

# City of Bay Village

Council Minutes, Committee Session  
Dwight A. Clark President of Council, presiding  
Council Chambers; augmented by Zoom.

May 2, 2022  
7:00 p.m.

Present: Clark, DeGeorge, Greco, Kelly, Maier, Tadych, Winzig, Mayor Koomar.

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Chief of Police Gillespie, Recreation Director Enovitch, Building Director Tuck-Macalla, Fire Chief Lyons, Clerk of Council Kemper.

## AUDIENCE

Martha Raymond, Archer Williams, Denise Day, Anthony Day, Liam Martin, Aaron Zetac, Sam Harrington, Jennifer Harrington. Members of Scout Troop 729 and Pack 729.

Via Zoom: Jim Blocksidge, R. Cagney, Elaine Kosco.

## ANNOUNCEMENTS

**Mayor Koomar** advised that 2995 people attended the Grand Opening of the Bay Village Branch of the Cuyahoga County Public Library on Saturday, April 30, 2022. The Mayor complimented Branch Manager Jessica Breslin on the arrangements for the event, including featuring the Bay High Drum Corps, Choraleers, and String Quartet from Bay Middle School.

The Computer Round Up, Shredding Day and Habitat for Humanity collections also held on Saturday, April 30 drew a lot of interest from the community. The Green Team used a new vendor for the shredding and they did not have the same power as the vendors used previously, which caused some lines and back-up. Discussion will be held with the Green Team to possibly schedule another date for shredding in late summer or fall.

## COMMITTEE OF THE WHOLE

**ENVIRONMENT, SAFETY, & COMMUNITY SERVICES COMMITTEE- T. Kelly, D. Tadych, S. Byrnes Maier.**

### Submerged Land Leases (2):

New Owners of Property at 23714 Cliff: Mattias and Jennifer Anne Olsson (former owners Amy Smith Smernoff & Lance Smith)

Bay View Park Association, Cliff Drive (P.P. Nos. 204-23-008 and 009) (care of Association President Edward Smith, 23718 Cliff Drive)

**Mr. Kelly** will introduce Resolutions for submerged land leases at the Regular Meeting of Council to be held following this Committee meeting. These are the additional land leases to be

added to the submerged land leases passed by Council on April 25, 2022 as a result of the formation of the Shoreline Special Improvement District (SSID) where the group of residents by the lakefront will be improving or protecting their property from erosion by virtue of the new state statute. These land leases being presented for approval this evening are the ones that address the one home where the owners have changed, and the Bay View Park Association common parcel. These were held back on April 25 to make sure the new owner was shown on the parcel where there was a change in ownership.

Newly Revised Civil Services Rules and Regulations.

**Mr. Kelly** will introduce a Resolution this evening to adopt the newly revised Civil Service Rules and Regulations. A previous copy submitted to Council was reviewed for typographical errors.

**Law Director Barbour** commented that Mr. Todd Hunt, senior partner at Walter Haverfield, a well-known municipal law firm, was hired as outside counsel to assist with the review of the Civil Service Rules and Regulations. Mr. Hunt reviewed the Bay Village City Charter and the prior Civil Service Rules and Regulations and made proposals to the Civil Service Commission in a series of meetings. The Civil Service Commission reviewed Mr. Hunt's proposals and their own proposals, and produced what is before Council this evening for adoption by Resolution.

Mr. Kelly stated that this is on the Council agenda as a Resolution because these are updated rules that the Commission has adopted. Council's role is, by Resolution, to adopt and agree to these new rules.

Mr. Barbour stated that it was the suggestion of outside counsel that our City Council give a stamp of approval on these rules to further establish their authority. The City has not done that before, but it was his suggestion and this is done by a number of other cities. It is not required. The Civil Service Commission, by Charter, has the ability to make their own rules. Regardless of whether the City Council votes in favor of this Resolution, the Civil Service Commission will still have these rules. City Council cannot change the Civil Service Commission Rules.

**FINANCE AND CLAIMS COMMITTEE -D. Tadych, P. Winzig, T. Kelly, D. Clark.**

Street Improvement Program Note Issuances (2) including renewal of Various Purpose Notes, Series 2021, and providing new money for street/bridge projects. Second Reading and Consideration for Adoption of Ordinances at Regular Meeting of Council this evening.

Redemption of 2011 Police Station General Obligation Bonds. Second Reading and Consideration for Adoption of Ordinance at Regular Meeting of Council this evening.

**Mr. Tadych** stated that Ordinances will be presented on second reading and consideration for adoption this evening for the issuance of Notes, in anticipation of the issuance of Bonds, for renewal of \$3 million in debt and \$1.5 million in new notes for street improvements.

Additionally, the City will redeem approximately \$625,000 in Police Station General Obligation Bonds, saving about \$45,000 in interest.

Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2023.

**Mr. Tadych** will introduce a Resolution this evening for first reading at the Regular Meeting of Council to adopt a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2023.

Mr. Clark noted that the Tax Budget will be adopted after two readings and reflects no change in the millage whatsoever.

**PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE -P.**  
**Winzig, L. DeGeorge, M. Greco.**

Acceptance of the bid of Nick and Nancy Dadas, in the amount of \$1,410,000 for the City owned property located at 502 Cahoon Road.

**Mr. Winzig** advised that an Ordinance authorizing the sale of municipal property following bid will be introduced for first reading this evening. This represents the sale of the former library at 502 Cahoon Road. Law Director Barbour has sent Council an informative and detailed email with a number of attachments that describes the property and the fact that Nick and Nancy Dadas of Avon, Ohio were the high bidders, and the fact that per Ohio Revised Code 721.03 the City can only accept the highest bid. After adoption of the Ordinance at a future meeting, there is a process for the purchase agreement to go forward.

Mr. Clark commented that all protocols for sale have been followed, advertising for five consecutive weeks. The library is being sold as is, through an all-cash arrangement.

Mr. Barbour added that all parties have had an opportunity to inspect the property. Three bids were received, two were over the appraisal amount and one was under the appraisal amount. The sale must be to the highest bidder.

Mr. Clark stated that it is understood that there is no required zoning change for the buyer's use of the property.

Mr. Barbour stated that the new owner will have to apply for a conditional use permit to operate a school.

Ms. DeGeorge asked if the school is a for-profit or a non-profit organization. Mr. Barbour stated that he does not have that information.

Ms. DeGeorge asked if the conditional use permit has anything to do with whether or not it is for profit and then becomes a commercial entity, noting that this question was posed to her.

Mr. Barbour stated that the City ordinance is silent as to whether it has to be a non-profit school or a for-profit school. It just says “school.” Mr. Barbour stated further that he does not have a quick or easy answer to that question, but he does not believe what they are contemplating is a commercial enterprise. It does not seem like a profit-driven enterprise on the face of it. The one private school in the City charges tuition. Part of the property was used as a school for fifty years, and then spent forty plus years as a library, another conditional use. Those are factors for consideration by the Planning Commission who has the authority to grant or deny conditional use. The buyers were made aware of and acknowledged that information in their correspondence.

Mr. Tadych asked if the buyers of the property, once the sale is approved and completed, can sell it to anyone in the right range of protocol.

Mr. Barbour stated that zoning and permitted land use does not change. The only way it could change would be by voters.

Finance Director Mahoney stated that a quick search on her cell phone indicates that the buyer is a 501c3 organization.

The Ordinance for sale of the property will be placed on first reading this evening.

**PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE -L. DeGeorge, T. Kelly, P. Winzig.**

Award of Contract for 2022 Street Striping and Marking Program.

**Ms. DeGeorge** advised that the Council has received information regarding the bids for the contract for the 2022 Street Striping and Marking Program, and called upon Director of Public Service and Properties Liskovec for comments.

Mr. Liskovec reviewed the information presented in a memorandum dated April 28, 2022 from Curtis J. Krakowski, CSI, CDT, Infrastructure Manager advising that the City received two bids on Friday, April 22, 2022, and attaching a bid tabulation sheet and map of the City streets included in the contract. The Lowest Responsive and Responsible Bidder was American Roadway Logistics, Inc. who submitted a bid of \$39,646.75, with work to begin as soon as possible and be complete within 20 to 30 days, weather permitting. They will begin once the crack sealing on Lake Road, Wolf Road and Naigle Road are finished in June. There is also a \$2,000 Contingency included in the total to be used at the City’s discretion during the project.

Discussion of Village Green Project.

**Ms. DeGeorge** stated that in January of this year the Mayor spoke about the idea for the Village Green Project for the area between the new library and city hall. The idea is for the area to be a gathering spot, possibly with entertainment and seating, and would act as an entrance to all of the activities in the park. Also in January the Mayor spoke to a State Capital Fund position that was

to take place in March. Ms. DeGeorge called upon the Mayor and Mr. Winzig for further comments.

**Mayor Koomar** apologized for the placement of this project on the agenda under Public Improvements, noting that his intention was for it to be in the Planning and Zoning Committee.

**Mr. Winzig** stated that Council is aware of the project conceptually as part of the whole inter-connecting efforts that have been taking place for the past four or five years in bringing the City business district, the new library, City Hall, Play-in-Bay and the new trails in place on the way out to the lake. This Village Green Project completes that part of the project. Ms. Maier, Mr. Winzig and the Mayor have been involved with a company called HBM, the architectural group that designed the new Bay Village Library. Mayor Koomar reached out to HBM and asked them if they would be interested in working on this project. HBM put together some concepts, and the whole idea is to try and bring the green space together in a way that would be a center City park. Currently in that space there are some memorials that have been in place for many years. Those would be deconstructed and then have a designated spot within the green space to honor that part of the park. A positive idea is to put in an area to hold a small event, e.g., someone playing a folk guitar on Friday afternoon when the weather is nice. There would be an opportunity for people walking by or riding their bikes, and to have some chairs for people to sit out there and enjoy what is going on next to the new library.

**Ms. Maier** stated that the City Master Plan encouraged that focal point and the changes to Cahoon Memorial Park would all be pulled together with this element and create an entranceway to the park area. We are happy with the work that HBM did and they truly understand the site and the community. It makes sense to pick them to extend some of the architecture and design of the library into the Village Green area. It is not a huge area, but it is very impactful just because of the visibility and the fact that it does help stitch together the elements of the park.

Mr. Winzig stated that it is not just a matter of putting down concrete and pathways. The City Engineer will be engaged in the process because there are fiber optic lines and utilities that run through the area. It will be approached as a normal City project where there will be some very specific engineering work, some design work, and possibly one or two phases of finished work, putting in the walkways and enhancing the area with lighting and additional park benches. Rather than having right angles with everything, they watched kids on their bikes and if we want them coming from the Middle School and going past the library to Play-in-Bay, there is a natural flow so they are not coming across the grass or cutting corners.

Mayor Koomar stated that there are some storm water considerations and it is thought to have Chagrin Valley Engineering do the civil engineering portion of the project. To do some lighting, whether it is down lighting along some of the trails, or up lighting of larger trees, the thing that residents have commented most is the fact that the library is lit at night, and we would want to add this lighting to balance the area.

The Mayor presented slides of the concept of the Village Green Project which are attached to these minutes. As he proceeded through the slides, he made the following comments:

Existing Conditions – Slide A

The lot on the west end of City Hall is needed to enter into City Hall, and for parking City vehicles at night, especially during snow plowing season, the lot will remain but be made smaller.

Conceptual Plan – Slides B and C

To possibly accommodate speaker series planned by the library there would be a pergola performance area, somewhat offset. With Mr. Winzig, Ms. Maier, and Recreation Director Enovitch's help, and knowing that there would be pedestrian flow through the park for Play-in-Bay, tennis courts, the idea would be to connect to City Hall and the other activities. The brown area shown in front of the pergola area might be some type of paver area with seating to accommodate folks eating in the area from local restaurants or Food Truck Friday. A trail goes up to the swimming pool completing the flow into the park. The library donors that are residents stated that there will be a lot of people crossing Wolf Road. Part of the Wolf Road Project is to provide a cross walk from the Key Bank area across Wolf Road including a rapid beacon light without an island in the center because Wolf Road has slower traffic and is used for safety vehicles.

Rendered Views "D" show the pergola area with adjacent flower beds, trees and the picnic table area.

The Mayor noted that when a road is removed it is not uncommon for drivers to continue to use the area as a road. The road west of Bay Way was taken out a number of years ago and routinely had people driving on it until trees were planted to block the area. It would be better to have the food trucks placed where they are presently situated.

Mayor Koomar advised that the plan shown was put together for the State Capital Funding application. Work is being done on the potential cost and what the next steps may look like. Over the years from time to time, the Mayor noted he has had different community groups have interest in city projects and wanting to contribute to an effort. This has an appeal as a public space with the possibility of a plaque recognizing a donation from a foundation or group. Private companies have expressed an interest, as well. This would bring together different funding sources in addition to City funds, State Capital, and potential grants. More planning will be done this year to prepare for the fall budgeting for 2023.

Mr. Winzig noted that some of the work will be done by the City Service Department, e.g., taking down the current memorials, storing them, and possibly some of the paving.

Pavers would be 8 feet wide to provide enough space for both walkers and bicycle riders. The flower beds would start small and simple for easy maintenance. As Mr. Winzig noted, there might be two phases of observing how people use the space and then defining the space.

Mr. Clark stated that he spoke with State Representative Monique Smith at the library ribbon cutting and Representative Smith seemed to resonate with the project and offered any assistance. Mayor Koomar stated that Senator Dolan has also offered assistance.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE –S. Byrnes Maier, M. Greco, D. Tadych.**

**Ms. Maier** will be checking schedules to arrange a Recreation and Park Improvements Committee Meeting sometime in the next several weeks.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE –M. Greco, S. Maier, L. DeGeorge.**

**Mr. Greco** had no report this evening. Mr. Greco will be scheduling a Services, Utilities and Equipment Committee meeting in the very near future.

#### **AUDIENCE**

**Dr. Dan Sweeney, Salem Drive**, congratulated the City Council, speaking on behalf of the Bay Village Anti-Racism Network. He stated that they are trying to expand what the network is called and how to market it into more global issues of transparency and diversity. They are trying to make sure it doesn't just look like racism is the only issue they are interested in. Dr. Sweeney congratulated City Council, because Bay Village was one of the only ten communities that passed any type of resolution for anti-racism, of the sixty communities in Cuyahoga County, in 2020 when this became a very important issue. Dr. Sweeney stated that he spoke with Human Resource Director Demaline and expressed congratulations on the training on diversity and inclusion for all department heads and key people in various departments that was done in December of 2021 and January of 2022. Ms. Demaline stated that there is some movement to offer that training to all the staff, or at least new staff that is coming on. Knowing that since 2020 all new hires have to go through diversity, inclusion and equity training, Dr. Sweeney asked if there was any plan to expand or extend the training.

Mayor Koomar stated that Ms. Demaline is looking at the on-boarding process. The Mayor noted he is a former Cleveland Clinic employee and when he was so employed there was a clinic-wide and division initiative to be filtered in and they are working on that here as well. It is a work in progress.

Dr. Sweeney stated he just wanted to let everyone know that they are still interested in making sure that this will be reviewed in an ongoing basis.

Mayor Koomar stated he is a graduate of Leadership Cleveland. They have an LC2 Class and in that class this year was a Chief Compliance Officer from University Hospital. They were trying to do some things internally about creating dialogue and finding a balance. They have been using the LC2 Class as a sounding board for that and there is a general feeling there needs to be dialogue in all directions.

Dr. Sweeney reiterated his congratulations to the City of Bay Village on what has been done so far and encouraged the work be continued.

Mr. Clark noted that the Rules of the Civil Service Commission that will be adopted this evening have a very strong anti-discrimination statement.

Dr. Sweeney noted that he reviewed that statement and is very glad it is included in the rules.

Mr. Winzig read the statement as follows:

Rules and Regulations of the City of Bay Village Civil Service Commission.  
Rule V- Applications  
Section 5. Anti-Discrimination

“The Bay Village City Council and the Civil Service Commission formally declare that the City of Bay Village, Ohio shall provide equal employment opportunities, also known as EEO, to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identify or expression, national origin, age, genetic information, disability or handicap, except where age or disability would be an obvious and bona fide obstacle, marital status, amnesty, status as a covered veteran, or pregnancy in accordance with applicable federal, state and local laws.”

Mr. Winzig stated that this is very up-to-date and stronger than language in the past.

A member of the Zoom audience wrote in the Chat box that she loves the Anti-Discrimination Resolution.

## **MISCELLANEOUS**

**Mr. Clark** reminded everyone that Tuesday, May 3 is Primary Election Day and encouraged everyone to get out and vote.

The next Regular Meeting of Council will be held on Monday, May 16, 2022, beginning at 7 p.m.

## **ADJOURNMENT**

The meeting was adjourned 7:45 p.m.

/s/ Dwight A. Clark  
Dwight A. Clark, President of Council

/s/ Joan T. Kemper  
Joan T. Kemper, Clerk of Council