

CHRISTOPHER HALLUM
President of Council

MICHAEL KLINE
Vice President of Council

KAREN MEHOLLIN
Clerk of Council

City of Willoughby Hills

COUNCIL:

JULIE BELICH

NANCY E. FELLOWS

JOE JARMUSZKIEWICZ

DANIEL KNECHT

TANYA TAYLOR DRAPER

Regular Council Meeting

Minutes of June 24, 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, June 24, 2021 at 7:05 p.m. remotely, using Zoom and Facebook Live. **Council President Hallum** presided.

Council President Hallum stated that prior to calling the Council meeting to order, there will be a Public Hearing for the Tax Budget.

PUBLIC PORTION FOR CITY TAX BUDGET #1 (Audio: 1:00-6:12)

Opening of Public Hearing for the Tax Budget open at 7:00 p.m.

No one spoke in Public Hearing.

Questions/comments following Tax Budget Report:

Finance Director Brichacek stated that it is required by State Law to hold a Public Hearing prior to the adoption of the Tax Budget. This is in compliance with the Ohio Revised Code. The Tax Budget Hearing Notice was published in the News Herald ten (10) days prior to the meeting by the Clerk. Two copies of the Tax Budget have been available to the public in the Finance Department. To the best of **Finance Director Brichacek's** knowledge, no one has requested to review them. The City also went the extra step and made the Proposed Tax Budget available on the City Website so it's widely available for the public to review. This is the first step in the 2022 Budgetary Process. The primary purpose of the Tax Budget is to enable the City to demonstrate to the County Budget Commission the need to levy its' property taxes. The City's plan for 2022 is to levy the 7.3 mills that are authorized which is the same as what Council has been levying for probably at least ten (10) years. The good news with this Tax Budget is that all of the property tax will be going into the operational purposes because the last of the City's general obligation debt was the Community Center bonding. The last payment of that was January 1, 2021. As of today, and as of January 1, 2022, the City will have no general obligation debt. The portion of the property taxes that was dedicated to making the debt service payments has been reallocated back to the General Fund then a small portion of it was reallocated to the Employee Termination Fund. The Employee Termination Fund was set up years ago as a means of setting aside revenue to generate retirement benefits that are paid right to our employees. The Fund for Retirement has pretty much been depleted because only .09 mills was dedicated to that so we're trying to beef that Fund up a little bit. Basically in our position, at .09 mills, the retirement of one policeman or firefighter would totally deplete the fund. This is a good position to be in. Also to note, Property Taxes in the State of Ohio are on a six (6) year cycle. We're now at the start of the new cycle so the County will be completing the reappraisal of property tax valuation this summer which may also generate some new revenue. "With the Tax Budget I'm anticipating a 10% increase based on trends. Anecdotely, with real

estate sales, it may even be higher. In general, we would benefit from all of funds with the exception of the Road Levy. The Road Levy is affected by HB920 as of two (2) years ago when the Levy was renewed. With the way Ohio Law works, with it being renewed, it's based on the value of the 2012 tax duplicate and that fixes the amount of money it would generate," **Finance Director Brichacek** said.

Closing of Public Hearing for the Tax Budget at 7:05 p.m.

Call to Order 7:05 p.m. (Audio: 6:18-6:29)

Pledge of Allegiance (Audio: 6:30-6:50)

ROLL CALL (Audio: 7:00-7:27)

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

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

DISPOSITION OF THE JOURNAL (Audio: 7:30-10:22)

Motion made by Council Vice President Kline seconded by **Councilwoman Taylor Draper** to adopt the amended minutes of the June 10, 2021 Regular Council Meeting.

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

NAYS: None.

Vote: 7/0

Motion Carries to adopt the amended minutes of the Regular Council meeting of June 10, 2021.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 10:25-10:39)

6/14/21 email from Building Dept., re: Positive activity request for Powerpoint presentation.

6/14/21 email from PC-ABR, re: WH PCABR Meeting 6/17/2021.

6/14/21 email from PC-ABR, re: PCABR Subcommittee Meeting 6/22/21.

6/14/21 email from Gloria Majeski, re: Public Records Policy Letter.

6/15/21 email from Building Dept., re: Positive activity request REVISED.

6/15/21 email from Council Clerk, re: Draft Minutes for 6/10/21.

6/15/21 email from Gloria Majeski, re: IT Work.

6/16/21 email from Pietro DiFranco, re: Positive Activity request for Powerpoint presentation – Bldg/Zoning/Engineering.

6/16/21 email from Katherine Lloyd, re: PCABR Meeting 6/17/21 Thursday – via ZOOM.

6/17/21 email from Gloria Majeski, re: Legislation for next week.

6/17/21 email from Pietro DiFranco, re: Willoughby Hills City Engineer Report 210617.

6/17/21 email from Pietro DiFranco, re: Ord 2006-035 passed 5-25-06 – WHCO 1133.04.03 – Frontage.

6/17/21 email from Frank Brichacek, re: Positive activity request for Powerpoint presentation.

6/17/21 email from Katherine Lloyd, re: PCABR draft Minutes for 5/20/21.
6/18/21 email from Gloria Majeski, re: Request for Motion at 6/24/21 Council Meeting to Declare PD Items Surplus for Disposal.
6/18/21 email from Gloria Majeski, re: City E-Newsletter.
6/18/21 email from Council Clerk, re: Agenda 06-21-21 Working Committee of Council.
6/18/21 email from Gloria Majeski, re: Agenda 06-21-21 Working Committee of Council Corrections.
6/18/21 email from Frank Brichacck, re: Request for Legislation – Then and Now Purchase Authorization.
6/18/21 email from Gloria Majeski, re: Resolution 2021-010 Then and Now.
6/21/21 email from Robert Gandee, re: Willoughby Hills Fire Department Training, Monday, June 21, 2021.
6/21/21 email from Council, re: Revised Working Committee Meeting Agenda 6-21-21.
6/21/21 email from Council, re: Correction to Working Committee Meeting Agenda 6-21-21.
6/21/21 email from Matthew Naegele, re: Positive Activity Report.
6/21/21 email from Farzana Bibi, re: Open Record Request.
6/21/21 email from Building Dept., re: Open Record Request.
6/21/21 email from Gloria Majeski, re: Resume – PT Recreation Coordinator.
6/21/21 email from Pietro DiFranco, re: Open Record Request – 27400 Chardon – Towers.
6/21/21 email from Building Dept., re: Open Record Request – 27400 Chardon – Towers.
6/21/21 email from Gloria Majeski, re: Business of the Month.
6/21/21 email from Gloria Majeski, re: Resume – PT Recreation Coordinator – Correction.
6/21/21 email from PC-ABR, re: UPDATES – MP Work Session Meeting – Tuesday, 6/22/21 Council Chambers.
6/21/21 email from Gloria Majeski, re: Amended Ordinance 2021-042 PT Recreation Coordinator.
6/22/21 email from Council Clerk, re: Ordinance 2021-42 PT Rec Coordinator Pay Rate Amended.
6/22/21 email from Michael Lucas, re: Ordinance 2021-036 Foreclosures and Vacant Properties Amended.
6/22/21 email from Gloria Majeski, re: July Meetings for Council.
6/23/21 email from Frank Brichacck, re: PD Radio Ordinance.
6/23/21 email from Matthew Naegele, re: PD Radio Ordinance.
6/23/21 email from Frank Brichacck, re: PD Radio Ordinance.
6/23/21 email from Tanya Taylor Draper, re: Draft of Meeting Minutes for 6-10-21
6/23/21 email from BZA, re: WH BZA Meeting 7/13/21 Tuesday – In person
6/24/21 email from Don & Jenna Bing, re: Foreclosed Ordinance.
6/24/21 email from Gloria Majeski, re: FWD: Request for users leaving computer on at night for backup
6/24/21 email from Gloria Majeski, re: Mayor’s Request for Legislation for 7/8/21 Council meeting for Service Department Truck Acquisition.
6/24/21 email from Nancy Fellow, re: Regular Council Meeting 6-24-21 Agenda.

PUBLIC PORTION #1 (Audio: 11:00-14:45)

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

Public Portion #1 opened at 7:10 p.m.

Jenna Bing, 36951 Beech Hills Dr., Willoughby Hills, OH 44094

Ms. Bing stated that in regards to Ordinance 2021-042 PT Recreation Coordinator, she would like someone to explain the structure of that position. She said that she periodically sees someone sitting in the office so she’s not sure why someone is being hired or what has already been hired. Ms. Bing also stated that regarding Ordinance 2021-036, she saw the extensive changes that were made for the foreclosures and vacancy but she feels that this has potential to be punitive and unable to be enforced. She states that the

house that was an Airbnb on her street is vacant. They maintain it. They keep the grass cut so it looks nice but they can't even get them to show up in court to deal with Code violations. She's unsure of how someone is going to get to him to tell him "Hey, you have a vacant house that you have to register." And then when he doesn't register it, he's going to have to pay a fine of \$500 every day – because every day that it's not registered and the \$100 paid is another incident is what it reads. Ms. Bing further states that in a few months the City is going to own that house because the owner is not going to be able to sell it. "And he's not going to be able to afford to pay \$500 every day and he's not going to walk in and register it because he won't even walk in to Court. He's got a warrant out for him," Ms. Bing said. "He's keeping it nice and if he wasn't," Ms. Bing stated that she'd "call him and tell him to mow the lawn and send him the bill because that's what's on the books now." Ms. Bing feels that this is punitive. She knows people who have vacant houses and they don't fall into the exemptions the way those are but they maintain their house. They keep it up. And you'd never know it was vacant unless you were one of the neighbors and know that no one is living there. But it looks okay. They keep the light on and they mow the lawn so she feels that there is stuff on the books to maintain. Ms. Bing isn't stated she "isn't sure what we're going for here." She further states that if it's to maintain property in a nice way, there are things on the books that do that. Ms. Bing commented that she doesn't see the purpose for this. She feels it'll be a nightmare to execute and that means it'll be selectively enforced. And selective enforcement becomes a political game. She feels there are major issues with it even though she stated while a great job was done improving it – and from a writing standpoint, it makes more sense – she still doesn't like it.

Public Portion #1 closed at 7:14 p.m.

MAYOR'S REPORT (Audio: 14:50-23:40)

Mayor Andy Gardner thanked the Police, Service, and Fire Departments for doing an outstanding job this past weekend cleaning up after the storm we had Sunday night into Monday. They all helped out with both rescue and assistance during this time. There were numerous calls, many within minutes of each other, and all Departments worked well to get things back up and open as quickly as they could. It was appreciated. With respect to power outages, we have been in regular contact with First Energy. And with respect to power outages in the area going back to the windstorm back in the Fall and the early winter very heavy snowstorm we experienced, they've assisted us with both circuitry patrols, forestry patrols of the trees and right-of-way, and substation repairs. Most importantly, they have informed us that they're replacing one of the key transformers that serves the East and Southeast areas of the City. That's expected to be completed in August and is viewed as a critical upgrade to their power system that should ensure more reliable service here in the City. They've also assured us that they're being proactive to provide alternate capacity if needed during the summer months. As you know, some power outages are caused by trees knocking out delivery mechanisms. Some are caused by brown outs because there's too much demand on the system. Unfortunately, many of the outages we have are caused by trees falling outside of the right-of-way into the right-of-way and knocking down the wires. He stated, "When you live "Where the city meets the country" sometimes the country is going to fall on the wires." We appreciate their hard to get back and we appreciate the Service Department's hard work to get the road clear and work with them to get everything open and running. Residents are reminded that when an outage occurs, call First Energy to report it. They do track

that in the data. Also, maintain trees on your property to ensure they're not a threat to both the lateral that's serving your home or to anything in the right-of-way. Keeping healthy trees and making sure that any dead trees or dead branches that might get taken down in storms will help with our potential issues. Please be careful during and after storms. Watch out for power lines. The Fire Department is great with putting notices out when we might have high wind events. We also remind residents that the difference between a cable wire and an electric wire can always be very subtle. Stay away and let the Fire Department come. Let them size it up and if they need to quarantine off an area for your safety they will do that. Certainly when we have those situations where the tree is across the road and is wrapped in wire, please understand that we need our employees to be safe. They are not going to go in and mess with that tree until First Energy has told them that it's safe to do so. First Energy is continuing to check our right-of-ways and we will continue working with our rep to make sure that we can advocate for our residents in the best possible way. Because **Mayor Gardner** was not here for the first meeting of the month when the report is normally given, it will be reported today then catch up with the Fire Department later with a double report next month. For May, the Police Department handled 1146 calls; annual total is now 5632 calls – 561 were traffic related, 39 suspicious conditions, 59 public assists or welfare checks (lockouts, non-emergency things). Today (6-24-21), the Willoughby Hills Police Department welcomed representatives from The Ohio Crime Prevention Association. They're hosting a class at our Community Center providing instruction to police officers both from our Department and officers from many other communities to address crime prevention and community policing development. The Ohio Crime Prevention Association (OCPA) is one of the nation's largest state crime prevention associations and they paused for a moment today to provide **Chief Naegele** and the Police Department with an appreciation award for contributing to the development and advancement of crime prevention and community policing. **Chief Naegele** also mentioned that Channel 19 was going to stop out today, so check out Channel 19 to see if any of our officers are featured discussing the Crime Prevention class that we've brought, not only to our community, but to the rest of Northeast Ohio. If you haven't seen it either on the Fire Department's page or in the News Herald article from last Sunday, the cooperation Willoughby Hills received from our neighboring departments following last week's head-on collision on I-90 was highlighted. It happened during rush hour. If you see the pictures, you just can't imagine how scary it must've been. I'd like to thank not only the Willoughby, Mentor, Wickliffe, Kirtland, and Eastlake Fire Departments as well as Metro LifeFlight for responding, but also all the Police Departments that assisted with traffic control as they needed to land LifeFlight on the highway and then to allow our Police Agencies to investigate the crash. Great cooperation. We live in a wonderful part of the State where people work together. **Mayor Gardner** stated "You always hear me report on double-hits and mutual aid and obviously this was a big one." Mayor Gardner thanked **Chief Gandee** for putting out the Thanks on Facebook, the News Herald for recognizing and he hopes that our residents are all grateful for the hard work that comes from all of those folks. At last report, all of the patients were doing well. It could've been very tragic and we're very fortunate there. Annual road resurfacing program is underway on Alan, Diane, and Meadowbrook. We ask that residents please be patient and cautious in the area during construction. Sewer rehabilitation program is also ongoing. Stark is nearing completion with re-lining and the contractor will then be moving to other streets on this year's schedule. Community centers and pavilions are open for reservations. We're continuing to book both our indoor and our outdoor facilities. Thanks to Gloria and Sylvia – they are working hard with a lot of demand out there for people to gather and use our facilities. Tonight's agenda includes Ordinance 2021-043 which provides radios for our Fire Department through a

collaborative FEMA Grant with six (6) other municipalities and townships. Chester Township was the lead agency. Chief Wargelin did a great job preparing the Grant. It offered a significant discount for us in both the cost of the radios and then our local share so **Mayor Gardner** is asking Council to accept that Grant. As was mentioned the other night, we'll be introducing legislation at the next meeting to allow the Police Department to piggyback on that pricing from Motorola. It's a great way to get equipment needed for our front line responders at prices that we could've never gotten on our own. We'd like to welcome Karen Heberecht. She is going to be our new Clerk of Court. As most of you know, our longtime Clerk of Court Janeen Mullin is relocating to Florida next month. Karen started today and has started training with Janeen for the next month and then Janeen has graciously volunteered to help remotely if Karen needs anything afterwards following Janeen's relocation. Welcome back Service Department worker Bob Moore who returned this week from medical leave. We're glad to have him back and are grateful for his speedy recovery. Congratulations Firefighter Paramedic Bob Vencl who will celebrate his 15th year with the City on June 27th. Sympathy to the families of the following residents or friends of the Community who passed away since our last report: Tina Caniglia, Lauren Landgraf who is **Assistant Law Director Stephanie Landgraf's** sister, Philip Shupe, and LuAnn Nash. Finally, those of you who are getting our newsletter, many of the things I touched on tonight are covered in there. We continue to post updates on the City website, but we encourage you to get the newsletter. It's a special 10-page edition this week due to all of the good news that's out there. You can subscribe by sending your email address to newsletter@willoughbyhills-oh.gov.

Questions/comments following Mayor's Report:

None.

LAW DIRECTOR'S REPORT (Audio: 23:50-26:33)

Law Director Michael C. Lucas stated that since the meeting on Monday, there was a number of residents that contacted him along with several members of the Administration as well as several Council people concerning 2021-036 regarding Chapter 1351. **Law Director Lucas** requested of **Council President Hallum** to leave this on Third Reading so he can take the input that was provided to him since Monday and tighten it up to some extent or at least have it ready for a final go-over at the next Council meeting. The originally revised Chapter 157 that he'd done hadn't made its way to all the Council members. **Law Director Lucas** is asking that it stay on the table. Similarly, for 2021-015 (the Chapter 157 pay ordinance) pursuant to the input from Council, still requires removal of the specific monetary amounts set forth within that Ordinance. There was some additional, new financial information that he and **Finance Director Brichacek** need to discuss. Again, he is asking that stays on Third Reading as well. Lastly, an update on the AirBnB legislation, which has not yet appeared before Council. **Law Director Lucas** indicated Monday that the original draft was done. However, he did receive several calls from residents, the Administration, and a Council person as well – **Councilwoman Fellows** – and he wants to take their feedback into consideration. It's a difficult issue and a lot of communities have been wrestling with it in terms of is it a residential versus a business regulation. In any event, while it's not on the Agenda, **Law Director Lucas** is asking for an additional two (2) weeks with this.

Questions/comments following Law Director's Report:

None.

FINANCE DIRECTOR'S REPORT (Audio: 26:41-32:29)

Finance Director Frank Brichacek reported that the auditors have completed their field work on the audit for the years 2019 and 2020. The report is currently in final review by the State Auditor and it won't be released to the public until that review is complete. We will be contacting Council about scheduling the potential post-audit conference with the auditors during the month of July. Finance Director Brichacek stated that he believes Council will be pleased with the outcome. As noted earlier, the Tax Budget is under consideration tonight, Resolution 2021-008. It is requested to remain on Second Reading and be adopted at the first meeting in July on Third Reading. By law, the Council has to adopt the Tax Budget by no later than July 15th. **Finance Director Brichacek** reminded everyone that the City's financial reports through May 31st are available on the City website. Also Ohio Open Checkbook is updated through April 30th. The May information has been submitted through the Treasurer's Office but they haven't posted it yet – probably within the next couple of days. Income tax collections continue to be strong this year. As of today, we're approximately \$600,000 ahead of June 23rd last year and approximately even with collections through June 23rd, 2019. That's a good sign because with income tax you never know but he hopes that this trend continues and it will exceed the amount estimated in the 2021 Budget. On a negative note, **Finance Director Brichacek** stated that he doesn't think we will make our Mayor's Court estimates. He thinks, however, that income tax will make up for that. Other major revenue sources seem to be on target after 5 months. Finally, there is a housekeeping resolution on tonight's agenda – Then and Now Resolution. We proceeded quickly with the update of the audio system for the Council Chambers and unfortunately the order was placed a couple of days before the Purchase Order was actually issued. Under State Law, no City purchase can be made without a properly approved Purchase Order in which the Finance Director certifies that the expenditure has been properly appropriated and funds are either in the treasury and available to pay the invoice or in the process of collection. So the Purchase Order is required to precede the placing of the order. In this case, it was a necessity to get the sound system approved in Council Chambers as quickly as possible and we missed by a couple of days. So under State Law, in that situation, if the obligation is less than \$3000 the Finance Director can certify that as a Then and Now Certification. The Then and Now Certification means that at the time the order was placed expenditure was lawfully appropriated and there was money available to pay the bill as well as at the time of the certification that the same circumstances exist. It's a housekeeping item. On the Revised Code when the expenditure is \$3000 or higher it has to be presented to Council for certification before the bill can be paid. Fortunately, in our City, our departments have been pretty fastidious with their purchasing responsibilities. **Finance Director Brichacek** stated that when he went to write the memo for tonight's meeting, he realized that it's been five years since we've had this situation where it's had to come up before Council, which is a good sign. Then and Now situations are almost unavoidable. Be comforted by the fact that this is not an ongoing recurrence. We're not going to see these things every month so it is requested that this Resolution be approved at tonight's meeting on First Reading so the vendor can be paid.

Questions/comments following Finance Director's Report:

Councilwoman Nancy Fellows stated that she appreciated **Finance Director Brichacek's** layman's explanation of Then and Now because she hasn't seen one of them come up for some time.

CITY ENGINEER'S REPORT (Audio: 32:30-34:26)

City Engineer DiFranco reported an update on the Dodd Road Slope Repair Project. The contractor is proceeding with design. As mentioned at the last meeting, they were originally going to put the wall along the road at the top of the slope but that required relocating an overhead electric line. After contacting CEI, they said that line can't be taken out of service because it's the only feed to the area and relocating it would take quite a bit of time. We're now putting the wall at the bottom of the slope so the contractor is proceeding with the design in that direction. We're still on schedule and the good news is that with the wall at the bottom of the slope we should be able to keep Dodd Road open to at least one lane of traffic.

Questions/comments following City Engineer's Report:

Councilwoman Fellows wanted to give a shout out to Road Superintendent Mark Grubiss for helping the resident on the corner of Fowler and Chardon with his sewer issue. I know they were out there the other day looking at all the lines with all the trucks and the mechanisms they have to try to decipher what his issue was and they think they narrowed it down. Unfortunately, I think it comes from the individual's house to tie-in on Fowler Drive. Everyone did a stellar job and **Councilwoman Fellows** wanted to thank everybody.

COMMITTEE REPORTS/BOARD & COMMISSION REPORTS (Audio: 34:30-40:43)

PC-ABR – reported by Councilwoman Taylor Draper: (Audio: 34:31-38:05)

Councilwoman Taylor Draper wanted to report on the Master Plan Review Meeting as well as Planning and Zoning Meeting. The group convened last Thursday, June 17th, and the only duty that day was to review and approve window signage for the Gaetano's Restaurant on SOM Center. There was no business for the Planning Commission portion of the meeting. The Master Plan Review Group met a couple of nights ago on Tuesday. Dave Radachy was invited. He is connected with the Lake County Planning and Community Development. He is going to assist us with data collection from the 2020 Census. He'll be updating our maps and doing a few other things for us. He was basically there to give us direction as far as all the information we've received, all the speakers coming in - where do we want to go and what do we want to do? He suggested that we develop a goal or goals and that we set forth objectives from those goals and that we find a way to market those goals. Unofficially, we have narrowed it down to three areas that we'd like to pursue:

- 1) Loehmann's Plaza – need to add mixed use discussions for consideration. We need to make that area work for the City. It's a prime spot and we need to do something to get it going.
- 2) Connect Parks to other areas in the City – generate bike and walking trails; develop something along those lines to use what we have to allow the residents to fully enjoy our City.

- 3) “Need to improve and grow our downtown Willoughby Hills – liken it to a smaller downtown Willoughby how it has the walk traffic, restaurants, retails, things like that. Would love to see downtown created in that sense so that it can be enjoyable. The goal ultimately is to build revenue for the City. That’s the objective. We need to find ways to bring in revenue.”

That is one of the plans going forward for the Master Plan. “Unfortunately,” stated **Councilwoman Taylor Draper**, she “would like for these things to happen tomorrow but the Master Plan is something twenty (20) years down the line. Things have been put into motion so that twenty (20) years from now this will be our City. We’re still working on it and encourage residents to come to Master Plan Meetings (being set up now) to be a part of it.”

Recreation Commission Report by Councilman Jarmuszkiewicz: (Audio: 38:10-40:35)

Councilman Jarmuszkiewicz reported that baseball and softball are still in progress but the season should be winding down soon and the playoffs should be starting. We do have a couple of girls’ teams that are doing really well this year. They should go pretty far in the playoffs if not win again. Sign-ups for flag football should be starting sometime at the end of next month. We’re trying to get that program going again this year. In regards to the Recreation Department, we’re excited about the loosening of the restrictions. We have the Community Garage Sale set for August 7th. If you want to get into it, you have to have your registration in by the end of July, the week before, to get your name listed and put in there. After that, we have a Fall Craft Show coming up in October and we’re really looking forward to the Halloween Party and Breakfast with Santa. We’ve got several new members on the Rec Commission now that are energetic and excited to help push us a little bit forward as we’re getting more involved with opening up things. The pickleball courts are progressing nicely. The material needed to paint and supply the equipment will be going in. There were some problems getting the vendor certification or something. Everything is in process to be purchased and put in. We have several volunteers who will be helping with the painting and stuff on the courts. We had a Subcommittee Meeting on it and it looks like more and more people are starting to hear about it and are getting excited about it. We’re really looking forward to getting that finished up and getting it going sometime hopefully by the end of July/early August.

Questions/comments following Committee Reports:

None.

UNFINISHED BUSINESS (Audio: 40:43-40:54)

None reported.

LEGISLATION (Audio: 40:55-1:01:10)

ORDINANCE 2021-015 – as Amended May 6, 2021 - LEFT ON THIRD READING ON JUNE 24, 2021 (Audio: 40:56-41:23)

AN ORDINANCE AMENDING 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 this will remain on Third Reading.

ORDINANCE 2021-036– Amended - THIRD READING (Audio: 41:25-42:17)

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE ONE – STANDARDS BY THE ESTABLISHMENT OF CHAPTER 1351 – NOTICE OF FORECLOSURE FILING, VACANT PROPERTY NOTIFICATION AND DESIGNATION OF OWNER RESPONSIBILITY, OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Council President Hallum stated that both he and Law Director Lucas have received comments/calls from business owners, residents, and some of the Council Members as well. “We are realizing that there’s some unintended consequences that may not accomplish what we had intended.” This will remain on Third Reading and we will continue to look at it before we have a vote.

ORDINANCE 2021-041 –THIRD READING (Audio: 42:18-45:05)

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE PROPOSAL AS SUBMITTED BY RICHARD L. BOWEN & ASSOCIATES, INC. PROVIDING ZONING ADMINISTRATION SERVICES FOR THE CITY OF WILLOUGHBY HILLS, FOR THE PERIOD JULY 1, 2021 THROUGH DECEMBER 31, 2021 AND DECLARING AN EMERGENCY.

Motion made by Councilwoman Fellows, seconded by Councilman Jarmuszkiewicz to adopt Ordinance 2021-041.

Discussion on the Motion:

Councilwoman Fellows stated that she commends Pete for all of the work that he does as well as the individuals that work with him and the Richard L. Bowen & Associates for continuing to look after our City. “Thank you, Pete.” Mayor Gardner stated that the candidate who we would like to hire as the Zoning Administrator again, due to circumstances surrounding her current healthcare as a retiree under PERS, the Law Director is preparing an Independent Contractor Agreement for her. Hopefully we will have that set and be ready to bring her on very shortly. Until then, Pete will be able to take care of us. Echoing Councilwoman Fellows, Mayor Gardner appreciates all of the hard work Pete does for us.

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

NAYS: None

Vote: 7/0

Motion Carries to adopt Ordinance 2021-041, authorizing and directing the Mayor to accept the proposal as submitted by Richard L. Bowen & Associates, Inc. providing Zoning Administration services for the City of Willoughby Hills, for the period July 1, 2021 through December 31, 2021 and declaring an emergency.

ORDINANCE 2021-042 AMENDED – FIRST READING (Audio: 45:08-52:58)

AN ORDINANCE AMENDING ORDINANCE NO. 2021-040-AMENDED TO ACCOUNT FOR A SALARY ADJUSTMENT FOR THE POSITION OF PART-TIME RECREATION COORDINATOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Taylor Draper** to waive Three Readings on Ordinance 2021-042 as Amended.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that he feels the Ordinance needs to be approved to give us flexibility. As amended, it gives a salary range so we're not locked into a specific range. We can hire the right person based on their qualifications. He stated he was not sure if anyone is lined up that's somewhere in the middle, and it gives us the flexibility of adjusting income with qualifications. **Council President Hallum** also added that it is important to note that there are funds in the budget to support the hiring of this position. To reference a question asked in Public Portion regarding this position, **Mayor Gardner** added that this is the person who works with the Recreation Commission to help implement our recreational programs throughout the City. They will spend some of their time helping to administer the recreation that's provided by allowing our residents to use the Community Center so they will handle room rentals. This is also the person who helps buy all the supplies that are needed for the Halloween party, takes applications for sports leagues, coordinates the cleaning of the Santa Suit, etc. That is the role they are playing in addition to staffing the front desk at the Community Center sometime. They also have evening hours both meeting with the Recreation Commission and for our evening and weekend events. **Council President Hallum** noted that we have not had anyone from the Administration attending the Recreation Commission meetings and to do that function is really important to ensure we have a successful community event. **Councilwoman Fellows** stated that Jenna Bing's Public Portion question referenced people working in the office. Are they just using it as a convenience right now because we don't have anyone hired to actually function the office, is this correct? **Mayor Gardner** responded stating that the people who are in there now is the Property Management Staff. Even through the pandemic we've been able to rent some of the rooms. Amazon does driver education classes there and have always kept it under ten (10) so we've been able to generate some revenue that way. Generally, the folks that have been in there since Recreation was shut down very early last year have been the Property Management Staff who are there to assist the people who are getting classes to, for a large part of last year, they were providing refunds, answering questions about when we could open and if someone was able to reserve in advance. Right now it seems refreshingly clear that things are open, but for much of the last 15 months people were guessing. People who were having a wedding were asking "Could I book in August 2022?" It's generally been Property Management Staff at the desk since the Recreation Coordinator had to be put on leave.

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

NAYS: None

Vote: 7/0

Motion Carries to waive Three Readings on Ordinance 2021-042 as Amended.

Motion was made by **Councilman Jarmuszkiewicz** seconded by **Councilman Knecht** to adopt Ordinance 2021-042 as Amended.

Discussion on the Motion:

Mayor Gardner stated that “this range will be very helpful right now as many know there are many businesses and employers out there struggling to get talent. We did have an interview today and we are looking at more resumes and anticipate more interviews to find the right person. It’s very competitive right now so I think having the range will be helpful for when we find the right person to be able to hopefully get them onboard quickly and by doing this should we find the right person we can get them onboard sooner rather than later. The Garage Sale is coming up and there are applications that’ll need to be taken and received and processed for that. Touch-a-Truck is right around the corner and although the Fire Department takes the lead on that, Recreation almost always has a nice strong presence. Then going into Fall Craft Show and we’re off and running hopefully on a full scale of programs for the rest of the year.” So he “appreciates the waiving of the rule and giving us the flexibility to have a good salary range for when we find the right person.”

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

NAYS: None

Vote: 7/0

Motion Carries to adopt Ordinance 2021-042 as Amended, amending Ordinance 2021-040-Amended to account for a salary adjustment for the position of Part-Time Recreation Coordinator; repealing conflicting legislation and declaring an emergency.

ORDINANCE 2021-043 – FIRST READING (Audio: 53:01-55:25)

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO APPROVE THE EXPENDITURE OF THE PURCHASE OF THIRTY-ONE (31) MOTOROLA PORTABLE RADIOS FOR THE WILLOUGHBY HILLS FIRE DEPARTMENT IN THE AMOUNT OF \$163,227.61 WITH PARTIAL REIMBURSEMENT FROM THE FY2019 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Fellows**, seconded by **Councilwoman Knecht** to waive Three Readings on Ordinance 2021-043.

Discussion on the Motion:

Councilwoman Taylor Draper stated that she understood the deal was phenomenal and that’s it’s something we really can’t pass up and it’s something that the firefighters need – an upgrade of radios. “I am all in favor of this ordinance.”

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

Motion Carries to waive Three Readings on Ordinance 2021-043.

Motion was made by **Councilwoman Fellows** seconded by **Councilman Knecht** to adopt Ordinance 2021-043.

Discussion on the Motion:

None.

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

Motion Carries to adopt Ordinance 2021-043, authorizing all actions necessary to approve the expenditure of the purchase of thirty-one (31) Motorola Portable Radios for the Willoughby Hills Fire Department in the amount of \$163,227.61 with partial reimbursement from the FY2019 Assistance to Firefighters Grant from the Department of Homeland Security and declaring an emergency.

RESOLUTION 2021-008 – SECOND READING (Audio: 55:30-55:40)

A RESOLUTION ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2022 FOR THE CITY OF WILLOUGHBY HILLS.

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

RESOLUTION 2021-009 – FIRST READING (Audio: 55:42-58:25)

A RESOLUTION RECOGNIZING LARRY O'DONNELL FOR HIS OUTSTANDING EFFORTS AND DEDICATION TO THE CITY OF WILLOUGHBY HILLS DURING HIS LIFETIME IN THE CITY OF WILLOUGHBY HILLS.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Taylor Draper** to waive Three Readings on Resolution 2021-009.

Discussion on the Motion:

None.

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

Motion Carries to waive Three Readings on Resolution 2021-009.

Motion was made by **Councilman Jarmuszkiewicz** seconded by **Councilwoman Belich** to adopt Resolution 2021-009.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that he knew Mr. O'Donnell just a little bit over the last few years, but everyone he's talked to or had known him had nothing but high praise for everything Mr. O'Donnell has done for our City. **Councilman Jarmuszkiewicz** feels that it's important to recognize the individuals who dedicated their lives to making our City a better place to live. **Council President Hallum** reported that he got to know Larry fairly well early on when he became a Councilperson and he was very helpful, always willing to lend a hand, and offer his experience and advice. "I'm very grateful to have known him."

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

NAYS: None

Vote: 7/0

Motion Carries to adopt Resolution 2021-009, recognizing Larry O'Donnell for his outstanding efforts and dedication to the City of Willoughby Hills during his lifetime in the City of Willoughby Hills.

RESOLUTION 2021-010 – FIRST READING (Audio: 58:30-1:01:10)

A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Taylor Draper**, seconded by **Council Vice President Kline** to waive Three Readings on Resolution 2021-010.

Discussion on the Motion:

Councilwoman Taylor Draper stated that she praises any effort to improve the sound in the Chambers.

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

NAYS: None

Vote: 7/0

Motion Carries to waive Three Readings on Resolution 2021-010.

Motion was made by **Councilwoman Taylor Draper** seconded by **Councilwoman Belich** to adopt Resolution 2021-010.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that he echoes **Councilwoman Fellows'** foundation of **Finance Director Brichacek's** explaining to us what the Then and Now Certificate was. It helps not seeing it very often and being newer on Council, he appreciates the explanation as to what we're actually looking at and voting on.

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

Motion Carries to adopt Resolution 2021-010, approving a Then and Now Certificate and to authorize the Finance Director to draw a warrant for the orders or contracts associated with such certificate and declaring an emergency.

NEW BUSINESS (Audio: 1:01:12-1:01:21)

No New Business.

PUBLIC PORTION #2 (Audio: 1:01:23-1:06:50)

An opportunity for the public to address Council with any comments, issues or concerns.

Public Portion #2 opened at 8:00pm.

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

Ms. Bing stated that in regards to the Ordinances, “they show up and a bunch of changes are made with a lot of discussion” and what she thinks she misses hearing – and “some of it’s at the Council of the Whole which is understood – is really what does Council want?” It’s always struck her, like with the AirBnB stuff, that there were complaints about AirBnB and it was decided to do something and then Mr. Lucas has gone off and is trying to work on it. She states that she doesn’t have a sense of what Council really wants to do. Do they not want to have AirBnBs? Do they want to work within the current sense? The sense of leadership really saying, “Here’s the issue. Here’s what we’re trying to tackle.” is what would help her understand why these Ordinances are there with some of these bigger issues. Ms. Bing stated that she noticed most of Council was in Chambers and that **Councilman Jarmuszkiewicz** is sitting without a mask. She applauded him for stepping up and getting the COVID-19 vaccine after having been against it so long. She feels that is great leadership in our Community for him to have gone out and gotten the vaccine. She stated that all of Council is sitting without masks so she’s assuming all are vaccinated and that’s important to show the Community how important it is to be vaccinated – so thank you.

Public Portion #2 closed at 8:03pm.

Comments following Public Portion:

Councilman Jarmuszkiewicz commented to Ms. Bing regarding his being vaccinated. He stated that he has not been vaccinated but has been on hydroxychloroquine for the last year as he’s had Covid and has antibodies. He’s not too sure about a vaccine. He has nothing against people that do want it, but he doesn’t believe an experimental vaccine is what he wants or in his best interest right now. **Councilwoman Taylor Draper** stated that she feels she’s made it perfectly clear that she doesn’t believe AirBnBs should be in residential areas. She has said that multiple times and that is her position. She added that she hopes Law

Director Lucas can do something to help communities that have to endure businesses where people live on a day-to-day basis. **Councilwoman Fellows** stated that along those same lines, right now in our Codes, AirBnB is not permitted. It's not a permitted use in our City. So you can either say it's not a permitted use or you could say it's illegal – whichever semantic words you want to use – but we do not have the capabilities in any of our Building and Zoning Codes to say that AirBnBs are permitted. In terms of **Law Director Lucas** working on this, there's just a whole ton of information and it's not a clear path. Her understanding is that the State isn't doing anything about these businesses. She feels that if you're taking money in, it's considered a business. They're letting municipalities deal with it but she is one who spoke to **Law Director Lucas** about it and he said it's been really difficult to look at what other communities are doing with it. They're not quite sure. It's a newer entity and she's sure when things were written in our Charter, they weren't doing that. **Councilwoman Fellows** added that in terms of AirBnB, if it's classified as a place for rental such as a Bed and Breakfast or Hotel, Motel, or Inn, then they should be paying bed taxes.

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

(Audio: 1:06:55-1:13:33)

Mayor Gardner stated that Zoom Carwash has pulled their permits and will be starting construction soon on Bishop Road. We'll be glad to welcome a new business to the Community soon. He added that today is **Councilman Jarmuszkiewicz's** daughter Ava's birthday – "Happy Birthday to Ava." **Mayor Gardner** also congratulated **Councilwoman Fellows** on the birth of she and Dale's second grandson – "Congratulations to the family." **Councilwoman Fellows** acknowledged **Mayor Gardner's** announcement and stated that Maxwell was born 6 to 7 weeks early at 4 pounds 12 ounces and was in the NICU at Rainbow's for 3 weeks. He's home now and weighs 5 pounds 4 ounces. **Councilwoman Taylor Draper** reported that the next Council Committee of the Whole meeting will be on Tuesday, July 6th instead of Monday, July 5th because of the holiday. **Councilwoman Fellows** stated that, while she is aware that Council is transitioning to live meetings in July, she will be out of the State for work for the next Council meeting. She asked if Zoom will be available for her to attend that meeting. She asked that it be considered so that she could be in attendance. **Council President Hallum** stated that from what he's heard is that there is a possibility that we could do a Zoom meeting. However, from his understanding, Council members who are not actually physically present cannot vote. Be aware of that. Even if we do set that up, **Councilwoman Fellows** will not be able to vote. **Law Director Lucas** stated that **Council President Hallum** is correct. He added that at the last discussion on this with the Ohio Municipal League, that was the conclusion that was reached. That was over a week ago and there was an expectation in part that that might be addressed by the Ohio General Assembly. The consensus of majority was that Council members can still participate in discussions, can ask questions, but they would not be able to vote based on the fact that the Governor's ending on that was June 30th. It's a transient situation and there were a lot of law directors weighing in on it but the consensus on it was as just stated. **Law Director Lucas** stated that he would keep **Councilwoman Fellows**, **Council President Hallum**, and the rest of Council in the loop with any changes because it's a transient situation and they've made changes seemingly weekly on certain topics. Right now that's the position. **Council President Hallum** asked **Law Director Lucas** that if we do use Zoom and **Councilwoman Fellows** is on, is she considered present or still absent because she's not in person? **Law Director Lucas** replied that she would be present because there's a consensus that she's able to participate and her participation as an underpinning is

based on her presence. So she is considered present for purposes of establishing a quorum. **Mayor Gardner** stated that, just to be clear, a Councilperson could participate via Zoom, discuss, question, but could they make motion, second motions, and vote? He thought the answer to that was “no.” He stated he just wanted to make sure that is the best current thinking. **Law Director Lucas** said this was current thinking and he believes that’s what **Council President Hallum** indicated as well. **Councilwoman Fellows** shared her appreciation because she can be in attendance on Zoom, which she would want to do. Not being able to vote – “I’d still rather be participating in the Council meeting,” she stated.

ADJOURNMENT (Audio: 1:13:49-1:14:25)

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

Discussion on the Motion:

None

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

NAYS: None

Vote: 7/0

Motion Carries to adjourn the Regular Council meeting of June 24, 2021.

The meeting was adjourned at 8:13 p.m.

APPROVED:

Date

Karen Mehollin

Karen Mehollin
Council Clerk

Christopher Hallum

Christopher Hallum
President of Council

ATTEST: