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Vice President of Council
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Council Clerk
NICHOLAS AIELLO

Council
JULIE A. BELICH
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DANIEL KNECHT
VICKI MILLER
KATHLEEN SIVO

City of Willoughby Hills

Working Committee of Council and Rules & Legislation

Minutes of May 5, 2025

The Working Committee of Council and Rules & Legislation was called to order on May 5, 2025, at 6:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 6:00 p.m. (0:10)

ROLL CALL (Audio: 0:17)

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

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

Absent: Councilwoman Belich, Councilman Dan Knecht, and City Engineer DiFranco

BEGINNING DISPOSTION: (Audio 0:44)

ORDINANCE 2025-032-FIRST READING

AN ORDINANCE ACCEPTING THE BID OF RMH CONCRETE & FOUNDATIONS, INC. OF 4433 WEST COLLINS ROAD, COLLINS, OHIO 44826-9731, FOR THE CDBG CHARDON ROAD WEST SIDEWALKS PROJECT, AND DECLARING AN EMERGENCY.

- **Council Vice President Taylor Draper:** I just want to clarify that the spreadsheet we are looking at here is just a graph of individuals who put in bids, as well as the cost of everything.
- **Mayor Hallum:** That is correct.
- **Council President Kline:** Before we got started, the Council Clerk stated that this is an enlarged copy of the exhibit. It was made bigger so that it could be easier to read.

- **Mayor Hallum:** I did reach out to the Law Director because I wanted to make sure that when we do this project, the City is not going to be responsible for maintaining these sidewalks. He confirmed that the abutting property owner is responsible for the repair of the sidewalks abutting the owner's property. According to City Codified Ordinance 5.21.06,
- (a) "No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance." (ORC 723.011)
- **Council Vice President Taylor Draper:** Would that be the plaza owner or the individual owners of the business?
- **Mayor Hallum:** That would depend on whoever owns parts of the parcel. If the property itself is sold off, versus a lease, then the actual title owner is responsible.
- **Councilwoman Miller:** How is this going to be overseen once they are put in to make sure that is being accomplished?
- **Mayor Hallum:** Something that we will be giving to you all next time is the creation of two new job descriptions for zoning inspector. That would fall onto the zoning inspector's responsibility to review those sidewalks and alert the property owner of any repair needs. The Road Superintendent, Mark Grubiss, came to me and said that he felt that this job could be split between himself and Stacey Rentz. We are considering that, and we are going to put those two job descriptions together in front of you all to consider to figure out how we are going to handle it. It seemed like a reasonable thing to at least try to do to see if it will work out.
- **Councilman Jarmuszkiewicz:** Are the individual property owners aware of the responsibility of the sidewalk once it is installed, or are they going to be made aware?
- **Mayor Hallum:** I believe I did have a conversation with Ray Somich about this, however, it's tantamount to everything else we do in the City. We don't make every resident aware of every law that you all put into place. It is the responsibility of the property owner to know those things. And this sidewalk repair is not a new thing; it has been on the books for a long time. I will check. It is a fairly common practice; it is not unusual. That is pretty much the way it is in every community.
- **Councilman Jarmuszkiewicz:** Say the sidewalk is put in and needs repair and needs to be cleaned, and they do not follow up with it. What would happen?
- **Mayor Hallum:** This goes on to say that whoever violates this is guilty of a minor misdemeanor, so there is legal recourse that they would be brought in the Mayor's Court and could be fined or otherwise, but usually what we try to do when that happens is

encourage that they follow through and do what is required.

- (b) “Whoever violates this section is guilty of a minor misdemeanor.”
- **Council Vice President Taylor Draper:** There is a plaza across from the shops that houses a Subway and other establishments. They have sidewalks, and that sidewalk is manned and is the responsibility of that owner.
- **Mayor Hallum:** That is correct.

ORDINANCE 2025-033-FIRST READING

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE – TITLE FIVE – ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS WITH AMENDMENTS TO CHAPTER 165 RELATED TO THE WILLOUGHBY HILLS SENIOR CENTER AND THE ROLE OF WILLOUGHBY HILLS SENIORS, INC. AS WILLOUGHBY HILLS SENIOR CENTER FACILITATOR, AND DECLARING AN EMERGENCY.

- **Councilman Jarmuszkiewicz:** What are the biggest changes with the City going and taking over this? Are people still allowed to go down there and do the same things they were doing before? Will there be restrictions?
- **Mayor Hallum:** There has been no discussion of changing anything at this point. Anything that the members of the Senior Center were doing and are doing now will continue; there is no change with any of the programs that Senior’s Inc. was running for their membership. There are no plans to change any of that. We need to improve and add on at this point.
- **Councilwoman Miller:** In section 165.03 “The Purpose,” is that going to be left open there? I just had a chance to briefly look at this today.
- **Mayor Hallum:** I did not write this, but that should be reviewed.
- **Law Director Lucas:** The only thing that was changed on 165.03 was, instead of Willoughby Hills Senior’s Advisory Inc. It is the Willoughby Hills Senior Advisory Panel. Everything else is the same between this and all the other paragraphs within 165.0. That is why it only has the first line.
- **Councilwoman Miller:** I was thinking that was the case, but I wanted to make sure because I did not have time to go over it. The next thing I am concerned about is one person being the sole decision maker to remove the Senior Room someday, if that were to happen. I would like to see something in there about advisory panel discussion and maybe a Council vote to make this decision. Is that something that is possible to add?
- **Law Director Lucas:** I can add that. So, you would want something along the lines of

saying that the application of the Senior Center will be discontinued only upon a recommendation by the advisory panel and the affirmation by Council. Is that Correct?

- **Councilwoman Miller:** That is correct.
- **Law Director Lucas:** I will put that under 165.04.

RESOLUTION 2025-009-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:** This is the renewal of the last levy we passed regarding this particular area of purpose. It is outlined on that. It is no increase; it is simply a renewal of 2.5 mill tax levy and excess of the 10-mill limitation in that. If it is not put on the ballot to pass in November, it will lapse by operation at the end of the year, in terms of collection. One other point, if you look at the discussion items where it says Resolution 2025-009, in paragraph 3, the line where it says "ten" in parenthesis should be changed to the number 10. This is on the agenda.
- **Council Clerk Nicholas Aiello:** I did make this change on the agenda and legislation; however, this was after I printed it, and I did not want to reprint it to save paper. It will be fixed for the final version on Thursday.
- **Mayor Hallum:** Law Director Lucas, if I am not mistaken, renewing this also gets us a rollback. That was included as part of this, that if this had not been approved and we had to start a new one, receiving the same amount of money would actually cost the taxpayers even more because rollbacks are expired and you wouldn't get those anymore. This is grandfathered as long as this continues to get renewed.
- **Law Director Lucas:** That is correct, thank you for bringing that to our attention. That is a very significant factor as to why we want to press this forward and have it on for the electorate to vote on in November. We are going to be starting new without the rollback.
- **Councilman Jarmuszkiewicz:** I am trying to figure out the taxes; is it on the current valuation or the past valuation?
- **Law Director Lucas:** Once this is sent to the auditor's office, the auditor's office will do a

valuation based on the current values for the overall property in Willoughby Hills and the second part of that will be the money generated by the 2.5-mill renewal levy. Those two component numbers then are included in the next legislative act which will be to have this put on the ballot in accordance with the following valuation from the auditor's office. This is the long-winded way of saying that it is the current valuation.

- **Mayor Hallum:** However, if I am not mistaken Mr. Lucas, it cannot generate any more than a certain amount of money than what was originally generated. So, even though people's property values won't go up, let's say this creates five million dollars' worth of collections. It still can only collect five million dollars of collections. So, we can't say that because property values, we are going to get 77.5 million dollars. It is still 5 million. Say everybody in the City would have 10 percent. Then everything would stay the same. But if some people went up to 20 percent, and others went up 5 percent, then that is where the adjustments could occur. This will still not generate any more money than it did when it originally passed the first time.
- **Councilman Jarmuszkiewicz:** Is this something that needs to be passed right away or can it wait?
- **Law Director Lucas:** That is subject to what the Mayor indicates. This could certainly be put on first reading.
- **Mayor Hallum:** We have time. Nick, what was the date they told us they had to have this into the Board of Elections?
- **Council Clerk Nicholas Aiello:** I believe it was August 6.
- **Mayor Hallum:** This is fine so long as it is passed to get this to the Board of Elections by August 6.
- **Law Director Lucas:** It needs to be passed and sent over to the auditor. Then, it needs to have the new information from the auditor and have the second legislation by August 6 if I am not mistaken. Is that correct?
- **Council Clerk Nicholas Aiello:** I am not sure.
- **Law Director Lucas:** To answer the question, it could be on first reading.
- **Mayor Hallum:** We have time. I would like to talk about this and have the residents hear about it.

- **Council President Kline:** Before moving on, just to make certain we are all on the same page, what is the desire of the administration for Ordinance 2025-032 and Ordinance 2025-033 from the standpoint of timing?
- **Mayor Hallum:** Ordinance 2025-032, I would like to see get passed this week so that we can get on their schedule and get those sidewalks in when the weather is nice. Ordinance 2025-033 is up to Council. I will ask Councilwoman Miller if the current Advisory Board would be interested in being appointed to the current advisory panel.
- **Councilwoman Miller:** I think they may need to have clarification of what that is going to entail and the responsibilities going into it.

Discussion of motion authorizing bidding for the Fire Station Sprinkler project.

- **Councilman Jarmuszkiewicz:** Is this sprinkler system inside?
- **Vice President Taylor Draper:** They currently don't have a fire sprinkler system over there?
- **Mayor Hallum:** Not one that works and there is nothing that is monitored either. So, this would work, and it would be monitored.
- **Finance Director Scott:** The Fire Department requested and received a grant that the group accepted late last year. This is the same project to put a working sprinkler system in the Fire Department. I know that Pete has done a lot of work getting bids and making sure that everything is buttoned up. I think the timing is running out, so we need to do something fairly soon in order to get the project going so we don't lose the funding.

PUBLIC PORTION: (Audio 22:20)

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

- Public Portion opened at 6:22 p.m.
 - No one spoke.
- Public Portion closed at 6:22 p.m.

LEGISLATION: (Audio 22:45)

- **Council President Kline:** I will note that on the Resolution, as the Law Director pointed out, the "10" in the second line is spelled out as opposed to the numeral 10. I will ask if there are any other concerns or comments regarding anything here.

NEW BUSINESS:

- **Mayor Hallum:** I just wanted to share with everyone that there was a virtual cycling program that was run by the Health Department in Lake County last year. It was very popular, and the seniors enjoyed it. Unfortunately, it was cut out of their budget for this year. A lot of people were disappointed about that. When I found out, I contacted Ron Graham, the Director for the Health Department for the County, and asked him if we could obtain that equipment so that we could have something unique about our senior programming that others do not have. After much work with Director Graham as well as much work with Commissioner Regovich and Commissioner Beverage, we have been able to obtain the equipment this year, and we are going to work on creating some programming that will be open to everyone that wants to get connected to our virtual cycling program.
- **Councilwoman Miller:** I want to thank the Mayor for his support on that and making sure that this got done because that was an available resource. I attended the first session because I wanted to make sure it was a good go on it. I had to give up my last seat because there were more people than bikes, so it is a very good thing. I am sure the rest of the Senior Centers in the County are going to appreciate being able to have that open to them as well.
- Another question I have concerns cell towers. I have been out of town for a couple weeks and just wanted to know if there have been any updates on that.
- **Mayor Hallum:** I would like to know that too. What are Council's plans for that?
- **Council President Kline:** We have been gathering information related to what regulations and restrictions other cities have in place in terms of locations of towers, and safety areas with the idea of trying to get our regulations up to current standards. There are some regulations that are much more in keeping with industry standards of today. Council is in the process of gathering that information and making certain that it is the standard, and we will bring that forward for further discussion by the entire Council.
- **Mayor Hallum:** If Council does determine that it makes sense to update our ordinances to match what we believe and understand to be more prevalent restrictions, which is basically eliminating the 200-ft. fall radius, that then opens up a location that we all know was of interest and would service the area that we are most concerned with. While I am continuing to look for other locations, I will mention that this location that we are talking about doesn't cost the City anything to purchase. Anywhere else is going to cost us. Who knows? It just depends on what they want, where it is, and how much space it is, as well as all the requirements for how to get a road up to it if you need to create an easement. There are lots of expenses that can be involved with that. While I am looking, I am not actively asking because I do not think it is a good stewardship of money that we have here, or that you all could be in charge of spending what you have approved until we decide whether that location is not going to be liable. If we determine that we don't want to change, it is going to be then we won't continue trying to buy something or find something that we can make work if you do change with them.
- **Councilwoman Miller:** Are we sure that this location is something that is workable for cellphone companies, and if not, can we continue to scope out what might be workable? This weekend, I ran into an incident where I lost power, and I could not call out or get any connection into reporting the outage. I tried to go up River Hill, which was an issue, and I fortunately got up the hill far enough to where I could at least get the call in to First Energy to let them know that we were out. I am concerned about the locations and being out by the valley.

- **Mayor Hallum:** My understanding was, at that time, the location over by the grange was suggested by a tower company which would lead me to believe that there is or was at least at that time, interest in that location. At the time, we were looking at the other location that unfortunately fell through. I would stand to reason that if they were interested in some way they would also be interested in this location, which I think actually is a little better because it is closer to where it needs to aim. With regard to Rodgers Road, I don't know whether this one (because of all the information that Mr. Styles shared about this shorter wavelength of these newer signals) could reach all of Rodgers Road or part of Rodgers Road. I do not know the answer to that. What I can say is that we did suggest a location that would end up there near Squire's Castle out of the service area and they were not interested at all in doing that. I think partially that is because they are working with the parks and are now willing and interested in putting up cell towers on some of their properties. I am gleaning without being told that perhaps they have got something in the works in the park area that is going to solve or at least help that situation, and that is why they didn't have an interest in this because they're already downwind of something.
- **Council Vice President Taylor Draper:** To paraphrase what you just said, we are trying to finalize verbiage for an ordinance that is comparable to today's standards. Is that what you just said?
- **Council President Kline:** We want to make certain that if in fact the current standard doesn't require 200ft. or 150ft. safety zone drop to the right a way, then that is in fact what the cell tower companies are basing their construction on.
- **Mayor Hallum:** I think of one the most helpful things to me and probably to many of you was him telling us that these things are buried 30 ft. down in the concrete block. I am not imagining that it falling over is likely. I am imaging this big, huge concrete sticking out of the ground.
- **Council Vice President Taylor Draper:** It won't topple over.
- **Councilman Jarmuszkiewicz:** Cell towers have to be on public property by ordinance. If that was ever changed and went on private property, how would that work? I know they would be compensated for it, but would they be liable for it also?
- **Mayor Hallum:** I will let the Law Director answer the liability question. I would imagine yes. My bigger concern would be losing complete control over where things are going as far as having towers. We may end up with a cell tower where we would never have wanted one once we give up that kind of control.
- **Law Director Lucas:** I suspect anything is possible, but I will tell you I have never seen a cell tower with a utility company that has been put on private property. Anything is possible, but I have never seen that. The reason the utility companies regarding the cell towers want it on public property is because the public entity is always there. That is why they have long-term leases that are renewed every 5, 10, or 15 years as opposed to having to deal with somebody that would go into the sale of their property to private residents and so forth. The requirements as the rents are being paid, is the other reason they like public entities because it's always going to the same source. It has always been based on whatever the leased terms are. As a practical aside the lease for cell towers is generally 30-40 pages long. Not that it is outside the realm of understanding of a private citizen but it's fairly dense. Anything is possible, but I have never seen that in any community I have represented, or anywhere else in that matter. In terms of liability, one of the issues is always the maintenance. It sounds nice as an abstract matter to have a private property owner having a cell tower. At first blush, it seems like a good idea that everyone will want to do that, and we would have cell towers all over the place. But they would be responsible for whatever the terms of the lease provide. Usually, the lease provides for ongoing maintenance and supervision of the repair status of cell towers. Private

property owners act with a degree of caution to the wind, I think, to have a cell tower where you are going to be responsible for certain aspects of it under the lease. Which generally, the public entity has no problem with. It is their land.

- **Councilman Jarmuszkiewicz:** Do we know anything else about short-term rentals? I know we placed a moratorium on new ones but is that case still going on?
- **Law Director Lucas:** It is. These are the next steps: a brief has been filed, and the next procedural step is for the party who appealed to file their brief. Then we file our brief, and they have 5 days to reply to our filing. On Friday, the parties seeking to operate the short-term rental filed an additional period of time. I believe this was 10 days and was granted by the Court. That is the status of the case. Independent of that, I did speak to the chairperson of that Committee, Councilwoman Belich. She has indicated to me what she would like me to draft. I think it would be premature to discuss the contents of what I am drafting. There will be more details to come.
- **Mayor Hallum:** You all probably know that Dollar General sued the City with regard to them being declined from the Planning and Zoning Commission. The City's insurance did agree to pick that up and we have an attorney that is going to be handling that for the City. We feel we have a good case.

ADJOURNMENT: (Audio 13:30)

- **Motion** made by **Councilwoman Miller**, seconded by **Councilman Jarmuszkiewicz** to adjourn the May 5, 2025 Working Committee of Council and Rules & Legislation.

Roll Call:

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

NAYS: None

Vote: 5/0

The meeting was adjourned the meeting at 6:14 p.m.

APPROVED: May 22, 2025
Date


Michael Kline
President of Council

ATTEST: 
Nicholas Aiello
Clerk of Council