

President of Council
CHRISTOPHER HALLUM

Vice President of Council
MICHAEL KLINE

Clerk of Council

City of Willoughby Hills

COUNCIL:

JULIE A. BELICH

JOE JARMUSZKIEWICZ

DANIEL KNECHT

VICKI MILLER

TANYA TAYLOR DRAPER

Regular Council Meeting Minutes of February 23, 2023

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, February 23, 2023 at 7:00 p.m. in Council Chambers. **Council Vice President Kline** presided.

Call to Order 7:00 p.m. (Audio: 0:00 – 0:08)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:18 – 0:33)

Motion made by Councilman Jarmuszkiewicz, seconded by **Councilman Knecht** to appoint Karen Mehollin as Council Clerk Pro Tem.

Discussion on the Motion:

None.

Roll Call: **AYES: Kline, Knecht, Miller, Taylor Draper, Belich and Jarmuszkiewicz**
NAYS: None
Vote: 6/0

Motion carries to appoint Karen Mehollin as Council Clerk Pro Tem for tonight's meeting.

ROLL CALL (Audio: 1:55 – 2:10)

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

Also Present: Law Director Michael C. Lucas, City Engineer Pietro A. DiFranco, Finance Director Frank J. Brichacek, Jr., and Fire Chief Rob Gandee

Absent: Mayor Andy Gardner and Council President Hallum

Motion made by Councilwoman Miller, seconded by **Councilwoman Belich** to excuse **Council President Hallum** from tonight's meeting.

Discussion on the Motion:

None.

Roll Call: **AYES: Knecht, Miller, Taylor Draper, Belich, Jarmuszkiewicz, and Kline**
NAYS: None
Vote: 6/0

Motion carries to excuse **Council President Hallum** from tonight's meeting.

Motion made by Councilman Jarmuszkiewicz, seconded by Councilwoman Belich to appoint Councilwoman Taylor Draper as Vice President Pro Tem for tonight's meeting.

Discussion on the Motion:

None.

Roll Call: **AYES: Knecht, Miller, Belich, Jarmuszkiewicz, and Kline**
 NAYS: None
 ABSTAIN: Taylor Draper
 Vote: 5/0/1

Motion carries to appoint Councilwoman Taylor Draper as Vice President Pro Tem for tonight's meeting.

DISPOSITION OF THE JOURNAL (Audio: 3:57 – 4:47)

Motion made by Councilwoman Taylor Draper seconded by Councilman Knecht to adopt the minutes of the February 9, 2023 Regular Council Meeting.

Discussion on the Motion:

None.

Roll Call: **AYES: Knecht, Miller, Taylor Draper, Jarmuszkiewicz, and Kline**
 NAYS: None
 ABSTAIN: Belich
 Vote: 5/0/1

Motion carries to adopt the meeting minutes of the February 9, 2023 Regular Council Meeting.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 4:48 – 5:01)

2/7/23 email from Frank Brichacek, re: 2023 Budget – Court Revenue Estimate.

2/9/23 email from Tanya Taylor Draper, re: Master Plan.

2/10/23 email from Karen Mehollin, re: Planning Commission meeting Notification for Willoughby Hills.

2/13/23 email from Assistant Finance Director, re: New Hires.

2/14/23 email from Michael Lucas, re: Jenna Bing.

2/15/23 email from Michael Lucas, re: FWD: Theodore Dellas, et al v Christopher Hallum, et al.

2/15/23 email from Joe Jarmuszkiewicz, re: Agenda and Legislation for tonight.

2/16/23 email from Tanya Taylor Draper, re: Master Plan Work Session Minutes of 2/2/23.

2/16/23 email from Rick Werner, re: Fox8 Co-Anchor Wayne Dawson Book Signing at Willoughby Hills Public Library.

2/16/23 email from Public Records, re: Records Request: Willoughby Hills.

2/17/23 email from Tanya Taylor Draper, re: Fox8 Co-Anchor Wayne Dawson Book Signing at Willoughby Hills Public Library.

2/17/23 email from Michael Lucas, re: Whisper Public Records Request.

2/17/23 email from Katherine Lloyd, re: 2023 Meeting Schedule for BZA.

2/18/23 email from Frank Brichacek, re: Revised Appropriation Ord. 2023-008 Exhibit A.

2/20/23 email from Chris Hallum, re: Facebook audio.

2/20/23 email from Mike Kline, re: Finance Committee Meetings.

2/21/23 email from Frank Brichacek, re: General vs. all funds.

PUBLIC PORTION #1 (Audio 5:03 – 17:37)

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

Public Portion #1 opened at 7:05pm

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, 44094 expressed concerns regarding the budget Ordinance and was interested in getting information regarding the revenue. Resident stated a big portion is income tax. Per Frank Brichacek, last year's increase was due to working from home. Next year, projected 3% or 4% up from that. Wondering what the thinking was on that – are more people working from home? Is it raises? From expense side, resident would like to know who decides what the raises are for Council and Mayor? Ms. Bing stated that she feels Police Chief and Fire Chief are receiving less; not an appropriate balance. Would like to know what research went into the decision and referenced what other cities might be receiving or projecting.

Public Portion #1 closed at 7:07pm

Questions/comments following Public Portion #1:

Finance Director Brichacek responded to Ms. Bing in saying that there is no way to know for sure what the income tax increase was from. A 2-3% increase was budgeted and as of now, the City is 7% ahead in two months compared to last year. Regarding the pay increase concern, increases are based off of the 2002 City Council formula that ties into the Consumer Price Index (CPI) in January. This year's CPI was not released until February so the increase was budgeted high. There has been note vote of compensation since 2002. Salaries will be adjusted based on CPI of 5.9% increase. This is dictated by law. **Finance Director Brichacek** went on to explain how Council raises and salary are determined during each term.

Councilwoman Miller encouraged residents to ask questions and reach out to Council members for clarification. **Councilwoman Miller** referenced the Codified Ordinances Chapter 121 (the Codified Ordinances are found on the City website). By definition budget is an estimate, so as prepared it is an estimate. Raises have been set by the current law. **Councilwoman Miller's** stated that her salary amounted to an extra \$36.53 per month gross.

Councilwoman Belich also encouraged residents to peruse the budget (online or paper copy available in the lobby). Please don't hesitate to make phone calls to or email Council members and ask questions. Please don't assume or surmise. Contact the **Finance Director** or Administration.

Finance Director Brichacek read a list of the salaries.

MAYOR'S REPORT (Audio: 17:43 – 17:55)

No report. **Mayor Gardner** was not present.

LAW DIRECTOR'S REPORT (Audio: 18:01 – 18:56)

Law Director Lucas reported a point of modification set forth on the Agenda on page 4 in that there will be an Executive Session to discuss pending litigation which will also include Attorneys Richard Selby and Clark Rice.

Questions/comments following Law Director's Report (Audio: 18:50 – 18:53)

None.

FINANCE DIRECTOR'S REPORT (Audio: 19:19 – 18:56)

Finance Director Brichacek requested that Ordinance 2023-008 be kept on First Reading. There was a modification in the appropriations because of the Opioid Settlement as well as IT Services that are to be revised. **Finance Director Brichacek** also reported that 2023-011 is simply a housekeeping Ordinance in that there was an adjustment in the Manning Table for Captain but no set salary was set by Council. He also asked, on behalf of his wife, that Ordinance 2023-010 be adopted tonight.

Questions/comments following Finance Director's Report:

None.

CITY ENGINEER'S REPORT (Audio: 21:24 – 22:24)

City Engineer DiFranco reported that there was a First Energy meeting yesterday at the Rogers Road site where the retaining wall is failing. **Road Superintendent Grubiss** trimmed some branches before they were able to relocate some overhead wires that would be in the way during construction. Currently waiting on survey to be complete before finishing that design. Street, Sewer, and Pavement Marking Projects are currently being worked on and will go out for bid in the next two to three weeks. Also being worked on is the new iWorq System for the Building and Service Department and should have it up and running by mid-March.

Questions/comments following City Engineer's Report:

None.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio 22:27 – 30:11)

PC-ABR reported by Councilwoman Taylor Draper (Audio 22:27 – 27:48)

Councilwoman Taylor Draper reported:

- Planning Commission Architectural Board of Review met on February 16th and during the Architectural Review portion, the board approved a rear and front portico addition at a home at 37600 Milann Drive. The Planning Commission had no business to discuss.
- **Councilwoman Taylor Draper** shared information she received from Sheetz regarding issues raised by Council and residents. The Project Manager (Ellen Sealy) reassured **Councilwoman Taylor Draper** that will be alert to any issues that arise. Ms. Sealy did a report on the Sheetz Security System that's active 24 hours/day with multiple cameras. This system allows for security to interact with the public. There are always two people staffed who are equipped with lanyards containing a panic button. Parking lots are well-lit and employees go through a customer training session. **Councilwoman Taylor Draper** stated that she feels more comfortable now and is supportive. Sheetz will be breaking ground this year.

Questions/comments following the PC-ABR Report:

Councilman Jarmuszkiewicz asked if plans have been finalized yet. **Councilwoman Taylor Draper** stated that they have not yet been finalized; nearing completion.

Recreation Commission reported by Councilman Jarmuszkiewicz (Audio 27:56 – 28:53)

Councilman Jarmuszkiewicz reported:

- Pancake Breakfast is a week from this Sunday. Tickets are still available; volunteers are always needed to help out via Sign Up Genius. There is only one breakfast this year.
- March 18th is the Spring Craft Show.

- Baseball and softball registration is still open.

Questions/comments following the Recreation Commission Report:

None.

Finance Committee Report by Council Vice President Kline (Audio 28:56 – 30:11)

Council Vice President Kline reported:

- Finance Committee meetings will be held to discuss the Budget. The first meeting will be held February 28th to discuss the Fire and Service Departments. Another meeting will be held on March 15th to discuss the Police and Administration Departments. There will be focus on the specific departments at that particular meeting along with Public Portions as well.

Questions/comments following the Finance Committee Report:

None.

Beautification Committee reported by Councilwoman Taylor Draper

No report.

WHISPER reported by Councilwoman Miller

No report.

Questions/comments following WHISPER report:

None.

Deer Management Committee reported by Councilwoman Belich

No report.

Questions/comments following the Deer Management Committee Report:

None.

Business Subcommittee – reported by Council Vice President Kline

No report.

UNFINISHED BUSINESS (Audio: 30:15 – 30:23)

No Unfinished Business to report.

LEGISLATION (30:25 – 37:20)

ORDINANCE 2022-034 AMENDED – THIRD READING

AN ORDINANCE AMENDING PART SEVEN - BUSINESS REGULATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO WITH THE ESTABLISHMENT OF CHAPTER 759 CAPTIONED “MEDICAL MARIJUANA LICENSURE”.

Council Vice President Kline stated that this would remain on Third Reading.

ORDINANCE 2023-005 – THIRD READING

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES PROVIDED BY AND FOR THE WILLOUGHBY HILLS FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

After a motion was made by **Councilman Jarmuszkiewicz** and seconded by **Councilwoman Taylor Draper**, **Law Director Lucas** interrupted the motion to report that additional information was given and is being reviewed as it will tentatively need to be revised.

Council Vice President Kline stated that this would remain on Third Reading.

ORDINANCE 2023-006 – SECOND READING

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF ENGINEERING FEES ASSOCIATED WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PROJECT NO. 112659 TITLED LAK US 006 00.44 PROVIDING FOR RESURFACING OF CHARDON ROAD (U.S. 6) FROM APPROXIMATELY BISHOP ROAD TO S.O.M. CENTER ROAD (SR-91) IN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Council Vice President Kline stated that this would remain on Second Reading.

ORDINANCE 2023-008 – FIRST READING

AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1ST THROUGH DECEMBER 31ST OF 2023; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

Council Vice President Kline stated that this would remain on Second Reading.

ORDINANCE 2023-009 - FIRST READING

AN ORDINANCE FIXING THE SALARY AND COMPENSATION PACKAGE FOR THE POSITION OF PART-TIME CLERK OF COUNCIL; REPEALING CONFLICTING LEGISLATION; AND DECLARING AN EMERGENCY.

Council Vice President Kline stated that this would remain on First Reading.

ORDINANCE 2023-010 – FIRST READING

AN ORDINANCE CONFIRMING THE MAYOR’S APPOINTMENT AND FIXING THE COMPENSATION OF BRUCE SCOTT FOR THE POSITION OF FULL-TIME FINANCE DIRECTOR EFFECTIVE MARCH 13, 2023, REPEALING CONFLICTING LEGISLATION; AND DECLARING AN EMERGENCY.

Council Vice President Kline stated that this would remain on First Reading.

ORDINANCE 2023-011 – FIRST READING

AN ORDINANCE CONFIRMING THE APPOINTMENT AND FIXING THE COMPENSATION OF OFFICER GREGORY LEONBRUNO FOR THE POSITION OF

CAPTAIN OF THE POLICE DEPARTMENT EFFECTIVE APRIL 17, 2022, REPEALING CONFLICTING LEGISLATION; AND DECLARING AN EMERGENCY.

Motion was made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Taylor Draper**, to waive the three reading rule on Ordinance 2023-011.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that this Ordinance is to officially set the salary for the Captain's position.

Roll Call: **AYES: Kline, Knecht, Miller, Taylor Draper, Belich, and Jarmuszkiewicz.**
NAYS: None
Vote: 6/0

Motion carries to waive the three reading rule on Ordinance 2023-011.

Motion was made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Belich**, to adopt Ordinance 2023-011.

Discussion on the Motion:

No discussion.

Roll Call: **AYES: Kline, Knecht, Miller, Taylor Draper, Belich, and Jarmuszkiewicz.**
NAYS: None
Vote: 6/0

Motion carries to adopt Ordinance 2023-011.

NEW BUSINESS (Audio: 37:24 – 39:36)

Motion was made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht**, to allow the Mayor to advertise for bids on 2023 Street Rehab.

Discussion on the Motion:

No discussion.

Roll Call: **AYES: Kline, Knecht, Miller, Taylor Draper, Belich, and Jarmuszkiewicz.**
NAYS: None
Vote: 6/0

Motion carries to allow the Mayor to advertise for bids on 2023 Street Rehab.

Motion was made by **Councilwoman Miller**, seconded by **Councilwoman Belich**, to allow the Mayor to advertise for bids on 2023 Sewer Rehab.

Discussion on the Motion:

No discussion.

Roll Call: **AYES: Kline, Knecht, Miller, Taylor Draper, Belich, and Jarmuszkiewicz.**
NAYS: None
Vote: 6/0

Motion carries to allow the Mayor to advertise for bids on 2023 Sewer Rehab.

Motion was made by **Councilman Knecht**, seconded by **Councilwoman Belich**, to allow the Mayor to advertise for bids on 2023 Pavement Markings.

Discussion on the Motion:

No discussion.

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

NAYS: None

Vote: 6/0

Motion carries to allow the Mayor to advertise for bids on 2023 Pavement Markings.

PUBLIC PORTION #2 (Audio: 39:38 – 41:48)

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

Public Portion #2 opened at 7:39pm.

Jenna Bing, 36951 Beech Hills, Willoughby Hills, 44094 asked if it was considered to forego payment as a part-time Mayor. She stated that it “looks really bad” with those percentages. She understands following the CPI but never more than what the City is giving an increase percentage-wise to a key non-union employee. Ms. Bing went on to refer to the “pending litigation” executive session and felt the citizens should know of the lawsuit brought by residents against Council members, the Mayor, volunteer commission members, and the Law Director for a variety of claims and that there will be a jury trial held on Monday.

Public Portion #2 closed at 7:41pm.

Questions/comments following Public Portion #2

None.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY

(Audio: 41:50 – 44:57)

Councilwoman Belich reported on the Chagrin River Watershed Partners, its importance to the community, and the variety of programs it has to offer the residents. There is a speaker series that begins on March 9th and continues through March; virtual.

Council Vice President Kline commented on the Budget Review process and encouraged participation by contacting him with questions via email or any other Council member. He stated that it’s a disservice to the residents when untrue information is circulated. He asked that residents get the facts before drawing any conclusions. He reminded the public to listen then ask questions.

Motion made by **Councilwoman Belich**, seconded by **Councilwoman Taylor Draper** to go into Executive Session for the purpose of discussing pending litigation and inviting all of **Council, Law Director Lucas, and Attorneys Richard Selby and Clark Rice.**

Discussion on Motion:

None.

Roll Call: AYES: Kline, Knecht, Miller, Taylor Draper, Belich, and Jarmuszkiewicz.
NAYS: None
Vote: 6/0

Motion carries to go into Executive Session for the purpose of discussing pending litigation and inviting all of Council, Law Director Lucas, and Attorneys Richard Selby and Clark Rice.

Executive Session entered: 8:01 p.m.

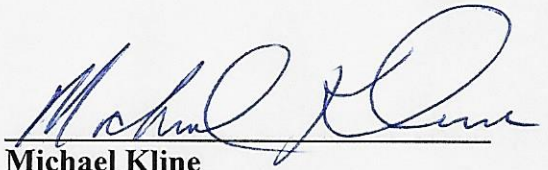
Meeting reconvened: 8:51 p.m.

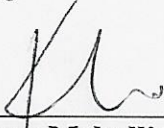
Motion made by Councilwoman Belich, seconded by Councilwoman Taylor Draper to adjourn the meeting.

Roll Call: AYES: Kline, Knecht, Miller, Taylor Draper, Belich, and Jarmuszkiewicz.
NAYS: None
Vote: 6/0

The meeting was adjourned at 8:51pm.

APPROVED: March 9, 2023
Date


Michael Kline
Vice President of Council

ATTEST: 
Karen Mehollin
Clerk of Council Pro Tem