
Regular Council Meeting Minutes of March 23, 2023

The Regular Council Meeting was called to order on Thursday, March 9, 2023 at 7:00 p.m. in Council Chambers. **Council President Hallum** presided.

Call to Order 7:02 p.m. (Missing from Audio)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:00-0:14)

SWEARING IN OF NEW FINANCE DIRECTOR BRUCE SCOTT. (Audio: 0:22 – 2:45)

ROLL CALL (Audio: 2:47-3:37)

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

Present via Remote Access: Councilwoman Julie Belich (unable to vote)

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

DISPOSITION OF THE JOURNAL (Audio: 3:41-4:32)

Motion made by Council Vice President Kline seconded by **Councilman Knecht** to adopt the minutes of the March 9, 2023 Regular Council Meeting.

Discussion on the Motion:

None.

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

NAYS: None

Vote: 6/0

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

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 4:47 – 5:07)

3/21/23 email from Karen Mehollin, re: Resolution for April Child Abuse Month

3/20/23 email from Karen Mehollin, re: CITY ROSTER 03.16.23.pdf

3/18/23 email from Chris Hallum, re: Working committee agenda item

3/17/23 email from Finance Director, re: 2023 Appropriation Ordinance 2023-008 Final Revisions

3/17/23 email from Karen Mehollin, re: Monday Meeting Agenda & Legislation (3/20-3/23)

3/17/23 email from Willoughby Hills Council, re: Monday Meeting Agenda & Legislation

3/17/23 email from Finance Director, re: budget questions
3/17/23 email from Karen Mehollin, re: ORD 2023-005 FD BILLING SERVICES mcl rev
3/17/23 email from Michael C. Lucas, re: Fwd: Ordinance Amendments
3/16/23 email from Novak, Alisa re: Error on Ordinance No. 2023-34 - Extra Strength Wastes
3/15/23 email from Michael C. Lucas, re: Review of Ordinances | Meeting on Monday - March 20
3/15/23 email from Karen Mehollin, re: Service Agreement 2020-2022
3/15/23 email from Michael C. Lucas, RE: New Legislation | ORD. 2023-014 NOPEC GRANT
3/15/23 email from Michael C. Luca, RE: New Legislation | ORD. 2023-013 PD FIREARM
3/15/23 email from Michael C. Lucas, RE: New Legislationp | ORD. 2023-012 ODOT Resurfacing
3/15/23 email from Beatrix Miller, re: City of Willoughby Hills Suicide Prevention Question
3/14/23 email from Tanya Taylor Draper, re: Packets for 3/16/23 PCABR Meeting -- Thursday
3/13/23 email from Katherine D. Lloyd, Re: Packets for 3/16/23 PCABR Meeting -- Thursday
3/13/23 email from John Lillich, Re: Packets for 3/16/23 PCABR Meeting -- Thursday
3/13/23 email from Karen Mehollin, re: Agenda for Housing Council Meeting
3/13/23 email from Mark Grubiss, RE: NOPEC NEC Grant money
3/12/23 email from Gloria Majeski, re: Website
3/12/23 email from Gloria Majeski, Re: WH Senior Board Meeting notes
3/10/23 email from Semik, Debbie RE: Surplus Firearms & Ammunition Ordinance
3/10/23 email from Julie Belich, re: Regular Council Meeting Minutes from February 23
3/10/23 email from Novak, Alisa, re: Surcharge for Extra-Strength Wastes
3/8/23 email from Julie Belich, re: Council Regular Meeting, March 9, 2023
3/8/23 email from Willoughby Hills Council, re: Thursday | Regular Council Meeting Agenda

PUBLIC PORTION #1 (Audio 5:08 – 7:42)

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

Public Portion #1 opened at 7:09pm

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, 44094 Had a question regarding ordinance 2023-005. Ms. Bing still has the same concern about usage. She stated at the bottom of article 8, there needs to be a six minimum run per year or we are fined or are dropped. Would like further clarification as to how the Fire Department will pass on or make the decision for each incident. She stated for a fire investigation, it is \$346/hour. If there is a motor vehicle incident (the most common), it is \$546. Ms. Bing would like further explanation of how the Fire Department will determine what is submitted and what is not and why. She is also concerned about how this works when the Fire Department enters other communities, and how the situation is handled.

Public Portion #1 closed at 7:12pm

Questions/comments following Public Portion #1:

There were no comments. **Council President Hallum** suggested contacting Fire Chief Gandee directly.

MAYOR'S REPORT (Audio: 8:06 – 11:03)

Mayor Gardner had vehicle updates: Road Superintendent Mark Grubiss reported the new plow truck is coming along and will be ready for the next snow season. The new fire engine is also on schedule to be in service this summer; hopefully, in time for Touch-A-Truck. Chief Gandee's new vehicle should be ready in 4-6 weeks, and the new command vehicle is in the last stages of preparations.

The Mayor also stated the city has taken its full allotment of salt for the year, and it fits nicely into the new salt storage facility. The city may contact neighboring cities for their surplus salt, as it is a good price this year. The Mayor also stated Chief Gandee reported that electric vehicle blankets for the Fire Department should be in soon. Police Department officers Garret Leonbruno and Richard Muir have completed or are completing their field training.

Councilwoman Taylor Draper inquired into the status of an LED sign.

Mayor Gardner stated the Willoughby Hills Library may be interested in sharing part of the cost of an LED sign. He has spoken with their board, and he will be scheduling a meeting with the library administration to further gauge interest and a possible collaboration.

LAW DIRECTOR'S REPORT (Audio: 11:04 – 11:55)

No report.

Questions/comments following Law Director's Report:

Councilman Jarmuszkiewicz asked if there were any updates on the medical marijuana facility?

Law Director Lucas stated we have not received the red lined version back, and with so many major revisions to the current ordinance, Council may want to table 2022-034, and reintroduce it when appropriate.

FINANCE DIRECTOR'S REPORT (Audio: 12:05 – 15:25)

No report from **Finance Director Scott**. **Former Finance Director Brichacek** requested that the appropriations ordinance be adopted, and that generally, things are going well in the Finance Department. Income tax is continuing to be strong – after 3.5 months we are running approximately 7% ahead, based on the same point last year. He budgeted a 3% increase and is encouraged after recalling in 2022 how the city exceeded the estimate by approximately \$1 million. He stated it appears we are still on track to make our estimate for this year. In general, the operating budget is solid. He also provided a schedule of edits that were made after the introduction in February. There was one change in the final numbers that was not reflected, which was \$8,600 for the beautification committee (for irrigation of the flower beds at City Hall). Council members were coming in daily to maintain, and moving forward, it is impractical for volunteers and service crews. Mr. Brichacek also wanted to remind all that the budget does reflect increases for the Teamsters' Union (Service Department). We currently have a handshake agreement with the group that will be coming up for approval. It does not include changes to the Police, Fire or AFSCME agreements. We will work within the resources we have.

CITY ENGINEER'S REPORT (Audio: 15:30 – 18:00)

City Engineer DiFranco reported they received three bids for the road striping project. The engineer's estimate was for approximately \$74,000. The low bid was from JD Striping at \$71,000. We had to postpone the road resurfacing and sewer projects – until next week.

Questions/comments following City Engineer's Report:

Former Finance Director Brichacek wanted to add that ordinance 2023-012 is authorizing the agreement with ODOT for phase two of the resurfacing of Chardon Road – which we would like to pass tonight. He would like to give City Engineer DiFranco credit for working so well with NOACA as it has a huge impact on the city's road budget. If it had been one project, there wouldn't be a local road budget for a couple of years. It is a \$1.4 million resurfacing project of which the city is only responsible for 20%. At the end of both phases, we will have had a nearly \$3 million improvement to the city's roadways for a cost of approximately \$600,000. Mr. Brichacek also wanted to express appreciation to NOACA for allowing the city to break the project into two phases.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio 18:07 – 23:21)

PC-ABR reported by Councilwoman Taylor Draper (Audio 18:12 – 18:52)

Councilwoman Taylor Draper reported:

- Planning & Zoning Commission Architectural Board of Review met on March 16. During the Architectural portion, a home addition was approved for at 29303 Eddie Road and an outbuilding was approved at 2921 Rockefeller Road. There was no business for the Planning portion of the meeting.

Recreation Commission reported by Councilman Jarmuszkiewicz (Audio 19:00 – 22:40)

Councilman Jarmuszkiewicz reported:

- The Spring Craft Show was a very successful event with a great turnout of volunteers. There were many compliments about the show and how it was run. The Recreation Commission did a fantastic job. Laura O'Donnell and Matt Gray had a lot to do with it.
- The Pickleball meeting was last night. We are planning to open the Pickleball courts on April 15. Many supplies are on hand, however, additional crack filler may be needed. Repairs may not begin until the temperature is 60F or above. Residents talked again about hosting a tournament this year, but the best time for one may not be until the end of the summer.

Questions/comments following the Recreation Commission Report:

Councilwoman Taylor Draper asked if there are reservations for the Pickleball courts?

Councilman Jarmuszkiewicz stated that currently it is an open court policy. The subcommittee was asking about forming leagues, as we do not have a Pickleball program in the city per se. It's first come first served. Interest is growing, but most people are respectful of their time slot and time on court.

Councilwoman Miller thanked the Recreation Commission for their work on the Spring Craft Show. She spoke with many vendors, and one gentleman expressed how it was the most successful show he had ever been to. There were around 600-700 attendees, which is a very nice turnout for a Spring Craft Show.

Mayor Gardner also showed his appreciation for the Recreation Commission.

Finance Committee Report by Council Vice President Kline (Audio 22:42 – 23:19)

Council Vice President Kline reported:

- The Finance Committee held its second budget review on March 15 concentrating on the Police and Administration Departments. **Council Vice President Kline** thanked Chief Naegele and Mayor Gardner for the insight and comments about plans and projections for the year.

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: 23:25 – 23:33)

No Unfinished Business to report.

LEGISLATION (23:34 – 45:54)

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 President Hallum stated that due to the significant changes to this ordinance, it would make the most sense to motion to table indefinitely. Once the ordinance is more finalized, it could be assigned a new number.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to table indefinitely Ordinance 2022-034.

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

NAYS: None

Vote: 6/0

Motion carries to table indefinitely Ordinance 2022-034.

ORDINANCE 2023-005 AMENDED – THIRD READING

AN ORDINANCE ESTABLISHING AND IMPLEMENTING MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES PROVIDED BY AND FOR THE WILLOUGHBY HILLS FIRE DEPARTMENT, AUTHORIZING THE MAYOR TO ENTER INTO A SERVICE AGREEMENT FOR ACCIDENT RESPONSE BILLING AND COLLECTION SERVICES AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Taylor Draper** to adopt Ordinance 2023-005 as amended.

Discussion on the Motion:

Councilman Kline stated the company for which this ordinance pertains to – Fire Recovery USA – is a well-established national company with hundreds if not thousands of customers around the country with a good reputation in its field. This is an opportunity for the city to generate some additional revenue without any cash outlays.

Councilwoman Taylor Draper felt assured that Chief Gandee will require proper training for users, so that the city gets the best benefit.

Fire Chief Gandee stated that the new process will follow closely to what is currently being done for EMS billing which has a proven track record. It is a sophisticated matrix of things that can and cannot be charged. The biggest and most important part is that our residents of Willoughby Hills – and also the contracted service to Waite Hill – should not see additional out-of-pocket expense.

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

Motion carries to adopt Ordinance 2023-005 as amended.

ORDINANCE 2023-008 AMENDED – THIRD 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.

Motion made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Miller** to adopt Ordinance 2023-008 as amended.

Discussion on the Motion:

Councilman Kline stated he supports the ordinance and thanked all of Council for the hard work that went into reviewing the budget which is sizable. He also thanked all department heads, as well as the public for all comments. He stated that after doing some research into the budgets of nearby cities, he found that no other city has the same degree of transparency as Willoughby Hills – this is not meant as a criticism to others, but as a compliment to our city, the administration and in particular the Finance Department for the extent of detail that is supplied to all.

Councilwoman Taylor Draper stated that she supports the ordinance and thanked Finance Director Brichacek for his knowledge and expertise. She also thanked Chief Naegele, Chief Gandee and Road Superintendent Grubiss for their input and experience in maintaining the services they provide

Councilwoman Miller wanted to echo the sentiments of Councilman Kline and Councilwoman Taylor Draper and also wanted to thank Finance Director Brichacek for the hours of knowledge he put into preparing the budget and answering questions. She also wanted to thank the department heads as well as Councilman Kline for leading the Committee. She feels the best interest of the city has been presented in this ordinance.

Councilman Jarmuszkiewicz thanked Finance Director Brichacek for his hard work and is looking forward to working with new Finance Director Scott in the future.

Councilman Knecht thanked Finance Director Brichacek for staying on to acclimate the new Finance Director. He also thanked Councilman Kline for his in-depth work and enlightening meetings and the department heads for their time as well.

Mayor Gardner thanked everyone involved and the numerous hours spent throughout the year in thoughtfully preparing the budget.

Council President Hallum thanked all for coming up with ways to save and stretch the budget.

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

Motion carries to adopt Ordinance 2023-008 as amended.

ORDINANCE 2023-012 – FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS RELATING TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PROJECT NO. 112659 PROVIDING FOR RESURFACING OF CHARDON ROAD (U.S. 6) FROM APPROXIMATELY BISHOP ROAD (S.R. 84) TO S.O.M. CENTER ROAD (S.R. 91) IN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to waive the Three Readings on Ordinance 2023-012.

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

Motion carries to waive the Three Readings on Ordinance 2023-012.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to adopt Ordinance 2023-012.

Discussion on the Motion:

Councilman Jarmuszkiewicz, stated it would be beneficial to expedite the passing of the ordinance.

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

Motion carries to adopt Ordinance 2023-012 as amended.

ORDINANCE 2023-013 – FIRST READING

AN ORDINANCE TO DECLARE FIREARMS AND AMMUNITION AS SURPLUS PROPERTY PURSUANT TO ARTICLE VI – LEGISLATION, SECTION 6.01 – GENERAL ORDINANCES, SUBSECTION (e) OF THE CHARTER OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper** to waive the Three Readings on Ordinance 2023-013.

Discussion on the Motion:

Councilwoman Miller, stated it would be beneficial to pass the ordinance to move the surplus property.

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

NAYS: None

Vote: 6/0

Motion carries to waive the Three Readings on Ordinance 2023-013.

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Miller** to adopt Ordinance 2023-013.

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

NAYS: None

Vote: 6/0

Motion carries to adopt Ordinance 2023-013.

ORDINANCE 2023-014 – FIRST READING

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to waive the Three Readings on Ordinance 2023-014.

Discussion on the Motion:

Councilman Jarmuszkiewicz, stated the grant is used toward maintaining city structures.

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

NAYS: None

Vote: 6/0

Motion carries to waive the Three Readings on Ordinance 2023-014.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to adopt Ordinance 2023-014.

Discussion on the Motion:

Mayor Gardner, stated that during the staff meeting there was discussion of replacing old furnaces with higher efficiency units, as well as HVAC for technology/server room cooling.

Council President Hallum, stated for the record the grant amount is \$25,162.00.

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

Motion carries to adopt Ordinance 2023-014.

RESOLUTION 2023-005 – FIRST READING

A RESOLUTION DECLARING THE MONTH OF APRIL AS CHILD ABUSE PREVENTION MONTH IN THE CITY OF WILLOUGHBY HILLS.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to waive the Three Readings on Resolution 2023-005.

Discussion on the Motion:

Councilman Jarmuszkiewicz acknowledged the importance of April as Child Abuse Prevention Month through the city, but feels it should be recognized throughout the year.

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

Motion carries to waive the Three Readings on Resolution 2023-005.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to adopt Resolution 2023-005.

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

Motion carries to adopt Resolution 2023-005.

NEW BUSINESS (Audio: 45:55 – 47:28)

Motion was made by **Councilwoman Taylor Draper**, seconded by **Councilman Jarmuszkiewicz** to allow the Mayor to advertise for bids on the Rogers Road Slope Repair project.

Discussion on the Motion:

City Engineer Pietro A. DiFranco stated that a geo technical report and survey were done. The Rogers Road wall will be very similar to the one done on Dodd Road. Rogers Road will need to be closed down for a couple of weeks during construction.

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

Motion carries to allow the Mayor to advertise for bids on the Rogers Road Slope Repair project.

PUBLIC PORTION #2 (Audio: 47:31 – 52:00)

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

Public Portion #2 opened at 7:51 p.m.

Jenna Bing, 36951 Beech Hills, Willoughby Hills, 44094 stated citizens filed a complaint against Council and PCABR and the case was dismissed. Ms. Bing would like to know how the legal bills are determined and paid.

Public Portion #2 closed at 7:54 p.m.

Questions/comments following Public Portion #2

Law Director Lucas stated due to ongoing litigation, there is no comment at this time. He also stated there is an indemnification ordinance which explains the process.

Councilwoman Taylor Draper reminded the public to call their Council representatives with any questions.

Council President Hallum stated for the record that approximately 95 percent of questions asked are answered.

Councilwoman Miller stated Council members' contact information is listed on the City website.

Finance Director Brichacek circled back to the indemnification question, stating the final bill for legal services is still outstanding.

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

(Audio: 52:07 – 53:53)

Councilwoman Taylor Draper wanted to reiterate her appreciation for Finance Director Brichacek's work with the city over the years and wished him well.

Mayor Gardner stated there will be a gathering for and appropriate sendoff for Finance Director Brichacek in the near future.

Council President Hallum thanked Finance Director Brichacek as well.

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

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

NAYS: None

Vote: 6/0

The meeting was adjourned at 7:58 p.m.

APPROVED: April 13, 2023
Date


Chris Hallum
President of Council

ATTEST: Laura O'Donnell
Laura O'Donnell
Clerk of Council