

CHRISTOPHER HALLUM  
President of Council

MICHAEL KLINE  
Vice President of Council

GLORIA MAJESKI  
Clerk of Council, Pro Tem  
1/128/21 meeting

COUNCIL:

NANCY E. FELLOWS

JOE JARMUSZKIEWICZ

DANIEL KNECHT

TANYA TAYLOR DRAPER

DANIEL ZEGARAC

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of January 28, 2021-Amended

*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, January 28, 2021 at 7:00 p.m. remotely, using Zoom and Facebook Live. Council President Hallum presided.

#### **Pledge of Allegiance (Audio 1:19-1:39)**

#### **ROLL CALL (by Council President Chris Hallum) (Audio 1:47-2:22)**

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

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

#### **APPOINTMENT OF CLERK PRO-TEM (Audio 2:27-4:27)**

**Motion** made by **Councilwoman Taylor Draper** seconded by **Councilman Zegarac** to appoint **Gloria Majeski** as Council Clerk Pro Tem for tonight's meeting.

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

**NAYS:** None

Vote: 7/0

**Motion Carries** to appoint Gloria Majeski as Council Clerk Pro Tem for tonight's meeting.

#### **DISPOSITION OF THE JOURNAL (Audio: 6:50-9:19)**

**Motion** made by **Councilwoman Taylor Draper** seconded by **Councilman Knecht** to adopt the minutes of the December 10, 2020 Regular Council Meeting, as amended. (To reflect "Rea & Associates" in reference to auditing firm, and minor typographical errors and page numbering).

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

**NAYS:** None

Vote: 7/0

**Motion Carries** to adopt the minutes of the Regular Council meeting of December 10, 2020.

**Motion made by Councilman Zegarac** seconded by **Councilman Jarmuszkiewicz** to adopt the minutes of the January 14, 2021, Regular Council Meeting (with the correction on page 8 requested by **Councilwoman Taylor Draper** to change “Steeplechase” to “Steeple Run.”

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

**NAYS: None**

Vote: 7/0

**Motion Carries** to adopt the minutes of the Regular Council meeting of January 14, 2021.

### **COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 9:23-9:37)**

Email dated 01/14/21 from Gloria Majeski re. NAC meeting report of 1/14/21 from NAC Representative Gary Pratt

Email dated 1/14/21 from Gloria Majeski re. Recommendation for Ambulance Billing Contract with Medicount Management, Inc.

Email dated 1/14/21 from Ohio Ethics Commission re. Filing Reminder

Email dated 1/15/21 from [www.newsletter.com](http://www.newsletter.com) re. E-Newsletter 1/15/21

Email dated 1/15/21 from PC-ABR re. PCA-ABR meeting for 1/21/21

Email dated 1/16/21 from [www.newsletter.com](http://www.newsletter.com) re. COVID-19 Vaccine Registration Form

Email dated 1/17/21 from [katherinelloyd@yahoo.com](mailto:katherinelloyd@yahoo.com) re. PC-ABR meeting 1/21/21

Email dated 1/19/21 from PC-ABR re. Notification of 1/27/21 Master Plan Subcommittee Mtg.

Email dated 1/19/21 from Gloria Majeski re. Reappointment of CRWP Delegates for 2021

Email dated 1/22/21 from [www.newsletter.com](http://www.newsletter.com) re. E-Newsletter 1/22/21

Email dated 1/22/21 from BZA re. Media Notification of 2/9/21 BZA Meeting not called

Email dated 1/25/21 from Recreation Commission re. Approved minutes of 12/2/20 Recreation Commission Meeting

Email dated 1/25/21 from PC-ABR re. PC-ABR minutes of 1/7/21

Email dated 1/25/21 from City Engineer DiFranco re. 2017 Street Ratings

Email dated 1/26/21 from Gloria Majeski re. Charter Review – New Zoom Mtg. Assignment

Mayor’s Court Report for the Month Ending December 31, 2020

### **PUBLIC PORTION #1 (Audio 9:38-12:57)**

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

Public Portion opened at 7:09 p.m.

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

- 1) Ms. Bing expressed her concern about the City’s “inconsistent policy with vacation, holiday and sick time for non-union employees.” She encouraged an Employee Handbook, as has been discussed before, to include a policy on Work Place Violence.
- 2) Ms. Bing expressed that the City should not pay full-time benefits for someone who has not worked a whole year. She said we should “watch our money carefully.”

Public Portion closed at 7:12 p.m.

## MAYOR'S REPORT (Audio 13:03-22:29)

### Mayor Gardner reported:

- 1) COVID Report – The County reports that we are in the “red level” in Lake County, but we are trending in the right direction. Vaccine information is available on the City website; however, the best resource remains the Lake County General Health District website at [www.lcghd.org](http://www.lcghd.org). He reminded us to be patient as the County is working with Lake Health System and we have seen many of the 80 year olds in Group B already vaccinated. Continue safety precautions. There is a UK strain that has arrived that may be more contagious. Don't let your guard down.
- 2) Finance Report – Thanks to the Department Heads and employees for managing the City's finances so well last year. Finance Director Brichacek will give a complete report on year-end figures.
- 3) Fire Department Report: For the month of December 2020, the Fire Department had a total of 227 runs (82 were overlapping with other calls). This results in a total of 2,359 for 2020 (781 of which were overlapping with other calls). We provided Mutual Aid 7 times and received Mutual Aid 6 times. In 2020, Mutual Aid was provided 135 times and received 91 times. The Fire Department has received some “slip and fall” calls due to black ice and residents are reminded to be careful and help their neighbors.
- 4) Last Thursday marked the anniversary of the January 21, 1959 flood in Willoughby Hills in which residents and Civil Defense volunteers perished while attempting to save others. Thanks to LT Lou DiMattia for featuring this Facebook memory/tribute on the Willoughby Hills Fire Department Facebook page.
- 5) Police Department Report: Congratulations to Police Detective Jamie Onion who received the 2020 Northeast Ohio Fugitive Task Force Officer of the Year Award. He was congratulated for his ongoing efforts and was presented with the Willoughby Hills Police Department Exceptional Service Medal by Chief Naegele.  
Longtime WH Police Officer Shannon Vachet was promoted to Sergeant to fulfill the position vacated by Chief Naegele. He has served as the Assistant Commander for the Western Lake County Emergency Response Team and we wish him well on this appointment.
- 6) The Charter Review Commission (consisting of nine residents) has begun their meetings to review the Charter and will be looking for input from residents and Department Heads.
- 7) The Master Plan Subcommittee continues to meet and also looks forward to resident input.
- 8) We are currently in need of two members to fill vacancies on our Recreation Commission and one member for PC-ABR. Interested individuals may apply through the City website.
- 9) E-Newsletter: Just a reminder to submit your email address to [newsletter@willoughbyhills-oh.gov](mailto:newsletter@willoughbyhills-oh.gov) to receive our weekly E-newsletter.
- 10) Sympathy to the families of: Robert Paul, Thomas Walsh and Dale Plunkard. Their families remain in our thoughts and prayers.

### Questions/comments following the Mayor's Report:

**Councilwoman Taylor Draper** asked if the LED signs are “still on our radar.” **Mayor Gardner** stated that it is still on our radar and we are looking to share one with the library.

**Councilman Jarmuszkiewicz** stated that he wanted to add condolences to the families of Elena and Joso Cindric who recently passed away.

**Councilman Zegarac** asked if the flood that the Mayor referenced was in 1959 or 1969. **Mayor Gardner** replied that it was “1959”, showed an article from the WH Bicentennial Book and mentioned a News-Herald article written by Jim Collins on the flood.

### **LAW DIRECTOR’S REPORT (Audio 22:30-24:32)**

#### **Law Director Lucas reported:**

- 1) He has received several calls from residents and employees concerning the COVID-19 vaccine administration and assured them that the Lake County General Health District is processing requests and applications are made there.
- 2) He is in the process of looking of necessary changes for the use of a massage establishment and will be following up on this.

#### **Questions/comments following the Law Director’s Report:**

None

### **FINANCE DIRECTOR’S REPORT (Audio 24:35-35:04)**

#### **Finance Director Brichacek reported:**

- 1) Final numbers for 2020 showed: General Fund Balance   \$2.151m  
(Started 2020 with           \$1.86m)  
(Increase of \$291,400)

Increase is primarily due to BWC refund of \$645,000.

Income Tax collection: flat with 2019, but includes Produce Packaging (without that employer, 2020 would have been less than 2019)

Mayor’s Court – Was \$275,000 below estimate

Expenses: \$7.18m obligated (w/ 27<sup>th</sup> payroll), \$316,000 below what was budgeted for 2020.

- 2) We will be setting up offices for the 2019/2020 audit or the Auditors (Rea & Associates).

#### **Questions/comments following the Finance Director’s Report:**

**Councilman Zegarac** asked if the carryover includes tax credits paid to Produce Packaging and Hospice of Western Reserve. **Finance Director Brichacek** replied, “Yes, it is included (estimates).”

**Councilman Jarmuszkiewicz** asked when this year’s budget will be ready. **Finance Director Brichacek** stated that he is working on it now. The 2020 Financial Statements are on the website. COVID grant reporting and accounting were time consuming. **Councilman Zegarac** complimented **Finance Director Brichacek** on the budget website reporting. **Councilman Kline** added that he complimented Administration for this report; 2020 had dire projections in all levels of government; “good job.” **Finance Director Brichacek** added that the City received \$1.189m from the Coronavirus Grant, with the original terms obligations due 12/31/20, but the deadline was subsequently extended to December 31, 2021. The Departments obligated all but \$40,000. The most visible purchase was our new ambulance, but direct assistance programs to help the apartment and small businesses to stimulate the local economy were

undertaken by the Mayor's Office and members of City Council. It was a very unusual grant which came with very little notice and tremendous time constraints. **Councilwoman Fellows** asked if we are still engaged in Open Checkbook. **Finance Director Brichacek** replied "Yes, the December information was sent to the Treasurer to be posted; however, it is not up yet. We do it monthly. Other cities have chosen to do it quarterly or semi-annually, but we do it monthly." **Council President Hallum** offered congratulations to the Administration for coordinating the CARES funding.

### **CITY ENGINEER'S REPORT (Audio 35:06-37:23)**

**City Engineer DiFranco** reported:

- 1) The Corporate 90 Force Main Project was completed and put in service today. The old steel system did not allow for full capacity. The wet well near Cleveland Clinic WH Family Health Center and Classic Lexus, for example, took 4 to 5 hours to empty with the old system, but is now expected to take only 1-2 hours to empty.
- 2) He supports Ordinance 2021-005 for the engineering for the 2021 Street Rehab and Ordinance 2021-006 for the 2021 Sewer Rehab engineering. He has accounted for Three Readings, but would appreciate Council consideration to waive and adopt tonight since the City may see some cost savings by going out to bid earlier in the year.
- 3) He requests a Motion to go out to bid for the 2021 Pavement Markings Program.

#### **Questions/comments following City Engineer's Report:**

**Councilwoman Fellows** asked what the diameter of the force main is now. **City Engineer DiFranco** stated "Three."

### **COMMITTEE REPORTS (Audio 37:28-40:56)**

#### **Charter Review Commission – reported by Councilwoman Taylor Draper:**

**Councilwoman Taylor Draper** announced that the Public Hearings for the Charter Review Commission have been set for Tuesday, February 23, 2021 and Wednesday, February 24, 2021 at 7:00 p.m. via Zoom. The Commission consists of nine hard-working individuals who want to hear from the public. **Council President Hallum** added that the Charter Review Commission meetings are held on the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> (if applicable) Wednesdays of each month at 7pm via Zoom.

#### **Master-Plan Subcommittee of PC-ABR – reported by Councilwoman Taylor Draper:**

**Councilwoman Taylor Draper** reported that the Master Plan Subcommittee met on Wednesday, January 27, 2021. Guest speaker was resident/former Council President/City of Mentor Economic Development Director Kevin Malecek. She urged residents to tune in to the audio. Mr. Malecek expressed the importance of City image, adding that if a City is in turmoil, people will not want to come here. She is glad that type of image is gone. Next meeting is set for Wednesday, February 10, 2021 at 7pm via Zoom with guest speaker Dave Anderson (former Mayor of Willoughby and now representing the Port Authority).

## **BOARDS & COMMISSIONS REPORTS (Audio 40:58-42:40)**

### **Recreation Commission – reported by Councilman Jarmuszkiewicz:**

**Councilman Jarmuszkiewicz** stated that the Recreation Commission is looking for additional members. Signups for baseball and softball have begun with information available on the City website or Recreation page. **Council President Hallum** added that while he is not very familiar with the Boys Baseball program, he knows that the Willoughby Hills Girls Softball Team has been a championship team for many years and encourages individuals to sign up to participate.

## **UNFINISHED BUSINESS (Audio 42:41-44:56)**

**Councilwoman Fellows** asked, on behalf of residents who had called her, about missing minutes and missing audios and requests better coverage of the meetings. **Council President Hallum** stated that we are dependent on the Zoom product now, but looks forward to the completion of the Council Chambers audio and video system which should eliminate these concerns in the future. The City is currently looking for a volunteer to run the audio in Council Chambers. **Councilwoman Taylor Draper** asked everyone to be patient as we transition with Zoom and the Council Clerk position.

## **LEGISLATION (Audio 44:58 -1:38:50)**

### **ORDINANCE 2020-66 – THIRD READING (Audio 44:58-46:49)**

**AN ORDINANCE AMENDING SECTION 111.01, INDEMNIFICATION OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY**

**Motion was made by Councilman Jarmuszkiewicz seconded by Councilwoman Taylor Draper to adopt Ordinance 2020-66.**

#### **Discussion following the Motion:**

**Councilman Jarmuszkiewicz** stated that this Ordinance will provide indemnification for volunteers, City employees and non-employees with their actions judged in a court of law, and not by City Council.

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

**NAYS: None**

**ABSTENTIONS: Fellows**

**Vote: 6/0/1**

**Motion Carries to adopt Ordinance 2020-66 to amend Section 111.01 Indemnification of the Codified Ordinances of the City of Willoughby Hills.**

**ORDINANCE 2021-003 – SECOND READING** (Audio 46:52-59:00)

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR'S PAYOUT OF ONE HUNDRED TWENTY (120) HOURS OF ACCRUED BUT UNUSED SICK TIME TO RETIRED PART-TIME CLERK JOANNE MONACO IN THE AMOUNT OF \$2,820.00, AND DECLARING AN EMERGENCY.**

**Discussion prior to the Motion:**

**Council Vice President Kline** stated that Council has had previous discussions on this Ordinance. He did a lot of research on this, spending many hours researching the ORC. He tried to find more information but could not find anything to further define the ORC's use in computation of hours for sick time. The ORC states "30 days" but does not specify the number of hours. The ORC talks about employees at retirement being compensated at their current rate of pay. His conclusion, therefore, is that the number of hours worked at retirement (in this case 4 hours per day) equals 120 hours for Ms. Monaco's eligibility.

**Motion was made by Councilwoman Fellows seconded by Councilman Jarmuszkiewicz to waive Three Readings on Ordinance 2021-003**

**Roll Call (to Waive Three Readings on Ordinance 2021-003:**

**AYES: Knecht, Taylor Draper, Hallum, Jarmuszkiewicz and Kline**

**NAYS: Zegarac**

Vote: 6/1

**Motion Carries to waive the Three Readings on Ordinance 2021-003.**

**Discussion following the Motion:**

**Councilwoman Taylor Draper** added that there is a lot she is not "comfortable with" and she will go on the Law Director's recommendations. **Councilwoman Fellows** agreed with **Council Vice President** and **Councilwoman Taylor Draper** and the recommendations of the Law Director and Finance Director and supports the legislation as written. She also indicated that Council could go into Executive Session to discuss this personnel matter. **Councilman Zegarac** stated that he prefers the "240 hours" calculation, stating that Ms. Monaco made our HR aware of her situation on 10/28/20; Council has had this information for less than two weeks. She was professional in her request; however, Council did not respond to her in a reasonable length of time. As it comes back to our employees, "people are our most valuable resource" and "with the 120-hour decision, the City could be spending more in the long run." **Council President Hallum** stated that he has "struggled with this" since the Law Director defined it as a "gray area." "There is nothing definitive and it leaves us in a quandary as to what is right. The ORC does not differentiate between full time and part time." He appreciates the Law Director's opinion, but is "concerned that we are reading something into it that is not there; we are interpreting to our own benefit." **Councilman Jarmuszkiewicz** stated that he is "appreciative of what Ms. Monaco has done, but with the lack of an HR Department and Employment Handbook, "it certainly does present a "gray area." "It may be a problem with precedence and we should

look to getting a more formal/more efficient policy in the future.” He said he felt “120 is fair.”

**Councilwoman Fellows** asked that the **Council President** “call the question.”

**Motion made by Councilwoman Fellows, seconded by Councilman Knecht to Call the Question to end discussion on waiving the Three Readings on Ordinance 2021-003.**

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

**NAYS:** Zegarac

Vote: 6/1

**Motion Carries to Call the Question to end discussion on waiving the Three Readings on Ordinance 2021-003.**

**Motion was made by Councilwoman Fellows seconded by Council Vice President Kline to adopt Ordinance 2021-003.**

**Discussion following the Motion:**

None

**Roll Call:** **AYES:** Knecht, Taylor Draper, Jarmuszkiewicz and Kline

**NAYS:** Zegarac and Hallum

Vote: 5/2

**Motion Carries to adopt Ordinance 2021-003 authorizing the Finance Director’s payout of one hundred twenty (120) hours of accrued but unused sick time to retired part-time Council Clerk Joanne Monaco in the amount of \$2,280.**

**ORDINANCE 2021-004 – SECOND READING (Audio: 59:01- 1:30:00)**

**AN ORDINANCE AUTHORIZING THE PAYMENT OF A MORAL CLAIM FOR UNUSED VACATION TIME TO JOANNE MONACO, THE FORMER PART-TIME CLERK OF COUNCIL, FOR AN AMOUNT NOT TO EXCEED \$1,316.00 AND DECLARING AN EMERGENCY.**

**Discussion Prior to the Motion:**

**Councilwoman Taylor Draper** stated that she would support the Law Director’s opinion on this Ordinance. **Councilwoman Fellows** suggested an Executive Session to discuss this, given the nature of the personnel matter. **Council President Hallum** confirmed with **Law Director Lucas** that this certainly fell within the parameters of the rules for an Executive Session (as it involves a former employee’s compensation), but it was his opinion that it should be discussed in public with the residents present for (transparency). **Council President Hallum** agreed that Council was not negotiating with an employee or a contract and wants to be transparent. **Councilman Zegarac** stated that he did not support an Executive Session since we have discussed this before and are “near the end.” **Councilwoman Taylor Draper** said she agreed. **Councilwoman Fellows** stated then she would like to share her thoughts: **Council Vice President Kline**

did a lot of work which she appreciated but added: “The fact that the employment Ordinance stated that the Council Clerk was given 56 hours of vacation/sick time per calendar year. Historically, that is paid time off (PTO), but the City does not have a policy which states that. Ms. Monaco was hired on 4/20/20. There were 37 weeks left in the year. **Council Vice President Kline** took those 56 hours and put them in 37 weeks (her calendar year was 37 weeks, not 52 weeks). With that, she had earned a maximum of 40 of 56 hours or \$940. To **Councilman Jarmuszkiewicz’s** point, this is not good. **Council President Hallum and Vice President Kline** interviewed Ms. Monaco and **Mayor Gardner** agreed, which is wrong, all of Council should have been included. We have no policy for non-union employees regarding holiday, retirement, resignation, vacation, sick time, etc. If you calculate what Ms. Monaco worked, it would be \$810.75. Hours were calculated on a whole year. If she was rehired, would she be getting a whole new year?” **Council President** said **Finance Director Brichacek** told him that someone could be hired, take all of their vacation on the next day, come back and quit. That is the way that the City grants vacation, no accrual. **Councilwoman Fellows** said she felt it was “time to stop. We have never been faced with this before.” **Finance Director Brichacek** provided background that Ms. Monaco resigned with a letter to Jeff (Assistant Finance Director) and requested her sick and vacation time payout. He was not initially made aware of the resignation but our other non-union full-time employees are governed by Codified Ordinance 157.05 regarding sick, holiday and vacation time. The Codified Ordinances specifically state “full-time employees” and chose to exclude “part-time employees.” “There is no sick time for part-time employees and vacation time is granted, not earned, and is based on the employee’s anniversary date.” “Full-time retirees are paid out for unused vacation time.” Ms. Monaco had stated that the ORC covers part-time employees for sick leave and he has referred that to the Law Director. The City’s Codified Ordinances would not provide for it. In Ohio, the ORC stated that full-time employees are entitled to 4.6 hours for every 80 hours worked. The City can write a policy that exceeds that. When Ms. Monaco was hired, she brought with her hours that were put into a sick bank. There was no time earned in Willoughby Hills. We are trying to follow the Codified Ordinances and are looking to Council for guidance. **Councilman Jarmuszkiewicz** state that he feels obligated by the way the Ordinance is written that 14 days is at 4 hours per day. The word “prorated” is not written in. Future hires should be better written out and we should have a policy for part-time employees. **Council President Hallum** reminded Council that the City had no Law Director when the employment Ordinance was written and we learned from this to ensure good ordinances. He has spoken with Administration about an Employee Manual. **Councilman Zegarac** agreed that nothing good happens either when we sit on something for 90 days and then have no policies. **Council Vice President Kline** said that vacation calculation considers a time frame that a person needed to work to earn that (it is not accrued). He felt that the Ordinance should not have been written in the manner in which it was, believes Ms. Monaco is entitled to the full amount of vacation as written and we need to change it going forward. **Councilwoman Fellows** added that she was not opposed to paying Ms. Monaco vacation time, but she was opposed to “in a calendar year” when Ms. Monaco did not work a calendar year, which is 52-week versus 37 weeks.

**Motion was made by Council President Hallum, seconded by Council Vice President Kline to waive the Three Readings on Ordinance 2021-004.**

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

**NAYS: None**

**Vote: 7/0**

**Motion passes to waive Three Readings on Ordinance 2021-004.**

**Motion was made by Councilwoman Fellows seconded by Councilman Knecht to amend Ordinance 2021-004 to include “not to exceed \$940 in the amount to be paid to retired Part-time Council Clerk Monaco.”**

**Discussion following the Motion:**

**Councilwoman Fellows** explained that her reasoning for this is that it should be based on the number of hours worked. **Council President Hallum** stated that he did not agree with **Councilwoman Fellows’** calculation, which he felt was based on accrual. **Councilwoman Fellows** explained her concern to set this precedence. **Council President Hallum** agreed that we need to make changes for the future.

**Councilwoman Taylor Draper** stated that it is “precedence if we don’t change it.” Further, she stated it was “lesson learned.” **Law Director Lucas** clarified on the point of precedence, indicating it was a “moral claim” with no value for precedence. Also, he pointed out that the Ordinance does not authorize \$1316 to be paid out (as it states “not to exceed”) and recommended that Council determine an amount from \$0 to \$1316 and plan to amend the Ordinance.

With **Councilwoman Fellows’** motion on the floor, **Council President Hallum** called for a vote on the amended Motion to include “not to exceed \$940 in Ordinance 2021-004.”

**Roll Call:**     **AYES: Knecht, Fellows and Jarmuszkiewicz**  
                  **NAYS: Taylor Draper, Zegarac, Hallum and Kline**  
                  Vote: 4/3

**Motion fails to include amendment stating “not to exceed \$940 in Ordinance 2021-004.”**

**Motion was made by Council Vice President Kline, seconded by Councilwoman Taylor Draper to adopt Ordinance 2021-004, amending to read “for an amount of \$1316.00” and deleting “for an amount not to exceed.”**

**Discussion following the Motion:**

**Councilwoman Fellows** stated that “our residents should know that we are paying employees for hours not worked.”. **Council Vice President Kline** pointed out that the way that the Council Clerk Monaco’s employment ordinance was written, if she wanted to take time in October, after she had turned in her retirement notice, she could have done so.

**Roll Call:**     **AYES: Taylor Draper, Zegarac, Hallum and Kline**  
                  **NAYS: Knecht, Fellows and Jarmuszkiewicz**  
                  Vote: 4/3

**Motion passes to authorize the payment of a moral claim for unused vacation time to Joanne Monaco, the former Part-time Clerk of Council, in the amount of \$1316.00.**

**ORDINANCE 2021-005 – FIRST READING (Audio 1:32-1:37:06)**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF ENGINEERING FEES ASSOCIATED WITH THE 2021 STREET REHABILITATION PROGRAM SPECIFICALLY FOR RESURFACING ALAN DRIVE, MEADOWBROOK DRIVE AND POTENTIALLY DIANE COURT AND ASPHALT REJUVENATION FOR STREETS RESURFACED IN 2019 AND 2020 AND DECLARING AN EMERGENCY.**

**Motion was made by Councilwoman Taylor Draper, seconded by Councilman Zegarac to adopt waive Three Readings on Ordinance 2021-005.**

**Discussion following the Motion:**

None

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

**Motion Carries to waive Three Readings on Ordinance 2021-005.**

**Motion was made by Councilman Jarmuszkiewicz seconded by Councilman Zegarac to adopt Ordinance 2021-005.**

**Discussion following the Motion:**

**Council President Hallum** stated that the City normally gets better rates when the bids are done earlier in the year. **Mayor Gardner** added that he hopes the bids will come in low (\$275,000 for Street Rehab has been budgeted), as well as a low bid on Pavement Markings (\$70,000 has been budgeted) to that perhaps we could consider Diane Court in the 2021 Street Rehab Program.

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

**Motion Carries to adopt Ordinance 2021-005 authorizing the expenditure of engineering fees associated with the 2021 Street Rehabilitation Program.**

**ORDINANCE 2021-006 – FIRST READING (Audio: 1:37:09 -1:38:50)**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF ENGINEERING FEES ASSOCIATED WITH THE 2021 SEWER REHAB PROJECT AND DECLARING AN EMERGENCY.**

**Motion was made by Councilwoman Fellows, seconded by Councilman Knecht to adopt waive Three Readings on Ordinance 2021-006.**

**Discussion following the Motion:**

None

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

**Motion Carries to waive Three Readings on Ordinance 2021-006.**

**Motion was made by Councilwoman Fellows seconded by Councilwoman Taylor Draper to adopt Ordinance 2021-006.**

**Discussion following the Motion:**

None

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

**Motion Carries to adopt Ordinance 2021-006 authorizing the expenditure of engineering fees associated with the 2021 Sewer Rehabilitation Program.**

**NEW BUSINESS (Audio 1:38:56-1:39:50)**

Motion was made by **Councilwoman Fellows**, seconded by **Councilman Knecht** to allow the Mayor to go out to bid for 2021 Pavement Markings Program.

**Discussion on the Motion:**

None

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

**Motion Carries** to allow the Mayor to go out to bid for 2021 Pavement Markings Program

**PUBLIC PORTION #2 (Audio 1:39:53-1:48:29)**

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

Public Portion opened at 8:39 p.m.

**Dominic Camino, 2972 Lynn Drive, Willoughby Hills, OH 44092**

- Mr. Camino's concern was due to the fact that there are still many election signs up throughout the City. He had emailed the Law Director about his concern, wanting to know about the City rules and understands about First Amendment rights, but does not like the profanity and how it affects the beauty of our City. It promotes the idea that the election is still up for debate.

Public Portion closed at 8:40 p.m.

**Comments following Public Portion:**

**Councilman Zegarac** thanked Dominic for coming forward and, while he is not sure about time limits for the signs which he will defer to others, he wants to ensure they are not in the right of way. **Law Director Lucas** confirmed that it is unconstitutional to direct a resident to remove a political sign and cited a case in Painesville years ago (probably 2002) that went to Lake County Court, the 11<sup>th</sup> District Court and then ultimately to the Ohio Supreme Court, which ruled that you cannot put time limits on political signs. The right of way is not governed by this law as it is a safety issue. **Councilwoman Fellows** added that many residents do not understand where the right of way is. **Law Director Lucas** agreed that most don't know and that it is best to consult the Building Department to verify the right of way. **City Engineer DiFranco** stated that the right of way varies depending on the road. **Mayor Gardner** suggested putting this in the next E-newsletter.

**FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY  
(Audio: 1:48:36-1:51:42)**

**Council Vice President Kline** reminded residents that vaccines are available and it is best to look for them individually as each provider has their own procedure. Some require computers and residents should consider allowing their grandchildren to help them through the process. **Councilwoman Taylor Draper** asked if there was a fee for the vaccine. **Council Vice President Kline** replied that there was not a fee. **Council President Hallum** thanked Council for the hard decisions they had to make tonight and respects the fact that they may have different opinions but in the end shows commitment to the City. **Councilwoman Taylor Draper** added that she would like Ms. Monaco to know that she appreciated her work and personality, thought she was good to work with, learned quickly and was a benefit to Council while she was employed. She hopes that Ms. Monaco is still interested in the position and would personally like her to come back.

**ADJOURNMENT (Audio 1:51:46-1:53:16)**

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

**Discussion on the Motion:**


None

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

Motion Carries to adjourn the Regular Council meeting of January 28, 2021.

The Regular Council Meeting of January 14, 2021 at 8:51 p.m.

APPROVED: February 11, 2021  
Date

  
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Christopher Hallum  
President of Council

ATTEST: Gloria J. Majetti, Clerk Pro Tem  
Council Clerk Pro-Tem