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Vice President of Council
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Council Clerk
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 July 21, 2025

The Working Committee of Council and Rules & Legislation was called to order on July 21, 2025, at 6:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 6:00 p.m. (0:09)

ROLL CALL (Audio: 0:15)

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

Also Present: Mayor Hallum and Finance Director Scott

Absent: City Engineer DiFranco, Law Director Michael C. Lucas, and Councilman Dan Knecht

- **Council President Kline:** Planning and Zoning held a public hearing on Ordinance 2025-037-Amended on July 9, 2025, and they voted to pass this ordinance to City Council for our consideration. City Council will be holding a public hearing on Thursday, August 14, 2025 at 6:00 p.m. regarding this ordinance. Following this public hearing, there will be a special meeting to consider passage of Ordinance 2025-037-Amended

BEGINNING DISPOSITION: (Audio 1:25)

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.

- No comments were made.

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.

- **Councilman Jarmuszkiewicz:** This is the ordinance the August 14th public hearing will be on correct?
- **Council President Kline:** Yes.
- **Councilman Jarmuszkiewicz:** Will the meeting be on the same day or the day after?
- **Council President Kline:** This will be on the same day after the public hearing. Anyone who is here can express their comments and Council will have a special meeting after for consideration of this ordinance. Keep in mind, the only vote that will take place is a vote to see this ordinance placed on the November ballot. It has no impact on anything we do until this amendment is potentially passed. Then, this becomes effective. Before then, our work this month is to put this on the ballot.

ORDINANCE 2025-039-THIRD 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.

- **Council President Kline:** Before opening up Council for questions, at our last Council meeting, we had a discussion with City Engineer DiFranco about the proposed changes. He expressed his comments. The main one is dealing with the setback. Since then, several pieces of information have been obtained. Grand Rapids, Michigan got back to me at the end of last week regarding my question on their provision where towers would be confined to a site if they were to collapse. They told me they haven't had a new tower constructed in the last 5 years. They don't anticipate any new towers going up. They said they had not had that provision in place to use as a guide in the construction of any of the towers they have built. They also mentioned they have used, in the past, some type of setback formula. Mr. DiFranco was also talking about developing that. He also provided some additional information and drawings that he has been working on. This shows the layout of the tower in relation to the various setback sides, rear, and front.
- He sent that out and also responded to a question I asked him at the last meeting. I asked him what the distance was to neighboring homes. He felt that was covered, but responded back today saying that piece of the ordinance was left out. There is no provision in our ordinances about restricting distances, or providing for enough distance to a neighboring home. It is his feeling that as part of the change to this

ordinance, we should work that in so that a house on either side or behind wouldn't be at risk.

- **Council Vice President Taylor Draper:** Did he have any recommendations on what he felt was appropriate about the distances between towers and homes?
- **Council President Kline:** Everything that he has talked about is all based on the size of the tower (150-200ft.) I asked him about the way a tower would fall and the amount of space it would take up. I also asked him whether that would be proprietary to a tower company or whether this would be some type of industry standard. He felt fairly strong that each tower company would have their own proprietary studies on how a tower would fall, and how much distance it would fall. He thought it would be nice to get information from the tower company, but he wasn't sure how much they would provide. He is giving it some more thought, but he said in the past, he has not been able to get any tower company to provide detailed information on their products.
- **Council Vice President Taylor Draper:** So, then, it would just depend on what company we use and where the land is? And we wouldn't know that ahead of time to put that in an ordinance, correct?
- **Council President Kline:** Yes. He still thinks the best approach is to come up with a formula. It makes sense if you have some idea, when a tower comes down, how far forward from the base of the tower it is going to land. That is the key of how much room you really need.
- **Mayor Hallum:** I am curious on everyone's thoughts. On 1161.06 (b), where it says "when reasonably possible, wireless telecommunications towers should be constructed with stealth design technology..." I understand what that means in terms of making it look like a pine tree or something else. In my opinion, I am more inclined to notice a pine tree cell tower than I am just a regular cell tower. I am not sure if that is really what we want to say. I think, personally, the stealth technology makes it more noticeable than letting it blend in like everything else.
- **Council President Kline:** The cell tower consultant that we had in here talked about the signal being cut with the higher frequencies. At other community's cell tower hearings, which I attended, that question was raised by a resident about using disguising technology. He said anything you put up around the tower is going to cut the signal down further. Really, our existing ordinance says to consider stealth technology. Perhaps we should simply remove it completely.
- **Mayor Hallum:** This is what we are planning on making the new ordinance, correct? This actually says, "wireless communications should be constructed."
- **Council President Kline:** The change is going from, "considering technology" to "if it won't adversely affect the signal strength." Mr. DiFranco said that it is too hard to judge and that the existing language is fine. I deferred to the Law Director, and he said leaving it the way it is provides for fewer questions than by adding in the adverse effect and that means.
- **Mayor Hallum:** I like your other idea better, to get rid of it. Maybe over time, as technology gets better where it doesn't affect that signal, then they can add this and if not, then they won't. I will defer to you all, but I just wanted to bring that up.
- **Councilman Jarmuszkiewicz:** There is also mention that a lot of cell towers that were designed with stealth technology start looking kind of shoddy after a few years due to weather and being worn down.

This causes pieces to fall down, and more maintenance involved. This is opposed to a clean, crisp cell tower that becomes invisible after a while and people don't even notice it.

- **Mayor Hallum:** I also wonder if having other things that the wind can catch might increase the possibility of a collapse of some kind.
- **Council President Kline:** Or things clinging or flying off.
- **Councilwoman Miller:** I am in agreement. I don't think we need to have the stealth technology.
- **Council President Kline:** We are continuing on in analyzing setbacks. I think we have enough information to analyze it from based on other cities that were in the original study that we have been doing.
- **Mayor Hallum:** Is there any intent to vote on this on Thursday?
- **Council President Kline:** No, this is going to remain on third reading.

ORDINANCE 2025-041-THIRD 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.

- **Councilman Jarmuszkiewicz:** Wasn't there talk of putting in this ordinance some type of exception for the Frank Lloyd Wright House or some type of different designation for it?
- **Council President Kline:** There was. I will ask the Mayor if he has any comments on that.
- **Mayor Hallum:** I agree that we should include something with regard to historical sites, because that is a draw to Willoughby Hills. I would like to see an exception for the historical sites that are approved by Planning and Zoning, and perhaps the Council, if you think that is a responsible thing to do.
- **Councilwoman Miller:** I do agree on that as well. We should cover this. Historical sites are an exception to what we are asking.
- **Council President Kline:** The way the deadlines have fallen, this ordinance will not be on the November ballot anyway, so we have time to further revise and change this ordinance to get it to where we want it to be.

ORDINANCE 2025-042-SECOND 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.

- **Council President Kline:** We did pass this, and it was certified and sent to the Board of Elections. However, when this ordinance was put together, we used the road levy ordinance from 5 years ago, which *was* the right thing to do. Except, in the intervening time, there was change made at the State level where the Secretary of State requested that there be included in these ordinances a reference to the tax cost per one-hundred thousand dollar. It is just a one line correction. The Board of Elections called and said the Secretary of State might not bring this up, but we are advising you to be safe, and you should revise this. That is what we did and why this one line has changed. It is necessary for us to pass this again. We have time. If it is passed this week, then it will be certified and sent on Friday morning to the Board of Elections, and we will be fine.
- **Council Vice President Taylor Draper:** To be clear, this is the last whereas clause that we added that valuation, correct?

ORDINANCE 2025-043-FIRST READING

AN ORDINANCE TO DECLARE TWO (2) CITY VEHICLES AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE ON THE OPEN MARKET UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS, AND DECLARING AN EMERGENCY.

- **Mayor Hallum:** Our three new cars that we bought last year are being outfitted now to replace these. That is what this is. I appreciate the Council President getting this on the agenda so we could get this on the market. As you all know, the sooner we sell these things, the more value there is likely to be on them. Thank you.
- **Council Vice President Taylor Draper:** When do you anticipate the new vehicles being out in ready to service?
- **Mayor Hallum:** They are being outfitted now as we speak, so hopefully next month. We are basically sharing cars until we get the new ones. As you may remember, they have to take out some of the stuff in the old cars to put back into the new cars. We will do it quickly because I do not want to be without them very long.

Discussion of late night and early morning commercial deliveries

- **Council Vice President Taylor Draper:** I am here again with this matter. I received a call from a Stratford resident a few weeks ago and the deliveries at 2:00 in the morning have restarted. I again

called the district manager, and there is a new driver. That was the answer that I got the last time this happened again. He is assuring me that he is on top of it and it won't happen again, but it continues to. Just for the general knowledge, we have residents who live in business areas, but their homes are near businesses that have nighttime deliveries. These delivery trucks are arriving at 2:00-3:00 a.m. and awakening the residents. I shared pictures the last time. These delivery areas are right outside bedrooms. There was a resident who told me she talked to the manager. Sometimes we can control it and sometimes we can't. I don't want to continue to call district managers and call people. I have asked this body if you all see any value or see any possible solution to this problem, and I really want to hear from you guys. I don't know if this is something we can control or if we should just wait for the next district representative to continue to call. That doesn't seem to be a permanent solution and that is what I am seeking. Again, it is truly unfair for people who live there to be constantly awakened at those hours of the morning with banging doors and people yelling across the parking lot. It is just disruptive; it is not peaceful. I don't know what else we can do but just continue to bother the district managers. Luckily, we have someone who is working with us. Aldi is working with us, but what if we get someone who doesn't? This is their situation forever and ever. Can we do something? What can we do? I really want to hear from this body to find out what your suggestions and feelings are about this. It is unfair that I continue to get these calls, and the only solution is to beg someone to solve the problem. I am interested in hearing your thoughts.

- **Councilman Jarmuszkiewicz:** Are there currently any ordinances against the noise at that time at night?
- **Council Vice President Taylor Draper:** The only ordinance that we have right now is 1157.10, It discusses noise. It deals with what they call "decibels." I want to reach out to Chief Naegele to find out if there is a decibel apparatus that they use to see what the decibel is. Is it subjective? I don't know what they do. If you look at the ordinance, there are certain decibels that are permitted between the hours of 7 a.m. to 10:00 p.m. and between the hours of 10 p.m. and 7 p.m. The problem is, when you call the police, you hope that they can get there in time when the truck is there so that they can witness it and do something about it. How are these measured? I don't know the definition of a decibel. I don't know how it is defined, and it seems very general. It would have to be subjective. The officer would have to determine that this is something that is just too loud. I don't want that to be in the hands of the officer to have to try and guess the decibels. I don't know how to deal with this problem, I just know that the residents around these businesses are not happy, and they are suffering from this. I don't know if there is an answer. That is why I am asking you all for suggestions, guidance, and information.
- **Council President Kline:** The complaints that we have gotten, do they pertain to businesses delivering food products?
- **Council Vice President Taylor Draper:** The Stratford resident is dealing with the O'Reilly's Auto Parts store. Those are products that suit that business. The Steeple Run resident is dealing with the Aldi and the McDonalds, and those are food products. It varies.
- **Council President Kline:** Didn't the auto parts store change their schedule once before?
- **Council Vice President Taylor Draper:** They did, but the excuse that I get every time is that they have a new driver or someone is covering for someone else, and they don't know. It is just a variety of different reasons as to why this continues to happen.

- **Councilman Jarmuszkiewicz:** You can't ban them from restocking the stores. Perhaps change the time that they deliver.
- **Councilwoman Miller:** For those stores that are rear facing to residential areas, can we make a timing of it or something like that, so we know. Could we make a study as to when this is occurring and how often this is occurring? This would be to try to figure out what time, and how often as well.
- **Council Vice President Taylor Draper:** I can look into that and try to get a bit more information. Just based on the emails...they emailed me at 3:23 in the morning. Luckily, it didn't wake up my household, but it woke up his. I am not trying to be unfair to the businesses. I want the businesses but somehow we have to have a happy medium. These are third parties that are doing these deliveries. The O'Reilly's general manager told me he was able to talk to the third parties, and they were able to adjust their schedules so that the deliveries were rerouted to an area where there were no homes. It is possible to be done. It is just a matter of somebody telling them to do that. If they don't have to, they are not going to. They are not even thinking that this is a problem until somebody brings this to their attention. We have been fortunate to have general managers and district managers working with us to solve the problem, but that is just no guarantee. It continues to happen when there is a new driver, or somebody is sick, or somebody is filling in. It is just not the solution.
- **Councilwoman Sivo:** How long has it been since the last complaint before this one for that same business?
- **Council Vice President Taylor Draper:** I believe there was one in June and then one recently in the last couple of weeks. It had been happening a while. I must have missed an email because I didn't see it, but the one at 3:00 a.m. that was sent was followed by an email at 2:00 a.m. and one at 1:00 a.m. as well. He is up and emailing me telling me what is going on. It is happening and it seems to be continuous. And the general manager is not here. The district manager is probably working out of another state or city. I'm sure he has a bunch of cities that he manages. He is not here, so he is not aware of what is going on until he is told about it so that he can address it.
- **Councilwoman Sivo:** Is your resident going to keep you posted when this is happening? Hopefully, this was a one-off since your conversation.
- **Council Vice President Taylor Draper:** Yes, he certainly has been keeping me posted.
- **Mayor Hallum:** While I truly emphasize with people being woken up by these noises, my concern is...for instance, we have an airport. That airport has been there a long time, before most of the people who bought houses around there bought their houses. The sounds were there when they got there. I want to be cautious. I don't have to tell the Council Vice President; she knows how important it is that we get businesses in and that the City works well with those businesses. I don't want to seem callous at all because I don't mean it that way. When you go to buy a property or go to buy your home, these are all things that you have to consider when you buy, especially when you are joining a commercial district. It certainly would be on the forefront of my mind when I am buying. When I moved here, we went to take a second look at a house we were interested in, and as we were walking up to the house, a plane flew right over the top of the house. We didn't look at it again. I can't personally live with that kind of noise flying over my house. I just don't know what

the answer is. I wish I could give you the answer, but I don't know what the solution is. The businesses are going to say they have been operating here for 20-30 years, and now you are making it difficult for them to get their deliveries that need to come in so that people who show up for work can start stocking the shelves and doing the things they need to do. Everything needs to happen at a certain time, and they have 30 stores in the area, so they have to go in a route. I wish it was simple. I don't know what to do other than what you are doing now. I am not sure that we can make a law. How far away would the businesses have to be? Is it everyone in the Shoppes of Willoughby Hills? Is it any business? If it is quiet, sound travels very well, especially in that drop down there. Does this apply to every business that comes in and all deliveries that take place? I don't want to seem like I don't care because I do care. I just don't know what we can do.

- **Council Vice President Taylor Draper:** To that point, the way it was told to me was, O'Reilly's was not here when the residents moved in. This is something that came about after the resident's home was purchased. The second comment that was made to me was that the resident found a property that he loved, but it would be unreasonable to sit outside that house for days and nights to determine if the noise is something he could live with. Nobody does that. They go to a neighborhood and a school district that they like and everything looks okay. They may look at the neighbors and see generally what is around them. What do they do if something is built there around them? They shouldn't have to sell their house. It is a difficult situation. If there are residents listening, please understand, we are not, not taking this seriously; not at all. I appreciate the residents reaching out and saying, "is there something you can do?" I tell them I don't know, because I don't know if there is anything we can do to change this. It is not this one instance. I talked with a gentleman who lives across the street from the Classic dealership and there are night deliveries that happen there. It is not just certain areas; it is just the makeup of neighborhoods that live next to these businesses. It doesn't matter if it is in the east end or west end, it just is what it is. Is that what we have to say to people? We do want the businesses, and we don't want to make it impossible for them to conduct their business. There has to be a happy medium. I guess for the time being, it is a matter of the council people and residents trying to appeal to the managers and asking if there is something that could be done. We have been very fortunate because there has been nobody that has not wanted to try and help. None of us are going to be here forever. I don't want to just dismiss these concerns. I appreciate families and the fact that people work. You have to get your rest. I respect that. Then again, what really can we do?
- **Councilwoman Belich:** You made that comment earlier about the decibels and if there is some way of checking that. There is. There is an instrument the Police Department can utilize. Clearly, they'd have to be there at the time that this is occurring so I don't mean to advocate that would be an easy thing. If it is enough of a nuisance and enough of a problem, we do have an ordinance and we do have a police department. If there is something occurring at 2:00-3:00 in the morning, I would advocate for that resident bothered by the noise to call the police department for assistance rather than sending you an email at 3:00 in the morning. I would have to imagine that if there are enough businesses and calls being made involved in this, the police would have to go there. Irregardless of what the decibel instrument says, they still got called. An ongoing occurrence is probably going to be something that would get the attention of the stores and companies that are involved there, so they would have a better understanding of what it is going on at their location. I do also think that it is a good thing for the residents to call the businesses and let them know what is going on. They should call the businesses as their neighbor and tell them what has been going on consistently at night. Kind of like the illuminating company, where we are always told to call when there is an outage, this is the same idea. I think that if we ask our residents to be more in tune

to making those phone calls and becoming involved in a conversation, just as you did on their behalf, it is a lot coming from the resident who would then be able to explain their experience to them.

- **Council Vice President Taylor Draper:** That is a good idea, Julie. I have said that. It is important to get that on record. What if the police don't get there on time? There is just some apprehension from thinking that nothing can happen from it, and I tell them that they have to call and get this on the record. You have to let people know that this is going on besides me. I am not going to be here forever. You can't just call me and think that is going to be the answer. You have to get things on record. That is what I told the resident on Steeple Run. I guess at this point, that is the best we can do.
- **Mayor Hallum:** To your point, if they call when it is happening, the police department is open. If this is happening at 2:00-3:00 in the morning, the chances that the police are going to be able to go over there is pretty good most of the time.
- **Council Vice President Taylor Draper:** That is what I suggested. You have to call the police.
- **Mayor Hallum:** They cannot put all that onus on you. Like Councilwoman Belich said, call the business owner. They are not there; they probably have no idea what is happening. Somebody who is actually experiencing it is going to be able to have a nice conversation with them, and explain to them what is happening and see if there is any way to make that better.
- **Council Vice President Taylor Draper:** I will make those suggestions and see what happens from that point. For now, if we could get some of these things on record, and have some communication with the business owners, we can go that route for now and see what happens.

Reminder: Recess in August

- **Council President Kline:** Just a reminder, we will be in recess in August, except for August 14th. That will hopefully be the only date. We don't want to see anyone walk in here on the other meeting dates in August to walk into an empty room.

PUBLIC PORTION: (Audio 44:19)

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 44:25)

- **Councilwoman Miller:** I just wanted to know which are the ones that are going to the ballot and what needs to be passed? I see the one about the Clerk needing to be to the Board of Elections before August 6, so do we need to get that passed?
- **Council President Kline:** The Clerk one, yes. The land use referendum zoning will come up following the public hearing. As we said earlier, for short-term rentals, the cut-off date for getting on the ballot has passed, so that one will remain on third reading and more can be done tweaking it and adjusting it going forward.
- **Councilwoman Miller:** We need to pass the one for the Road Levy on Thursday as well, correct?
- **Council President Kline:** That is correct. I am sure the Mayor would like the surplus vehicles ordinance also passed on Thursday so we can get those listed.

ADJOURNMENT: (Audio 46:20)

- **Motion** made by **Councilwoman Belich**, seconded by **Councilwoman Miller** to adjourn the July 21, 2025 Working Committee of Council and Rules & Legislation.

Roll Call:

AYES: Sivo, Taylor Draper, Belich, Jarmuszkiewicz, Kline, Miller

NAYS: None

Vote: 6/0

The meeting was adjourned the meeting at 6:46 p.m.

APPROVED:

Date

SEPT 11, 2025

Michael Kline

President of Council

ATTEST:

Nicholas Aiello
Clerk of Council