

CHRISTOPHER HALLUM
President of Council

MICHAEL KLINE
Vice President of Council

GLORIA MAJESKI
Clerk of Council, Pro Tem

COUNCIL:
NANCY E. FELLOWS
JOE JARMUSZKIEWICZ
DANIEL KNECHT
TANYA TAYLOR DRAPER
DANIEL ZEGARAC

City of Willoughby Hills

Regular Council Meeting Minutes of April 22, 2021

Policy No. 2: All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.

The Regular Council Meeting was called to order on Thursday, April 22, 2021 at 7:00 p.m. remotely, using Zoom and Facebook Live. Council President Hallum presided.

Pledge of Allegiance (Audio: 0:47-1:07)

ROLL CALL (by Council President Chris Hallum) (Audio: 0:07-0:39)

Members Present: Council Vice President Mike Kline, Councilman Dan Knecht, Councilwoman Tanya Taylor Draper, Councilman Dan Zegarac, Councilwoman Nancy Fellows, Council President Chris Hallum and Councilman Joe Jarmuszkiewicz.

Also Present: Mayor Andy Gardner, Law Director Michael C. Lucas, Finance Director Frank Brichacek and City Engineer Pete DiFranco.

APPOINTMENT OF CLERK PRO-TEM (Audio: 1:18-2:19)

Motion made by **Councilman Jarmuszkiewicz** seconded by **Councilman Knecht** to appoint **Katherine Lloyd** as Council Clerk Pro Tem for tonight's meeting.

Roll Call: **AYES:** Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.
NAYS: None
Vote: 7/0

Motion Carries to appoint Katherine Lloyd as Council Clerk Pro Tem for tonight's meeting.

DISPOSITION OF THE JOURNAL (Audio: 2:48-3:47)

Motion made by **Council Vice President Kline** seconded by **Councilman Zegarac** to adopt the minutes of the April 8, 2021 Regular Council Meeting.

Roll Call: **AYES:** Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.
NAYS: None
Vote: 7/0

Motion Carries to adopt the minutes of the Regular Council meeting of April 8, 2021.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 4:18-4:30)

Email dated 4/9/21 from E-newsletter re. 4/9/21 City E-Newsletter
Email dated 4/9/21 from OH Municipal League re. Legislative Bulletin
Email dated 4/9/21 from PC-ABR Clerk re. posting for 4/15/21 PC-ABR Meeting
Email dated 4/12/21 from PC-ABR Clerk re. Zoom instructions for 4/12 & 4/14 MP meetings
Email dated 4/12/21 from OMCA – re:Airbnb legislation questions
Email dated 4/12/21 from PC-ABR Clerk re. MP question for 4/16/21 meeting
Mail dated 4/12/21 from NOPEC – 2020 Annual Report
Email dated 4/13/21 from OMCA re. Temporary Stores/Food Trucks questions to group
Email dated 4/13/21 from LC Port Authority re. April Newsletter
Email dated 4/13/21 from Gloria Majeski re. Agenda for 4/20/21 Business Subcommittee of Council
Email dated 4/14/21 from PC-ABR re. Resident input for MP Subcommittee from stvdn@oh.rr.com
Email dated 4/14/21 from PC-ABR re. Resident input for MP Subcommittee from Joe Venc
Email dated 4/14/21 from PC-ABR Clerk re. 4/12/21 draft minutes of MP
Email dated 4/15/21 from OMCA re. RC2s
Email dated 4/14/21 from PC-ABR Clerk re. 4/1/21 draft minutes
Email dated 4/15/21 from Localgov.org re. Local Govt. Economic Recovery: How Seniors Play a Role
Email dated 4/15/21 from PC-ABR Clerk re. Update for Resident Heeter re. BZA Decision Letter
Email dated 4/15/21 from PC-ABR Clerk re. Correction on Draft for Resident Heeter
Email dated 4/16/21 from Gloria Majeski re. Revised Agenda – Business Subcommittee Meeting
Email dated 4/16/21 from Mayor Gardner re. OBM Local Govt. Update Webinar
Email dated 4/16/21 from E-newsletter re. 4/16/21 City E-Newsletter

PUBLIC PORTION #1 (Audio: 4:33-9:13)

An opportunity for the public to address Council concerning anything pertaining to tonight's agenda

Public Portion #1 opened at 7:04 p.m.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094

Mrs. Bing spoke of her concerns about Ordinance 2021-025, which has to do with three projects being considered for the NOPEC grant use. She referenced the memo accompanying the Ordinance which spoke of projects for Grange HVAC project, IT condenser project and Community Center HVAC. Mrs. Bing thought that spending \$13,000 for the Grange project through this Ordinance without yet having the quotes for the other projects back (which may be more pressing projects for the City), did not seem prudent.

Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094

Mr. Cihula pointed out that he thought there was an error on page 2 of Ordinance 2021-025 with the heading.

Public Portion #1 closed at 7:07 p.m.

Questions/comments following Public Portion:

Councilman Jarmuszkiewicz clarified the NOPEC Grant Committee's analysis of the three projects for the NOPEC grant funding. While all three projects are "important," the Grange is used 3 or 4 nights a week for the Boy Scouts and Girl Scouts. Three quotes were obtained. The recommended quote in the Ordinance is about half the cost of the other two proposals. He thought it would be wise to proceed with this project.

With regard to the Community Center, three compressors are still working; it is not “dire.” For the IT Room, it turns out that the cost will be over \$40,000 to replace and the repair cost will be about \$5,000. The “Grange quote is only good for so long.”

MAYOR’S REPORT (Audio: 9:23-13:32)

Mayor Gardner reported:

- 1) COVID Update: Lake County remains in the “red level” with an average of 35 cases per day. Vaccines are proceeding well with Lake County leading with over 1,000 recorded doses (45.5% total population. Mayor encouraged all to refer to Lake County General Health District for all information.
- 2) Fire Department Update: 195 fire calls for the month of April (498 YTD); 75 were overlapping. Of these calls, 137 were EMS/car accidents, 10 fires/hazardous conditions, 3 structure fires, 3 non-structure fires and 48 service runs. Mutual Aid: we provided 18 instances of Mutual Aid and received 4 instances of Mutual Aid. With the bad weather, there were 10 calls the evening of the snow storm. Chief Gandee had provided for additional staffing for potential calls and that worked out well.
- 3) Pickleball: Mark Grubiss is preparing the tennis court area to accommodate pickle ball courts, in addition to the tennis courts. His staff has started the installation of the fencing. The courts should be ready by June.
- 4) Street Repair: Work will be started soon on Oak, Bishop and Emerald Lakes Blvd.
- 5) Sewer Repair: Sewer truck work has begun spring cleaning. Please watch for our Service workers during these projects for safety.
- 6) Recreation Commission: Needs volunteers; applications are available on the City website. The Touch a Truck event is planned for September.
- 7) Saturday is Spring Garage Sale.
- 8) Shred Day is set for Saturday, June 12 from 9 am to noon in the City Hall lot.
- 9) Reminder to sign up for the City E-newsletter at newsletter@willoughbyhills-oh.gov.

Questions/comments following the Mayor’s Report:

None

LAW DIRECTOR’S REPORT (Audio: 13:35-15:03)

Law Director Lucas reported:

- 1) In follow up to Monday’s Working Committee of Council Meeting, drafts of the legislation that were addressed have been distributed to Council.
- 2) Chapter 157 Ordinance – Third Reading tonight, but still a work in progress; Council’s discussion on Monday night seemed to support allowing it to remain on Third Reading until finalized. He felt there was still some “minor tweaking” needed.

Questions/comments following the Law Director's Report:

Councilwoman Fellows thanked Law Director Lucas for making the changes to the Ordinances. **Law Director Lucas** thanked **Councilwoman Fellows** for providing him information for legislation pertaining to Airbnb regulations from Niagara on the Lake.

FINANCE DIRECTOR'S REPORT (Audio: 16:06-16:16)

Finance Director Brichacek reported:

He had no report this evening, but was open to questions.

Questions/comments following the Finance Director's Report:

None

CITY ENGINEER'S REPORT (Audio: 16:20-18:21)

City Engineer DiFranco reported:

- 1) Street rehab, sewer rehab and pavement markings will be starting soon.
- 2) Bids will be opened for Dodd Road Slope repair on Thursday, April 29.

Questions/comments following City Engineer's Report:

Councilman Jarmuszkiewicz asked if the approval by PC-ABR for the Zoom Car Wash was the final approval. **City Engineer DiFranco** said that it was the final approval. **Councilman Jarmuszkiewicz** asked when it will be started. **City Engineer DiFranco** said that it was "up to the applicant." They will need to apply and pay for permits and then they can begin. **Councilman Jarmuszkiewicz** told **City Engineer DiFranco** that he appreciated his efforts with the car wash project. **Councilwoman Fellows** asked the engineer if he was aware of the dump trucks on Chardon Road again. **City Engineer DiFranco** said that he was not aware of dump trucks there; however, it may be a "fine tuning of their landscape."

Council President Hallum asked **Mayor Gardner** at this point in the meeting about "pulling Ordinance 2021-28 for the purchase of a 2021 GMC Sierra." **Mayor Gardner** stated that it was Road Superintendent Grubiss's request to pull the legislation because he did not feel "it was the right vehicle at this time." **Law Director Lucas** agreed that he and Mr. Grubiss had spoken and would suggest to "permanently table" the Ordinance with no action being taken.

COMMITTEE REPORTS/BOARD & COMMISSION REPORTS (Audio: 19:29-26:07)

Business Subcommittee – reported by Council Vice President Kline: (Audio: 19:29-21:19)

Council Vice President Kline stated that a Business Subcommittee Meeting was held last Tuesday. The initial review of Chapter 7 Business Regulations was completed. He gave thanks to Police Chief Naegele and Fire Chief Gandee for their input on the Emergency Alarm Systems section and the committee will be reviewing it shortly. There was discussion on Business Regulations for upcoming businesses.

Recreation Commission Report by Councilman Jarmuszkiewicz: (Audio: 21:25-23:35)

Councilman Jarmuszkiewicz gave the following event dates: Shred Day: Saturday, June 12 and Garage Sale this Saturday, April 24th. Baseball team registration has closed. The teams are all scheduled. Practices are beginning now and the games will begin in early May.

Questions/comments following Recreation Commission Report:

Councilwoman Taylor Draper asked if “a lot of kids signed up this year” to participate. Councilman Jarmuszkiewicz stated that early registration was “slow,” but they ended up with 4 girls’ teams and 5 boys’ teams. Council President Hallum said that there was a shortage on 8U girls’ team; however, the WHYSL reached out to the City of Highland Heights and they were able to consolidate with their team to allow these girls to play.

PC-ABR – reported by Councilwoman Taylor Draper: (Audio: 23:36-26:07)

Councilwoman Taylor Draper reported that PC-ABR met last week and approved one home addition at 2955 Tall Tree Trail. Master Plan Public Hearings were held on April 12 and April 14. While there was not a “great participation” in the hearings, there were good ideas that came out of the hearings. Some of the ideas that came out were revitalization of the West End of the City, focus on downtown area, multi-purpose ideas to include bike trails, sidewalks and concerns about Airbnb. The Committee will give attention to all of the ideas. Councilwoman Taylor Draper suggested that the minimal attendance could have possibly been related to the public’s busy schedules, but agreed to carry on with the good ideas that were presented.

Questions/comments following Committee Reports:

None

UNFINISHED BUSINESS (Audio: 26:17-26:20)

None

LEGISLATION (Audio: 26:29- 40:03)

ORDINANCE 2021-015 – THIRD READING (Audio: 26:29-27:02)

AN ORDINANCE TO AMEND AND REESTABLISH CHAPTER 157 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, AND THEREBY INCLUDE PROVISIONS RELATING TO PART-TIME EMPLOYMENT, REPEALING AND SUPERSEDING CURRENT CHAPTER 157 AND ANY PRIOR CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Council President Hallum stated that this will remain on Third Reading.

ORDINANCE 2021-019 – THIRD READING (Audio: 27:08-28:40)

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO SIGN ANY AND ALL DOCUMENTS FOR PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION’S (ODOT) ROAD SALT CONTRACTS AWARDED IN 2021 IN ACCORDANCE WITH OHIO REVISED CODE 5513.01(B), AND DECLARING AN EMERGENCY.

Motion was made by **Councilman Jarmuszkiewicz** seconded by **Councilman Knecht** to adopt Ordinance 2021-019.

Discussion on the Motion:

None

Roll Call: AYES: Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to adopt Ordinance 2021-019 directing the Mayor to sign any and all documents for participation in the Ohio Department of Transportation’s (ODOT) Road Salt contracts.

ORDINANCE 2021-025 – FIRST READING (Audio: 28:43-30:19)

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN ANY AND ALL DOCUMENTS FOR THE NOPEC NEC GRANT PROJECT #1 – MAPLE GROVE GRANGE HVAC REPLACEMENT AND DECLARING AN EMERGENCY.

Councilman Jarmuszkiewicz suggested that Council leave this on First Reading as we wait for the quotes for the other projects. This Ordinance was then left on First Reading.

ORDINANCE 2021-026 – FIRST READING (Audio: 30:23-32:58)

AN ORDINANCE ESTABLISHING THE POSITION OF PART-TIME ZONING INSPECTOR, FIXING THE SALARY FOR SAID POSITION, REPEALING ORDINANCE 2020-60 PART-TIME ZONING ADMINISTRATOR AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Taylor Draper** to waive the Three Readings on Ordinance 2021-026.

Roll Call: AYES: Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to waive Three Readings on Ordinance 2021-026.

Discussion on the Motion:

Councilman Jarmuszkiewicz Jarmuszkiewicz stated that this will repeal another Ordinance, this position is “desperately needed” and this would “expedite the hiring of the inspector.”

Motion was made by **Councilwoman Taylor Draper** seconded by **Councilman Jarmuszkiewicz** to adopt Ordinance 2021-026.

Discussion on the Motion:

None

Roll Call: **AYES:** Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to adopt Ordinance 2021-026 establishing the position of Part-time Zoning Inspector, fixing the salary for said position and repealing Ordinance 2020-60 Part-time Zoning Administrator.

ORDINANCE 2021-027 – FIRST READING (Audio: 33:04-35:34)

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF A 2021 CATERPILLAR MODEL 926M WHEEL LOADER IN THE NET SAVINGS AMOUNT OF \$168,414.00, AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to waive Three Readings on Ordinance 2021-027.

Roll Call: **AYES:** Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to waive Three Readings on Ordinance 2021-027.

Discussion on the Motion:

Councilman Zegarac stated that it is “time sensitive” to order the equipment within the 30-day window listed on the quote.

Motion was made by **Councilwoman Taylor Draper** seconded by **Councilman Zegarac** to adopt Ordinance 2021-027.

Discussion on the Motion:

None

Roll Call: **AYES:** Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to adopt Ordinance 2021-027 directing the Mayor to sign any and all necessary documents to secure the purchase of a 2021 Caterpillar Model 926M Wheel Loader in the net savings amount of \$168,414.

ORDINANCE 2021-028 – FIRST READING (Audio 35:37-37:26)

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF A 2021 GMC SIERRA 3500 AND DECLARING AN EMERGENCY.

Councilman Jarmuszkiewicz made a motion to Permanently Table Ordinance 2021-021, seconded by Councilwoman Fellows (as per previous Council/Law Director/Mayor discussion).

Discussion on the Motion:

None

Roll Call: AYES: Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to permanently table Ordinance 2021-028.

RESOLUTION 2021-004 – FIRST READING: Audio: 37:28-40:03)

A RESOLUTION ACKNOWLEDGING THE POLICE WORK OF POLICE OFFICER PAUL COCANOWER AS 2020 OFFICER OF THE YEAR FOR THE WILLOUGHBY HILLS POLICE DEPARTMENT.

Motion was made by Councilwoman Taylor Draper, seconded by Councilwoman Fellows to waive Three Readings on Resolution 2021-004.

Roll Call: AYES: Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to waive Three Readings on Resolution 2021-004.

Motion was made by Councilwoman Fellows seconded by Councilman Knecht to adopt Resolution 2021-004.

Discussion on the Motion:

Council President Hallum stated how proud he is of our Safety forces with their “exemplary” services they provide to our residents, the community and the county.

Roll Call: AYES: Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.

NAYS: None

Vote: 7/0

Motion Carries to adopt Resolution 2021-004 acknowledging the Police work of Police Officer Paul Cocanower as 2020 Officer of the Year for the Willoughby Hills Police Department.

NEW BUSINESS (Audio: 40:35-40:43)

None

PUBLIC PORTION #2 (Audio: 40:46-47:20)

An opportunity for the public to address Council with any comments, issue or concern.

Public Portion #2 opened at 7:41 p.m.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094

Mrs. Bing wished to follow up on the Monday night's discussion regarding Airbnbs. She stated that contacting "Airbnb direct" is not "an avenue that the City should consider" since her neighbors had tried that when they had the incident on Beech Hills with an Airbnb, but did not receive resolution by contacting them. Secondly, she had questions about the ability and the parameters to run a business out of your home in Willoughby Hills.

Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094

Mr. Fellows wanted to follow up the Council resolution which was adopted at the end of June 2020 regarding "begin the conversation." He asked what the status was of this resolution's actions.

Public Portion #2 closed at 7:44 p.m.

Comments following Public Portion:

Councilwoman Taylor Draper responded to Mr. Fellows that she is a member of the "Begin the Conversation" group, receiving emails and invitations to sessions. While other obligations have taken precedence for her now, she believes that will "change in the future" and she will be able to be more active with this endeavor.

City Engineer Di Franco responded to Mrs. Bing's comments and questions regarding "running a business out of your home." He stated that home occupations are permitted under our Code and require annual registration. The Code has several provisions, such as "not being able to notice that it is occurring," "must take place in principal residence at a certain percentage of your home," "is usually meant for professionals, such as accountants or lawyers," "truck/equipment is permitted but must be stored in a garage, back yard, or somewhere that is not visible," and finally, there should be "no traffic, noise or pollution." "They are permitted", he said, "but they must follow the rules." He referred Mrs. Bing to the Code where a complete list of provisions can be found. **Councilman Jarmuszkiwicz** added that Council is currently discussing Airbnb rules and looks forward to them being addressed again in the near future. **Council President Hallum** stated that the remarks about "contacting Airbnb direct" was meant to be another option, not the solution in Willoughby Hills for Airbnb complaints.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY:

(Audio: 47:22-53:16)

Councilman Zegarac announced that he would be resigning from Council, effective immediately at the end of this meeting, due to "health and personal reasons." He thanked Council, stating that he "enjoyed it and the meaningful discussions" and called Council a "good group of people, super helpful and made a new guy

feel comfortable.” He stated that his 10 ½ months on Council, as well as the 6 months prior when he attended meetings regularly, will be remembered and he thanked them for the opportunity to be a part of Council. **Councilman Zegarac** went on to give thanks to Mayor Gardner for the “good job” he is doing, Executive Assistant Gloria Majeski was “always there to help and guide you.” He stated that Law Director Lucas did “a great job,” Finance Department “helped out often,” City Hall employees (Janeen and Sharen) are “first class.” He stated that “Willoughby Hills has a lot to be proud of with the Police, Fire and Service Departments,” and “feels blessed” to have been a part of this, but he regrets not being able to finish his term on Council. **Council President Hallum** stated that he enjoyed having him on Council, citing his expertise and input, but understands his situation and thanks him for the time he gave to Council. **Councilman Jarmuszkiewicz** told him that he was “sorry to see him go” as he provided good perspective on things and hopes that all goes well with him in the future. **Councilwoman Taylor Draper** stated that she understood his decision and agreed that “health comes first.” She appreciated his “good vibes” and “spit fire,” calling him a “good man” and offering “God’s speed.” **Council Vice President Kline** echoed the comments of his fellow Council members, but added that he enjoyed seeing “more gray hair than just his own on the Zoom sessions.” **Councilman Knecht** added his thanks, stating “it’s been a pleasure.” **Councilman Jarmuszkiewicz** wished a Happy Birthday to Executive Assistant Gloria Majeski. **Council President Hallum** announced that he is speaking to Idol Contestant Mary Jo Young to sing before a future Council meeting, possibly in June and will provide more details to Council as they become available.

ADJOURNMENT (Audio: 53:21-54:23)

Motion was made by **Councilwoman Taylor Draper** seconded by **Councilman Jarmuszkiewicz** to adjourn.

Discussion on the Motion:

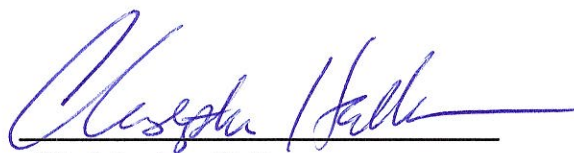
None

Roll Call: **AYES:** Kline, Knecht, Taylor Draper, Zegarac, Fellows, Hallum and Jarmuszkiewicz.
NAYS: None
Vote: 7/0

Motion Carries to adjourn the Regular Council meeting of April 22, 2021.

The meeting was adjourned at 7:55 p.m.

APPROVED: May 13, 2021
Date


Christopher Hallum
President of Council

ATTEST: Gloria J. Majeski
Council Clerk Pro-Tem