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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

Working Committee of Council and Rules & Legislation

Minutes of July 7, 2025

The Working Committee of Council and Rules & Legislation was called to order on July 7, 2025, at 6:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 6:00 p.m. (0:05)

ROLL CALL (Audio: 0:18)

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: City Engineer DiFranco, Finance Director Bruce Scott, and Councilwoman Belich

BEGINNING DISPOSTION: (Audio 0:40)

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 2025-036-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.

- **Council President Kline:** This ordinance is on and has been on third reading. This is related to the Building Inspector and assistant. It is my understanding that there were some questions and concerns by members of Council. I will ask if anyone here this evening has any of those comments and if they would bring those forward.
- **Council Vice President Taylor Draper:** I wanted to ask Mayor Hallum questions about this ordinance. First, I know that this position has been twice vacated. I am not sure what the reasoning was for the gentleman who had this position, but it seems to be a difficult position to maintain and retain. My concern here, with current employees, is that it is not interfering with their primary responsibilities. I don't want to assume, which is why I want to ask this and hear the answer out loud.
- **Mayor Hallum:** I would ask if anyone here feels that either parties have not been keeping up with their jobs, to consider that. I feel as if they have done a great job and they have been doing these roles since at least the beginning of this year. I have not seen any drop off personally. It's been the same as always and I think they made this work. They have improved some processes and procedures, and I am just looking forward to paying them for this job, because it is an additional job.
- **Councilman Jarmuszkiewicz:** So, this isn't to hire someone new?
- **Mayor Hallum:** Correct.
- **Councilman Jarmuszkiewicz:** Okay, I was under the impression that we were creating a position to hire somebody.
- **Mayor Hallum:** We are doing something similar to how I take on the position of Safety Director, as well as Mayor. They feel as if they could make this work and have been making this work. I wanted something where if we were to decide at some point down the road that this is not working, we can just pull this out easily. I did not want to make this part of their existing job where it would be hard to pull back out because the positions would be all entangled. At any point down the road, if Mark eventually leaves or, we feel the new person isn't able to handle this, we can just remove this and redo this easily.
- **Councilman Jarmuszkiewicz:** Is this a paid position no matter what they have to do, or only when they have something to do?
- **Mayor Hallum:** They are going to get an additional salary for this job.
- **Councilman Jarmuszkiewicz:** How much does that pay?

- **Mayor Hallum:** I believe for the one position, it is \$10,000 and for the assistant it is either \$6,000 or \$7,000.
- **Councilman Jarmuszkiewicz:** What was the \$20,000 bond for?
- **Law Director Lucas:** That was already in the existing text.
- **Councilman Jarmuszkiewicz:** What is that for, what does that cover?
- **Law Director Lucas:** Malfeasance and misfeasance in office.
- **Councilman Jarmuszkiewicz:** Do they have to put that up or does the City?
- **Law Director Lucas:** The City pays for this.
- **Mayor Hallum:** *Inaudible*
- **Law Director Lucas:** It is the same amount as before. The bond was required before and it was also in the amount of \$20,000.
- **Councilwoman Miller:** Would this allow them to work a little more with this new position or is this still being done within the confines of their regular hours?
- **Mayor Hallum:** As far as I know, they are doing this within the confines of their current hours. As I mentioned, they have made improvements on tracking as well as more people being alerted to their violations and bringing them into the Mayor's Court to rectify things. Because Mark is so familiar with the City, he is already driving around the City doing his normal job. When he spots things as he is driving around, he can address them right then and there. He is good at getting it addressed, documenting it, and tracking it. As you all know, he is really good at that.
- **Councilwoman Miller:** Is this something that will be going forward once it is passed or is this going to be retroactive?
- **Mayor Hallum:** I believe we intend to make this retroactive to January 1.
- **Council President Kline:** If anyone between now and the next couple of days come up with any other comments or questions, if you would please put them in writing and forward them to the Council Clerk, who will then, in turn, pass them along to the Mayor and Road Superintendent so we can get any additional items resolved by Thursday's meeting.

ORDINANCE 2025-037-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.

- **Councilwoman Miller:** I have had a number of different conversations on this topic, and I have had some thoughts. I have thought through it myself. As I have been going through it, and the more I look over it, the more concern I have that we may be moving a little too quickly on it. One of the residents I talked to also had that same sentiment taking to the voters and feeling somewhat that we might be oversimplifying things. I am concerned about unintended impacts that we may have long term in the future. There have been some valid comments about that. Is there a better way to consider this? Should we start with Charter Review Commissions where we would have a number of residents sitting down to discuss this with the Mayor to understand this? There is concern that voters may not understand this enough.
- **Councilman Jarmuszkiewicz:** You said of the 18 cases, 15 were brought to court. A question I've heard was what if the Charter was changed and we rejected it, could they still go to court to get it? If they could sue before, why couldn't they if we said no?
- **Mayor Hallum:** Similar to how Dollar General appealed the decision, they could appeal.
- **Councilman Jarmuszkiewicz:** It wouldn't be a lawsuit, per se correct?
- **Mayor Hallum:** It is kind of a lawsuit; it is an appeal.
- **Law Director Lucas:** When there is action taken by an administrative board, specifically by way of example of the Mayor or a Board of Zoning Appeals, you have 30 days under the Ohio Revised Code to file a lawsuit. It is called an administrative appeal in chapter 25.06 of the Ohio Revised Code. You are basically challenging the decision of the Board of Zoning Appeals saying you ultimately disagree with it, and you are asking the Court to review it. There is then a time scheduling for that appeal process.
- **Councilman Jarmuszkiewicz:** So, what is the difference between that and what we have now?
- **Mayor Hallum:** The difference is that our residents will have an opportunity to know about it, to speak their mind about it, and for the elected official sitting here to have some say as well before it happens. Certainly, if somebody decides to appeal it, and the Planning and Zoning Board is wrong, and you all are wrong, and the residents are wrong, legally speaking, it is what it is. I think we do a pretty good job on both levels, on Planning and Zoning and this Board of documenting things and having legitimate reasons and legal reasons why things either do or do not make sense. I think you have to be pretty cavalier in your decisions. Although it can happen, I think it is less likely to happen because everybody on these boards and on this Council are pretty thoughtful in investigating what they want to do and what they feel is right, as well as inquiring with our Law Department when we make decisions. We have questions before we make any decision so I wouldn't expect that to stop. That is the big difference.
- **Councilman Jarmuszkiewicz:** Is this what we are having the public hearing on?
- **Law Director Lucas:** When the Planning Commission completes their public hearing on Wednesday, Council will have to hold a public hearing. The 30-day window would start, hypothetically, as a result of the Public Hearing on July 9 when the Planning Commission recommends the submission of this ordinance to the Council. There is a requirement of a 30 day publication of the ordinance so that the general public knows about this. Subsequent to that 30-day

window, there is a public hearing scheduled. You can schedule the Public Hearing if you know when the 30 days is up after the recommendation from the Planning Commission comes up. We know it has to be 30 days from July 9, so let's schedule the public hearing hypothetically for August 20. Then, after the public hearing and the vote, this needs to be submitted to the Board of Elections. Because this is a Charter Amendment there is a window of 60 to 120 days. Unlike zoning amendments, which require under our ordinances to be submitted 90 days in advance, this can be submitted no later than 60 days prior to the general election. I was advised that Council takes a summer recess in August, but you will need a special meeting for this.

- **Council Vice President Taylor Draper:** I understand Vicki's concerns and the residents' concerns. This is a big deal; it is a change to your Charter. In my years on this dais, I have seen more residents have a say and opinion by coming to Planning and Zoning meetings and coming to Council meetings more so than they ever had with anything going to a lawsuit. You get no opportunity to have a say, and you really don't even know what is happening. This way, you will have the opportunity to come to a meeting and know about a meeting to speak your mind. That is not happening with these lawsuits. It seems it is a big deal. It is, because you are changing something in your Charter. That is a huge deal. Personally, I feel that you will have more of a say with this form than you do currently. You don't have an opinion on anything that goes on, like with the Zoom Carwash. You don't have a say with all the legal ups and downs and before you know it, it is a done deal. This way, you will have an opportunity to come before Council and call your Council person and come before a Planning and Zoning Meeting and say what you have to say. Believe me, those comments, concerns, and feelings are heard and acted on, whereas now, it is not. Do your due diligence, come to the hearings, call your Council representatives, and come and ask about it. In the end, I think this will benefit you more because you will have more of an actual say of what is going on in your City than you do now.
- **Council President Kline:** People are concerned that if you have a rogue Planning Committee and a rogue Council, and Referendum Zoning is repealed, they can do horrendous things to the City. If you make the assumption that Planning and Zoning passes something horrific and Council approves it and we no longer have Referendum Zoning, there is a provision in the Ohio Revised Code where, through petition, voters can file to have that action put on hold until it goes on to the ballot. If it is the worst thing in the world, they have a way to stop it and let the entire City decide.
- **Law Director Lucas:** That is correct, that is why there is that term "Referendum Zoning."
- **Council President Kline:** It is not just letting Planning and Zoning and Council do what they please with the City.
- **Councilwoman Miller:** Section 5 of the Ordinance talks about having this to the Board of Elections on or before August 6. Does that need to be changed at all?
- **Law Director Lucas:** Yes, assuming it gets here from the Planning Commission.

ORDINANCE 2025-039-FIRST 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:** City Engineer DiFranco has provided some comments. He is on vacation and wasn't able to be with us this evening. He will be with us Thursday, and we are going to cut out some time to go over his comments and any other comments here regarding changes to this ordinance. At this point, I will open this up for any other comments or questions related to this ordinance.

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.

- No comments were made.

ORDINANCE 2025-041-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.

- **Mayor Hallum:** This is just the next step so that we can get this on the ballot. It is literally imperative if you all could get this passed this week because we cannot miss our deadlines to get this. As you all know, If this does not get onto the ballot in November, we will lose a lot of funding to be able to repair our roads and if we do it and pass another one, even if it is the exact same amount, it will cost our residents about 30 percent or so more because of the appeal and rollbacks that are on this one that are still in good shape as long as we renew it. We still get them once, just if it ever does not get renewed, we lose those rollbacks that the State gives us and that will then come out of the residents' pockets.

PUBLIC PORTION: (Audio#2 23:45)

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

- Public Portion opened at 6:24 p.m.
 - **No comments were made.**
- Public Portion closed at 6:24 p.m.

LEGISLATION: (Audio 24:10)

- **Council Vice President Taylor Draper:** Can we reiterate the hearing dates and when everything is? I think there is a little confusion. Can we make sure everybody is aware of the dates and times for the hearings?
- **Council President Kline:** Planning and Zoning will have a public hearing Wednesday. This starts at 6:00 p.m.
- **Law Director Lucas:** There is going to be two public hearings on July 9, here, in front of the Planning and Zoning Commission starting at 6:00 p.m. The first public hearing deals with the small box discount store amendment, and the second hearing which immediately follows the first public hearing is to review the Charter Amendment under Ordinance 2025-037. Assuming they pass, by recommendation of Council, we are going to set a public hearing, specifically regarding the Charter Amendment which will be set 30 days after the July 9 recommendation of the Planning Commission at Council's discretion. As I indicated earlier, that is going to be in August, and we are going to have to work on a date for that so that we meet our 60-day deadline.
- **Mayor Hallum:** Assuming everything passes, 30 days after would be August 8, so I would recommend scheduling public hearings for the week after that.
- **Law Director Lucas:** Those are the only public hearings that are on the table right now.
- **Council President Kline:** Following the July 9 public hearings, we will go out 30 days and try to find a date that works for everyone.

ADJOURNMENT: (Audio 28:20)

- **Motion made by Councilwoman Miller, seconded by Councilman Knecht to adjourn the July 8, 2025 Working Committee of Council and Rules & Legislation.**

Roll Call:

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

NAYS: None

Vote: 6/0

The meeting was adjourned the meeting at 6:29 p.m.

APPROVED: July 24
Date


Michael Kline
President of Council

ATTEST: Nicholas Aiello
Nicholas Aiello
Clerk of Council