

CITY OF WILLOWICK, LAKE COUNTY
MINUTES & PROCEDURES OF A
PLANNING COMMISSION MEETING

DATE: February 14, 2022
PLACE: City Hall
TIME: 7:30 p.m.

The meeting was called to order by Mr. Carden at 7:30 p.m. and opened with the Pledge of Allegiance.

PRESENT WERE: Carden, Rising, Foisel, Hren, Houry, Mohorcic
Law Director Landgraf and Mayor Regovich
(Heckman were absent)

ALSO PRESENT: Councilman David Phares

Approval of Minutes

November 8th, 2021 meeting minutes were approved. Motion by Mr. Hren, second by Mr. Rising Vote: All ayes. Motion carried.

Development & Plan Review Committee - Mr. Rising

Mr. Rising had nothing to report tonight. Mr. Rising indicated that he has the Planning Commission manual available this evening. He stated that he was not sure what other board members have one. At this time no other board members have this manual. Mr. Rising has contacted a previous board member that he has not heard back from with regards to obtaining the additional manual. This manual will make it easier for new board members coming onto the board understand the responsibilities. There was some discussion regarding making the manual an electric version to be available moving forward.

Rules Committee - Mr. Rising

Mr. Rising had no report tonight.

City Engineer's Report - Tim McLaughlin

There was no written report submitted and City Engineer was not present.

Law Director's Report

Ms. Landgraf had no report tonight.

Architectural Review Board - Mr. Heckman

Mr. Heckman was absent and no report provided.

Community Reinvestment Area (CRA) - Mr. Carden
Mr. Carden had no report tonight.

Public Portion

The public portion was opened at 7:38pm with Councilman Phares present to discuss details from the Safety Committee. Councilman Phares advised that there are two issues that came to the Safety Committee last month. The first issue is the party/event centers, Councilman Phares provided details regarding a party/event center that came into the City of Willowick last year around March, within a month or two where the police department was called due to people fighting in the parking lot, urinating in the parking lot, being present and partying until midnight / 1 in the morning. Councilman Phares advised that he believes the final straw with this establishment was gun shots being fired. Councilman Phares asked Law Director Landgraf what steps we took at the time, he asked if we threatened to pull their license. Law Director Landgraf stated that the Chief Building Inspector sent the establishment a notice that they had been in violation of their permit and then they just ended up moving. Mayor Regovich advised that the landlord for that building ultimately advised them to no longer operate. Mr. Carden asked if it was the gun shots that made us pull the permit or if it was a combination of nuisance calls. Law Director Landgraf stated that it was primarily due to the juvenile delinquency, due to juveniles renting the space out and having parties. Mayor Regovich stated that Eastlake had an event center that got out of control, they were under conditional use, they pulled the conditional use, he said all of a sudden these event spaces started opening up. Mayor Regovich stated that we had the event center on East 305th Street, it seems that any time there is alcohol involved and with the state of Ohio laws stating they are allowed to bring alcohol in they just can't sell it. Law Director Landgraf stated that this one in particular there was an increase of juveniles outside the establishment and the police continued to be called there. The City of Willowick has an ordinance that requires that if there is increase in crime, criminal activity or juvenile delinquency, noise and additional items of that nature, we can notify the business owners that there has been a violation, they have 10 days to correct it. This business owner chose not to do anything about it and ultimately just left. Law Director Landgraf stated that we do have an ordinance that unfortunately requires action before we can do anything, so there was a conversation with Councilman Phares and the police department about potentially coming up with an ordinance to get out in front of the situations that would regulate and make it a bit more structured

about what they could be doing inside these event centers rather than "here is your business permit, please do not commit crimes." Mr. Houry to Mayor Regovich, "you stated that Eastlake had a conditional use tied to their permit, would that give them some power to control it?" Mayor Regovich stated that he believes that is correct, however we do not do that here. Law Director Landgraf stated that we cannot do conditional use permits on this particular area or type of business because that would be a change of use, it is currently a permitted use of that district. Mr. Hourly stated that could be an automatic requirement to start off with if we are going to have to deal with this. Law Director Landgraf asked to specify and Mr. Hourly responded with we would create a conditional usage and Law Director Landgraf stated that it would have to go on the ballot to change that use to a conditional use because we have zoning requires change of use or re-zoning to go on the ballot. Mr. Carden asked if that was based on the physical location, this area is zoned as xyz, Law Director Landgraf stated that yes, a conditional use permit says that this is allowed in the given district but only under the following circumstances and then the Planning Commission or whatever body is entrusted to regulate those would come up with a list of criteria indicating that, that business can operate under it is actually a permitted use but it is considered conditionally permitted so you have to follow the following conditions, we cannot do that here unless it were to go on the ballot to change to a conditional use. Mr. Carden stated that in the meantime in this previous case we just had, due to complaints and nuisances we were able to on the back end. He stated the plan here is to try to get out ahead of it and have something specific in place and asked for thoughts on what the specific verbiage would be. Councilman Phares stated that since then we have had 2 more of these same types of businesses apply and they have been approved, they are both at NorthShore Mall, one is in the old video store at the end and then other is inside the mall area. It was asked if there were police at that location about a week and a half ago in the afternoon. Councilman Phares stated that he is not aware about any calls regarding that location. Mayor Regovich advised that one of those two locations are not open and operating yet and he is also not aware of any calls regarding the business. It was asked if this was the plaza with the Tuscan restaurant, and the Mayor Regovich advised that yes it is in that plaza. Councilman Phares stated that some of the ideas that the Safety Committee came up with is no alcohol allowed, which seems alcohol drives the problems, events no later than 11pm, if alcohol is allowed then security needs to be present and then also require private security that the event center needs to be responsible for

obtaining. Councilman Phares stated that Police Chief Turner has already said that he does not like the idea of having his officers going to work an event center after hours, specifically in the event of a situation where only one officer is acting a security for over 200 attendees, he has expressed a dislike with that. Councilman Phares stated that another recommendation would be to limit these types of establishments to only 2 allowed in the City of Willowick, which we have now so not to allow any additional event centers in the city. Councilman Phares stated that at this time these establishments seem to be a "fad", people get kicked out of one city and they then move to another city where it is allowed. Mr. Foisel asked if these are the types of events where they are getting a DJ service in there and everyone brings their own alcohol. Councilman Phares indicated that there is no one working at these establishments, it is a situation where the person that is running the establishment gets clients to sign up and they say that they are going to unlock the establishment for them and then that is it, there is no one working onsite to control anything like how establishments such as LaMalfa has, which has a full staff onsite for the duration of the events. Mayor Regovich stated that these types of businesses start out when they apply for the business stating that they are going to be a sip and paint type event center, host baby showers and wedding showers, but then they turn around after being approved saying they are now opening up on Friday and Saturday nights too, which in turn the issues start taking place, he did indicate that it does not always happen that way but we do have to take their word for it, which is why David Phares wanted to present this to the Planning Commission board members to take a deeper dive into this as we would like some additional control, we want to be able to make the decision on how many of these types of establishments we want to have in our city, we are a small 2.4 mile city, how many of these establishments do we need. He also stated that these types of establishments are not a big money maker, tax payer business for the city. Mr. Mohorcic asked the board and Mayor Regovich if council or the mayor's office want these types of business in the city as he believes if we eliminate alcohol, we eliminate those businesses coming into the city no matter what because the idea is to bring alcohol in there. If there is not an appetite for that then he would change it to the businesses would have to pay the city for having an officer on duty, although he understands the Police Chief expressed concern but maybe there is something along those lines that we can put in place where the businesses would have to cover the cost of have 2-3 officers on duty paid by the hour and what we decide as council what that fee would be along with the Police Chiefs

recommendation would be the fee they pay and potentially instead of only one officer they would need to have two officers so this way that is written in. Mr. Hourly advised that when Lake Front lodge is rented out and there is alcohol there has to be security in place. The board indicated that is also the situation for Dudley, Manry and other city buildings. He indicated that we could potentially use that as a template to work from. Councilman Phares suggested that since Bayridge has their own party center and regulations plus the regulations from the city, Mr. Foisel stated that the most important piece of this although the police chief does not like it and it does not necessarily have to be a Willowick Police officer, but implements that there has to have security there because that would stop the underage drinking and without that then they would be shut down either way. Mr. Hourly stated that the 11pm closing time he believes will definitely help along with the alcohol would be a good start. Mr. Foisel asked if the alcohol would be something we would have to get approved. Mr. Carden stated that he would like to take a step back quickly as he is not familiar with these types of businesses as this is the first he has heard. He stated that he is familiar with traditional banquet centers, and asked if this is essentially the same thing as a banquet center or are they specifically different in some way that it is just a front and an excuse to get in and cause a scene. Councilman Phares stated that this type of business that just opened up in the video store, he met with her and she stated that her previous business was wherever her client was having a party, she would could find a place in the city and then she would have to move all around her props or party items so now she wanted a permanent place where she can tell people to go to her establishment and she will handle all aspects. Mr. Carden asked if there is anything legitimate about her business, Councilman Phares stated that she had a whole full binder that he was able to view pictures of previous parties she has coordinated such as anniversary's and birthdays. Mayor Regovich stated that this is basically providing a space for a group of people for a party or gathering, this is not a staffed space. These are no different from renting the Dudley field house or the community center. The clients renting the space would go in and set up your party. The establishment that we are referring to here, the owner of the establishment may set up and decorate for her clients for an additional fee and that is how she makes extra money however some of the other event centers are not like that. Mr. Carden asked then there is no liquor permit is needed. Mayor Regovich stated that the state of Ohio states that they do not need a liquor permit if they are serving alcohol, as long as they do not sell it or produce it they do not need a liquor

license. He stated that you can take liquor into restaurant and they charge corking fees and things along those lines if they do not have a liquor license. Mr. Carden said hypothetically if the board decided that the recommendation would be how about we do not allow these types of establishments at all in our city. Is there any downside, as it does not seem to be a money maker for the city? We can make this as strict as we want, we can't just say no party center because it needs to be determined party centers is defined as xyz. If our intent is to say we just do not want to have any place where people can get together that doesn't meet a certain criterial like a traditional banquet hall. Mr. Mohorcic stated that it is already under the zoning so it would have to go on the ballot, Mr. Hourly stated that is what he was referring to regarding a conditional permit. Mr. Mohorcic stated that it would not be a conditional permit, it would just be taken out of the zoning code which you would have to go to the ballot for that change since it is currently permitted under the zoning. However, Councilman Phares stated that council could legislate a set of rules. Mr. Mohorcic agreed that the rules could be changed however we cannot just say we do not want any party centers. Mr. Foisel stated that he does not believe a change in the set of rules could be more restrictive then what we have in place for city buildings such as Dudley Fieldhouse either, he believes we would have to fall under the same lines that we are doing with Dudley. Law Director Landgraf stated that we certainly do not want to discriminate against private enterprise to support the city making money or the city facilities being utilized, she stated to be cautious about requiring city police officers be employed because it is a private company but certainly security measures in place. Councilman Phares stated having something to fall back on should something happen we can say you (meaning the company) violated this, this and this and this is your first warning. Mr. Carden stated that all makes sense. Mr. Foisel stated that there is a legitimate need for these types of establishments as he is currently trying to schedule his son's March birthday party, all city buildings were booked up so he had to go outside of the city. He stated that for something like that a staffed facility is not needed, he just needs a big enough facility to host many people. Mayor Regovich indicated that our city buildings book year round. Mr. Foisel stated alternatives can be a good thing but they should be succumbed to the same rules and regulations that our city facilities are. Mayor Regovich stated that since we do not have control of type of party center establishments since they are not city buildings it's more difficult for council. He stated that he hates to discourage any type of business to come into the city. If the party centers do

something wrong, they bring the wrong crowd, there is nothing but trouble and our officers have been on site on multiple occasions he wants the ability to say here is what happens if those things take place. Mr. Mohorcic stated that regarding security we would have to define that out, stating that if it cannot be a city police officer, it cannot be a college bouncer for instance. He stated that if it is broad enough there is potential for an 18 year old to work the front door. Law Director Landgraf stated that any new business in the City of Willowick has to go in front of the plan review board, so in order the plan review board to apply a set of standards you need to set that out for them and then the plan review board will vet that, and determine what kind of security would be in place, it's not my uncle that is going to be the security. Mr. Mohorcic stated that we would have to set that definition. Law Director Landgraf agreed and stated that Planning Commission would need to establish these guidelines so that Plan Review Board can apply it and Chief Brennan and the police department can enforce it. Mr. Mohorcic stated that we need to define security as specific security to make sure it is not a friend or family member who knows everyone at the party. He advised that if we do go that route, which he believes we should then that we can't have we urge against having city police officers, indicate that they would have to pay them time and a half to help deter them from using city officers. Mr. Hourly asked if the city gets revenue from the event centers in the city currently. It was advised there really is not. He stated that it is not a revenue based enterprise. Mayor Regovich stated that the property tax we are already getting from the building owners. However, having businesses in empty areas have them up and running it looks astatically pleasing for our city. Mr. Hourly asked if there are bathroom requirements for these types of businesses and Mayor Regovich stated that would fall under the Building Department. Mr. Hourly asked if there was a way we could limit it based on the amount of bathrooms in the location as we did with the fitness center and the massage parlor like the certain types of sinks and water facilities. Mr. Hren stated that the Larimar fitness center had to have adequate fire escapes and be handicapped accessible based on the amount of people that could possibly be inside the fitness club. Mayor Regovich stated that, those items would fall under occupancy. Law Director advised that ingress and egress would fall under the Plan Review Board. Mr. Hren stated that if there is 100 people inside the establishment and there is only 3 doors to get in and out of the building in case of a fire. Law Director Landgraf stated that the problem that the Plan Review Board runs into is that these are permitted without any regulations at all so you can't really

violate someone when there are no regulations in place. Mr. Carden asked the board if alcohol, curfew and security are the biggest levers. The board agreed. Councilman Phares stated that we have an ordinance 755.09 that states that no business shall be conducted between 1am and 5am so that is already on the books. Mr. Mohorcic asked if we could push that to 11pm to 5am. Councilman Phares stated that we could make it specific to event centers. Mr. Hourly stated that it sounds that the goal here is to make these changes without having to go to the ballot. The board agreed. He asked if coming up with certain restrictions and regulation would help. Councilman Phares stated yes it would just come from council. Mr. Hourly asked if there are any other communities that we could contact to see what they have in place. Councilman Phares contacted Mentor and they do not have anything in place. Mr. Hren indicated that Wickliffe has a similar problem with an event center in their city. Councilman Phares said he believes it is also under chapter 755, the Commercial Establishment, when the business fills out the form and get their business with the Plan Review Board on the bottom it says if you conduct your business in which brings in more crime or taxes the police that we have the option to warn you and potentially pull your license. Mayor Regovich advised that currently if we had to do that, Mayor Regovich as the Safety Director would send a letter to the business owner stating that they had certain amount of days to respond and they are allowed a hearing in front of the Safety Director at which point he would identify what the issues are and determine what is going to be done to fix it and if the same situations continue at that time the Commercial License would be taken away. Mr. Mohorcic asked if they have to submit a written response within 10 days. Law Director Landgraf responded saying that it is not a set 10 days, they have to be given a reasonable time to comply. She advised that there was a bar in the city where there was a lot of firearm issues and they were cited, they then had a meeting with the city where they showed some of the measures that were taken. So it all depends on the egregiousness of the situation is and what a reasonable time to comply is. The ordinance does not give a specific time frame. It all depends on how bad the situation is. Mr. Mohorcic asked if we can require a written response. Law Director Landgraf stated that we could require a written response and it would fall under the code section discussed by Councilman Phares for citing Commercial Establishments. Mr. Carden asked that in terms of security what we already have in place in terms of ordinances, Councilman Phares stated that he did not find anything we already had in place. There was some discussion regarding the security requirements for city buildings. Law Director Landgraf stated

the reason for the police requirements for the city buildings is due to liability, if someone is injured in a city owned building there are some differences in liability. She stated for a private business she would recommend if the board is considering this then that business owner would need to provide security depending on the amount of people, one police officer or security guard for instance with 300 people is not realistic. Mr. Carden asked regarding these businesses if they would need to get approved per party or if once they are approved they can operate without being approved per party. Law Director Landgraf stated that would be the responsibility of the business owner to make sure that they have the appropriate amount of security per party. Mr. Carden stated that we would need to outline that out providing a number of security officers per the amount of people attending that event. Law Director Landgraf stated that yes we would need to dig in and specifically state the amount of security requirements per the amount of people. There was some discussion regarding the differences between a party center and special event permits/requirements. Councilman Phares advised the board that he will get a copy of Bayridge condos party center security requirements as a guideline for what we want to put into place. Mr. Morohcic indicated that he believes that we should mirror the requirements we have for city buildings for these event centers coming into our city. There was some additional discussion regarding alcohol and security. Mr. Mohorcic suggested that carbon copy Bayridge's set of requirements and then have a set of limits for example over 50 people that party center has to at least notify the police department that they are having a party with people although the officer does not need to be there, that they run a car through there, this way when the officers are on general patrol they are aware and monitoring the situation which may be an easy way where we do not have city officers we are paying at a private enterprise and we are mirroring what we already do. He indicated having police presence may limit the amount of issues we have been having since they could mitigate when it is getting out of hand they can shut the party down and it is not impeding on private enterprise. It was asked how we would know how many people are going to be at this location, Mr. Morohcic stated that it would be on the business owner to notify the head count of the party. The board had a discussion about obtaining the police chiefs opinion on his officers either providing security or patrolling the area more when we are aware of a large party, the event size and the requirements for security and how to obtain a city police officer for the event and what the recommendation from him would be as far as how many officers per how many people. Councilman Phares will be providing the board

the notes that the Safety Committee came up with for these types of establishments. It was asked that if these establishments would have to prove the legitimacy of the private security and would they have to be bonded like a contractor. Law Director Landgraf responding stating that private security firms do not have to be bonded, that is more for the protection of the city. Law Director stated that how this would all work is that the Planning Commission board would establish a set of guidelines and then the event center would be approved at the Plan Review Board and then it would be outlined at Plan Review on how many security officers would be required per the established amount of people and then if an officer drives by and sees an excess amount of people the officer would stop in and ask where the security officers per your permit and if there is not one there then at that time we would have to take action. We would set the guidelines and if they do not comply with them they then would be cited. Mr. Mohorcic again said that we can establish a set of guidelines regarding security. Law Director advised against having city police officers as the security in place for these event centers, she stated that this should be entirely private security firm hired directly by the event center. They would provide the security measures and security company information to the Plan Review Board for approval. Mr. Hourly asked about how a contractor registers in the city, also about the fees to register and if that would be something we could require of the security firms to do, register with the city. Law Director Landgraf advised that she does not believe that private firms have to be bonded and with contractor registration that is for the protection of the Willowick homeowner's. It was discussed again about having the Police Chiefs option and recommendation on the security whether private or city police officers. Mr. Carden stated that we will come up with security guidelines that we think makes sense, we look at the requirements Bayridge has in place, define the requirements out as specifically as we need to, we work with existing code, change the requirements on curfew with regards to event centers, beyond those topics is the alcohol security requirements, if no alcohol then no need for security measures. Mr. Rising asked if there was anything stopping these establishments from putting a notice on social media indicating that they are having a party at the center and charge per person at the door. Law Director Landgraf advised that she does not believe there would be an issue with the center doing that however they would have to still follow the guidelines that will be in place. There was some discussion regarding parking with that type of situation. Mr. Carden asked that if there are only going to be requirements for security if there is alcohol but what if the attendees bring

in substances for the party. Mr. Foisel stated that we would require security because illicit drugs are illegal. We cannot assume that anyone or company is going to is going to engage in criminal activity. Mr. Hourly asked if there was any requirements for noise levels, it was determined that would be something we want outlined as well. Law Director Landgraf stated to look at other cities that have conditional use in place and see what they have outlined, as a basis to go off. We currently have a noise ordinance in place that is pretty specific.

Mr. Carden stated that we shall move on to the next topic that Councilman Phares has to present to the board this evening. Councilman Phares stated that with the party event centers he would like to move quickly on this before more try to come into the city as we do not have anything in place and no way of stopping them, we do not want to have too many in the city. We will correspond via email regarding other city requirements, reviewing ordinances and then come back together after reviewing to discuss further. We discussed a special meeting and came up with Tuesday, February 22nd 2022 at 7:30pm.



Councilman Phares presented the next topic of marijuana dispensaries in our city. Chief Brennan and Mayor Regovich have both received calls regarding properties in our city for a dispensary and asked what we have on the books regarding guidelines. He advised that the state is doing a lottery and you have to have a site established before you can win a spot in that lottery which is why people are calling and submitting for them. Chief Brennan made Councilman Phares aware of this and it was discussed with the Safety Committee. Wickliffe, Eastlake and Mentor on the Lake all have identical ordinances pretty much reflecting what the state of Ohio revised code says, about 12 chapters that talks about the medical marijuana program, business license requirements, permits required, specific characteristics required for the license and procedures for obtaining the licenses. Councilman Phares stated that while at Safety Committee speaking with Mayor Regovich, he stated that if we do not do anything and have nothing on the books now we would default to what the Ohio Revised Code says, which has sections with about 31 chapters which covers a lot more. Mayor Regovich stated that his option with the Ohio revised code which is probably the most stringent and more hoops that would need to be jumped through to be able to get a dispensary in the city. He believes that this law is going to change as there is enough people and petitions to get on a ballot independently to make it more recreational. He stated that if we go ahead and pass legislation now, we are going to end up changing it repeatedly

which is not something that we want to have to do. He stated what the ordinance does in those cities is establish a permit fee which is usually a larger amount. If it is a legitimate business and if they are going to be recognized by the state of Ohio, however they are not federally recognized yet. He stated that it is a money grab, they have a yearly fee. It was asked what the fee is and Law Director Landgraf stated it is \$20,000.00 annually per license. It was asked what the business fee is yearly now for businesses in the city. It was answered as it is based on the square footage of the business. Mayor Regovich stated that Wickliffe has a dispensary and Eastlake has a grow facility. Mayor Regovich stated that the way it is laid out now, the state of Ohio lays out the security measures. There are a lot of measures in place for the marijuana dispensary's and grow facilities. He stated that it would be good for Planning Commission to take a deep dive into it and see what the difference between what the cities passed and what the Ohio review code says, looking at the 3 different agencies in the state of Ohio that regulate it. Mr. Carden asked if the \$20,000.00 is meant to be a disincentive or an obstacle to overcome. Mayor Regovich stated that no because with most cities do is pass a moratorium stating that they do not want them there. So Eastlake and Wickliffe said they could go into their facilities but with a fee, since not a lot of cities agreed to have them come into the city they were willing to pay the fee. This is a case of supply and demand, since there are only a few cities allowing it so they can change because of that. We do not have an area where we would be able to allow a marijuana grow facility so with a dispensary it is a small business with maybe a hand full of employees. It was asked if essentially then all we will be getting is a small yearly permit fee and Mr. Hourly asked if we have a dispensary in the city there is no revenue coming from it. Mayor Regovich stated that these dispensary's are very nice facility's more along the lines of a high end retail shop, you have to be buzzed in, you have to present a medical marijuana card, you have to have an appointment, they bring the items out to go and explain the types and it is all regulated THC. Councilman Phares stated that we would need to look at where we would want to zone these, do we want these on Vine Street, do we want them on Euclid Avenue? Mayor Regovich stated that there is a state code indicating where these are allowed to be within a city, they cannot be around a school, library, church within a certain amount of feet. It was asked what the radius is and if it could be increased. Councilman Phares stated adult book stores/entertainment is 1000 feet, which is did a map of that and the only place it would be allowed would be where the rock crushing site is on Euclid

Avenue. Mr. Hourly stated that by those requirements it looks like we would only be able to have one in the city. Councilman Phares stated on the other side of things there is a stigma of marijuana with the residents, there may be a lot of people that are going to question why the city is allowing the dispensary in our city, which is where the public meeting comes into play so we can explain to the public what we are doing and then try to get some residents at the meeting with their opinions which is always important, we want to make the residents are aware. Mr. Hourly stated that to be clear if we were to allow this type of business in the city based on the radius we would only be able to have one, to which was agreed upon. Law Director Landgraf advised that this type of business is allowed in the city already under a regular business. Mayor Regovich stated that we could limit them, we could put a moratorium on them, and we can make our own ordinance like other cities have. Mr. Hourly stated that he would not like to see more than one in the city. Mr. Carden wanted to get a temperature check on the dispensaries, for instance if it was \$100.00 business fee are we here of the belief that these are fine as anything else to bring into the city or does anyone here have an opinion such as this is not something we should be associated with. Councilman Phares stated that council put a limit on was the gaming centers in our city, a limit of 4 was put in place. Those establishments do bring in revenue. Mr. Mohorcic stated that he has with him a copy of Eastlake's Ordinances outlining marijuana establishments and it gives Planning Commission a lot of power to regulate these items. He stated that if we did put in an ordinance he would either do a gestured on medical marijuana because they are typically private equity based so you cannot get a loan through a bank because it is federally illegal, they have to get venture back capital so they are nice families and very clean. The state tracks the grow facilities and everything they plant, from a seed to a plant to when it is fully matured harvested and sold. So he does not think a medical marijuana dispensary is necessarily a bad thing, however he would like to see a higher permit fee. The city should be getting revenue while they can be, if we want to levy \$20,000.00 and we have one area for it then we should allow it. On the other end of that they need to find a place since a lot of other cities are not allowing them it becomes a supply and demand situation. The other benefit to allowing it outside of revenue would be them taking an area that is not pleasing on the eyes and turn it into an area that is operating and looks good. Provide the public with the details that we would be passing an ordinance for medical marijuana and then we could put a moratorium on anything for recreation use for a marijuana facility. It was advised by Mr. Hourly that

recreation is illegal in the state of Ohio. Mr. Mohorcic stated that while he understands that it is currently illegal when it does become legal we would already have a moratorium in place, we would be ahead of the game. We would let the public know that at this time if we allow the medical marijuana dispensary in the city but we would not allow anything of recreational use so this way if the recreation becomes legal then we are ahead of it. There was discussion amongst the board members regarding the incoming of money, and then house they can improve the location they are obtaining. They discussed limitations they would put in place as well as well.

Remarks - Old Business

There were none at this time.

Remarks - New Business

There was no new business.

Adjournment

Motion by Mr. Mohorcic, second by Mr. Carden, to adjourn the meeting. Discussion: None. Vote: All ayes. Motion carried.

The meeting adjourned at 9:25 p.m.

Mark Carden, Chairman

ATTEST:

Heather K. Boling, Building Secretary



City of Willowick
CITY COUNCIL REGULAR MEETING

Tuesday, November 21, 2023 at 7:30 PM
 City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

MINUTES

CALL MEETING TO ORDER

President Koudela called to order the twenty-first meeting of Council at 7:31pm

PLEDGE ALLEGIANCE

INVOCATION

ROLL CALL OF COUNCIL

PRESENT

President Monica Koudela
 Ward 1 Councilman Patrick Mohorcic
 Ward 1 Councilman Tom Loncala
 Ward 2 Councilwoman Natalie Antosh
 Ward 2 Councilwoman Theresa Bisbee
 Ward 3 Councilman Charles Malta
 Ward 3 Councilman David Phares

Also Present: Mayor Vanni, Director Landgraf, Chief Malovrh, Chief Daubenmire, Director Shannon, Engineer McLaughlin, Clerk Morgan **Absent:** Director Kless, Chief Brennan, Director Benedict

APPROVAL OF MINUTES

1. Motion to Approve the Minutes of the October 17, 2023 Regular Council Meeting

Motion made by Ward 1 Councilman Mohorcic, Seconded by Ward 2 Councilwoman Antosh.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motion Carried

APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS

2. Appointment of Two Council Members for the Volunteer Fire Fighters' Dependents' Fund Board

Councilwoman Antosh and Councilman Phares volunteered to remain on the committee.

Motion made by Ward 1 Councilman Mohorcic, Seconded by Ward 3 Councilman Malta.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motion Carried

ADMINISTRATIVE APPEALS

None

REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

Mayor Vanni reported on the status with the house next door to city hall. Funds for the demolition of the building is still pending at state level. The city was not awarded the NOPEC grant for its portion of the project but \$20,000 was previously budgeted. The land bank will be paying for half with the possible cost for the city being \$10,000.

Fire department received a grant for over \$24,000 to purchase fire hose equipment.

Civil Service meeting was held to discuss raising the age limit for police officers from 35-40 or 45 and Mayor requested this placed with the Safety Committee before the next meeting. This has been set for 12/5/2023 at 6:30pm.

Willowick Rite Aid will be included in the numerous store closings effective November 30 due to bankruptcy. Mayor has reached out to find out plans for the building but nothing to date.

Mayor attended Euclid sewer meeting in addition to council members to express concerns on the proposal of an additional 14.68% increase due to costs in the water treatment plant. The increase was put before Euclid City Council for a first reading with second reading set for 12/11/2023. Euclid service director has been in contract with Mayor during this process.

Report from Nik Janek with the Board of Health. Project Dawn (Deaths Avoided with Naxalone aka Narcan) is a way the county general health is addressing the opioid crisis. Courses for training on administration of Narcan available online at Lake County Health. Under new business, the budget was approved for the aggregate amount through February for \$11,134,024 with appropriations expected at \$10,970,680. Mr. Janek also made a request for rat bait traps funding. The cost for six is approximately \$106.

COUNCIL DISCUSSION OF THE MAYOR'S REPORT

President Koudela noted that Euclid is also bringing up to the EPA the burden of the increase on residents in Euclid and Willowick and hoping that the EPA will improve a modified plan.

Councilman Malta inquired about the closing of the UH Urgent Care. Mayor reported in the previous meeting that more medical offices and doctors will be utilizing that building and urgent care is now in Willoughby.

GENERAL COMMUNICATIONS & REPORTS – Directors & Officials

Service Director – Todd Shannon

Electronic Report submitted. The project at Manry is nearing completion. City mechanics saved the city \$9,000 for refabricating the original railings. Christmas decorations are in progress for after thanksgiving. An update on leaf pick up, there has been one pass through the city is completed and a second pass began on 11/20. Once

trucks switch over to salt trucks, which is a three-day process, leaf pickup will end for the season.

Recreation Director – Julie Kless

Absent

City Engineer – Tim McLaughlin

Engineer McLaughlin explained the motions submitted on the agenda. The Fairway project is in the initial stages of getting underway and addressed the inquiries regarding its timing with all the other current projects. He noted that the City received funding for this project through OPWC and ARPA funds and it was not secured or contracted until later this year.

Mayor Vanni noted that the costs for this project will be nothing so no storm water funds will be used and can be allocated elsewhere.

Finance Director – Cheryl Benedict

Absent

Law Director – Stephanie Landgraf

Discussed the legislation on the agenda regarding RTA taxes and 1-month moratorium on the Issue 2 regulations to allow city to review and decide next steps.

Police Chief – Brian Turner

Electronic report submitted. Nothing further.

Fire Chief – Bill Malovrh

Electronic report submitted. Nothing further.

President Koudela praised the Chief for the numbers provided and noted that the department was maintaining 90% coverage most of the time.

Chief Housing/Zoning Inspector – Sean Brennan

Absent

WARD MATTERS

None

PUBLIC PARTICIPATION

- a) Public statement (1 minute maximum)
- b) Council response to the public
- c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)

Mike Bowen 472 E. 319th Street thanked everyone and provided accolades to the crews picking up leaves even in the bad weather.

President Koudela thanked Mr. Bowen for his comments

REPORTS OF STANDING COMMITTEES**Finance** – Bisbee, Koudela, Mohorcic

Councilwoman Bisbee made note that she will be contacting the Finance Director to set up another combined meeting with Finance and Sewer Committees.

Safety – Phares, Malta, Bisbee

Councilman Phares restated the meeting set for December 5, 2023, at 6:30 to discuss the fire study and age eligibility recommendation for the police department.

Service, Utilities & Public Lands – Malta, Phares, Bisbee

Councilman Malta discussed the meeting held prior to council meeting and the updates for the Gold Star Memorial. He also explained the process and the steps taken to officially change E. 321st Street to Jim & Mary Lou Beers Way.

Streets, Sidewalks & Sewers – Malta, Antosh, Mohorcic

*Sec Service, Utilities and Streets

Tax Compliance – Koudela, Antosh, Patton

None

Moral Claims – Antosh, Phares, Patton

None

Budget – Koudela, Bisbee, Mohorcic

None

LIAISON REPORTS**Planning** – Phares/Alternate Koudela

Councilman Phares noted the Planning Commission meeting and the discussion of the rules and regulations for car repair shops on Vine Street. He also mentioned the possibility of cleaning up older, outdated ordinances.

Board of Zoning Appeals – Koudela/Alternate Mohorcic

None

Volunteer Fire Fighters' Dependents Fund Board – Antosh, Phares

None

*See voting under 'Appointments' for the return of current committee members

Recreation Board – Bisbee/Alternate Phares

None

Plan Review Board – Antosh

None

Hearts & Hammers – Malta

Reminded of the fundraiser for the end of January and the current ticket sales

FUND TRANSFERS & BID AUTHORIZATIONS

None

CONTRACT APPROVALS

3. **Motion Authorizing the Mayor to Enter into a Contract with Flock Safety Systems in the Amount of \$37,500 for a Five-Year Subscription Renewal for the City of Willowick**
Motion made by Ward 3 Councilman Malta, Seconded by Ward 2 Councilwoman Antosh.
Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares
No Discussion; Motion Carried

INTRODUCTION & CONSIDERATION OF LEGISLATION

4. **Amended Resolution No. 2023-46**
An Amended Resolution Authorizing the Mayor to Enter into a Real Estate Purchase Option Agreement with the Lake Development Authority and Kurtz Bros., Inc., and Declaring an Emergency
Motion to waive the three day rule made by Ward 1 Councilman Loncala, Seconded by Ward 2 Councilwoman Antosh.
Voting Yea: President Koudela, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares
Voting Abstaining: Ward 1 Councilman Mohorcic
Motion to suspend the rules made by Ward 3 Councilman Malta, Seconded by Ward 2 Councilwoman Antosh.
Voting Yea: President Koudela, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares
Voting Abstaining: Ward 1 Councilman Mohorcic
Motion to adopt made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Phares.
Voting Yea: President Koudela, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares
Voting Abstaining: Ward 1 Councilman Mohorcic
No Discussion; Motions Carried
5. **Ordinance No. 2023-45**
An Ordinance Amending Chapter 194 of the Codified Ordinances of the City of Willowick, Ohio, titled "Earned Income Tax Regulations Effective Beginning January 1, 2016, with an Effective Date of January 1, 2024
1st Reading 10/17/2023; 2nd Reading 11/21/2023

6. Ordinance No. 2023-49

An Ordinance Amending Ordinance 2023-5 to Provide for Additional Appropriations from the General Fund (101); Street Construction Maintenance & Repair Fund (202); Sewer Revenue Fund (205); and Senior Citizens Levy Fund (220) for Current Expenses and Other Expenditures of the City of Willowick, State of Ohio, During the Calendar Year Ending December 31, 2023, and Declaring an Emergency

*This was amended at the table to change the funds for the police department from **\$2,000** to **\$3,500**

Motion to waive the 3 day rule made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Phares.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

Motion to suspend the rules made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Phares.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

Motion to adopt made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Malta.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

Mayor Vanni noted under Workers' Compensation, we have already paid for 2023. The \$155,000 listed is for 2024 in full to qualify for the 2% discount.

No Further Discussion; Motions Carried

7. Ordinance No. 2023-50

An Ordinance Directing the Director of Finance to Certify Delinquent Accounts to the Lake County Auditor and Lake County Treasurer for Collection as Property Tax and Declaring an Emergency

Motion to suspend the rules made by Ward 3 Councilman Malta, Seconded by Ward 1 Councilman Mohorcic.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

Motion to adopt made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Phares.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motions Carried**8. Ordinance No. 2023-51**

An Ordinance Adopting a Moratorium on Applications for, and the Granting of Zoning Permits for Any Building, Structure, Use or Change of Use that Would Enable the Use of Cultivation, Processing, Distribution or Sale of Marijuana for Recreational or Non-Medical Purposes for a Period not to Exceed Twelve (12) Months in Order to Allow the City to Review Applicable State and Local Laws and Guidelines, to Plan for Regulations Relating to Such Uses, and Declaring an Emergency

Motion to suspend the rules made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Phares.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

Motion to adopt made by Ward 2 Councilwoman Antosh, Seconded by Ward 1 Councilman Loncala.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

Councilman Phares mentioned he would like to have discussions in the next 12 months to make this ordinance permanent.

No Further Discussion; Motions Carried

MISCELLANEOUS

9. Motion Authorizing Change Order #1-Final to CRS Metalworx, Inc., in the deduct amount of \$4,420.50 for the Willowick Community Center HVAC Improvement

Motion to suspend the rules made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Phares.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motion Carried

10. Motion Authorizing the Release of Retainage in the Amount of \$13,960.00 to CRS Metalworx, Inc., for the Willowick Community Center HVAC Improvement

Motion made by Ward 3 Councilman Malta, Seconded by Ward 2 Councilwoman Antosh.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motion Carried

11. Motion Authorizing Change Order #1-Final to Dura Mark, Inc., in the Deduct Amount of \$7,974.40 for the 2023 Striping Program

Motion made by Ward 2 Councilwoman Antosh, Seconded by Ward 1 Councilman Loncala.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motion Carried

12. Motion Authorizing the Release of Retainage in the Amount of \$3,755.40 to Dura Mark, Inc., for the 2023 Striping Program

Motion made by Ward 2 Councilwoman Antosh, Seconded by Ward 3 Councilman Malta.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motion Carried

PUBLIC PARTICIPATION

Jean Bowen 472 E. 319th Street inquired about the new home under construction on E. 321st and why it was being built so far in front of the other homes.

President Koudela explained that each street has a minimum setback. She does not recall this home being brought before the BZA so it may meet all the city ordinances and noted that the other houses are much older. She speculated that the owners may have wanted a bigger back yard.

ADJOURNMENT

Motion made by Ward 2 Councilwoman Antosh, Seconded by Ward 1 Councilman Loncala.

Voting Yea: President Koudela, Ward 1 Councilman Mohorcic, Ward 1 Councilman Loncala, Ward 2 Councilwoman Antosh, Ward 2 Councilwoman Bisbee, Ward 3 Councilman Malta, Ward 3 Councilman Phares

No Discussion; Motion Carried; Meeting Adjourned at 8:13pm

ATTEST


Christine Morgan, Clerk of Council


Council President Pro Tempore

ORDINANCE NO. 2023-51

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE USE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MARIJUANA FOR RECREATIONAL OR NON-MEDICAL PURPOSES FOR A PERIOD NOT TO EXCEED TWELVE (12) MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS AND GUIDELINES, TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2, which legalized and provided for the regulation of recreational marijuana, including cultivation, processing, sale, purchase, possession, and home growth, effective December 7, 2023.

WHEREAS, the State of Ohio does not currently have in place regulatory framework to guide Ohioans or local municipalities in the application of Issue 2.

WHEREAS, the newly enacted State law permits the legislative authority of a municipal corporation to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators permitted under the law within the municipal corporation.

WHEREAS, pursuant to the City Charter, as well as the Ohio Constitution, this Council has the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens.

WHEREAS, the City needs additional time beyond the 30 days after passage to review its Codified Ordinances, the Ohio Revised Code, together with the rules and regulations to be implemented by the Division of Cannabis Control, to plan for and to formulate an appropriate response and regulation to the legalization of the use, cultivation, processing, distribution and/or sale of marijuana for recreational purposes.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE AND STATE OF OHIO, AS FOLLOWS:

Section 1. This Council establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the use, cultivation, processing, distribution or sale of marijuana in the City of Willowick for recreational or non-medical purposes, for a period of twelve (12) months from the date of adoption of this Ordinance by the Council.

Section 2. No existing business in the City may expand in any way that would establish the cultivation, processing, distribution or sale of non-medical marijuana for the duration of the moratorium period established hereby.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the reasons set forth in the recitals of this Ordinance. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Willowick, Ohio.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2023

Monica Koudela, Council President

Submitted to the Mayor: _____, 2023

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council