
Regular Council Meeting Minutes of October 12, 2023

The Regular Council Meeting was called to order on Thursday, October 12, 2023 at 7:00 p.m. in Council Chambers. **Council Vice President Kline** presided.

Call to Order 7:00 p.m. (Audio: 0:13)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:22)

ROLL CALL (Audio: 0:44)

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

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

DISPOSITION OF THE JOURNAL (Audio: 1:17)

Motion made by **Council Vice President Kline** seconded by **Councilwoman Belich** to approve the minutes of the September 28, 2023 Special Meeting of Council.

Discussion on the Motion:

None.

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

NAYS: None

Vote: 7/0

Motion carries to approve the meeting minutes of the September 28, 2023 Special Meeting of Council.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 2:13)

10/11/2023 Email from Karen Mehollin RE: Deer Permit Packets - update

10/10/2023 Email from Karen Mehollin Re: PC-ABR Mtg 10.19.23

10/10/2023 Email from Karen Mehollin Re: Willoughby Hills Seniors Inc. Ordinance

10/10/2023 Email from Stephanie E. Landgraf RE: CRA Documents

10/09/2023 Email from Dan Knecht RE: Monday Committee Meeting

10/09/2023 Email from Gloria Majeski Re: Charter Provision for Public Notice

10/09/2023 Email from Finance Director RE: OPBA Contract

10/09/2023 Email from Naegele, Matthew RE: Amended Memo

10/09/2023 Email from Thomas Lobe Re: CRA documents

10/09/2023 Email from Domain address [Postmaster] Messages for council@willoughbyhills-oh.gov

10/09/2023 Email from Willoughby Hills Finance Dept. RE: Codification for the City of Willoughby Hills

10/09/2023 Email from Karen Mehollin RE: Electronic Recycle Day
 10/09/2023 Email from whdrane1@aol.com Re: Codification for the City of Willoughby Hills
 10/09/2023 Email from Karen Mehollin RE: Deer Management Update
 10/08/2023 Email from Gloria Majeski RE: Charter Provision for Public Notice
 10/08/2023 Email from Michael C. Lucas RE: Dispatcher Ordinance ExhibitA
 10/07/2023 Email from Ben Reutter RE: Campaign sign
 10/06/2023 Email from whdrane1@aol.com Re: Codification for the City of Willoughby Hills
 10/06/2023 Email from Robert J. Gandee FW: [EXTERNAL] 222034 - Willoughby Hills FD Update
 10/06/2023 Email from Robert J. Gandee RE: Sheetz, 28601 Chardon Road, Willoughby Hills
 10/06/2023 Email from Finance Director RE: INSURANCE RENEWAL
 10/06/2023 Email from Willoughby Hills Finance Dept. RE: NEW HUNTINGTON CREDIT CARD
 10/05/2023 Email from bza RE: WH BZA Meeting 10/10/23 8:00 PM -- CANCELLED 10/5/23
 10/05/2023 Email from Michael C. Lucas RE: Revised Ordinance No. 2023-055
 10/05/2023 Email from Tanya Taylor Draper Re: Resubmittal - West Pines Subdivision - SOM Center
 10/04/2023 Email from Mayor Gardner Re: Sheetz, 28601 Chardon Road, Willoughby Hills
 10/03/2023 Email from whdrane1@aol.com Re: Codification for the City of Willoughby Hills
 10/03/2023 Email from Michael C. Lucas RE: Sheetz, 28601 Chardon Road, Willoughby Hills
 10/03/2023 Email from Michael C. Lucas RE: Ordinances & Exhibits for Patrolmens & Dispatchers CBAs
 10/03/2023 Email from Michael C. Lucas RE: Ordinance and Exhibit A, MOU
 10/03/2023 Email from Pietro DiFranco FW: PID 113000 LAK-006-04.61 Super; Prelim Consent Legis
 10/03/2023 Email from Gloria Majeski RE: Copy of Kirtland's Sr. Levy App to Assist in WH Submission
 10/03/2023 Email from Gloria Majeski Re: Ohio Municipal Clerks Association Forum Thread
 10/02/2023 Email from whdrane1@aol.com Re: Codification for the City of Willoughby Hills
 10/02/2023 Email from Willoughby Hills Finance Dept. RE: SENIOR CENTER
 09/30/2023 Email from John T Plecnik RE: Commissioner Plecnik's SALUTE to Wine Country
 09/29/2023 Email from Mark Grubiss RE: District Signs
 09/29/2023 Email from Stephanie Kellner Re: Adopted Legislation - Willoughby Hills | September
 09/29/2023 Email from Semik, Debbie RE: District Signs
 09/29/2023 Email from Building Dept. RE: Fall District Signs
 09/29/2023 Email from Semik, Debbie FW: Public Records Request
 09/28/2023 Email from pc-abr FW: WH NOTIFICATION for 8/21/23 Civil Service Meeting
 09/28/2023 Email from Katherine D. Lloyd Fw: Case 2023-03 Legal Notice (signed)- 2829 Orchard.pdf
 09/28/2023 Email from Michael Tobin RE: civil service commission
 09/28/2023 Email from Julie Belich RE: Deer Management Ordinance
 09/28/2023 Email from NOACA RE: Attend NOACA's 2023 Annual Meeting
 09/27/2023 Email from Gloria Majeski Re: Request for Senior Tax Levy Info

PUBLIC PORTION #1 (Audio: 2:37)

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

Public Portion #1 opened at 7:02 p.m.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094 asked for more detail regarding Ordinances 2023-050 and 2023-51. She stated she had a difficult time looking on the website to find any information, and asked for an exact number being spent on the contract. Ms. Bing would like more transparency on the budget and specific numbers on Police and Fire salaries and how that translates to the overall city budget.

Jennifer Varro, 2890 SOM Center Road, Willoughby Hills, OH 44094 thanked City Engineer DiFranco for his thoroughness and detail with regard to the West Pines project. Ms. Varro asked for clarity as to when projects receive approval and when approval goes into effect.

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

Council President Hallum stated that Council had requested salary history and specific numbers for Ordinances 2023-050 and 2023-51, and a copy could be provided. He also stated he had asked Law Director Lucas for the redlined copy of the contracts and those would be available as well.

Law Director Lucas explained the administrative agency approval process.

MAYOR'S REPORT (Audio: 8:57)

Mayor Gardner reported:

- Chief Gandee, Lieutenant DiMattia and Firefighters Lucic and Martin traveled to Sioux City, SC to inspect the recently completely fire engine which passed inspection pending some minor adjustments. Photos will be in tomorrow's newsletter. Final touches will be completed in Southern Ohio and the vehicle will be delivered to the City, followed by training. It should be in service by mid-December. The Mayor listed many new features, and thanked the Fire Department team for their work on the project, as well as former Finance Director, Frank Brichacek and current Finance Director, Bruce Scott. He stated there will be a Push In and First Wash Ceremony. He explained the history and said details will be in an upcoming newsletter.
- Congratulations to Firefighter Bob Vencl on his promotion to Lieutenant. He replaces retired Lieutenant Patty Heller.
- Electronic Recycling day is this Saturday from 9 a.m. to 12 p.m. There is a nominal fee for some items, check the newsletter for more details.
- Trivia Night is next Tuesday in the O'Ryan Room.
- The kids' Halloween Party is next Friday, October 20 at 6 p.m. in the Community Center.
- Thanks to all who participated in the Fall Craft Show.
- Received the quarterly report from the Noise Abatement Council. He thanked Gary Pratt for his work and the detailed report. The Mayor read from the report.

Questions/comments following Law Director's Report:

Councilwoman Belich asked for clarity on the low flying complaint.

Mayor Gardner responded that the complaint noted a low flying aircraft at 8:50 a.m., however, it was not during the noise abatement hours.

LAW DIRECTOR'S REPORT

Law Director Lucas stated as a point of information, a question came up at the Work Session of Council on Monday: Where was the TREX license being transferred from? Mr. Lucas clarified the location as Perry Township in Canton, Ohio. He then read specifics from the report (Audio 17:37)

Questions/comments following Law Director's Report:

Councilman Jarmuszkiewicz asked if there are a specific number of TREX licenses allocated per area?

Law Director Lucas responded that the TREX licenses are not allocated per area. He explained the process further.

FINANCE DIRECTOR'S REPORT (Audio: 21:00)

Finance Director Scott reported that September financials have been uploaded to the website along with the Open Checkbook. He then highlighted the revenues collected.

Questions/comments following Finance Director's Report:

None.

CITY ENGINEER'S REPORT (Audio: 22:17)

City Engineer DiFranco recommended approving Ordinance 2023-053. This Ordinance is for the replacement of the Chardon Road bridge over the Chagrin River. Construction is planned for 2025. The Ohio Department of Transportation (ODOT) is doing the complete design and construction. The Ordinance is just stating our cooperation. There is no cost to the City.

He also recommends keeping Resolution 2023-017 on third reading. It is for the preliminary plat of the West Pines Subdivision. Mr. DiFranco met with Polaris, the engineer, this morning, and they are working through comments and plan to be on the November 16, 2023 Planning Commission agenda.

Questions/comments following City Engineer's Report:

None.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio 23:22)

PC-ABR reported by Councilwoman Taylor Draper

Councilwoman Taylor Draper reported:

- Planning & Zoning Commission Architectural Board of Review met on October 5. There was no business during the ABR portion
- During the Planning portion of the meeting, they approved a split lot at 36775 and 36851 Eagle Road; the group denied an extension for the West Pines Subdivision on SOM Center Road. Preliminary approval was granted to the Chardon Bishop Plaza redevelopment. A sketch is being finalized and will be submitted for approval.

Questions/comments:

Councilman Jarmuszkiewicz questioned the status of the West Pines Subdivision?

Councilwoman Taylor Draper explained that the approval time had not yet expired. It will not expire until November 30.

Beautification Committee reported by Councilwoman Taylor Draper

No report.

Recreation Commission reported by Councilman Jarmuszkiewicz

Councilman Jarmuszkiewicz reported:

- The Fall Craft Show was a big success and was well attended, however, it once again highlighted the need for a sound system for announcements, and improved Wi-Fi throughout the building for vendor sales.
- The kids' Halloween Party is October 20 from 6-8 p.m.
- A proposal has been submitted to the Commission to convert an existing tennis court into a dual-use Pickleball court; He is hoping to get approval to proceed.
- Flag football league is ongoing for three more weekends; stop by on Saturday mornings.
- The Recreation Commission is looking for new members

Questions/comments:

Councilwoman Belich asked for if any local schools utilized the tennis courts?

Councilman Jarmuszkiewicz stated he was unaware of any schools or groups using the tennis courts, only a few individuals from time to time, and reiterated it would be converted to dual purpose if approved.

Finance Committee Report by Council Vice President Kline

No report.

WHISPER reported by Councilwoman Miller

No report.

Deer Management Committee reported by Councilwoman Belich

No report.

Business Subcommittee – reported by Council Vice President Kline

No report.

UNFINISHED BUSINESS (Audio: 31:07)

Councilwoman Taylor Draper said after giving her report for the Community Center Task Force on Monday at the Working Committee of Council meeting, she neglected to provide a suggested repairs and maintenance spreadsheet to Council. Council Clerk will provide copies.

LEGISLATION (Audio: 32:17)

ORDINANCE 2023-039 – THIRD READING

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

Council President Hallum stated this will remain on Third Reading.

ORDINANCE 2023-050 – FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION-DISPATCHERS, AND DECLARING AN EMERGENCY.

Council President Hallum stated this will remain on First Reading.

ORDINANCE 2023-051 – FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.

Council President Hallum stated this will remain on First Reading.

ORDINANCE 2023-052 – FIRST READING

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TEAMSTERS LOCAL UNION NO. 436 TO CLARIFY THE PLACEMENT OF BARGAINING UNIT EMPLOYEES IN THE “ROAD CREW” CLASSIFICATIONS IDENTIFIED AT APPENDIX A OF THE PARTIES’ COLLECTIVE BARGAINING AGREEMENT, AND DECLARING AN EMERGENCY.

Motion made by Councilman Jarmuszkiewicz, seconded by Councilman Knecht to waive the Three Readings on Ordinance 2023-052.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated some detail was left out of the original agreement and this Ordinance clarifies that.

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

Motion carries to waive the Three Readings on Ordinance 2023-052.

Motion made by Councilman Jarmuszkiewicz, seconded by Councilman Knecht to adopt Ordinance 2023-052.

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

Motion carries to adopt Ordinance 2023-052.

ORDINANCE 2023-053 – FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS RELATING TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PROJECT NO. 113000 PROVIDING FOR REPLACEMENT OF THE SUPERSTRUCTURE OF THE CHARDON ROAD (US-6) BRIDGE OVER THE CHAGRIN RIVER IN WILLOUGHBY HILLS, AND DECLARING AN EMERGENCY.

Motion made by Councilwoman Taylor Draper, seconded by Councilwoman Belich to waive the Three Readings on Ordinance 2023-053.

Discussion on the Motion:

Councilwoman Taylor Draper stated this is a standard preliminary agreement with ODOT, and the project is also fully funded by them.

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

Motion carries to waive the Three Readings on Ordinance 2023-053.

Motion made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Belich** to adopt Ordinance 2023-053.

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

Motion carries to adopt Ordinance 2023-053.

ORDINANCE 2023-054 – 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 **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper** to waive the Three Readings on Ordinance 2023-054.

Discussion on the Motion:

Councilwoman Miller stated this is for the general liability coverage, and it is necessary to pass before expiration.

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

Motion carries to waive the Three Readings on Ordinance 2023-054.

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper** to adopt Ordinance 2023-054.

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

Motion carries to adopt Ordinance 2023-054.

RESOLUTION 2023-017 – THIRD READING

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR WEST PINES SUBDIVISION, A SINGLE FAMILY RESIDENTIAL SUBDIVISION LOCATED ON S.O.M CENTER ROAD, WILLOUGHBY HILLS, OHIO.

Council President Hallum stated this will remain on Third Reading.

RESOLUTION 2023-018 – THIRD READING

A RESOLUTION AUTHORIZING AN EXPENDITURE OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR THE PURCHASE AND SUBSCRIPTION OF FLOCK SAFETY EQUIPMENT FROM FLOCK GROUP, INC. FOR A FIVE (5) YEAR TERM FOR USE BY THE WILLOUGHBY HILLS POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper** to adopt Resolution 2023-018.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated this is for a five-year contract for a system that has proven to be useful to the Police Department to keep citizens safer.

Councilwoman Belich clarified the \$100,000 agreement is divided into five years, so it is \$20,000 per year for the next five years.

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

Motion carries to adopt Resolution 2023-018.

NEW BUSINESS:

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper** to approve the TREX license transfer to Sheetz location in Willoughby Hills.

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

Motion passes to approve the TREX license transfer to Sheetz location in Willoughby Hills.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to declare the following damaged or outdated Police Department equipment as surplus: Samsung Chromebook #1382M, Samsung Chromebook #1842K, HP Pro Book # 61Y69, HP Pro Book # 92FGQ, HP Color Laser Jet C2025, Ricoh Printer/Fax, Radar Device: Stalker Dual Mount Radar w/ two cones (s/n 200-0430-00).

Discussion on the Motion:

Councilman Jarmuszkiewicz stated the equipment is outdated and no longer usable. It would be beneficial to use our electronic recycling program this weekend.

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

Motion passes to declare the following damaged or outdated Police Department equipment as surplus: Samsung Chromebook #1382M, Samsung Chromebook #1842K, HP Pro Book # 61Y69, HP Pro Book # 92FGQ, HP Color Laser Jet C2025, Ricoh Printer/Fax, Radar Device: Stalker Dual Mount Radar w/ two cones (s/n 200-0430-00).

PUBLIC PORTION #2 (Audio: 44:07)

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

Public Portion #2 opened at 7:44 p.m.

Jennifer Varro, 2890 SOM Center Road, Willoughby Hills, OH 44094 thanked Law Director Lucas for his initial comments, however, she would like a further explanation regarding minutes approval specifically in reference to West Pines Subdivision project.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094 agreed with Ms. Varro and also asked for clarity; she referenced PCABR meetings. She then inquired as to the status of the WHISPER program. She would like to see records relating to tasks performed, tasks denied, a volunteer log, expenditures, and donations. Ms. Bing is looking for documents on the website, but could not find any. She is requesting transparency in that program.

Public Portion #2 closed at 7:49 p.m.

Questions/comments following Public Portion #2:

Council President Hallum explained to Ms. Varro that with Council, ordinances that are passed without an emergency clause go into effect after 30 days; with an emergency clause, they go into effect immediately.

Law Director Lucas followed by saying President Hallum is correct in his statement regarding Council. He went on to say that with administrative agencies, such as the Planning Commission and Board of Architectural Review, the triggering event is not when members vote, but when the final minutes are approved. He explained further (Audio: 51:11).

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

No one spoke.

ADJOURNMENT (Audio: 55:30)

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

Discussion on the Motion:

None.

Roll Call: AYES: Belich, Hallum, Jarmuszkiewicz, Kline, Knecht, Miller, Taylor Draper
NAYS: None
Vote: 7/0

The meeting was adjourned at 7:55 p.m.

APPROVED: October 26, 2023
Date



Christopher Hallum
President of Council

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