

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 July 10, 2025

The Regular Council Meeting was called to order on July 10, 2025, at 7:00 p.m. in Council Chambers. Council President Kline presided.

Call to Order 7:00 p.m. (0:06)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:16)

ROLL CALL (Audio: 0:39)

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

Others Invited: Law Director Michael Lucas, City Engineer Pete DiFranco

Absent: Mayor Christopher Hallum and Finance Director Bruce Scott

DISPOSITION OF THE JOURNAL (Audio: 1:10)

Motion made by Council Vice President Taylor Draper, seconded by Councilwoman Miller, to approve the **June 23, 2025**, Working Committee of Council and Rules & Legislation Minutes.

Discussion on the Motion:

– No discussion.

Roll Call: **AYES:** Miller, Sivo, Taylor Draper, Belich, Kline, Knecht
NAYS: None
ABSTAIN: Jarmuszkiwicz
Vote: 6/0/1

– **Motion** passed to approve the **June 23, 2025**, Working Committee of Council and Rules & Legislation Minutes.

- **Motion** made by **Council Vice President Taylor Draper**, seconded by **Councilwoman Miller**, to approve the **June 26, 2025**, Regular Meeting of Council Minutes.

Discussion on the Motion:

- No discussion.

Roll Call: **AYES:** Miller, Sivo, Taylor Draper, Belich, Kline, Knecht
 NAYS: None
 ABSTAIN: Jarmuszkiewicz
 Vote: 6/0/1

- **Motion** passed to approve the **June 26, 2025**, Regular Meeting of Council.

COUNCIL CORRESPONDENCE Audio (2:58)

Email dated 7/7/25 from Lloyd, Katherine Special Meeting of the PLANNING & ZONING COMMISSION 7/9/25 WEDNESDAY

Email dated 7/7/25 from Lloyd, Katherine RE: Referendum Zoning Ordinance

Email dated 7/7/25 from Mehollin, Karen Codified Ordinance - 30 day notice

Email dated 7/5/25 from Lloyd, Katherine BZA Meeting 7/8/25 at 7:00 pm TUESDAY

Email dated 7/3/25 from Lloyd, Katherine FW: WH PCABR Public Hearing & PCABR Meeting 7/9/25 WEDNESDAY

Email dated 7/3/25 from Michney, Sharen 7/3/25 MAIL HAS BEEN DISTRIBUTED!!!

Email dated 7/3/25 from JAB Supply Re: Agenda and Legislation for Monday

Email dated 7/3/25 from Kline, Mike Re: Cell Site PowerPoint

Email dated 7/2/25 from Mehollin, Karen Re: Policies and Procedures Manual for Willoughby Hills

Email dated 7/2/25 from Lloyd, Katherine RE: PTV

Email dated 7/2/25 from Mehollin, Karen Re: Security Awareness Training

Email dated 7/2/25 from Russo, Kathleen RE: Resolution 2025-011 Signed Lake County Final Plan

Email dated 7/1/25 from Mehollin, Karen Re: Knowbe4 Phish Training

Email dated 7/1/25 from Mehollin, Karen Fw: Halstead headstone claim

Email dated 7/1/25 from Hallum, Chris RE: Cemetery Grant Program Applications Now Open

Email dated 7/1/25 from Rentz, Stacey RE: Sewer and violation letter

Email dated 6/30/25 from Lloyd, Katherine RE: WH PZA

Email dated 6/30/25 from Scott, Bruce FW: Willoughby Hills' Road Levy Renewal

Email dated 6/30/25 from Michael C. Lucas RE: Resolution 2025-009-Second Amended

Email dated 6/30/25 from Russo, Kathleen Automatic reply: Resolution 2025-011 Signed Lake County Final Plan

Email dated 6/30/25 from Taylor Tomu Reminder: America 250-Ohio Community Liaison Lunch & Learn

Email dated 6/30/25 from Michney, Sharen RE: Walter Drane Co - 2025 update

Email dated 6/30/25 from Scott, Bruce RE: MANAGEMENT LETTER - AUDIT

Email dated 6/29/25 from Jarmuszkiewicz, Joe Upcoming meetings

Email dated 6/29/25 from Jarmuszkiewicz, Joe Re: Zoning Feedback - Ord 2025-039 - WHCO 1161-Cell Towers

Email dated 6/27/25 from Jeremy Steiger RE: Sewer and violation letter

Email dated 6/27/25 from Michney, Sharen Ordinance No. 2025-036
Email dated 6/27/25 from Lloyd, Katherine FW: WH BZA Mtg 7/8/25 TUESDAY 7:00 pm LEGAL NOTICE
Email dated 6/27/25 from Russo, Kathleen RE: 9-1-1 Final Plan
Email dated 6/26/25 from Mehollin, Karen Front Door Security
Email dated 6/26/25 from Pietro DiFranco RE: Council Email Addresses on City Web Site
Email dated 6/26/25 from JAB Supply Re: Sunshine Training Reminder
Email dated 6/26/25 from Lloyd, Katherine RE: Case 2025-04 Legal Notice for 29007 Chardon Rd - Draft
Email dated 6/26/25 from Lloyd, Katherine RE: WH
Email dated 6/26/25 from Hallum, Chris Re: OH Public Records, NIBRS Reporting, Sealing and Validations Compliance Training
Email dated 6/25/25 from Lloyd, Katherine hearing notice
Email dated 6/25/25 from Lloyd, Katherine FW: 2 WH Public Hearings on Wednesday, 7/9/25
Email dated 6/25/25 from Lloyd, Katherine WH PCABR Public Hearing on 7/1/25 Tuesday - CANCELLED
Email dated 6/25/25 from Katherine D. Lloyd Re: Wednesday, JULY 9, 2025 Meetings scheduled
Email dated 6/24/25 from Lloyd, Katherine FW: 2 WH Public Hearings on Wednesday, 7/9/25
Email dated 6/24/25 from Lloyd, Katherine RE: PROBLEM - NEED NEW DATE FOR PUBLIC HEARING
Email dated 6/24/25 from Michael C. Lucas RE: Public Hearing Question

PUBLIC PORTION #1 (Audio: 3:15)

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

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

- **Don Akins Dodd's Hill:** I see on tonight's agenda the wireless communication ordinance. I see an emergency clause on it. How much of an emergency is that going to be? I had a personal experience on the Fourth of July morning at about 2:00 a.m. with having a lack of good communication with a police dispatcher and trying to resolve an issue I was involved in. I would like to see what's happening to expedite where we are going to be and how long this is going to take.
- **Ed McKenna 2963 Lamplight Ln:** I came because of two ordinances on tonight's agenda. I want to talk about the second one first. It's short. Ordinance 2025-041 concerns short-term rentals. I don't know if you are aware, but we have had a short-term rental in Willoughby Hills for decades. There is a Frank Lloyd Wright House right here in Willoughby Hills. Now, there is a second one. There are Frank Lloyd groupies across the nation and across the world that love to stay in these Frank Lloyd short-term rentals. They feel different and we are blessed to have two of them in our City. I would expect this ordinance would apply to them and prevent them from being a short-term rental. If you could explain that this is not the case that would be good. I would hate to see this pass and we would shut this down. This is a special business we are blessed to have here.

- The other reason I am here is the referendum zoning ordinance, Ordinance 2025-037. I watched the meeting last night, and I wish I would have come. Referendum zoning is an arduous process to get zoning changes made. Myself, I think arduous is good in this case. I know zoning is a concern when arduous developers just go around and go to the courts. They plead "I want to use the best use of my property, and your zoning prevents that." I would like to mention a couple things. Tanya, you mentioned the Zoom carwash. When that went through, I called Mr. Lobe and asked how they were able to get this through. He said, "It wasn't a bug, it was a feature." He was able to process that case very quickly. If you can't beat them, join them. They went hand and hand, and they were able to process it and get it done quickly in a place where zoning is not too out of place, anyway. They were able to get it where if that Zoom Carwash ever shuts down, it could only ever be replaced with another carwash, or it is going to need to get torn down. I will be open to questions if anyone has them, and I hope these ordinances don't go through this evening. Thank you.

Public Portion #1 closed at 7:04 p.m.

- **Law Director Lucas:** Thank you for bringing up the information for the Frank Lloyd Wright properties. We are looking at that in relation to the final passage of this ordinance. The Mayor, Council President, and I are aware of it. We are tweaking it, and will have an amended version that will encompass some language that might push that outside the short-term rental definition.

MAYOR'S REPORT

- **No report.**

LAW DIRECTOR'S REPORT (Audio: 9:03)

- **No report.**

FINANCE DIRECTOR'S REPORT (Audio: 9:15)

- **No report.**

CITY ENGINEER'S REPORT (Audio: 9:16)

- **City Engineer DiFranco:** I have no report, but I am open to questions.
- **Councilman Jarmuszkiewicz:** I am just curious. Is Bishop Road a City road or a State road?
- **City Engineer DiFranco:** It is a State road north of Chardon, and it's a County road south of Chardon.
- **Councilman Jarmuszkiewicz:** I was just curious because there is a huge pothole when you get off the freeway. Every day I hit it. I didn't know if the City was responsible.
- **City Engineer DiFranco:** The City is responsible, so I will have to notify the Service Department.
- **Councilman Jarmuszkiewicz:** It is right off the exit on Bishop Road there.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio: 10:15)

PC-ABR reported by Council Vice President Taylor Draper

- **Council Vice President Taylor Draper:** The group did not meet last week, but we did have a public hearing last night to discuss several items. I don't know if this is the appropriate time to discuss it. I just wanted to let this body know the decisions that were made by the Planning Commission. In regard to the small box discount store zoning amendment, the group approved it and wanted to pass this to Council. There was one question that had to do with the percentage of the frozen food area (which is 15%). Nobody is sure where the number came from, and we would like to increase it. We didn't have anybody from the administration, so we couldn't answer that question. Because the public heard it, I wish to answer that question. They are in favor of it, but they are wanting to increase that percentage of allowable frozen foods in the area to about 30%, I believe. Next, the referendum zoning ordinance was also approved and pushed to Council. There were no changes. Lastly, the group approved the short-term rentals ordinance with basically no changes. That concludes my report.
- **Councilman Jarmuszkiewicz:** With short-term rentals, are existing ones grandfathered in, or does this eliminate any that exist?
- **Law Director Lucas:** They have a vested property right and the abolition and prohibition won't have any effect on them.
- **Councilman Jarmuszkiewicz:** The Frank Lloyd Wright House falls under the category, doesn't it?
- **Law Director Lucas:** For short-term rentals, yes.
- **Councilman Jarmuszkiewicz:** So, they wouldn't be effected by this one way or the other?
- **Law Director Lucas:** That's right, but I still want to try and tweak that a little bit. I understand what you are saying.
- **Councilman Jarmuszkiewicz:** Okay. I heard that and was confused because I thought the existing ones were not going to be affected by it. We would just be stopping any future ones from occurring.
- **Law Director Lucas:** Correct; it is prospective forward.
- **Council Vice President Taylor Draper:** It is also fair to mention that the residents who were here were very verbal about their opinions about referendum zoning. Councilwoman Miller, Councilman Jarmuszkiewicz, and Council President Kline were also in the building, so if I am misinterpreting their sentiments, please let me know. From my standpoint, there were two messages that I received. First of all, it appears that they believe that their votes are being taken from them and that this amendment causes them to lose their voice. We have a pretty big hill to

climb if we are trying to convince them that that is not what we are trying to do.

- Secondly, I think they are concerned not so much about this Council and administration, but what happens with the next Council? What happens if they are rogue or if they do not have the City's best interest at heart like they think we do? I think those are their two main concerns. We have a big hill to climb to make them understand that this is not what we are trying to do here. We have a lot of work to do.
- **Councilman Jarmuszkiewicz:** Another concern they had was that this would lead to the zoning changes of a one-acre building and allowing developments or a stores in that area. I don't believe that would do it, but I would like to find more information about that to be sure.
- **Councilwoman Miller:** There was a lot of confusion going into the meeting and some of the residents were relieved to hear some of the things that were said last night in regard to that. They do feel this might take their voice away and down the road, they fear that someone might come in and turn all of this into a commercial area and perhaps homes would be taken away as well. It is going to be a road to climb, and we need to be cognizant of what each of these individuals are feeling. Maybe it is time to look at this a little deeper in some areas to make sure that there are some safeguards for the future.
- **Council President Kline:** It seems there are some people that feel that the work we are doing right now, such as having this ordinance go to the November ballot, will do away with referendum zoning. This is not the case. This is simply to get this on the ballot, and then the entire City votes and decides if they want to repeal referendum zoning or if they want to keep it. It is just to give the entire City the opportunity to vote on it. If this passes, there is still a procedure, under State law, that can prevent what people may feel are drastic changes that are going to destroy the City, such as if Planning and Zoning and City Council wanted to do away with one-acre zoning and cut it to half or quarter-acres. The uproar that it would generate would be so overwhelming that it would be simple for residents to get together and file the petition needed to get this on the ballot. This wouldn't go through automatically. The requirement is that the petition must contain signatures of 10% of the voters in the last gubernatorial race. As of right now, that number would be just over 400. Some people think 400 is a large number of signatures to get. If it is a significant enough matter, such as one-acre voting, I would think it would be easy to gather those signatures.

Beautification Committee reported by Council Vice President Taylor Draper

No report.

Recreation Commission reported by Councilman Jarmuszkiewicz (Audio 20:00)

- **Councilman Jarmuszkiewicz:** David Patton, the Recreation Coordinator, locked down some decent prices for the painting of the pickleball courts we have. That should be starting sometime in the next few weeks I hope. It took a long time because it was difficult getting everybody together, and getting the pricing was outrageous. It went really high. Sherwin Williams came up with a price of about 25 percent of the quote they were getting before. We are going to go forward with that. We are looking at other ideas for the Campbell Park area and trying to fix it up as well.

- The Music Fest planning is going well. There should be a meeting next week, the 23rd.
- Safety Town will be starting Monday the 14th through Friday the 18th. The final meeting will be held this week.
- Girls' softball and boys' baseball are in their playoffs. Seasons are ending this week. We seem to have a lot of girls signing up for flag football. It is becoming a popular sport in high school girls. We encourage anyone interested in playing flag football to get registered. They are going to start making teams in August sometime.
- **City Engineer DiFranco:** Mark Grubiss heard your comment about the pothole. He feels it's on the ramp, and we don't maintain the ramp.
- **Councilman Jarmuszkiewicz:** It's in the middle of the intersection. It goes across the intersection when you are turning off the ramp.
- **City Engineer DiFranco:** He wanted some clarification.

Finance Committee Report by Council President Kline

No report.

Deer Management Committee reported by Councilwoman Belich

No report.

Business Subcommittee – reported by Councilwoman Sivo

No report.

UNFINISHED BUSINESS: (Audio: 22:38)

- **Council President Kline:** We wanted to have some discussion follow-up on the ordinance that is on second reading tonight involving cell tower regulations. Just to start off by saying, we are not trying to push anything through as fast as we possibly can. We want this to be as thorough as we can. Everyone knows we need a cell tower at the eastern end of the City. The eastern end of the City is all residential, so that limits where a tower can go. What we want to do is have the regulations as applicable as we can to make as much available property suitable for cell towers, so we are not limiting ourselves too much. Mr. DiFranco took the time to critique some of the changes within the ordinance. We wanted to go over those and get his comments as well as others' comments on where we are with these. There are basically three comments that he made. We will start with the first one which is captioned "stealth technology." That really signifies or connotes the disguising of the cell tower to make it look like a tree or make it look like a giant flag. Currently, our codified ordinances says that stealth technology should be considered when reasonably possible. From comments I have heard from cell tower consultants in other cities, they have said that with the change in cell tower strength, going out at higher frequencies and the signals not carrying as far, if you put any distractions up in front of the towers such as what looks like trees or flags, it will cut the signal down further. That's why I thought it would be

good to say, “stealth technology would be considered unless it adversely affects performance.” Mr. DiFranco didn’t feel that this was necessary so I will ask him to state his position on that.

- **City Engineer DiFranco:** Thank you Mr. President. I feel that the current code already gives the City flexibility to waive the stealth requirement with the phrase, “when reasonably possible.” Adding the language, “If such technology does not adversely impact the performance of the tower,” adds regulation because then I feel as if the applicant would need to provide some sort of study or calculations to prove that. We wouldn’t just take their word for it, right? That is why I would leave that language out of there and just leave it the way it is.
- **Council President Kline:** My question is, if we just say that “stealth technology would be considered where reasonably possible,” if you say, “reasonably possible,” what does that mean? To me, it means that if you can make it look like a tree or make it look like a flag, and that is reasonable...that doesn’t mean that we are going to benefit from that if the signal is cut down. If you can weigh in, Mr. Lucas...do you think that comment covers signal strength, or just whether you can reasonably disguise it?
- **Law Director Lucas:** Anytime you use the word “reasonable,” you are opening a can of worms. What one person thinks is reasonable and what another thinks is reasonable can start an argument on that. I think, in part, the City Engineer wanted to provide some empirical data as to whether this is a viable thing or not as opposed to just taking the word of the applicant. The applicant may state it’s not reasonable and provide reasons as to why they think that. Everyone may be sitting here and be thinking that it doesn’t sound like it is not reasonable. At least you would have some empirical barometer. It doesn’t have to be mandatory. You could say, with reference to that particular provision, that the commission would have the opportunity at their sole discretion, to request that type of study.
- **City Engineer DiFranco:** I agree. The “reasonably possible” leaves it up to the seven members of the Planning Commission.
- **Council President Kline:** Mr. Lucas, when you say, “reasonably possible,” that can take into account more than just putting the decoration up to make the tower look like a tree, but also getting the benefit through not causing a loss of signal.
- **Law Director Lucas:** Yes, that is correct.
- **Councilman Jarmuszkiewicz:** I heard comments from people saying that those disguised towers are actually worse looking than regular towers. I personally have never seen one unless they are that adequately disguised. If you are going to put up a cell tower to transmit signals, that should be understood by most people I would assume. That is just my opinion.
- **Law Director Lucas:** This is not a legal opinion. There is a clean look to a cell tower with the landscaping below. I have seen a couple towers where they try to disguise it. It is only as good as when it is first put up. The weather beats on it over time. It creates what I would call an aesthetically cluttered look. This ultimately dissolves into a poor aesthetic overall. That is just my opinion.

- **Council President Kline:** The next change was one that we put into the ordinance that we found in the Grand Rapids Michigan ordinance that deals with setbacks. We currently have a 200 ft. safety area setback to the right-of-way which was the downfall (figuratively speaking) of the Grange tower years ago. With Grand Rapids Michigan, they defined the area around the cell tower so that there would be a sufficient radius of land around the tower so that if it were to collapse, the tower would be retained in that area. Before asking Mr. DiFranco for his comments again, we were hoping to be able to project this on the screen. While weren't able to get that working so everyone should have a paper copy. We have a little presentation. The first page shows an example of a lot, and within that, there is space to put a cell tower without violating the setbacks. On the next page, it shows how it fits in there. This represents asking a cell tower company how much space and diameter one would need to put a tower up so that if it collapsed, it would remain within the diameter. The green line represents the space inside the setbacks. As long as that cell tower is contained within that area in case of a collapse, then there would not be a problem for that location. The third page shows what it would look like if a tower collapsed and the area needed would exceed the area inside the setbacks. It is obvious that such location would be unable to be considered for a cell tower. In one sense, it is very cut and dry. If you can keep a cell tower within the confines of the setbacks, it should be allowable. I would like to ask Mr. DiFranco to state his comments.
- **City Engineer DiFranco:** I feel as though the way the proposed language is written; we are leaving it up to the cell tower company to tell us. I feel we should make an empirical formula or setback that would apply to everybody. You can have two identical towers, but two different engineers are going to come up with two different radii. One engineer could be more conservative or liberal than the other. You could get different setbacks for the same exact tower. I would like to see the City come up with something that can be applied to all towers. That is one. Right now, we have a required 200 ft. buffer to the right-of-way, which I feel is excessive. If the tower is only 140 ft. tall, that is an extra 60 or more feet that is being wasted. I do agree that the buffer to the right-of-way should be reduced but I think we need more discussion to determine what we are comfortable with.
- **Council President Kline:** If a cell tower company feels that they can contain the collapse within a certain diameter, and they are willing to stand firm on that while another cell tower company might have different numbers, you don't feel as if we should rely on that, but rather, have our own determination so that anyone coming in is going to have to meet our criteria on that tower?
- **City Engineer DiFranco:** Yes, and I will add to that. I have asked cell tower companies to provide me structural calculations that predict where they think the tower is going to fall and what radius they need. Nobody has been able to provide this to me yet. I have been City Engineer for this City and two other cities, and nobody has been able to get me those calculations yet.
- **Council President Kline:** If a cell tower company gave you that, and was willing to stand on that, would you accept it?

- **City Engineer DiFranco:** I prefer not to be in that situation. I would prefer to have the empirical formula. I would be more comfortable with that.
- **Council President Kline:** Before opening up to Council, I have another concern the way we are now. Is there anything in our regulations that deals with a neighboring property, if a tower came down?
- **City Engineer DiFranco:** Yes. I believe it is in several different areas of the cell tower ordinance. One sentence here says if that tower is in the right-of-way, it has to be 110% of the height away from a dwelling. So, if a tower was 100 ft. tall, it would have to be located 110 ft. from the nearest dwelling.
- **Council President Kline:** What does that mean, "If it's in the right-of-way?"
- **City Engineer DiFranco:** There are a lot of towers in the ODOT right-of-way along freeways. That is where it would apply.
- **Council President Kline:** In our current regulations, if there is a 200 ft. setback, and let's say there is a lot where that is met...we could say that it is buildable, but if the house on the lot next to it is 100 ft. from it, then that tower could come down on it. Are we not providing any protection on that? How would we go about establishing this formula?
- **City Engineer DiFranco:** I think it would take some thought. Maybe a cell tower manufacturer can help us. If we can determine the highest wind speed that we can expect, we can use this to determine where on the tower it would be most likely to collapse and perhaps use this to make the setback. Also, assuming that the tower does collapse, the right-of-way is typically 60 ft. wide. If you are comfortable leaving just one lane of traffic open, rather than the tower crossing the entire road, that reduces the setback. I think looking at all these factors and coming up with the worst case condition and what the City is most comfortable with, would be one way to do it.
- **Councilman Jarmuszkiwicz:** When you are talking about setbacks from neighboring properties, are you talking about the actual house itself or the property? Some houses may be 15 ft. from a property line, and some may be 10 ft. from the property line.
- **City Engineer DiFranco:** Currently, the requirement is that the cell tower facility, which includes the fence, has to meet the setbacks of the zone that it is in. Take the Grange for example. It is in the residential zone so the fence would need to be 15 ft. from the side property line and 40 ft. from the rear property line. That is the current setback requirement. I understand what you're asking, and I don't have another answer.
- **Councilman Jarmuszkiwicz:** As far as falling over and hitting a house, it may land on their property, but if their house is further away it wouldn't touch the house.
- **City Engineer DiFranco:** Currently, there may be something in the code already but, I may just have to read it more thoroughly.

- **Council Vice President Taylor Draper:** I just want to be clear, are your only concerns with this ordinance the setbacks?
- **City Engineer DiFranco:** No, there are three parts that are proposed for change. One was about stealth technology, the second was about the radius and setbacks, and the third was about the landscape buffer.
- **Council President Kline:** I have been trying to get in touch with the people in Grand Rapids who have this provision that we have tried to copy in terms of having a sufficient radius. Unfortunately, I haven't gotten a call back yet. I have yet to find out from them if they have that in their ordinances, and whether that has come up or whether a tower has been proposed since they put that in. If I can get that, I will pass that information along. The other aspect with this is debris coming off the tower. The reason I put it down is because when the Grange tower was under consideration, I was on Planning and Zoning then. The Grange tower was problematic. One direction was 90 ft. to the street and the other was 60 ft. so that appeared to be close. At the time, you expressed concern about debris coming off the tower. It may be because of the closeness of that to the right-of-way. When I saw the one comment in Willoughby's regulations, I thought if there was a concern, perhaps we should address it. Unfortunately, that hasn't come up within Willoughby in conjunction with a tower proposal. I will ask you, with the debris coming off of the tower previously, was it because the location was so close or just in general your concern? Would you have a concern with a tower further back?
- **City Engineer DiFranco:** No, falling ice is a concern. When we were debating the Grange tower, I brought that up because the tower company was claiming that the radius isn't sufficient. So, I brought up the falling ice and they weren't able to rebut that. It's a concern, but I don't think that needs to be in the code. If you have the correct setbacks, it accounts for the falling ice.
- **Council President Kline:** I understand that. The last point that I have here is on the landscaping. Most cities were using 10 ft. of landscaping. My thinking was, why don't we make it a minimum of 10, and if it goes further, then it's fine. It was in no way trying to impinge upon the side setbacks. It wasn't designed so that it would give the tower company 5 more feet to work with. It would simply mean that if they were going to put up 15 ft. by the fence, why not put up 10 ft. and save 5 ft? That was all.
- **City Engineer DiFranco:** What is it saving though because if you still have the 15 ft. setback...
- **Council President Kline:** If you are going to put 15 ft. up, why do you need 15 ft. if you can go with just 10 ft?
- **City Engineer DiFranco:** Because deciduous trees are required and a deciduous tree is going to get larger than 15 ft. That includes the roots and the branches, so it is going to go into the neighboring yard. Eventually, the neighbors are going to have to start trimming the trees or the roots are going to start popping out of the soil. The more space you can provide, the better with these big trees.

- **Council President Kline:** Let's say the lot was exceptionally wide and large and you can put the cell tower in while also putting your fence around it and be far away from the side setbacks. Do you think there would still be a need for 15 ft?
- **City Engineer DiFranco:** Once you put it in the code, that is all you can enforce. It is like saying we are going to change the speed limit on the road to 100 mph. You don't have to go 100 mph., but you can't then ticket someone for going 60 mph. Once you set a threshold, that is all you can enforce.
- **Council President Kline:** I didn't think it was a significant point. My thoughts were, when that was put down, to just keep it in line where most others were. I will say at this point, we are going to do some more investigating. I still hope to be able to get some information from Grand Rapids and see if they've had any towers go up with the fall zone definition that they have currently. I appreciate your input, Pete. I suspect we will be going over this more than just this one time.
- **Councilman Jarmuszkiewicz:** I know the Mayor has been looking for places and properties to put cell towers. Do you know if he has located any additional possibilities?
- **Council President Kline:** As far as I know, to my knowledge, he hasn't. I haven't heard anything of any other potentials, and of course, as I said at the beginning of this, the whole idea is to find more properties that can be considered. If we can come up with more setbacks that can make more lots applicable, then that is what we want to do.

LEGISLATION: (Audio: 51:52)

ORDINANCE 2025-035-THIRD READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A PROPOSED AMENDMENT TO ARTICLE III OF THE CHARTER OF WILLOUGHBY HILLS, OHIO TITLED, THE COUNCIL, (SECTION 3.25 TITLED, THE CLERK AND OTHER EMPLOYEES) TO THE ELECTORS OF THE CITY TO EXTEND THE PERIOD BY WHICH A VACANCY IN THE POSITION OF CLERK OF COUNCIL SHALL BE FILLED BY APPOINTMENT OF COUNCIL FROM THIRTY (30) DAYS TO SIXTY (60) DAYS AT THE MAYOR'S DISCRETION, AND DECLARING AN EMERGENCY.

- Remains on Third Reading.

ORDINANCE 2025-036-THIRD READING

AN ORDINANCE AMENDING PART 13, BUILDING CODE, TITLE III-LOCAL BUILDING PROVISIONS, CHAPTER 1361 DIVISION OF BUILDING ENGINEERING AND INSPECTION, OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, AND DECLARING AN EMERGENCY.

Motion made by Council Vice President Taylor Draper, seconded by Councilwoman Belich to adopt Ordinance 2025-036.

Discussion on the Motion:

- **Council Vice President Taylor Draper:** The position of the Building Inspector has been awfully difficult to maintain an employee. To my knowledge, we have had two individuals who were here for probably not even a full year, doing the job and for whatever reason they decided that they did not want to remain. Currently, we have two employees who are employees of the City and are familiar with the City, particularly our Road Superintendent who is doing the job. They are very familiar with our zoning rules and laws. This is a way to continue the need to have someone going around our city making sure things are in proper place. I support the ordinance.

Roll Call: **AYES: Miller, Sivo, Taylor Draper, Belich, Jarmuszkiewicz, Kline, Knecht**
 NAYS: None
 Vote: 7/0

- Ordinance 2025-036 has been adopted.

ORDINANCE 2025-037-AMENDED-THIRD READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS PROPOSED AMENDMENTS TO ARTICLE V OF THE CHARTER TITLED BOARDS AND COMMISSIONS, (SECTION 5.15, TITLED MANDATORY PUBLIC VOTE ON LAND USE CHANGES), AND ARTICLE VI OF THE CHARTER TITLED LEGISLATION, (SECTION 6.2, TITLED EFFECTIVE DATES OF ORDINANCES), AND DECLARING AN EMERGENCY.

- **Council Vice President Taylor Draper:** You mentioned that there is a State law that permits the residents to challenge any Ordinance that Council puts through. You mentioned that last night. Would it be legal or possible to add that to the Ordinance so that the residents could read that and understand that there is a way to challenge anything they see that they believe may cause the City to go in the wrong direction. Is that possible to add that?
- **Law Director Lucas:** Are you talking about filing an initiative petition?
- **Council Vice President Taylor Draper:** Correct.
- **Law Director Lucas:** I don't like that, to be honest. It's already under the Ohio Revised Code. We are dealing specifically with an amendment to the Charter as opposed to the Ohio Revised Code or our Codified Ordinances.
- **Council Vice President Taylor Draper:** So, it is our duty to educate the residents that there is an alternative, is that correct?
- **Law Director Lucas:** Yes.
- **Council Vice President Taylor Draper:** So that would be the better route to take?
- **Law Director Lucas:** I firmly believe that.

- This Ordinance remains on Third Reading.

ORDINANCE 2025-039-SECOND READING

AN ORDINANCE AMENDING PART ELEVEN - PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, TITLE 11 CAPTIONED "SUPPLEMENTAL DEVELOPMENT STANDARDS" CHAPTER 1161 CAPTIONED "REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES." SPECIFICALLY, SECTION 1161.06 TITLED "STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS FACILITIES," AND DECLARING AN EMERGENCY.

- Remains on Second Reading.

ORDINANCE 2025-041-SECOND READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A PROPOSED AMENDMENT TO PART 11 TITLED "PLANNING AND ZONING CODE", TITLE 11 CAPTIONED "SUPPLEMENTAL DEVELOPMENT STANDARDS" AND THEREBY ESTABLISH UNDER CHAPTER 11 "SUPPLEMENTAL DEVELOPMENT STANDARDS", CHAPTER 1157 "GENERAL USE REGULATIONS", CODIFIED ORDINANCE SECTION 1157.011 CAPTIONED "PROHIBITED USES-SHORT TERM RENTALS", AND DECLARING AN EMERGENCY.

- **Law Director Lucas:** I just want to address this. I apologize to Council. I misspoke in response to a question that was asked by Councilman Joe that was regarding this. What I said was wrong. The City's position has always been that short-term rentals are not permitted. What I said earlier, I was thinking of non-conforming uses, but they are not permitted to begin with. There is no vesting of any property right. At least right now, under the current procedural posture of the Lake County Common Pleas Court, which affirmed our interpretation, short-term rentals are not permitted in residential districts.
- The second point is that this ordinance is a little bit more expansive because we are basically banning short-term rentals in all districts as of this moment. People ask, since we have the decision on our side, why are we doing this? That deals only exclusively with residential, and the arguments that they make whether it's 30 days, 60 days, or 10 days...it is still a lease. It is illegal. This expands that to all districts at the moment. I apologize for my error.
- **Councilwoman Miller:** I do have one question on this. We already talked about the Frank Lloyd Wright homes. We need to make sure that they are staying in operation here because they are a valuable part of the City and have been for a long time. Also, I just had some questions on the penalty section as well and how that will be enforced. Is there going to be any clarification on that? I can see somebody coming in and not having knowledge of the law. I know not having knowledge of the law is not an excuse for violating it, but coming down hard on somebody for a first offense like this would be difficult. Would we give them a warning and say if you continue, then this will be a penalty? How are we going to handle something like that in the penalty phase?

- **Law Director Lucas:** I think because this is a resident friendly community...I will address the first instance where you said the individual was not aware of this. I think a letter would be sent by the Zoning Inspector recognizing that the person wasn't aware and informing them that short-term rentals are not allowed in the City. They would then be asked to discontinue the use within the next 30 days, otherwise the City would have to pursue other action. That is the first typical example. The second example is that people who are already operating a short-term rental should have a stronger worded letter indicating that they have been operating illegally. We would ask them to discontinue again in a 30-day period, otherwise, we would have to take whatever action we deem necessary, which would include two different things. This would include a prosecution under the penalty provision, and it would also include getting a restraining order that shuts them down. Those are the alternatives.
- **Councilwoman Miller:** Does this need more language because right now it states the violation of this section shall be a misdemeanor of the first degree.
- **Council Vice President Taylor Draper:** I agree. Should the language be in there about the first offense and a letter being sent, just so that when the residents see this at the ballot, and they are reading it, they understand that we are not trying to strong arm anybody but make sure that everybody is in compliance with the law. Should that be in there?
- **Law Director Lucas:** No, I don't think it should be. You are talking about the mechanism procedurally to enforce an existing provision. That can be internally addressed within the department itself rather than have it within the ordinance itself.
- **Councilwoman Miller:** With that language in there, does that still give us the right to be polite at the beginning and not make this a misdemeanor in the first letter?
- **Law Director Lucas:** Yes. The other thing is, it's supposed to be a misdemeanor. If we are in a criminal prosecution for that, there is a lot of discretion on the part of the city prosecutor to modify whatever the punishment might be. When you have a first degree misdemeanor and the judge says it is a \$1,000 fine and 6 months in jail...nobody gets a \$1,000 fine and 6 months in jail for a first degree misdemeanor. It could be modified. You could also make a different type of modification to reduce it to another offense that would be related of a lesser degree. It is a question of procedurally enforcing it as opposed to putting it in the ordinance itself. No ordinance sets out step by step procedures. The ordinance is what the ordinance is. The internal governments by the department that is relevant to that is the one that controls how I proceed forward.
- This Ordinance remains on Second Reading.

ORDINANCE NO. 2025-042-AMENDED FIRST READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING 2.5 MILL LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2025 FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, BRIDGES AND THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT & MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR & FACILITIES IN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Miller**, seconded by **Councilman Knecht** to wave the Three Reading Rule on Ordinance 2025-042-Amended.

Discussion on the Motion:

- No discussion.

Roll Call: **AYES:** Miller, Sivo, Taylor Draper, Belich, Jarmuszkiewicz, Kline, Knecht
NAYS: None
Vote: 7/0

- The Three Reading Rule for Ordinance 2025-042 has been waived.

Motion made by **Councilwoman Miller**, seconded by **Councilman Knecht** to adopt Ordinance 2025-042 Amended.

Discussion on the Motion:

- **Councilman Jarmuszkiewicz:** I just want to make sure that the residents know that this is just the renewal of an existing levy. This is not an increase. If for some reason this levy did not pass, we would still need funds for roads. That would cost us 30% more for the same amount due to rollbacks that are included in this particular levy.

Roll Call: **AYES:** Miller, Sivo, Taylor Draper, Belich, Jarmuszkiewicz, Kline, Knecht
NAYS: None
Vote: 7/0

Ordinance 2025-042-Amended has been adopted.

NEW BUSINESS (Audio: 1:08:00)

- No new business.

PUBLIC PORTION #2 (Audio: 1:08:15)

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

Public Portion #2 opened at 8:08 p.m.

- **Don Akins Dodd's Hill:** How did we end up with a cell tower right above us, and when did that happen?
- **Ed McKenna 2693 Lamplight Ln:** Since I came up during the first public portion, I remembered all the things I wanted to say. The important thing I want to say is the Board of Zoning Appeals is a great bunch of people who do a great amount of work. Maybe my opinions are so different than theirs because they do their work so well and they're close to the zoning situations and had the fear of going to court. They've done all the work in Master Plan. I was involved in one a period of years back and they know that the developers want access and more flexible zoning on our part as well as other concerns. They see the court cases all the time. Maybe they are a little too close to it. I am a resident, and I see zoning as a protection. I believe it needs to be arduous to not give up that protection. Thank you.
- **Mark Belich 37200 Chardon Road:** With regard to short-term rentals, it is my understanding that there are no short-term rentals that are permitted in the residential district in accordance with the Lake County Common Pleas Courts' decision. That would also tell me no matter how long a business is in a business district, or a short-term rental, a prior non-conforming use is not grandfathered. It has to first be deemed legal at the time it was started. As we sit here today, no short-term rental that is operating today is permitted under the code. This is my interpretation.
- With regard to referendum zoning, we are just bringing the vote of the people to referendum zoning; that's all we are doing. For anybody to say we shouldn't put it in front of the City for the people to decide, you are taking the vote of the rest of the City away. Thank you.

Public Portion #2 closed at 8:11 p.m.

- **Law Director Lucas:** Just to address the comment regarding short-term rentals, that is correct. When you have a non-conforming use, the underpinning for a non-conforming use is that at the time it was established, it was legal. There is no legality of short-term rentals to begin with. There is no grandfathering or non-conforming new protection afforded to that. At this point in time, subject to whatever happens in the litigation, there are no short-term rentals permitted as a matter of law.
- **City Engineer DiFranco:** Regarding the cell tower that is behind City Hall, I believe that was built in the 90's which was before our cell tower ordinance that was adopted in 2006.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY (Audio: 1:12:30)

- **Council Vice President Taylor Draper:** I would like to thank all the residents who came out last night to the public hearing for the various issues that are going to be on the ballot. I ask that you consider everything. We have a hearing scheduled for August 14; there are going to be plenty of other opportunities to come and voice your concerns and have your questions answered. There seems to be a lot of confusion right now and a lot of disinformation. It is

important that you understand what this is really about. There are people out there trying to scare others into thinking that someone is taking your vote. I assure you that is not what this group is trying to do. Please just be vigilant and come to the meetings. If you can't come, listen at home and try to really understand what this is about. If you can't come to the meetings and you have questions, please get in touch with your Council person, and you can forward your questions and comments through them, but we want to hear from the community. Again, nobody is trying to take your vote away. That is why we are having this put on the ballot. We want you to decide what we are going to do here.

- **Councilwoman Miller:** I would like to thank residents who did abide by the fireworks regulations over the Fourth of July holiday. In my neck of the woods, we were a whole lot quieter than we had been in past years, and it was a very pleasant Fourth of July for us.
- **City Engineer DiFranco:** I heard they are planning to start construction of Chipotle next week.
- **Council President Kline:** To reiterate what the Council Vice President said, on August 14, Council will be holding a public hearing. This will start at 6:00 p.m.
- I would like to express condolences to the family of Alan Bauccho. He is a resident on Millgate. His mother passed away this week.

ADJOURNMENT (Audio: 1:15:20)


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

**Roll Call: AYES: Miller, Sivo, Taylor Draper, Belich, Jarmuszkiewicz, Kline, Knecht
NAYS: None
Vote: 7/0**

The meeting was adjourned at 8:15 p.m.

APPROVED: Sept 11, 2025
Date


Michael Kline
President of Council

ATTEST: 
Nicholas Aiello
Clerk of Council