

CHRISTOPHER HALLUM  
President of Council

MICHAEL KLINE  
Vice President of Council

JOANNE E. MONACO  
Clerk of Council

COUNCIL:

NANCY E. FELLOWS

JOE JARMUSZKIEWICZ

DANIEL KNECHT

JANET R. MAJKA

TANYA TAYLOR DRAPER

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of May 14, 2020

*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, May 14, 2020 at 7:00 p.m. remotely, using Zoom and Facebook Live. Council President Hallum presided. (Audio: 0:00-0:37)

**Pledge of Allegiance (Audio: 00:38-00-52)**

#### ROLL CALL

(Audio: 00:53-2:48)

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

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

#### DISPOSITION OF THE JOURNAL (Audio: 2:49-6:23)

**Motion made by Councilwoman Nancy Fellows, seconded by Councilman Joe Jarmuszkiewicz** to approve the meeting minutes of the Special Council Meeting of March 30, 2020 and the Regular Council meeting of April 23, 2020.

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

NAYS: None

Vote: 7/0

**Motion Carries** to approve the meeting minutes of the Special Council Meeting of March 30, 2020 and the Regular Council meeting of April 23, 2020.

#### COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 6:24-6:39)

Emails from Executive Assistant to Mayor:

- 4/27/20 email re. Yard Waste Proposal Tabling Complaint (Peterson)
- 4/29/20 email re. WH Council Subcommittee Meeting – WHISPER to NH
- 4/29/20 email re. Notification of WH Council Meetings – to NH
- 4/30/20 email re. Draft Council Meeting minutes of 3/30/2020

- 4/30/20 email re. Yard Waste Proposal Call (Whitney)
- 5/5/20 email re. Yard Waste Proposal Calls (Pinjuh, Seline, Grzincic, Drenski)
- 5/5/20 email re. Mayor’s Request for Ordinance to Accept the Bid for 2020 Street Resurfacing
- 5/6/20 email re: Yard Waste Proposal Input (Starcic)
- 5/7/20 email re. Draft meeting minutes of 4/23/20 Regular Council Meeting
- 5/7/20 email re. Revised Draft meeting minutes of 4/23/20 Regular Council Meeting
- 5/7/20 email re. Request for Legislation for Surplus Service Dept. Equipment

Other Emails:

- 4/23/2020 email from Councilwoman Draper re. Amazon Vans, 27505 Chardon Road, Shoppes of Willoughby Hills follow up from City Engineer
- 4/24/20 email from City Engineer DiFranco re. Dealership Car Inventory Parking at Gale’s Garden Center, 2730 SOM Center
- 4/25/20 email from City Engineer DiFranco re. resident concerns at 27700 Chardon Road – Vault Wine & Spirits – Stratford
- 5/1/20 mail from Mayor’s Court re. Month End 4/30/20 Mayor’s Court Report
- 5/1/20 mail from Recreation Commission Clerk – Recreation Commission minutes of 3/4/20
- 5/1/20 email from PC/ABR re. Zoom meeting on 5/7/20 and Agenda
- 5/4/20 email from Carol Bozak re. Yard Waste proposal
- 5/7/20 email from Betsey Burrell re. Yard Waste pickup

**PUBLIC PORTION #1 (Audio: 6:40 -17:46)**

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

Public Portion opened at 7:08 p.m.

**Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094**

Mrs. Bing had questions regarding budget issues:

- 1) Regarding budget issues: “How many employees does the city have that are not union since it’s a huge part of our budget? And if the road levy covers our roads and our employees are unionized, where do we have money to really cut if we need to balance our budget in this Covid-crisis?”
- 2) Regarding Chardon Road: “Where they’re dumping the shale and doing the “ramp down”, is he allowed to take money for that? Because there is a weigh station, I would assume that he’s probably being paid to take all of that waste and isn’t that running a business in a residential area? And is that really allowed?”

**Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094**

Mr. Fellows had a couple of comments:

- 1) Regarding the Grange: “Curious to hear Mr. Cihula’s analysis of what would happen if we were to try to sell the Grange since it’s public purpose is pretty minimal right now. And would love to have the Law Director hear Mr. Cihula’s analysis of that to see if that is correct from what I was hearing?”

- 2) “Interested from the Law Director, if he has had an opportunity to listen to the first few meetings of the year’s tapes, prior to becoming our Law Director?”
- 3) “Is there a commercial operation going on at the Chardon Road property, where the big dumping is going on?”

**Frank Cihula, 35060 Dixon Rd. Willoughby Hills, OH 44094**

Mr. Cihula encourages the adoption of Ordinance 2020-12, for the recycling and brush pick-up.

Mr. Cihula answered Mr. Fellows’ question: that his understanding from the time we purchased the Grange and when a Grange disbands they have to turn their assets over to the State Grange. When Willoughby Hills City purchased the Grange property, the State Grange acknowledged and said that it served the same purposes and it was okay with them. It was his understanding that if the city ever sells that property it has to go back to the State Grange. It’s up to the State Grange.

**Peter Pike, 2903 Cricket Lane, Willoughby Hills, OH 44094**

Mr. Pike stated that in regards to the Grange, he spoke to the Grand Master of the Grange back when the transaction occurred. They felt that the property had absolutely no value to them. It is an asset of Willoughby Hills now. There were some nice tax incentives that occurred but there were no assets. The building was in such disrepair they did not want to take on any refurbishing on that and sold it to the City. So regarding that property, it is solely in the hands of City of Willoughby Hills. The most important thing to remember, is that there is a cemetery next to it so there isn’t an assured clear distance when that property turns that you can’t build or do anything in that right of way to a city cemetery.

Mr. Pike wanted to follow up on Mr. Bezos’ company, Amazon, the deliveries during Covid-19 and how they relate to each other. We have a City Charter. The City Charter is very clear. There are uses for property in the City of Willoughby Hills. There’s other areas in Willoughby Hills where those trucks can be parked. For example, Serpentine, he can put a gate on his fence. The parking in front of Produce Packaging and behind the Washington Square property across the street, are complete and total zoning violations. With the size of the building, you need X amount of parking spots. I don’t know who allowed Mr. Scheel to take out a parcel for a building that size, but that’s against the code also. We follow a state code and we follow a city code in zoning so neither one of them fit the program.

**Mike Tyler, 2770 Worrell Road, Willoughby Hills, OH 44094**

Mr. Tyler commented: Regarding the last snowfall, wanted to compliment the snow removal for this past year, which they did a fantastic job. “Mr. Mayor, if you wouldn’t mind, I’d like to get that back to the people, as well, that did such a fine job”.

Public Portion closed at 7:18 p.m.

**MAYOR’S REPORT (Audio 17:49- 22:27)**

**Mayor Gardner reported:**

- National Police Week: First of all, I’d like to extend my thanks to our Police Department for all the outstanding work they do in our community. I just received a note from the Fire Department that

there was a rather serious accident in the city last night. The Police Department was right there and they rendered critical aid to the victim of the accident until they were able to get the victim extracted. Please, if see one of our officers in the city, from a socially appropriate distance, please wish them a good week and thank them for their service.

- The impact of the COVID-19 pandemic on the health and safety of our residents is our top priority. The Lake County General Health District, the local governments, continue to monitor the progress of the virus daily. It's going to be critical for the next couple of weeks as we start reaching the fourteen-day milestones in each of the openings that has occurred over the last couple of weeks and will be occurring for the next couple of weeks. The County has done very well in terms of controlling the spread of the virus and monitoring new cases. As we continue to open up, the Health District is ready to respond with contact tracing and all the appropriate measures needed to keep the county safe if there is a flare-up of the virus. I continue to urge all of our residents, do not to let your guard down. Continue to adhere to the State's Health Department's Guidelines, wear your masks, maintain your physical distances, stay in small groups, regular hygiene practices; all the things that we've been urging. Continue to visit the State's website, CDC website and the Health District's website. They'll provide excellent materials to help if you have any questions and they are regularly updated as we go through openings. You can see what's required and what best practices are for any of the businesses you might be going into. Please keep Willoughby Hills safe, people are looking out for one another. Don't let some openings up let your guard down.
- Director Brichacek and I continue to monitor the effects of the COVID-19 crisis on the city's finances on a daily basis. It's possible that there might be an impact on state and local government funding by the state with the Governor's need to cut back the budget. We won't know what those numbers are until after the end of the quarter and maybe into the third quarter.
- The City's Department Heads are continuing to do an excellent job monitoring their spending and deferring all possible expenditures while still maintaining the level of service that we want to provide to our residents.
- We will start opening City parks and facilities as soon as permitted, including, tennis courts on May 26<sup>th</sup>, in accordance with the information that came out this afternoon. We will keep everyone informed on the city's web page and on social media.
- A couple more cancellations: Memorial Day Ceremony has been cancelled, VFW Post cancelled their annual Memorial Day poppy sale. In lieu of our ceremony, the city is placing flags honoring our Veterans in front of the memorial and at the same time we're accepting donations to the VFW. You can call the Mayor's office or download a request form from the city's website to have a Veteran honored or to make a donation to the VFW. Hopefully, we'll be able to give them a sizable donation to make up for the funds they are losing by having to cancel their sale.
- I strongly urge our residents, take a moment text, call, chat with your neighbors, now that the weather is getting better, please keep a social distance as you're doing so. Please reach out to your senior citizens, let them know you are there to support them and do what you can. Those are incredible meaningful gestures and certainly will help keep us as one community.

**Questions/comments following Mayor's Report: (Audio: 22:28-23:17)**

**Council President Hallum** asked Mayor Gardner if he wanted to respond with regard to how many non-union employees we have?

**Mayor Gardner** stated that generally it's our part-timers, primarily part-time Firefighters and part-time Police are not part of their unions, if I remember correctly. That would be the lion's share of people who are not in union are in those two areas.

**LAW DIRECTOR'S REPORT (Audio: 23:18- 23:46)**

**Law Director Lucas reported:**

- Update on the requested appeal of the Architectural Review Board conditions regarding the Dykstra property: one issue has been resolved; the second issue is nearing resolution. The issues before Council, I think, are going to be unnecessary regarding the hearing on the appeal to the ARB's decision.
- Number two: re: the question that Dale (Fellows) asked: I did not listen to the tapes; I did review the minutes.
- Number three: re: Dale, I don't have a comment on what Mr. Cihula said regarding the Grange. In part, because of inconsistencies between what Mr. Cihula said and what Mr. Pike said regarding the ownership and I am not going to comment on that further until I get some clarity on that.

**Questions/comments following Law Director's Report: (Audio: 24:47 -26:55)**

**Councilwoman Fellows** asked what property are you referring to? **Law Director Lucas** stated: on the ARB, there was a property owned by Mr. and Mrs. Dykstra, they appeared before the Architectural Review Board, there were two conditions imposed upon that property. This is the property that had the hydrant approximately 300 feet from the right of way and the issue concerned: 1) the ability and wherewithal of the driveway as currently constituted, which was not concrete, to support fire vehicles, which would have to drive up 300 feet up the driveway in order to hook on to the hydrant. There was a question, whether there was limitation to only concrete for that purpose and through the investigation of the City Engineer and also the Police, it was determined that as long as there was sufficient support on the driveway, it was not necessarily limited to only concrete; other materials, which in this case included, significant asphalt, was sufficient to support the vehicles. That was the first issue they were asking for review on before Council. The second one concerned soil and water approval and the relationship between that and the ultimate City approval on that; and that's the one we're still flushing out a little bit.

**FINANCE DIRECTOR'S REPORT (Audio: 26:56 -27:28)**

**Finance Director Brichacek reported:**

- There was nothing new to report that wasn't discussed on Monday night
- Add to the Mayor's answer regarding the nonunion staff; that the only other employee, the nine Directors and Assistant Directors are not in unions. Other than that, the rest of the workforce is unionized.

**Questions/comments following City Engineer's Report: (Audio: 27:29 -27:31)**

There were none.

**CITY ENGINEER'S REPORT (Audio: 27:32 – 28:58)**

**City Engineer DiFranco** reported:

- Response to the comments on Public Portion: The property of Chardon Road is not open to the public. Those trucks are privately owned by that property owner, so it is not considered a commercial landfill.
- It's been reviewed by OEPA, as well as the County Board of Health. If it was considered a commercial landfill, he would need licenses for both of them.
- Support passing Ordinance 2020-28, the Road Program for this year.  
Five contractors picked up bids, we received two bids. The lowest bid was from Specialized Construction, at approximately \$535,000, which is under the Engineer's estimate of approximately \$537,000. We did schedule for Three Readings, however, if you could pass it, it would allow an earlier start to resurface those roads for the residents.

**Questions/comments following City Engineer's Report: (Audio: 28:59 -29:34)**

**Councilwoman Fellows** commented that there are two Ordinances on, one is for your engineering fees and one is on for Zoning Administration services, are the Three Readings okay for those, you usually put those requests in many weeks before? **City Engineer DiFranco** stated, "yes, that was fine".

**COMMITTEE REPORTS (Audio: 29:35 -31:28)**

**Finance Committee:** **Council Vice President Kline** stated that they had a Finance Committee meeting on Monday evening. The purpose was to re-review the 2020 Budget in light of COVID-19, not to make specific recommendation for cuts, but to get a sense from the Administration of what was being done and considered. All of the Finance Committee was present as well as the rest of Council. Mayor Gardner and the Finance Director were there. Mayor Gardner also had his other Department Heads there, to provide input, if needed. I felt we had good discussions. Before the meeting, comments and question were supplied to the Finance Director, which he and the Mayor addressed. Personally, I came away with a good sense that they were working diligently on doing the best they can in light of pandemic, to keep expenses to as low as they can where they had the opportunity. We had questions from the Public, which they answered. All was recorded and is available for anyone in the public to listen to.

**Questions/comments following Finance Committee Report: (Audio: 31:29 -31:38)**

There were none.

## COMMITTEE REPORTS (continued): (Audio: 31:39 -32:39)

### Committee of the Whole:

**Council President Hallum** reported on the Committee of the Whole and Rules and Legislation did a combined meeting on Monday (May 11, 2020). Started out with the final hearing on the Yard Waste Program. Residents were given the opportunity to come forward and speak their position regarding the Yard Waste Program. There was an equal number of people on both sides of it; but we did want to give another opportunity for the public to speak on that subject. The rest of the meeting was to review the Ordinances that were on for this evening. The meeting was recorded and is on the City's website if you would like to listen to the meeting.

### Questions/comments following Committee of the Whole: (Audio: 32:40 - 32:46)

There were none.

## OTHER COUNCIL REPRESENTATIVE REPORTS (Audio: 32:47-34:20)

**Councilman Jarmuszkiewicz** reported on the Recreation Commission: The softball and baseball programs were cancelled for this year following suit with several other cities. There was too much uncertainty as to when and if a league could start, and too much planning and preparation that is needed to put into a league. We are hoping to have the flag football and possibly a girls' softball mini league at the end of the summer. That all will be determined on what happens over the next month or two.

**Council President Hallum** stated his wife is involved with the Willoughby Hills Youth League. She did receive notification from the Willoughby league, that the Governor is currently stating, that non-contact sports can proceed. At the moment, Willoughby may have a season coming up here; that will need to be determined. Just so you are aware, there may yet be a season.

## COMMITTEE REPORTS (Audio: 34:21 -37:07)

### PC-ABR:

**Councilwoman Taylor Draper** stated that the Architectural Board of Review & Planning and Zoning was held on May 7, 2020. The ABR meeting: There was one signage reviewed and approved for The Educational Alternatives at 2882 Cricket Lane. There was one detached garage request approved at 31051 Chardon Road. The Planning portion of the meeting discussed 2496 Dodd Road (the issue with the clearing of the trees and vegetation into the river). The owner came to the meeting and presented some issues. That is under investigation so no decision has been made.

### WHISPER Subcommittee:

Councilwoman Taylor Draped thanked the members of the sub-committee for all of their work. The work completed by the sub-committee has been forwarded to all Council for review. Those documents will be posted on the city's website so the residents can review the information. The next two meetings were supposed to occur next Tuesday and Wednesday, 5/19 and 5/20, however, the information was not out to the public in time so they will be rescheduled. The Law Director will be sitting in one of the WHISPER

Committee meeting dates to discuss the transportation needs of the seniors. She spoke with Assistant Law Director, Mr. Lobe, regarding the ordinance that is pending. It will need to be amended in order to include the additions and clarifications that were made.

**Questions/comments following Committee Reports: (Audio: 37:08 – 38:09)**

**Councilwoman Majka** commented and asked for a correction regarding the City’s website, under the WHISPER section which states the Ordinance from 2018 that temporarily suspended the WHISPER Program was passed in February, 2017 and that was not accurate. It should be corrected to reflect that the suspension happened in February, 2018.

**UNFINISHED BUSINESS (Audio: 38:10 - 1:10:02 )**

**Council Vice President Kline:** made a motion to take from the table Ordinance 2020-12, which was tabled at the March 30, 2020 Special Council Meeting, seconded by **Councilwoman Taylor Draper**.

**Motion made by Council Vice President Kline**, seconded by **Councilwoman Taylor Draper** to un-table Ordinance 2020-12.

**Discussion: Councilwoman Taylor Draper** stated to all the residents that she has read every email, every telephone message, heard every speaker, even things mentioned to Mayor Gardner and different members from Council. The sum of all of those opinions do not amount to the 1700 plus customers that are currently receiving services. That says either the residents are indifferent or they are okay with it. Understanding human nature, if she is upset or dislikes something, finding it financially burdensome or hurtful to family, she would let everyone know. She has not seen that. As Council President Hallum mentioned that it seemed to be kind of even, not one way or the other. At Monday’s meeting, she wanted to hear from the residents, but we really didn’t. As a Stratford resident, she would not use the benefit of the yard waste, but she recognizes that it is for the community, not just one group of individuals. “From my stand point, I’m voting tonight in favor of the Ordinance.”

**Council President Hallum** stated that we are only having discussion on the un-tabling the ordinance and asked for any other discussion on un-tabling of the ordinance?

**Council Vice President Kline:** “As with making of the motion to table, the un-tabling also does not permit debate, discussion, so we really should be going to the vote.”

**Council President Hallum:** “Thank you for the Point of Order.”

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

**NAYS: None**

Vote: 7/0

**Motion passes to un-table Ordinance 2020-12.**

**Discussion: Council Vice President Kline:** stated that tonight’s Agenda needs to be amended. The current Agenda states that Ordinance 2020-12 As Amended is on First Reading but this is really on the Third Reading on this Ordinance. **Council President Hallum:** “Your motion is?” **Council Vice President Kline:**

“I am making a motion to amend this evening’s Agenda.” **Council President Hallum:** “How?” **Council Vice President Kline:** “To indicate that Ordinance 2020-12 as amended is on Third Reading. **Council President Hallum:** “I think what you are trying to do is amend under “Unfinished Business”, that tabled Ordinance 2020-12 should just state that tabled Ordinance 2020-12, Third Reading? Is that correct?” **Council Vice President Kline:** “Third Reading, yes.”

**Motion made by Council Vice President Kline** seconded by **Councilwoman Taylor Draper** to amend this evening’s Agenda to indicate that Ordinance 2020-12 As Amended is on Third Reading.

**Discussion:** **Law Director Lucas** confirmed that the Agenda for the March 30, 2020 Special Meeting of Council and that legislation was on Third Reading, then it was tabled. “You are basically taking that tabled Ordinance 2020-12 As Amended and correcting the clerical error from First Reading to Third Reading.”

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

**Motion Carries to amend tonight’s Agenda to indicate tabled Ordinance 2020-12 is on Third Reading.**

**Motion made by Council Vice President Kline,** seconded by **Councilman Knecht** to adopt **Ordinance 2020-12.**

**Discussion:** **Motion made by Councilwoman Fellows** to amend Ordinance 2020-12 to reflect that the taxpayers’ dollars will pay for the brush pick-up for one year and then be re-evaluated, seconded by **Councilwoman Majka.**

**Council President Hallum:** “I am not sure what you are asking? If we pay the \$16,000+, to leave the city brush pile and then re-open it for a year?” **Councilwoman Fellows:** “No, I am not. I made a motion to amend Ordinance 2020-12, that the City use taxpayers’ dollars to pay for the billing of Republic for the brush pick-up for the year and then re-evaluate it.” **Council President Hallum:** “I think I understand it now, instead of changing the Ordinance to amend it, that instead of the \$2.33 per month put on each of the taxpayers that have the blue bin, the City would pick up that tab for the year, correct?” **Councilwoman Fellows:** “Correct.” **Councilman Jarmuszkiewicz:** “If that is the case after a year, will we be able to get out of the plan if it wasn’t good?” **Council President Hallum:** “If we wrote the Ordinance that way, but my concern is we can’t afford that and I would ask the Finance Director and/or the Mayor, whoever has the answer, the impact of that on our budget.” **Councilwoman Majka:** Commented that the public doesn’t always weigh in on things and they don’t always attend Council meetings historically unless there are special things going on. With the current circumstances, going to virtual meetings, it’s made it more even more difficult. “So I wouldn’t use this as a barometer to measure the public’s response. It’s put more of a barrier in receiving everybody’s wishes that we would like to tabulate. The fact that we are talking about finances and the City’s finances, the same thing applies to our residents’ finances too. We just had a very large school levy pass and we have a road levy coming up. It’s a small amount for one thing but you add all these extra taxes up, it’s going to make an impact. We have heard from some residents about the costs. We have previously discussed at Council meetings the City putting in tax money for this issue. Brush pile overtime

money was suggested to supplement the Republic yard waste fee. Do it for one year, until March 31, 2021, when the contract renews.” **Mayor Gardner** said that he wishes this suggestion would have been brought up at Monday’s meeting when this Ordinance was reviewed, but he would roughly calculate the cost to be \$50,000 for yard waste pickup based upon \$2.33 per month for one year for 1,770 households. He said he cannot support this with concerns about paying personnel and the current budget. **Councilwoman Fellows** stated that she had brought it up before, suggesting that the \$1.8m carryover could be used for this. She was concerned that if the City cannot afford it, perhaps the residents would not be able to afford it either. She stated she would not use the yard waste benefit, it is not a good time to do this with the recent School Levy passage and the upcoming Road Levy. She stated she cannot support the yard waste Ordinance. **Council President Hallum** stated that similarly, the sewers are an item where not all residents participate as there are not sewers throughout the entire City. **Council Vice President Kline** stated that he feels the impact of the City paying versus the residents’ paying had a greater impact and he, therefore, would not support the concept of using City funds to pay the yard waste fees. **Councilwoman Taylor Draper** stated that she disagreed with **Councilwoman Majka** in that the public has had many opportunities to weigh in with today’s electronic technology. **Councilwoman Majka** stated that the actual figure was more likely \$35,700 based upon \$21 a year for 1700 households, contrary to what **Mayor Gardner** previously stated.

**Roll Call: (to amend Ordinance 2020-12 so that the City will pay the yard waste fees for residents for one year, until the March 31, 2021 contract ends:**

**AYES: Majka and Fellows**

**NAYES: Hallum, Jarmuszkiewicz, Kline, Knecht and Taylor Draper**

**Vote: 2/5**

**Motion fails** to amend Ordinance 2020-12 to have the City pay for yard waste fees for residents for one year.

**Motion made by Council Vice President Kline** to amend Ordinance 2020-12 to state that the service will begin on June 1, 2020, with billing actually beginning July 1, 2020, with six months of service from June to December, with Republic continuing to bill through March 31, 2021, at the rate of \$2.33 per month. This will result in a \$21 fee for the year at the rate of \$2.33 for nine months. April 1, 2021 will begin the second year of the contract which will be at \$2.33 per month of the eight months of services again.

**Seconded by Councilwoman Taylor Draper.**

**Discussion:** **Councilwoman Janet Majka** clarified that the start date is June 1, 2020.

**Roll Call:**

**AYES: Hallum, Jarmuszkiewicz, Kline, Knecht, Majka and Taylor Draper**

**NAYS: Fellows**

**Vote: 6/1**

**Motion carries** to amend Ordinance 2020-12 to begin the service on June 1, 2020 with all of the provisions listed above.

**Motion made by Council Vice President Kline** to adopt Ordinance 2020-12 As Amended. **Seconded by Councilwoman Taylor Draper.**

**Discussion:** **Councilman Jarmuskiewicz** said that he, too, was disappointed in the participation but felt that more people wanted the yard waste services than not. Those who voiced that they did not want it preferred the brush pile which we do not have available. We can re-evaluate this before the April 2021 renewal. **Council President Hallum** said his perspective is that while he would not personally use it, he would like to have it for others who do not have landscape assistance and is supportive of it for our neighbors. **Councilwoman Fellows** stated that residents have a choice to hire someone to take care of their property. **Councilwoman Majka** felt that since she was chosen to represent the residents, her viewpoint is that most people did not want it. That is who she represents. While it is a good service, she did not like the price or the fact that you cannot opt out. **Councilman Jarmuskiewicz** suggested that before the renewal in April, the residents will have a chance to voice their usage. **Councilwoman Taylor Draper** asked about the collection of data in order to make that determination. **Council President Hallum** said that he did not think Republic could do that. **Council Vice President Kline** said that from the Public Hearings through today, supporters say it will provide relief. While some wanted to opt out and some would not use it, he was supporting it because he thought the people who supported it was a greater number and it would provide a good benefit.

**Roll Call:**

**AYES: Hallum, Jarmuskiewicz, Kline, Knecht and Taylor Draper**

**NAYS: Majka and Fellows**

**Vote: 5/2**

**Motion carries** to adopt Ordinance 2020-12 As Amended.

**LEGISLATION (Audio: 1:10:05-1:24:05)**

**ORDINANCE 2020-20 – THIRD READING (Audio: 1:10:05-1:14:40 )**

AN ORDINANCE REPEALING AND RESCINDING ORDINANCE NO. 2017-63 AS AMENDED, ORDINANCE NO. 2018-42 AND IN LIEU THEREOF ENACTING ORDINANCE NO. 2020-20 ESTABLISHING REGULATIONS FOR THE OPERATION, SECURITY AND SAFETY OF THE MAPLE GROVE GRANGE LOCATED AT 2454 RIVER ROAD, WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

**Motion made by Councilman Joe Jarmuskiewicz**, seconded by **Councilwoman Taylor Draper** to adopt **Ordinance 2020-20**.

**Discussion: Councilman Joe Jarmuskiewicz:** Stated that “we are trying to run this city smoothly and getting rid of the division we had in the past. He was disappointed with individuals on social media inaccurately report Willoughby Hills City news. They cause nothing but dissent in our community. We are open and transparent about all city business. If they have any questions or problems, they should call the Mayor or one of the Council people. One group use the building and created problems that should have been addressed by Council. Those accused were vindicated.” He is glad we are putting safeguards in place.

**Councilwoman Majka:** stated that she loved the Grange building, wished it was historically accurate, wished we could be utilizing it more to full advantage of taxpayer money. I would like to see this go forward and hopes that we will utilize this building more in the future.

**Roll Call:**     **AYES: Hallum, Jarmuszkiewicz, Kline, Knecht, Majka and Taylor Draper**

**NAYS: Fellows**

                  Vote: 7/1

**Motion Carries** to adopt **ORDINANCE 2020-20**, repealing and rescinding Ordinance 2017-63 and Ordinance 2018-42, establishing rules and regulations for the operation, security and safety of the Maple Grove Grange.

**ORDINANCE 2020-23 – SECOND READING (Audio: 1:14:45-1:15:45 )**

AN ORDINANCE AMENDING PART NINE-STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS, SECTION 925.06 – FEES, SUB-SECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

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

**ORDINANCE 2020-24 – SECOND READING (Audio: 1:15:47-1:16:09)**

AN ORDINANCE TO ACCEPT THE PROPOSAL PROVIDED BY RICHARD L. BOWEN & ASSOCIATES, INC. FOR THE ENGINEERING FEES FOR THE 2020 ROCKEFELLER ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY.

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

**ORDINANCE 2020-26 – SECOND READING Audio: 1:16:13-1:16:45)**

AN ORDINANCE RESCINDING ORDINANCE 2018-11 IN ORDER TO ABOLISH THE SUSPENSION OF THE WILLOUGHBY HILLS ISOLATED SENIOR PROGRAM FOR EVERYDAY RELIEF (W.H.I.S.P.E.R.) TO ASSIST THE SENIOR CITIZENS OF THE CITY OF WILLOUGHBY HILLS, AND RE-ESTABLISHING THE W.H.I.S.P.E.R. PROGRAM; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

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

**ORDINANCE 2020-27 – FIRST READING (Audio: 1:16:47-1:17:11)**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE PROPOSAL AS SUBMITTED BY RICHARD L. BOWEN & ASSOCIATES, INC. PROVIDING ZONING ADMINISTRATION SERVICES FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

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

**ORDINANCE 2020-28 – FIRST READING (Audio: 1:17:13-1:20:24)**

AN ORDINANCE ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION, INC., OF CUYAHOGA HEIGHTS, OHIO, FOR THE 2020 STREET RESURFACING PROJECT AND DECLARING AN EMERGENCY.

**Motion made by Councilwoman Fellows, seconded by Councilman Jarmuszkiewicz to waive the Three Readings on Ordinance 2020-28.**

**Discussion: Councilwoman Fellows** reiterated City Engineer Di Franco's desire to get this passed so the work can begin sooner on street resurfacing.

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

**Motion Carries** to waive the Three Readings on **Ordinance 2020-28.**

**Motion made by Councilwoman Fellows, seconded by Councilwoman Majka to adopt Ordinance 2020-28.**

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

**Motion Carries** to adopt **Ordinance 2020-28** to accept the bid of Specialized Construction for the 2020 Street Rehabilitation Program.

**ORDINANCE 2020-29 – AS AMENDED -FIRST READING (Audio: 1:20:25 -1:24:05)**

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLES(S) AND EQUIPMENT ON THE OPEN MARKET UPON SUCH TERMS AND AT SUCH PRICE ARE DEEMED

MOST ADVANTANGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

**Motion made by Councilwoman Taylor Draper**, seconded by **Councilwoman Fellows** to waive the Three Readings on **Ordinance 2020-29 As Amended**.

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

**Motion Carries** to waive the Three Readings on **Ordinance 2020-29 as Amended**.

**Motion made by Councilwoman Taylor Draper**, seconded by **Councilwoman Fellows** to adopt **Ordinance 2020-29 As Amended**.

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

**Motion Carries** to adopt **Ordinance 2020-29 as Amended** to declare the City vehicles and/or equipment as surplus property and granting authority to sell said surplus vehicles and equipment on internet auction.

#### **NEW BUSINESS (Audio: 1:24:09 - 1:24:15 )**

There was no New Business.

#### **PUBLIC PORTION #2 (Audio 1:24:16 – 1:32:11)**

**An opportunity for the public to address Council with any comments, issue or concern.**

Public Portion opened at 8:25 p.m.

**Michael Tyler, 2770 Worrell Road, Willoughby Hills, OH 44094** – Mr. Tyler stated regarding 2020-21: He had a suggestion that the City ask the Waste Management Company to collect some kind of data of residential use so that the Council can properly evaluate the statistics of the Ordinance one year from now. It is difficult to evaluate anything without data, and especially if don't have any one year from now.

**Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094** – Mr. Fellows commented that he wanted to thank Law Director Lucas for the quick response on his questions. "I think it would be informative if he could take look at the sale and at Mr. Cihula's analysis of the Grange issue, not only for Council but for the

rest of the community to understand if there was effort to dispose of the property at some point in time in the future. Regarding Mr. DiFranco's response on the Chardon Road property, in my terminology, any time there is transfer of funds from one person to another, especially on a consistent basis, that is called commerce. And if there is commerce going on, it's not only questionable in a residential property, you would think the City would want to reap its benefits from that commerce as well. Regarding the proposed payment, by the City, out of the reserve funds for the waste contract, that was representing less than 2% of the carryover from the previous years. I think that was a reasonable request; that had nothing to do with jeopardizing the City financially at all."

**Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094** – Mrs. Bing requested that Mr. Brichacek be sure to give a finance report at the official Council meeting even if he gave one at Council Meeting of the Whole. We shouldn't assume that citizens are all attending the Council of the Whole Meeting and not attending the official meeting. Even if Mr. Brichacek is repeating what he says he should have it for the full Council meeting and give a full report.

**Peter Pike, 2903 Cricket Lane, Willoughby Hills, OH 44094** - Mr. Pike had two comments for the Law Director, Mr. Lucas:

- 1) Regarding the Grange issue: They had several conversations and a personal get-together with the State Director of the Grange along with former Council President Lorenz with regard to that very issue. And that is the quickest way to clear that issue up. They had no interest in the facility anymore; that's how the City acquired it.
- 2) "Lot splits in the City have to be approved by some body. When talking to Mayor Gardner, I was left with the impression, Mr. Scheel sold property at Loehman's to Produce Packaging, Inc, a \$100m tax entity, as we were told." He cannot understand how parking lot spaces can be split and rented to another entity. You cannot violate the zoning code or uses within the district.

Public Portion closed at 8:32 p.m.

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

**(Audio: 1:32:13 – 1:35:34)**

**Councilwoman Taylor Draper** wished Councilman Jarmuszkiewicz a Happy Birthday.

**Council Vice President** said he wanted to reply to remarks made in Public Portion that the Chardon Road property is a private resident, not a business. **Council President Hallum** welcomed Council Clerk Joanne Monaco. **Mayor Gardner** responded to Mr. Pike's comments about the use of the Shoppes of Willoughby Hills parking lot for Amazon trucks. He states that the use can also impact parking ratios. The use of the Community Center parking lot for Amazon is different than the use at the Shoppes of Willoughby Hills. Amazon rents space from us independently to train their drivers and it should not be misconstrued to be the same as what the Shoppes of Willoughby Hills' use is.

**ADJOURNMENT (Audio: 1:35:36 – 1:36:23)**

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

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

**NAYS: None**

**Vote: 7/0**

**Motion carries** to adjourn the meeting of May 14, 2020.

**The Regular Council Meeting of May 14, 2020, was adjourned 8:37 p.m.**

**APPROVED:**

6/12/2020

**Date**

  
\_\_\_\_\_

**Christopher Hallum**

*President of Council*

**ATTEST:**

  
\_\_\_\_\_

**Council Clerk**