
Regular Council Meeting Minutes of July 27, 2023

SWEARING IN OF NEW FULL TIME POLICE OFFICER DYLAN WEIDRICK

Chief Naegele & Mayor Gardner swore in new full-time police officer Dylan Weidrick.

The Regular Council Meeting was called to order on Thursday, July 27, 2023 at 7:01 p.m. in Council Chambers. **Council Vice President Kline** presided.

Call to Order 7:01 p.m. (Audio: 3:00)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 3:22)

ROLL CALL (Audio: 3:47)

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

Also Present: Mayor Gardner, City Engineer Pietro A. DiFranco and Finance Director Bruce Scott

Absent: Council President Chris Hallum and Law Director Michael C. Lucas

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

Discussion on the Motion:

Council Vice President Kline stated Council President Chris Hallum followed correct protocol and sent prayers and condolences to the Hallum and Streetz families.

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

NAYS: None

Vote: 6/0

Motion carries to excuse **Councilwoman Belich** from tonight's meeting.

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

Discussion on the Motion:

Council Vice President Kline explained the process and need for a Council Vice President Pro Tem.

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

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

DISPOSITION OF THE JOURNAL (Audio:7:03)

Motion made by Councilwoman Taylor Draper seconded by Councilman Knecht to approve the minutes of the July 13, 2023 Regular Council Meeting.

Discussion on the Motion:

None.

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

Motion carries to approve the meeting minutes of the July 13, 2023 Regular Council Meeting.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 7:57)

07/24/2023 Email from Gloria Majeski Draft letters to Commissioners re. myseniorcenter.com software - includes Tanya's revision of 7/24/23
07/22/2023 Email from Tanya Taylor Draper Resident Notification Ordinance
07/21/2023 Email from bza FW: BZA Meeting 7/11/23 TUESDAY - Not Called
07/21/2023 Email from pc-abr Re: WH PCABR Meeting 8/3/23 THURSDAY -- 7:00 PM
07/21/2023 Email from Michael C. Lucas Re: Appropriation Ordinance
07/21/2023 Email from Michael C. Lucas Re: Ordinance re Deer Hunting
07/21/2023 Email from Michael C. Lucas Re: Fire CBA Ordinance and Exhibits
07/21/2023 Email from Michael C. Lucas RE: WHFD Collective Bargaining 2020
07/21/2023 Email from Michael C. Lucas Sign Notification Ordinance
07/20/2023 Email from NOACA Re: NOACA Invites You to a Public Meeting to Give Feedback on its Climate Action Plan for Northeast Ohio
07/20/2023 Email from Michael C. Lucas Re: Resident Notification ORD
07/20/2023 Email from Michael C. Lucas Re: Resolution Authorizing Commercial Credit Card Agreement
07/20/2023 Email from Finance Director RE: CREDIT CARD ORDINANCE
07/19/2023 Email from Michael C. Lucas FW: BIL-31552 Fees and Taxes
07/18/2023 Email from Jennifer Varro Re: In-office Request/Voicemail
07/18/2023 Email from Mayor Gardner Re: whcommunications@willoughbyhills-oh.gov; financedirector@willoughbyhills-oh.gov>
07/18/2023 Email from Finance Director FW: Appropriation Ordinance
07/18/2023 Email from Brittany Matlock Re: Voicemail
07/18/2023 Email from Willoughby Hills Finance Dept. RE: INCOMING SUPPLY ORDER - City of Willoughby Hills
07/17/2023 Email from Gloria Majeski Re: WH Seniors Request submitted at 7/10/23 Working Meeting for Collaborative Request to Commissioners for Senior Center System
07/14/2023 Email from LiquorLicensingMailUnit@com.ohio.gov Re: Automatic reply: Permit No. 82194800025 (Sky Market Inc. DBA BP)
07/14/2023 Email from Fink, Sandra Re: legislation request
07/14/2023 Email from Gloria Majeski Re: Follow up -Task Force-WHCC Review

07/14/2023 Email from John T Plecnik Re: Commissioner Plecnik's "Slovenian Style" Dinner
07/14/2023 Email from Chris Hallum Re: Follow up -Task Force-WHCC Review
07/14/2023 Email from Gloria Majeski Re: Follow up -Task Force-WHCC Review
07/13/2023 Email from Chris Hallum Fwd: whcommunications@willoughbyhills-oh.gov;
financedirector@willoughbyhills-oh.gov>
07/13/2023 Email from Julie Belich Re: Regular Council Meeting Agenda | July 13, 2023
07/13/2023 Email from newsletter Re: City Electronic Newsletter - July 13, 2023
07/13/2023 Email from Jennifer Varro Fwd: Conservation Ordinance & SOM Center Property
07/12/2023 Email from Michelle Peters Re: Tax Incentive Review Council (TIRC)
07/12/2023 Email from Fulop, Patty Re: Special Event at Lake County Executive Airport

PUBLIC PORTION #1 (Audio: 8:22)

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

Public Portion #1 opened at 7:06 p.m.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094 asked if there was a reason for the 3% raise and not a flat 5%? Ms. Bing stated she did not understand the rationale used in calculating.

Public Portion #1 closed at 7:07 p.m.

Mayor Gardner responded by stating it was a simple product of negotiations and market adjustment was requested.

MAYOR'S REPORT (Audio: 9:53)

Mayor Gardner reported:

- The road marking project is complete.
- They are in the design phase of the Rogers Road Slope Repair project.
- Paving work is continuing; please slow down when passing.
- Siding replacement is ongoing around the City Hall complex.
- City Hall parking lot lights are in and will be installed in the next few weeks.
- Safety Town wrapped up last week. We had a good attendance. A special thank you to Elaine Crane for her generous support to help make the program possible. Thank you also to the City of Willoughby for lending their equipment and buildings to help with traffic demonstrations; Officer Sal Continenza and Recreation Coordinator Diana Parker for a great program.
- The part-time Zoning Inspector received a different job offer and took it. The City is looking for a new inspector. Applications are still out. One or two have been received.
- There was a serious head-on collision on I-90 last Saturday afternoon. Chief Gandee summarized the incident well on Facebook and thanked many agencies. The Mayor also extended his thanks to: Lake County Dispatch, Metro Life Flight, Willoughby Police and Fire Departments, Wickliffe Police and Fire Departments, Highland Heights Fire Department, Eastlake Fire Department, and Gates Mills Fire Department.
- Music Fest is less than a month away. We are still seeking applicants for the car show, and also looking for volunteers. If you are interested, the newsletter will have all of the information you need. To sign up, email newsletter@willoughbyhills-oh.gov, or all City Hall.
- Communications Supervisor, Karen Mehollin, informed the Mayor the new City website will be up and running on September 1.

Questions/comments following Law Director's Report:

Councilwoman Taylor Draper asked if the cause of the accident was known?

Mayor Gardner responded that the investigation was still ongoing.

Councilwoman Belich asked what the process is for finding a Part-time Zoning Inspector?

Mayor Gardner responded that the City advertises on the City website, in the newsletter and on Indeed.com

LAW DIRECTOR'S REPORT

The Law Director was not in attendance.

FINANCE DIRECTOR'S REPORT (Audio: 8:47)

Finance Director Scott gave an update on income tax revenue, stating the City is running 2% above last year.

Questions/comments following Finance Director's Report:

None.

CITY ENGINEER'S REPORT (Audio: 15:00)

City Engineer DiFranco reported:

- The Rogers Road Slope Repair project is progressing. The contractor has ordered materials, and is hopeful to begin work at the end of August or Early September.
- The Sewer Rehab project was completed this week.
- They are working with the Police Department on replacing their carport.

Questions/comments following City Engineer's Report:

Councilwoman Miller asked if Rogers Road would need to be closed during the slope repair?

City Engineer DiFranco responded, yes, and that more information would be posted in the City newsletter.

Councilwoman Belich asked if there would be any delay in the slope repair due to supply issues?

City Engineer DiFranco stated he is unaware of any supply issues.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio 12:33)

PC-ABR reported by Councilwoman Taylor Draper

Councilwoman Taylor Draper reported:

- Planning & Zoning Commission Architectural Board of Review met on July 20. There were two new projects approved during the ABR portion: a house addition to 27601 Eagle Road, as well as a house addition to 38475 Berkshire Hills Drive.
- No new business for the Planning & Zoning portion.
- The Commission is looking into approving the Architectural Board of Design guidelines at the next meeting.

Questions/comments:

None.

Beautification Committee reported by Councilwoman Taylor Draper

No report.

Questions/comments:

None.

Recreation Commission reported by Councilman Jarmuszkiewicz

Councilman Jarmuszkiewicz reported:

- The Recreation Commission has been busy planning the Music Fest and the SignUp Genius is up online if you would like to volunteer for a time slot
- The Commission is still looking for additional members to help with planning and preparation of events. Contact City Hall for more information.

Questions/comments:

None.

Finance Committee Report by Council Vice President Kline

No report.

WHISPER reported by Councilwoman Miller

No report.

Deer Management Committee reported by Councilwoman Belich

No report.

Business Subcommittee – reported by Council Vice President Kline

No report.

UNFINISHED BUSINESS (Audio: 18:13)

Council Vice President Kline addressed the status of short-term rental legislation. He reminded everyone that the last state legislation draft had been tabled, and that there was some talk that it may or may not be resurrected. To date, there has been no movement, however, Council Vice President Kline will get together with Law Director Lucas to reassess what would need to be done to move forward with an ordinance.

Council Vice President Kline read then read the following:

“At the Working Committee preceding the last Council Meeting, we had a discussion about 24 hour businesses, primarily those selling food. The discussion centered around security. This was a working discussion, a free flowing talk about security. The discussion was not prompted by events occurring or expected to occur. This was simply an exchange of ideas.

At the council meeting later that week, Ms Bing expressed her concern and frustration that Council realized that it may have taken the wrong approach toward these types of businesses. Ms Bing’s observation was incorrect. As I said when I started, we were having an informal discussion. Nothing happened that caused us to question our approach to these types of businesses.

However, Ms Bing went on to say she had spoken on this issue multiple times prior to approval of this type of business being built. She said she felt rebuffed when council said to her, “We need the business here”, “Very upstanding business”, “They have their own 24 hour security”, “Nothing wrong here”. Ms Bing’s comment about feeling rebuffed concerned me. We encourage residents to come before Council and express their concerns, opinions and ask questions. If Ms Bing had been rebuffed, I wanted to find this. I went back through the Council meeting minutes for this year and for 2022 looking for such comments being said regarding the Sheetz project. I cannot find anything like Ms Bing described. If I overlooked it, I would like to be directed to the Council meeting or meetings where these comments were made because I simply cannot find them.

Ms Bing said Sheetz personnel were in the room when these comments were made. Again, I don’t remember such an occurrence. If they were, please direct me to this meeting. Ms Bing said, they, meaning Sheetz, came to this city, you, meaning Council, approved them. Sheetz appeared before Planning and Zoning to get conditional use approval, not before council.

Finally, Ms Bing said “you don’t listen to your citizens”. I cannot find any comments made in Public portion, at Council meetings, where members of the public expressed concern over the Sheetz project. That is until the last Council meeting when Ms Bing did.

Planning and Zoning conducted a Public Hearing on the Sheetz project last November. There were no comments by the public at that Public Hearing.”

LEGISLATION (Audio: 22:37)

ORDINANCE 2023-036 – SECOND READING

AN ORDINANCE ESTABLISHING THE COMPENSATION AS OF JANUARY 1, 2023 FOR NON-UNION CITY EMPLOYEES NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT WITH THE CITY, REPEALING CONFLICTING LEGISLATION, AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to waive the Three Readings on Ordinance 2023-036.

Discussion on the Motion:

Councilman Jarmuszkiewicz, stated he feels it is beneficial to employee morale to receive their compensation now instead of delaying the already approved process.

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

NAYS: None

Vote: 6/0

Motion carries to waive the Three Readings on Ordinance 2023-036.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Belich** to adopt Ordinance 2023-036.

Discussion on the Motion:

None.

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

NAYS: None

Vote: 6/0

Motion carries to adopt Ordinance 2023-036.

ORDINANCE 2023-037 – SECOND READING

AN ORDINANCE APPROVING AND ADOPTING THE FEBRUARY 2023 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS, OHIO.

Council Vice President Kline stated this will remain on Second Reading.

ORDINANCE 2023-038 – FIRST READING

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2023-008 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 PROVIDE ADDITIONAL FUNDING FOR REIMBURSEMENT OF FINES PAID ERRONEOUSLY TO THE CITY OF WILLOUGHBY HILLS BY THE WILLOUGHBY MUNICIPAL COURT, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper** to waive the Three Readings on Ordinance 2023-038.

Discussion on the Motion:

Councilwoman Miller, stated the payments from the City of Willoughby were received in error, and therefore should be returned.

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

NAYS: None

Vote: 6/0

Motion carries to waive the Three Readings on Ordinance 2023-38.

Motion made by **Councilwoman Miller**, seconded by **Councilman Knecht** to adopt Ordinance 2023-038.

Discussion on the Motion:

None.

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

NAYS: None

Vote: 6/0

Motion carries to adopt Ordinance 2023-038.

ORDINANCE 2023-039 – FIRST READING

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, PART 11-PLANNING AND ZONING CODE, TITLE THREE-CODE ADMINISTRATION, CHAPTER 1111 DEVELOPMENT PLAN REVIEW PROCEDURES, SECTION 1111.02 DEVELOPMENT PLAN REVIEW, BY THE ADDITION OF PARAGRAPH (D) REQUIRING TEMPORARY SIGN NOTIFICATION OF DEVELOPMENT UPON THE COMMENCEMENT OF ANY DEVELOPMENT PLAN REVIEW PROCESS UNDER CHAPTER 1111.

Council Vice President Kline stated this will remain on First Reading.

ORDINANCE 2023-040 – FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE WILLOUGHBY HILLS FIRE FIGHTERS, LOCAL #3149 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO AND DECLARING AN EMERGENCY.

Council Vice President Kline stated this will remain on First Reading, and added that Finance Director Scott has compiled some statistics to better understand and analyze costs.

ORDINANCE 2023-041 – FIRST READING

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, PART 5-GENERAL OFFENSES CODE, CHAPTER 505 ANIMALS AND FOWL, WITH THE ESTABLISHMENT OF CODIFIED ORDINANCE SECTION 505.021 CAPTIONED PERMITTED HUNTING OF DEER TO AUTHORIZE A NUISANCE ABATEMENT INITIATIVE FOR REDUCTION OF THE DEER POPULATION IN COORDINATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND CONTIGUOUS, ADJOINING, POLITICAL SUBDIVISIONS THAT OPT TO ADOPT A SIMILAR PLAN FOR NUISANCE ABATEMENT.

Council Vice President Kline stated this will remain on First Reading.

RESOLUTION 2023-010 – FIRST READING

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COMMERCIAL CREDIT CARD AGREEMENT WITH HUNTINGTON NATIONAL BANK, AND DECLARING AN EMERGENCY.

Motion made by Councilwoman Taylor Draper, seconded by Councilwoman Miller to waive the Three Readings on Resolution 2023-010.

Discussion on the Motion:

None.

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

Motion carries to waive the Three Readings on Resolution 2023-010.

Motion made by Councilwoman Taylor Draper, seconded by Councilwoman Miller to adopt Resolution 2023-010.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated he feels it is important to update the City credit card and link to the new Finance Director.

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

Motion carries to adopt Resolution 2023-010.

NEW BUSINESS (Audio: 31:47)

Motion was made by **Councilwoman Miller** seconded by **Councilwoman Belich** to call for a recess of Council in August.

Discussion on the Motion:

Councilman Jarmuszkiewicz asked if Council would be able to meet if the need arose?

Council Vice President Kline stated that yes, a Special Meeting of Council could be called, and he felt that it was an inevitability.

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

Motion carries to call for a recess of Council in August.

PUBLIC PORTION #2 (Audio: 33:07)

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

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

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094 stated that at Monday's meeting, she quoted "Mr. Kline said that I blew it out of proportion, and Mr. Hallum said that I misinterpreted what was said." Ms. Bing feels that she didn't blow it out of proportion or misinterpret what was said of 24-hour food places and issues that will arise. Ms. Bing stated Councilwoman Belich "brought up Sheetz specifically and did end up going on saying it should be broader than that maybe to carry on to Airbnbs." Ms. Bing felt that someone was aware of it and implied it may have been Councilwoman Taylor Draper. She stated that she could not recollect where it was discussed, but that she would find out. She went on to say that someone called Airbnbs businesses and those are not allowed, so Ms. Bing felt that Ordinances were not being followed. Ms. Bing is upset because she feels that by putting a general nuisance ordinance in place, it may hurt incoming businesses. She liked what the Mayor said: if it's customer driven, cite the customers; if it's business driven, cite the businesses. Ms. Bing feels we do not need any other laws or ordinances to deal with something like this. If something were put in place, she feels that it should be based on calls and not reports from the police. Ms. Bing feels there is a disingenuousness when Council asks residents to attend meetings with comments and issues. In her opinion, she feels that it is unnecessary to point to specific residents who have voiced concerns. She continued to explain her opinions.

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

Questions/comments following Public Portion #2:

Councilwoman Belich stated committee meetings are open for a variety of concerns, and she does want to hear what residents have to say. She wishes more would come and speak to what their points of interest and concerns are. She said she would prefer a phone call, but also respects those who would prefer email contact. Councilwoman Belich went on to say she feels every opinion counts.

Councilwoman Miller followed by saying she agrees with Councilwoman Belich and feels that open and honest communication is best. She would like to hear from everyone and urged residents to come to meetings, listen and comment on social media, email or call with your comments. Councilwoman Miller encouraged others to come forward without hesitancy.

Councilman Jarmuszkiewicz also stated he feels Council meetings should not be “us vs. them”. He feels we need to avoid attacks. He appreciates an honest, civil debate. Facts and truth are very important. He feels Council works hard and would like to see everyone working together for the common good of the City.

Councilwoman Taylor Draper said that it is important to set the record straight. She stated Mrs. Bing is typically one of the few residents that attends Council meeting. She went on to state that she receives calls about what goes on in the meetings, and she takes them very seriously. Residents do not need to show up at the meetings, but she feels that with social media commentary, it’s important to set the record straight. She feels that there is a lot of information that is incorrect, so she appreciates Council Vice President Kline doing the factual research to set the record straight.

Council Vice President Kline closed by saying he encourages residents to come forward with questions, comments and opinions. He expanded by saying, he can take criticism and opinions, however, when they are stated as facts and they are proven to be incorrect or not factual, he will take the time to research and present the facts.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY
(Audio: 43:13)

Councilwoman Belich wanted to remind everyone that the Lake County Fair is going on right now through Sunday. It’s a great, family-friendly event to attend.

Councilwoman Taylor Draper asked if the Willoughby Hills Appreciation Day was still happening. If so, she encouraged residents to get together and go.

Councilman Jarmuszkiewicz stated the event was still going on, but on a smaller scale than years past.

ADJOURNMENT (Audio: 45:22)

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

Discussion on the Motion:

None.

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

The meeting was adjourned at 7:44 p.m.

APPROVED: August 28, 2023
Date

Christopher Hallum
Christopher Hallum
President of Council

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