

President of Council  
CHRISTOPHER HALLUM

Vice President of Council  
MICHAEL KLINE

Clerk of Council  
KAREN MEHOLLIN

# City of Willoughby Hills

COUNCIL:

JULIE A. BELICH

JOE JARMUSZKIEWICZ

DANIEL KNECHT

VICKI MILLER

TANYA TAYLOR DRAPER

## Regular Council Meeting

### Minutes of May 26, 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, May 26, 2022 at 7:00 p.m. in Council Chambers. Council President Hallum presided.

Call to Order 7:00 p.m. (Audio: 0:00 – 0:16)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:21 – 0:35)

#### ROLL CALL (Audio: 0:40 – 1:40)

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

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

**Absent:** Councilwoman Julie Belich and Councilman Dan Knecht.

**Motion** to excuse Councilwoman Belich and Councilman Knecht from tonight's Council Meeting was made by Councilwoman Taylor Draper, seconded by Councilwoman Miller.

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

NAYS: None

Vote: 5/0

**Motion carries** to excuse Councilwoman Belich and Councilman Knecht from tonight's Council Meeting.

#### DISPOSITION OF THE JOURNAL (Audio: 1:41 – 2:15)

**Motion made by Council Vice President Kline** seconded by Councilwoman Taylor Draper to adopt the minutes of the May 12, 2022 Regular Council Meeting.

#### Discussion on the Motion:

None.

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

NAYS: None

Vote: 5/0

**Motion carries** to adopt the meeting minutes of the May 12, 2022 Regular Council Meeting.

**COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 2:20 – 2:33)**

- 05/11/22 email from Vicki Miller, re: Regular Council Meeting Agenda, Minutes, Revised Legislation for 5/11/22.
- 5/11/22 email from Michael Lucas, re: Regular Council Meeting Agenda, Minutes, Revised Legislation for 5/11/22.
- 5/11/22 email from Joe Jarmuszkiewicz, re: Regular Council Meeting Agenda, Minutes, Revised Legislation for 5/11/22.
- 5/11/22 email from Michael Lucas, re: RC-2 for Civil Service Commission.
- 5/12/22 email from Gloria Majeski, re: Letter from Ray Somich for tonight's presentation.
- 5/12/22 email from Jen Boger, re: Reminder: 2021 Financial Disclosure Statement General Deadline is Monday.
- 5/13/22 email from Gloria Majeski, re: Thank you.
- 5/16/22 email from Council Clerk, re: Council/Mayor Night at Roemisch Fields.
- 5/16/22 email from Gloria Majeski, re: FW: 2022 Field Master.
- 5/17/22 email from Debbie Semik, re: Legislation for next week.
- 5/18/22 email from Gloria Majeski, re: Letter of Support from Council Members for West End Sidewalk Project.
- 5/18/22 email from Gloria Majeski, re: Info on PD Ordinance.
- 5/18/22 email from Dave Vogrin, re: Pro Built – Gas Line.
- 5/19/22 email from Gloria Majeski, re: Draft Ordinance for Hand-Held and School-Zone Camera Guidelines.
- 5/19/22 email from Kevin Trepal, re: Motion for Bidding – City Hall Parking Lot Improvement.
- 5/19/22 email from Council Clerk, re: Legislation – week of May 23<sup>rd</sup> – for review.
- 5/19/22 email from Vicki Miller, re: Letter of Support from Council Members for West End Sidewalk Project.
- 5/19/22 email from Tanya Taylor Draper, re: Letter of Support from Council Members for West End Sidewalk Project.
- 5/20/22 email from Gloria Majeski, re: CDBG Grant Application.
- 5/20/22 email from Gloria Majeski, re: SD Regular Cab.
- 5/20/22 email from Frank Brichacek, re: Donation Acceptance Notification – Elaine Crane Safety Town Support.
- 5/23/22 email from Joe Jarmuszkiewicz, re: Tonight's Meeting.
- 5/23/22 email from Jack Brubaker, re: Council Meeting Notices.
- 5/24/22 email from Julie Belich, re: Thursday Meeting.
- 5/24/22 email from Dan Knecht, re: Attendance.

**PUBLIC PORTION #1 (Audio: 2:35 – 6:22)**

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

Public Portion #1 opened at 7:02pm.

**Frank Cihula, 35060 Dixon Road, Willoughby Hills, Ohio 44094** asked why, in Ordinance 2022-034 (page 7, d.2), the appeal process is to the Board of Zoning Appeals when no other similar Ordinances are set this way.

Public Portion #1 closed at 7:04pm.

**Questions/comments following Public Portion #1 (Audio: 4:55 – 6:22)**

**Law Director Lucas** stated that this legislation is a draft based on legislation from the City of Wickliffe regarding the same type of licensure and there will be modifications and updates. **Law Director Lucas** stated he was unsure as to why other pieces of legislation were written differently.

### **MAYOR'S REPORT (Audio: 6:25 – 10:32)**

**Mayor Gardner** thanked everyone for their patience during the resurfacing of Chardon Road. Phase 1 is proceeding well. As a reminder, between River Road and Route 91, traffic is only westbound, regardless of whether the North or South lane is open. Please use Eddy Road as a detour.

Our Service Department did a leaf pickup this past week and continues to work to repair winter damage to our roads. They also installed a path along the side of the tennis courts to the pickle ball courts yesterday, using materials recycled from the Chardon Road resurfacing project. This is just another example of how Service Superintendent Mark Grubiss is always on the lookout for ways to maximize value for our residents!

Rock N Roll Day Committee held a meeting this week. Lots of great programs, music and food are planned. We are looking for volunteers to assist with the cornhole tournament, car show and other events. Keep an eye out for signups soon both online and through the Mayor's Office.

The Police Department's body cameras have arrived. The Department is in the process of installing the necessary hardware and software to make the system operational and will start training with the equipment in June.

At the Fire Department, our front line engine's corrosion repairs have been completed. It will be stopping for pump testing and annual preventative maintenance before returning to the City and will be back in service in June and, will hopefully remain in service other than for routine maintenance until our new engine is delivered next summer.

Our Memorial Day Ceremony is set for Monday, May 30 at 11:00 a.m. It will be an outside ceremony. In the event of rain, we will be inside the Community Center. We will present all of the funds donated for flags and markers to the VFW at the ceremony. It is still not too late to donate! Thanks to all who donated and to Ted and Sue Vandemotter for placing the flags and makers in a beautiful display at the memorial. This is a great tribute to our service members.

Thanks to John and Carol Lillich for leading the nature walks for our residents through Hach-Otis.

Our Mind Challenge Team is three points behind a strong Willoughby team after the first part of the preliminary round. We are hoping to finish strong next week to advance to the next round.

Sympathy to the families of Gloria Ann Fuller and Robert Koles who passed away this week. Please keep these families in your thoughts and prayers.

Congratulations to all of our graduates, including Councilman Jarmuszkiewicz's daughter, Vera.

### **Questions/comments following Mayor's Report (Audio: 19:47 – 20:13)**

**Council President Hallum** asked if **Mayor Gardner** knew the return date for the fire truck. **Mayor Gardner** stated around mid-June.

### **LAW DIRECTOR'S REPORT (Audio: 10:34 – 20:10)**

**Law Director Lucas** reported on House Bill 563, legislation in the Ohio General Assembly that will prohibit local enforcement and future municipal regulations of short-term rentals. It's on the House Floor and is delayed but still pending. He is unsure of how it looks for voting.

In regards to Ordinance 2022-034, Law Director Lucas stated that he did receive a phone call from the law office representing INSA who spoke at Monday's meeting on INSA's behalf. He made three suggestions: 1) he'd like the opportunity to present more information to Council members, 2) the Ordinance draft needs to be

updated with current State requirements, and 3) to answer Councilwoman Taylor Draper's concern, there is an odor within the building itself that is continually ventilated. The representative will provide more information with regards to the odor. Law Director Lucas will follow-up with getting someone in to present to Council.

Law Director Lucas went on to provide an answer and elaborate regarding Council Vice President Kline's question about the Newberry Heights legislation in that there is no substance beyond clarification.

**Questions/comments following Law Director's Report (Audio: 16:08 – 20:15)**

**Councilwoman Taylor Draper** asked **Law Director Lucas** if the dispensary venting sucks the air back in before it goes outside the door. **Law Director Lucas** stated he was unsure but the INSA attorney stated that he was unaware of any complaints of odors emanating outside from their other locations.

**Councilman Jarmuszkiewicz** asked if we are on-hold with the short-term rental situation until the State figures out legislation at the State level. **Law Director Lucas** responded that a civil action can be filed but it may be found unconstitutional. He said the Business Subcommittee continues to work on this and will be giving Law Director Lucas feedback.

**Council Vice President Kline** added that there will be a Business Subcommittee meeting held in June to discuss short-term rentals, mainly to review the proposed City Ordinance.

(**Council President Hallum** remembered to ask a question of **Mayor Gardner** regarding his report; mentioned in Questions/comments following Mayor's Report.)

**FINANCE DIRECTOR'S REPORT (Audio: 20:16 – 28:43)**

**Finance Director Brichacek** stated that Income Tax collections are strong as of now with all other revenue sources being right on track. The 2021 Financial Statements were filed Tuesday with the State and should be on the site by next week.

He went on to report that there has been an additional expenditure that was not budgeted for about \$3,200 to transport an arson suspect from California back to Ohio. This will be absorbed into the Police Department Budget for the year.

**Finance Director Brichacek** reported that the 2023 Tax Budget will be introduced at the next meeting with a Public Hearing set for July 15, 2022 and filing on July 20, 2022. In addition, he stated that the new Bond Issue may affect property tax amounts.

**Questions/comments following Finance Director's Report (Audio: 25:35 – 28:43)**

**Councilwoman Taylor Draper** asked why the City is being asked to pay for a suspect's transport back to Ohio to which **Finance Director Brichacek** responded yes. **Council President Hallum** asked if the City can levy against this cost for the transport. **Law Director Lucas** responded that the City can request a reimbursement and added that historically judges look favorably at dismissing these type of costs.

**Councilman Jarmuszkiewicz** asked if Labor Contracts are figured into next year's budget. **Finance Director Brichacek** responded that it's a judgement call and would be a broad estimate in the tax budget. He went on to say that in terms of the Operating Budget, he prepares it without the estimate unless contracts have been settled prior to presenting the budget.

**CITY ENGINEER'S REPORT (Audio: 28:48 – 30:08)**

**City Engineer DiFranco** reported that the Chardon Road project is proceeding very well. He added that they have turned in a pre-application for a Grant for the next part of Chardon Road (west of SOM Center Road) that would take place in a few of years.

**Questions/comments following City Engineer's Report (Audio: 29:24 – 30:08)**

**Councilman Jarmuszkiewicz** asked if Chardon Road was made wider for a potential bike lane. **City Engineer DiFranco** responded that there are no plans to widen it, but there are already bike lanes on both sides.

**COMMITTEE REPORTS (Audio: 30:11 – 37:25)**

**Recreation Commission Report by Councilman Jarmuszkiewicz (Audio: 30:11 – 32:52)**

**Councilman Jarmuszkiewicz** reported that the baseball and softball games are underway. The pickleball courts have opened and have been received very well. He is hoping to eventually offer lessons and demos to help promote the sport since it's grown in popularity and is great for all ages. Safety Town applications will be available June 1, 2022 and is scheduled to take place sometime in July.

**PC-ABR – reported by Councilwoman Taylor Draper (Audio: 32:52 – 35:24)**

**Councilwoman Taylor Draper** reported that the Planning and Zoning Architectural Board of Review met on May 19<sup>th</sup>. There was no business for the Planning and Zoning portion of the meeting. The Architectural Board of Review had one project – a pending approval on an addition on a single family home at 37220 Chardon Road. This is pending approval until there is septic approval by the County. The Master Plan met this past Tuesday, May 24<sup>th</sup>, with Dave Radachy in order to hone in on plans for verbiage for the official presentation. There will be a Public Hearing on the information presented. **Councilwoman Taylor Draper** also reported that the Beautification Committee will gather Saturday, June 4<sup>th</sup>, at 10:00 at City Hall to plant flowers. All are welcome to help. Lastly, **Councilwoman Taylor Draper** added that the Zoning Inspector reported that he's issued nine (9) stop work orders. She reminded residents to check with the Building Department to see if a permit is required before starting any home project.

**Finance Committee Report by Council Vice President Kline:**

No report.

**Questions/comments following Committee Reports (Audio: 35:59 – 37:25)**

**Council Vice President Kline** asked about hours needed for volunteers to plant flowers. **Councilwoman Taylor Draper** responded that they will begin at 10:00AM and work until it's finished. Duration is dependent on the number of volunteers helping.

**Councilman Jarmuszkiewicz** asked **Councilwoman Taylor Draper** if there had been an update on the citations issued to Aldi, BP, and CVS. She responded that representatives of both Aldi and BP have stated that they would clean up their properties before the June 13<sup>th</sup> hearing. They are still trying to contact someone with CVS.

**UNFINISHED BUSINESS (Audio: 37:31 – 37:39)**

No Unfinished Business to report.

**LEGISLATION (Audio: 37:40 – 43:21)**

**ORDINANCE 2022-016 AMENDED – FIRST READING**

**AN ORDINANCE AMENDING ORDINANCE 2022-016 AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH VALLEY FORD TRUCK, INC., CLEVELAND, OHIO, FOR THE PURCHASE OF A 2022 F-550 4X4 GAS CHASSIS SD REGULAR CAB 145" WB DRW XL (F5H) IN THE AMOUNT NOT TO EXCEED \$86,412.00 AND DECLARING AN EMERGENCY.**

**Motion** was made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to waive the three reading rule on Ordinance 2022-016 Amended.

**Discussion on the Motion:**

**Councilman Jarmuszkiewicz** stated that this is a change from diesel to gas powered; gas is more readily available and less expensive than diesel. **Council President Hallum** stated that this will overall cost less than the previous diesel powered truck. **Councilwoman Miller** commented that this truck is set to be in service for the Fall. The previous truck did not have a set timeframe of when it would be in service.

**Roll Call:** **AYES:** Jarmuszkiewicz, Kline, Miller, Taylor Draper, and Hallum.  
**NAYS:** None  
**Vote:** 5/0

**Motion Carries** to waive the three reading rule on Ordinance 2022-016 Amended.

**Motion** was made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to adopt Ordinance 2022-016 Amended.

**Discussion on the Motion:**

No discussion.

**Roll Call:** **AYES:** Jarmuszkiewicz, Kline, Miller, Taylor Draper, and Hallum.  
**NAYS:** None  
**Vote:** 5/0

**Motion Carries** to adopt Ordinance 2022-016 Amended.

**ORDINANCE 2022-033 – SECOND READING**

**AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF FULL-TIME ROAD SUPERINTENDENT; REPEALING CONFLICTING LEGISLATION, AND DECLARING AN EMERGENCY.**

**Council President Hallum** stated that this would remain on Second Reading.

**ORDINANCE 2022-034 – FIRST 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” AND DECLARING AN EMERGENCY.**

**Council President Hallum** stated that this would remain on Second Reading.

**RESOLUTION 2022-018 – FIRST READING**

**A RESOLUTION RECOGNIZING THE WILLOUGHBY HILLS’ COMMITMENT TO FAIR HOUSING AND THE MONTH OF MAY 2022 AS FAIR HOUSING MONTH.**

**Motion** was made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Miller** to waive the three reading rule on Resolution 2022-018.

**Discussion on the Motion:**

**Council President Hallum** stated that this Resolution is one of the requirements to apply for the CDBG Grant. Ohio’s Fair Housing Law is important in that it makes it illegal to discriminate for house purchases.

**Roll Call:** AYES: Jarmuszkiewicz, Kline, Miller, Taylor Draper, and Hallum.  
NAYS: None  
Vote: 5/0

**Motion Carries** to waive the three reading rule on Resolution 2022-018.

**Motion** was made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Miller** to adopt Resolution 2022-018.

**Discussion on the Motion:**  
No discussion.

**Roll Call:** AYES: Jarmuszkiewicz, Kline, Miller, Taylor Draper, and Hallum.  
NAYS: None  
Vote: 5/0

**Motion Carries** to adopt Resolution 2022-018.

**NEW BUSINESS (Audio: 43:23 – 46:19)**

**Motion** was made by **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper**, to go out for bid for the City Hall Parking Lot Improvement project.

**Discussion of the Motion:**

**Councilwoman Taylor Draper** stated that she's looking forward to the repairs.

**Council President Hallum** added that the money for the parking lot repairs is coming out of the American Rescue Plan (which is a little over a million dollars).

**Roll Call:** AYES: Jarmuszkiewicz, Kline, Miller, Taylor Draper, and Hallum.  
NAYS: None  
Vote: 5/0

**Motion carries** to go out for bid for the City Hall Parking Lot Improvement project.

**Motion** was made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller**, to accept a \$3,000.00 donation to the Recreation Department in Support of the Safety Town Program from Ms. Elaine Crane and the Roemisch Family Foundation.

**Discussion of the Motion:**

**Mayor Gardner** said that he is grateful to Judge Crane and the Roemisch Family. This will fund the program for three (3) years. He added that he is looking forward to it after not having it for a couple of years.

**Finance Director Brichacek** stated that they have been making this donation for a number of years. The previous donation of \$3,000 wasn't spent because of COVID so there is currently \$6,000 available.

**Roll Call:** AYES: Jarmuszkiewicz, Kline, Miller, Taylor Draper, and Hallum.  
NAYS: None  
Vote: 5/0

**Motion carries** to accept a \$3,000.00 donation to the Recreation Department in Support of the Safety Town Program from Ms. Elaine Crane and the Roemisch Family Foundation.

**PUBLIC PORTION #2 (Audio: 46:20 – 59:42)**

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

Public Portion #2 opened at 7:46pm.

**Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094**, asked why Nancy Fellow's legal bills haven't been paid yet. She stated that it's bad practice and wants to know where it stands. She also asked if there was a line item for "City Marketing" both for the previously discussed Bridge Enhancements and for the mugs with the City logos on them. She felt that \$800 for mugs with the City logo seemed excessive.

**Frank Cihula, 35060 Dixon Road, Willoughby Hills, Ohio 44094** asked about Ordinance 2022-034 because there doesn't appear to be anything in the 700 section giving authority to the BZA to change requirements. This isn't a section that BZA normally has control of. He feels that it might be better to put it in the 1100 section where the BZA has full authority to do whatever is normally agreeable to the applicant.

**Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, Ohio 44094** asked what the status was on the White Road house that caught fire. Next, she asked what the Florine O'Ryan gym fund was going to be used for. Lastly, she stated her displeasure with Jennifer Greer getting a Resolution last month when she had moved out of the City while on Council.

Public Portion #2 closed at 7:51pm.

**Questions/comments following Public Portion #2 (Audio: 51:22 – 59:42)**

**Law Director Lucas** commented that the Fellow's legal bill will be on the agenda for the next meeting. There were billing issues and modifications that needed to be made. **Finance Director Brichacek** added the delay in processing the bill for payment is due in part that ORC procedures were not followed so he was not aware of the bill until he was presented with the bill. A Then and Now Certification for services is now required since a purchase order wasn't issued. Had proper procedures been followed, the bill would've been paid by now. **Mayor Gardner** added that this has been given due attention from the law department and finance department and is not sitting on his desk.

**Mayor Gardner** continued commenting: To Ms. Bing, there isn't a line item for marketing but instead volunteer appreciation/recognition. These gifts are given to those that help by doing things for the City. It was in the budget and has been accounted for. To Ms. Fulton, as reported in the Finance Director's report the suspect in the arson case will be transported back to Ohio from California. Regarding Florine O'Ryan's Gym Fund, it will be used to fund potential projects such as an electronic sign for the Community Center and recognizing the O'Ryans. Before anything is done, though, it will be presented to her family to show good use of the funds. Finally, Jennifer Greer did an excellent job on the Civil Service Commission. She hadn't moved while she was on Council. Her house was being built and then she resigned when she moved. She is very deserving of her Resolution.

**Council President Hallum** stated that Mrs. Greer actually resigned prior to moving to her new house because of people stalking her. He went on to say that Jennifer Greer was a fantastic Councilperson and deserved the Resolution.

**Councilwoman Taylor Draper** stated that it's important to promote the City as it assists in getting businesses in the area and, in turn, brings revenue.

**Council President Hallum** responded to Mr. Cihula's comment by letting him know that Ordinance 2022-034 is only on First Reading and modifications and adjustments will be made.

**Councilwoman Miller** stated that it's important to recognize the volunteers in the City and show appreciation.

**Council Vice President Kline** commented that he understands residents questioning how money is being spent.

**FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY (Audio: 59:44 – 1:00:22)**

**Councilwoman Miller** reminded residents of the Memorial Day ceremony at 11:00 at the gazebo.

**Councilwoman Taylor Draper** asked that we keep the Texas shooting victims in our prayers.

**ADJOURNMENT (Audio: 1:00:24 – 1:00:48)**

Motion was made by Councilwoman Miller, seconded by Councilwoman Taylor Draper, to adjourn.

**Discussion on the Motion:**

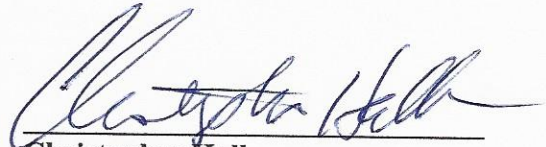
None.

Roll Call: **AYES:** Jarmuszkiewicz, Kline, Miller, Taylor Draper, and Hallum.  
**NAYS:** None  
Vote: 5/0

Motion Carries to adjourn the Regular Council meeting of May 26, 2022.

The meeting was adjourned at 8:00pm.

APPROVED: June 9, 2022  
Date

  
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Christopher Hallum  
President of Council

ATTEST: [Signature]  
Karen Mehollin  
Clerk of Council