
Working Committee of Council and Rules & Legislation Meeting

Minutes of September 9, 2024

Working Committee of Council and Rules & Legislation Meeting was called to order on September 9, 2024 at 6:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 6:00 p.m. (0:03)

ROLL CALL (Audio: 0:25)

Members Present: Council Vice President Tanya Taylor Draper, Councilwoman Julie A. Belich, Councilman Joe Jarmuszkiewicz, Council President Michael Kline, Councilwoman Vicki Miller, and Councilwoman Kathleen Sivo

Also Present: Mayor Hallum, Finance Director Bruce Scott, and Law Director Michael C. Lucas

Absent: City Engineer Pete DiFranco, Councilman Dan Knecht

BEGINNING DISPOSITION: (Audio 0:43)

ORDINANCE 2024-032–THIRD READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO ELIMINATE INACTIVE FUND ACCOUNTS WITH A ZERO BALANCE THEREBY REMOVING THEM FROM THE MONTHLY REPORTING STATEMENTS AND REPEALING CONFLICTING LEGISLATION.

- **Council President Kline** opened for questions.
- No comments were made.

ORDINANCE 2024-033–THIRD READING

AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND DEDICATION OF GIOVANNI AVENUE, LOCATED IN THE WEST PINES SUBDIVISION, AS A STREET FOR PUBLIC ROAD PURPOSES, AND DECLARING AN EMERGENCY.

- **Council President Kline** opened for questions.
- No comments were made.

ORDINANCE 2024-039-FIRST READING

AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND DEDICATION OF ANDREWS LANE, LOCATED IN MAYPINES PARK SUBDIVISION NO. 2, AS A STREET FOR PUBLIC ROAD PURPOSES, AND DECLARING AN EMERGENCY.

- **Council President Kline** opened for questions.
- No comments were made.

ORDINANCE 2024-040-FIRST READING

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS REQUIRED TO THEREBY ENTER INTO A SERVICE AGREEMENT WITH THE BREWER-GARRETT COMPANY REGARDING HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) SERVICES AND DECLARING AN EMERGENCY.

- **Council President Kline** asked Mayor Hallum if he had any comments on this Ordinance.
- **Mayor Hallum** commented that he has been talking to Brewer-Garrett, they are the ones who did the air conditioning for the Police Station. He has been very happy with their service. He thought it was a good opportunity to have a competitive quote for all the work the City had previously been having done, and felt like the Brewer-Garrett pricing was reasonable. They felt that Brewer-Garrett was the better option and they will do a better job rectifying some of the issues these building were having and continue to have both here and at the Community Center.
- **Councilman Jarmuszkiewicz** asked if there three different quotes for three different vendors on that?
- **Mayor Hallum** responded we don't have to quote this, it's under the price for quotes.
- **Councilwoman Miller** asked if the City had someone already doing a similar work and whether we know the amount of the previous contract?
- **Mayor Hallum** responded saying that he could provide this to her, as he does not have this readily available currently. He met with them and Mark Grubiss and thought Brewer-Garrett was the better choice. He trusts their expertise.
- **Councilwoman Miller** asked if we already have another vendor who provides similar services.
- **Mayor Hallum** confirmed. He stated that an old Ordinance was used to create this because there was an incorrect account number on this Ordinance in section 1. This will need to be modified before the Regular Council meeting.
- **Council Vice President Taylor Draper** asked if it was correct that the total is \$35,000 per year, and if we would be making monthly payments.
- **Mayor Hallum** confirmed.
- **Council Vice President Taylor Draper** asked about the five percent every year, and if the price would go up every year.
- **Mayor Hallum** stated that this is a three-year agreement, and the price will not exceed that amount if it does go up. This is standard for these contracts.

- **Councilwoman Miller** asked if this could potentially go up years 2 and 3.
- **Mayor Hallum** stated he recollected that they guaranteed the first 2 years.
- **Law Director Lucas** stated that it is locked-in the first 2 years.
- **Councilwoman Miller** asked if this was a 5-year contract.
- **Law Director Lucas** confirmed.
- **Finance Director Scott** stated that Brewer Garret is the same company installing the new HVAC system in City Hall, so there is some synergy with the same company performing the annual maintenance. Also, the costs are similar but there is potential cost savings based on what is included in the agreement.
- **Council Vice President Taylor Draper** asked if Brewer-Garrett would come and fix potential problems with HVAC services free of charge if we were to have issues.
- **Mayor Hallum** confirmed, but with exception of the Fire Department which is maintained differently, as well as the Service Department. This building including the Police Station and the Community Center would be covered.
- **Council President Kline** asked if this was time sensitive and if this should be passed this week.
- **Mayor Hallum** responded saying he would like to get this passed this week because there are problems at the Community Center and the sooner this were to be passed, the sooner these issues can get resolved.

RESOLUTION 2024-020-FIRST READING

A RESOLUTION ACCEPTING THE FINAL PLAT FOR MAYPINE PARK SUBDIVISION NO. 2, A SINGLE FAMILY RESIDENTIAL SUBDIVISION LOCATED ON WHITE ROAD, WILLOUGHBY HILLS, OHIO, AND DECLARING AN EMERGENCY.

- **Council President Kline** opened for questions.
- No comments were made.

RESOLUTION 2024-022-FIRST READING

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY.

- **Mayor Hallum** responded saying this is for getting grants for various projects. This is one of the requirements that has to be agreed to in order to get grants.
- **Councilwoman Miller** asked if they knew when River Road would be repaved.
- **Mayor Hallum** responded they do not have a set time for that, as it is in the very early stages.
- **Councilwoman Miller** asked about the progression of the paving of the other roads.
- **Mayor Hallum** responded saying this is done annually and they have discussed the budgetary time for

this. Discussions on this for next year will occur soon.

- **Councilwoman Belich** stated she assumed that the delay in the paving process is related to gathering funds and being prepared to pay for it. She asked once this goes through and the money is applied for, how long would it take for the money to kick in? How quickly after we receive it would we need to spend the funds?
- **Mayor Hallum** responded saying 2026 is when it would be done. Just like any other project where we would be sharing in the cost, we would have to budget for it in 2026.
- **Councilwoman Belich** asked if by applying for it now, we would have the money for 2026, assuming they agree to award the money.
- **Mayor Hallum** confirmed.

Discussion of late night and early morning commercial deliveries (Audio 12:37)

- **Council Vice President Taylor Draper** wanted to reach out to this body to discuss the need to address after hour and overnight deliveries in various businesses in the City. Particularly in the West end. Businesses like O'Reilly Auto Parts, Zoom, Aldi, McDonalds have been the source of some residents' complaints. The complaints she is getting from the residents is that they are being awakened at 2:00-3:00 in the morning with the sounds of trucks backing up, doors slamming, metal against metal, and loud voices. This has been disruptive to their way of life. The City does not have any type of articles or specific Ordinance that address this issue with the exception of the City's noise Ordinance. While she doesn't have all the answers right now, she is doing research and has reached out to Wickliffe and Eastlake to understand how they are resolving this issue. She expressed her concern for the residents who need good sleep for their jobs, specifically, people who work in machinery who could end up hurting people or parents who need to have all their attention on their kids. These disruptions are a nightly occurrence. She spoke with O'Reilly and they have altered their delivery schedules. They have told her that the timing of the deliveries is up to those shipping the supplies, and the businesses do not have much control over what they do. Zoom, Aldi, and McDonalds have been very helpful with trying to alter how things are going on a daily basis. She expressed that O'Reilly gave her a lot of trouble, yet she was persistent. People are being awakened in the middle of the night and their sleep is being heavily disrupted. This is something that she herself has experienced at Stratford Place. She was also getting complaints from Steeple Run. She expressed how unfair and inconsiderate she felt it was to dismiss the complaints as a sacrifice residents have to make for buying this property. She felt this really needs to be addressed. According to the noise Ordinance, the noise would have to persist from 10 minutes to an hour between 10:00pm and 7:00am. It would be impractical to have a police officer sit there, so she believes something should be put into place such as noise monitors that measure sound decibels. While these companies are on schedules and deliver at certain times, they could deliver elsewhere where there are no homes and business nearby. This is something that has bothered her for a while because she has experienced it herself. It is disruptive to the residents' way of life and unsafe for their work. This is not a one off situation, it is a nightly occurrence. She emphasized that she wants commerce in the City, but she doesn't believe commerce should be more important than the safety and health of the residents. She concluded urging discussions of this to go forward, as this has been an ongoing issue.
- **Councilman Jarmuszkiewicz** asked which businesses in particular were being complained about.
- **Council Vice President Taylor Draper** responded saying that O'Reilly was a big problem for a while, but when she had spoken to their district manager, they were able to alter the delivery schedule. They changed this to 6:30 in the morning as opposed to 2:00-3:00 in the morning. The residents from Steeplechase, that are right behind these businesses, have been disturbed by the loud voices that they hear during these deliveries.
- **Councilman Jarmuszkiewicz** responded saying that this was a fine line because businesses have to supply themselves and this can't always be done during store hours. He was unsure of how they would deliver their products and questioned if this would make businesses move out.

- **Council Vice President Taylor Draper** responded saying that they should have no delivery hours during certain times in the City. This is something she felt could be done. O'Reilly was able to solve this issue with a phone call. She wanted to inform Council of this issue and work towards a solution, since these businesses are right up against the backyards of many of these homes.
- **Councilman Jarmuszkiewicz** commented on the drive-thru noise and loud speakers at McDonalds.
- **Council Vice President Taylor Draper** responded saying that McDonalds has worked with her on noise by putting up signs encouraging customers to turn their music down. They are trying to address the issue. It is not a matter of saying businesses can't have their products delivered, it is a matter of when and where. When she spoke to O'Reilly she asked if they could go to a place where residents were not around, and they were able to manage this. This is possible and can be done.
- **Councilwoman Belich** asked if this is a new issue since these businesses have been there for a long time.
- **Council Vice President Taylor Draper** responded saying she was unsure, but this started mid to late last year. She was unsure if they had changed their companies or what other factors could have contributed to this issue arising. She was speaking to what she had been told recently.
- **Council President Kline** stated that he understood why product deliveries could be problematic for perishable goods that have to get in and be refrigerated. However, he agreed that auto parts would not have to be delivered during the night and could be scheduled around. He thought it would be interesting to see how other cities have handled this.
- **Council Vice President Taylor Draper** responded saying she will come back to this body when she has more information.

PUBLIC PORTION: (Audio 26:57)

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

- Public Portion opened at 6:27 p.m.
- Public Portion closed at 6:27 p.m.

LEGISLATION: (Audio 27:20)

- **Council Vice President Taylor Draper** asked if Ordinance 2024-033 should be amended.
- **Mayor Hallum** clarified that they were going to change the name of Giovanni Avenue to Giovanni Court, but ultimately decided against it.
- **Councilwoman Belich** asked to go through the pieces of legislation on first reading to understand which items needed to be passed this week.
- **Council President Kline and Mayor Hallum** stated that Ordinance 2024-039, relating to the dedication of Andrews Lane, was not urgent, but City Engineer DiFranco may say something different on Thursday.
- **Mayor Hallum** requested that Ordinance 2024-040, which related to HVAC services, be passed during Regular Council on Thursday. He also stated that Resolution 2024-020, which related to the acceptance of the Maypine final plat, could remain on first reading. Resolution 2024-022, which related to submitting an application to participate in the Ohio Public Works Commission, should be passed on Thursday.

Discussion Items

- **Councilman Jarmuszkiewicz** asked if the City is allowed to put restrictions on Airbnb short-term rentals while it's in litigation.
- **Council President Kline** stated that he and Law Director Lucas had discussed putting in place an Ordinance regarding short-term rentals.
- **Councilman Jarmuszkiewicz** asked if this would be limited to a discussion or if something would be put together.
- **Council President Kline** stated that this could be discussed in minimal detail now, or it could be discussed at a Working Committee or a subcommittee. Either way, the end result would be the same and it would still be before Council.
- **Mayor Hallum** stated it would be nice to have a subcommittee on this because the quorum is smaller so it would be easier to meet more often because it would only require 2 people available. This would also move the process along faster to start discussions and mapping out plans.
- **Council President Kline** stated he would like to have some input and decide which direction to go on this by Thursday evening. He also reminded the public that there is a blood drive coming up before the next Council Meeting.
- **Councilwoman Sivo** asked **Mayor Hallum** if he has heard anything from **City Engineer DiFranco** about the update for Chardon Rd.
- **Mayor Hallum** stated he spoke with Ronnie from Ronyak and they are still on schedule for mid-October.
- **Councilwoman Sivo** stated she had received multiple complaints about mail not being delivered, as well as Republic stating that they are working with the City about pick-ups.
- **Mayor Hallum** stated there were some issues the first couple of times, but that has been all worked out, from his understanding. He talked with the supervisor from Ronyak and reminded him that they are on a day delay. They are on an email chain with Republic so everyone is in communication.
- **Councilwoman Sivo** stated multiple residents received notes in their mailbox saying that it was dangerous do to the construction.
- **Mayor Hallum** stated that a reason the mail might not be delivered is if they are working in the area where the mailboxes are.
- **Councilwoman Sivo** stated she had spoken to a woman on Rockefeller Road who had received the same note as her, saying it was dangerous for the mail to be delivered due to the construction.
- **Mayor Hallum** stated they had a lot of violation written for people turning the wrong way. He had emphasized that this was necessary because it is very dangerous. He had spoken to a resident who got cited last week because she pulled out of the Sun Plum Market the wrong way and got caught. They closed certain entrances and exits, added more cones, added more signs on every exit so that the public can be aware of this. He stated saying this was temporary, and that he was very thankful there has not been an accident, especially because a box truck had gone through there today.
- **Council Vice President Taylor Draper** asked for an update on the cell towers.

- **Mayor Hallum** stated he is on the sixth and seventh location for cell tower building. He is still looking. He said that it is too early to say right now, but the person he is currently talking to seems willing to sell a piece of their land to construct a cell tower. He has both companies looking to see if this location would be workable for them. He said that this looks promising.
- **Council Vice President Taylor Draper** asked if there was a way for the cell tower companies can come speak before Council so that she and Council could learn more about this and have their questions answered.
- **Mayor Hallum** responded saying that if they find a location, they will be presenting to Council. There will be 2 companies that will come in bidding, similar to last time. Council will have the opportunity to ask questions.
- **Councilwoman Miller** asked if there had been workable locations that cell phone companies would not be interested in.
- **Mayor Hallum** responded saying there have been several issues. Some workable locations were not of the interest of cell phone companies. There have been issues where they had found a workable location but the resident was unwilling to sell any of their property. There were also locations that would not meet the zoning code. These have been the three main issues. Hopefully, this new location will avoid all of this.

ADJOURNMENT: (Audio 41:20)

Roll Call: AYES: Taylor Draper, Belich, Jarmuskiewicz, Kline, Miller, Sivo
NAYS: None
ABSENT: Knecht
Vote: 6/0

The meeting was adjourned the meeting at 6:42 p.m.

APPROVED: SEPTEMBER 26, 2024
 Date


Michael Kline
President of Council

ATTEST: 
Nicholas Aiello
Clerk of Council