

President of Council
MICHAEL KLINE

Vice President of Council
TANYA TAYLOR DRAPER

Council Clerk Pro Tem
NICHOLAS AIELLO

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

City of Willoughby Hills

Working Committee of Council and Rules & Legislation

Minutes of December 9, 2024

The Working Committee of Council and Rules & Legislation was called to order on December 9, 2024 at 6:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 6:00 p.m. (0:08)

ROLL CALL (Audio: 0:12)

Members Present: Councilwoman Vicki Miller, Councilwoman Kathleen Sivo, Council Vice President Tanya Taylor Draper, Councilman Jarmuszkiewicz, Council President Michael Kline, and Councilman Dan Knecht

Also Present: Mayor Hallum and Law Director Michael C. Lucas

Absent: Julie A. Belich, Finance Director Bruce Scott, and City Engineer DiFranco

BEGINNING DISPOSITION: (Audio 0:43)

LEGISLATION:

ORDINANCE 2024-051-AMENDED-THIRD 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:** I will open this to Council for any questions. The Council Clerk did send out emails to everyone on Council asking them if they had any additional questions or modifications for the Police Chief.
- **Councilwoman Miller:** There are sections marked "A" and "B." What are these both referring to as they read slightly different?
- **Law Director Lucas:** Subparagraph "A" refers to commercial firework displays, whereas subparagraph "B", which is a lessor, minor misdemeanor, refers to fireworks being discharged by residents.

ORDINANCE 2024-053-THIRD READING

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

- **Council President Kline:** This is on Third Reading and there was a 90-day deadline for response to this which went out in October. Technically, this does not require a response until early to mid-January but it is on Third Reading.
- **Council Vice President Taylor Draper:** This is in no way relinquishes any of our rights (regarding any fees, dollar amounts, etc.) correct? This doesn't change anything with us does it?
- **Law Director Lucas:** This does not, it has no impact whatsoever from any monetary standpoint in terms of the City of Willoughby Hills itself. It's really to provide procedural staff to have this submitted to the State of Ohio through this committee. That is the function of the Ordinance itself.

ORDINANCE 2024-056 FIRST READING

AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2025 THROUGH MARCH 31, 2025; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH AND DECLARING AN EMERGENCY.

- **Council President Kline:** The Finance Director did have a comment on this. He stated he is requesting Council waive the Three Reading Rule, as we are required to adopt temporary appropriations until permanent appropriations are passed no later than March 31, 2025. He needs to have the temporary appropriation submitted to the Council before December 31, 2024. The numbers in the temporary appropriations are consistent with prior years. In addition, these are based on the permanent appropriations that have been submitted as Ordinance 2024-070.

ORDINANCE 2024-060- FIRST READING

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR PROFESSIONAL SERVICES PROVIDED BY RICHARD L. BOWEN + ASSOCIATES INC. FOR DESIGN COORDINATION OF THE 2025 PAVEMENT MARKINGS PROGRAM AND DECLARING AN EMERGENCY.

- **Council President Kline:** The Finance Director also commented on this. He said the amount proposed for the 2025 Pavement-Marking program and associated engineering fees are consistent with what he has included in the proposed 2025 budget.
- **Mayor Hallum:** These are the kinds of things that we would appreciate quick approval on so we can get on their schedule. It would be best for the City to get these done in a timely matter because schedules tend to fill up. When we do this, we want to make sure we are on their calendar.

ORDINANCE 2024-061- FIRST READING

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF ENGINEERING FEES ASSOCIATED WITH THE 2025 SEWER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.

- **Council President Kline:** The Finance Director also commented on this. He said the amount proposed for the 2025 Sewer Rehabilitation program and associated engineering fees are

consistent with what he has included and will have included in the proposed 2025 budget.

- **Mayor Hallum:** We also ask for consideration be given to passing this so that we can get this to move forward and make sure we are on their schedule to get our sewers taken care of.

ORDINANCE 2024-062- FIRST READING

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND AMERICAN FEDERATION OF STATE, LOCAL AND MUNICIPAL EMPLOYEES LOCAL 3058-2 AND OHIO COUNCIL 8, AFL-CIO; SPECIFICALLY, ARTICLE 14 VACATIONS, PARAGRAPH 14.03, AND INCLUDE THE ALLOWANCE OF PRORATED ACCRUED VACATION TIME UNDER CERTAIN CONDITIONS UPON THE EVENT OF TERMINATION, AND DECLARING AN EMERGENCY.

- **Law Director Lucas:** This Ordinance, in particular, inserts a sentence that was inadvertently left out of the collective bargaining agreement under 14.03. We agreed to it, it was a tentative agreement. We must have missed it when we were reformatting the Collective Bargaining agreement. The sentence that was missed under 14.03 is actually the third sentence that begins, “ In the event of termination of employment with the employer, for any reason except disciplinary and discharge, each such employee shall be entitled to their accrued vacation time on a prorated basis provided the employee has at least one year of service.” This was something that slipped by and was unequivocally agreed to through clerical inadvertence. I would ask, since this goes back to the timeframe of the current Collective Bargaining agreement in January of 2023 that this be passed as an emergency measure.

ORDINANCE 2024-063- FIRST READING

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF ENGINEERING FEES ASSOCIATED WITH THE 2025 STREET REHABILITATION PROGRAM SPECIFICALLY FOR PAVEMENT REHABILITATION OF DODD’S HILL ROAD AND GLEN KYLE LANE AND DECLARING AN EMERGENCY.

- **Council President Kline:** The Finance Director also commented on this Ordinance. There is a small discrepancy between the proposed 2025 budget and the numbers in the Bowen proposal. The scope of the project decreased slightly and he failed to make the change on the budget. He will need to reduce the budget by approximately \$14,000, which will result in a higher estimated ending balance for the road levy fund number 270.
- **Mayor Hallum:** We would appreciate your help passing this so we can get on your schedule and keep this moving.

ORDINANCE 2024-064- FIRST READING

AN ORDINANCE PLACING THE MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF WILLOUGHBY HILLS FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

- **Law Director Lucas:** This was discussed at the last Council Work Session and at the Committee that is dealing with the short-term rental situation. One of the points of discussion was keeping the status quo until our regulations are in place. Councilman Joe Jarmuszkiewicz reminded me of this, which is why this moratorium was drafted. I also had extensive discussions about this with the Committee Chairperson, Julie Belich, and Joe has provided me with some comments as well. In my view, as the Law Director, this is a good idea. It provides

enough time for Council to ultimately make a determination on the direction it wants to take with short-term rentals. It should not be construed, as either a negative or positive statement regarding short-term rentals, as the Whereas Clause indicates. We are trying to find a way to regulate this independently of the court decision. What it does is prevent grandfathering clauses from being applied at a later time. It is only authorized for 180 days, which is the maximum amount of time that is permitted for the moratorium to be in place. If City proceeds forward, hypothetically within 90 days, they have regulations in place to pass amendments to the Codified Ordinances. Obviously, the moratorium would be ended then. I believe, for the reasons I just mentioned, and to allow sufficient time without additional short-term rentals being established in the interim, that we should pass this as an emergency measure.

- **Mayor Hallum:** I believe that Councilwoman Sivo is the Chairperson for the Business Subcommittee.
- **Councilwoman Sivo:** I am the Chairperson for the Business Subcommittee, but I dubbed Councilwoman Julie Belich the Chairperson for dealing with Short Term Rentals.
- **Councilman Knecht:** The Committee appreciates all the input that was given to us by all the residents and Council members and we would appreciate support on this for Thursday.
- **Councilwoman Miller:** Is this moratorium being put in place to stop new ones from coming in? What about the ones that are already operating? Do we know who they are and is it going to monitor if new things pop up?
- **Law Director Lucas:** It has no effect on short-term rentals that are being operated on at the present time. It only has an effect prospectively forward as to any of them that come into fruition during the moratorium period itself. It provides a penalty. Secondly, we are not an all-omnipresent figure that is able to define when a short-term rental comes into play. What I indicated to her in that discussion point is that it could be that we never defined it. If we do, perhaps generated by complaints from the residents in the neighborhood, one of the things we would be looking at to determine whether it began in the moratorium period, which is not lawful, would be to have to ask neighbors for potential business records to see when revenue was generated. We might have to subpoena them. This would help clarify finality of when it was in effect.

ORDINANCE 2024-065- FIRST READING

AN ORDINANCE AUTHORIZING THE REPEAL OF CODIFIED ORDINANCE SECTION 715.03 CAPTIONED "APPLICATION FOR LICENSE BY ALARM BUSINESSES," AND DECLARING AN EMERGENCY.

- **Law Director Lucas:** With reference to Ordinance 2024-065, this was based on fairly extensive discussions with Chief Naegele during the administrative directors meetings. The reason for this is that, as you see from the first Whereas Clause, this was originally put into effect in 1998. In summary, what was appropriate, in existence, and in play in 1998 has gone by the wayside with the modernization of alarm systems. This is taken into consideration together with the fact that we (the City and Police Department) no longer handle our own dispatch services (which basically enabled tracking on behalf of the City systems). The Chief has indicated that we should repeal that and immediately following, its companion which is Ordinance 2024-066. They are both revolving around the alarm systems.

- **Council Vice President Taylor Draper:** What was happening, what is the current status?
- **Law Director Lucas:** By the current status, do you mean from the time it originally went into effect?
- **Council Vice President Taylor Draper:** Right, what are they trying to repeal?
- **Law Director Lucas:** When there used to be an alarm, hypothetically, let's say at Chick-Fila-A. The alarm would go off and the City, through its dispatch center, would be able to record the alarm system itself as part of their logging in of the alarm call that was sent. That helped identify, number one, the alarm systems within the City of Willoughby and number two, with the reference to the next Ordinance, the annual business license fees that should be charged for that alarm system. Now, what has totally changed (this is not just a recent occurrence) is that the City does not have a dispatch system anymore, it is with the County. Therefore, the mechanism of our own dispatch system (receiving an alarm call and logging in what the alarm system is) is no longer able to be done as a practical matter. This is because we don't have a dispatch system anymore, it goes right to the County. That is the first point that makes it obsolete to some extent. The second point is that the ability to change alarm systems as opposed to 1998 can be done instantaneously. As a result of this, you would get a call in, (hypothetically from Chick-Fil-A) and you have their alarm system, and then the next day they decide to change the new alarm system, which you can do very quickly. Then we have an old methodology of tracking the alarms and effect in the City to the point where the Police Chief finds it virtually impossible for the Police Department to know at any given time which alarm companies may or may not be actively operating in the City. If you don't have that ability it renders, as a matter of practicality, that you can't deal with applications or licensing fees in general under these two Ordinances.
- **Council Vice President Taylor Draper:** This used to be our responsibility to respond to our calls. Was this a part of the calls that came in?
- **Law Director Lucas:** Yes. The County receiving the alarm call would contact the City Police Department. In that event, the City would still respond. This is just a question of tracking the genesis of the call from the alarm system in affect at that time.
- **Council President Kline:** I did speak to Chief Naegele about this and asked him, from his standpoint, if a lot of alarm companies come to the City to register to do business. He said that currently, the numbers are so low that he could only remember one alarm company's representative in the last year, contacting the City to inquire about registration. With the evolution of the alarm companies themselves, they are not seeking any type of coordination with the City.

ORDINANCE 2024-066- FIRST READING

AN ORDINANCE AUTHORIZING THE REPEAL OF CODIFIED ORDINANCE SECTION 715.05 CAPTIONED "ANNUAL BUSINESS LICENSE; FEE; PENALTY FOR NONRENEWAL; NEW LICENSES," AND DECLARING AN EMERGENCY.

- **Council President Kline:** This is a sister Ordinance to Ordinance 2024-065.

ORDINANCE 2024-067- FIRST READING

AN ORDINANCE AMENDING PART 3-TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, CHAPTER 315 CAPTIONED “OFFICER-OPERATED HANDHELD TRAFFIC LAW ENFORCEMENT DEVICE,” SPECIFICALLY, SECTION 315.05 TITLED “CIVIL PENALTIES,” AND DECLARING AN EMERGENCY.

- **Council President Kline:** There is a sister Ordinance with this one, which is Ordinance 2024-068. In addition, Resolution 2024-026 also impacts this with an agreement.
- **Law Director Lucas:** Ordinance 2024-067 and Ordinance 2024-068 both deal with speed and traffic enforcement program penalties, as well as the officer operated handheld traffic law enforcement device. The primary purpose of the two paragraphs that have been added are under (E) and (F) of 315.05. The reason they were added is two-fold. The first reason is to define with uniformity the penalties between those that were officer operated handheld traffic law devices and just the automated speed and traffic enforcement program on the second Ordinance. They were somewhat inconsistent when dealing with when the payment was due, and they are now consistent. The second reason is the provision of the penalties for violation under both of those programs are now consistent. The last reason for passing these is to provide a follow-up. We are going to be doing a collection agreement with a municipal service that provides collection of fines of the delinquent. We wanted to have consistency there, as well as consistency with Jenoptik itself, which is what these two accomplish.

ORDINANCE 2024-068- FIRST READING

AN ORDINANCE AMENDING PART 3-TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, CHAPTER 317 CAPTIONED “AUTOMATED SPEED AND TRAFFIC ENFORCEMENT PROGRAM,” SECTION 317.07 “CIVIL PENALTIES,” AND DECLARING AN EMERGENCY.

- **Councilman Jarmuszkiewicz:** Are there any urgencies to getting this passed or can this be read three times?
- **Law Director Lucas:** The urgency in getting this passed would be to immediately send out penalties that have not yet been paid to the collection agency itself, who weighed in in terms of the need to have some consistency regarding these. This is in part because there is a provision within the agreement regarding the City that if it is not paid within a certain time frame, the City automatically assess an administrative 35% of the outstanding fine. We don't want to wait on that. We want to get that over and have our collection agency do what they have indicated they want to do, which is collect the fines. This is the urgency.
- **Mayor Hallum:** If you do not pay your fine within 30 days, there is a \$25 late fee attached to it. If you continue to not pay, and 120 days goes by without paying, then this will be subject to a 35% additional fee and sent to collections. The purpose of this is to change people's habits. If they were speeding, they have to pay the fine, even though some municipalities might let this go. This may make people change their habits to drive safer in the City. The sooner we get this in place, the less backlog we will have to get caught up on. We have already got almost a years' worth of people who've violated, and some percentage of them that have not paid. We need to start getting caught up on this so that next year we do not have a lot to get caught up on.
- **Councilman Jarmuszkiewicz:** Will this new Ordinance take effect immediately if they are at 120 days? Will they get charged 25% or 35% or will it start with 30 days?

- **Law Director Lucas:** It starts from when the traffic ticket is issued, and the fees are consistent with that.
- **Mayor Hallum:** The late fee was already in there so that's not new, they have already charged that. I think his question was for those that got tickets and this 120-day portion was not in our Ordinances, does that clock start ticking at the time they received the ticket or does this start as of the Ordinance passage?
- **Law Director Lucas:** I would argue it would be when they receive the ticket.
- **Mayor Hallum:** They are aware that they owe it. It is like anything else if you don't pay. You could end up going to collections if you don't pay your bills.
- **Law Director Lucas:** Non-payment should never be an excuse for not paying and having interest or penalty interest. You don't have clean hands when you do that.
- **Council President Kline:** Does this pertain to all the unpaid tickets now, or just new tickets being issued once this Ordinance has passed?
- **Law Director Lucas:** It is my position that this will apply to all outstanding fines and penalties as well. These tickets are civil penalties not criminal penalties.

ORDINANCE 2024-069- FIRST READING

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2024-005 AMENDED TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

- **Council President Kline:** The Finance Director also commented on this Ordinance. He is requesting that Council wave the Three Reading Rule to allow him to make the needed appropriation adjustments to the 2024 appropriations to keep the City in compliance. The memo submitted with Ordinance 2024-069 goes into detail as to what changes are needed to close out 2024. The final appropriation also needs to be submitted to the County by year-end.

ORDINANCE 2024-070- FIRST READING

AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1ST THROUGH DECEMBER 31ST OF 2025; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

- **Council President Kline:** The Finance Director also commented on this Ordinance. He stated that this is merely the submission of the final appropriations budget for 2025. I will be putting together the detailed budget book this week for Council's review, and I will also have a copy available at City Hall for the public to review. Nothing further is needed at this time, so the Ordinance can remain on First Reading.
- **Councilman Jarmuszkiewicz:** Going back to Ordinance 2024-069, what is the adjustment made about the amount?
- **Mayor Hallum:** It is a \$200,000 increase in the appropriations.

- **Councilman Jarmuszkiewicz:** Will this affect the budget and will it still be a positive balance through the year?
- **Mayor Hallum:** It is not going to effect it.
- **Councilman Jarmuszkiewicz:** Does that come out of the General Fund?
- **Mayor Hallum:** This has to do with the photo enforcement program, so we are basically moving funds around, but this type of movement requires Council approval.
- **Councilman Jarmuszkiewicz:** So we have to pay a percentage of money out?
- **Mayor Hallum:** Yes, because more was taken in than was budgeted. Therefore, we have to pay Jenoptik more. Revenue came in higher but also expenses have to go in higher. We need Council to approve that additional amount that we had pay Jenoptik because of the increased revenue.
- **Council Vice President Taylor Draper:** That is disappointing to hear.
- **Mayor Hallum:** It is unfortunate. However, I did hear from the Chief that last he checked there was about a 5% reduction in speeding on the highway. I hope that will continue to grow and people are getting the message and realizing when they come through the City they need to slow down. Hopefully, this will translate into less traffic accidents and less fatalities on our section of the highway. And hopefully there is less danger to our officers and to our first responders.

ORDINANCE 2024-071-FIRST READING

AN ORDINANCE ESTABLISHING THE COMPENSATION AS OF JANUARY 1, 2025 FOR CERTAIN NON-UNION CITY EMPLOYEES NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT WITH THE CITY; PROVIDING FOR SPECIFIC INCREMENT PAY INCREASES THEREAFTER, AND EFFECTIVE FROM JANUARY 1, 2025, TO THESE EMPLOYEES; REPEALING CONFLICTING LEGISLATION; AND DECLARING AN EMERGENCY.

- **Council President Kline:** The Finance Director also commented on this Ordinance. He stated the 2025 final appropriation submitted under Ordinance 2024-070 includes the amount proposed in this Ordinance and is consistent with the Union agreements starting January 1, 2025.
- **Mayor Hallum:** Are these raises matching what we are giving the Union personnel so that we maintain the disparity between leadership and the Union members?
- **Council President Kline:** Confirmed. I have a question for the Finance Director but he is not here. The COLA adjustments in the schedule was 3%. I am assuming for now, that is an estimate since normally the adjustments are based on year-end.
- **Mayor Hallum:** No, it will be 3% because 3% is exactly what the unions are getting. The header is just a standard header. I believe they also get a 75-cent market adjustment. This will match exactly what the Unions will get.
- **Law Director Lucas:** That is correct.

RESOLUTION 2024-026-FIRST READING

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIONS SERVICES AGREEMENT WITH MUNICIPAL COLLECTIONS OF AMERICA, INC. FOR COLLECTION OF UNPAID FINES AND DEBTS OWED TO THE CITY OF WILLOUGHBY HILLS, AND DECLARING AN EMERGENCY.

- **Law Director Lucas:** This Resolution is related to Ordinance 2024-067 and Ordinance 2024-068 with those fees in place under the Civil Penalties. This is the entity itself, Municipal Collections of America Inc., that will be servicing the City's attempted collection these delinquencies. The memorandum and agreement was already reviewed by the Law Department and it is fine.
- **Council Vice President Taylor Draper:** How was this group chosen? How did we get their name? Is another City using them?
- **Mayor Hallum:** I do not want to answer for the Chief, but it is my understanding that there are only a couple companies that do this, and he met and reviewed both and this is the group that could do the work the way we want them to do this program. They are very good at what they do and they show the numbers have improved. The violator is paying the cost of this company.
- **Council Vice President Taylor Draper:** Do we still get our money and the violators pay?
- **Mayor Hallum:** We still get our money. The 35% additional cost, when it goes to collection, is what they are charging.
- **Council President Kline:** Chief Naegele brought this to my attention a couple months ago. I have had experience with similar companies when I had my businesses and it worked out very well. I was given the name and number of this company and had a conversation with them. At that time, I requested if they could provide us with some municipal references. I spoke with Chief Naegele earlier today and he has provided me with names and numbers of some cities. I will contact them in the next day or so just to make certain that none had a negative comment on this type of service.

Discussion of Motion to forego the December 26, 2024 Regular Meeting of Council.

- **Council President Kline:** This is something we traditionally do. If something were to come up, we could call a special meeting of Council.

PUBLIC PORTION: (Audio 44:22)

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

- Public Portion opened at 6:44 p.m.
 - No comments were made.
- Public Portion closed at 6:44 p.m.

LEGISLATION: (Audio 44:40)

- No comments were made.

ADJOURNMENT: (Audio 45:04)

- **Motion** made by Councilwoman Miller, seconded by Councilman Jarmuszkiewicz to adjourn the December 9, 2024 Working Committee of Council and Rules & Legislation.

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

The meeting was adjourned the meeting at 6:45 p.m.

APPROVED: JANUARY 9, 2025
Date


Michael Kline
President of Council

ATTEST: 
Nicholas Aiello
Clerk of Council