

CHRISTOPHER HALLUM
President of Council

MICHAEL KLINE
Vice President of Council

KAREN MEHOLLIN
Clerk of Council

City of Willoughby Hills

COUNCIL:

JULIE BELICH

JOE JARMUSZKIEWICZ

DANIEL KNECHT

VICKI MILLER

TANYA TAYLOR DRAPER

Regular Council Meeting

Minutes of January 27, 2022

Policy No. 2: All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.

The Regular Council Meeting was called to order on Thursday, January 27, 2022 at 7:00 p.m. in Council Chambers. **Council President Hallum** presided.

Call to Order 7:00 p.m. (Audio: 0:15-0:30)

Council President Hallum presented the General Assembly Certificate to each of the newest elected members of Council: Councilwoman Miller, Councilwoman Belich, Councilman Jarmuszkiewicz, and Councilman Knecht.

Pledge of Allegiance (Audio: 2:04-2:21)

ROLL CALL

Members Present: Council President Christopher Hallum, Councilman Joe Jarmuszkiewicz, Council Vice President Michael Kline, Councilman Dan Knecht, Councilwoman Vicki Miller, Councilwoman Tanya Taylor Draper, and Councilwoman Julie Belich.

Also Present: Mayor Andy Gardner, Law Director Michael C. Lucas, Finance Director Frank J. Brichacek, Jr., and City Engineer Pietro A. DiFranco.

DISPOSITION OF THE JOURNAL (Audio: 2:45-4:33)

Motion made by Council Vice President Kline seconded by **Councilwoman Julie Belich** to adopt the minutes of the January 13, 2022 Regular Council Meeting.

Mayor Gardner clarified his response after **City Engineer DiFranco's** report at the January 13, 2022 Regular Council Meeting regarding the road plan. Legend Lane is the City's responsibility and there is about \$200,000 allocated for that project.

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.

NAYS: None.

Vote: 7/0

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio:

1/14/22 email from Chris Hallum, re: Council retreat agenda items.

1/14/22 email from PC-ABR, re: PCABR Meeting 1/20/22 – Canceled.

1/18/22 email from Council Clerk, re: Ord 2022-006 2022 Sewer Rehab.

1/18/22 email from Pietro DiFranco, re: Motions for Bidding – 2022 Street and Sewer Rehab.

1/18/22 email from PC-ABR, re: WH PCABR Meeting 2/3/22 Thursday.

1/19/22 email from Joe Jarmuszkiewicz, re: Council retreat agenda items.

1/19/22 email from Tanya Taylor Draper, re: Council retreat agenda items.
1/20/22 email from Council Clerk, re: Sunshine Law.
1/20/22 email from Robert Gandee, re: Contract Update.
1/20/22 email from Robert Gandee, re: Request Ordinance to Enter into Agreement for Central Dispatch and Communication Services.
1/20/22 email from Pietro DiFranco, re: Willoughby Hills Engineer Report 220120.
1/21/22 email from Mayor Gardner, re: State of the City Powerpoint.
1/21/22 email from Council Clerk, re: Working Committee Agenda and Legislation.
1/21/22 email from Vicki Miller, re: Council retreat agenda items.
1/21/22 email from Patrick Hannigan, re: Evolve Upgrade.
1/24/22 email from Patrick Hannigan, re: Evolve Upgrade.
1/24/22 email from Mayor Gardner, re: Fireworks 1-17-2022.

PUBLIC PORTION #1 (Audio: 5:01-11:16)

An opportunity for the public to address Council concerning anything pertaining to tonight's agenda.

Public Portion #1 opened at 7:05 p.m.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094 asked if residents would be able to submit questions for the meetings that are scheduled to discuss the budget because she has questions (both for understanding the budget and strategic). Ms. Bing also had a question regarding the Council Retreat discussion of one million dollars plus for the Rescue Act Plan. She is wondering how it can be accounted for as "lost revenue." She stated that in order to gain trust, the money should still be kept separate and have very clear accounting as to how that money is spent in our City and not just added to the General Funds. She stated that since the Law Director will be giving a report on Air BnBs she wanted to update that the three online properties are still taking bookings and have had people staying there as recently as last week.

Public Portion #1 closed at 7:07 p.m.

Questions/comments following Public Portion #1:

Council President Hallum stated that there will be a Public Portion at the Council Finance Committee Meetings to discuss the budget. He also encouraged the public to email any questions they have ahead of time so those can be addressed accordingly by the Department Heads during the meetings. **Council President Hallum** went on to state that the Rescue Act Plan money spending will be tracked. **Mayor Gardner** added that by following the standard deduction for up to ten million dollars of revenue loss, it doesn't change how it has to be reported but broadens what you can spend it on. It still will be accounted for.

Finance Director Brichacek explained that the ARP money is accounted for in a separate fund listed in the last section of the budget. The first \$500,000 was credited to 205. The second \$500,000 will also be credited to 205. It will then remain held 205 until it is decided where to use it. Once that has been decided, money will be transferred to the specific Fund for that specific use.

Council Vice President Kline stated that there will be three meetings on three different days each featuring a different Department Head. **Council Vice President Kline** added that emailing questions ahead of time to him or any Council member is strongly encouraged at the request of the Department Heads.

MAYOR'S REPORT (Audio: 11:20-14:51)

Mayor Gardner reported that Willoughby Hills continues to be a central vaccination booster POD for the west end of the county. They will continue to be held at the Community Center every Monday through February and beyond (except on Presidents Day). For current updates and guidance as things rapidly change, please visit the Lake County Health District's website at www.lcghd.org.

Police cars are now in service as of last week. **Chief Naegele** reports that the build-out is the best he's seen with respect to getting all of the equipment in.

Service Department is handling a lot of plowing. More salt has been ordered (700 tons) so the City is ready. **Road Superintendent Grubiss** responded to a resident comment from the last meeting regarding dead tree limbs on White Road west of Bishop and noted that he did not see anything that needed removal at this time but he will continue to monitor the situation.

Mayor Gardner stated that he met with **Chief Naegele** to discuss an additional resident concern from the last meeting about delivery van parking. **Chief Naegele** noted that vans are permitted as part of their delivery route to stop and use hazard lights. If a hazardous condition is seen, please call and report it to the police and they will respond.

Fire Department update for last year:

- 2,357 runs (down from 2,359)
- 1,672 EMS calls including car accidents
- 73 structure or other fires
- 91 hazardous conditions
- 220 service runs

Mayor Gardner stated that a volunteer list is in the works. If Council knows anyone who may be interested in volunteering (or wants to volunteer and just hasn't been asked), please get a list together (name, phone number, and email) and get it to **Councilman Jarmuszkiewicz** or himself.

Mayor Gardner reminded everyone that the best way to keep up with current events is by subscribing to the weekly electronic city newsletter at newsletter@willoughbyhills-oh.gov.

Questions/comments following Mayor's Report:

Councilwoman Taylor Draper asked what the number of subscribers to the e-newsletter is currently at. Has subscription tapered or remained steady? **Mayor Gardner** reported that the number hovers between 950-1000. It's slow-going now but they will catch a new subscriber here and there, but it's definitely not as quick-growing as it was 15 months ago when it first began. We continue to encourage people to subscribe. Those who do have given positive feedback and enjoy it.

Council President Hallum added a thank you for to the Mayor's Office for the nice portfolios with the City logo that were given to Council for the Retreat.

LAW DIRECTOR'S REPORT (Audio: 14:55-17:32)

Law Director Lucas stated that in reference to the Air BnBs, Ms. Bing provided him with two internet sites he was unaware of that included the five (5) Air BnBs that are an issue in this matter. **Law Director Lucas** said that he confirmed that after some hiatus, they are soliciting again. He said that he will need to meet with **City Engineer DiFranco** to get an affidavit from him regarding that. **Law Director Lucas** added that he'd like to meet with Ms. Bing after the meeting to get the specific time she had mentioned during public portion.

Questions/comments following Law Director's Report:

Councilwoman Taylor Draper asked if there have been any police reports at the rental properties. **Law Director Lucas** stated that there have been none that he's aware of.

Council Jarmuszkiewicz asked if there has been any responses to the letters that were sent out. **Law Director Lucas** reported that there has been no response, but the ads did cease for awhile seemingly in compliance, but in the last month or so have started up again.

FINANCE DIRECTOR'S REPORT (Audio: 17:35-18:45)

Finance Director Brichacek stated that all of the year-end financial statements are posted on the website and are available for public inspection as well as submitted to the State Treasurer's Office to be posted to their site.

Questions/comments following Finance Director's Report:

None.

CITY ENGINEER'S REPORT (Audio: 18:47-19:10)

City Engineer DiFranco reported that the Chardon Road Resurfacing Project is out for bid. ODOT will be accepting bids in about a week and a half. The Street Rehab project is being worked on as well.

Questions/comments following City Engineer's Report:

None.

COMMITTEE REPORTS (Audio: 19:13-23:04)

Recreation Commission Report by Councilman Jarmuszkiewicz:

Councilman Jarmuszkiewicz reported that the Pancake Breakfast tickets will be coming out in the next week or so for Recreation and the Lions. Pre-sale of tickets is strongly encouraged so that there will be a better headcount and, in turn, better preparation. Pre-sale tickets are also reduced one dollar in price. There will be a raffle and any donated items for raffle baskets would be greatly appreciated. There is still a need for volunteers. A list is currently being formed for the Pancake Breakfast so please contact **Councilman Jarmuszkiewicz** or **Mayor Gardner** if you or anyone you know is available. Online sign-up through SignUp Genius is in the process of being set up as well.

Finance Committee Report by Council Vice President Kline:

Council Vice President Kline stated that there are no Finance Committee reports but there are meetings to discuss the budget being scheduled over the next two weeks (1/31 with Fire Chief, 2/1 with Road Super., and 2/8 with Police Chief) all beginning at 6:00pm in Council Chambers. He encouraged everyone (Council and residents) to submit questions ahead of time for the Department Heads.

PC-ABR – reported by Councilwoman Taylor Draper:

Councilwoman Taylor Draper reported that there was no Planning and Zoning meeting last Thursday so there is no report at this time.

Questions/comments following Committee Reports:

None.

UNFINISHED BUSINESS (Audio: 23:06-23:13)

No Unfinished Business reported.

LEGISLATION (Audio: 23:15-29:27)

ORDINANCE 2021-065 – THIRD READING

AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1ST THROUGH DECEMBER 31ST OF 2022; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

Council President Hallum stated that Ordinance 2021-065 would remain on Third Reading.

ORDINANCE 2022-002 – SECOND READING

AN ORDINANCE REPLACING EXISTING CHAPTER 1369 EROSION AND SEDIMENT CONTROL OF THE BUILDING CODE WITH NEW CHAPTER 1369 EROSION AND SEDIMENT CONTROL TO MEET NEW AND UPDATED REQUIREMENTS OF THE OHIO EPA ASSOCIATED WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM REQUIREMENTS AND REPEALING ANY CONFLICTING LEGISLATION.

Council President Hallum stated that Ordinance 2022-002 would remain on Second Reading.

ORDINANCE 2022-003 – SECOND READING

AN ORDINANCE REPLACING EXISTING CHAPTER 1367 COMPREHENSIVE STORMWATER MANAGEMENT OF THE BUILDING CODE WITH NEW CHAPTER 1367 COMPREHENSIVE STORMWATER MANAGEMENT TO MEET NEW AND UPDATED REQUIREMENTS OF THE OHIO EPA ASSOCIATED WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM REQUIREMENTS AND REPEALING ANY CONFLICTING LEGISLATION.

Council President Hallum stated that Ordinance 2022-003 would remain on Second Reading.

ORDINANCE 2022-004 – SECOND READING

AN ORDINANCE AUTHORIZING THE TEMPORARY ENFORCEMENT ABEYANCE OF THE CITY OF WILLOUGHBY HILLS CODIFIED ORDINANCE CHAPTER 1103.02 – DEFINITIONS AND CHAPTER 1137.02 (d) - COMMERCIAL ZONING DISTRICT DURING THE CURRENT RESURGENCE OF COVID-19 PANDEMIC IN THE OMICRON VARIANT FOR A PERIOD OF TIME NOT TO EXCEED TWO (2) YEARS.

Council President Hallum stated that Ordinance 2022-004 would remain on Second Reading.

ORDINANCE 2022-005 – SECOND READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC. FOR CITY ENGINEERING SERVICES AND REPEALING CONFLICTING LEGISLATION.

Council President Hallum stated that Ordinance 2022-005 would remain on Second Reading.

ORDINANCE 2022-006 – FIRST READING

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF ENGINEERING FEES ASSOCIATED WITH THE 2022 SEWER REHAB PROJECT AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht**, to waive Three Readings on Ordinance 2022-006.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that this will give the engineering department the option to get bids out quicker, start the sewer project, and possibly get better bids.

Roll Call: **AYES:** Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion Carries to waive Three Readings on Ordinance 2022-006.

Motion was made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller**, to adopt Ordinance 2022-006.

Discussion on the Motion:

No discussion.

Roll Call: **AYES:** Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion Carries to adopt Ordinance 2022-006.

ORDINANCE 2022-007 – FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF LAKE COUNTY COMMISSIONERS IN ORDER TO PROVIDE EMERGENCY DISPATCH AND COMMUNICATION SERVICES FOR THE FIRE DEPARTMENT OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Taylor Draper**, seconded by **Council Vice President Kline**, to waive Three Readings on Ordinance 2022-007.

Discussion on the Motion:

Councilwoman Taylor Draper stated that her understanding is that there have been no changes in terms and agreements and is just the county's way of better keeping track of things.

Roll Call: **AYES:** Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion Carries to waive Three Readings on Ordinance 2022-007.

Motion was made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Miller**, to adopt Ordinance 2022-007.

Discussion on the Motion:

No discussion.

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion Carries to adopt Ordinance 2022-007.

NEW BUSINESS (Audio: 29:29-32:20)

Motion was made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht**, to allow the Mayor to advertise for bids on 2022 Street Rehab Projects.

Discussion on the Motion:

No discussion.

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion carries to allow the Mayor to advertise for bids on 2022 Street Rehab Projects.

Motion was made by **Councilman Knecht**, seconded by **Councilwoman Miller**, to allow the Mayor to advertise for bids on 2022 Sewer Rehab Projects.

Discussion on the Motion:

No discussion.

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion carries to allow the Mayor to advertise for bids on 2022 Sewer Rehab Projects.

Motion was made by **Councilwoman Belich**, seconded by **Councilwoman Taylor Draper**, to allow all of Council, the Mayor, and the Law Director to go into Executive Session following “For the Good of the Order/For the Good of the Community” and before Adjournment to discuss compensation as a personnel matter.

Discussion on the Motion:

No discussion.

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion carries to allow all of Council, the Mayor, and the Law Director to go into Executive Session following “For the Good of the Order/For the Good of the Community” and before Adjournment to discuss compensation as a personnel matter.

PUBLIC PORTION #2 (Audio: 32:22-47:15)

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

Public Portion #2 opened at 7:32 p.m.

Linda Cover, 2823 Stark Drive, Willoughby Hills, OH 44094 thanked **Council President Hallum** for responding to a situation on her street and also commented that it's nice to finally see a working Council. She went on to report that her neighbor at 2821 Stark Drive has had an RV on the property for years filled with junk and without a license plate, which the codes do not allow. Someone should be able to figure out how to get it towed away and let them pay to store it. Ms. Cover installed a fence because they had to remove theirs that was falling into her yard. She also believes that there may be an Air BnB in the back as there is a man living in the carport portion of the garage with a pitbull (Road Superintendent Grubiss has seen it) who comes out in a robe and threatens to burn Ms. Cover's house down and has called her "every name in the book." There is a police report. She has called the Health Department four times and they will not called her back. Ms. Cover stated that she put up a fence according to the rules (starting at front of house and going back) but she couldn't put up a small 42" fence up front to hide some of the garbage (their house sits about 15 feet in front of hers). She'd like to know why she can't put up additional fence to meet their property in order to cover up their mess. Can the fence ordinance be looked into? Going down 42" on a six foot fence doesn't make much sense, most is 2-3 foot max. Ms. Cover also stated that there should be plants, flowers, and such in front of City Hall to make it more appealing. Ms. Cover also wondered how many streets in Willoughby Hills have no parking on either side of the street (Stark Drive is one).

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094 stated that she was at the Council Retreat and wanted to give kudos to **Councilwoman Taylor Draper** for showing her passion in regards to getting retail in on the west side. She stated that this would be a good discussion. She stated that she'd love to see the same passion in all of Council when representing the residents.

Public Portion #2 closed at 7:38 p.m.

Comments following Public Portion:

Councilwoman Miller responded to Ms. Cover's concerns and shared that they are addressing Beautification of the City. Council President Hallum added that they are discussing re-establishing the Tree and Beautification Committee that was created awhile ago.

Council President Hallum stated that in regard to the particular property Ms. Cover was talking about, it has been in our Mayor's Court. They've gotten a few continuances and then they stopped showing then the person who was showing unexpectedly passed away. It's also in Probate Court and there's a Contempt Order right now on the Probate Case (Case number 18ES1433). There are things happening but it's difficult when the Court hasn't made any judgments and there's no response. There will be a discussion of Nuisance Properties at the next meeting and what can possibly be done. We're trying to come up with different avenues to help.

City Engineer DiFranco added that the property concerns started in March 2020. Letters were sent for violations regarding the RV and junk in the yard. They started to clean up the yard but did nothing with the RV so they were sent to Mayor's Court in June 2020, which is when the court issues started. Regarding the fence, **City Engineer DiFranco** said that he can look into the code as far as an extension of the fence goes since the neighbor's house is further out in front. He stated that 42" is a typical fence foundation and around here is based on frost depth.

City Engineer DiFranco stated that in regards to no parking on both sides of the street – this is pretty common due to the street being too narrow so it would block our service and safety vehicles should they need to get through. There are several streets throughout the City that do not allow parking on either side of the street. In

addition, this is because of narrow lots. There is no parking in front of someone else's driveway. For example, if there is a 50 ft. lot and the typical driveway is 16 ft., it doesn't leave much room to park. It's a combination of the two issues, which means no parking.

Mayor Gardner added that he has asked **Law Director Lucas** to appear in Probate Court if it would help move this along.

Councilman Jarmuszkiewicz responded to Ms. Bing's comments that all of Council share concern for the west end. There are plans to meet with developers this coming year to make plans and what the City can do to help expedite those plans. We have not forgotten about it or moved on. It is the gateway to our City. **Council President Hallum** added that **Councilwoman Taylor Draper** and he have had multiple conversations with the developers over there in hopes of being able to meet on a regular basis in order to help be proactive and more supportive in any way. **Assistant Law Director Lobe** has talked to them and asked them to write up with they would like to see the zoning be in that area and if it makes sense and Council can agree to it, then it will be passed - whatever will make it easier for them to get what they want in there and makes sense for the City. Attempts are definitely being made to show the City is supportive and wanting things to happen. **Mayor Gardner** added that the Administration is in regular communication with the developer over there through his representatives on a variety of issues as recent as last week.

Councilwoman Taylor Draper stated that she is not angry with **Mayor Gardner** about Loehmans, just frustrated that there's no movement. She reiterated that everyone agrees and are all on the same page with this issue.

Councilwoman Belich stated that, as a business owner, it is nice to work in a city that works with the businesses and developers. She said she feels good that the City is trying to do whatever it can to move forward and help the developer.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY (Audio: 47:17-48:50)

Councilwoman Taylor Draper encouraged any of our residents with a green thumb or who just enjoy planting and gardening to reach out to us (Mayor's Office or **Councilman Jarmuszkiewicz**) to help with the City's beautification efforts.

Council President Hallum added that the makeup of the Tree and Beautification Commission consists of the Mayor or his representative, a member of Council who is appointed by Council, the City Road Superintendent, and four residents of the City (2 appointed by the Mayor, 2 appointed by Council).

Council President Hallum adjourned the meeting into Executive Session at 7:48pm.

Council members, Mayor Gardner, and Law Director Lucas went into Executive Session for the purpose of discussing compensation as a personnel matter.

Council President Hallum called to back to order the Regular Council Meeting of January 27, 2022 at 8:43pm. after Executive Session. (Audio 2: 0:04-0:17)

ADJOURNMENT (Audio: 0:19-0:44)

Motion was made by **Councilwoman Miller**, seconded by **Councilman Jarmuszkiewicz**, to adjourn.

Discussion on the Motion:

None

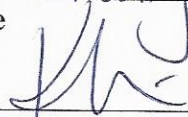
Roll Call: **AYES:** Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper, and Belich.
NAYS: None
Vote: 7/0

Motion Carries to adjourn the Regular Council meeting of January 27, 2022.

The meeting was adjourned at 8:43 p.m.

APPROVED: February 10, 2022
Date


Christopher Hallum
President of Council

ATTEST: 
Karen Mehollin
Clerk of Council