance guarantee, noting past concerns about the quality of maintenance. Mayor Fiala agreed that performance issues are among the most difficult matters to resolve and noted that the current agreement does not address newer infrastructure, such as sound walls. He stated that the Commissioners have been advocating for the cities and that further discussions were scheduled at City Hall. Mr. Carr asked whether there was any commitment to repair the lights. Mayor Fiala stated that, due to engineering, bidding, lead time, and installation requirements, the lights likely would not be repaired until spring or summer of the following year, assuming the agreement is finalized by year-end.

Mr. Tomaselli asked about Eastlake's plans to repurpose the former CEI plant for coal ash processing and whether that could lead to renewed rail activity through downtown Willoughby, potentially affecting rails-to-trails plans. Mayor Fiala explained that the proposed fly ash operation appears to be a temporary, site-specific remediation effort

rather than a permanent processing facility. He stated the material would be remediated on site and that the City of Eastlake has broader redevelopment goals for the property. He noted that Eastlake was not aware of plans to use the rail spur, that trucking appeared more likely, and that Willoughby has asked the Western Reserve Land Conservancy to assist with acquiring the spur for a rails-to-trails project. Mr. Tomaselli confirmed that the understanding was remediation of existing material only, not an ongoing facility, and Mayor Fiala confirmed that.

DIRECTOR'S REPORTS

Law Director McConville – Mr. McConville reminded Council that in 2025 they approved a moratorium on the development of gas stations, which is scheduled to expire at the end of October. He stated he is bringing this to Council's attention for consideration of whether a committee meeting should be scheduled or any further action should be taken regarding the regulations.

Service Director Knecht – Mr. Carr asked about the sidewalk spalling issue and noted that some project funding was tied to ARPA funds. He asked where the City stood on resolving the problem. Mr. Lannon stated that the City completed a walkthrough with the original contractor about a month earlier and prepared drawings showing the areas expected to be replaced. He stated discussions regarding responsibility appear to point to the contractor, as the issue seems related to workmanship rather than salt use, seasonal wear, or the concrete mix. He stated that the contractor has not strongly disputed that position, and the City is awaiting agreement on the replacement limits and schedule, with the expectation that the work will be completed this year. Mr. Garry asked who the contractor was. Mr. Lannon stated the contractor is Fabrizi and noted the company has a strong reputation, including work as the prime contractor on the recent River Street water main project and River Street retaining wall. Mr. Lannon confirmed that replacement of the affected sidewalk sections is expected to be the permanent repair.

Mr. Carr thanked Mr. Lannon for the information sent earlier that day regarding retention basin issues, including Big Turtle and Nason Basin, and also noted that the storm report was informative. Mr. Lannon explained that on Saturday, August 22nd, Willoughby received about one inch of rain in roughly 15 minutes, which was enough to test gutters, catch basins, yard drains, small retention basins, and sanitary infrastructure. He stated complaints varied, including surface flooding, basement flooding, blocked sanitary sewers made more apparent by increased inflow and infiltration, and the Poplar/Glenbury pump station being unable to keep up. He stated that the pump station did not fail, but the amount of clean stormwater entering the sanitary sewer system remains a concern. Mr. Carr noted that rainfall totals varied significantly across town, with one area receiving far more rain than another despite being only a few miles apart. Mr. Lannon stated that the storm was estimated to be about a five-year event on the west end of the City and closer to a 30-year event in part of Willowick, noting that the storm weakened as it moved inland.

City Engineer Lannon – Mr. Lannon reported on the overlapping River Street construction projects, noting that ODOT and the City are coordinating work on ODOT

paving and the City's plug-pile retaining wall extension. The contractor is expected to move from Route 84 to River Street around September 14th, following the anticipated Route 84 reopening date. He stated that any delay in ODOT paving is helpful because the wall should be completed first, with completion expected in approximately six weeks. He added that paving may be delayed until next year, which would leave the existing road in place for one more season but remain within the contract timeline.

Mr. Anderson asked whether Route 84 remained on schedule for the September 13th timeframe and whether the River Street paving could be pushed to next year. Mr. Lannon responded that the City does not control ODOT's schedule, but the request to delay paving had been made months earlier and may now be working out. He said crews are expected to move equipment the week before and close River Street shortly thereafter, similar to the previous closure. Mr. Lannon confirmed that Route 84 remains generally on schedule, though it may extend a week or two beyond earlier projections. He noted that a damaged storm line will need repair because it falls within the wall limits. He also explained that full-width road and curb replacement may no longer be necessary, and the City may instead limit pavement replacement to the areas actually affected, helping save time and cost while restoring the roadway appropriately.

Fire Chief Ungar – Absent. Mr. Carr stated that Chief Unger was absent but had submitted a report by email. According to the report, the new engine may be placed into service later this month.

Police Chief Schultz – Chief Schultz thanked Council for passage of Resolution 2026-110. Regarding the public portion this evening, he explained that traffic backups on Euclid Avenue are related to the Route 84 project and should improve once that work is completed. Mr. Carr asked about public concerns regarding Flock cameras, recent news reports involving administrative access, and what controls are in place to ensure the technology is used properly. He noted that the City's experience with Flock cameras has generally been positive but requested clarification on safeguards. Chief Schultz stated before implementation in 2021, the department adopted a policy governing use of the Flock system and trained personnel on proper procedures. He stated that misuse would be addressed through accountability measures and noted that Flock also has internal safeguards to alert agencies of unusual activity. He emphasized that the department trains staff to use the system appropriately, consistent with other law enforcement procedures. Mr. Carr asked whether administrative reports are available to help identify unusual use of the system, citing concerns that an individual could improperly track someone without a legitimate law enforcement purpose. Chief Schultz stated that the department places significant trust in its personnel while recognizing the community's trust in law enforcement. He compared Flock camera access to other sensitive law enforcement tools, such as driver's license checks through mobile data terminals, LEADS, and NCIC, noting that these systems also require proper training and accountability. He emphasized that the department relies on policy, training, integrity, and oversight to prevent misuse, and that any violation would be addressed promptly and appropriately.

Chief Building and Zoning Inspector Keller – Mr. Keller thanked Council for the passage of Resolution No. 2026-109 and 2026-111. Mr. Carr asked about the Shell station at Routes 91 and 84. Mr. Keller explained that the station is being updated with a new canopy, signage, and related improvements, and noted that the old tanks appear to be coming out while new tanks are being installed. The work involving tanks goes through Buster, while permits are open for the canopy, signage, and other site improvements. He added that these projects usually move quickly because the longer the station is closed, the more money is lost, and noted that the canopy and site work were taken down quickly.

Parks & Recreation Director Keller – Ms. Keller thanked everyone for their help with the park hours and ordinance and noted that Osborne Park pool would close after the weekend, weather permitting. She confirmed that Roar and Explore would take place Saturday at Osborne Park and in the Lakeshore District, with Parks and Recreation creating the flyer after the flyer idea was proposed by Ms. Sievers. The 5K route will not be blocked and parking at Todd Field should not be an issue.

Finance Director Hoffman – Ms. Hoffman thanked Council for passage of Ordinance Nos. 2026-106 and 107 Resolution Nos. 2026-108 and 110.

COUNCILMEN REPORTS

Ms. Sievers – Ms. Sievers invited everyone up to the Lakeshore District in Ward 1 this coming Saturday.

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 8:01 p.m.

Date approved 9/15/26


Robert E. Carr, President


Clerk of Council


Robert A. Fiala, Mayor

Willoughby City Council Public Comment

Flock Safety and Emergency Legislation | September 1, 2026

Heath Wenzel | Willoughby resident and local small business owner

Good evening. My name is Heath Wenzel. I'm a resident of Willoughby, and I'm also a small business owner here in the city.

I'm here tonight because I've decided I need to better understand how decisions are being made in my city, and to become more involved in that process.

As I was reviewing tonight's agenda, something kept jumping out at me: "declaring an emergency." It appears again and again.

So rather than assume what that meant, I looked it up. I understand now that "emergency" is a legal and procedural designation. It does not necessarily mean we are facing an actual crisis.

But that led me to a question: What standard does this Council use to determine when something warrants emergency treatment rather than the ordinary legislative process?

And that brought me back to something else I've been researching: Willoughby's Flock camera system.

Initially, I believed the city's Flock program began in September 2023, when Council authorized \$183,000 for Flock Safety equipment and a five-year subscription, also as an emergency measure.

But the more I researched, the more questions I had.

The Police Department's own annual report says ten Flock cameras were deployed throughout Willoughby in 2021. A city newsletter from May 2021 was already telling residents the cameras were operating and producing results.

So now my question is different: What authorization governed that original deployment, and what changed between 2021 and 2023 that resulted in a \$183,000 five-year commitment being declared an emergency?

I'm not suggesting tonight that anything improper occurred. I'm saying I have not yet found the public record that explains that progression. As a resident, I think I should be able to.

Once we understand how we got here, I think residents deserve answers to some basic questions.

What measurable public-safety benefit has this program produced? How many crimes has it materially assisted in solving? How many stolen vehicles have been recovered? And how do those results compare with the period before the cameras were deployed?

Because there is another cost here that is not measured in dollars. It is privacy.

These cameras collect information about vehicles moving through our community. So I would also like to understand how long that information is retained, who can access it, what other agencies can access Willoughby's data, and what written policies govern its use.

I recognize that some of these questions may not be appropriate to answer from the dais tonight. That's fine. I have public-records requests prepared for the underlying documentation, and I would simply like to know where you would like me to submit them.

I want to be clear. I'm not here tonight to tell you that Flock cameras are good or bad. Public safety matters to me too.

I'm asking something much simpler: Show us the benefit. Show us the cost. Show us the safeguards.

Give the residents of Willoughby enough information to decide whether that tradeoff is reasonable.

Thank you.

A handwritten signature in black ink, appearing to be "H. J. L.", written in a cursive style.

Exhibit B

Good evening, Mr. President Carr, Mayor Fiala and members of City Council.

My name is **Jeff Malecki**, and I reside at **1249 S Beachview Rd.** here in Willoughby.

I am standing before you tonight regarding a matter of urgent public health, environmental safety, and municipal liability. Recently, the Planning Commission reviewed and approved a preliminary plot plan for a major residential subdivision located within a highly volatile **50-foot radius** of an active Brownfield site.

Under **Willoughby Codified Ordinance 1109.12**, this council is mandated to review and approve an **Environmental Assessment Statement** to protect the health, safety, and welfare of adjoining properties. However, critical new evidence has come to light that makes the current planning approval incredibly dangerous.

The **Lake County Land Reutilization Corporation**—our own county land bank—is actively conducting **Phase II Environmental Testing** on that adjacent Brownfield. Their ongoing testing has officially determined that the toxic contamination plume is **significantly larger than originally expected**.

Because the horizontal boundaries of this toxic plume have not yet been fully delineated by the Land Bank, we do not know where the contamination stops. By allowing a developer to move forward with a subdivision just 50 feet away, this city is risking severe public exposure to underground toxic vapors and migrating groundwater contamination.

If this project breaks ground prematurely, construction activities could disturb the earth, shift the plume, compromise the Land Bank's testing grid, and violate **Ohio EPA VAP rules**. This would expose the City of Willoughby to massive third-party negligence lawsuits from future homeowners.

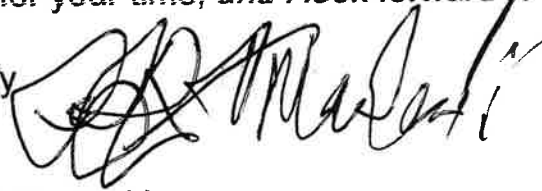
To ensure my concerns are captured accurately, I am handing the Clerk of Council a physical, signed copy of my remarks to be embedded directly into tonight's **official meeting minutes**.

I am asking Council tonight to execute your authority under Ordinance 1109.12 to **temporarily freeze all further administrative approvals, grading permits, and final plat reviews** for this subdivision. We must halt this project until the Lake County Land Bank finalizes its Phase II data and proves exactly where the toxic plume ends.

My explicit question for the record tonight is: **What formal steps will this Council take to halt this developer until the Land Bank's final environmental reports are signed off by a certified professional?**

Thank you for your time, and I look forward to your formal response."

Respectfully



9/1/2026

Jeffrey "Jeff" Malecki

1249 S Beachview Rd

Willoughby Ohio 44094

(951)764-9345

jeffrey.malecki@yahoo.com