

# MINUTES REGULAR COUNCIL MEETING

7:06 p.m.

September 10, 2024

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on September 6, 2024.

## ROLL CALL

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

**Others Present:** Mayor Fiala, Law Director Lucas, Service Director Palmisano, City Engineer Lannon, Police Chief Schultz, Fire Chief Ungar, 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 Kary.

## Approval of Minutes

Motion made by Mr. Garry and seconded by Mr. Tomaselli to approve the Regular Council Meeting Minutes of August 13, 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 – Reported there was a committee meeting to discuss EAS #10-7-24(a).

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

Parks & Recreation Committee, Ms. Sievers – No report. Ms. Sievers requested a 30 to 40 minute meeting on October 15<sup>th</sup> to discuss the Euclid Avenue Master Plan.

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 HEARING:**

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

**Those Speaking in Favor – Jacob Shields, 6161 Oak Tree Blvd., Independence, Ohio –** Mr. Shields stated the proposed 3 acre site has sat vacant for a long time. It is currently zoned general business and he would like to see it become zoned for a multi-family townhome project. It would be a for sale project with 30 proposed townhomes. The project would be contiguous with apartments, townhomes and single family homes located to the south. If approved, he will be submitting a development plan tomorrow morning. The townhomes would be approximately 1,500 square feet; no builder has been selected yet. The development would have private roads with a homeowners association. There would be as much landscaping as possible given the nearby uses. The price point would attract empty nesters and first time home buyers. He stated that the zoning allows up to 24 units but he will be seeking to increase that to 30 units.

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

**POLICE DEPARTMENT SWEARING IN AND AWARDS**

Chief Jacques Battiste, Executive Director for FBI-LEDDA presented the Willoughby Police Department with an Agency Trilogy Award for having 16 supervisors complete the FBI LEEDA training over the past five years.

Mayor Fiala swore in Patrol Officers Ryan Pate, Andrew D'Eusano, Anthony Germano, Aleashia Tapia and Nicholas Chiacchiero, Captain James "Toby" Davis, Lieutenants Michael Sevel and Kevin Crowley and Sergeants Kevin Rastall and Brandon Zinner.

Police Chief Schultz presented the Officer of the Year award to Patrol Officer Jonathon Mehm, the Jason Gresko Special Officer of the Year Award to Patrol Officer Derrick Stewart and the Civilian Employee of the Year to Cheryl Stephens.

**PUBLIC PORTION: Joseph Yesilosky, 38200 Drury Lane, Willoughby –** Mr. Yesilosky stated he contacted the Building Department back in 2022 regarding a serious issue with his neighbor at 2705 Glenbury who has a six foot wooden fence that is falling over into his backyard. This is a serious issue because he has two, Level 3 autistic children who are 3 and 5 years old. Both are non-verbal and he is very concerned for their safety. He has attempted to resolve the issue several times; the previous owner was taken to court several times. Recently the house went to auction and the new owner has renovated the house but has not fixed the fence. Chief Building and Zoning Inspector Keller stated he would look into the matter and contact Mr. Yesilosky.

**Motion made by Mr. Anderson and seconded by Mr. Merhar 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. 2024-92**

**A resolution approving EAS #10-7-24(a) for the rezoning of 3.06 acres of real property located at 32801 Euclid Avenue and further identified as Permanent Parcel No. 27A0100000160 from Retail Business (R-B) to Residential Multi-Family Low Rise (R-MF-L).**

Motion made by Mr. Kary and seconded by Mr. Merhar to adopt Resolution No. 2024-92.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**ORDINANCE NO. 2024-93**

**An ordinance amending the Zone Map of the City of Willoughby, Ohio to reclassify 3.06 acres of certain real property located at 32801 Euclid Avenue (Permanent Parcel No. 27A0100000160) from Retail Business (R-B) to Residential Multi-Family Low Rise (R-MF-L).**

Motion made by Mr. Kary and seconded by Mr. Merhar to adopt Ordinance No. 2024-93.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**ORDINANCE NO. 2024-94**

**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. Anderson and seconded by Mr. Tomaselli that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2024-94 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 Ordinance No. 2024-94.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

**ORDINANCE NO. 2024-95**

**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 Mr. Gary and seconded by Mr. Tomaselli that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2024-95 be declared an emergency measure.

Roll Call     7 yes  
               0 no

Motion carried 7 to 0

Motion made by Mr. Gary and seconded by Mr. Tomaselli to adopt Ordinance No. 2024-95.

Roll Call     7 yes  
               0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-96**

**A resolution authorizing the Mayor to accept a 2023 Assistance to Firefighters Grant Award through the Federal Emergency Management Agency, 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. 2024-96 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. 2024-96.

Roll Call     7 yes  
               0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-97**

**A resolution authorizing the Mayor to enter into a First Amendment to the lease agreement between Goldberg Companies, Inc. and the City of Willoughby for an additional five (5) year term with an option for one (1) additional five (5) year term, and declaring an emergency.**

Motion made by Mr. Merhar and seconded by Mr. Garry that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-97 be declared an emergency measure.

Roll Call     7 yes  
               0 no

Motion carried 7 to 0

Motion made by Mr. Merhar and seconded by Mr. Garry to adopt Resolution No. 2024-97.

Roll Call     7 yes  
               0 no

Motion carried 7 to 0

**RESOLUTION NO. 2024-98**

**A resolution authorizing the Mayor to enter into a Memorandum of Understanding with Lake County Department of Utilities necessary to the River Street Waterline Replacement Project, and declaring an emergency.**

Motion made by Mr. Anderson and seconded by Mr. Merhar that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-98 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. Merhar to adopt Resolution No. 2024-98.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

#### **ORDINANCE NO. 2024-99**

**An ordinance authorizing the acceptance by the City of Willoughby of a gift of real property located in Willoughby, Lake County, Ohio and further identified as Permanent Parcel No. 27A-031-0-00-028-0.**

Motion made by Mr. Anderson and seconded by Mr. Kary to adopt Ordinance No. 2024-99.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

#### **RESOLUTION NO. 2024-100**

**A resolution amending Resolution No. 2024-39 to provide for current expenses and other expenditures of the City of Willoughby, Ohio, during the period ending December 31, 2024, and declaring an emergency.**

Motion made by Mr. Merhar and seconded by Mr. Anderson that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-100 be declared an emergency measure.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

Motion made by Mr. Merhar and seconded by Mr. Anderson to adopt Resolution No. 2024-100.

Roll Call      7 yes  
                    0 no

Motion carried 7 to 0

#### **RESOLUTION NO. 2024-101**

**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. Garry and seconded by Mr. Tomaselli that the rules of Council requiring three separate readings be suspended and that Resolution No. 2024-101 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. 2024-101.

Roll Call     7 yes  
                  0 no

Motion carried 7 to 0

**MAYOR'S REPORT** – Mayor Fiala thanked Council for the passage of Resolution No. 2024-99 for the acceptance of the Pro-Built property. He thanked everyone who came out to the Union High School groundbreaking earlier this evening.

Mr. Tomaselli asked about the lights on the trees downtown; he heard from several people it is very dark downtown. Service Director Palmisano stated he is expecting delivery of the new lights tomorrow; the Traffic Department will be installing them when they get caught up.

## **DIRECTOR'S REPORTS**

**Law Director Lucas** – No report.

**Service Director Palmisano** – No report. Ms. Sievers complimented the Service Department on the bollards that have been recently installed downtown. Mr. Tomaselli asked about the sale of columbarium's at the cemeteries. Mr. Palmisano stated they weren't selling as quickly as he had hoped.

**City Engineer Lannon** – No report.

**Fire Chief Ungar** – Chief Ungar thanked Council for the passage of Resolution No. 2024-96. He stated the department has received another grant that brings another exciting opportunity for the City.

**Police Chief Schultz** – Chief Schultz thanked Council for allowing the swearing in and awards tonight. He stated that members of his department will be participating in the Miracle League Baseball games on September 21<sup>st</sup>. On September 29<sup>th</sup> there will be a charity softball game, the Police Department versus the Fire Department benefiting St. Jude's.

**Chief Building and Zoning Inspector Keller** – No report.

**Parks & Recreation Director Keller** – The public meeting for the Euclid Avenue Master Plan will be on Wednesday, September 18<sup>th</sup> at the pool pavilion at 6:30 p.m. The pickleball court nets were dug today and nets will be installed tomorrow. Carr commented that the Roar by the Shore over Labor Day was very well done.

**Finance Director Hoffman** – Ms. Hoffman thanked Council for the passage of Resolution Nos. 2024-94 and 2024-95 and Ordinance Nos. 2024-100 and 2024-101.

## **COUNCILMEMEN REPORTS**

**Ms. Sievers** – No report.

**Mr. Kary** – No report.

**Mr. Tomaselli** – No report.

**Mr. Merhar** – No report.

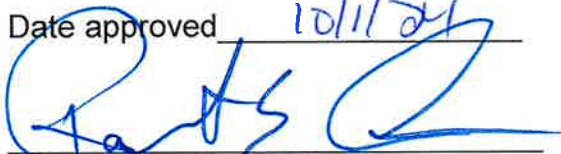
**Mr. Garry** – No report.

**Mr. Anderson** – No report.

**Mr. Carr** – No report.

*The Regular Council Meeting adjourned at 8:19 p.m.*

Date approved 10/11/24



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor

## **LEGAL NOTICE**

Pursuant to Chapter 1115.03(f) of the Codified Ordinances of the City of Willoughby, Ohio notice is hereby given of a Public Hearing to be held by the Council on Tuesday, September 10, 2024 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 Jacob Shields, Grey Fox Capital Ltd., 6161 Oak Tree Blvd., Ste 250, Independence, Ohio for the rezoning of 3.06 acres of land from Retail Business (R-B) to Residential Multi Family Low Rise (R-MF-L) located at 32801 Euclid Avenue, PPN #27A0100000160.**

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: August 26, 2024**