
Working Committee of Council and Rules & Legislation Meeting

Minutes of October 7, 2024

Working Committee of Council and Rules & Legislation Meeting was called to order on October 7, 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: 0:12)

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

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

Absent: City Engineer Pete DiFranco, Councilman Knecht

BEGINNING DISPOSITION: (Audio 0:43)

LEGISLATION:

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.

- No comments were made.

ORDINANCE 2024-048-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.

- **Councilwoman Miller** asked what this looked like in relation to the same fees that were charged in the past to what is being charged this year.
- **Finance Director Scott** responded saying the cost of the Police contract increased from \$306,000 to \$318,000, Fire is increasing from \$76,800 to \$79,800, and the FSA in increasing from \$2,949 to \$4,000

- **Councilwoman Belich** stated that the upcharge was 2 percent for the new year. She asked if this is something that is standard and would be expected among other cities.
- **Finance Director Scott** stated that in his limited time here it was a gradual percentage each year and a CPI adjustment as well.
- **Councilwoman Belich** followed up asking if other communities this year would have the same increase.
- **Finance Director Scott** confirmed.
- **Mayor Hallum** stated that for the sake of clarity, Ordinance 2024-048 should have “Police Department” in the caption similar to how Ordinance 2024-049 has “Fire Department.”
- **Law Director Lucas** agreed to make this amendment.
- **Council President Kline** stated that in the memo regarding this, it states the projection for 2025 includes 4 percent CPI. He stated that this is a maximum of 4 percent and asked if that is what is included in this number.
- **Finance Director Scott** responded he could not make the math work using 2%, but he is confident the math is correct and Matt’s numbers are correct.
- **Mayor Hallum** stated that the CPI will not exceed 4 percent.

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.

- No comments were made.

ORDINANCE 2024-050-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.

- **Council Vice President Taylor Draper** asked why they did not amend Ordinance 2023-039 and why they chose to create a new Ordinance just for the addition of an extra caption.
- **Law Director Lucas** responded saying they had added more than a caption. They expanded the nullification within section 1111.02. This was limited to residential developments, which was reviewed and ultimately amended due to misunderstandings of the intention and interpretation. Chapter 1111.02 discussing Development Plan and Review has multiple residential districts and also has multiple commercial districts. He did not want to have an issue where they had an ordinance that just pertained to residential and commercial, because there would be confusion about different zoning classifications of residential and commercial areas. This is all encompassing regarding the development plan review process in terms of all the uses. Codified Ordinance 1111.02 states what uses are specifically permitted for sign notification. He rather have more information in the Ordinance than not enough to avoid future misunderstandings.

- **Council President Kline** asked about the Dollar General development and if this was still in the working state?
- **Council Vice President Taylor Draper** stated that the working meeting for Dollar General was rescheduled. It will no longer take place Thursday, October 17; it will be on November 7. This was a decision of the committee
- **Council President Kline** asked whether they would want this Ordinance passed as quickly as possible based on the concern in the past.
- **Council Vice President Taylor Draper** confirmed that she would like to see the Third Reading waived so that residents can be informed about this issue.

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.

- **Councilwoman Belich** stated originally when this Ordinance was being put together, the Police Department had considered multiple options for repercussions, one being arrest. It now seems this is being backed off on. She asked to hear his thoughts regarding why he is changing this. She wanted to know if this was being compared to other neighboring communities, or what the reason was for this change.
- **Law Director Lucas** stated the penalty under 1511.99 originally had a first-degree misdemeanor and a second offense was a third degree felony, which is a big deal. Police Chief Naegele wanted to see how it would operate writing a ticket for a first-degree minor misdemeanor. He stated if an individual was lighting off fireworks in their yard, if it's a first degree misdemeanor, they would have to go through the court procedure. Whereas, the way this is drafted right now, is similar to a traffic citation where the individual can simply pay their citation. Part of this is for the enforcement aspect to see how this works in terms of doubling down on this rule. There is still a provision dealing with a first-degree misdemeanor, but the distinction is the minor misdemeanor component of the penalty is more for the individual shooting off fireworks in their yard. The first-degree misdemeanor deals with people that are allowed to shoot off fireworks under 1511. Most communities generally have degrees of misdemeanors related to this issue. Many of these are works in progress because of the opt-out provision in 2022. They were working with the state to see if fireworks can be permitted under 3744 of the Ohio Revised Code. Willoughby Hills opted out and prohibited fireworks unless it is a commercial activity that is approved by the City. He emphasized that this is still a work in progress.
- **Mayor Hallum** stated that he was told by Police Chief Naegele that they wanted flexibility depending on the situation and how to handle it as opposed to sending residents to jail. This is handled similarly by the neighboring communities as well.
- **Councilwoman Belich** asked, then, if there would be more than just the 2 options: categorizing this as a minor misdemeanor similar to a traffic ticket versus an arrest opportunity. She noted that when residents who have a permit to set off fireworks are doing so, this is considered a commercial activity. She asked about the difference going from writing a ticket to a resident versus arresting them, as this seems like a big jump.
- **Mayor Hallum** stated this is about flexibility because, as of the current standing, they only have 2 options. The police can say we have already been here once, so now we are arresting you.
- **Councilwoman Belich** asked how this will work. She asked if this is a matter of hierarchy where the police would come and each time the punishment would be made more severe. She asked if this

would implement a first, second, and third offense system. She wanted to know how this could evolve from simply giving a ticket to placing an arrest.

- **Mayor Hallum** responded saying they would issue a warning first, and then they would come back, issue a ticket and confiscate fireworks. This is about the flexibility to give residents the chance to do the right thing once they have been notified. Compliance with the law is the ultimate goal. If this could be done with lesser means, this is preferable.
- **Councilwoman Belich** stated that in 2023, someone displayed fireworks in their yard, and then did it again the following year. She asked how this escalation would work according to this new Ordinance.
- **Mayor Hallum** responded saying that would be off discretion.
- **Law Director Lucas** responded saying she is referring to an acceleration of a minor misdemeanor to a fourth, third, second and first offense. This is for the discussion of Council. He stated that there are some accelerations in misdemeanor degrees in criminal ordinances so this is not unprecedented. The police themselves do not have the discretion to raise this from a minor misdemeanor to a fourth degree misdemeanor or a third degree; it is only if this is in the penalty division of the chapter 1511.
- **Councilwoman Belich** asked if the new language of the Ordinance would take into consideration the latter affect, which would escalate the misdemeanors to higher degrees.
- **Law Director Lucas** responded saying no as this is just a first draft. They wanted Council to weigh in. This was put out the way the Police Chief envisioned it.
- **Councilwoman Belich** noted there were other communities listed including Mayfield Village and Willoughby. She asked if they had that “latter effect” based on how many times this has occurred.
- **Law Director Lucas** responded saying no, but the Willoughby Ordinance is a little more streamlined, but it does not have this as a minor misdemeanor. Mayfield Village also does not have this.
- **Councilman Jarmuszkiewicz** asked for the record of how many citations and warnings were issued last year.
- **Mayor Hallum** responded that he could provide this information at a later time.
- **Councilman Jarmuszkiewicz** stated it would be interested to see this. He stated that it wouldn’t matter if they changed this law if the rules are not being enforced.
- **Mayor Hallum** cautioned Council that the more specific language used in a law the harder it is to apply elsewhere. He urged them to listen to the advice of the Police Chief and law enforcement agents. They wanted to see how this Ordinance would change things, and were open to modifying it if necessary.
- **Councilman Jarmuszkiewicz** asked if the City keeps track of verbal warnings.
- **Mayor Hallum** responded he was unsure, but if there is no report written then there is no tracking.
- **Councilman Jarmuszkiewicz** wanted clarification and asked if an officer called and gave a verbal warning, whether they would keep track of this.
- **Mayor Hallum** responded that they would not, as if it’s just a warning.
- **Councilman Jarmuszkiewicz** asked how the police would know to give tickets following a warning if they do not keep track of warnings.

- **Mayor Hallum** clarified that this Ordinance would permit the police to give residents a ticket and determine what comes next, whereas how it stands now, following a ticket the resident would be arrested on the next offense if caught setting off fireworks again.
- **Councilman Jarmuszkiewicz** asked if they would get another written ticket.
- **Mayor Hallum** confirmed, but it may be more serious and require municipal court.
- **Law Director Lucas** confirmed.
- **Councilwoman Belich** stated that she agreed that verbal warnings were the right way to start when it comes to addressing this issue. She took concern over the fact that warnings are not documented.
- **Mayor Hallum** stated the officers were on 12-hour shifts, so it could very well be the same officer being called back if it's happening a second time during the same night. He stated that the Police Chief would have more details and he could reach out to him to see if he would be available for Thursday's meeting.

DISCUSSION OF MOTION 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 MANNAT INC. DBA 7 ELEVEN STORE 36233B 2865 BISHOP ROAD WILLOUGHBY HILLS, OH, 44094.

- **Council Vice President Taylor Draper** asked if this was a new license.
- **Council President Kline** said he assumed this was a renewal.
- **Mayor Hallum** asked if the Council Clerk had the letter.
- **Council Clerk Nicholas Aiello** stated that the letter was in the Office.
- **Mayor Hallum** stated that he assumed it was a renewal but he did not see it.
- **Councilwoman Belich** and **Councilwoman Miller** also requested to see the license.
- **Mayor Hallum** stated there has been a new owner there for a couple years, but did not recall how often these should be renewed.
- **Mayor Hallum** asked if this went out to the Police Department, Fire Department, and Law Department, and if any responses came through.
- **Council Clerk Nicholas Aiello** stated that this went out to the Police Department and Fire Department and heard back from Police Chief Naegele.
- **Councilwoman Belich** asked if they should wait to hear back from the Police Department and Fire Department to hear if this is a renewal and if they feel confident about this.
- **Council President Kline** asked if any responses came back.
- **Council Clerk Nicholas Aiello** replied he received a response from Police Chief Naegele and there were no issues.
- **Council President Kline** asked the Council Clerk to email this out to Council as soon as possible.

- **Council Clerk Nicholas Aiello** confirmed.

PUBLIC PORTION 2: (Audio 31:05)

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

- Public Portion opened at 6:31 p.m.
- **Frank Cihula 35060 Dixon Road:** Ordinance 2024-050, because it's amended to chapter 1111, even though it references the sign code, I don't see where it requires the owner of that property to pay for that sign. My question is who is going to pay for that sign?
- **Law Director Lucas** responded saying the owner will pay for it.
- **Frank Cihula** asked if this was stated anywhere.
- **Law Director Lucas** responded saying this was included in the Ordinance.
- **Councilwoman Belich** asked Law Director Lucas to point this out for him.
- **Vice President Taylor Draper** stated that this could be found in the section of the Ordinance that reads, "a temporary freestanding sign shall be installed by the applicant and located if practical no closer..." She clarified that this could be found on paragraph 2.
- Public Portion closed at 6:34 p.m.
- **Councilwoman Belich** stated that the Ordinance read that the sign should be installed by the applicant, but did not specifically say "installed and paid for" by the applicant.
- **Mayor Hallum** agreed that the wording should be changed to clarify this confusion in paragraph 1.
- **Vice President Taylor Draper** asked if an emergency clause should be attached to this Ordinance.
- **Law Director Lucas** responded saying this could be done if it was the wish of Council.

LEGISLATION: (Audio 36:50)

- **Vice President Taylor Draper** noted that there was a type on her Exhibit B that read "2023-039" rather than "2024-048" This pertained to the agreement for the Police and Fire Dispatch service.
- **Council Clerk Nicholas Aiello** stated that he may have handed out this copy before correcting the number on the Exhibit.
- **Law Director Lucas** responded saying that Exhibit A, which was the Police memorandum, pertained to both Ordinance 2024-048 and Ordinance 2024-049.
- **Mayor Hallum** mentioned that the new Ordinances had "Chris Hallum" written rather than "Christopher Hallum" and asked if this could be changed.
- **Finance Director Scott** clarified that the Ordinance pertaining to the Lake County Dispatch adjustment is 2 percent less CPI not to exceed 4 percent.

ADJOURNMENT: (Audio 41:45)

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

The meeting was adjourned the meeting at 6:42 p.m.

APPROVED: OCTOBER 24, 2024
Date


Michael Kline
President of Council

ATTEST: 
Nicholas Aiello
Clerk of Council