

CHRISTOPHER HALLUM
President of Council

MICHAEL KLINE
Vice President of Council

KAREN MEHOLLIN
Clerk of Council

COUNCIL:

JULIE BELICH

NANCY E. FELLOWS

JOE JARMUSZKIEWICZ

DANIEL KNECHT

TANYA TAYLOR DRAPER

City of Willoughby Hills

Regular Council Meeting

Minutes of July 8, 2021 - Amended

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, July 8, 2021 at 7:00 p.m. remotely, using Zoom and Facebook Live. **Council President Hallum** presided.

Call to Order 7:00 p.m. (Audio: 3:09-3:16)

Pledge of Allegiance (Audio: 3:27-3:44)

ROLL CALL (Audio: 3:49-4:28)

Members Present: Council President Chris Hallum, Councilman Joe Jarmuszkiewicz, Council Vice President Mike Kline, Councilman Dan Knecht, Councilwoman Tanya Taylor Draper, and Councilwoman Julie Belich.

Members Absent: Councilwoman Nancy Fellows (connected only by Zoom and not credited with meeting attendance)

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

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Taylor Draper** to excuse **Councilwoman Fellows** from tonight's meeting.

Discussion on the Motion:

Council President Hallum explained to the public that the Ohio General Assembly's decision regarding Zoom guidelines did not allow Zoom attendance to be counted as actual meeting attendance.

Vote:

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

NAYS: None

Vote: 6/0

Motion carries to excuse Councilwoman Fellows from tonight's meeting.

CHARTER REVIEW COMMISSION FINAL REPORT PRESENTATION (Audio 6:01-32:03)

Charter Review Commission (CRC) Chairman Judy Shrefler made a presentation to identify the Commission's proposed Charter amendments for the November ballot. The following CRC members were also in attendance: Adrian Byrne, Vicki Miller, Cara Ogren, Jim Walsh and Pat Grebenc.

Opening Statements by CRC Chairman Shrefler:

- The Commission had invited public comment by way of Public Portions at the CRC meetings, along with two Public Hearings.
- The 2015 CRC "high priority items not sent to ballot" were reconsidered.
- The 2018 CRC "failed amendments" were reconsidered.
- Fifty amendment recommendations were reviewed, researched, considered and discussed.
- Input was considered from residents, Boards/Commissions, Department Heads, Mayors, Attorneys, the Ohio Revised Code and Ohio City Charters.
- CRC considered twelve issues that were thought to be "worthy of placing on the ballot," then prioritized them and decided to select the top seven issues in the form of nine amendments, which were presented to the public this evening.
- An email was received from resident/BOE Chairman Dale Fellows just prior to this evening's meeting, but it was felt that his concerns were already addressed and CRC believes that the outcome of the proposed change would have remained the same.
- An "intent" paragraph is provided for each amendment on the paperwork, but was not being read tonight.

Summary of the Proposed Charter Amendments:

Amendment #1: Indemnification (Charter Section 1.5)

Council Ordinance 2020-66 was the guideline for this change and was reviewed by the Assistant Law Director.

Amendment #2: Duties & Responsibilities of the Mayor (Charter Section 2.2)

This amendment proposes to align the Charter with the Ohio Revised Code (ORC) with revised language. ORC Sections 733.5 and 733.01 language was researched. "ORC states that the powers of the Council are legislative only and shall perform no administrative duties. Council shall not appoint or confirm any officer or employee of the government except for that of its own body. The Mayor may appoint the Council Clerk or Council member if Council does not act in the time allotted."

Amendment #3: Annual Budget (Charter Section 2.24)

This amendment was a result of a review of a failed 2018 ballot item that would change the number of days required for the Mayor to submit the Annual Budget to Council from 30 to 60 days (prior to the deadline for the certifying of the Budget).

Amendment #4: Vacancies in Council (Charter Section 3.2)

This amendment addresses Council members whose terms had simply expired being required to wait 180 days before an appointment could be made to an open Council seat.

Amendment #5: Civil Service Commission – Duties & Responsibilities (Charter Section 5.52)

This amendment limits the Civil Service Commission's duties to review the credentials from all positions to only Classified positions (Full-time Police and Full-time Fire, except the Police and Fire Chiefs), thus removing the requirement of vetting Unclassified employees by Civil Service Commission. The vetting of Unclassified employees is not removed completely, but rather now becomes the administrative responsibility of the Mayor. Mrs. Shrefler stated that "other Ohio City Charters do not specify that Civil Service has responsibility for anyone other than Classified employees. Cost-effective vetting outsourcing options have improved drastically due to the digital databases and HR Departments are not the same as they were in 2015 during the last Charter Review. Any risk of unfair vetting of an Unclassified employee is the same to us whether an employee (appointed by the Mayor) or Mayor-appointed volunteer does the vetting. CRC bases its opinion on the laws of Ohio and the Charters of other cities. One recommendation was to exercise Home Rule but this CRC decided to remain aligned by the ORC and other cities."

Amendment #6: Powers of the Electorate-Nominations (Charter Section 8.2)

Because the runoff election is being recommended to be removed (Amendment #8), CRC recommends increasing the number of signatures needed for Mayoral candidates to appear on the ballot.

Amendment #7: Recall (Charter Section 8.23)

CRC recommends decreasing the number of signatures needed to recall an elected official who is found to be guilty of malfeasance, misfeasance or nonfeasance in office to twenty percent of the number of registered voters in the last General Election (which CRC states is the same as ½ of the cities researched). ORC 705.92 states that a petition needs to be signed by qualified electorate equal to at least 15% of the total votes cast at the most recent regular election, which is 5% lower than this proposal.

Amendment #8: Election-Runoff (Removal) (Charter Section 8.31)

CRC recommends the elimination of a post-election runoff for mayoral candidates. Consequently, the candidate with the most votes will be elected.

Amendment #9: Removal by Mayor (Charter Section 9.31)

CRC adds the language that was added to Section 2.21 to clarify that the Mayor is the administrator of all City employees, but his is not the administrator of Council.

Closing Statements by CRC Chairman Shrefler:

The CRC has completed its mandated duties to the City and its residents. No bias entered the process. The CRC sought advice from the Law Department, when necessary. The CRC unanimously supports these amendments. A Town Hall meeting is to be held on Wednesday, October 13, 2021 at

7:00p.m. in the O’Ryan Room at the Willoughby Hills Community. This is an opportunity for residents to learn and voice their opinions to the proposed amendments.

Questions from Council following the presentation:

Council Vice President Kline asked about Amendment #6 to clarify the amount of signatures required (at a minimum) for a mayoral candidate to appear on the ballot. **CRC Chairman Shrefler** stated that the number would never go below twenty-five signatures, which she based on past voting records of the last municipal election. **Council Vice President Kline** clarified with **CRC Chairman Shrefler** that “it is not a percentage of the district, but rather a percentage of the total voters.”

Council Vice President Kline asked about Amendment #7 Recall. His concern is that the end result is that there will now be fewer signatures required to start a recall petition, as well as the wording of “found guilty” versus “accused.” He discussed the word “alleged” and stated that the wording should perhaps be stronger. **CRC Chairman Shrefler** stated that she would refer to the Law Director, but felt that changing it to “found guilty” would have added another amendment. **Law Director Lucas** stated that the purpose of “alleged” is to provide for the due process procedure. “Guilty” is criminal, but misfeasance/malfesance are “civil.” **Council President Hallum** stated that the Council Clerk and Law Director then have the duty to find out if allegations are legally sufficient before putting it on the ballot, but the petition can be moved forward.

Councilwoman Taylor Draper thanked the CRC for their work. She had concerns about Amendment #5 (Civil Service Commission). She stated that she was on the 2015 CRC and the idea was to have as many eyes on the vetting process as possible. She questioned the 2021 CRC thought process. **CRC Chairman Shrefler** stated that HR processes have changed considerably due to a digital database. It was her thought that “it was placed on the Civil Service Commission because of an employee who was not properly vetted and it did not seem wise now to add more responsibility to a volunteer group that is Mayor appointed as opposed to an employee who is hired by the Mayor to avoid a Mayor who perhaps wants to skirt the issue. Mayor-appointed volunteers or Mayor-appointed employees are the same when it comes to dealing with the challenges of improper vetting.” **Councilwoman Taylor Draper** asked about the possibility of a Mayor hiring his friend. **CRC Chairman Shrefler** stated that it is “procedural.” **Council President Hallum** stated: 1) All appointments by the Mayor must be confirmed by Council, and 2) There are third party companies to do this work (that the Civil Service Commission volunteers do) and he does not think this is a major expense to do the vetting by outsourcing it to the third party. **CRC Chairman Shrefler** stated that less responsibility may bring out more Civil Service Commission volunteers. **Council President Hallum** stated that we have a good Commission now and he would hope the same would be in the future. He then thanked the CRC for their work.

DISPOSITION OF THE JOURNAL (Audio: 32:04-32:42)

Motion made by Council Vice President Kline seconded by **Councilman Knecht** to adopt the minutes of the June 24, 2021 Regular Council Meeting.

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

NAYS: None.

Vote: 6/0

Motion Carries to adopt the minutes of the Regular Council meeting of June 24, 2021.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 32:44-32:57)

- 6/25/21 email from Gloria Majeski, re: City E-Newsletter.
- 6/25/21 email from Dr Cara Ogren, re: Charter Review Commission Presentation to City Council.
- 6/25/21 email from Patty Fulop, re: April Economic Dashboard and May Unemployment.
- 6/25/21 email from PC-ABR, re: PCABR Meeting 7/1/21 Thursday – Council Chambers.
- 6/25/21 email from Gloria Majeski, re: Signed contract for Bowen Zoning Administration Services – July 2021 to December 2021.
- 6/25/21 email from Gloria Majeski, re: Signed Invoice for FD radios.
- 6/25/21 email from Rec Commission, re: WH Recreation Commission Meeting 7/7/21 Wednesday.
- 6/28/21 emails from Bozana Peric, Building Dept., Rose Ann Kundtz, David Strichko, re: 28916 Eddy Road.
- 6/29/21 email from Frank Brichacek, re: Draft Ordinance for PD radio – appropriations.
- 6/29/21 email from Robert Gandee, re: Audio Request 1 of 2.
- 6/29/21 email from Robert Gandee, re: Audio Request 2 of 2.
- 6/29/21 email from Gloria Majeski, re: Charter Review Commission – Proposed Charter Amendments.
- 6/29/21 email from Judy Shrefler, re: Charter Review Commission – Proposed Charter Amendments.
- 6/29/21 email from Frank Brichacek, re: Post-audit conference, Friday, July 9th, 2:00pm.
- 6/29/21 email from Robert Gandee, re: Lake UAS Callout – Madison Missing Persons.
- 6/30/21 email from Gloria Majeski, re: Zoom instructions for Tuesday’s Working Committee of Council Meeting.
- 6/30/21 email from Stephanie Kellner, re: Public Notice – Passed Legislation for June.
- 7/1/21 PC-ABR Agenda for July 1, 2021 meeting.
- 7/1/21 emails from Dr. Cara Ogren, re: Charter Review Commission Presentation to City Council.
- 7/1/21 email from Mike Kline, re: Departmental Positivity Reports.
- 7/2/21 email from Dr. Cara Ogren, re: Charter Review Commission Presentation to City Council.
- 7/2/21 email from Gloria Majeski, re: City E-Newsletter.
- 7/2/21 email from Council, re: Working Committee Agenda for 07 06 21.
- 7/2/21 email from Gloria Majeski, re: Farewell Luncheon for Janeen.
- 7/2/21 Mayor’s Court Monthly Statement for Month Ended June 30, 2021.
- 7/2/21 email from PC-ABR, re: WH PCABR Meeting July 15, 2021 – IN PERSON.
- 7/2/21 email from Patty Fulop, re: LCOPEDA July Newsletter.
- 7/5/21 email from Jenna Bing, re: Folia Request.
- 7/5/21 email from Dale Fellows, re: 2021 Charter Review comments.
- 7/6/21 email from Council Clerk, re: Ordinance 2021-047.
- 7/6/21 email from Michael Lucas, re: Ordinance 2021-047.
- 7/6/21 email from Michael Lucas, re: Amended Ordinance 2021-036.
- 7/6/21 email from Gloria Majeski, re: Ordinance 2021-047.

7/6/21 email from Judy Shreffler, re: Charter Review Commission – Proposed Charter Amendment – Final Draft.

7/6/21 email from Frank Brichacek, re: FW: HB 110 Withholding Rule & Work From Home Refunds.

7/6/21 email from Jenna Bing, re: FWD: All Air BnB.

PUBLIC PORTION #1 (Audio: 33:00-49:34)

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

Public Portion #1 opened at 7:30 p.m.

Jenna Bing, 36951 Beech Hills Dr., Willoughby Hills, OH 44094

Ms. Bing commended the CRC for their work. Her concern is that the intent on a few of the amendments do not align with the proposed amendment, stating that what goes on the ballot and the intent as written should be the same. For example, Amendment #4 (lost Council seat) – the current Council member cannot be appointed, but that is not covered in the “intent.” In Amendment #7, the difference between “found guilty” and “not,” the intent says “found guilty” but the amendment does not. To avoid misrepresentation of the Charter, the language should be reflective and not misrepresent.

Thomas Majeski, Civil Service Chairman, 35404 Chardon Road, Willoughby Hills, OH 44094 and Resident at 2717 Graylock Drive, Willoughby Hills, OH 44094

Mr. Majeski stated that Civil Service Commission was confused about Amendment #5 proposed by the CRC, but Civil Service Commission had no input. They had a hard task to establish a set procedure (for both Classified and Unclassified hirings) that had no problems when it was followed, but when it was not followed, problems (such as the former Fire Chief) arose. In the past, the Law Director then was called upon to field a lot of these complaints. There were HR structure problems before Civil Service developed the protocols and things were no longer done “ad hoc.” In 2015, Civil Service Commission asked the CRC to consider making more Classified positions (other than just FT Police and FT Fire), but was turned down. Instead the responsibility of vetting all employees was proposed and passed by the voters. Mr. Majeski pointed out that “Civil Service has never hired anyone; they facilitate and help the Appointing Authority (the Mayor) standardize the practice, having established an Employment Checklist (approved by Mayor, Council, Department Heads, Law Director, and presented in open meetings to the public). While CRC now suggests following the ORC, “Willoughby Hills is a Home Rule city,” which is important for us to differentiate because of the past hiring problems in the City of Willoughby Hills. Civil Service Commission has had no response from the Law Director or Appointing Authority in order to voice their concerns about Amendment #5. All of their procedures have been approved and proven that, if followed, the plan works, for both Classified and Unclassified.

Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094

Mrs. Majeski wanted to clarify a few points concerning remarks previously made concerning Amendment #5 (Civil Service Commission):

- Proposed Amendment #5 takes away the responsibility for Civil Service Commission to vet (or review the credentials) of the Unclassified positions in the City. Just to review, that means that only the Full-time Police and Full-time Fire employees will have their credentials reviewed by

Civil Service Commission. The other employees (Unclassified) include all other employees, such as the Finance Director, Assistant Finance Director, Police Chief, Fire Chief, Road Superintendent, all Service Department workers, all part-time Police and Fire Department workers, Clerk of Courts, Deputy Clerk of Courts, Part-time Recreation Coordinator, Building Clerk, Finance Assistant, Property Staff Members, and Executive Assistant to the Mayor.

- **CRC Chairman Shrefler** misspoke when she stated that the Civil Service Commission was tasked with vetting Unclassified positions as a result of the improper hiring of the former Fire Chief. That is incorrect in that the timeline was that in 2015 CRC established the vetting procedure for Civil Service for both Classified and Unclassified. Then in 2016, when the part-time Fire Department worker was transitioned to the full-time Fire Chief, Civil Service did not vet him upon the HR decision to just transition him from the records at hand.
- CRC now puts the responsibility of vetting Unclassified positions (all those stated above) on the Department Directors and the Mayor. Personally, Mrs. Majeski said she would prefer the Road Superintendent to plow or pave her street, as opposed to vetting employees. Also, as an employee in the Part-time Mayor's office, she felt that the part-time Mayor's time would be better served by allowing Civil Service Commission to continue to perform this function. "While some vetting may be easy such as verifying a paramedic license on a website, not all of it is zippy," and she does not agree with putting it on the Mayor when three unpaid volunteers can help and have a proven track record.
- With regard to Amendment #4 concerning the Council position, Mrs. Majeski pointed out that while she suggested an amendment to change something that she believes happened in the past that was wrong, she still questioned the logic of having to wait 180 days.

Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094

Mr. Fellows stated:

- With regard to Amendment #8 (Mayoral Race runoff), his concerns were not previously discussed, as was stated tonight.
- With regard to Amendment #7 Recall, he stated that "found guilty" vs. "not guilty" puts too much power on two unelected people (Law Director and Council Clerk) to determine if the Recall Petition is valid or not. "Why would it need another amendment to add 'found'?"
- Mr. Fellows praised the CRC in his correspondence and verbally this evening.

Public Portion #1 closed at 7:46 p.m.

MAYOR'S REPORT (Audio: 49:36-1:00:03)

Mayor Andy Gardner spoke as follows:

- Thanks to Charter Review Commission for their hard work to bring the nine amendments for consideration.
- Thanks to our Police, Fire & Service Departments for their outstanding job yesterday with the storm. It created many problems, including power outages, down wires and down trees.

- FirstEnergy meeting is planned to review power outages. Much information so far relates the outages to storms causing trees to come down but we will continue to research other ideas with them to help our residents. He spoke of the possibility of improvement with the installation of a new transformer set for August. He reminded residents to take care of their trees and to stay away from down wires, reminding all it is best to call the Police or Fire Department.
- Bear sightings were the topic of a recent News-Herald article in which Police Chief Naegele gave good advice about dealing with the bears.
- Touch a Truck is planned for Saturday, Sept. 18 from 10am to 2pm with a parade beginning at 9:30 a.m. He encouraged anyone interested in being a part of it to call his office.
- Fire Department Report from April 2021: 177 runs (taking the Department to 675 for the year), including 122 EMS/Rescue calls and 15 fires, including one structure fire. The Department also had 40 service runs. Of the 177 calls, 69 were overlapping runs (or “double hits”). For the year, 32.5% of the Department’s calls have been double hits. During April, the City provided mutual aid to other communities for 12 incidents and received mutual aid for 7 incidents.
- Annual road resurfacing is continuing with full depth repairs and the intermediate course being completed on Alan Drive, Diane Court and Meadowbrook Drive. Thanks to the residents for their patience and use of caution in the area during construction.
- Community Center and Campbell Park pavilions are taking bookings for indoor and outdoor events.
- Sympathy to Service Department worker Bobby Henderson on the passing of his father, Robert, to the Tony Miller family on the passing of Tony’s mother Carolyn, and to the family of Taya Workum-Byers of our Police Department whose father passed away this week. These families remain in our thoughts and prayers.
- Congratulations to resident Barb Mahovlic, our 800th City E-newsletter subscriber. Our goal is 1600 subscribers by the end of the year. The City E-newsletter email is newsletter@willoughbyhills-oh.gov.

Questions/comments following Mayor’s Report:

Councilwoman Taylor Draper asked **Mayor Gardner** about the status of the additional CARES federal funding. **Mayor Gardner** stated that the City is expecting to receive \$1,000,600, but funding had not yet been issued. **Finance Director Brichacek** spoke further briefly about expecting to receive this funding amount, stating that the initial allocation was higher but after townships were included in the formula, we should expect to receive approximately \$1.6m (in two payments). He will prepare legislation for the next Council meeting to establish an account for the grant and plan for the funding. He also plans to attend a webinar next week hosted by the Ohio Budget & Management that will focus on administration of the funds. While we would expect 50% of that figure now, there could possibly be some additional money down the road coming from a non-entitlement fund that is not yet available to the City, but we are aware that it may be available to us in the future.

LAW DIRECTOR'S REPORT (Audio: 1:00:08-1:04:41)

Law Director Michael C. Lucas stated:

- Ordinance 2021-047 CRC Amendments: (as stated at the Working Committee of Council meeting on Tuesday), once submitted, the proposed Charter amendments must be submitted to the Board of Elections. He typed the document, however, and there were some grammatical errors regarding ballot language that need to be corrected and an amended draft will be ready for the next Council meeting. CRC Chairman Shrefler felt that some of the ballot language needed to be redone.
- Ordinance 2021-036 Foreclosure: Some fairly significant removals from the previous version have been proposed. He has revised this and sent the black lined version for the current draft before Council this evening.
- Ordinance 2021-015 Chapter 157: Finance Director Brichacek has made the final changes and now he can finalize it for the next meeting, removing financial data, as well as a section including the Law Director and Assistant Law Director.
- In response to Mrs. Bing's concerns on Airbnb, he received her email and will be responding to her.

Questions/comments following Law Director's Report:

None.

FINANCE DIRECTOR'S REPORT (Audio: 1:04:46-1:11:08)

Finance Director Frank Brichacek stated he had no additional report other than what was already stated, but he wanted to report that of the current CARES funding received (\$1.3m), the City has spent or encumbered all except about \$50,000.

Questions/comments following Finance Director's Report:

Councilwoman Taylor Draper asked **Finance Director Brichacek** about Governor DeWine's "working at home" ruling. **Finance Director Brichacek** outlined his perspective on the "work from home" laws, indicating that employees must identify their number of hours worked at home in order to figure how the City income tax may be determined. He stated that there is a 20-day exemption for someone who partially worked from home.

CITY ENGINEER'S REPORT (Audio: 1:11:11-1:12:08)

City Engineer DiFranco reported an update on the Dodd Road Slope Repair Project. He reported that he had met with the contractor whose plan is to put the wall at the bottom of the slope due to the electric lines, but the road will remain open during construction. They are finalizing the design next week and materials will be on order to complete the project.

Questions/comments following City Engineer's Report:

Council Vice President Kline asked **City Engineer DiFranco** if the expected completion time would still be 45 days and **City Engineer DiFranco** replied, "yes, it will be 45 days."

COMMITTEE REPORTS/BOARD & COMMISSION REPORTS (Audio: 1:12:12-1:15:01)

PC-ABR – reported by Councilwoman Taylor Draper:

Councilwoman Taylor Draper reported that PC-ABR met on Thursday, July 1, 2021, and reviewed and granted conditional approval for a new home at 2777 Rockefeller Road. There was no Planning business to discuss. Two dates were planned for Master Plan meetings: Thursday, July 29 at 7:00 p.m. and Wednesday, August 18 at 7:00 p.m. in Council Chambers.

Recreation Commission Report by Councilman Jarmuszkiewicz:

Councilman Jarmuszkiewicz reported as follows:

- Pickleball: All materials ordered; volunteers will help to paint and install equipment; a follow-up meeting will include residents to discuss the plans for opening, lessons, and introductory classes; there is a lot of excitement in the community about this project.
- Baseball and Softball: Playoffs are ready to start; 3 of the 4 Girls Teams are in first place in their division.
- Garage Sale: Set for August 7. Applications due July 31.
- Touch a Truck: Set for September 18.
- New Part-time Recreation Coordinator: Looking forward to her starting to be able to facilitate City events and the Community Center.

Questions/comments following Committee Reports:

None.

UNFINISHED BUSINESS (Audio: 1:15:08-1:15:13)

None reported.

LEGISLATION (Audio: 1:15:04-1:30:30)

**ORDINANCE 2021-015- as Amended May 6, 2021 – LEFT ON THIRD READING
ON JUNE 24, 2021**

AN ORDINANCE AMENDING CHAPTER 157 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, AND THEREBY INCLUDE PROVISIONS RELATING TO PART-TIME EMPLOYMENT, REPEALING AND SUPERSEDING CURRENT CHAPTER 157 AND ANY PRIOR CONFLICTING LEGISLATION, AND DECLARING AN EMERGENCY.

Council President Hallum stated that this will remain on Third Reading. **Law Director Lucas** should have this finalized at the next Council meeting.

ORDINANCE 2021-036 – as Amended – THIRD READING

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE ONE – STANDARDS BY THE ESTABLISHMENT OF CHAPTER 1351 – NOTICE OF FORECLOSURE FILING AND DESIGNATION OF OWNER RESPONSIBILITY, OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Council President Hallum stated that this will remain on Third Reading. Law Director Lucas should have the final changes made to this Ordinance for consideration at the next Council meeting.

ORDINANCE NO. 2021-044 – FIRST READING

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF A 2022 FORD SUPER DUTY F-350 SRW AND DECLARING AN EMERGENCY.

Motion made by Councilwoman Taylor Draper seconded by Councilman Jarmuszkiewicz to waive Three Readings on Ordinance 2021-044.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that the previous vehicle purchase for the Service Department did not happen earlier this year but this vehicle has been identified as the one that the Service Department wanted to add to their fleet.

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

NAYS: None

Vote: 6/0

Motion Carries to waive Three Readings on Ordinance 2021-044.

Motion was made by Councilwoman Taylor Draper seconded by Councilman Knecht to adopt Ordinance 2021-044.

Discussion on the Motion:

None.

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

NAYS: None

Vote: 6/0

Motion Carries to adopt Ordinance 2021-044, directing the Mayor to sign any and all necessary documents to secure the purchase of a 2022 Ford Super Duty F350 SRW.

ORDINANCE NO. 2021-045 – FIRST READING

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2021-012 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2021 OPERATING BUDGET REVISIONS SPECIFICALLY TO PROVIDE FOR POLICE DEPARTMENT PORTABLE AND MOBILE RADIOS AND REPEALING CONFLICTING LEGISLATION.

Motion made by **Councilwoman Taylor Draper** seconded by **Councilwoman Belich** to waive Three Readings on Ordinance 2021-045.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that this Ordinance will allow funds to be transferred in the budget for the Police Department radios.

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

Motion Carries to waive Three Readings on Ordinance 2021-045.

Motion was made by **Councilman Jarmuszkiewicz** seconded by **Councilman Knecht** to adopt Ordinance 2021-045.

Discussion on the Motion:

None

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

Motion Carries to adopt Ordinance 2021-045 amending Section 1 of Ordinance 2021-012 to comply with State budgetary laws requiring municipalities to maintain positive account balances throughout the year by providing for 2021 Operating Budget revisions specifically to provide for Police Department portable and mobile radios.

ORDINANCE 2021-046 – FIRST READING

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF THIRTY (30) PORTABLE RADIOS, THIRTEEN (13) MOBILE RADIOS, ONE (1) BASE AND RELATED EQUIPMENT FOR THE CITY OF WILLOUGHBY HILLS' POLICE DEPARTMENT'S USE WITH THE COUNTY-WIDE SYSTEM AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Taylor Draper** seconded by **Councilwoman Belich** to waive Three Readings on Ordinance 2021-046.

Discussion on the Motion:

Councilman Jarmuszkiewicz explained that this Ordinance allows for the purchase of Police radios which will allow the Department to dispose of outdated equipment (for which the City will receive \$38,400 as a trade in) and has been able to receive excellent pricing as a result of the same pricing offered through the FEMA Firefighters Assistance Grant.

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

NAYS: None

Vote: 6/0

Motion Carries to waive Three Readings on Ordinance 2021-046.

Motion was made by **Councilwoman Taylor Draper** seconded by **Councilman Knecht** to adopt Ordinance 2021-046.

Discussion on the Motion:

Mayor Gardner thanked Council for supporting this Ordinance, particularly since this expenditure was not in the Budget. He called the purchase of this equipment “an outstanding opportunity to update critical equipment in the Police Department.”

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

NAYS: None

Vote: 6/0

Motion Carries to adopt Ordinance 2021-046, directing the Mayor to sign any and all necessary documents to secure the purchase of thirty portable radios, thirteen mobile radios, one base and related equipment for the Willoughby Hills Police Department.

ORDINANCE 2021-047 – FIRST READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS NINE (9) PROPOSED AMENDMENTS TO THE CHARTER AND DECLARING AN EMERGENCY.

Council President Hallum stated that this will remain on First Reading.

RESOLUTION 2021-008 – THIRD READING

A RESOLUTION ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2022 FOR THE CITY OF WILLOUGHBY HILLS.

Motion was made by **Councilman Jarmuszkiewicz** seconded by **Councilman Knecht** to adopt Resolution 2021-008.

Discussion on the Motion:

None

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

NAYS: None

Vote: 6/0

Motion Carries to adopt Resolution 2021-008, adopting a tax budget for the Fiscal Year 2022 for the City of Willoughby Hills.

RESOLUTION 2021-011 – FIRST READING

A RESOLUTION RECOGNIZING JANEEN MULLIN FOR HER OUTSTANDING JOB PERFORMANCE AND DEDICATION TO THE CITY OF WILLOUGHBY HILLS DURING HER EMPLOYMENT WITH THE CITY OF WILLOUGHBY HILLS.

Motion made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Belich** to waive Three Readings on Resolution 2021-011.

Discussion on the Motion:

Councilwoman Taylor Draper called Janeen Mullin “an exemplary employee,” having served thirteen years as an employee with the City of Willoughby Hills.

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

NAYS: None

Vote: 6/0

Motion Carries to waive Three Readings on Resolution 2021-011.

Motion was made by **Councilwoman Taylor Draper** seconded by **Councilwoman Belich** to adopt Resolution 2021-011.

Discussion on the Motion:

Mayor Gardner called Clerk of Court Mullin’s departure “a big loss.” He pointed out that Ms. Mullin has a “positive attitude,” “great with the public,” “exceptionally kind,” “thirteen years of work,” and said that “we will miss her.” **Finance Director Brichacek** added that Ms. Mullin had initially started with the City of Willoughby Hills in the Finance Department and helped the Finance team at a time when the City’s books were declared “not being able to be audited” by the State of Ohio. He pointed out her “can do” attitude and called her a “person who could be relied upon and completed assignments.” **Council President Hallum** said that he had known Ms. Mullin for the seven years that he had been on Council and that she was a pleasure to work with and deserves the future that she has planned by moving to Florida.

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

NAYS: None

Vote: 6/0

Motion Carries to adopt Resolution 2021-011, recognizing Janeen Mullin for her outstanding job performance and dedication to the City of Willoughby Hills during her employment with the City.

NEW BUSINESS (Audio: 1:30:35-1:31:37)

Motion was made by **Councilman Jarmuszkiewicz** and seconded by **Councilman Knecht** to declare Police Department unused IT items with no value as surplus.

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

Motion carries to declare Police Department unused IT items with no value as surplus.

PUBLIC PORTION #2 (Audio: 1:31:39-1:39:04)

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

Public Portion #2 opened at 8:29 p.m.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094

Ms. Bing stated that she had reviewed Council’s June 21, 2021 meeting regarding the discussion on Airbnb, trying to determine if Council and the Law Department were considering these to be “illegal use.” She mentioned the two properties on Bates Lane, marketed as Airbnbs. Ms. Bing asked how we are going to shut these down if they are indeed “illegal” businesses, recommending that the City do this “sooner than later” to account for giving them notice for bookings that have already been taken. In closing, she just wants a ruling on whether they are “illegal” or “legal” businesses in our City.

Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094

Mr. Cihula pointed out an error on Resolution 2021-008 where the caption reads “Ordinance” and should be “Resolution.”

Judy Shrefler, 37120 Chardon Road, Willoughby Hills, OH 44094

Mrs. Shrefler stated that she appreciated the comments about CRC and explained a scenario to justify the thought process for the 180-day waiting period for the Council seat appointment.

Public Portion #2 closed at 8:36pm.

Comments following Public Portion:

None.

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

(Audio: 1:39:09-1:50:47)

Councilwoman Taylor Draper stated that Zoom Carwash will be breaking ground soon and should be open in November. She encouraged all to support Willoughby Hills businesses, announcing that Marc's is operating at the top 10% of the 72 Marc's stores currently in operation. She encouraged all to visit Milestone Fitness which includes a pool, fitness, gym and other fine amenities.

Mayor Gardner welcomed all back to Council Chambers, thanking Mark Grubiss and the Service Department for their work to install the flooring. He pointed out the new chairs, in addition to the flooring and carpet that had been paid for using CARES funding. The Mayor commended **Council President**

Hallum for his work on the technology upgrades, to include microphones, AV upgrade and an "eye in the sky" camera for document presentation.

Law Director Lucas addressed resident Jenna Bing's concerns regarding the Airbnb status, stating that Airbnbs use is not in the Zoning Code and it is up to the City to establish the regulations. The specific Airbnb use is not specifically identified in the Zoning Code and is "not listed as a permitted use." He then spoke of the process of citing a violation and having it go through the court process with daily fines. Law Director Lucas explained the 3-prong methodology option: 1) File motion for temporary restraining order, alleging irreparable harm, 2) "court order" – 14 days to cease use. Preliminary injunction to continue denial of illegal use beyond the 14-day period, and 3) "Permanent Injunction" – use is absolutely prohibited by permanent injunction. If they continue in operation, they are "in contempt of court." He prefers the civil action. An Airbnb is a business when he was viewing it that way, but there are no use rules in our codes. It is a "hot item" that some communities find are too unclear under Ohio law.

Council President Hallum announced that District meetings will be planned to be held in September (quarterly); signs will be posted and advertisements will appear in the City E-newsletter and on Facebook once specific dates are determined.

Motion made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Belich** to allow a Council recess for the month of August 2021.

Discussion on the Motion:

Councilman Jarmuszkiewicz asked if a Special Meeting could be planned, should the need arise for Council business. **Council President Hallum** stated that Council could certainly call a Special Meeting during this time, should any issue arise that would require Council to have a meeting.

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

NAYS: None

Vote: 6/0

Motion Carries to allow a Council recess for the month of August 2021.

ADJOURNMENT (Audio: 1:52:00)

Motion was made by **Councilman Jarmuszkiewicz** seconded by **Councilman Knecht** to adjourn.

Discussion on the Motion:

None

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

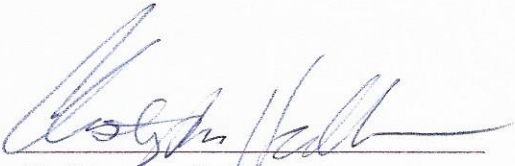
NAYS: None

Vote: 6/0

Motion Carries to adjourn the Regular Council meeting of July 8, 2021.

The meeting was adjourned at 8:49 p.m.

APPROVED: Sept. 9, 2021
Date



Christopher Hallum
President of Council

ATTEST: Gloria Majeski
Gloria Majeski, Executive Assistant
In the absence of Council Clerk Mehollin