

President of Council
CHRISTOPHER HALLUM

Vice President of Council
MICHAEL KLINE

Council Clerk
LAURA O'DONNELL

City of Willoughby Hills

Council
JULIE A. BELICH
JOE JARMUSZKIEWICZ
DANIEL KNECHT
VICKI MILLER
TANYA TAYLOR DRAPER

Regular Council Meeting Minutes of April 27, 2023

The Regular Council Meeting was called to order on Thursday, April 27, 2023 at 7:00 p.m. in Council Chambers. **Council President Hallum** presided.

Call to Order 7:00 p.m. (Audio: 0:13)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:18)

ROLL CALL (Audio: 0:37)

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

Also Present: Mayor Gardner, Law Director Michael C. Lucas, City Engineer Pietro A. DiFranco, Finance Director Bruce Scott

Absent: None

DISPOSITION OF THE JOURNAL (Audio: 1:04)

Motion made by Council Vice President Kline seconded by **Councilman Knecht** to adopt the minutes of the April 13, 2023 Regular Council Meeting.

Discussion on the Motion:

None.

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

NAYS: None

ABSTAIN: Kline, Belich

Vote: 5/0/2

Motion carries to adopt the meeting minutes of the April 13, 2023 Regular Council Meeting.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 1:50)

04/25/23 email from pc-abr RE: Approved PCABR Minutes for 3/16/23

04/25/23 email from Finance Director RE: CELL TOWER

04/25/23 email from Karen Mehollin Re: Rock band contracts

04/24/23 email from Finance Director RE: SERVICE AGREEMENT SUMMARY

04/24/23 email from Katherine D. Lloyd WH PCABR Meeting 5/4/23 Thursday -- 7:00 PM

04/24/23 email from Kevin Trepal RE: 2023 Sewer Rehabilitation

04/24/23 email from chris.allen@construction.com RE: 2023 Sewer Rehabilitation
 04/23/23 email from Angel Tormis RE: PUBLIC RECORDS REQUEST
 04/22/23 email from Michael C. Lucas Fwd: Ordinance No. 2023-028
 04/22/23 email from Michael C. Lucas Fwd: Ordinance No. 023-024 (rev 2)
 04/22/23 email from Michael C. Lucas Fwd: Ordinance No. 2023-027 mcl rev 2 (4.22.23)
 04/22/23 email from Michael C. Lucas RE: Proposed Ordinance - Credit Card Usage Policy
 04/22/23 email from Michael C. Lucas RE: Appropriation Ordinance Draft Whereas Clauses
 04/22/23 email from Michael C. Lucas RE: Proposed Ordinance - Credit Card Usage Policy
 04/21/23 email from Finance Director RE: Proposed Ordinance - Credit Card Usage Policy
 04/21/23 email from Finance Director RE: Appropriation Ordinance Draft Whereas Clauses
 04/21/23 email from Michael C. Lucas Fwd: Revisions to Ordinance Nos. 2023-025 and 2023-026
 04/21/23 email from Michael C. Lucas Re: Budget Appropriation - Rogers Rd Slope Repair
 04/19/23 email from Michael Sivo Re: Cleveland Veterinary Rehabilitation
 04/19/23 email from Brian Massie RE: Public Records Request
 04/19/23 email from Pietro DiFranco RE: Budget Appropriation - Rogers Rd Slope Repair
 04/18/23 email from bza RE: BZA Minutes for 11/8/22
 04/18/23 email from Karen Mehollin RE: District Meetings | Save the Dates
 04/17/23 email from pc-abr RE: WH PCABR Meeting 4/20/23 Thursday -- 7:00 PM
 04/17/23 email from Gloria Majeski Re: Senior Room Retreat Information
 04/17/23 email from Laurie.Scarmuzzi@dot.ohio.gov RE: PID 112659 LAK-6-0.44; Willoughby Hills; Preliminary Legislation - ACTION REQUIRED
 04/17/23 email from Christine Morgan RE: WE Levy Campaign
 04/15/23 email from Gloria Majeski RE: Senior Room Retreat Information
 04/14/23 email from bza FW: WH BZA Meeting 5/9/23 TUESDAY - 8:00 PM
 04/14/23 email from pc-abr FW: WH PCABR Meeting 4/20/23 Thursday -- 7:00 PM
 04/14/23 email from Tanya Taylor Draper Fw: Retreat -Willoughby Hills
 04/14/23 email from LiquorLicensingMailUnit@com.ohio.gov Automatic reply: Permit No. 6367890 (Gaetanos Inc.)
 04/14/23 email from Kevin Malecek RE: ED Presentation for Tomorrow
 04/14/23 email from Pietro DiFranco RE: Willoughby Hills City Engineer Report 230414
 04/14/23 email from Tanya Taylor Draper Fw: Retreat -Willoughby Hills
 04/13/23 email from bza RE: Lake County Planning Commission
 04/13/23 email from bza The Lake County Planning Commission staff can be of assistance to you
 04/13/23 email from Karen Mehollin FW: Airport NAC report -- April 13, 2023
 04/13/23 email from Michael C. Lucas RE: CBA and Ordinance No 2023-023
 04/13/23 email from Tanya Taylor Draper Re: Agenda | Council Retreat
 04/11/23 email from Mike Kline Re: Draft of Minutes from March 23 Meeting & Thursday's Agenda
 04/11/23 email from Tanya Taylor Draper RE: Agenda

PUBLIC PORTION #1 (Audio 2:07)

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

Public Portion #1 opened at 7:02 p.m.

Public Portion #1 closed at 7:02 p.m.

Questions/comments following Public Portion #1:

None.

MAYOR'S REPORT (Audio: 2:27)

Mayor Gardner reported that the Fire Chief's new vehicle arrived today and will be ready in the near future. The new Zoning Inspector, Josh Siegel, has completed employment prerequisites and will be starting on May 8. This week was Administrative Professionals Week, and the Mayor thanked all administrative staff and praised the work they do: "They are the straw that stirs the drink."

The Mayor also recognized Frank Brichacek for his 15 years of service, all of his accomplishments, awards and high standards he has set for the city; his legacy will remain. The Mayor also welcomed all to stay for Frank's retirement send off.

Councilwoman Taylor Draper inquired into the background of the new Zoning Inspector?

The Mayor responded that Josh Siegel's background is in housing inspections, and he has also worked in a commercial auction house as well as others. He knows the property side, but may not be as experienced in enforcement.

Council President Hallum echoed the Mayor's sentiments regarding administrative assistants and the help they provide. He thanked all and also thanked Frank Brichacek one last time for his exceptional work.

LAW DIRECTOR'S REPORT (Audio: 10:55)

Law Director Lucas stated he received a black-lined revision to the medical marijuana dispensary legislation. He relayed receipt and is reviewing. Mr. Lucas thanked Frank Brichacek and expressed his appreciation for his hard work.

Questions/comments following Law Director's Report:

None.

FINANCE DIRECTOR'S REPORT (Audio: 12:02)

Finance Director Scott reported that the March financial statements have been posted online and uploaded to Ohio Checkbook.

Questions/comments following Law Director's Report:

None.

CITY ENGINEER'S REPORT (Audio: 12:37)

City Engineer DiFranco stated they received a bid for the Rogers Road Slope Repair Project from Schirmer Construction. It was approximately 8% over the estimate of \$235,000. He wanted to remind all that the project is fully funded by the Lake County Storm Water Department. They will review all bids and will have a recommendation ready for the next Council meeting.

- The sewer rehab project started this week with video taping. The street rehab project, which is west Pleasant Valley Road will start on Monday, May 1. There may be isolated road closures when necessary.
- We will hold off on the pavement marking project until September and after the Service Department has an opportunity to complete crack sealing.
- A reminder: ODOT is working on the River Road Slope Repair and will be closed for two weeks.
- AT&T is installing fiber optics around or on Timberline and Glenn Kyle. Please be aware.

Questions/comments following City Engineer's Report:

Councilman Jarmuszkiewicz asked if three bids were necessary for the Rogers Road Slope Repair?

City Engineer DiFranco stated it is not necessary.

Councilwoman Miller asked if there is an update on the River Road Slope Repair?

City Engineer DiFranco stated he does not have an update at this time.

Councilwoman Belich asked for specifics on road closures on Pleasant Valley Road?

City Engineer DiFranco stated the road closures are typically on days when they are paving. They would like to make sure the asphalt cures before traffic is permitted back on the roadway. Signs will be in place notifying residents. There will not be any impact on the bridge.

Councilman Jarmuszkiewicz asked if the Rogers Road Slope Repair was 100% reimbursed?

City Engineer DiFranco responded yes.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio 16:27)**PC-ABR reported by Councilwoman Taylor Draper**

Councilwoman Taylor Draper reported:

- Planning & Zoning Commission Architectural Board of Review met on April 20. There was no new business for the Planning portion of the meeting, however, she stated the Sheetz and convenience store project was on the agenda for final approval. The City Engineer requested a small retaining wall be added to the corner of Bishop and Chardon; some storm water issues were also address per Mr. DiFranco. All aesthetic aspects were approved. Engineering concerns were also addressed. Ground breaking is slated for later this year.
- The Architectural Board of Review guidelines are available for review. The Board welcomes comments and suggestions. Contact: Katie Lloyd, PC-ABR Clerk (440) 953-4118.

Questions/comments:

Councilwoman Miller asked when May Pine Farms will be coming before the board?

Councilwoman Taylor Draper stated that would be happening at the May 9 meeting.

Council President Hallum asked for confirmation on the Sheetz facility timeline?

Councilwoman Taylor Draper stated they would be breaking ground by the year end, not finalizing.

Council President Hallum asked for clarification on the architectural standards document?

Councilwoman Taylor Draper stated it is a list of expected standards; a guideline.

Council President Hallum offered an FAQ section may be helpful.

Recreation Commission reported by Councilman Jarmuszkiewicz

Councilman Jarmuszkiewicz reported:

- The city-wide garage sale will be going on this weekend.
- Softball/Baseball practice will be beginning.
- The Rec Commission will be scheduling a Pickleball subcommittee meeting.

Questions/comments following the Recreation Commission Report:

None.

Finance Committee Report by Council Vice President Kline

No report.

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: 21:37)

No Unfinished Business to report.

LEGISLATION (21:47)

ORDINANCE 2023-023 – SECOND READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE TEAMSTERS LOCAL 436, AND DECLARING AN EMERGENCY.

Remains on Second Reading.

ORDINANCE 2023-024 – FIRST READING

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2023-008 AMENDED TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2023 OPERATING BUDGET REVISIONS; SPECIFICALLY, TO INCREASE CURRENT APPROPRIATIONS TO INCLUDE THE ROGERS ROAD SLOPE REPAIR PROJECT AND REPEALING CONFLICTING LEGISLATION.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to waive the Three Readings on Ordinance 2023-024.

Discussion on the Motion:

Councilman Jarmuszkiewicz, stated it is necessary to repair the slope, and it will be fully reimbursed.

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

Motion carries to waive the Three Readings on Ordinance 2023-024.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to adopt Ordinance 2023-024.

Discussion on the Motion:

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

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

Motion carries to adopt Ordinance 2023-024.

ORDINANCE 2023-025 – FIRST READING

AN ORDINANCE ACCEPTING THE BID OF KOKOSING MATERIALS, INCORPORATED FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2023 AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Belich** to waive the Three Readings on Ordinance 2023-025.

Discussion on the Motion:

Councilman Jarmuszkiewicz, stated this ordinance will allow us to start repairing roads some of which residents feel are in disrepair.

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

Motion carries to waive the Three Readings on Ordinance 2023-025.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Belich** to adopt Ordinance 2023-025.

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

Motion carries to adopt Ordinance 2023-025.

ORDINANCE 2023-026 – FIRST READING

AN ORDINANCE ACCEPTING THE BID OF THE ARMS TRUCKING COMPANY FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2023 AND DECLARING AN EMERGENCY.

Motion made by **Councilman Knecht**, seconded by **Councilwoman Belich** to waive the Three Readings on Ordinance 2023-026.

Discussion on the Motion:

Councilman Knecht stated, as with the asphalt ordinance, passing this legislation will allow us to swiftly procure materials for road and project repair.

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

Motion carries to waive the Three Readings on Ordinance 2023-026.

Motion made by **Councilman Knecht**, seconded by **Councilwoman Belich** to adopt Ordinance 2023-026.

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

Motion carries to adopt Ordinance 2023-026.

ORDINANCE 2023-027 – FIRST READING

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE ONE – GENERAL PROVISIONS, CHAPTER 115 – METHODS OF PURCHASE, OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND ESTABLISH SECTION 115.06 TO PROVIDE FOR THE ADOPTION OF A CITY CREDIT CARD USAGE POLICY, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Miller** to waive the Three Readings on Ordinance 2023-027.

Discussion on the Motion:

Councilwoman Taylor Draper stated the legislation will correct a previously misstructured ordinance.

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

Motion carries to waive the Three Readings on Ordinance 2023-027.

Motion made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Miller** to adopt Ordinance 2023-027.

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

Motion carries to adopt Ordinance 2023-027.

ORDINANCE 2023-028 – FIRST READING

AN ORDINANCE WAIVING THE STIPULATION AS SET FORTH IN PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.05(f) VACATIONS – OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS TO ALLOW FIRE CHIEF ROBERT GANDEE TO CARRY OVER TWENTY-NINE AND THREE-QUARTER (29.75) HOURS OF VACATION TIME AND DECLARING AN EMERGENCY.

Council President Hallum stated for the record this could be approved by the Mayor, however, Mayor Gardner has made a practice of making sure Council is aware and the process is transparent. Eighty (80) hours is the total allowable amount per the City Charter.

Motion made by **Councilwoman Miller**, seconded by **Councilman Knecht** to waive the Three Readings on Ordinance 2023-028.

Discussion on the Motion:

Councilwoman Miller stated she would like to expedite the passage of the ordinance out of respect for the many hours Chief Gandee puts forth for the Fire Department and City.

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

Motion carries to waive the Three Readings on Ordinance 2023-028.

Motion made by **Councilwoman Miller**, seconded by **Councilman Knecht** to adopt Ordinance 2023-028.

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

Motion carries to adopt Ordinance 2023-028.

NEW BUSINESS: (Audio: 32:17)

Motion made by Councilwoman Miller, seconded by **Councilwoman Taylor Draper** to enter into Executive Session after *For the Good of the Order/For the Good of the Community* and before *Adjournment*, not to exceed 15 minutes, for the purpose of reviewing collective bargaining sessions pursuant to R.C., 121.22 (G) (4), inviting all of Council, the Mayor, Finance Director and Law Director Lucas.

Discussion on the Motion:

None.

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

Motion carries to enter into Executive Session.

PUBLIC PORTION #2 (Audio: 33:53)

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

Public Portion #2 opened at 7:33 p.m.

Frank Cihula, 35060 Dixon Road, Willoughby Hills, 44094 stated he had the pleasure of chairing the BZA for 34 years. During that time, he had the pleasure of working with Frank Brichacek, who was an exceptional person to work with. Mr. Cihula expressed thanks and appreciation to the former Finance Director.

Linda Fulton, 2990 Marcum Boulevard, Willoughby Hills, 44092 questioned the status of the Medical Marijuana facility, and who approved the color scheme of the building?

Public Portion #2 closed at 7:35 p.m.

Questions/comments following Public Portion #2:

Councilwoman Taylor Draper stated she approved the building colors.

Council President Hallum stated the business was approved; however, the legislation as far as the running of the business is still being discussed.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY
(Audio: 37:30)

Council Vice President Kline read a kind and humorous statement, once again thanking **Former Finance Director Brichacek** for his work and complemented him on his intellect.

Mayor Gardner reminded residents to lock their vehicles after some thefts occurred during the week.

Councilwoman Taylor Draper made a special thanks to all administrative assistants for their hard work and continued efforts.

EXECUTIVE SESSION

Council President Hallum: Adjourned into Executive Session at 7:41 p.m.

RECONVENE

Council President Hallum: Reconvened at 8:00 p.m.

Motion made by Council Vice President Kline, seconded by Councilwoman Taylor Draper to reject the Fact Finders recommendation in the Firefighters Bargaining Unit.

Discussion on the Motion:

Council President Hallum stated he felt the city's initial offer was generous, and they would like to continue negotiations.

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

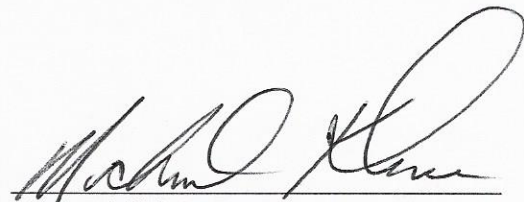
Motion carries.

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

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

The meeting was adjourned at 8:03 p.m.

APPROVED: May 11, 2023
Date



Michael Kline
President of Council Pro Tem

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