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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 June 23, 2025

The Working Committee of Council and Rules & Legislation was called to order on June 23, 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: Councilman Dan Knecht, Councilwoman Vicki Miller, Councilwoman Kathleen Sivo, Council Vice President Tanya Taylor Draper, Councilwoman Julie A. Belich, Councilman Jarmuszkiewicz, and Council President Michael Kline

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

Absent: City Engineer DiFranco and Mayor Hallum

BEGINNING DISPOSTION: (Audio 0:40)

Discussion of Lake County Final Plan

- **Council President Kline:** We have a Resolution with us dealing with the Lake County Final Plan. It is requesting that we move up the approval to 30 days instead of 60 days. To expedite matters, Fire Lieutenant Lou DiMattia was kind enough to come in and explain to Council exactly what this final plan is so that we have an idea of what is going on. With that, I will ask Lou if he will go to the microphone and tell us what we have here.
- **Fire Lieutenant Lou DiMattia:** Good evening. The State of Ohio put together a standard for the Next Generation 9-1-1, which includes many updates bringing us into the current technological world. Each county is required to approve a plan for their county of how it is going to work. This sets a standard for the entire county. The way it works right now is that, primarily, cellular 9-1-1 calls are the main way people call for help and currently those calls go to central dispatch. These are then forwarded to the appropriate dispatch centers depending on

where the incident is at. This would send the calls directly to the jurisdiction that it is supposed to go to in the first place. Many other standards essentially provide that people are getting the same service across the county, not just depending on what each jurisdiction is able to handle themselves. That is about it. It is bringing us into the current standard of now Next Generation 9-1-1.

- **Council President Kline:** I will open up for Council if anyone has any questions or comments on the final plan.
- **Finance Director Scott:** Can you talk about the budget impact this might have switching over versus staying where we are?
- **Fire Lieutenant Lou DiMattia:** For Willoughby Hills, we are in a pretty good spot because we already use central services to the Sheriff's Office. They already have the equipment and the abilities to do pretty much everything in the staffing that this is going to provide. We really shouldn't see much of a difference because we are already basically getting that level of service. There will be other things like video and text 9-1-1 that we don't currently have. For the most part, as far as calls and where the calls go, we are already there.
- **Council President Kline:** If there are no other comments or questions before us, we have the resolution before us so that everyone has some idea of what this is related to.
- **Council Vice President Taylor Draper:** When it says, "replacing 9-1-1 infrastructure," does that mean they are replacing new phone systems or radios? What exactly does that mean?
- **Fire Lieutenant Lou DiMattia:** It would be pertaining to the phone systems. The radios are a separate part of the communications plan. I am not 100 percent sure. There might be some updates that the County would have to make that we are already paying for, that would be part of it. However, other PSAPS likely would have to upgrade some of their equipment depending on what they have currently.
- **Council President Kline:** If there are no other questions or comments, I want to thank Lou for coming in.

Motion to go into Executive Session to discuss pending litigation and inviting all members of Council, the Law Director, and the Finance Director.

- **Council President Kline:** Next, the Chair would request a motion that we go into Executive Session.

Motion made by Council Vice President Taylor Draper, seconded by Councilwoman Miller, to go into Executive Session for the purpose of discussing pending litigation and inviting all members of Council, the Law Director, and the Finance Director.

Discussion of Motion:

No discussion.

Roll Call:

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

NAYS: None

Vote: 6/0

Motion passed to go into Executive Session for the purpose of discussing pending litigation and inviting all members of Council, the Law Director, and the Finance Director.

- **Council President Kline:** The Working Committee of Council and Rules & Legislation is suspended. We will now be going into Executive Session to discuss pending litigation. Our members of Council, the Law Director, and the Finance Director will be going in. The Law Director believes this will take 5-10 minutes.

Executive Session Entered 6:06 p.m.

Meeting Reconvened 6:29 p.m.

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.

- No comments were made.

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.

- No comments were made.

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:** We discussed this Ordinance at the last Working Committee with the various regulations that other communities had. We talked about where there were differences and where there could be benefits to the City of Willoughby Hills, which have been incorporated here. This includes the setback and landscaping.
- On the setback, the City currently has a 200 ft. safety zone. The proposed change makes it so that the area surrounding the wireless telecommunication facility is the designated drop zone if the tower were to come down. It would be the requirement that the design would be that it would settle in that area. We would also incorporate a drop zone for debris coming off the tower, similar to the community in Michigan we looked at last time, as well as what Willoughby has and what our engineer suggested around 2017.
- For landscaping, the City currently has a 15 ft. area around the tower. The proposed change is to reduce it to a minimum of 10. Not 10 per se, but the minimum of 10 could go back up to 15 depending on the design and how it looks from different angles.
- The other change that we did not go over two weeks ago was the provision we have in Willoughby Hills which deals with what is deemed "stealth technology." This is the designing of a tower to look like a tree or a flag. Instead of seeing a cell tower when you look in the distance, you would see a 150 ft. or 200 ft. tree or United States flag. At the Waite Hill Planning and Zoning Meeting last month, since they are also moving forward on a tower, a question was raised there about hiding a tower and making it look like a tree. The cell tower consultant said with the change in the technology, higher transmission bands going out of the tower go out at a shorter distance. They are less effective. If you design a tower to look like a flag or a tree, the signal has to get through that maze of material. That further cuts down the signal strength. His point was that this is not a good idea. The change that is being proposed here is that the stealth technology would still be in our ordinance, but it would be modified to say, "stealth technology would be considered if there is no adverse impact on cell tower performance." If designs change and there is stealth technology that doesn't interfere with the signal, it could be considered. If not, then it would not be an option.
- Those are the changes that are being proposed to enable the City to move forward and find other locations for a tower that is needed right now on the eastern end of the City. With that I will open up for any comments or questions.

ORDINANCE 2025-040-FIRST READING

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2024-070 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR, REPEALING CONFLICTING LEGISLATION, AND DECLARING AN EMERGENCY.

- **Finance Director Scott:** This is pretty basic, just some of the cost overruns that we are seeing. So far, a lot of them have positive impact because of increased revenue, and then associated expenses with that increased revenue. That is what the bulk of this is. There are a few other small exceptions. Nick, did the memo go out to Council? The memo explained that pretty well. What I can do, if it didn't go out is send that after the meeting so everyone can read it and look at the detail. Then, if there are questions we can talk about it on Thursday.
- **Council Clerk Nicholas Aiello:** I don't remember getting a memo. You probably sent it out and I missed it. I apologize for not sending it out.
- **Council President Kline:** I will ask the Council Clerk to check to see if he got it and send it out.

ORDINANCE 2025-041-FIRST 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:** As advised in prior work sessions, this Ordinance is here for Council's discussion at the request of the Business Committee chaired by Julie Belich. She asked it to be put here for more additional Council input. Some polite disagreements between some of the members of that committee came up, and at the end of the day, it was felt we are going to have to have all the Council weigh in on this particular issue. The substance of this ordinance is an absolute ban of short-term rentals everywhere in all districts. There is a little distinction between that and what we have been dealing with which is residential short-term rentals. That is the distinction number 1.
- The other point of information, I am not sure of what the ultimate input will be from Council, but because this effects uses within the zoning classification, this would have to go to the Planning Commission for a public hearing. At the conclusion of that public hearing, it comes up to Council and Council would then also have to have a public hearing. It would have to be submitted to the Board of Elections by August 6. There is a little time crunch here. It could be done, but I just wanted to alert you that those time parameters are there.

RESOLUTION 2025-009-SECOND AMENDED- FIRST READING

A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CITY'S EXISTING 2.5-MILL TAX LEVY IN EXCESS OF THE TEN- (10) MILL LIMITATION FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, REPAIR OF STREETS, ROADS, BRIDGES, THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT

AND MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR AND FACILITIES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE RENEWAL LEVY, AND DECLARING AN EMERGENCY.

- **Law Director Lucas:** There was a clerical error in the original language of the Resolution that identified the general election as Tuesday, November 2, when it is actually Tuesday, November 4. That is the only change that was made, just to correct that clerical error. I want to thank the Finance Director for catching that and alerting me to that. I would appreciate if this could be passed at the Regular Council Meeting Thursday as an emergency measure because the Finance Director needs to get this and certain financial information over to the Auditor's office. I apologize for the delay, but we need to do that and it would really be much appreciated from the Law Department's standpoint to pass this as emergency legislation.

RESOLUTION 2025-010-THIRD READING

A RESOLUTION ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2026 FOR THE CITY OF WILLOUGHBY HILLS.

- No comments were made.

RESOLUTION 2025-011-FIRST READING

A RESOLUTION APPROVING THE LAKE COUNTY FINAL PLAN CONCERNING ALL PUBLIC SAFETY ANSWERING POINTS ("PSAPS") OPERATING IN LAKE COUNTY AS ADOPTED BY THE LAKE COUNTY 9-1-1 PROGRAM REVIEW COMMITTEE FOR THE PURPOSE OF REPLACING 9-1-1 INFRASTRUCTURE, AND DECLARING AN EMERGENCY.

- **Council President Kline:** This is what Lieutenant DiMattia spoke to us about at the beginning of this meeting. The information that has come in from the County regarding this resolution, which has generated this resolution, is requesting that we pass this within 30 days from the date they sent it out as opposed to 60. The 30 days will come up before our next meeting, so this is something we should consider for Thursday.

Discussion of Late Night and Early Morning Commercial Activities.

- **Council Vice President Taylor Draper:** Due to the heat, I am going to keep this very brief and hopefully we can discuss this at the next meeting. We have had a few complaints from residents who live near businesses. Their complaints center around the fact that there are deliveries of supplies and goods to certain businesses occurring around 2:00 to 3:00 in the morning and waking them up to the point where they can't get back to sleep. They are saying that it is detrimental to their next day functioning capacity. They have asked us to look into what we can do about it. I remember I brought this up last year and we touched on it. I asked Nick to check into a few other communities to see if they have something similar to what I am talking about. They really do not.
- **Council Clerk Nicholas Aiello:** I spoke with Willoughby and Wickliffe, and they didn't have an ordinance pertaining to delivery hours. Rather, they used their noise ordinance.

- **Council Vice President Taylor Draper:** I asked Nick to supply us with the noise Ordinance that is part of our Codified Ordinances and wanted to zero in on the section in the middle where it talks about the noise limits between the hours of 10:00 p.m. and 7:00 a.m. It states, “The noise in schedule 1157.10 may be exceeded by no more than...” and you see a bunch of decibels. I guess the question is, how are decibels measured? Do the police have this? If somebody is banging metal or opening the door to a huge semi-truck, do the police carry certain equipment that can measure a decibel?
- My second concern is, by the time the police get there, will the noise still be happening? It is possible, but I just don’t see that always being the case and yet the resident is awakened, nonetheless. My question is, if the only thing we have in our City is this noise ordinance, do we need to take it a little bit further? Do we need to consider something that would protect those residents? At the moment, that is all I am really prepared to go over. That is my question to the group. Is this something we need to look into?
- I took a picture of the two areas in question, and I know there is a third. The first one that we are looking at here with the trees is the back of Aldi. Over the fence, there are residents’ bedrooms. They are being awakened by the noise. You can see the delivery area and how close it is to their bedrooms. This is at Steeple Run. The second one is Stratford Place. This is at O’Reilly’s and you can see the Stratford townhouse right in the back and how close it is. Those are *bedrooms* back there in the picture. You can see how close that noise is. If somebody is waking me up at 2:00 a.m. or 3:00 a.m. I am going to call the police, and hopefully the police will get there in time and they are going to be measuring this by decibels. They are measuring this a total of 10 minutes in any 1-hour period. I don’t know if that has ever happened and I don’t know how realistic that is. My question is, does this group think there is more that we can say or do about the issue?
- In the interim, what has been happening is that I have been reaching out to store managers and district managers to see if there is anything they can do to address this issue. What they have been doing is altering the delivery routes of their goods coming in. They have been working with the group that delivers their goods and choosing alternate times to deliver. Can we always depend on that? I don’t know. Luckily, someone is trying to work with us. Is that all we can do? Is all we can do is try to get the businesses to alter delivery hours? I don’t know what the answer is, and I know that the residents’ complaints are valid. It is unfair to think that because the resident moved there, they have to deal with it. No, I don’t think that is the answer. I want us to consider changing things with our noise ordinance or creating a delivery hour ordinance to address this. Thank you, that is it for now.
- **Council President Kline:** Are there any comments or questions regarding what the Council Vice President has said?
- **Law Director Lucas:** Just an additional point of information, generally, the delivery times and dates are consistent for most of the retail stores. I think for enforcement purposes, hypothetically, you would definitely need to have some sort of measurement to provide objective criteria as to the decibel level in that. But, I also agree with you that if you call the police, they may not be there in time. But they do come on a regular basis, and you could have somebody there the next week perhaps, where they are going to undo the standard on loading and do a harvesting of information regarding the decibel level.

- **Councilwoman Miller:** I just wanted to also point out that there is this “impulsive sound” in subsection (3), “of less than one second”, so we can also look at that. That would be the banging of the doors. Is that what we are referring to there?
- **Council Vice President Taylor Draper:** This would really require us to work with our Police Department, and I know that they can’t always guarantee that they will be somewhere at certain times. We would have to work with the Chief and see if they can have someone there when we know they are coming to handle this. I don’t know if this is a long time solution.

PUBLIC PORTION: (Audio#2 24:18)

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

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

LEGISLATION: (Audio#2 24:40)

- No comments were made.

NEW BUSINESS:

- **Councilwoman Sivo:** Going off of the conversation we had with noise in the City, I hope on Thursday, we can have a discussion of Fireworks with the Fourth of July coming up.
- **Council President Kline:** We can cover that under “old business.”
- **Councilwoman Sivo:** Thank you.

ADJOURNMENT: (Audio#2 26:10)

- **Motion made by Councilwoman Belich, seconded by Councilman Knecht to adjourn the June 9, 2025 Working Committee of Council and Rules & Legislation.**

Roll Call:

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

NAYS: None

Vote: 6/0

The meeting was adjourned the meeting at 6:55 p.m.

APPROVED: July 10, 2025
Date


Michael Kline
President of Council

ATTEST: Ni Aiello
Nicholas Aiello
Clerk of Council