

City of Willoughby Hills

Working Committee of Council and Rules & Legislation Meeting

Minutes of October 21, 2024

Working Committee of Council and Rules & Legislation Meeting was called to order on October 21, 2024 at 6:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 6:00 p.m. (0:03)

ROLL CALL (Audio: 0:17)

Members Present: Council President Michael Kline, Councilwoman Vicki Miller, Councilwoman Sivo, Council Vice President Taylor Draper, Councilwoman Belich, and Councilman Joe Jarmuszkiewicz

Also Present: Mayor Hallum, Finance Director Bruce Scott, and Law Director Michael C. Lucas

Absent: City Engineer Pete DiFranco and Councilman Knecht

DISCUSSION ITEMS: (Audio 0:56)

ORDINANCE 2024-046-THIRD 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.

- **Council President Kline:** The purpose put the status of this lot back to the same as all other residential lots in the City.

ORDINANCE 2024-051-AMENDED-SECOND 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.

- **Council President Kline:** Police Chief Naegele could not be here this evening, as he is out of town. He will be coming to the next Working Committee meeting to explain the changes he and the department has made. His main objective is to make sure that this is put into place by the end of this year to be prepared for any illegal fireworks that may go off during New Years.
- **Law Director Lucas:** This is amended now. If you look at paragraph B, under the penalty provision,

based on the comments from the Council Members at last work session, we have escalated it from a minor misdemeanor for a first offense to a fourth degree misdemeanor for a second offense within a one-year timeframe. This could go higher or lower, but in my initial conversations with the Police Chief, we escalated it to a fourth degree misdemeanor at this point subject to further comment from Council.

ORDINANCE 2024-052-FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LAKE COUNTY AUTOMATIC DATA PROCESSING BOARD TO PROVIDE INFORMATION TECHNOLOGY (IT) SUPPORT, ADVICE, CONSULTATION, ASSISTANCE AND SERVICES TO THE CITY OF WILLOUGHBY HILLS, ESTABLISHING THE TERMS AND CONDITIONS OF SAME, AND DECLARING AN EMERGENCY.

- **Mayor Hallum:** We have had some issues with our IT provider, Evolve. We have not been happy with them, and their responses to ongoing issues have been lackluster. Our Police and Fire have switched over to County IT and have been very happy with the services provided. To further the cause of moving everything over to the county, this would need to be passed at Thursday's meeting because the county has to put this word in November in order for them to discuss adding another group onto their IT. If this isn't passed this week, this would push this process out to next year. The Finance Director also has numbers available.
- **Finance Director Scott:** The contract that we are in is cloud-based, which is expensive for what we have. Their proposal is local server based. I have had some experience with this. We currently pay Evolve \$102,000 annually. By entering into this agreement, we would get better server support, better Wi-Fi, upgraded Microsoft 365 services, and a refresh of all City computers. This would still be considerably less than what we are paying Evolve. After year 1, and all the upgrades are completed, we would be saving up to \$80,000 annually.
- **Councilman Jarmuszkiewicz:** Aren't we in a contract with Evolve?
- **Finance Director Scott** confirmed.
- **Councilman Jarmuszkiewicz:** Is there a way to get out of it?
- **Mayor Hallum:** We are going to default on it.
- **Councilman Jarmuszkiewicz:** Is there a way to do that?
- **Law Director Lucas:** We are going to make an argument as a supporting basis, saying there is a failure of consideration in terms of the services that we've expected vis-à-vis the contract and what we have been getting. They have made a repeated effort to repair correct areas that we were having continuously month after month without success more often than not. We are going to leave this contract. If they want to pursue this further, the City will also pursue this further under our counter claim.
- **Councilman Jarmuszkiewicz:** Is there an early termination fee?
- **Law Director Lucas** confirmed that there was not.
- **Councilwoman Belich:** Are they aware that we are look elsewhere and have we had enough conversations with them to give them the opportunity to amend what needs to be fixed?

- **Law Director Lucas:** They are aware because the County IT contacted them because there needs to be a transition and they needed some information. I don't think anybody who is overseeing this on a consistent basis thinks that this could be fixed. They seem incapable of fixing issues that arise.
- **Mayor Hallum:** We have to give them permission to let the County access our information and hardware to look in and see what it will take to be able to support and transfer us. So they are aware from that perspective; there is only one reason you give people access. We have had issues since then that appear to be ongoing. The administrative assistant wasn't able to get into her hard drive. This was a back and forth problem. This is an issue that should not persist for even more than a couple hours. Problems ranged from email issues, hardware issues, hard drive issues, etc. The responses have not been great, and I don't think Evolve will be surprised that we are looking elsewhere.
- **Council Vice President Taylor Draper:** I have also heard from the administrative staff here about the unfortunate situation with Evolve being unresponsive. I believe that when you are doing business throughout the day, your IT has to work. It is hard to be efficient and effective when IT is down. My question with the new company is whether this is a per call basis or whether this is all inclusive of what the contract is?
- **Finance Director Scott:** The contract the way I understand it is multi-tiered. There is a subscription fee for the license for Office 365, a per PC charge, (They take all of their customers and they divide it out; it was \$188 per PC last year), there is also an hourly rate on 5 minute increments for any help desk related issues. The number of calls we have are minimal. I don't have the exact numbers for Police and Fire, but the billing for hourly charge is minimal.
- **Council Vice President Taylor Draper:** Have we talked to the County on whether they are happy with the services?
- **Finance Director Scott:** Police switched a couple of years ago, and they have nothing but good things to say. Fire is also extremely happy.
- **Councilwoman Belich:** When is the current contract set to expire?
- **Finance Director Scott:** It runs until this time next year.
- **Councilwoman Belich:** How long was the original contract?
- **Finance Director Scott:** It was a 3-year deal.
- **Councilwoman Belich:** Did it incrementally increase over the 3 years?
- **Finance Director Scott:** It's pretty flat, they just recently put in a slight price increase of a couple hundred dollars a month.
- **Councilwoman Belich:** Is there is a monthly cost to adding the Microsoft 365 license on our computers, or is this a monthly cost built into it that we will be paying?
- **Finance Director Scott:** It's an annual rate, currently it's around \$300. This would be an annual subscription.
- **Councilwoman Belich:** What is the added cost we will see saving \$80,000 per year?

- **Finance Director Scott** stated: We will still save money in year 1, I had the costs around \$65,000 for complete refresh. I put in \$10,000 for complete contingencies, so this would be \$75,000 versus \$102,000.
- **Councilman Jarmuszkiewicz**: Will this affect the email system?
- **Finance Director Scott**: It will, it does require a tweaking, but Police and Fire did it, so this transition is not difficult.
- **Councilman Jarmuszkiewicz**: When we set up our emails, we had to go through Evolve, now we will have to go through Lake County?
- **Finance Director Scott** confirmed.
- **Councilwoman Belich**: Would there be an hourly cost if they have to come out here and fix an issue?
- **Finance Director Scott**: They charge that same rate. We would end up paying for 25 minutes of travel time.

ORDINANCE 2024-053-FIRST READING

AN ORDINANCE AUTHORIZING THE APPROVAL OF THE UPDATED SOLID WASTE MANAGEMENT PLAN OF THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT.

- **Mayor Hallum**: In my 10 years here, I don't recall ever having this come in front of us. Now, they are wanting Councils to be aware of this and pass an Ordinance to that effect. This draft refers to how the County is going to handle our waste (garbage, recycling, composting, transferring of anything to another area of electronics). This is already in place, and they are going to continue to do that.
- **Council Vice President Taylor Draper**: Is there a summary?
- **Mayor Hallum**: This is funded by the commissioners. This is not something that we directly pay for. It's all handled through the cost that we pay to Republic since they have to pay to be able to dump things and recycle, and take care of garbage.
- **Law Director Lucas**: They already had a solid Waste Management plan in place, but it was reaching its shelf-life. The Ohio Revised Code, as referenced in the Ordinance itself under chapter 3734, requires updating through a committee for the waste management district. The committee was formed back in 2023, and back in September of 2024, they reached an amended plan that would go forward through 2025-2040. Under the Ohio Revised Code, once they have that plan in place on an updated basis, the State Statute also requires that all municipal corporations that are being serviced by this Lake County plan, including Willoughby Hills, have to approve it and send a certified copy back to the Solid Waste Commission. And then they will send this down to Columbus. This has been sent out to all the municipal corporations being serviced by the county with the exception of one that is serviced internally. We had 90 days from the date that we received this to pass this and get back to the County, which is why there is no Emergency Clause on this.
- **Councilwoman Belich**: Will this have to come back to be reviewed by the Councils of each City on a yearly basis?
- **Law Director Lucas**: No, the only reason it would come back would be if the County determines they would like a committee internally to review it again with potential new modifications. If this were to occur, it would come back.

- **Councilwoman Miller:** Are there any major things in the updated copy of it?
- **Law Director Lucas:** I haven't found any, but I think that's a fair question, but I don't have available the old plan, so if there is anything different, I will present it at a future meeting.

Discussion of motion to move forward on short-term rental legislation.

- **Councilwoman Miller:** We need to have a discussion to at least talk about it. Short-term rentals don't seem to be going away. I know that we are waiting for a decision from the courts. I have had a couple residents (young and old) speak to me and tell me that do not want to see short-term rentals in the City. I am someone who has made use of these rentals and is aware of some regulations that go with them including permits being displayed for their communities. This is a good discussion to have and perhaps we can regulate it more; some of these will continue to exist because they will be grandfathered.
- **Councilman Jarmuszkiewicz:** I agree we should have a discussion on it, I think we need to do something to define what short-term rentals are in our City (whether it's one day, one weekend, one week, a month, a year). There is no real distinction between short-term rentals and rentals. We should sit down and discuss what we define it as, and if we do have this in our City, whether we want it or not, what the rules will be. Also how we would control it with notifications, registration, and knowing who's coming and going, so we could know who is in the City. There should also be a limit to the amount of people that can stay at a certain house, parking, and the number of cars in a driveway. We need to discuss what we would accept and want in their neighborhood.
- **Council President Kline:** As of right now, short-term rentals, based on the Zoning Inspector and BZA are not allowed in the City. It is moving onto a court case. The question is, if we were to go forward with some type of legislation, it would not impact the court case going forward. But at the same time, depending on what the results are and what the court rules on (if we were to go forward now) an ordinance could be impacted by the decision. The Ordinance may be useless. Right now, the question is, not what the desire is in terms of allowing or not allowing long-term, but rather should we go forward with legislation this time or wait until the decision of the court?
- **Councilman Jarmuszkiewicz:** Have they figured out how long the ruling would take?
- **Council President Kline** Asked the Law Director to explain how long the process will take.
- **Law Director Lucas:** Right now, the City's required to submit a transcript of the BZA hearing to gather findings and conclusions of fact. So, we are going to try to submit that within the next 30 days. I have to attend a meeting, and all the exhibits introduced at the BZA meeting have to be marked. Second, the basis for the BZA to determine that the application for the variance request was denied is submitted to the court. Then, the appellant has 30 days to file their brief, assigning errors as to why the City was wrong in terms of their ruling with BZA. At that point in time, under the local rule, the Appellee (the City and BZA), has 15 days to file a brief in opposition for the decision of the BZA. Under the local rule, you have 10 days after that for the appellant to file a reply brief arguing as to why the City's brief was incorrect. The Court will look at this, and at this time, there is no request for an additional hearing. It's usually in the range of 90 days that a decision like this is made.
- **Councilman Jarmuszkiewicz:** So we are looking at about 180 days?
- **Law Director Lucas** confirmed.
- **Councilman Jarmuszkiewicz:** Can we put something in place based on which way it goes?

- **Law Director Lucas:** This would be a waste of valuable time doing it this way.
- **Councilman Jarmuszkiewicz:** How much further ahead would we be if they ruled to allow it, and we had the rules ready to enact right away?
- **Law Director Lucas:** If they say that short-term rentals are not allowed, then we would not have to do anything. Perhaps we could consider something I drafted a long time ago which was some form of registration short-term rentals. If Council wants to do this, that is fine.
- **Councilwoman Belich:** To be clear, we are talking about an Ordinance that would establish the “rules of the road” for short-term rentals, if they are deemed to be legal in the City, correct?
- **Law Director Lucas:** In terms of Regulations for short-term rentals, this could include the number of people allowed in a house, cars in a driveway, definition of what a short-term rental is, parking, etc. Historically, short-term rentals are defined as less than 30 days. Anything that is month to month or 30 days is generally a rental not a short-term rental. That would be a definitional purpose to discuss this further. There are municipalities that are requiring registrations each year for that purpose. A lot of these are large communities such as Cincinnati, Columbus, etc. Some consideration should be given as to the practical increase in labor. For registrations.
- **Councilwoman Belich:** Is there an advantage to having an Ordinance ready to go for when the ruling is decided? What would happen if there are homes up and running with short-term rentals and we establish an Ordinance during their use?
- **Law Director Lucas:** This gives more people the availability to participate in short-term rentals. If they were engaged in short-term rentals before any new ordinances were passes, they would be vested and you wouldn’t be able to eliminate it.
- **Councilwoman Belich:** If the court ruled in favor of short-term rentals, would anybody that is getting started with their short-term rental business fall under that ordinance assuming we have already passed it?
- **Law Director Lucas:** Every business that starts after the passage of the new ordinance is subject to that ordinance. Correspondently the decision by the trial court is going to be somewhat moot because the way we’re treating it in court is an all or nothing proposition. It’s not permitted and the reason it’s not is because it’s not specified and included in our codified ordinances. A new ordinance would be more regulatory rather than an absolute prohibition.
- **Council Vice President Taylor Draper:** It is necessary to move the conversation forward. A lot of people may not realize the things going on in their neighborhoods and what it is like to have a business running in a neighborhood, which is out of place. The conversation needs to continue.
- **Council President Kline:** Thursday, if the motion is passed, it will go forward into creating short-term rental legislation. The other decision Council must make is whether this will be together through the Business Subcommittee or perhaps a new committee. This could also be kept at the Working Committee level. After Thursday, if this goes forward, we have to discuss what level Council is going to address it.

Discussion motion to declare the following non-functioning electronics as surplus:

- **Sharp MX-4110N Multifunctional System Serial No. 2E004154**
- **Dell 19” Monitor 1907FPt**
- **HP LaserJet Printer 1320 Serial No. CNFC54D0RP**
- **HP Color LaserJet Printer CP1518ni Serial No. CNB0409016**

- **HP LaserJet Pro M225dw**
- **Kent KC-280 Vacuum**
- **Sharp MX-4110N Copier**

- **Councilman Jarmuszkiewicz:** Where are all these items from? (Office, Fire Department, Police Department)

- **Finance Director Scott responded:** They are downstairs in the storage room. I don't know where they initially came from, they have been here since I have been here.

- **Councilman Jarmuszkiewicz:** If they have ever been used.

- **Finance Director Scott responded:** They have been used, a lot of it is very old.

Discussion of News Herald Notices

- **Council President Kline:** I have been informed that there has been a law passed at the State level regarding publications of meetings. Right now, all our meetings are published in the News Herald and we pay for them. It could save the City money if the notifications could be done through our website.

- **Law Director Lucas:** I am not aware that there was legislation on that. However, independent of that, it's been brought up by yourself and also by the Clerk, if we can do that even in the absence of a new bill. I will continue to look into this for Thursday.

- **Mayor Hallum:** There will be other places that residents can be notified about the meetings. The notifications would not only be on the website, but also on Facebook and in the News Herald. We try to be as transparent as possible.

Discussion of Multi-Purpose Trail Engineering Firm

- **Mayor Hallum:** What I am sending down is an estimate from the engineering firm that we hired to look at to continue the multi-purpose trail down 91. I would like to get an Ordinance to Council to approve this so we could start engineering and potentially go forward with a grant that would extend the multi-purpose trail connected to the parks. In addition, this would add a bit of sidewalk that would continue from the multipurpose trail to the corner of 91, making it more traversable. It would also give residents better access to the businesses at 6 and 91. This would go through the backside of the senior apartments, the shred buildings, Saint Noel and Roemisch Fields back over to the park. This is all part of the strategic plan to connect the parks, and the estimate is \$36,000 to do this. I don't want to delay this because the grant has to be submitted by March.

- **Councilman Jarmuszkiewicz:** Is this looking at extending an all-purpose trail that is already in the park?

- **Mayor Hallum:** This would continue this multi-purpose trail on the east side of 91, (The parks would have to do their portion) and then we would use the grant to continue on into our area, all the way down to the Chagrin North building area. There would then be a second safety grant given by ODOT which would then continue the sidewalks to the corner of 6 and 91.

- **Councilwoman Belich:** Who is responsible for maintaining the multi-purpose path and the sidewalk?

- **Mayor Hallum:** It would be the responsibility of the properties that it is on. As far as the multipurpose trail, we would ultimately be responsible for maintain this.

- **Law Director Lucas:** The property owners would be responsible. I would have to looks at the Willoughby Hills Ordinance, we just did this with Willoughby for commercial properties.

- **Mayor Hallum:** We would probably do this as well so that property owner could maintain that section.
- **Council President Kline:** This letter states that the Metro parks have not been brought in for their support on this.
- **Mayor Hallum:** That is correct, this is part of the conversation.
- **Council President Kline:** What would happen if we wanted to move forward with this and the Metro Parks did not?
- **Mayor Hallum:** We would still move forward with this, there would be a section from Mayfield village to the park that wouldn't be paved. It would look pretty silly to not have that section paved, especially with the amount of money Lake County gives to the parks. Last year, the City did not receive senior funding because the parks did.
- **Councilwoman Miller:** Is this Lake Metro Parks getting money from our County? This is Cleveland Metro Parks here.
- **Mayor Hallum:** This is true, but I would imagine Cleveland Metro Parks also gets funding from the senior funding in general. I believe this trail would be used by our seniors.
- **Council Vice President Taylor Draper:** This was part of the Master Plan. The developers and business owners thought it would be a good opportunity to use the space that we have to not only help our residents but also bring other people in who would make use of our businesses. I am glad to see this coming to fruition.
- **Mayor Hallum:** I have had some initial conversations with businesses that would need easements, and they have been very supportive and are looking forward to having more people going past their business. These businesses have said that this would not use their property or parking spaces, but it would benefit them. Seniors would now have a path way to safely walk over, especially because there is now a Cleveland Clinic over there. Saint Noel was also excited about this. There is one more group I still need to talk to. Assuming this is passed, we can move forward and I can sit down with them and show them what it's going to look like based on these drawings.

PUBLIC PORTION : (Audio 51:04)

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

- Public Portion opened at 6:52 p.m.
- **Jenna Bing 36951 Beech Hills Drive:** I am glad you are doing the fireworks ordinance; I had a recommendation though. When I read it, it said the \$150 fine occurs when you do it within a year also after that. Can it be made so that it is a year and a week? A lot people will do fireworks on their birthday and they celebrate it on weekends and consequently, they would potentially miss having this done twice where they are realizing we are serious about it. You are now going to get another ticket that costs you more money. So to have that a little longer than one year would be beneficial. I think some people are not worried about taking the hit of \$150 dollars once a year. If you ratchet it up, you would catch it within a time period that makes sense. I was very surprised that the letter was written in July by Chief Naegele. The one that we have to hurry on with the IT, which sounds great, came in mid-September and now we are on October 21. Now, you have an Ordinance coming in now and this will be approved on Thursday. I am confused on how long these things take.
- I am very pleased that you all are thinking about the worst case happening with Airbnb's being allowed, and that you will have an ordinance that is written and ready to go. Honestly, this takes a long time. You

all do a good job, but it takes a long time, such as with the sign ordinance. Having those discussions now and having everything ready make tremendous amount of sense because it takes a long time.

- I have one question in regards to the Airbnb's. Is there a way that you can also build into that there is no grandfathering in? Because if we lose this court case and you put an ordinance in, they are going to be living in that area with Airbnb forever in a day. As this discussion happens, I think that would be worthwhile because there is still allowed to be an Airbnb right now. They have another 6 months of living with this, and then potentially forever unless there is a way to do it so that it's not grandfathering in.
- Public Portion closed at 6:56 p.m.
- **Councilwoman Belich:** Could we have a comment from the Law Director about grandfathering and how that would work?
- **Law Director Lucas:** It would be grandfathered in regardless of what we do in the future, and you can't retroactively regulate backwards. They have a vested property right, its already established and it would be committing an unconstitutional act to grandfather it.
- **Councilman Jarmuszkiewicz:** How would the decision of the court case affect them if at all?
- **Law Director Lucas:** We are taking the position short-term rentals are prohibited. If we are successful, by court order, they shouldn't have been doing that and they have to stop. We would have a court order to enforce it. On the other hand, if the court determines that we are incorrect on how we are interpreting this, we can modify that by any subsequent legislation, notwithstanding the language, which would not be legally permissible to have it apply retroactively.
- **Councilman Jarmuszkiewicz:** If we were ruled against and had to allow it, and they were grandfathered in, they wouldn't have to follow any new rules we set for it including registrations and restrictions?
- **Law Director Lucas** confirmed.
- **Councilman Jarmuszkiewicz:** They are not bound by any new ordinances?
- **Law Director Lucas:** No.
- **Councilman Jarmuszkiewicz:** So we pretty much need to count on the court case to stop it?
- **Law Director Lucas** confirmed.

LEGISLATION: (Audio 58:06)

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

ADJOURNMENT: (Audio 58:30)

The meeting was adjourned the meeting at 7:00 p.m.

APPROVED: NOVEMBER 14, 2024
Date



Michael Kline
President of Council

ATTEST: 

Nicholas Aiello
Clerk of Council