

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 October 14, 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, October 14, 2021 at 7:00pm in Council Chambers. Council President Hallum presided.

**Call to Order 7:00 p.m. (Audio: 0:10 – 0:19)**

**Pledge of Allegiance (Audio: 0:20 – 0:40)**

**PRESENTATION OF MAYORAL PROCLAMATION TO SERGEANT GREG LEONBRUNO FOR HIS LIFE SAVING EFFORTS (Audio 0:50 – 6:20)**

### ROLL CALL

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

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

### DISPOSITION OF THE JOURNAL (Audio: 6:45 – 7:27)

**Motion made by Council Vice President Kline** seconded by **Councilwoman Fellows** to adopt the minutes of the September 23, 2021 Regular Council Meeting.

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

**NAYS: None.**

Vote: 7/0

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

### COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 7:30 – 7:47)

9/22/21 email from Council, re: Regular Council Meeting Agenda 09.23.21 draft.

9/22/21 email from Mike Kline, re: Meeting to discuss CEI issues.

9/22/21 email from Katherine Lloyd, re: Notification of Willoughby Hills PC-ABR Subcommittee on the Master Plan Revision Meeting.

9/22/21 email from Council, re: Regular Meeting Minutes 09.09.21 draft.

9/22/21 email from Mayor Gardner, re: Regular Meeting Minutes 09.09.21 draft.

9/22/21 email from PC-ABR, re: master Plan Work Sessions 9/27/21 and 9/30/21 – 7:00 PM Council Chambers, In-Person.

9/22/21 email from Joe Jarmuszkiewicz, re: RE: Revised MOU.

9/23/21 email from Gloria Majeski, re: District 1 Meeting.

9/24/21 email from Gloria Majeski, re: City E-Newsletter.

9/24/21 email from Gloria Majeski, re: Revised City E-Newsletter.

9/24/21 email from Gloria Majeski, re: City Roster.

9/24/21 email from Gloria Majeski, re: WHISPER Update on City website.

9/24/21 email from Frank Brichacek, re: Donation Notification – 2021 Cornfest Touch-a-Truck.

9/24/21 email from Gloria Majeski, re: League of Women Voters Candidate Night – Zoom Meeting – Monday, October 18 at 7:00pm.

9/24/21 email from Patty Fulop, re: Our New Brand – Lake Development Authority.

9/26/21 email from Council, re: Ballot Mailers.

9/28/21 email from Gloria Majeski, re: FW: City of Willoughby Hills.

9/28/21 email from Gloria Majeski, re: FW: City of Willoughby Hills – Prosperity & Casualty Ins. Program.

9/29/21 email from Judy Shrefler, re: October 13 Town Hall Meeting Telecommunications.

9/30/21 email from Gloria Majeski, re: White Road – Bishop Traffic Issue.

9/30/21 email from Tanya Taylor Draper, re: White Road – Bishop Traffic Issue.

9/30/21 email from Pietro DiFranco, re: White Road – Bishop Traffic Issue.

9/30/21 email from Gloria Majeski, re: White Road – Bishop Traffic Issue.

9/30/21 email from Janice Pettit, re: Passed Legislation for September (Willoughby Hills).

9/30/21 email from Pietro DiFranco, re: White Road – Bishop Traffic Issue.

9/30/21 email from Pietro DiFranco, re: White Road – Bishop Traffic Issue.

9/30/21 email from Pietro DiFranco, re: White Road – Bishop Traffic Issue.

9/30/21 email from Gloria Majeski, re: White Road – Bishop Traffic Issue.

9/30/21 email from Gloria Majeski, re: Julie Belich photo.

9/30/21 email from Gloria Majeski, re: Link to FB District 1 video.

9/30/21 email from Judy Shrefler, re: October 13 Town Hall Meeting Telecommunications.

9/30/21 email from Gabriel McVey, re: Public Meeting Notification – October 2021.

10/1/21 email from Frank Brichacek, re: Auditor of State Award Notification.

10/1/21 email from Gloria Majeski, re: White Road – Bishop Traffic Issue.

10/1/21 email from Patty Fulop, re: Economic Dashboard July 2021 plus July and August unemployment.

10/1/21 email from Gloria Majeski, re: City E-Newsletter.

10/3/21 email from PC-ABR, re: WH PCABR Mtg 10/7/21 at 7:00pm.

10/3/21 email from Judy Shrefler, re: October 13 Town Hall Meeting Telecommunications.

10/3/21 email from Judy Shrefler, re: October 13 Town Hall Meeting Telecommunications.

10/4/21 email from Gloria Majeski, re: Reminder Shred Day on Saturday, October 16.

10/4/21 email from Mayor Gardner, re: October 13 Town Hall Meeting Telecommunications.

10/4/21 email from Judy Shrefler, re: October 13 Town Hall Meeting Telecommunications.

10/5/21 email from Mayor Gardner, re: October 13 Town Hall Meeting Telecommunications.

10/5/21 mail from Mayor Court, re: Mayor’s Court Revenue.

10/5/21 email from Joe Jarmuszkiewicz, re: Halloween Party Help.

10/6/21 email from Gloria Majeski, re: Name Plates for Recreation Committee.

10/6/21 email from Gloria Majeski, re: Presentation of Proclamation and Resolution.

10/6/21 email from Gloria Majeski, re: WWLC Chamber of Commerce Turkey Bowl at Wickliffe Lanes – Saturday, November 13, 2021 from 3 to 6pm.

10/6/21 email from Greg Leonbruno, re: Presentation of Proclamation and Resolution.

10/6/21 email from Gloria Majeski, re: Sample Ballot for November 2, 2021 Election.

10/6/21 email from Pat Grebenc, re: CRC Meeting notifications – city website – updates requested.

10/6/21 email from Tanya Taylor Draper, re: White Road – Bishop Traffic Issue.

10/6/21 email from Gloria Majeski, re: White Road – Bishop Traffic Issue.  
10/7/21 email from Gloria Majeski, re: Council Leftovers for Craft Show.  
10/7/21 email from Gloria Majeski, re: Ordinance to carry over vacation time.  
10/7/21 email from Tanya Taylor Draper, re: White Road – Bishop Traffic Issue.  
10/7/21 email from Pietro DiFranco, re: Willoughby Hills City Engineer Report 211007.  
10/7/21 email from Council, re: Working Committee Meeting 10.11.21 Agenda draft.  
10/7/21 email from Gloria Majeski, re: City of Willoughby Hills – Employee Dishonesty Bond.  
10/8/21 email from Gloria Majeski, re: City E-newsletter.  
10/8/21 email from Gloria Majeski, re: Notification to WH residents on correction to proposed Charter Amendment booklet.  
10/10/21 email from Gloria Majeski, re: Notification to WH residents re: error in Charter Review Commission Proposed Amendments booklet.  
10/10/21 email from Michael Kline, re: Notification to WH residents re: error in Charter Review Commission Proposed Amendments booklet.  
10/10/21 email from Gloria Majeski, re: Notification to WH residents re: error in Charter Review Commission Proposed Amendments booklet.  
10/11/21 email from Gloria Majeski, re: RE: Time.  
10/11/21 email from Tanya Taylor Draper, re: Tanya’s Cell.  
10/11/21 email from Kerri Kautzman, re: Invoice – Willoughby Hills.  
10/11/21 email from John Platko, re: Invoice 59736 from X Press Printing Services, Inc.  
10/11/21 email from Council, re: Winterfest Gift Cards.  
10/11/21 email from Frank Brichacek, re: General Funds.  
10/11/21 email from Council, re: Working Committee Agenda 10.11.21 & Ordinance 2021-056.  
10/11/21 email from Frank Brichacek, re: Working Committee Agenda 10.11.21 & Ordinance 2021-056.  
10/11/21 email from Joe Jarmuszkiewicz, re: MOU Revision.  
10/11/21 email from Gloria Majeski, re: Time Correction for Tonight’s Working Comm. Of Council Meeting.  
10/11/21 email from Thomas Lobe, re: Legislation look-overs.  
10/12/21 email from Gloria Majeski, re: Schedule Notification.  
10/12/21 email from PC-ABR, re: RE: Invitation from WH PCABR Subcommittee for Master Plan Review to Mr. Radachy.  
10/12/21 email from Julie Belich, re: RE: City of Willoughby Hills – Prosperity & Casualty Ins Program.  
10/12/21 email from Gloria Majeski, re: RE: City of Willoughby Hills – Prosperity & Casualty Ins Program.  
10/12/21 email from Pietro DiFranco, re: Public record request for Willoughby Hills – Short Term/Transient Rentals.  
10/12/21 email from Michael Lucas, re: MOU.  
10/13/21 email from Council, re: Regular Council Meeting Agenda 10.14.21 & Revised Legislation.  
10/13/21 email from Gloria Majeski, re: Exhibit for Faithful Performance Bond – Application to PEP.  
10/13/21 email from Nadia Simovic, re: David & Young, A Legal Professional Assoc.; 100<sup>th</sup> Year Anniversary.  
10/13/21 email from Frank Brichacek, re: RE: Exhibit for Faithful Performance Bond – Application to PEP.  
10/13/21 email from Gloria Majeski, re: Exhibit for Faithful Performance Bond – Application to PEP.  
10/14/21 email from Mayor Gardner, re: FW: Airport NAC meeting 10/14/21.

**PUBLIC PORTION #1 (Audio: 7:50 – 12:54)**

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

Public Portion #1 opened at 7:08 p.m.

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

When I read the Resolution for Frank Brichacek, first I thought, "Is he leaving?" because it reads like somebody who has had their job, they've done great, thank you very much, and you're leaving the City, but I expect that's probably not the case. But when I started looking at it, I got a little ticked off. There was a lot of discussion about "he's had a clean audit every year." You know, that's baseline for somebody. I've been on church boards at two different churches, the governing boards, and if our Treasurer didn't get a clean audit, I think we wouldn't keep him. I recognize that there have been some awards over the times but the fact that the way it's written like, "oh, we're we're going to give him a Resolution and stuff because he's doing his job" just really kind of cheapens the whole purpose of a Resolution. I mean, we just saw one that he put his life on the line and saved a guy's life. That's a Resolution. This kind of resolution I have issues with. He talks about how he's done a great job. Well, he does not follow Ordinances that are out there. It took him 18 months after an Ordinance was passed to submit any information to the Ohio Open Checkbook. The budget was always late. And you can say, well, the Ordinance is that the Mayor must submit to Council but I don't know how many times the Mayor said, "Well, it's not done yet. Frank's not done with the budget," so he wasn't doing a good job. Also, in the prior Administration, he never posted on time the monthly finance reports which are for Council but also for us as residents and they would be months late. This is not doing a good job and your Resolution says 20 years of doing a good job. I don't think so. He's also been a poor manager. His assistant physically assaulted a prior Clerk of Council and he did nothing. He didn't even reprimand his assistant. So that is not doing a good job in managing. And also you guys say, "Well, he's increased the General Fund in 20 years." Well, I don't think he's done it recently, because you all have passed deficit budgets. So that doesn't increase the General Fund. And I would lay you odds it wasn't him because he was not one pushing for budgets that would let us raise and increase the money in the General Fund. It was Council pressing back on Administration to do that and you're giving him credit for something he didn't do. Fine, you want to give him a Resolution and say, "Hey, you won an award for your last audit in 2019/2020?" Limit it to that and I wouldn't complain. But when you're talking about 20 years of doing good service and he's been this bad? I just have a real issue with that whole Resolution.

**Vicki Miller, 2857 Hayes Drive, Willoughby Hills, OH 44094** stated the following:

I really don't understand why we have people that have to come up and be so negative. I have worked in finance my entire career. I know audits, I know budgets. All of that. To receive an award like Willoughby Hills has for a clean audit with no recommendations whatsoever is not usual. Usually there's improvements. I've worked with auditors. I've worked as the liaison between a firm and auditors. I'd also like to commend Frank Brichacek for having an open office. Anytime I have wanted to ask him a question I've been able to walk in and get the information I needed. I definitely appreciate that. Everything in finance isn't cut and dry and on a schedule. It's very hard and I realize that with my professional experience. So if Council feels this is an adequate thing to do in recognition of turning things around in this office since he came into his position. I know that there was problems in the past. Things were terribly out of order and my understanding is that Frank put them back into order. So we appreciate Frank and we appreciate the Council for making this Resolution. Congratulations, Frank Brichacek.

Public Portion #1 closed at 7:12 p.m.

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

**Council Vice President Kline** stated, "First of all, let me just say this, a clean audit is not the standard. The Clean audit is the highest level of reporting. You can have qualifications, you can have exceptions, and still

have the report accepted by the body that's requesting the audit being done. Clean audit means there are no questions. There are no problems with the work. And just to clarify another point, there is a difference between a deficit budget and the surplus increase. You may start the year with a deficit budget and how you perform and how well you manage during the year may mean by the end of the year, you close out with the surplus. So you can increase, in this case the General Fund surplus, each year or almost every year and have deficit budgets every year.”

**Council President Hallum** added that people have a very hard time understanding budget versus actual so thank you for explaining that.

### **MAYOR’S REPORT (Audio: 14:10 – 23:54)**

**Mayor Gardner** reported the following:

COVID continues to affect Willoughby Hills. He continues to remind residents that the best source of information is to go directly to the Lake County General Health District's website at [www.lcghd.org](http://www.lcghd.org). The Community Center is going to be a point of dispensary, or what we come to know as a pod, for vaccines and for boosters. On Monday, October 18th, and Monday, October 25<sup>th</sup>, 8:30 to 2:30 are the hours. They recommend you have an appointment. You can register by going to the Lake County Health District website ([www.lcghd.org](http://www.lcghd.org)). You can also call - 440-350-2188 is the helpline for COVID and they will get you an appointment. If you go to the website, choose make an appointment online. You’ll go through the ArmorVax app or program. They will give you the schedules and you can schedule an appointment. You are able to get first vaccinations, second vaccinations or boosters at either of those clinics. If you had Pfizer as your first vaccination, you are eligible after six months. If you had Moderna, if you are over 18 and immunocompromised, you're eligible to get a booster. So there is a difference. If you have questions about that call the Health District but the boosters are available after six months for Pfizer. If you're 18 and over and have an immunocompromised condition if you've gotten Moderna, they will give you a third dose. Unfortunately Johnson and Johnson is not going to be available at these times. Everyone who's coming should bring a photo ID, their insurance card if they have one, and their vaccine card so it can be updated. Again, any questions, call the COVID hotline, 440-350-2188, and ask for clinical services. This information will also come in the newsletter ([newsletter@willoughbyhills-oh.gov](mailto:newsletter@willoughbyhills-oh.gov)). If you’d like to sign up for the newsletter, send an email to [newsletter@willoughbyhills-oh.gov](mailto:newsletter@willoughbyhills-oh.gov) with the address you can receive the newsletter at and that will keep you up to date on City events – and certainly events like the Pod.

**Mayor Gardner** stated that he would like to congratulate the Finance Department for receiving the Ohio Auditor of State's Award. The Award is presented for excellence in financial reporting in accordance with CAP and this one is for the year ended 2020. The auditor specifically notes, “The citizens you represent are well served by your reflective and accountable financial practices.” Congratulations, good job, and the **Mayor** added that he very much appreciates everything the Finance Department does.

**Mayor Gardner** thanked all of the City’s residents and volunteers, specifically the Charter Review Commission and Council members who hosted Town Hall meetings, both District meetings and the Charter Review Town Hall last night. **Mayor Gardner** complimented the Charter Review Commission and Chairperson Shrefler for an outstanding presentation last night. A lot of work went into it and it's very much appreciated. If you missed last night’s Town Hall meeting, it can be replayed on the City’s Facebook page.

A couple of notes from the Service Department: Leaf pick up has started. Please place your leaves on the curb but not into the street. Please make sure there aren't big branches or anything in them. They will be picking them up as long as they can or until we run out. Shred Day is set for Saturday, October 16<sup>th</sup> in the City Hall front parking lot. They'll be here from 9-noon. Bring up your shreddables and you can deposit them in the bin. If you want they'll run them through the machine and you can watch the whole process.

**Mayor Gardner** thanked our representative to the Cuyahoga County Airport Noise Abatement Council. Their meeting was this morning. Gary Pratt is our representative and he does a great job attending the meeting in the morning and generally by noon he presents **Mayor Gardner** with a quick report that he can share at here and has been shared with Council. Gary was able to report that this was their first in-person meeting in 18 months and meetings that were scheduled for April and July had not been held so it was good to get the October meeting in. Mr. Pratt noted for January 1 to March 31, the Airport had 5,437 operations with an additional 39 during voluntary noise abatement (VNA) hours. No complaints. From April 1 to June 30, 7,368 operations plus 78 during VNA hours. Three complaints were reported during VNA hours – none of them from Willoughby Hills. Then July 1 to September 30, 7,064 operations plus 110 during VNA hours. Fourteen incidents reported during VNA hours - none from Willoughby Hills. Three complaints during non-VNA hours (normal hours) and two of those were coming from Willoughby Hills. A total of basically ten content complaints in nine months are recorded by Noise Abatement. The Airport is reporting annualized expectations of about 24 to 25,000 operations for the year. During the third quarter, Representative Pratt also advised that he received a couple of comments from residents. The first was from a resident who believed they had an airplane fly over very loudly at 2:00AM. In checking with the Airport, the Airport reported that maybe based on where this resident lived, it would have been way out of the flight patterns. It was likely a medical helicopter. The second was somebody who is asking that the Airport improve their signage and thinks that signage on Richmond Road is dated and not attractive. A representative of the Airport is advocating to improve the signage.

The Police Department report for September: The Department handled 1,086 calls, taking the annual total for the Department for nine months to 10,204 calls - 508 of them during September were traffic and motor vehicle matters. Investigations of 31 suspicious conditions, and there were 71 public assistance and welfare checks. Unfortunately, we need to report there's been a significant rise in car thefts in Lake County, including here in Willoughby Hills. Chief Naegele reminds everyone - please secure your vehicles, put them in the garage. If they are outside, keep them locked and certainly try not to leave any valuables in your vehicles. Apparently, we have had two thefts and surrounding cities have had many more so it is happening. Please safeguard your vehicles and your valuables. **Mayor Gardner** thanked everyone who attended and volunteered for the Fall Craft Show, and Vicki Miller and Matt Gray from Recreation for their hard work in organizing the event. As we move forward with recreation events, we're continuing to seek volunteers. Halloween party is coming up a week from tomorrow, Breakfast with Santa, Pancake Breakfast in the Spring, and the Winterfest Toy Drives. If you're interested in volunteering, call my office or contact **Councilman Jarmuszkiewicz**. Also, don't forget, especially during this scenic time of the year, the photo contest is coming up. It is a great time to get outside and get your entries into the photo contest. Finally, if you want to renew or put a new card on Christmas Card Lane, applications are open to the Rec Department. In addition to the Award that the Finance Department received, **Mayor Gardner** is happy to share with everyone that the Secretary of State has made a Proclamation to the City of Willoughby Hills as we are now at 10,019 residents. That was issued to us earlier this year based on the 2020 Census.

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

**Councilwoman Taylor Draper** asked if there were any updates about the LED informational signs.

**Mayor Gardner** replied, "Yes, we are hoping that some of the funds that have been set aside over the years for the Gymnasium Fund might be able to be used for that. Florine O'Ryan, who passed away this Summer, was instrumental in raising those funds. We've reached out to her daughter to try to set up a meeting to see what the family's interest is and maybe being able to use the Gymnasium Funds. I think there's some money in there, but nowhere near the \$5 million or whatever it would take to construct a gymnasium. We're reaching out to her daughter to see if we can approach using this money for another purpose. Obviously, we'd need to go through Council and the Finance Department's requirements to make sure those are transferred from that fund.

**LAW DIRECTOR'S REPORT (Audio: 23:56 - 26:15)**

**Law Director Lucas** reported that regarding Ordinance 2021-054 Willoughby Hills Boys League Memorandum of Understanding, **Councilwoman Fellows** had mentioned making sure that some of her concerns were reviewed as well as the **Law Director's** prior revisions. Those prior revisions are now included in the Memorandum of Understanding along with addressing the issue that **Councilwoman Fellows** raised. That Memorandum is just perfect with Council's approval in conjunction with the Ordinance.

With reference to the discussion regarding Airbnb on Monday, **Law Director Lucas** indicated that he forwarded to **Council Vice President Kline** the next day the initial draft that he did regarding AirBnB regulation, along with several other related communities' Ordinances for review as well as some of the general commentary and news articles regarding the weighing back and forth between "is this a business or is this a residential use." **Law Director Lucas** also sent a copy to the Chairman of the Board of Zoning Appeals, Frank Cihula, who was requesting to review it. **Law Director Lucas** stated that he attended the Charter Review Commission Town Hall Wednesday. He stated that the meeting was really well done, the presentation was excellent, and the meeting was well attended by the residents of the City. **Law Director Lucas** commended both the Committee and Chairperson, Judy Shrefler, who have always been hard working and constantly and diligently questioning things back and forth.

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

None.

**FINANCE DIRECTOR'S REPORT (Audio: 26:20 – 30:30)**

**Finance Director Brichacek** reported that Lake County Auditor is in the process of completing the 2021 reappraisal process. They're currently in the formal appeals stage of the process, which means that those new values will be mailed out to the property holders in the county and they're given the chance to file an informal appeal with the County Auditor of the value that's established. There's no information available for Willoughby Hills at this point, but Finance Director Brichacek stated that, overall, Lake County property tax duplicate has increased by approximately 17% from the value three years ago. That's good news for those who depend upon property taxes. While it's a 17% increase overall, it doesn't mean that people will see a 17% increase in their property tax bills. Most of the property tax levies that comprise of property tax bills are frozen in House Bill 920 which means that they can only generate a certain specified amount of money. If the property values change, then if you look closely at the reduction factor credit and that credit will be applied so that overall each

revenue generates the amount of money that voters have voted upon. So when we say there's a 17% increase or whatever individual properties increased doesn't necessarily translate into a 17% increase in your property. There's only a small portion of the total property tax levy that is not affected by House Bill 920 and the City comprises of about 7% of the overall levy of Willoughby Hills. Monthly financial posts for the month of September have been posted to the website and available for public inspection. The monthly information for the month of September has been submitted to the State Treasurer for posting to the Ohio Open Checkbook. We're one of the few cities in the State to post that information on a monthly basis. The Ohio Open Checkbook right now is current through the month of August. There have been some ups and downs with the Treasurer's Office, some issues with their software. Normally they're posted within a few days when sent down. However, this month there's a delay in posting so they probably won't get information posted until mid-November. Relative to savings and overall financial performance for September, the General Fund has increased by approximately \$645,000. The overall combined balance of all of the City's funds have increased by approximately \$665,000. In terms of the trends of revenue collections, there's really no change while the previous income tax collections continue to remain strong. The bulk of the other major revenue sources are pretty much projected to come in at the amounts that we have estimated.

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

**Councilman Jarmuskiewicz** asked **Finance Director Brichacek** when the draft of the budget will be ready for Council to review.

**Finance Director Brichacek** responded that he's working on it right now and it should be ready by mid-November.

**CITY ENGINEER'S REPORT (Audio: 30:32 – 31:38)**

**City Engineer DiFranco** stated that he has no report tonight but is open to questions.

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

**Councilwoman Fellows** asked about what appeared to be a demolished communications center at the top of her street.

**Mayor Gardner** responded that it's a communications facility. He believes that AT&T, Spectrum, somebody like that – it was hit by a car.

**Councilman Jarmuskiewicz** asked if **City Engineer DiFranco** had an update on the opening of the Eddy Road bridge. He stated that completion seems pretty close as he sees cars going down then turning around.

**City Engineer DiFranco** stated that according to ODOT it's still on schedule for the end of October.

**COMMITTEE REPORTS/BOARD & COMMISSION REPORTS (Audio: 31:40 – 36:10)**

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

**Councilwoman Taylor Draper** reported that The Planning and Zoning Architectural Board of Review met on October 7<sup>th</sup>. During that time, the Planning and Zoning portion of the meeting, we approved a new home at 27665 White Road. We had to waive the 75 foot setback requirement and also approved the Protected Area permit. I don't know if anybody's familiar with that area, but it's a lot of streams in the back of it so it had to have special approval. The ABR portion of the meeting we approved a storage shed at 3440 Chardon Road (commonly known as the Mario Fazio restaurant). We approved a detached garage at 2869 Cricket Lane. We approved an attached addition to a home already standing at 31851 Miller Avenue. We also granted conditional approval for a detached shed at 34561 White Road.

**Councilwoman Taylor Draper** also wanted to share that the Master Plan Subcommittee will have a meeting on October 27<sup>th</sup> in this Chamber at 7pm and it will feature Mr. David Radachy. Mr. Radachy was here during the public meetings. He is the Director of the Lake County Planning and Community Development. He is coming in to give us an idea of how we can wrap it up and put things on paper so that we can have it presented to this Council. Just an idea of some of the things that the Subcommittee is looking at for some of the residents: Flexible use at the Loehman's Plaza or the Shoppes of Willoughby Hills, connecting our parks to walkways and pathways, and for the downtown area (Route 6/S.O.M. Center area) we're looking to create an all-purpose trail for walking and biking. Those are some of the ideas and we're still open to others. If you can attend, it's October 27<sup>th</sup>.

**Recreation Commission Report by Councilman Jarmuszkiewicz:**

**Councilman Jarmuszkiewicz** reported that the Recreation Commission held its' first in-person craft show and it went really well this year. People are extremely happy and the vendors sold many items. There were a couple of small complaints but nothing significant as far as the amount of people that were really happy with it. Hats off to Vicki and Matt. They did a tremendous job. Matt went above and beyond helping people. I heard both getting complimented a lot. They can't wait to come back to next year's show. On the 22nd we'll have a Halloween party in the Community Center. It will be in inside and there will be provisions for hand sanitizer and recommendations for social distancing but notification that there may be some people closer. The CDC has approved it as well as the Lake County General Health District. It'll be from 6-8:30 in the O'Ryan Room with a DJ for the kids. Flag football continues on Saturdays at Roemisch Field and it will be for next couple weeks. It's been a pretty good year. They were down to three teams in each division but the kids are having a lot of fun and there's been a lot of good competition between the kids.

**Questions/comments following Committee Reports:**

**Council Vice President Kline** stated that he just wanted to acknowledge the receipt of the information from both **Law Director Lucas** and also some additional information that **City Engineer DiFranco** also sent him on house rentals so **Council Vice President Kline** wanted to thank them. He stated that he will get the relevant portions out to the rest of Council as it gets closer to a Business Subcommittee Meeting so that everyone can be up to date on this when meeting.

**UNFINISHED BUSINESS (Audio: 36:13 – 36:20)**

None.

**LEGISLATION (Audio: 36:22 – 49:40)**

**ORDINANCE 2021-054 – THIRD 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.**

**Motion** was made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Belich** to adopt Ordinance 2021-054.

**Discussion on the Motion:**

**Councilwoman Taylor Draper** asked for clarification as to whether or not baseball, softball, football, and basketball are held at the City's fields or if they're divvied up.

**Councilman Jarmuszkiewicz** responded that baseball, softball, and football are here. Basketball was subbed out to Willoughby Middle School at one point and the elementary school at another point. Because of the removal of the Browning Center, there's been some changes. With the lack of registration for basketball, we

haven't had basketball for the last couple years. If it's decided to pursue it again, it would probably be through the YMCA or the school systems again.

**Councilwoman Taylor Draper** asked **Councilman Jarmuszkiewicz** to remind the league that the City does have Milestone Fitness Center and they have a state-of-the-art gymnasium that could possibly be an avenue for basketball.

**Council President Hallum** pointed out that there were changes made to the MOU. Item eight (8) was a concern we had and where it said, "exclusive rights to our fields" it was changed to read that they "will have the first choice to use fields for any scheduled game, practice, or league events."

**Councilman Jarmuszkiewicz** stated that the Boys League was started many years ago and has provided many opportunities for a lot of youth over the years, probably since 1957. It's spread out a lot of families, a lot of individuals, a lot of volunteers over the years built these fields and helped it grow. We're proud to have the girls involved with it now. We have the Willoughby Hills Youth Sports Association that's managing the sports.

**Councilman Jarmuszkiewicz** hopes that it will continue to keep growing in the future. Tom Horvath and his late wife Bea did a great job in getting this started and for keeping it going. At 90 some years old, Mr. Horvath is still an active member and still shows up at the meetings.

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

NAYS: None

**Vote:** 7/0

**Motion Carries** to adopt Ordinance 2021-054.

#### **ORDINANCE 2021-055 -- FIRST READING**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

**Motion** made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Taylor Draper** to waive Three Readings on Ordinance 2021-055.

#### **Discussion on the Motion:**

**Councilman Jarmuszkiewicz** stated that he believes it was explained in Monday's meeting that the waving of the rule was necessary for the deadline of the policy to enact a new policy date.

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

NAYS: None

**Vote:** 7/0

**Motion Carries** to waive Three Readings on Ordinance 2021-055.

**Motion** was made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to adopt Ordinance 2021-055.

#### **Discussion on the Motion:**

None.

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

NAYS: None

**Vote:** 7/0

**Motion Carries** to adopt Ordinance 2021-055.

**ORDINANCE 2021-056 – FIRST READING**

**AN ORDINANCE WAIVING THE STIPULATION AS SET FORTH IN PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157-GENERAL EMPLOYMENT PROVISIONS, SECTION 157.05(f) VACATIONS - OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS TO ALLOW CHIEF MATTHEW NAEGELE TO CARRY OVER THIRTY (30) HOURS OF VACATION TIME AND DECLARING AN EMERGENCY.**

Motion made by **Councilwoman Fellows**, seconded by **Councilman Knecht** to waive Three Readings on Ordinance 2021-056.

**Discussion on the Motion:**

**Councilman Jarmuszkiewicz** stated that he believes these hours are earned hours. During COVID, the police did a fantastic job. Chief Naegele was new to his position as Chief this year and spent the extra hours and extra time needed to keep everything going and keeping the people in our City safe.

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

**Motion Carries** to waive Three Readings on Ordinance 2021-056.

Motion was made by **Councilwoman Fellows**, seconded by **Councilman Knecht** to adopt Ordinance 2021-056.

**Discussion on the Motion:**

Council President Hallum responded after the Ordinance was adopted, “Enjoy your vacation, Chief. It’s well deserved.” He also wanted to point out and thank **Mayor Gardner** as this doesn’t really require Council approval but it’s appreciated to be kept in the loop and allowing Council to be aware of what is being done.

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

**Motion Carries** to adopt Ordinance 2021-056.

**RESOLUTION 2021-016 – THIRD 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.**

Motion was made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Belich** to adopt Resolution 2021-016.

**Discussion on the Motion:**

**Councilwoman Taylor Draper** commended the Mayor’s Office and staff for thinking out of the box and coming up with settling for this versus the bonds. It provides greater coverage and she thinks it was a great idea.

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

**Motion Carries** to adopt Resolution 2021-016.

**RESOLUTION 2021-018 – FIRST READING**

**A RESOLUTION COMMENDING FRANK BRICHACEK FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY DURING HIS EMPLOYMENT AS FINANCE DIRECTOR FOR THE CITY OF WILLOUGHBY HILLS.**

**Motion** made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Belich** to waive Three Readings on Resolution 2021-018.

**Discussion on the Motion:**

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

**Motion Carries** to waive Three Readings on Resolution 2021-018.

**Motion** was made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Belich** to adopt Resolution 2021-018.

**Discussion on the Motion:**

**Councilwoman Taylor Draper** stated to **Finance Director Frank Brichacek**, “I am very proud to have you as our as our Finance Director. Thank you.”

**Council Vice President Kline** commented that there was a period of time when the records of the City of Willoughby Hills were not auditable. Speaking as an auditor, CPA firms used to go out and audit municipalities and other governmental bodies during the summer when times were slow and you could just get enough fees in to cover the cost of your personnel. Everybody hated to do audits of municipalities because the records were so terribly kept. You couldn't get through them. It was a disaster. So to see what **Finance Director Brichacek** has been able to do through his years here is quite an accomplishment. **Council Vice President Kline** stated that he thinks both the Finance Department and City should be proud of where we are now. All the residents should realize that any financial records that the City, be it reports or other financial information, you can accept as being correct and error free and that's very significant.

**Council President Hallum** also mentioned that Finance Director Brichacek always has an open door policy, you can go in and talk to him about anything. He'll sit down and patiently explain as he has with many of us – the budget or any questions you have with regard to anything. **Council President Hallum** also mentioned that during COVID **Finance Director Brichacek** was actually effectively managing two budgets because he had to keep track of the money we got with the CARES Act money, which was over a million dollars, plus the City's budget and then those were each audited differently. To come back with a clean audit and both of them come back so well done is exemplary.

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

**Motion Carries** to adopt Resolution 2021-018.

## NEW BUSINESS (Audio: 49:45 – 56:35)

**Councilwoman Taylor Draper** stated that she'd like to discuss a topic that came up during one of the District Meetings that Council had. One of the residents had discussed an issue with the White Road/Bishop Road intersection. **Councilwoman Taylor Draper** said that while she hasn't had to opportunity to speak with any of those individuals yet (only one by email), she took a Saturday afternoon and spent approximately 30 to 40 minutes parked with flashers on to observe the intersection. She observed a lot of people just basically tapping their brake and running the stop sign. There were folks who did the right thing and came to a complete stop and looked both ways, but the majority of folks they tap that brake and they're going. A lot of them were also running stops or just kind of stopping a little bit and running. **Councilwoman Taylor Draper** stated that she can see where if someone's not paying attention, or texting, or yelling at kids in the back, how there could be a fatality. Not that there are no other dangerous streets in our City, because she's sure there are, but because it came to Council's attention, **Councilwoman Taylor Draper** thinks there needs to be something done. She realizes there were comments from **City Engineer DiFranco** about traffic studies and things like that. She stated that while she respects **City Engineer DiFranco's** opinion, "we don't live there." **Councilwoman Taylor Draper** continued on to say, "We're not there 24/7. Mr. Grubiss has commented that he's been on the street, but they're not the folks who live there. The folks who had comments, they live there. It's important that Council takes it seriously. It's important that we try to do something. A big portion of what **City Engineer DiFranco** had to say had to do with human behavior. No, we cannot do anything with people who just don't want to do the right thing, but I think for us to just not do anything and ignore it is irresponsible."

**Councilwoman Taylor Draper** said she did have a conversation with **Mayor Gardner** about it and some of the things witnessed on Saturday. She stated that if she were one of the City's officers, she would have pulled somebody over. Again, it was a Saturday afternoon and people are running around and things like that. She wants to go back and watch a little bit more to get a better idea. She did see people truly just not stopping and it could definitely lead to a fatality. She would hate for that to happen. **Councilwoman Taylor Draper** stated that she just wanted to let the residents who did have concerns know that we are looking into it. We're not making any promises but she does know that **Mayor Gardner's** office and **Chief Naegele** will look into it and try to find a solution – be it a sign or setting police officers there occasionally. Just know that we are looking into it.

**Mayor Gardner** stated that he did have a chance to speak with the Road Superintendent and the Chief about it. He spoke with **City Engineer DiFranco** about it last week. **Mayor Gardner** said that we do have funds in the budget and we'll be putting up stop ahead signs both on White and Bishop in all four directions approaching the intersection. Mr. Grubiss is taking care of that. The Chief is going to, when it gets available, detail the speed trailer over to that area to help slow folks down. **Chief Naegle** had sent officers over there (at a different time of day than **Councilwoman Taylor Draper**) and they did not note as much going through the intersection.

**Mayor Gardner** encouraged **Councilwoman Taylor Draper** to talk to **Chief Naegele** independently. **Chief Naegele** is going to be asking his officers to put a little extra attention into that intersection with a view toward Safety Enforcement.

**Council President Hallum** asked **Mayor Gardner** if the stop ahead signs are just plain signs or are they the LED type.

**Mayor Gardner** responded that they're just regular signs. One of the things that he and **Chief Naegele** have talked about, and might find its way into the budget that you'll be looking at next month, are some of these portable speed camera signs. The trailer is fairly big and can be put up just on regular signposts and they have the sign of the speed limit and an electronic reading of your speed. As many people pointed out, some of this is a behavioral thing. There are not many ways to change traffic behavior. These things cost up to \$4,000 a set. It's not a small investment, but we will be able to repurpose them around the City in different areas. We'll be looking at that next year and hopefully we can help do that as well as several other programs that the Chief is talking about.

**Councilwoman Fellows** stated that, in the past, three of the four houses on that corner were for sale. There was a round about that was considered, which had a different application. It didn't go forward.

**Motion** made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Fellows** to recognize October as being Breast Cancer Awareness month.

**Discussion of the Motion:**

**Council President Hallum** stated that, speaking as someone who lost their mother from breast cancer, this has a special place in his heart. He thanked Council for recognizing that.

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

**NAYS:** None

**Vote:** 7/0

**Motion Carries** to recognize October as Breast Cancer Awareness month.

**PUBLIC PORTION #2 (Audio: 56:37 – 1:01:03)**

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

Public Portion #2 opened at 7:56 p.m.

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

“I am very glad that you all are going to do a Subcommittee and look at how to deal with short term rentals in an Ordinance. I think that's great. But I still have the question, and I'm surprised that Mr. Lucas didn't say anything, about what is happening on Bates because he was waiting for addresses for other AirBnBs around the City before he sent out Cease and Desist letters. I asked at two in the afternoon on Tuesday for addresses. Pete got back to me by 5:55 or 5:45 with addresses. So I hope that you have them and I would like to know if you've sent out those Cease and Desist letters since that is an illegal use of property in residential areas. You had said you were going to do it and all you were doing is waiting on addresses and it was a piece of cake to get them from Pete. Thank you, Pete.”

**Tony Miller, 2857 Hayes Drive, Willoughby Hills, OH 44094** stated the following:

“Thank you for the breast cancer recognition. Vicki is a survivor. Appreciate that. I'm here to update you all on our Citizens Lawsuit. folks, we ran out of time. We ran out of time. The other side delayed, delayed, delayed. Every time we turned around, they were delaying. The last thing that happened was the judge granted a summary judgment which basically ended our case. But by no means did that summary judgment say guilty or not guilty. There was no decision. The judge did not act or say anything about the substance of our case. He just said that the politician in this case, the Councilperson, was granted immunity from prosecution. That's what the judge did. There was no exoneration. There was no saying guilty or not guilty, folks. We just ran out of time. Had we been able to go to court, we have no doubt in our minds that we would've won. Our case was that strong. We respect the judge, but we respectfully disagree with his decision to grant summary judgment and some of the things that he said or he agreed with from that summary judgment. One in particular was stated that a majority of our case happened prior to Nancy Fellows' current term in office, which is totally untrue. We have the facts, the dates, everything. There were two minor things that happened prior to this term in office. The other 18 were still current with this one, but the judge said they were at a majority so it was a draw. It was a no decision. Thank you for your time.”

Public Portion #2 closed at 8:00 p.m.

**Comments following Public Portion:**

**Law Director Lucas** responded to Jenna Bing that he does have the addresses and notices of non-compliance have not gone out.

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

**(Audio: 1:01:20 – 1:06:07)**

**Councilwoman Taylor Draper** stated that she would just like to remind the residents to make sure, as the Mayor said there have been many robberies in the area, please sure you close your garage doors. She commented that sometimes she gets home late and as she's driving she sees a lot of garage doors open around 10:00/11:00 at night. It invites the bad people to want to come and do you harm. So please make sure that you close your garage doors.

**Chief Naegle** added that he recently put something up on Facebook about the increases that we've been seeing in the general area throughout Lake County with auto theft. He stated that he had an opportunity earlier today to see some video that some of the area residents, not necessarily Willoughby Hills but the surrounding communities, had is basically an eyewitness to this happening. The suspects that are coming in are extremely brazen. There was multiple vehicles that came down the streets where they stole cars from and the suspects were on foot just going from driveway to driveway checking cars to see if they're open. And if they come upon that easy one that has the key in it, it's really a simple take for them. In the video that he saw, these were well-lit homes they had. Everything was clear as day. **Chief Naegele's** advice to everybody (which will be added to on Facebook and the City newsletter) is to make sure that you don't allow yourself to become a victim. Have a well-lit property, secure your items keeping personal valuables out of your car, don't leave your keys in the car. What he has seen from the video is that as soon as they came upon a car that was locked, they just ran on to the next one. It's in very brazen fashion that they're doing it. Multiple cars driving down the street, multiple suspects walking through yards in the middle of the night. **Chief Naegele** is asking that everybody be vigilant.

**Mayor Gardner** added that the Chief has done a great job for us. There is a new initiative that started earlier this year. Officers, as they're out on patrol, will try to note if there's an open garage door, if there's a ladder that's too close to your house that can provide ease of entry to somebody. Please, if you do get a note from the Police Department, don't assume it's something bad. Assume that they might be trying to give you some professional, high quality advice. Also, as talked about earlier this year, the flock cameras. These are license plate reading cameras. They are in the process of being installed. One of the things that the **Chief** has told the **Mayor** is that frequently what happens in these cases is that the brazen criminals will enter the City in a stolen vehicle. This is a tool that will alert our officers directly to the MDTs that are in their cars to their dispatcher to let them know and hopefully that leads to one of two good outcomes - either we can catch them or they will leave the City when they see that the area becomes flooded with our officers who are looking for the make, model, and license plate of the car that they're riding around in. We're hoping that that system will be fully online in the next couple of weeks. **Mayor Gardner** thanked **Chief Naegele** for being proactive. That's some of the use of our CARES Act money that we didn't spend the last year. Hopefully, it's a lot harder to commit crimes in Willoughby Hills and we'll go from there.

**Council President Hallum** pointed out that for anyone who did not receive the mailing about the Charter Amendments that are on the ballot for November 2<sup>nd</sup>, please make sure you let Council know if you don't have one. There are extra copies available and if you ask the Council Clerk, she can get one for you. If you have any questions about it, contact one of the Commission members. They're very easy to reach and they'll respond. **Council President Hallum** added that it's very important – a change to our Charter, our Constitution, and we definitely want you to be educated when you go to vote.

**ADJOURNMENT (Audio: 1:06:09 – 1:06:30)**

**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 October 14, 2021.

**The meeting was adjourned at 8:06 p.m.**

**APPROVED:** November 11, 2021  
Date

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

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