

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 September 23, 2021

*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, September 23, 2021 at 7:00pm in Council Chambers. **Council President Hallum** presided.

**Call to Order 7:00 p.m. (Audio: 0:00-0:05)**

**Pledge of Allegiance (Audio: 0:10-0:22)**

**Mayor Gardner** administered the Oath of Office to Part-Time Firefighter Paramedic Steven Stokes.

#### ROLL CALL

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

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

#### DISPOSITION OF THE JOURNAL (Audio: 5:58-6:37)

**Motion made by Council Vice President Kline** seconded by **Councilman Knecht** to adopt the minutes of the September 9, 2021 Regular Council Meeting.

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

**NAYS: None.**

Vote: 7/0

**Motion Carries** to adopt the minutes of the Regular Council meeting of September 9, 2021.

#### COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 6:39-6:52)

9/9/21 email from PC-ABR, re: WH PCABR Meeting 9/16/21 THURSDAY – 7:00 PM.

9/10/21 email Gloria Majeski, re: Info for next week – SOM Ctr near I-90 road closure.

9/10/21 email from Michael C. Lucas, re: Working Committee Agenda for 9/7/21 – revised.

9/10/21 email from Judy Shrefler, re: Mailer Info...

9/10/21 email from PC-ABR, re: PCABR Meeting 9/16/21 THURSDAY – IN PERSON - 7:00 PM.

9/13/21 email from PC-ABR, re: PCABR 9/16/21 Thursday and – Availability Decision for 9/27 through 9/30 – Please.  
9/14/21 email from Council, re: District Meetings.  
9/17/21 email from Council, re: Working Committee Meeting Agenda 9 20 21 draft  
9/17/21 email from newsletter, re: Information on District 1 Meeting set for Tuesday, Sept. 21 at 6:30 p.m. at WH Community Center.  
9/17/21 email from PC-ABR, re: PCABR Approved Minutes 7/15/21 and 8/19/21.  
9/19/21 email from Mayor Gardner, re: Touch-a-Truck Thanks and Follow-Up.  
9/19/21 email from Gloria Majeski, re: Information on District 1 Meeting set for Tuesday, Sept. 21 at 6:30 p.m. at WH Community Center.  
9/20/21 email from Pietro DiFranco, re: District Meetings – 2022 Streets/Sewers.  
9/21/21 email from Mayor Gardner, re: Cost Share & Legislation Update – SR6 (SOM-Worrell).  
9/21/21 Joe Jarmuszkiewicz, re: Revised MOU.  
9/21/21 email from BZA, re: WH BZA Meeting of October 12, 2021 – NOT CALLED.  
9/21/21 email from PC-ABR, re: Notification of Willoughby Hills PC-ABR Subcommittee on the Master Plan Revision Meeting.

**PUBLIC PORTION #1 (Audio: 6:54-9:10)**

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

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

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

Ms. Shrefler stated: “For those who may not know, I’m also the Chair of the 2021 Charter Review Commission. Our Commission thoroughly researched the nine Amendments that are on the ballot this November. We’re very confident that they are in the best interest of our all of our residents. As you may already know, there is opposition to at least one particular Amendment. As with the 2015 Charter Review Commission, of which I was a part of, those Amendments also had opposition. Honestly, I think it’s awesome that we live in a democracy and people can voice their opinion. The problem is the Charter Review Commission has not taken the opportunity to thoroughly discuss the different facets of each Amendment during a Council meeting. Therefore, I kindly request that everyone, especially the elected officials, reserve their opinion on the Amendments until he or she has had the opportunity to consider the thorough research and reasoning behind each Amendment from the Charter Review Commission. Our Town Hall meeting is on Wednesday, October 13th. Looking at the Amendments from a different perspective may provide new insight. I look forward to seeing you there.”

Public Portion #1 closed at 7:09 p.m.

**Questions/comments following Public Portion #1:**

None.

**MAYOR’S REPORT (Audio: 9:12-28:27)**

**Mayor Gardner** reported the following:

COVID continues to affect our community. Spoke with the Health Department Director today and they continue to monitor the situation closely and they are working hard to evaluate limiting the quarantine

periods that are applicable to children in the schools. They are looking to make a counter-proposal to the State Department of Health to possibly adjust those. Vaccine boosters have been approved and will be available initially to those 65 and older or those in vulnerable or at-risk populations as defined by the CDC. We will be hosting some of those booster clinics here in our Community Center and will get details out as soon as they're available. Director Graham also wanted to remind everyone to get their seasonal flu shot from their regular provider as it's very important this year. The best source of information with respect to COVID matters continues to be the Lake County General Health District's website ([www.lcghd.org](http://www.lcghd.org)).

The City met with our FirstEnergy Representative on Monday, September, 13<sup>th</sup> to continue discussing ways that the City and CEI can continue to work together to reduce the number of power outages affecting the City (and the duration of any power outages that occur). Here are some key takeaways from our meeting:

- As noted in the past, the majority of our extended outages are caused by trees on private property falling and damaging wires or other equipment within the CEI right of way. In many cases, the trees are healthy that were felled by violent weather where it would be impossible for anyone to predict that the tree would cause the outage. The Road Superintendent reported that two of the trees (one that fell on Route 91 and one that fell on Rogers during the August 11<sup>th</sup> storm) were both very healthy before they fell. Our City is not alone in these outages. Following the storm on August 11<sup>th</sup>, there were over 140,000 CEI customers without power.
- The new transformer has been installed and is operating at the Newport Substation, which serves the eastern end of the City. This represents a significant infrastructure and should improve reliability for non-damage related outages.
- CEI is implementing a new program to provide notice to customers to advise them of the cause of any non-damage outages. Residents should make sure CEI has an updated contact number so these messages can be passed along. Also, during outages, use your mobile device to check out the CEI Facebook page and the City's Facebook page as the City will pass along messages.
- At the City's request, CEI is continuing to review potential upgrades to their infrastructure to reduce the number of residents/customers effected by outages or duration of any outages (including damage related outages). At this point, other than the Newport Transformer, CEI has not identified any improvements that they believe are feasible, however, the City will continue to strongly advocate for CEI to make improvements to their facilities.
- There will be a forestry patrol next year for the areas served by the Leo Substation (substation at the intersection of Rockefeller Road and Eddy). They will continue to work with the City to address forestry issues, the right of way that their lines.
- We have discussed and will implement steps to improve storm recovery efforts to allow our Service Department to clear obstructions in the roads faster after storms.
- We are working to better inform our residents and customers of the steps that are required to safely restore power after storms. For example:
  - o Many residents report that they see CEI trucks in the area right after the storm, but the power isn't restored until a later time. In those cases, they may be coming to confirm that any lines that are damaged are shut down to allow our crews to clear roadways (and prevent someone being injured or killed if the downed line is energizing another structure or even the ground). Again, for your safety and the safety of the City's Employees, after

storms please keep clear of any damaged lines or anything that could be in contact with the downed lines.

- You may see a crew waiting in their vehicles near a damaged line after a storm. That crew needs to wait for clearance that all potential connections are shut down and confirmed so that they can safely make repairs.
- Residents should always report outages affecting their property. It helps quantify the number of customers affected during the outage and to track where outages have occurred.
- Any resident with a special medical need should contact CEI to make sure they are tagged in their system needing special attention.
- As Fall is now here, please take some time to check and have removed any trees/branches that are on your property that may threaten the connection to your home. For your safety and the safety of the workers, use only First Energy approved contractors if they are working near your power lines. You can call the Mayor's office and we can get you a copy of CEI's guidelines.
- Last month the City coordinated with Kirtland to remove dead trees in the right of way on Worrell Road. We are continuing to work to address dead trees within the right of way throughout the City.
- CEI and the City are both committed to continuing open communication to address these issues and will meet again in the late Fall.

For August for the Fire Department: 214 runs (1,514 for the year) including 143 EMS/Rescue calls (including responses to car accidents). About 70% of total runs are for EMS/Rescue. August had 23 fires and hazardous conditions (wires, odor checks) including 5 structure fires (about 8% of runs are for fires hazardous conditions). The Department also had 48 service runs (non-emergency, smoke detector checks). Of the 214 calls, 71 were overlapping runs ("Double Hits") that we have discussed. For the year, 500 of our 1,514 (33%) of the Department's call have been Double Hits. During August, we provided mutual aid to other communities for 13 incidents and mutual received aid for 9 incidents. Through August, we have provided mutual aid to other communities for 98 incidents and received aid for 63 incidents.

Thanks to everyone that volunteered for and attended Touch-a-Truck last Saturday. In particular, I'd like to thank Firefighter Paramedics Jill Baus and Brian Paladino, Lieutenants Heller, Dimattia, and Serazin as well as Chief Gandee from the Fire Department; Chief Naegele, his wife Renee, and his Executive Assistant Debbie Semik from the Police Department who were doing photo cards/kid prints (over 150, possibly as many as 200); Gloria Majeski, Sandy Grubiss, and Laura O'Donnell from the Recreation Commission for their work in organizing the event. Thanks to the many volunteers including all of Council and Karen, the Perry Fire Explorers and Lakeland's EMT classes for volunteering. We will be having a review meeting in the next few weeks. Please share any feedback.

As we move forward with Recreation events, the City is looking for volunteers to help with our Craft Show, Breakfast with Santa, Pancake Breakfasts, and the Winterfest Toy Drive. If you are interested in volunteering, please contact Councilman Jarmuskiewicz or Gloria. Photo contest submissions will be coming up next month and we'll also be looking for applications for those wanting to participate in Christmas Card Lane. The Classic Willoughby Hills 5K Run/Walk is Sunday, October 3<sup>rd</sup> and registration is

at 8:00 at Classic Lexus on SOM Center Road. The run begins at 9 and the walk will follow. It's a special event for the whole family and pet-friendly. Prizes will be given for pet costumes. There have been a number of generous sponsorships received from Willoughby Hills businesses. Proceeds will benefit the St. Noel food pantry, Harvest for Hunger, and Velasano. All who bring a canned good on race day will receive a gift. T-shirts are guaranteed for the first 200 registrants. To register online: [www.classiclexus.com](http://www.classiclexus.com).

On a lighter note, I'm happy to report that the emu that "flew the coop" yesterday has been caught and returned to its' owner. There were over 1200 Facebook shares in under 2 hours for the emu in our City. Also noted in the media coverage, our residents were quite well-received for their good sense of humor.

Please keep the DeVecchio Family in your thoughts and prayers following the loss of Jennifer's father, Dale Markovich.

### **Questions/comments following Mayor's Report:**

**Council Vice President Kline** reiterated that if your power goes off, don't assume your neighbors are going to call it in. Everyone on the street should report that they've lost power. Also, besides full loss of power, brownouts, flickering lights, these need to be need to be reported. It may be an indication that there's equipment problem somewhere. These can be non storm related issues. If you don't want to report those instances, report them to **Council Vice President Kline** via phone, text, or email. All he needs is your address, date, and what the situation is. He will compile those and pass those along to First Energy so that they can help them pinpoint if there's problems with the equipment. In the last meeting with FirstEnergy one thing that was noted, just wires that are hanging limp and not tightly secured. If those sway in the wind and the wires touch each other, that's going to cause fluctuations in the current that will cause your lights to flicker and that's something that CEI needs to know about. If it's not being reported, they're not going to fix it, and it's only going to upset more people. So we need all to be vigilant in reporting all this.

**Council President Hallum** added that he also wanted to thank the Mayor for bringing the parade back. He had a lot of fun and feels that most, if not all, Council did as well. It was great seeing all the residents out there throwing out candy and just sharing some time outside of meetings.

**Councilwoman Belich** stated that in regards to CEI, there was a meeting hosted on Wednesday (District 1 meeting) that was hosted. There were many individuals at that meeting that spoke of their concerns and dismay over CEI and the way that their power consistently goes out with just a simple blowing of the wind. **Councilwoman Belich** did have an opportunity to speak with the gal that the City has been working with and she seems very concerned and adamant about working with the City, which is wonderful.

**Councilwoman Belich** stated that she feels very comfortable and confident that she is working with us and is wondering what the plan is going forward with regard to how frequently the City will consistently work with her. When will she be coming to talk to the City and hear the City's concerns and moving forward with what it is that CEI is doing for us as a Community.

**Mayor Gardner** stated that Wendy Zele is our rep and she is committed to meeting as often as we need. As of now, we met a week and a half ago and we're planning to meet again in a few months. Again, we don't own the power network. This is not a City provided utility but we certainly can advocate for our residents for improvements to equipment. **Mayor Gardner** said he painted a very clear picture for her of some of the

messages he's received from residents and their opinion of some of the utilities and she understands those views are out there but is willing to sit down and provide information. **Mayor Gardner** stated that he never knew some of the timing things that I shared earlier and thought that was important for people to realize that just because you see a truck doesn't mean they're there for repair. Sometimes they're just making it safe for the road to be cleared. Sometimes they're there and they might be sitting there and it's because they need the repair that's being done a mile or two away to be completed before they can safely start on the line. So again, more education, more working together. The fact of the matter is that most of these outages are caused by trees that fall. The cost of removing trees, our Service Department can do some of them but some of them we have we have to contract out to remove. A good sized tree can be several thousand dollars and there are a lot in Willoughby Hills. To answer your question, yes, we'll meet as frequently as we can. We keep her up to date with sharing communication and she's committed to doing the same for us.

**Councilwoman Belich** asked again when the next meeting is planned, if there is one planned yet.

**Mayor Gardner** responded that we haven't set a date, but have generally spoke about meeting in the late Fall.

**Councilwoman Belich** added that she agrees with **Council Vice President Kline's** point which is that as long as we consistently make those phone calls, whether it's to **Mayor Gardner**, **Council Vice President Kline**, or to CEI we can hopefully make a better use of that and take care of it in the future.

#### **LAW DIRECTOR'S REPORT (Audio: 28:30-31:57)**

**Law Director Lucas** reported that, regarding the Airbnb, there has been communications between **Law Director Lucas** and **City Engineer Pete DiFranco** in terms of getting together residences that potentially have that issue, in addition to the ones that Ms. Bing has brought up periodically. **Law Director Lucas** added, "We're crafting a notice of violation. We want to synchronize that between us and then proceed forward from that." Independently of that, **Law Director Lucas** had done some initial legislation on that but put it on the back burner for multiple reasons. Independent of that, **City Engineer DiFranco** sent over a couple more recent passages of regulation regarding Airbnbs so we're looking at that together as well.

**Law Director Lucas** stated that on the issue of Charter Review Commission, one of the things that came up in the meeting discussing this particular point regarding Intent was whether or not it had been looked at from a vanilla standpoint as opposed to an advocacy standpoint. At the time of the last Council Meeting where this was discussed, **Law Director Lucas** had indicated that he had not looked at it in terms of being neutral, because the Intent for presentation of Council has an element of advocacy in it as well. Anyone that's listened to Chairperson Judy Shreffler talk about it knows that she's bringing some passion to the table on that. In light of those comments made by Council and **Law Director Lucas'** response to that, Chairperson Judy Shreffler has sent me several emails and we've talked as well. We're working on a neutralized Intent, hopefully devoid of advocacy regarding each of the amendments that were proposed. There's several reasons for that, but certainly one of the keys is to have those amendments potentially being used through the City of Willoughby Hills, assuming that the Intent is neutralized to a sufficient degree to be approved for Council consideration then also to have it ready for the meeting on Wednesday, October 13<sup>th</sup>. As Chairperson Shreffler indicated, everybody should go to that if they have the opportunity. Again, big tip of

the hat to the Charter Review Commission whose relentless in trying to get things right and make sure people understand the basis for everything. An even bigger tip of the hat to Chairperson Judy Shreffler.

**Questions/comments following Law Director's Report:**

**(Audio 36:20-38:18) Councilman Jarmuszkiewicz** asked if the Notice of Violations have been prepared to be sent out to AirBnBs in the City, or a list was being compiled of who to send to.

**Law Director Lucas** stated that both were being done concurrently. They're getting a listing together that is a little bit more in number than the two in particular that Ms. Bing has been mentioning. **City Engineer DiFranco** and **Law Director Lucas** will then prepare the Notice of Violation to be sent out to the ones that we agree are clearly in violation and we're going to be able to be in the position from a court standpoint to prove those violations.

**Councilman Jarmuszkiewicz** asked if that would be the initial issuance of violation and then they'd have a chance to respond.

**Law Director Lucas** responded that, yes, that is correct. They Notice of Violation goes out and if they cease and desist upon receipt of the Notice of Violation and that's the end of it. If they don't within the time parameter, then action is taken. This goes back to what **Law Director Lucas** had mentioned, there's two methods of doing that. One is a prosecution, which would be handled through the Prosecutor's Office. The second one would be a civil action in the Lake County Common Pleas Court and I'm going to use the civil action in the Lake County Common Pleas court which would entail three steps - motion for temporary restraining order, followed by a preliminary injunction request, and a permanent injunction request.

**FINANCE DIRECTOR'S REPORT (Audio: 31:58-36:15)**

**Finance Director Brichacek** reported that, after eight months, the City's collected approximately 77% of the revenue that it estimated for the year, which is a good indication that we should meet or exceed our estimates. It's primarily driven by two factors – income tax continues to be strong. It's coming in at a higher rate that was budgeted. At the pace that it's coming in, if we received the average amount that we receive over the last six years that we've averaged (we've averaged \$1.2 million), we will exceed our estimate by about \$350,000. Currently, I can tell you that after nine and a half months of collections, because I have access to RITA's daily information, the income tax is running about \$700,000 ahead of last year, about \$650,000 ahead of two years ago. I think we're starting to finally starting to see the impact on cash flow of COVID finally starting to work its work out of the system. So that's a very positive note. Also, local government fund receipts are also running strong right now. They're about \$50,000 ahead of where they were last year. So that's also a good indication. More conservative on that one, because that estimate is provided by the county and they're usually pretty good about estimating that revenue so that may tail off in the last third of the year. The other revenue sources that I knew I considered to be key are all basically on track to meet what was estimated for 2021. With the exception of the Municipal Court. I don't think the Mayor's Court is going to meet it's estimate. It seems to be continuing to track last year's collections so it looks like we'll be 150 to \$200,000 under that under that estimate. On the expense side after eight months, which is two thirds of the year, we've obligated two thirds of the of the expenditure budget. We continue to be tracking while there. Overall, the General Fund has grown by approximately \$350,000 from January 1<sup>st</sup>.

**Questions/comments following Finance Director's Report:**

**Council President Hallum** asked where we stand on the 2022 budget process.

**Finance Director Brichacek** responded that it's underway right now.

**Mayor Gardner** added that the plan is to have it to Council in early November for review and passage by the end of the year. Again, the goal being to go into next year with our budget in place. We made some improvements last year, but given the the nature of COVID, that was not going to happen. It's important for several reasons. The easiest example is Chief Naegele has already told **Mayor Gardner** that it's going to be a very short window to order new police cars. To have the budget locked in in advance will help us secure those quickly. We are still waiting for the three cars we put an order in this year because of supply chain shortages, equipment issues, etc. The latest hope is that we'll get them next month and the Chief is not confident in that either. That's the reason though. Hopefully, we'll get the budget done early and be able to take advantage of those things quickly without having the delay of the temporary budget.

### **CITY ENGINEER'S REPORT (Audio: 38:20-40:19)**

**City Engineer DiFranco** stated that final plans for the Chardon Road resurfacing project that's planned for next year were submitted to ODOT. They will be reviewing the plans and our estimate. They'll be sending us a final legislation and an invoice for our share sometime in December. We'll have to approve that right away. That will probably have to be done on suspension on First Reading. **City Engineer DiFranco** also wanted to acknowledge Neurony Construction. That was the contractor that built the retaining wall along Dodd Road and also along Chagrin River by Milann Drive. The project was done two years ago. The warranty had just expired, but we noticed some paint flaking. They promptly responded without any question. They pressure washed the wall last week and will be putting on another coat of paint next week.

#### **Questions/comments following City Engineer's Report:**

**Councilman Jarmuszkiewicz** asked, regarding Route 6 resurfacing, if there have been any provisions for work on the culverts on the sides of the road, widening of the road, or providing for any type of bike lanes on that road.

**City Engineer DiFranco** responded that, no, the Grant is only for resurfacing the existing pavement.

At **Mayor Gardner's** request, **City Engineer DiFranco** explained that the resurfacing will include base repairs in the project so those will be addressed.

### **COMMITTEE REPORTS/BOARD & COMMISSION REPORTS (Audio: 40:20-48:35)**

#### **PC-ABR – reported by Councilwoman Taylor Draper:**

**Councilwoman Taylor Draper** reported that The Planning and Zoning Architectural Board of Review convened September 16<sup>th</sup>. The ABR portion of the meeting granted conditional approval for a Hoop House at 2501 Chagrin Drive, which is a greenhouse. Also, there was conditional approval granted for a brand new home at 26751 White Road.

There was no business for planning and zoning.

**Councilwoman Taylor Draper** also wanted to share that the Master Plan Subcommittee will resume and meet on Monday, September 27 as well as Thursday, September 30, both at 7pm, both in Council Chambers. **Councilwoman Taylor Draper** urges everyone to come and be a part of the discussion. She states that there was a very good discussion the last meeting.

### **Recreation Commission Report by Councilman Jarmuszkiewicz:**

**Councilman Jarmuszkiewicz** reported that for the Recreation Commission there is a Craft Show on Saturday, October 9<sup>th</sup>.

On October 22<sup>nd</sup>, the City will be holding a Halloween Party at the Community Center. **Councilman Jarmuszkiewicz** reported that two years ago the City had it and it was a really nice time. He doesn't think we're going to have the bounce house, but there was a DJ that kept kids dancing and the music going. He is hoping for a good turnout.

The flag football games start this weekend. There are 56 Kids signed up, boys and girls. There's three older divisions and three younger divisions. One team plays a doubleheader each week and this year they've also started with some the younger girls being cheerleaders for those teams. If you're not doing nothing on a Saturday between 9:30 and 11:30, you can go over to Roemisch Fields where all the games are held.

### **Questions/comments following Committee Reports:**

**Councilwoman Taylor Draper** asked what was being done for food this year at the Halloween Party. Will there be food for the kids?

**Councilman Jarmuszkiewicz** responded that he believes they'll be deciding that at the first meeting in October. They had talked about cutting it back. In past years we've had pizza and a lot of food and a lot of food was wasted and left sitting around. With handing out of all the candy, probably just a small treat like cookies, or a small coffee, cider, or juice. One year we got a lot of boxes of pizza and had over half of that left. We found most of that laying all over the place. With the candy and the activities we have planned, they're not going to be bored. There will be something to do.

**Councilwoman Taylor Draper** said that she has heard some concerns with COVID and handing out the food. **Councilman Jarmuszkiewicz** stated that all of the candy is wrapped and drinks that will be served will be on a table. He doesn't believe that they will be doing any open food.

**Councilwoman Belich** asked what the status was on the Pickleball courts.

**Councilman Jarmuszkiewicz** responded that they are having a Subcommittee Meeting this Tuesday to discuss final plans for it. He believes they have all of the paint and are now looking for volunteers to put paint down. There were a couple of areas brought up about needing some repairs, which weren't anticipated the last time, and that is what will be discussed. **Councilman Jarmuszkiewicz** stated that they need to re-pressure wash the whole thing again. It's getting late into the season to be finishing this and we'd like to at least get it sealed and painted before winter and in the spring it'll be ready to go. If there is a nice long fall, maybe some games could be played before the end of the year. Tuesday at 6:00 at the pickleball courts, there will be a Subcommittee meeting.

**Councilwoman Fellows** asked if the courts could be covered over the winter for protection.

**Councilman Jarmuszkiewicz** responded that he didn't believe so. The courts are the size of two tennis courts and he doesn't know if the covering would work, but he'd ask the Service Director. He believes the wind blowing the cover and beating on it may be more damaging than just letting the elements sit on it. **Councilman Jarmuszkiewicz** stated that it took a really long time to get the paint and that's what the big hold up was with the delay in supplies from Sherwin Williams to provide the paint needed. It was supposed to be here in the beginning of July and it finally arrived about a week or two ago. Now it's just a matter of coordinating some volunteers to help paint it and put it down. He said he could ask them about the cover but doesn't know if there is a tarp big enough.

**Mayor Gardner** added that when the City had the salt surplus last year and the year before, the tarp to cover is probably the equivalent of one tennis court and was about \$3,000-\$4,000 to cover the salt. This would need to be twice the size and I'm not sure how well it could be secured to the surface there. We could certainly check with Mark. Supplies are thin everywhere. That's been a problem. We're running out of paint to paint the fields for soccer and for football even. Hopefully, things will get better.

**Councilwoman Taylor Draper** asked **Council Vice President Kline** if there were any updates on the Business Fair.

**Council Vice President Kline** responded that there was going to be an e-mail questionnaire put together for businesses to see if they were more in favor of a jobs fair or an open house. In the last two weeks, he thinks all of the Chamber of Commerces in the County (Eastern, Western, and Mentor) got together and put on a jobs fair in Mentor last week. They had high school kids come in in the morning and college kids and working and non working adults in the afternoon. He thinks they drew about 40 employers to set up displays there. Of course, if Willoughby Hills businesses are in the Western Chamber, they may have participated in that. **Council Vice President Kline** stated that he didn't know how effective or how much interest our businesses would be in their own jobs fair, but was still going to find out. They'll ask them their opinion on that moving forward. He believes the direction is going to turn toward an open house for businesses at this point but they'll see what the businesses desire.

**UNFINISHED BUSINESS (Audio: 48:41-48:49)**

None.

**LEGISLATION (Audio: 48:50-53:48)**

**ORDINANCE 2021-015- as Amended July 22, 2021 – LEFT ON THIRD READING**

**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.**

**Motion** was made by **Councilwoman Taylor Draper**, seconded by **Councilman Jarmuszkiewicz** to adopt Ordinance 2021-015 as Amended.

**Discussion on the Motion:**

**Councilwoman Taylor Draper** stated that she personally feels comfortable with what is written. She believe it's comprehensive and addresses a lot of the issues that were had before.

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

**NAYS:** None

**Vote:** 7/0

**Motion Carries** to adopt Ordinance 2021-015 as Amended.

**ORDINANCE 2021-054 – SECOND READING**

**AN ORDINANCE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE WILLOUGHBY HILLS BOYS LEAGUE IN ORDER TO PROVIDE SPORTS PROGRAMS FOR THE YOUTH RESIDENTS OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

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

**RESOLUTION 2021-016 – SECOND READING**

**A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO PURCHASE AND USE “EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY” THROUGH PUBLIC ENTITIES POOL (PEP) INSTEAD OF INDIVIDUAL SURETY BONDS FOR OFFICERS, EMPLOYEES, AND APPOINTEES WHO ARE OTHERWISE REQUIRED BY LAW TO ACQUIRE A BOND BEFORE ENTERING UPON THE DISCHARGE OF DUTIES AND DECLARING AN EMERGENCY.**

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

**RESOLUTION 2021-017 – FIRST READING**

**A RESOLUTION ACKNOWLEDGING POLICE SERGEANT GREG LEONBRUNO’S RECOGNITION BY THE LAKE COUNTY ASSOCIATION OF CHIEFS OF POLICE (LCACP) FOR HIS HEROIC EFFORTS AND RECEIVING THE LCACP LIFE SAVING AWARD.**

**Motion** made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to waive Three Readings on Resolution 2021-017.

**Discussion on the Motion:**

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

**NAYS:** None

**Vote:** 7/0

**Motion Carries** to waive Three Readings on Resolution 2021-017.

Motion was made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to adopt Resolution 2021-017.

**Discussion on the Motion:**

**Council President Hallum** stated that he knows that everyone here has been very proud of our law enforcement here in the City of Willoughby Hills. They're highly trained, well respected, and very much involved in many of the aspects in Lake County. To see them continue to be acknowledged and recognized certainly speaks of our training program and the leadership we have here.

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

**NAYS: None**

**Vote: 7/0**

**Motion Carries** to adopt Resolution 2021-017.

### **NEW BUSINESS**

None.

### **PUBLIC PORTION #2 (Audio: 53:50-1:00:29)**

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

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

**Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094** stated the following:

“I thought it was interesting to hear that Mayor's Court hasn't come back considering the traffic I see on the road is horrible. So I would expect that there would be funds coming in from that. I would be very curious to understand that because it was always a very difficult thing I thought that there was a lot of expenses that go with Mayor's Court. And now if the revenues not there to justify is there consideration being given on how to do Mayor's Court in a more cost effective way? And maybe doing other ways I think that had been spoken about in the past about how to bring the cost down from Mayor's Court. So I would hope that would be being looked at and that the newer Council people should really explore this whole aspect of Mayor's Court. It's been an issue on a finance side. I think for a long time of how do you really do this and can we make it more technologically upgraded so that we have less costs and stuff like that. And so maybe this is the time to start thinking about that, since the revenue seems pretty low. The second thing is, I understand that WHISPER was out there doing some work for some people, which is good. And I look online, and I've seen, for the whole year, maybe five or six things posted and none recently. The event that was talked about where you were cleaning lawns and stuff like that, this stuff is not being kept up to date online. So it looks like WHISPER is not really doing anything. And I think that that's part of it- that oversight online and having it always continually updated, what's coming in, what's being addressed and taken care of , what things are being turned down because they are not really appropriate for WHISPER. That was done at the first of the year but I'm not seeing any progress on that at all. And I'm hoping that we get that kind of lined up and going smoothly as we go into what might be a busy season with yard work.”

**Mark Belich, 2476 Parsons Drive, Willoughby Hills, OH 44094** stated the following:

“I was hoping that the Law Director would opine a little bit more on our simple violation of AirBnBs. Because as I sit in the audience, it sounds like we're going give them a violation and they're going to stop work. I suspect that if it's like anything else, it's going to end up to a legal battle and in a year from now, maybe the AirBnBs may close or they may not. Also, we can opine as to when and if we're sued by the owners of the AirBnB if we're going to have to retain outside Counsel or if that's something that's covered under the current contract that we have with our Law Director.”

**Comments following Public Portion:**

**Law Director Lucas** responded to Mark Baelish: “They probably will end in court. I think because there's a question, even when we were discussing it most recently with **City Engineer DiFranco**, is it a business versus a residential use? You could rent property in a residential district, therefore, why wouldn't an AirBnB, notwithstanding the fact that it has a shorter term than the typical lease, still be a residential use. So I'm not going to get into the legal requirements of it, I'm just going to say that there is there's two sides to this issue, which has resulted in part in a lot of communities just not dealing with it. So having said that, and assuming that the people that we're sending the Notice of Violation to do not stop and then proceed forward, they can file an appeal, and then we're in court. The representation of the City of Willoughby Hills is within my contract. It's not considered part of the normal course with the contract. We're going to be in the position where we represent because we are contractually required to, but it'll be outside the salary confines of the Law Director. We're not going to retain independent counsel for a zoning appeal.

**Mayor Gardner** responded to Jenna Bing: “As to WHISPER activity, I'm only aware of one invitation for an activity in the last month or so. So if it's not on the website, I'm sure we'll get it updated from there. As to reviewing Mayor's Court budgets, **Finance Director Brichacek** and I review things all the time and continually and we will be reviewing this. Chief Naegele has proposed at least one program that will provide the overtime for officers who come in to work traffic enforcement. Given some of the conditions that have been noted in the community, it's something that I support. We're looking at some other things there. The results of which would improve Mayor's Court revenue, but certainly, just because we're down in revenue doesn't mean we're below revenues of what the costs are.

Public Portion #1 closed at 7:57 p.m.

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

**(Audio: 1:00:30-1:02:53)**

**Councilwoman Belich** stated that she wanted to point out a recent post to the Willoughby Hills Police Department's Facebook as there's a very interesting post there regarding what happens when you drive around with stickers and bumper stickers attached to your vehicles. She commented that there's a lot of folks that put bumper stickers on their vehicles indicating where they vacation, the number of people in their family, the little stick figure people that are in their family. **Councilwoman Belich** said, “It's interesting to look at it from the other side, which is that there are individuals looking at your car or your vehicle that are recognizing things about you that could be potentially dangerous (you've got children in your home, go on vacation regularly, like to go skiing at Alpine Valley). It's an interesting post to take a look at and to think about when it comes to our own home safety and our family safety.” She thanked the Police Department for putting that out there.

**Mayor Gardner** added that he's recently seen questionnaires that people circulate about themselves on Facebook. He believes it was the Sarasota Police Department put it out and all the questions were on one side but on the answer side read, “Quit publishing private information that could be your passwords.” He reiterated to be careful how you put your information on the internet.

**ADJOURNMENT (Audio: 1:02:54-1:03:20)**

**Motion** was made by **Councilwoman Fellows** seconded by **Councilman Jarmuszkiewicz** to adjourn.

**Discussion on the Motion:**

None

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

**NAYS:** None

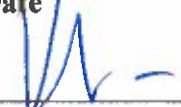
**Vote:** 7/0

**Motion Carries** to adjourn the Regular Council meeting of September 23, 2021.

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

**APPROVED:** October 14, 2021  
Date

  
\_\_\_\_\_  
**Christopher Hallum**  
*President of Council*

**ATTEST:**   
\_\_\_\_\_  
**Karen Mehollin**  
*Clerk of Council*