

President of Council
MICHAEL KLINE
Vice President of Council
TANYA TAYLOR DRAPER
Council Clerk
NICHOLAS AIELLO

Council
JULIE A. BELICH
JOE JARMUSZKIEWICZ
DANIEL KNECHT
VICKI MILLER
KATHLEEN SIVO

City of Willoughby Hills

Regular Council Meeting Minutes of October 10, 2024

The Regular Council Meeting was called to order on Thursday, October 10, 2024 at 7:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 7:00 p.m. (0:08)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:17)

ROLL CALL (Audio: 0:40)

Members: Councilman Jarmuszkiewicz, Council President Michael Kline, Councilwoman Vicki Miller, Councilwoman Kathleen Sivo, Council Vice President Tanya Taylor Draper, and Councilwoman Julie A. Belich

In Attendance: Law Director Michael Lucas, City Engineer Pete DiFranco, and Finance Director Bruce Scott, Mayor Hallum

Absent: Councilman Dan Knecht

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Belich** to excuse Councilman Knecht from the October 10, 2024, Regular Meeting of Council.

Discussion on the Motion:

Council President Kline stated that Councilman Knecht did inform Council of his absence.

Roll Call: **AYES:** Belich, Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper

NAYS: None

Vote: 6/0

Motion passed to excuse Councilman Knecht from the October 10, 2024, Regular Meeting of Council.

DISPOSITION OF THE JOURNAL (Audio: 1:50)

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Belich** to approve the September 23, Working Committee of Council and Rules & Legislation Minutes.

Discussion on the Motion:

No discussion.

Roll Call: AYES: Belich, Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper
NAYS: None
Vote: 6/0

Motion passed to approve the September 23, Working Committee of Council and Rules & Legislation Minutes.

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Belich** to approve the September 26 Regular Meeting of Council Minutes.

Discussion on the Motion:

No discussion.

Roll Call: AYES: Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich
NAYS: None
Vote: 6/0

Motion passed to approve the September 26 Regular Meeting of Council Minutes.

COUNCIL CORRESPONDENCE (Audio 10:20)

10/07/24 email from Tanya Taylor Draper Tanya's slides
10/07/24 email from Pietro DiFranco FW: Approval - Detached Garage - 31000 Eddy Rd
10/07/24 email from Dawn Snyder RE: Council Clerk Salaries
10/07/24 email from Tanya Taylor Draper Tanya's slide II
10/07/24 email from Willoughby Hills Court RE: Ticket
10/07/24 email from Delaney Ardillo Ticket
10/07/24 email from Julie Belich Re: Agenda for Monday Meeting
10/04/24 email from Michael C. Lucas RE: Ordinances 2024-048 and 2024-049 Dispatch Service
10/04/24 email from Michael C. Lucas RE: Ordinances No, 2024-049 Dispatch Services
10/04/24 email from Novak, Alisa RE: Council Clerk Salaries
10/03/24 email from pc-abr Signed Review Sheets fm 10-3-24 mtg
10/03/24 email from Karen Mehollin Liquor License Thu 10/03
10/03/24 email from Michael C. Lucas RE: Ordinances No. 2024-xxx
10/03/24 email from Danielson, Samantha A. RE: Council Clerk Salaries
10/03/24 email from Novak, Alisa RE: Council Clerk Salaries
10/03/24 email from Tanya Taylor Draper Re: District 2 Power Point
10/03/24 email from Mayor Hallum FW: Safe Haven Defense Quote
10/03/24 email from Tanya Taylor Draper Re: D2 - PPT
10/02/24 email from Stephanie Kellner Re: September Legislation
10/02/24 email from Willoughby Hills Recreation Dept. District Presentation
10/02/24 email from Karen Mehollin FW: Contracts
10/02/24 email from pc-abr WH PCABR Meeting 10/17/24 - THURSDAY 7:00 PM
10/01/24 email from Tanya Taylor Draper Re: West End sidewalks
10/01/24 email from Vicki Miller Re: District 1 PowerPoint
10/01/24 email from Laura O'Donnell News Herald
10/01/24 email from Joe Jarmus Re: Meal for the Scotts
09/30/2024 email from Dan Knecht District Meetings
09/30/2024 email from Vicki Miller Re: District 1 PowerPoint
09/30/2024 email from Tanya Taylor Draper Tanya's slides

09/30/2024 email from Eric Martin Proposed Biennial Inspections Housing Choice Voucher Program (Section 8)
09/30/2024 email from Willoughby Hills Recreation Dept. District Meeting
09/27/2024 email from Luke Fretwell Re: Willoughby Hills website question
09/27/2024 email from Karen Mehollin FW: TV System in City Hall
09/27/2024 email from Tanya Taylor Draper Re: District 1 PowerPoint
09/27/2024 email from Mark Grubiss Storm damage
09/27/2024 email from Mark Grubiss FW: Chardon road resurfacing
09/27/2024 email from Mark Grubiss FW: Bishop road bridge
09/27/2024 email from Willoughby Hills Finance Dept. FW: Your BJ's pickup order #240450508 is ready at BJ's Willoughby
09/27/2024 email from Karen Mehollin RE: Spectrum
09/26/2024 email from Finance Director RE: Meeting Audio
09/26/2024 email from Willoughby Hills Finance Dept. FW: Your BJ's pickup order confirmation #240450508
09/26/2024 email from Willoughby Hills Finance Dept. BJ'S
09/25/2024 email from Karen Mehollin FW: Contracts
09/25/2024 email from Willoughby Hills Recreation Dept. RE: Room Set Up
09/25/2024 email from Karen Mehollin Evolve visit
09/24/2024 email from Mayor Hallum RE: MC REVENUE - Larry Generated

PUBLIC PORTION #1 (Audio: 3:50)

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

Public Portion #1 opened at 7:03 p.m.

No one spoke.

Public Portion #1 closed at 7:03 p.m.

MAYOR'S REPORT (Audio: 4:07)

- The Fall Craft Show was a huge success with over 80 vendors and nearly 800 attendees. Thank you to Recreation Coordinator Laura O'Donnell for her hard work and dedication to making our events successful and fun! Thanks also to Recreation Commission Vice Chair Nancy Erikson for MC-ing the event, Jeanne and Brian Kaston, Erica Burkart,
- Councilwoman Kathy Sivo, Communications Supervisor Karen Mehollin, Recreation Commission member Bernadette Blumel, Mary & Frank Cihula, Nancy Davis, Laurie Feltham, and Jenna Bing. Under the radar help from Liz Miller and Council Clerk Nick Aiello. Your generous time and effort was very much appreciated. Special thanks to Rental Coordinator, Joleen Forgas and monitors: Genevieve, Rhianna, Harry and Jack.
- The Bishop Rd. bridge replacement is still in progress, but on schedule to be completed by the end of October, earlier than the original plan. We look forward to traffic patterns returning to normal. Please be sure to visit our West side business community who have been impacted during the road and bridge work in the area.
- This Saturday we have the Fall Shred Day event at the Shoppes of Willoughby Hills from 9 AM to 12 PM. The Shred It truck will be stationed near Marcs. Be sure to stop by and drop off all of your documents early as the truck will pack up promptly at noon. You can either

have the shred team empty documents into the shred can for you, and leave, or stay and watch your documents shredded.

- Good news for our West end business district; Chipotle and AutoZone have signed leases and will be coming next year. The AutoZone will be one of only two distribution centers in the Cleveland area. They also intend on moving their administrative offices to this location. Several other businesses have signed letters of intent, and we will share those businesses with you once they have officially signed leases.
- As the leaves begin to turn and create a beautiful display of color, remember to mark your calendar for the nature walk at the Hach-Otis Sanctuary, and leaf pickup. The walk is scheduled for Saturday, October 19 at 1:30 PM and will be guided by Willoughby Hills very own nature and local history expert, John Lillich. Leaf pick up will begin on October 21. The crews will continue to go through the city until the first big snow fall. It takes 2 weeks to complete the entire city, so if you miss the first go around, please be patient.
- Our representative on the Cuyahoga County Airport Noise Abatement Council, Gary Pratt, provided his report from the October 10 meeting. Council has been provided the full report covering the period from July 1 through September 30th, but here are some highlights: There were 8,775 operations during the period.
- There were only 10 complaints during the noise abatement period from 11 PM to 7 AM. Four of these were from Willoughby Hills. 36 additional complaints outside of noise abatement period. 30 of which were all from the same resident in Richmond Heights.
- Tonight I support passage of Ordinance 2024-48 and its sister Ordinance 2024-49 for renewal of our contract with the Lake county for emergency police and fire dispatching.

LAW DIRECTOR'S REPORT (Audio: 7:44)

- **Law Director Lucas** reported that Ordinance 2024-048-Amended has been amended to include the identified services provided through the commissioner's office going directly to the Police Department. This is similar to the sister ordinance where the language states that such services immediately go to the Fire Department.
- Changes were also made to Ordinance 2024-050 Amended. Changes were made to specify that the applicant is the one paying for everything. There was also an Emergency Clause added to this Ordinance.
- Regarding 2024-051, this should be kept on First Reading to be modified and amended for next meeting. Some suggestions include moving a minor misdemeanor up to a fourth degree, and so on. Police Chief Naegele will deliver remarks regarding this legislation in an upcoming Work Session meeting.

FINANCE DIRECTOR'S REPORT (Audio: 10:25)

- **Finance Director Scott** stated September financials have been posted to the website with no real changes or surprises. The same trends mentioned last time are still happening in September. However without sounding doom and gloom, the September income tax

collections which are happening through the end of this week are behind about \$250,000 behind last year.

- There are still a few days left but he wanted to bring it to attention because it is a big number. Once September is finalized he wants to do a deep dive trying to understand where the differences are coming from.
- **Councilwoman Belich** asked if the income tax reduction in collections is being seen in other communities outside of Willoughby Hills. She also asked if she knows what has changed to cause this.
- **Finance Director Scott** responded he did not know, but wants to do a deeper dive. The trends he has seen so far are residential withholding, penalties and interest and refunds are all behind.

CITY ENGINEER'S REPORT (Audio: 11:49)

- **City Engineer DiFranco** had no report.
- **Councilwoman Belich** asked when the closure for the Route 6 Bridge will start.
- **City Engineer DiFranco** stated this would be planned for 2026, and did not know when they would start.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio: 12:30)

PC-ABR reported by Council Vice President Taylor Draper

- **Council Vice President Taylor Draper** Planning and Zoning Commission and Architectural Board of Review reported that the group met October 3. During the Architectural Board of Review portion of the meeting, 3 Perrino homes were approved. The first was 34345 Giovanni Avenue sub lot 1. The second was 34255 Giovanni Avenue sub lot 4. The last was 34240 Giovanni Avenue sub lot 10.
- There was no business during the Planning Commission Portion of the meeting.
- She reminded everyone that these are homeowner associations and Deed Restricted communities. She urged everyone to understand what this means and how it would affect their lives.

Beautification Committee reported by Council Vice President Taylor Draper

No report.

Recreation Commission reported by Councilman Jarmuszkiewicz

- **Councilman Jarmuszkiewicz** reported pickle ball courts will be closed on November 1 this year, which will help the workers be more involved in picking up leaves in the fall. There is a lot of work that needs to be done to the court before they open again next year.
- There is a Halloween party on October 25 from 6:00-8:00 in the Community Center. This will include games, costume contests, entertainment, and hay rides.
- Willoughby Hills picture contest will begin soon and pictures have to be submitted no later than November 7.
- Flag football is mid-way through the season.

Finance Committee Report by Council President Kline

No report.

WHISPER reported by Councilwoman Miller

No report.

Deer Management Committee reported by Councilwoman Belich

- **Councilwoman Belich** reported deer bow season opened September 28 and ends in early February. As of today, there has been 45 permits that have been issued. This is a slight downtick from last year thus far.
- As of today, there has been no deer harvested.

Business Subcommittee – reported by Councilwoman Sivo

No report.

UNFINISHED BUSINESS: (Audio: 16:15)

- **Councilwoman Belich** asked Law Director Lucas for an update on short-term rental litigation.
- **Law Director Lucas** stated there was an appeal taken from the BZA decision affirming the citations issued by the former Zoning Inspector. The appeal was made and the City has 40 days from the date of appeal which is in progress right now. They have to present the whole transcript of the hearings and all the supporting documentation to the Lake County Common Pleas Court. Also being submitted will be findings and conclusions of fact to justify the City's argument with reference to why they believe BZA and the Zoning Inspector is correct in their decision. Once this is filed, within the 40-day time-frame, the appellant has 20 days from the date of the filing of the record, and after that the City has 20 days to respond in support through a file, of the BZA decision. After this, there is an additional 10 days which the appealing party can file a reply brief. The court can then weigh the decision.
- At this point, the Court should be confined to just the transcript; there won't be any additional hearing. Since this is a single issue, he does not anticipate a long delay in this decision.
- Currently in progress are revisions to the City's code related specifically to Airbnb's. While it is Council's decision to decide whether or not they want to go forward with this, he advised them to wait until the decision to see how the Court interprets the City's code. Once the Common Pleas Court makes their decision, it will be the first time they weigh in on an Airbnb decision. This would provide as an important consideration that could be used to impact the City's decision and how they move forward with this.
- **Councilman Jarmuszkiewicz** asked if the 10-20 waiting period are calendar (business) days or consecutive days.
- **Law Director Lucas** responded that these were calendar days.
- **Council President Kline** stated at the next Council Meeting, Council needs to think about what **Law Director Lucas** has said and they need to make a decision through a motion whether they want to do any legislation regarding short-term rentals or if they want to wait. This will also

give the public an opportunity to come to this meeting and express their opinion.

- **Councilwoman Belich** asked since we are waiting for the decision of the Court while this decision is in progress, if Council should be speaking about whether they want to move forward at this time or not.
- **Law Director Lucas** stated that going forward and making changes would not affect what's going on in Court right now because it is not part of the record. No evidence would be put in. There is no law that would preclude the City from going forward at this time, however, he recommended waiting until the trial court judge makes a decision. If the City were to win this decision, they would know what specific points would need to be addressed and vice versa.
- **Councilwoman Belich** asked when the Law Director thought they would be done with the litigation.
- **Law Director Lucas** responded saying this would be around 90-120 days. However, some people ask for extensions. He said this might be around 90 days, but this is just a guess.
- **Council President Kline** stated that this will be concluded 2 weeks from this evening, in terms of the decision to move forward with legislation or not.

LEGISLATION: (Audio: 26:00)

ORDINANCE 2024-046-SECOND READING

AN ORDINANCE AUTHORIZING THE MODIFICATION AND TERMINATION OF THE CITY'S RESTRICTIVE COVENANTS THAT THE USE OF THE PROPERTY LOCATED AT 2608 SOM CENTER ROAD, WILLOUGHBY HILLS, OHIO BE LIMITED EXCLUSIVELY FOR EITHER RESIDENTIAL PURPOSES OR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Ordinance 2024-046 will remain on second reading.

ORDINANCE 2024-048 AMEDNDED-FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF LAKE COUNTY COMMISSIONERS IN ORDER TO PROVIDE EMERGENCY DISPATCH AND COMMUNICATION SERVICES FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to waive the Three Reading Rule on Ordinance 2024-048-Amended.

Discussion on the Motion:

No Discussion.

**Roll Call: AYES: Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich,
NAYS: None
Vote: 6/0**

Motion passes to waive the Three Reading Rule on Ordinance 2024-048 Amended.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to adopt Ordinance 2024-048 Amended.

Discussion on the Motion:

No Discussion.

Roll Call: **AYES:** Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich
 NAYS: None
 Vote: 6/0

Ordinance 2024-048 Amended has been adopted.

ORDINANCE 2024-049-FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF LAKE COUNTY COMMISSIONERS IN ORDER TO PROVIDE EMERGENCY DISPATCH AND COMMUNICATION SERVICES FOR THE FIRE DEPARTMENT FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** to waive the Three Reading Rule on Ordinance 2024-049.

Discussion on the Motion:

No Discussion.

Roll Call: **AYES:** Jarmuszkiewicz, Kline, Knecht, Miller, Sivo, Taylor Draper, Belich
 NAYS: None
 Vote: 6/0

Motion passes to waive the Three Reading Rule on Ordinance 2024-049.

Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** to adopt Ordinance 2024-049.

Discussion on the Motion:

No Discussion.

Roll Call: **AYES:** Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich
 NAYS: None
 Vote: 6/0

Ordinance 2024-049 has been adopted.

ORDINANCE 2024-050-AMENDED FIRST READING

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, PART 11-PLANNING AND ZONING CODE, TITLE THREE-CODE ADMINISTRATION, CHAPTER 1111 DEVELOPMENT PLAN REVIEW PROCEDURES, SECTION 1111.02 DEVELOPMENT PLAN REVIEW, BY AMENDMENT TO PARAGRAPH (D) REQUIRING TEMPORARY SIGN NOTIFICATION OF THE COMMENCEMENT OF ANY DEVELOPMENT PLAN REVIEW PROCESS UNDER CHAPTER 1111.

Motion made by **Council Vice President Taylor Draper**, seconded by **Councilwoman Miller** to waive the Three Reading Rule on Ordinance 2024-050 Amended.

Discussion on the Motion:

- **Council Vice President Taylor Draper** stated this Ordinance will enable residents to be made aware of any residential or commercial construction going on in their neighborhood.
- **Councilman Jarmuszkiewicz** asked if this also includes sheds, remodeling, or additions.
- **Council Vice President Taylor Draper** stated it did not. This was just major construction items.

Roll Call: **AYES:** Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich
NAYS: None
Vote: 6/0

Motion passes to waive the Three Reading Rule on Ordinance 2024-050 Amended.

Motion made by **Council Vice President Taylor Draper**, seconded by **Councilwoman Miller** to adopt Ordinance 2024-050 Amended.

Discussion on the Motion:

No Discussion.

Roll Call: **AYES:** Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich
NAYS: None
Vote: 6/0

Ordinance 2024-050 Amended has been adopted.

ORDINANCE 2024-051-FIRST READING

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, PART FIFTEEN-FIRE PREVENTION CODE, CHAPTER 1511 FIREWORKS, SECTION 1511.99, PENALTY.

Ordinance 2024-051 will remain on First Reading.

NEW BUSINESS: (Audio: 33:50)

- Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** authorizing the Clerk of Council to confirm with the Ohio Department of

Commerce, Division of Liquor Control, that no objection and need for hearing is requested by the City regarding the transfer of Liquor from permit number 8163713 Simbal Group Corp DBA 7 Eleven Store 36233A 2865 Bishop Road Willoughby Hills, OH, 44094 to permit number 5493240 Mannat Inc. DBA 7 Eleven Store 36233B 2865 Bishop Road Willoughby Hills, OH, 44094.

Discussion on the Motion:

- **Councilwoman Miller** stated for the public's understanding that the liquor permit for the 7/11 store is being transferred from Simbal Group Corp DBA to Mannat Inc.

Roll Call: AYES: Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich
NAYS: None
Vote: 6/0

Motion has passed.

PUBLIC PORTION #2 (Audio: 35:36)

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

Public Portion #2 opened at 7:35 p.m.

Linda Fulton 2990 Markham Blvd:

- Stated that she could barely hear the tornado siren during the August storm, especially from inside her home. She wanted to know if these could be made louder, and asked how many sirens were in the City. She asked if this could be added to the West Side of the City and if they still test sirens on Wednesdays.
- Wanted an update on illegal parking on Chardon Road where Loretto is. She stated that people walk through the street without looking if traffic is coming.
- During Touch-a-Truck, she was told by a police officer that there is a lot of crime in the City. She wanted to hear more about this.
- She wanted to know how many tickets are being given over 271 near White Road and how much money is received from this.

Public Portion #2 closed at 7:38 p.m.

- **Councilwoman Miller** stated that outdoor sirens are meant to alert people who are outside. She recommended people who are inside have their TV and phones readily available during severe storms. The alarms are tested regularly on Wednesdays.
- **Council President Kline** stated that Chief Naegele has very good reports about crime rates in the City, and he recommended that she come to the final district meeting.
- **Councilwoman Belich** stated that if she cannot make it to the district meeting, this will also be broadcasted to Facebook.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY (Audio: 40:20)

- **Council Vice President Taylor Draper** emphasized that there was a resident who had asked about a Facebook post during the District 2 Meeting. This comment was a vial post, and it did not come from the Willoughby Hills Facebook page. This came from another community page by a resident. This is not affiliated with the City.

ADJOURNMENT (Audio: 42:20)

Motion made by **Councilwoman Belich**, seconded by **Councilwoman Miller** to adjourn the meeting.

Roll Call: **AYES:** Jarmuszkiewicz, Kline, Miller, Sivo, Taylor Draper, Belich
NAYS: None
Vote: 6/0

The meeting was adjourned at 7:42 p.m.

APPROVED: October 24, 2024
Date

Michael Kline
Michael Kline
President of Council

ATTEST: Nicholas Aiello
Nicholas Aiello
Clerk of Council