

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

Working Committee of Council and Rules & Legislation

Minutes of June 9, 2025

The Working Committee of Council and Rules & Legislation was called to order on June 9, 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: Council President Michael Kline, Councilman Dan Knecht, Councilwoman Vicki Miller, Councilwoman Kathleen Sivo, Council Vice President Tanya Taylor Draper, Councilwoman Julie A. Belich, and Councilman Jarmuszkiewicz,

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

Absent: City Engineer DiFranco

BEGINNING DISPOSTION: (Audio 0:50)

ORDINANCE 2025-033-AMENDED-THIRD 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.

- **Councilwoman Miller:** I just had one question on the third Whereas Clause. Where it says, “five senior citizens” is that going to be the same definition or can we just say, “five citizens” if we want to have somebody on the panel who may be in their 50’s, or in that direction?

- **Law Director Lucas:** The language, I believe is consistent with the prior ordinance regarding that. I don't think anyone is married to that from the administration's standpoint unless the Mayor says otherwise. If you want to just have five citizens, subject to the approval of the majority of Council, that is fine with me too.
- **Councilwoman Miller:** We want to have fresh ideas in there and not every senior citizen is ready to step up. We want to make sure that we have people that can look towards the future of the programs as well.
- **Mayor Hallum:** Can you read that specific line again? I don't have that ordinance in front of me.
- **Councilwoman Miller:** "The Mayor will appoint a Seniors Advisory Panel, which shall consist of the Recreation Coordinator, one (1) Council member, and five (5) senior citizens, to assist in the decisions relating to the Senior Center and its members."
- **Mayor Hallum:** Your suggestion is that it should just say citizens? Should we potentially say, "up to five?"
- **Councilwoman Miller:** I am in agreement with that.
- **Council President Kline:** So, we are all in agreement with that change.

ORDINANCE 2025-035-SECOND 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-SECOND 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.

- **Councilman Jarmuszkiewicz:** Is this just the ordinance creating the position of the City Inspector and Assistant City Inspector? And is this part-time?
- **Council President Kline:** Yes.

ORDINANCE 2025-037-SECOND 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:** Can Mayor Hallum summarize this again? I don't think we could reiterate this or explain this too much for our residents who may not have heard about it or are hearing things that are not true about it.
- **Mayor Hallum:** The intent is for Council to put this on the ballot for vote of the people. This current code with referendum zoning, that is in place today, has been in place since 1996. The intent for this change, while it was honorable at the time, is for a better way for residents to have a say on any changes to the zoning code. In practice, we have seen since 1996, we have had 18 zoning changes that would have fallen under this area. Of those 18, only 3 actually went to a vote of the people. One of them I believe was the Community Center. I don't recall the other 2 right now. The other remaining 15 were various lawsuits against the City by businesses and entities which were ultimately decided by a Lake County Judge who doesn't live here. I think this counters the intention which was the residents wanting to have a say.
- I am asking to put this back to the residents to find out if they really still want this, or would they prefer going back to a situation where it actually goes before the Planning and Zoning Commission where they would hold a public hearing and make a recommendation to Council. Council would then also hold a public hearing and follow the recommendations from the Planning Commission and then ultimately make a decision as to whether that change should be made. My personal belief is that this is better since we would have 7 people on our Planning Commission who live in the City discuss this with residents, as well as you all, who are elected officials of the City, discussing this with our residents and ultimately making a decision. This better allows the community to make a decision than with what we have today. My intent behind this is to ask the residents if they still want this how it is or if they would like to change it to this? It really gives the community an opportunity to discuss this and decide what makes sense.
- **Council Vice President Taylor Draper:** Is it fair to say that our issues, questions, and concerns with Dollar General would not be here had we had this ordinance?
- **Mayor Hallum:** It is entirely possible that we would have changed the zoning code by now to better reflect what the residents want if referendum zoning was not in place. That is correct, thank you for asking that.

ORDINANCE 2025-038-FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE PROPOSAL AS SUBMITTED BY RICHARD L. BOWEN & ASSOCIATES, INC. TO PROVIDE ZONING ADMINISTRATION SERVICES FOR THE CITY OF WILLOUGHBY HILLS, FOR THE PERIOD OF JULY 1, 2025 THROUGH DECEMBER 31, 2025 AND DECLARING AN EMERGENCY.

- **Councilwoman Miller:** I haven't had time to read through all of it but is there any change from the current contract?
- **Finance Director Scott:** The fee structure stays the same from the first half of 2025; it's a \$2.00 increase from 2024.
- **Councilwoman Miller:** Thank you.

RESOLUTION 2025-010-SECOND READING

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

- **Mayor Hallum:** Am I correct in that the public should be aware of a public hearing before the meeting this week? Is that correct?
- **Council President Kline:** Yes, there will be a public hearing preceding the Thursday night Council meeting on the City's tax budget.
- **Mayor Hallum:** Thank you.

Discussion of motion to approve \$5 pool subsidy rate toward daily visits at Parkview Pool in Mayfield. Cost to Willoughby Hills residents would be \$10 and \$3 for senior residents.

- No comments were made.

Cell tower discussion.

- **Council President Kline:** Everyone is aware of the need for improved cell-service in the eastern end of Willoughby Hills. This has been an ongoing concern that we have been trying to deal with. I would like to provide some statistics before we get into the details of the discussion.
- Worldwide smartphone users have increased from one billion in 2014 to nearly 5 billion now.
- There is approximately 325 million smartphone users in the United States.
- The average daily online activity and smartphone use has increased with users spending more time on mobile apps and internet activity.
- In 2017, the average person spent two and a half hours a day using the internet on their phone. By the second quarter of 2024, which was a year ago, this amount has jumped to 4 hours a day.
- Over 65% of the world's population owns a smartphone.
- On top of all that, the 2 sources of home phone service in the area, AT&T and Spectrum, have some unique problems. Some of these are man-made and some are caused by the increased volume. By 2029, just 4 years from now, nobody will have an AT&T landline at all. AT&T is shutting everybody down. They have gotten both the FCC and Public Utility Commission of

Ohio's permission to do this. They are doing this on somewhat of a gradual basis. Areas that are more rural or remote that may not have adequate, or any internet service will be the last to go. Others will go sooner. Every time I have contacted AT&T, they have no time table for when this area will be either forced to switch over to a computer-based phone system with AT&T or go to Spectrum. The problem that everyone will be facing is, during a power failure, if you have the old-fashioned AT&T landline, your phone will continue to work. I have it. When we have had tornados that last few years, my phone continued to work through all that. With Spectrum, when there is a power failure, their phones go down. For internet, AT&T has their U-verse and Spectrum has theirs. During a power failure, both systems go down. The real problem is, if you have a full-house generator, if you lose power and then the power comes back on a minute later, right now, with AT&T, your internet service comes on and you are in fine shape. Unfortunately, if you have Spectrum Cable TV, that doesn't come back. If you have Spectrum, and you lose power, and you have a generator, you will not get your phones or internet to reboot. They will not come back until full power is restored. Spectrum will tell you; their infrastructure is too heavily dependent on electricity to come back on. The point I am getting at is that this will create the perfect storm where if we don't get improved cell service in times of major storms, virtually everyone will be without power to communicate with each other.

- Mayor Hallum has been working over the last couple of years, trying to find an adequate location for a tower to be constructed on the eastern end of the City. There have been some various limitations that he has run into. The major problem that we face right now is that the regulations that we have in the City is not up to date. They are probably 20 years old, as well as most of the communities around here. They have very similar ordinances that are not up to the 21st century. What we want to do is update some aspects of the regulations so that it will be easier for the City to find a suitable location, or more than 1 location, to make a selection from. Another point to be aware of, the regulations controlling the cell tower placement is not controlled by the cell tower company, cell-service, or State of Ohio or Federal government. It is based on what each community's regulations are. The cell companies will work within those regulations if they can and if they can't, then there are problems. So that is where we are at, and we need to make some changes.
- What I have done is go through the sections of the Codified Ordinances related to wireless communication and looked at various neighbors of ours in Lake County. Not everyone was comparable. I looked at Mentor. I also expanded the search to other cities in Ohio and even some out of state to get a good comparison of cities and what their regulations are. The major regulation we have had problems with deals with setbacks. This is where the cell tower can be placed. Willoughby Hills has a very restrictive set-back requirement. That is where I wanted to start. Everybody on Council has been provided with the set-back requirements and the cities that I have come across. I wanted to open this up for discussion and I will start by reading Willoughby Hills' ordinance. It reads, "A buffer area of 200 feet shall be placed between the wireless telecommunication facilities and the right of way." That is a long distance and in some cases it might be further than the distance than the right of way. That would create a problem. I will tell you that for those sitting on the dais, if you look at the Grand-Rapid Michigan set-back, which states, " Towers shall be located so that there is a sufficient radius of land around the tower so its collapse shall be contained on the property we are located," this seems to be the main concern that we have. If there were an a accident and a tower came down, there would be protection. We have been advised by a cell tower consultant that cell towers do not come down like a tree. When there is a weakness in a tower, towers are created where the upper portion of

the tower will bend over. Having this radius a diameter at the base the sufficient size to contain any accident would seem in my mind like a logical conclusion. I wanted to open up for discussion.

- **Councilman Jarmuszkiewicz:** It seems like the Grand Rapids Michigan leaves this open. Like you said, the tower collapses on itself. It seems like this would leave more options to place towers in the City. I see some of them have 1,000 feet.
- **Mayor Hallum:** What you said earlier was spot on. I think I speak on everyone's behalf when I say our concern is more with the safety of things that are surrounding the tower. That being said, what I like about the Grand Rapids one is that as long as it falls within the circumference of the actual part that bends down and will not hit the top of somebody's house or shed, it is contained within the property lines and will not hit anyone else's property. I think that is the most important thing followed by the safety of the fencing around it to prevent kids playing in the area from getting too close to the site. Finally, we want to make it a buffer for the landscaped area and try to make it at least look a little nicer from where you are standing. We want to make it look not as obvious. I agree with you that the Grand Rapids is probably the best for me in terms of how far it needs to be from things. Having the fencing is important and having some buffer landscaping is important. The safety is paramount.
- **Councilwoman Belich:** Focusing on the Grand Rapids Michigan comment here in regard to where it would fall, what locations do we have here within the City that you feel would make sense relative to this reading and the way that it lays out if any?
- **Mayor Hallum:** We already own the Grange property where one was recommended originally. The major downfall of that one was the 200 ft. requirement. If Council were to deem it necessary to be more in-line with what Grand Rapids has done, that site would then become viable again. If Council approves a cell tower there, we could get one put in there. The cell tower companies want it there as well. That would ultimately solve the vast majority of our issues. Unfortunately, no single tower is going to solve all of Willoughby Hills problems because as our local expert mentioned, the 5G towers do not go as far as the old towers used to go. It would certainly help a vast majority of our residents. Wade Hill has approved a tower there. Between that tower there and hopefully the tower we will have here, that will improve most everybody that is impacted from my understanding of the cell companies.
- **Council Vice President Taylor Draper:** For the Wade Hill project, how many residents and streets will that cover and how far will that reach?
- **Mayor Hallum:** I don't know, that is probably more for a cell tower company to say.
- **Council Vice President Taylor Draper:** It would satisfy something, correct?
- **Mayor Hallum:** It is going to for sure reach beyond Wade Hill and then into Willoughby Hills, no question.
- **Council President Kline:** One thing, as we talk about changing the safety zone, I was questioning how much space is needed for the tower? I found that about a quarter of an acre is needed for the cell tower site. This includes the tower and base as well as other structures

besides the towers. If we are looking at a 1-acre site, a quarter of that site would be for the cell tower.

- **Mayor Hallum:** In addition to the normal equipment were the generators that we want there. That should still fit within what you're talking about.
- **Council President Kline:** One other thing I wanted to point out was back in 2017 when the Grange tower was put into question and there was concern over the 200 ft. fall zone, City Engineer DiFranco made one comment about the tower being too close to the street and objects such as ice falling off the tower. It could strike a vehicle. If you look at "setbacks" under "Willoughby," the last line of their codified ordinance states, "The tower's site shall be large enough to contain any potential debris including falling ice." I would think besides Grand Rapid, including ice would also be a viable option.
- **Council Vice President Taylor Draper:** How much property is at the Grange? Do we know how many acres it is?
- **Council President Kline:** I do not know, I was wondering that myself. I was drawing on the fact that in 2016, a tower consultant came to the City with a proposal to put a cell tower up there. I am assuming they had at least done enough preliminary work to make a determination that it was viable.
- **Mayor Hallum:** The Grange sits on an acre property.
- **Council President Kline:** If there are no other questions or comments on the set-back, the 2 others that I analyzed were screening and landscaping. The results are here. Willoughby Hills' regulations require an 8-ft. screening which is in line with or slightly better than most of the others here. A lot of them are 6-ft. Some have an option to go higher. It is not mandatory. I will open it up if anyone has any comments regarding the height of the fence.
- The last category is landscaping. There are some variances here. Willoughby Hills right now requires a landscape buffer area of not less than 15-ft. in depth located around the required fence. Others have less. Some have none. Some have tried to maintain as much as what was here to begin with. I will open up for any comments here. Considering the size of what the cell tower is going to require, 15-ft. might be a bit too deep. Do we really need that much depth in front of the fence?
- **Councilwoman Miller:** What are we referring to as landscaped?
- **Council President Kline:** Most of the communities in their wording, went as far as talking specific types of landscaping evergreens. I think they are trying to have as much coverage and blockage at ground level, so that if you are standing there you are not staring at both a fence and a metal structure on the other side of it. You would have landscaping to block that out.
- **Councilwoman Miller:** So that refers to a type of vegetation coming off the ground and not just a landscape grass area.
- **Council President Kline:** Correct.

- **Council President Kline:** I also want to say that these are just three factors. People might think that there are more than just these three requirements related to cell towers. You are right, there are a lot more but there is a lot of agreement amongst the regulations of the cities where there is not really much of any discussion. For example, nobody allows lighting on towers. There are fairly standard provisions for whether a tower is abandoned or if no cell companies are on it anymore. The standard verbiage in Willoughby Hills is the cell tower company is responsible for taking the tower down. The tower will not stay there if it is not in use. Another fairly common factor is the color of the tower. Apparently today, they have developed a grayish-blue color so that the tower will blend in with the blue sky on a nice sunny day, and with the gray sky on a cloudy day to be less obvious. I do not believe it is necessary to go through every regulation in detail and contrast it with other cities. I think we should move forward. I spoke with Pete DiFranco, and we will get his input on this to determine if we can make some changes and go forward. Then we may be able to at least make a determination if we have a good location on the City to try and attract cell tower construction.
- **Councilwoman Miller:** I believe that is a very good step to take to get these into place with some changes so we can move forward with locating the sites and getting something. Is research going into other locations besides the Grange, that would cover areas that will not be serviced by that area?
- **Mayor Hallum:** I have a meeting tomorrow with someone.
- **Councilman Jarmuszkiewicz:** I think it is a good idea to put together something that will keep the collapsing contained within the cell tower. I think the fencing requirement we have is 8-ft. minimum and 12-ft. maximum with baseball style fencing around it. We also have 10-ft. minimum for landscaping which would allow you to put more around it if you want.
- **Mayor Hallum:** Just for clarity, is the intention to go ahead and draft legislation to be reviewed in conjunction with comments made here today so we can get moving down that road faster?
- **Council President Kline:** Yes. And once we do that and get a draft of the ordinance, we can change it if something comes up. The intent is to go forward so we can start to improve our cell-service.
- **Council Vice President Taylor Draper:** I have a question for the Law Director. This body passed an ordinance that put a moratorium on small box stores. PCABR has Dollar General returning at the next meeting. How is that possible when we put a moratorium on small box stores?
- **Law Director Lucas:** I am not going to comment on this at a public meeting.
- **Mayor Hallum:** As all of you know, there is a bill being discussed at the State level with regard to short-term rentals. In that legislation, it says they would honor any municipalities that have ordinances in place to manage short-term rentals. Once it is passed, you have to abide by whatever that statute says. My understanding was that the cell tower committee did make a recommendation that we prohibit short-term rentals. I just want to make sure I am correct about that. If I am, is an ordinance being written in that regard?

- **Law Director Lucas:** Yes.
- **Councilwoman Belich:** To answer the question with regard to the Short-Term Rental Committee, yes the committee did make a recommendation that we move forward with a piece of legislation that would ban them.
- **Mayor Hallum:** In an abundance of communication, we did receive notification from Lake County Courts that last week the Planning Commission's determination that short-term rentals are illegal based on our zoning code was upheld. That was the first major hurdle. The short-term rentals in question do have 30 days to appeal. We as a City do not have any intentions of enforcing that until either they do appeal, or until all the legal issues have been resolved. This was a big win for us. In the meantime, we would like to get something more concrete in place.

PUBLIC PORTION: (Audio 44:20)

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

- Public Portion opened at 6:44p.m.
- **Laurie Felthom 2605 Timberline Drive:** How tall is a cell tower and who is going to maintain this cell tower once it gets built?
- Public Portion closed at 6:44 p.m.
- **Council President Kline:** The cell tower can range from 150-200 ft. depending on the area it is supposed to cover. The maintenance and upkeep of the cell tower is the responsibility of the cell tower company that puts up the tower and is part of their lease with the City. They are responsible for the maintenance throughout. And these are long-term leases.

LEGISLATION: (Audio 46:00)

- No comments were made.

NEW BUSINESS:

- No comments were made.

ADJOURNMENT: (Audio 46:30)

- **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: Kline, Knecht, Miller, Sivo, Taylor Draper, Belich, Jarmuszkiewicz,

NAYS: None

Vote: 7/0

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

APPROVED: June 26, 2025
Date



Michael Kline
President of Council

ATTEST: Nicholas Aiello
Nicholas Aiello
Clerk of Council