City of Willoughby Hills

Working Committee of Council and Rules & Legislation Meeting

Minutes of September 23, 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: Councilwoman Julie A. Belich, Councilman Jarmuszkiewicz, Councilman Dan Knecht, Joe Jarmuszkiewicz, Council President Michael Kline, Councilwoman Vicki Miller, and Councilwoman Kathleen Sivo, Council Vice President Tanya Taylor Draper

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

Absent: City Engineer Pete DiFranco

BEGINNING DISPOSITION: (Audio 0:43)

ORDINANCE 2024-039-SECOND 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.

- **Councilwoman Belich** asked if this should be passed this week during the Regular Meeting of Council or stay on second reading.
- **Mayor Hallum** responded saying it was his understanding that City Engineer DiFranco wanted this for at least 2 readings.
- **Mayor Hallum** asked Council what their preference was in terms of when they wanted to vote on this Ordinance.
- **Councilman Jarmuszkiewicz** stated he would like to see this read 3 times, similar to other legislation similar to this.
- **Council President Kline** agreed, unless City Engineer DiFranco states otherwise during the Regular Meeting of Council Thursday.

ORDINANCE 2024-041-FIRST READING

AN ORDINANCE ESTABLISHING AN ANNUAL SALARY FOR THE MAGISTRATE OF THE CITY OF WILLOUGHBY HILLS MAYOR'S COURT; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

- **Councilman Jarmuszkiewicz** asked for clarification about the wording of this legislation, since it reads "establishing an annual salary" and the Magistrate already has an annual salary. He asked if this was simply an increase.

- **Mayor Hallum** confirmed that this was an increase, and this legislation was written this way because past pieces of legislation similar to this used similar wording.

- **Councilwoman Belich** asked how the percentage amount of increase is determined.

- **Mayor Hallum** stated that he spoke with the Finance Director to determine this. He believes that his raise may not be as big as it should be, since he has been with the City since 2012. Larry is fantastic and does an excellent job in professionally handling Mayor's Court affairs. He believes him not receiving a raise sooner was an overlook.

- **Councilwoman Miller** asked what the percentage would equal out in dollars.

- **Mayor Hallum** responded that it comes out to $14,000 a year.

- **Council President Kline** asked if $14,000 would be his salary adjusted after the raise.

- **Mayor Hallum** confirmed.

- **Council President Kline** stated that the Court Magistrate is a very part-time position, so 4 and half percent on a small amount would still be a small amount.

- **Mayor Hallum** confirmed, stating he was at $13,000 and change prior, which is about a 450 dollar a year raise.

- **Council President Kline** asked if it would be the desire of Council to pass this on Thursday during the Regular Meeting of Council.

- **Mayor Hallum** confirmed, and stated if Council feels that his raise should be higher, he strongly encouraged their input.

- **Councilwoman Belich** asked if there are comparables or other positions in other communities to look at when making this decision.

- **Mayor Hallum** confirmed, however, he made the point that other communities may not have a magistrate that has been here as long as Larry has. He stated that since he hasn't had a raise in 12 years, they wanted to give him a raise to show their appreciation to him and they hope he will continue to stay with the City.

- **Councilwoman Miller** asked what the average monthly hours that go into this position are.

- **Mayor Hallum** responded saying that Court is twice a month, and he is year about 4-6 hours each time.

- **Councilwoman Belich** asked if there was a reason he didn't get a raise until now.

- **Mayor Hallum** responded saying he thought it was an overlook from previous administrations. He stated he was thankful that he stayed, and for the record, he is a resident of the City.

ORDINANCE 2024-042-FIRST READING
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

- **Councilman Jarmuszkiewicz** asked if this will be the insurance coverage for 2025.

- **Finance Director Scott** stated the contract begins 10/17/2024 and runs through 10/17/2025.

- **Vice President Tanya Taylor Draper** asked about the frivolous lawsuit and the insurance company when members of the Council and volunteers of the community were sued.

- **Law Director Lucas** asked if she was speaking about the frivolous lawsuit that was filed by members of Council against the party that originally sued.

- **Vice President Tanya Taylor Draper** stated she was speaking of the frivolous lawsuit from the Nancy Fellows party against this group.

- **Law Director Lucas** stated they declined coverage because the allegations included criminal acts. They declined coverage based on an exclusion within the policy itself.

- **Vice President Tanya Taylor Draper** asked if when it was determined in the end that this didn't happen, if they went back and revisit the dollars with the insurance company.

- **Law Director Lucas** stated they would not reconsider this even though they had won the case.

- **Vice President Taylor Draper** asked if there was anything in the City's new contract that addresses this.

- **Law Director Lucas** stated when there is a liability suit filed, and they specifically allege standard exclusions such as criminal action, they would not revisit this, even if there was no merit to the case. They would also not pay any money if any money was determined to be appropriate in terms of attorney fees by the party that filed the frivolous lawsuit. He said this is standard for liability insurance coverage and exclusions for municipal corporations.

- **Vice President Taylor Draper** asked if because the term "criminal" was used this is why they denied coverage.

- **Law Director Lucas** stated they cited criminal statutes including bribery with causes of action on that. Careless allegations cost the City taxpayers money.

- **Councilman Jarmuszkiewicz** asked if the rates for this were shopped among other companies (Audio 12:00)

- **Finance Director Scott** stated he did not shop the policy as they have been with them for as long as they can find records. They are good to them, and he continues to feel very confident with them.

- **Councilman Jarmuszkiewicz** stated he was curious about this because he wasn't sure if there were other
companies out there that offered a different rate or different coverage.

- **Mayor Hallum** stated that they are happy with the services that they provide, but it comes down to "we know what we know and we don't know what we don't know." He stated if they were to find coverage elsewhere that would be cheaper, there may be a good reason that company would be cheaper. He believes unless they are unsatisfied with PEP, they could continue to keep this coverage.

- **Councilman Jarmuszkiewicz** stated that if the cost keeps going up each year, it wouldn't hurt to see what other companies offer.

- **Mayor Hallum** stated most insurance companies have considerably raised their rates. He said 30% is not unheard of.

- **Councilman Jarmuszkiewicz** asked how much the raise for this company was.

- **Finance Director Scott** said it varied across the board. The biggest driver is the property insurance in the fact that because of inflation there is an automatic 15% increase premium increase. They have a 10% inflation guard increase, and the underlying coverage rates increased 5%. General liability actually went down despite their expenses increasing. There are a number of good additions to the policy that do not cost the City anything, cyber protection for one, so they did get some nice upgrades despite the substantial increase. This company has been very responsive to the storm damage claims. He concluded saying he would appreciate if you could pass this on first reading

- **Councilman Jarmuszkiewicz** asked if this was the same insurance company that would cover storm damage.

- **Finance Director Scott** confirmed.

- **Councilman Jarmuszkiewicz** asked if they have been responsive to people, because they had problems with people getting full amounts back from what they were insured for.

- **Finance Director Scott** stated that they have been really great to work with.

- **Councilwoman Miller** asked what the overall percentage increase was in dollar amount over the last years.

- **Council President Kline** stated there was an increase in 10.75 percent. There was a little more than 10 percent increase over last year.

- **Councilwoman Sivo** asked if the policy renews in October, if they should be prepared to vote on this Thursday.

- **Finance Director Scott** said he would appreciate this, as he wanted to get this approved at the last meetings but received this following the previous Working Session Meeting.

ORDINANCE 2024-043-FIRST READING
AN ORDINANCE AUTHORIZING THE MAYOR TO DISTRIBUTE REQUESTS FOR QUALIFICATIONS TO ANY PERSON OR FIRM TO PROVIDE ENGINEERING OF RECORD DESIGN SERVICES FOR THE LAK-174-00.00 RIVER RD (SR-174) RESURFACING PROJECT (PID 105894) AND DECLARING AN EMERGENCY.

- **Mayor Hallum** stated that while our engineer can do the engineering, the State is now requiring a third party be the engineer of record, which is why there are 2 Ordinances related to this on the agenda. This is the Ordinance where the engineering firm will be selected, and the next Ordinance pertains to the engineering firm of record, which will be done by Bowen.

- **Councilwoman Belich** asked if we are paying for 2 separate engineering firms to manage this.

- **Mayor Hallum** confirmed.

- **Council President Kline** asked if these need to be passed immediately or if these can stay on the agenda.

- **Mayor Hallum** stated that he would like to hear from City Engineer DiFranco on Thursday to answer this.

- **Councilwoman Belich** asked what portion of River Road was being resurfaced.

- **Mayor Hallum** stated the whole road was getting resurfaced.

ORDINANCE 2024-044-FIRST READING
AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE PROPOSAL AS SUBMITTED BY RICHARD L. BOWEN & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR THE PURPOSE OF RESURFACING RIVER RD (SR-174), IN THE CITY OF WILLOUGHBY HILLS, IN THE YEAR 2026, AND DECLARING AN EMERGENCY.

- **Council President Kline** opened for questions.

- No comments were made.

ORDINANCE 2024-045-FIRST READING
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CIVICA NORTH AMERICA, INC. AND THEREBY UPGRADE THE CITY'S MAYOR'S COURT SOFTWARE PROGRAM AND DECLARING AN EMERGENCY.

- **Councilman Jarmuszkiewicz** asked if they are upgrading an existing system or replacing it.

- **Finance Director Scott** responded saying it would be more cost effective to upgrade. (Audio 20:50).

- **Vice President Taylor Draper** asked if they are able to incorporate the east citations from the Police Department.

- **Finance Director Scott** confirmed.

- **Vice President Taylor Draper** asked to hear more information about this. She asked if this new system will do away with police officers writing citations at the cars that are stopped.

- **Mayor Hallum** stated that they will be typing the information in, scanning the license, and it will all get automatically put into the computer then the citation will be printed and automatically uploaded in the system.

- **Vice President Taylor Draper** asked if this would save time and provide more accurate information.

- **Mayor Hallum** confirmed. He stated that they have looked into other places and their quotes were 2-3 times this amount for not much better service.

- **Councilwoman Belich** asked when this would take place.

- **Finance Director Scott** responded saying they will start as soon as they have the ability when their contracts are signed. He requested that Council passes this on Thursday.

- **Mayor Hallum** stated it is better to not wait until the last minute with this.

- **Councilwoman Belich** asked if this was budgeted.

- **Finance Director Scott** responded saying that it was not in the 2024 budget.

ORDINANCE 2024-046-FIRST READING

AN ORDINANCE AUTHORIZING THE MODIFICATION AND TERMINATION OF THE CITY'S RESTRICTIVE COVENANTS THAT THE USE OF THE PROPERTY LOCATED AT 2608 SOM CENTER ROAD, WILLOUGHBY HILLS, OHIO BE LIMITED EXCLUSIVELY FOR EITHER RESIDENTIAL PURPOSES OR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

- **Law Director Lucas** stated this Ordinance deals with the property that was recently sold at this address to a private resident after competitive advertising. There is a restriction on this property that limits its use to residential purposes or municipal purposes. The 2001 administration wanted this in conformity with the Zoning Ordinances. He urged the importance of releasing the restriction. The Mayor would then sign a waiver and release which would be recorded. This would then release the restrictive covenant that is on this property. This is at the request of the party that bought the property, but with this being said, this is not the driving factor behind this decision.

- **Councilman Jarmuszkiewicz** asked if the purchaser was aware of this restrictive covenant when he bought the property.

- **Law Director Lucas** emphasized that he was.

- **Councilman Jarmuszkiewicz** asked for clarification, stating they don't have to remove this covenant if they don't want to keep this property residential.

- **Law Director Lucas** replied saying no.

- **Council President Kline** asked if by removing this restriction, this property would be exclusively used for residential purposes or if it would be eligible to be used for other purposes.

- **Law Director Lucas** replied saying every use under the codified Ordinance of the City of Willoughby Hills would be available for their property.

- **Mayor Hallum** responded saying should the Zoning Code change to something else; it would automatically roll to whatever our new Zoning Code would be instead of having this one property that doesn't meet the changes of the Zoning Code. It would give this property owner the same rights to his property that we all have to our properties.

- **Councilman Jarmuszkiewicz** expressed his reluctance to this, because the property was sold with this restrictive covenant, and this might have turned others away from pursuing this property. He believed if this property was sold with this restrictive covenant, it should stay that way. This wouldn't prevent that owner from living in this house like everyone else.

- **Councilwoman Belich** followed up asking whether or not anyone else who would/could have purchased this could have asked for the same release.

- **Mayor Hallum** stated that they did have other individuals asking about this, and he indicated to them that they believed it wouldn't be an issue to have this restrictive covenant release, but that it would have to go to Council for the final vote. He stated that they waited to do this now because the new property owner requested that he would like to have full use of his property in accordance with the Zoning Code.

- **Councilman Jarmuszkiewicz** asked if they would still have the same full use of the property even with the restrictive covenant in place.

- **Law Director Lucas** responded saying that the property owner would have the use of the property as a residential home; however, this is not the full use of the property.

- **Councilman Jarmuszkiewicz** asked what other purposes could this property be used for.

- **Law Director Lucas** responded saying that this could be whatever else is permanent in the residential district in the City of Willoughby Hills codified Ordinances.

- **Councilman Jarmuszkiewicz** asked for an example of another use for this property.

- **Law Director Lucas** responded perhaps a church or a school. He said he would send a memo to **Councilman Jarmuszkiewicz** with all the uses possible.

- **Council President Kline** asked if the area where this property is located in is R1.

- **Mayor Hallum** confirmed.

- **Vice President Taylor Draper** asked if this could be further explored, or if this needs to be passed right away.

- **Law Director Lucas** responded saying this does not need to be passed right away.

ORDINANCE 2024-047-FIRST READING
AN ORDINANCE CONSENTING TO THE ASSIGNMENT OF THE COMMUNITY REINVESTMENT ACT CONTRACT AGREEMENT FROM 27853 CHARDON ROAD, LLC, AS PROPERTY OWNER, TO MAG CAPITAL PARTNERS ACQUISITION, LLC, AND DECLARING AN EMERGENCY.

- **Councilman Jarmuszkiewicz** asked what this was in reference to.

- **Council President Kline** responded clarifying that this is Produce Packaging. Produce Packaging is one of the businesses in the City that is under the Community Reinvestment Act. This is simply transferring over to a different entity; however, this will still be Produce Packaging.

- **Councilman Jarmuszkiewicz** asked if this would be the same business and a different owner.

- **Council President Kline** responded saying possibly, it may be the same individuals in both companies.

- **Vice President Taylor Draper** wanted clarification as to whether this is a different owner or not.

- **Council President Kline** responded saying legally it is a different owner.

- **Councilwoman Belich** asked if they transferred ownership of the business by selling it or if they moved that particular Produce Packaging from one LLC to a different LLC for some purpose that suited them and made sense to them. She asked if now consequently, Council would have to vote on this to change this on paper to be a CRA.

- **Council President Kline** differed to **Law Director Lucas.**

- **Law Director Lucas** responded that he would send a memo over to **Councilwoman Belich** to answer her question.

RESOLUTION 2024-020-SECOND READING
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-SECOND 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.

- **Council President Kline** asked the Mayor to comment on this.

- **Mayor Hallum** stated that this Resolution was to confirm our agreement with the requirements necessary for the River Road resurfacing.

- **Councilwoman Belich** asked if this is the application to assist with funding for this project.

RESOLUTION 2024-023-FIRST READING
A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2024 FOR COLLECTION IN 2025 AS DETERMINED BY THE BUDGET COMMISSION OF LAKE COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND THE CERTIFICATION THEREOF TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

- **Finance Director Scott** commented Council approved the 2025 tax budget earlier this summer, and this is the final approval sent to the County. He apologized for the late request but the original paperwork was lost in the mail and literally showed up today. He would appreciate if Council could pass this on first reading.

- **Councilwoman Belich** asked if this needs to be passed immediately.

- **Finance Director Scott** confirmed.

Discussion of Late Night and Early Morning Commercial Deliveries

- **Vice President Taylor Draper** stated that she has nothing to discuss further, but she wanted to make known that she collected data, and received information from a resident (Gloria Majeski). She stated that she is not ready to discuss this further, but is still in this process of data collecting.

PUBLIC PORTION: (Audio 36:30)

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

- Public Portion opened at 6:36 p.m.

- **Jenna Bing 36951 Beech Hills Drive:** Appreciated the questions that Council asked the Mayor about spending the money and about the raise for the Magistrate.
- I have no gripes about giving him a raise, but what I think is not business professional is making it retroactive to January 1; it's September. That is just not done in businesses and I think our City should be run like a business. I think it is great, we should give him a raise, but I think making it retroactive for months is excessive.
- Urged Council to fix Finance Director Scott's microphone, because it is hard to understand him.

- **Laurie Feltham 2605 Timberline Drive:** Timberline Drive is right off S.O.M. Center Road. At 3:00AM, I can hear the Lexus people unload their brand new vehicles. I can hear that constant backing up sound and the beeping and it is very noisy.

- She wanted to contribute this to the conversation about noise pollution in the City.

- Public Portion closed at 6:38 p.m.

- **Mayor Hallum** stated the monthly difference for the Magistrate is about $37. This is about $330 back pay to show him that he is appreciated and it is not unusual to do retrospective. He emphasized

  that this does happen in the City often and he did not want people to be misled. This makes sense especially because this has been overlooked for a while.

- **Councilwoman Miller** stated that she has seen this done many times as a payroll professional for many years. A lot of pays are retroactive to a back date.

- **Finance Director Scott** stated that a new cable has been ordered for his microphone.

- **Councilwoman Belich** stated that as a person with more than 1 businesses, retroactive pay does happen and she did not believe it was lack of professionalism. While she can't speak directly for this role, things change within the course of a year after a new year begins. Perhaps changes can occur in terms of salaries and compensation packages. She stated that roles can change and sometimes, roles can take on more responsibility and it is important to pay attention to the people who have longevity with the City. She believed that the retroactive pay makes sense in the big picture.

LEGISLATION: (Audio 42:19)

- **Council President Kline** opened for questions.

- No comments were made.

Discussion Items

- **Vice President Taylor Draper** wanted clarification regarding a resident notification Ordinance. She stated that Dollar General is coming back with plans for their current location that is located next to a resident. They are having working meetings for Dollar General right now, and she wants to make sure that their plans would apply the way the Ordinance is worded. She stated that the Ordinance's wording reads "under development." And while there is no development there, the plans are being discussed. She asked if this Ordinance applies to the Dollar General.

- **Law Director Lucas** asked where the Dollar General is located.

- **Vice President Taylor Draper** responded saying its proposed location is on Chardon Road next to a resident's home. It is across from the wood room. She stated that the area is zoned for a business, but it is right next to a resident. She was wondering if this Ordinance would apply to this, as this was the intention of the Ordinance when she proposed it.

- **Law Director Lucas** responded saying the caption states it's for "development review procedures" under 111102 of the codified ordinances. Requiring temporary sign notification of development upon the commencement of any residential development plan review process. He states that he will look at this and send her a memo regarding this.

- **Vice President Taylor Draper** thanked him and hoped that this Ordinance does apply because the residents need to be made aware.

- **Law Director Lucas** responded saying he wanted to look at the application of the Ordinance is with reference to whether chapter 1111 Development Plan Review Procedures is limited exclusively to residential, or if it also includes commercial development.

- **Vice President Taylor Draper** responded that it was intended for commercial development in a residential area. She wanted clarification as to if this applied when it is being developed or if it's also applied during work sessions when it is being discussed. If it's not, she proposed amending this.

- **Councilman Jarmuszkiewicz** asked if there had been a decision on whether short-term rentals would be discussed at a committee of a whole or a subcommittee.

- **Council President Kline** responded saying Council has not heard back from the subcommittee. When the subcommittee decides how they will do this, Council will move forward with this.

ADJOURNMENT: (Audio 47:22)

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

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

APROVED: October 10, 2024
Date

Michael Kline
President of Council

ATTEST:
Nicholas Aiello
Clerk of Council