

**MINUTES  
REGULAR COUNCIL MEETING  
VIRTUAL MEETING VIA ZOOM**

**8:00 p.m.**

**December 15, 2020**

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on December 11, 2020.

**ROLL CALL**

**Council Members Present:** McNeill, Tomaselli, Anderson, Carr, Garry, Kary

**Absent:** Councilman Woodin

Motion made and seconded to excuse Councilman Woodin from tonight's meeting.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**Others Present:** Mayor Fiala, Law Director Lucas, City Engineer Lannon, Service Director Palmisano, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Keller, Parks & Recreation Director Banker, Finance Director Bosley, Clerk Novak

The meeting was led in prayer by Councilman Carr.

**Approval of Minutes**

Motion made and seconded to approve the Regular Meeting Minutes of December 1, 2020.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**STANDING AND REGULAR COMMITTEE REPORTS**

**Committee of Full, Mr. Carr** – No report.

**Economic Development Committee, Ms. McNeill** – No report.

**Environmental Planning Committee, Mr. Kary** – Reported that EAS's #11-11-20 and #12-11-20 were reviewed this evening.

**Finance and Audit Committee, Mr. Tomaselli** – Reported three items on the agenda this evening.

**Parks & Recreation Committee, Mr. Woodin** – Absent.

**Personnel Committee, Mr. Anderson** – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Mr. Woodin – Absent.

WPCC Committee, Mr. Anderson – No report.

Clean City Commission, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

Shade Tree Commission, Ms. McNeill – No report.

**CORRESPONDENCE:** No correspondence.

**PUBLIC PORTION:** No one spoke.

**Motion made and seconded that all ordinances and resolutions be read by caption only and that as to legislation not containing an emergency clause, the rules requiring that ordinances and resolutions be read on three separate days be waived.**

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**NEW BUSINESS:**

**RESOLUTION NO. 2020-119**

**A resolution authorizing the Mayor to enter into a Memorandum of Understanding with GD3 Ventures I, LLC, to memorialize the required performance of certain conditions imposed by the Planning Commission of the City of Willoughby for approval of the Conditional Use Permit for the Standard on Lakeshore, a new residential development, retroactive to December 6, 2020, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-119 be declared an emergency measure.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-119.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-120**

**A resolution approving Change Order No. 2 in the WPCC Capacity Enhancement Project with the Great Lakes Construction Co., and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-120 be declared an emergency measure.

Roll Call     6 yes  
                  0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-120.

Roll Call     6 yes  
                  0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-121**

**A resolution approving Change Order No. 1-Final in the 2019 Pavement Repair Program with Chagrin Valley Paving, Inc., and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-121 be declared an emergency measure.

Roll Call     6 yes  
                  0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-121.

Roll Call     6 yes  
                  0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-122**

**A resolution authorizing the Director of Finance to transfer funds from the General Fund to various other funds, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-122 be declared an emergency measure.

Roll Call     6 yes  
                  0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-122.

Roll Call     6 yes  
                  0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-123**

**A resolution amending Resolution No. 2020-29 to provide for current expenses and other expenditures of the City of Willoughby, Ohio, during the period ending December 31, 2020, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-123 be declared an emergency measure.

Roll Call     6 yes  
                  0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-123.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-124**

**A resolution authorizing temporary appropriations totaling \$17,807,363.00 for current expenses and other expenditures of the City of Willoughby, Ohio during the period ending March 31, 2021, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-124 be declared an emergency measure.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-124.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-125**

**A resolution authorizing the Mayor to apply for and enter into a contract with the Ohio Public Works Commission (OPWC), Round 35, for funds necessary to the Meadowlands Basin Outlet Improvements and the Street Improvements Project, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-125 be declared an emergency measure.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-125.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-126**

**A resolution approving EAS #11-11-20 for construction of a One Hundred Sixty-Six (166) Unit Apartment Building located at 38501 Mentor Avenue (Chagrin River Walk Phase III).**

Motion made and seconded to adopt Resolution No. 2020-126.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-127**

**A resolution approving EAS #12-11-20 for construction of a Thirty-Five (35) Unit Apartment Building located at 38025 Second Street (Marous Place on Second).**

Motion made and seconded to adopt Resolution No. 2020-127.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**RESOLUTION NO. 2020-128**

**A resolution authorizing the Mayor to enter into a Memorandum of Understanding with the American Federation of State, County, and Municipal Employees, AFL-CIO, Local 1657, and Ohio Council 8 (AFSCME) necessary to the one-time exception of the requirements of Articles 26 and 12 of the agreement between the City of Willoughby, Ohio and AFSCME, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2020-128 be declared an emergency measure.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2020-128.

Roll Call      6 yes  
                    0 no

Motion carried 6 to 0

**MAYOR'S REPORT** – Reported that State Representative John Rodgers called informing him that \$300,000 for the amphitheater has been awarded through a state capital grant. He said Eastlake received \$475,000 for a boat launch and the Chagrin River Watershed Partners received \$300,000 for the Chagrin River Trail. He said it appears the state legislatures are interested in creating a trail along the Chagrin River from Lake Erie to the City of Willoughby.

**DIRECTOR'S REPORTS**

**Law Director Lucas** – No report. Mr. Kary asked Mr. Lucas about reinstating the association at North Bay Colony. After a lengthy discussion, Mr. Lucas said it seems almost impossible to get the original homeowners association back up and running. Mr. Lucas said the homeowners best bet is to do what Mr. Kary suggested in that everyone contribute money to be used to mulch the island and mow the grass in common areas. Mr. Kary said he recommended the homeowners reach out to Kaman and Cusimano regarding homeowner's association law.

**Service Director Palmisano** – Reported that all the seasonal work is progressing on schedule and the department is ready for the winter season. Shift work will begin in a week and a half. Councilman Anderson said the department did a great job with the leaf pick up this year.

**City Engineer Lannon** – Reported that bids are due to the Ohio Department of Transportation (ODOT) this Thursday for the Lakeshore resurfacing with early summer construction most likely. Regarding the Erie Street reconstruction, Mr. Anderson said there are spots that have settled and wanted to know if that work would be included as part of the paving program or covered through a warranty. Mr. Lannon said the county holds a three year warranty on the work so technically it is covered by the county. He said the City could push for spot repairs which isn't ideal. He said that area will need to be looked at over the next three years.

**Fire Chief Ungar** – Reported he received 7 cases (14,000) surgical masks for distribution throughout the City. He said every department throughout the county was provided several thousand based on per capita basis. He wished everyone a Merry Christmas and a Happy New Year.

**Police Chief Schultz** – No report. Mr. Carr asked when data would be received from the cameras that were discussed at the last meeting. He said he is hoping to have something to report in 30 days. He said he has received a lot of data over the last 5 days since the cameras have been up.

**Building Inspector Keller** – No report.

**Parks & Recreation Director Banker** – Ms. Banker said the Santa parade is this next weekend. She said this past weekend was the Elf movie, the lighting contest and the gingerbread house building. She said residents are happy so far with the activities provided.

**Finance Director Bosley** – No report.

#### **COUNCILMEN:**

**Mr. Woodin** – Absent.

**Mr. Kary** – No report. Mr. Kary wished everyone a Merry Christmas.

**Mr. Tomaselli** – No report. Mr. Tomaselli wished everyone safe and healthy Christmas and New Year. He said he was looking forward to 2021!

**Mr. Anderson** – No report. Mr. Anderson wished everyone Happy Holidays.

**Mr. Garry** – No report. Mr. Garry wished everyone Happy Holidays.

**Ms. McNeill** – No report. Happy Holidays to all.

**Mr. Carr** – No report. He wished everyone a safe and healthy Holiday.

Motion made and seconded to go into Executive Session to discuss imminent litigation per ORC 121.22G (3) at 8:40 p.m.

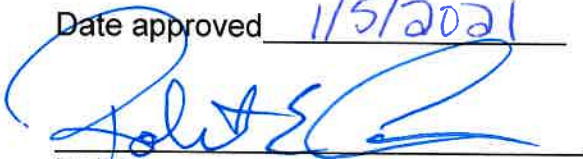
Roll Call      5 yes  
                  1 absent (McNeill for this roll call)  
                  0 no

Motion carried 5 to 0

The Council meeting reconvened at 9:34 p.m. from the Executive Session.

*The Regular Council Meeting adjourned at 9:36 p.m.*

Date approved 1/5/2021



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor