

# City of Bay Village

Council Minutes, Committee Session  
Dwight A. Clark, President of Council, presiding  
Council Chambers.

January 16, 2024  
7:00 p.m.

Dwight A. Clark, President of Council, called the meeting to order at 7:00 p.m.

Present: Dwight A. Clark, President of Council.  
Sara Byrnes Maier, Council-at-large.  
Peter J. Winzig, Council-at-large.  
Dave Long, Councilman, Ward 1.  
Lydia DeGeorge, Vice President of Council and Councilwoman, Ward 2.  
Michael Greco, Councilman, Ward 3.  
Dan Rettig, Councilman, Ward 4.  
Mayor Koomar

Also Present: Law Director Barbour, Finance Director Mahoney, Police Chief Gillespie, Recreation Director Enovitch, Director of Public Service and Properties Liskovec, Building Director Tuck-Macalla, City Engineers Don Bierut and Jeff Filarski, Clerk of Council Kemper. Fire Chief Lyons on Zoom.

## AUDIENCE

The families of Shirley Grace Gansor, Police Dispatcher; Stephen Moore, Police Officer; and Molly Searles, Police Officer, were present to witness the ceremonial oath of office of their loved ones. They were joined by a large number of Bay Village Police Officers.

By Zoom – Dan Wyman.

## ANNOUNCEMENTS

**Mayor Koomar**

**Ceremonial Oath of Office:**  
**Shirley Grace Gansor, Police Dispatcher**  
**Stephen Moore, Police Officer**  
**Molly Searles, Police Officer**

**Reappointment of Richard Kirk to the Planning Commission for a five-year term expiring February 4, 2029.**

## COMMITTEE OF THE WHOLE

Don Bierut and Jeff Filarski, City Engineers  
Chagrin Valley Engineering Company

Report regarding Sewers and Equalization Tank Project.

**Mr. Jeff Filarski, Chagrin Valley Engineering**, addressed Council and the administration with a presentation of the Sewers and Equalization Tank Project. A copy of Mr. Filarski's presentation is attached to these minutes as if fully incorporated herein.

Mr. Filarski stated that in 2019, the United States Environmental Protection Agency (USEPA) came to the City with a complaint regarding SSO's (Sanitary Sewer Overflows). Two of those SSO's remain to date. Ten years earlier, they notified the City that something needed to be done with these SSO's. An SSO is an overflow that occurs during wet weather, i.e., snow melt or heavy rain. The level of the sanitary sewers go up and these SSO's act as relief points. When a certain level is reached in the sanitary sewer they flow over into the storm sewer or stream and eventually out to Lake Erie. USEPA stated that the City had to eliminate these SSO's. There are two remaining, one at the intersection of Glen Park Drive and Lake Road, and one approximately 500 feet west of there on Lake Road. The order to eliminate the SSO's includes a legal document outlining the time required for elimination of the SSO's and what needs to be done following.

An extensive flow metering and sewer modeling study was conducted by Chagrin Valley Engineering to determine options. The study resulted in the idea of an equalization tank, or storage tank, which would store wet water flows when it rains as the level of the interceptor sewer rises.

This will make up for the SSO's and the water being there so the safety valves downstream are no longer there. If the water goes up, rather than having it go in the basement it goes somewhere else. Rather than plugging those SSO's they had to figure out where they were going to put this water, and they created the concept of the equalization tank. It is a huge project that they are currently designing. This will take care of one SSO. The other SSO is upstream on Lake Road, downstream of the Bruce/Russell Douglas area, which will be another project involving the replacement of sewers. There is a large number of water in basements in that area and that second project will address that flooding. Through sewer modeling, they were able to determine the size and type of sewer to be put in to take care of the water in the basements and to eliminate the SSO.

Mr. Filarski stated that the City of Bay Village is part of the Rocky River Wastewater Treatment Plant (RRWTP). The plant is also under orders from the USEPA to reduce overflows from the plant. The participation of Bay Village is the need to reduce wet water flows, which is taking the storm water out of the sanitary sewers the best they can. The goal is 20 to 30% of infiltration reduction. This needs to be done to keep the Rocky River plant in proper operating conditions. That is another facet of what is being done, and that goes to trying to clear up flooded basements. In the summer of this year, we had three big storms and many, many flooded basements. A lot of that is due to infiltration and some is due to storm capacity. It is a mix, but all interrelated. The biggest project is the equalization tank. Next comes the Lake Road/Douglas sewer, and following that is the ongoing effort to reduce infiltration and inflow that is going to the Rocky River Wastewater Treatment Plant.

Mr. Rettig stated that he represents Ward 4 which is west of Bradley Road, for the most part, and includes Huntington Woods and also south to Walker Road as well. He asked if any of these projects will help alleviate the flooding, or is that unknown at this time.

Mr. Filarski stated that this area is in their study area. That is one to be addressed because of the density of the flooding that happened there.

The Mayor noted that the equalization tank is downstream of that area. Mr. Filarski stated that will not affect the area stated by Mr. Rettig; there are other issues they need to figure out for over there.

### Sewer Testing

Mr. Filarski reviewed the bids received for the sewer testing project. He displayed the results of the flood survey and noted the properties that reported property flooding from the July storms. The blue markings represent clear water, orange is a mix, or more sewage, and yellow is undetermined. The areas to be studied initially are the higher density area where more flooding occurred. Other properties that flooded are single properties here and there where there may be other issues more related to plumbing on property or lateral lines. They are not looking at those on a broad scale, the Service Department is addressing those, but they are looking at areas where there is more concentrated flooding, i.e., Huntington area, Walmar area, Bruce/Russell/Douglas area, Canterbury area, and some of the areas to the south.

Mr. Winzig asked when the storm water is discharged and goes back into the lake, how many discharge points there are in the City.

Mr. Liskovec stated that there are 108 discharge points into water ways.

Mr. Winzig noted that looking at the map it seems that the entire City was affected. Mr. Liskovec stated that from an 8-inch pipe to a 66-inch diameter pipe, we have the gamut, and it is all based on what we inherited as part of the design years ago.

Mr. Winzig noted that this is important for the residents because people may think there are three or four big pipes that go down Bradley or Columbia and out to the lake. Mr. Winzig thanked Mr. Liskovec for the information.

Mr. Rettig asked if the blue areas on the map would represent more of a storm issue and the orange more of a sanitary issue. Mr. Filarski stated that is correct on a high level. Mr. Rettig asked if it would be more of a storm issue than a sanitary issue because of the dominance of the blue markings. Mr. Filarski stated that it may be because the blue color stands out more than the yellows.

Mr. Filarski stated that for the sewer testing project they picked out six areas to test initially, indicated on the map 1 through 6, west to east. The Canterbury area is split between 6 A and 6 B. Specifications and requirements were drawn for a company to come in and do sewer testing, which consists of dye testing of private properties and smoke testing of sewer mains.

Mr. Rettig asked if every private property within the areas shown will be done.

Mr. Filarski stated that the process is that in order to determine private property testing, smoke testing of the sanitary mains will be done. Smoke will be done in the sanitary mains and if smoke vibrates up to the sanitary laterals and into the homes, where they see smoke coming out from a source on the property, i.e., downspout, drain on the property, clean-out, or up to the ground, that property would then go on to dye testing. The dye test for property consists of a simulated rain storm and putting dyed water into downspouts. The downspouts are tagged and a camera sitting in the sewer main sees dye coming from the sanitary lateral into the sanitary main. The camera then gets launched as far as it can go into the lateral to dye test all those possible sources to determine where that storm sewer source is, if it is a downspout or a drain, or any other area it can see. That identifies the source of the storm water getting into the sanitary line.

Mr. Rettig asked if the storm sewers by themselves are being looked at as part of this as well.

Mr. Filarski stated that the sewer sewers will be filled with dyed water and a camera put into the sanitary main which is adjacent to the storm main. The camera will be brought down to the sanitary main to see the source of the dyed water. If they see water coming into a joint on the sanitary line they will know that it is water leaking out of the storm sewer into the sanitary sewer. Another source could be water leaking out of the storm lateral leaking down into the sanitary lateral. That will tell them if there are issues with the mains. All of these tests will be simulated rainfall with eyes in the sewers to determine if there is crossflow.

Mr. Rettig asked if the residents will have any issues with this testing.

Mr. Filarski stated that residents will get notice of smoke testing, and will be asked to pour some water into any floor drains in the basement. There is a trap there that keeps gasses from coming back up. If the trap is dry smoke might come up into the basement. Testing on the property is all exterior, it is not anything that will flood a house.

Mr. Rettig asked how residents are being notified of the testing.

Mr. Filarski stated that the residents will be notified by mail from the city. Just prior to the actual testing they will receive a hanger notification on their door which will include the steps of testing.

Mr. Rettig stated that if they are not comfortable doing that or are confused about the process will they have someone to call.

Mr. Filarski stated that there will be a contact person identified on the notification.

Ms. Maier noted that the entire area was put out to bid, but the City cannot afford to do all of it. Looking at 5, 6A, and 6 B, which is the recommendation to fund for testing now, is there a rationale to do the other ones that tie back to the equalization tank? Since not every house is

going to be tested, what is the ratio of how many houses are in the area and how many do you expect to test?

Mr. Filarski stated that the estimate they use is 25% of the houses would need to be dye tested. That is an assumption and if there is more that need to be done they will be back to Council for additional funds. They will use the amount that is allotted and that will give them a good gauge as to how far they can go. They know the Bruce/Russell/Douglas area has a lot of houses that have different issues. They tested them ten years ago and need to reconfirm that. It is also an area that is just upstream of those SSO's so they want to make sure they are pulling enough water out of there. The Canterbury area is an older area. This relates to the requirements of the Rocky River Treatment Plant. They will look initially at the storm sewers in the Huntington area. Because of the way they are configured, there may be some issues. They will need to look at how the network of sewers comes together. There may be some needed sewer reconstruction and relocation on the storm sewer end, rather than having anything to do with the sanitary sewer.

Mr. Rettig asked when the work might be done this year.

Mr. Filarski stated that the Huntington Woods Storm Sewer System may not happen this year, whether or not they come up with a recommendation. It would be whether there is money to do it this year or not. It may have to be in the budget for next year.

The actual study of the storm sewers will be four or five months.

Mr. Filarski displayed the bids received from three contractors for the smoke and dye testing. The recommendation is to award a contract up to \$730,000. The lowest bid was from Duke's Root Control in the amount of \$824,367.50. A memorandum from Donald Bierut, PE, City Engineer dated January 12, 2024 recommends award of contract to Duke's Root Control, Inc. not to exceed cost of \$730,000.00. It is their intention to begin work upon award and complete their work in areas 5, 6 A and 6 B within 130 days. They will do the dye testing of the storms during the colder winter months. Smoke testing works better when the ground is not frozen, and that is expected to begin in March when the temperatures are warmer.

Ms. Maier asked if other areas will be done after 5, 6 A and 6 B if there are funds remaining in the contract amount of \$730,000.

Mr. Filarski stated that as they go along and see how much is spent and the balance left they will move on to other sections.

Ms. Maier asked if there is the potential that close to all the areas will be tested.

Mr. Filarski stated that they could all be tested.

Ms. DeGeorge asked if Duke's Root Control has done work for any other cities.

Mr. Filarski stated that they did research the company, and Mr. Liskovec has had experience with the company also. Mr. Liskovec confirmed that he has had experience with Duke's Root Control.

The Mayor explained that if issues are found on private property the homeowner would be referred to the Building Department. Building Director Tuck-Macalla stated that residents can obtain a list of licensed plumbers from the Building Department. They do not endorse one contractor over another, but the staff can direct someone to a grouping of contractors.

Mr. Rettig asked Mr. Filarski if they perceive testing being done in all area in 2024 at some level with the funds available.

Mr. Filarski stated that the amount bid is about \$100,000 more than what is available. If the number of homes are what was projected, there would not be enough funds to finish the remainder, at which time Council would have the ability to increase the funding.

Mr. Winzig asked if any of the City Service Department personnel will be engaged to work with the contractor.

Mr. Filarski stated that they would only be used if there is access difficulty. The work is assigned to the private contractor.

#### Equalization Tank Project

Mr. Filarski presented on screen the layout of the Equalization Tank Project. The tank will be located at the northwest corner of Cahoon Road and Wolf Road, across the street from the skate park. The six pipes are 11 feet in diameter, approximately 350 feet long, connected by a manifold. A regulator structure will be built which lays on an egg interceptor sewer. The structure will be gated and will be controlled by levels in the sewer. At a certain point the gate will close which will back up water in the egg main sewer to a diversion structure. The water will flow to the tanks; the tanks will fill partially by gravity and at a certain point a valve will close, the flow will go to the pump station and the flow will be pumped into the tanks. The tanks will fill in a sequential manner. When the storm is over the tank will be dewatered with the water flowing to the interceptor on the south side of Wolf Road. The idea is to drain the tank 24 hours after the storm. The sewer is an overflow sewer. If the tanks fill up and if there is a rainstorm over and above the design rainstorm the tank will overflow into the sewer and flow down into the diversion structure downstream of the gate.

When the project is completed the athletic fields will be able to be used as they are now, not reducing any of the number of fields. During construction the fields will be closed.

The sidewalk on Cahoon Road will be the edge of the excavation on the east side. Pump station, valves, and dewatering structure were pointed out on the display. The excavation depth is 20 feet. Ramps on the north side will enable trucks to haul dirt out to the parking lot on the north side of the field. The pumps are made of high-density polyethylene, at a lower cost than concrete and with a longer lifespan, and are not affected by chemicals.

Ms. Maier asked if the system can be expanded.

Mr. Filarski stated that it will be built with expansion possible.

Ms. Maier asked if there will be an area for soil to be held.

Mr. Filarski stated that there will be an area for soil and it will all be surrounded by fencing.

Ms. Maier asked if there will be access to the diversion structure.

Mr. Filarski stated that there will be access covers and they have been working with Mr. Liskovec's crew to see what they would like to have for access points.

Manhole type covers will be in the sidewalk. Temporary easements will be acquired if necessary. Ms. Maier stated that the area is well trafficked with kids walking or biking. She asked if there is a way to move the sidewalk around the site because it is not favorable to have manholes in the sidewalks.

Mr. Filarski stated that they can review that possibility but noted there are manholes in sidewalks in many areas and they do not cause a safety hazard. Mr. Filarski stated that if the sidewalk were moved it would have to be moved toward the school and there is a berm which would require regrading.

Mr. Winzig asked how much volume the main carries that runs parallel to Wolf Road, as compared to the whole city. Is it carrying the whole west end?

Mr. Filarski stated that it carries basically the whole west end because it gets the flow from the Long Beach Pump Station.

Mr. Rettig asked if the engineers, while we have this giant hole in the ground and doing all this work, have looked at alleviating some of the flooding and drainage issues in Cahoon Memorial Park to see if that can be taken care of as well either through regrading with all the excess dirt or putting in some type of drainage.

Mr. Filarski stated that funding is currently for the equalization tank project, and he is not aware of what the issues are with drainage in the park. The ball fields are flat with underdrains.

The Mayor noted that the material is a lot of shale. Mr. Rettig stated that from what he understands it is also an old landfill. The Mayor stated that the smaller fields on the south side of the parking lot is an area that needed help with grading. Good quality top soil from the Walker Road Retention Basin project was dumped there to shape the smaller fields.

Mr. Long asked the time frame from start to finish for the equalization tank project.

Mr. Filarski stated that the time frame is the fourth quarter of this year through the middle of next year for the equalization tank project.

Mr. Greco asked that if environmentally it is known if it is safe to go down and dig in this area.

Mr. Filarski stated that they have done test bores in the area and everything there is virgin. It is basically a foot of soil and then soft shale all the way down. They were fortunate to find the site for the facility.

Mr. Filarski pointed out the details of the site on the display, including the access drive, the drainage, input, and valve structures. The only building above ground will be a 'dog-house' small structure for the motors that operate the valves. Manholes above the tank are at grade. Above ground changes will be the pump station, generator, the dog-house structure and fencing. A small, prefabricated structure will blend architecturally with the site.

Mr. Clark stated that there are four cities that are involved with the Rocky River Wastewater Treatment Plant. Bay Village is the first one under the administrative order to take action.

Mr. Filarski will send the Clerk of Council an update of the schedule status for distribution to the members of Council.

A design loan application for the Lake Road/Douglas Road sewer will be submitted by the end of January.

Flow monitoring and test bores are completed for the tank. Test bores for the Lake Road project will be done in February. Sewer modeling is completed. Submission to the Ohio Water Pollution Control Fund was done. The project is on the nomination list and awaiting approval, expected this month. There is the ability to obtain some funding from the Ohio Department of Development. The application was submitted for \$5 million. A zero-interest loan has been obtained for \$2.9 million from the Ohio Public Works Commission. The last item underway now is the design. A 60% plan was sent to the Ohio Environmental Protection Agency (OEPA) for review and comment. The next step is to submit a PTI, a complete plan set to install. The goal for that submission is February. They are working now with their design consultants to pull that together. Consultants are electrical and engineering, and ICC, Instrumentation and Control Consulting, responsible to build the brains of the system. There will be level sensors in the sewers tied together into a computer giving the Service Department the ability to remotely monitor the tank. Also worked in is the ability to monitor controls in the Huntington Pump Station which are antiquated.

Mr. Winzig stated that when the pump was upgraded there was a long lead time on parts, 18 to 24 months. He asked Mr. Filarski if any delay is anticipated for the pumps for the tank.

Mr. Filarski stated that there is no delay anticipated. The submersible pumps are readily available. The pumps are off-the-shelf with a local distributor. There are three pumps, and one is a spare. If there is something majorly wrong with a pump and it needs to be replaced and one is not available immediately they can always put in a temporary pump and work as normal.



The Mayor stated that he talked with Congressman Miller last week who has been supportive of the City getting funds. A submission was made last year for some engineering and related planning dollars in the amount of \$866,000 which is still in play, working its way through Congress. It has made it through the House and is over in the Senate. They will continue to look for outside funding as well as low-interest loans.

**Ms. DeGeorge** asked if there has been discussion with any of the surrounding area neighborhoods regarding smoke and dye testing, in terms of what they are doing in terms of their summer flooding issues.

Mr. Filarski stated that the City of Rocky River wants to reduce the inflow and infiltration. It is unknown if they have started testing, but they probably will be, because that is the only way you can find out what is going on.

Mr. Clark thanked Messrs. Bierut and Filarski for their presentation this evening. Council will determine a time to have Mr. Filarski of Chagrin Valley Engineering in again for an update, perhaps before summer recess.

#### Homeowners Guide for Sewer Maintenance.

The Mayor's office has created a Homeowner's Guide for Sewer Maintenance and a draft of the guide has been sent to Council for review. The Mayor advised that Building Director Tuck-Macalla and his staff will be on the front end of the guide. Additional work will be done, including the Mayor's desire to put in the guide a better photo of the Rocky River Wastewater Treatment Plant for identification by residents. Further input for fine tuning the guide will be sought from the Public Improvements, Streets, Sewers and Drainage Committee of Council. Councilwoman Sara Byrnes Maier suggested seeking professional assistance with the layout and printing of the guide.

Mayor Koomar spoke at length regarding the importance of homeowners having knowledge of their homeowner system of plumbing and sewers, citing experiences with necessary maintenance such as routine clean-out of the lines. The Mayor noted that in Huntington Woods a resident had one drain that was outside in a window well that was covered. It appeared that it was connected to one drain in the basement. It seemed that it was connected to the storm line because the sanitary lines were not affected. It was suggested that all the drains be dye tested, which is not an expensive measure with a plumber. The Mayor emphasized that the guide is to give homeowners a roadmap and check list if they have a problem or items that should be discussed with a professional, licensed plumber of what may help them. He noted that every house is a little unique, but a hit list of those things that are most frequent for a conversation with a plumber may help homeowners resolve issues.

Mr. Clark stated that he would certainly endorse a professional look at the guide as suggested. He asked the plan of circulation of the guide when completed, and noted that Council would support fully the necessary expense.

Mayor Koomar stated that they can review the cost, and suggested that if folks would like a hard copy it would be available at city hall, with posting of the guide on the website. The Mayor will check back with Council regarding the cost.

Mr. Clark noted that the access to the minutes of tonight's meeting will be helpful as well based on the discussion this evening and the information presented by Chagrin Valley Engineering.

Follow-up regarding damage to a Lake Road Home as the result of Rocky River Police pursuit

City Engineer Don Bierut spoke regarding the incident on Lake Road and Bradley Road where a vehicle being pursued by the Rocky River Police jumped a curb and hit a home on Lake Road. The resident reached out multiple times to both police departments and the administration in general in seeking help and guidance in what the City can do to help with the situation. Mr. Bierut met with the residents and a representative of the Ohio Department of Transportation, Police Chief Gillespie and Law Director Barbour. The person from the Ohio Department of Transportation was one of their safety people, and a go to person as far as guiderails. The resident had asked about guardrail installation to make sure this type of situation did not happen again. The Ohio Department of Transportation representative agreed that a guardrail is not really used in a head-on type of collision. A guardrail is used to redirect traffic and put a vehicle back on the road. A direct hit is an inappropriate use of a guardrail and is not recommended. There is space to put a guardrail between the curb and the walk but it does not belong in that environment. The resident also inquired about a major realigning of the road. The intersection of Lake Road and Bradley Road is a "y" shape. That would take considerable dollars and it might be beneficial to another neighbor. There is funding state wide for a safety upgrade. The Ohio Department of Transportation representative said that although this would qualify as a project he didn't think it would score enough for funding. The resident also mentioned moving the curb line that runs east to west on Lake Road further to the south to provide more tree lawn for additional space. Again, this is a major undertaking that Mr. Bierut does not feel is appropriate. He noted that the resident can install a guardrail on their property if they choose to, and the Ohio Department of Transportation representative stated that whatever the resident wanted to do on their own property the state does not have any control over. They also talked about a couple of bollards, which are 3 or 4 ft. high, or higher. These are steel posts with concrete installed along the walk of the area to keep a car from going over. They also talked about large boulders, more of a landscaping type feature. The car actually entered through the neighbor's property to the east. Any solution really requires the cooperation of the adjoining neighbor, who hasn't really weighed in as to their thoughts. Mr. Bierut stated that the guardrail is not appropriate, anything that takes place on private property, from boulders to bollards, requires both property owners to be involved to get the solution the western most property owner is looking to achieve.

The Mayor noted that time has been set up in the next four or five days for further discussion. Mr. Bierut has prepared a summary memorandum which will be forwarded to Council after the discussion. He stated that this has been looked at in many different ways, including the Police Chief, who has talked about it with other chiefs regarding protocol for police chases. Any solution is going to be a private property solution. This is what will be discussed in a few days.

Mr. Rettig asked if the neighbor will be part of this upcoming meeting. The Mayor stated that they want to include the neighbor and have that dialogue between the two property owners.

Mr. Clark asked that Council receive a copy of Mr. Bierut's memorandum pursuant to the meeting with the residents. The Council appreciates the administration, Mr. Bierut, and Police Chief Gillespie keeping Council advised on this situation.

**ENVIRONMENT, SAFETY, & COMMUNITY SERVICES COMMITTEE- Maier, DeGeorge, Long.**

Application of Smith Seven LLC, dba Trust Coffee Company, 27225 Wolf Road, for a D5 Liquor Permit.

**Ms. Maier** called upon Police Chief Gillespie for comments regarding the application of Trust Coffee Company for a D5 Liquor Permit.

Police Chief Gillespie stated that the owners of Trust Coffee Company have other properties within Bay Village. There have been no problems with those properties, and the granting of this request would create no problems for the City.

Mr. Winzig asked if there are any parking issues foreseen with the extension of the traditional consumption of coffee only. When the Planning Commission reviewed the application of the wine bar, they spent a lot of time counting parking spaces and trying to understand the flow of the plaza. They thought of it as more of a mid-day coffee location where traffic would dissipate as the wine bar became busy. The serving of alcohol at the coffee shop might keep them potentially open longer.

Mayor Koomar stated that the parking issue is separate from the liquor permit. As they bring plans to the Building Department, Director Tuck-Macalla will review the parking.

Building Director Tuck-Macalla stated that there will not be much of a change. There is not a difference in square feet.

The Mayor noted that the coffee shop seating will be marginally increased. The present shoe repair shop space will be all service area. There might be three or four tables, but it doesn't look like a large increase.

Mr. Tuck-Macalla stated that the parking spaces are based on square feet, not on how many patrons. The parking is not going to change with the change of the use of any of the permits.

Mr. Winzig asked if they double the size of the coffee shop, would that not have an impact on the number of parking spots required.

Mr. Tuck-Macalla stated that it would, but not per our code. As far as our code is concerned, it does not reflect that.

Ms. Maier stated that the zoning overlay has that built into it where it is variable based on the businesses, times and things, that it is more of the overall parking.

Law Director Barbour stated that the basis for an objection to a liquor permit hearing does not allow zoning laws to object. The basis would be that it would increase criminal activity, that the applicant has engaged in criminal activity in other locations, that law enforcement suspects that there would be gambling, prostitution, gun sales, and the applicant is a person that has created difficulty for the community. There is case law that the hearing is not the place to raise zoning issues, and is probably not one that could be used for the limited purpose of objecting or asking for a hearing. A D5 permit is the full beer, wine, spirits by consumption on premises.

Mr. Long asked if Boss Chicken, Arrabiata, and Thyme Table have the same license. Mr. Barbour stated that they do have the same license.

Mr. Barbour noted that D5 Liquor Permit authority is under the jurisdiction of the Ohio Department of Liquor Control and is available by precinct. The number of D5 permits are based on population factors and there are available a number of D5 permits in that particular precinct. Mayor Koomar noted that the former Green Island restaurant, now Quinn's restaurant, and Chatty Pizza were approved by a vote of the people. Mr. Barbour stated that the Department of Commerce, Board of Liquor Control has information on their website.

Approval to submit an application to the Ohio Environmental Protection Agency for a chloride reduction grant.

**Director of Public Service and Properties Liskovec** stated that the Ohio Environmental Protection Agency (OEPA) released details regarding funding for grants for communities up to \$75,000. Broad categories are suitable for application, i.e., brine mixing equipment, salt storage structures, improvements to salt application equipment on vehicles. Mr. Liskovec is preparing the best application for submission. Applications must be submitted by January 31, 2024.

Mr. Winzig noted that the bulk of the information deals with improvement in run-off that would potentially go to the lake.

SWAT Bearcat Vehicle Purchase for Westshore Council of Government Communities – Discussion Item.

Ms. Maier stated that the present SWAT Bearcat is nineteen years old and it will take up to three years to receive and outfit the new vehicle once it is purchased. There is a cost share formula among the westshore cities.

**Finance Director Mahoney** stated that the collaboration of the six west side cities, Westlake, Fairview Park, Rocky River, North Olmsted, Bay Village, and Lakewood, form the Council of Governments (COG). Resources are shared and for SWAT there is a small narcotics unit with a community response team, bomb explosives unit, SWAT team, and other police functions. For fire there is the Westshore Technical Team and HAZMAT. Recently in North Olmsted a tractor vehicle was delivering chemicals and the gas tank leaked and the HAZMAT team came up and

cleaned up the fuel. Police officers and firefighters from each of the cities participate in these collaborative efforts. Included in the budget of the City is a percentage for funding. The actual budget for 2024 is \$986,000, partially funded by grants. The allocation for the cities to share is ten percent equally. The other 90% is funded ten percent based on the valuation of the properties in the cities, and 90% population. That allocation could be changing based on a COG agreement that is under consideration by the Mayors that would take away the property valuation segment which would be beneficial to the City of Bay Village, although not materially. The calculation for the Bearcat is based on the current allocation. The general operating expenditures have already been approved by Council in the budget process and the cost for the Bearcat would be additional.

Mayor Koomar noted that every fall the COG budget is presented to the Mayors. Approval gives the COG operating dollars for the year. The Mayor noted that he sits on a county board of emergency services, and funding from them was successful a few months ago on bullet proof vests and other equipment in the amount of \$150,000. In this case, the City of North Olmsted took the lead on an outside grant, but it was not a fit.

Mrs. Mahoney noted that the Lenco Armored Vehicle company is seeking a purchase order to proceed. The \$46,211.43 share of the City of Bay Village for the vehicle cost of \$379,672.00 vehicle would be taken from the General Fund. In response to a question by Ms. DeGeorge, Mrs. Mahoney noted that there is a separate line item under the General Fund for COG expenditures.

Mr. Clark explained that he thought that this purchase merited discussion this evening with a vote at the next meeting of Council. For a frame of reference, he noted that Bay's share for the life of nineteen years is about \$2,000 per year when considering the increase of \$39,067 to the General Fund budget.

Mr. Greco asked if the additional appropriation required will be brought before Council. Mrs. Mahoney stated that she will prepare the appropriation amendment for the February 5 meeting of Council.

Chief Gillespie commented that any call for help in Bay Village that would endanger police officers would involve the SWAT Team. This type of vehicle has capabilities to go into a home, but is much more a rescue vehicle. If an officer is pinned down and someone is shooting at the police the SWAT team and the vehicle is armored for rescue. It is a very distinct piece of equipment and totally needed by all the westshore communities. Chief Gillespie offered to provide more information individually or to the group, and highly advised moving forward with the equipment.

Ms. DeGeorge asked the response time of the vehicle that would come to Bay Village. Chief Gillespie stated that it depends where it is parked. If it is Westlake, it could be a matter of minutes. If for some reason it is stuck in the mud in Westlake the next vehicle would be another WEB type area, such as Euclid or Strongsville. Currently the vehicle is housed in Lakewood.

Mrs. Mahoney commented on the new vehicle, noting improvements that increase safety for police officers and other helpful features.

**FINANCE AND CLAIMS COMMITTEE -Winzig, Greco, Rettig, Clark.**

December 2023 Financial Reports of the City of Bay Village prepared and submitted by Renee Mahoney, Director of Finance.

Mr. Winzig stated that the December 2023 Financial Reports of the City of Bay Village have been sent out electronically by Finance Director Mahoney. He noted that if a printed copy is needed the Clerk of Council would provide one upon request. Mrs. Mahoney is also working on the recap of the Capital side of 2023. When these documents are ready a Finance Committee meeting will be scheduled for review of the closeout of 2023 and the projects and monies that flowed into 2024 and how they carried through on the budget.

Mrs. Mahoney noted that financial reports are always available on the City of Bay Village website.

Sale of City Property by Internet Auction. Resolution to permit sale on the agenda for the Regular Meeting of Council this evening.

Mr. Winzig stated that ORC 721.15 allows municipalities to sell unneeded and obsolete items by auction, authorized by individual government units by resolution annually.

Authorization for the Finance Director to participate in various cooperative purchasing programs. Resolution on the agenda for the Regular Meeting of Council this evening.

The Finance Director receives authorization by Council annually in a resolution to participate in various cooperative purchasing programs. The resolution will be presented for approval by Council this evening.

Appropriation Ordinances – Capital and Operating Budgets.

Mr. Winzig stated that there is a format for the appropriation ordinances. One section is for the General Operating expenses. The months of November and December are spent working with the Finance Director, and department directors in setting the budget which is approved at the end of the year in the form of the Annual Appropriation Ordinance. Throughout the year, appropriation requests are received for additional funding in the event that monies are needed to be moved around for projects. The appropriations are split this year. There are the operating expenses, and a separate appropriation ordinance for Capital projects.

Mrs. Mahoney stated that the state regulations must be followed for funding. The top section on the ordinance for the General Fund is where there is the most authority to appropriate funds. That is where the most municipal income tax and property tax comes from to appropriate for the General Fund. The 200 Fund Group, the Special Revenue Fund Group, are funds with a specific revenue source for a specific spending purpose, i.e., the Emergency Paramedic Fund. The

Emergency Paramedic Fund was established through a vote of the residents to fund some of the paramedic and fire revenues through property tax. The Debt Service Fund is funded mainly by property tax and is only to be spent on paying down debts. The Capital Fund is funded more by projects. Council will approve projects that will be paid for by those funds. Mrs. Mahoney will ask Council to approve the rollover funds to the Capital Appropriation ordinance when she completes the Capital Project Fund recording from 2023. They have already been approved; the exercise is just a formality and helps to provide information for audits. Those funds do not roll over until the project is completed. The Enterprise Funds group are business funds; the idea is that the revenue from those funds should pay for the expenditures in those funds. These cover the municipal pool, the storm sewers, and the sanitary sewers. The municipal pool fund is supplemented with transfers. The recent raise to sewer rates is to accommodate the collection of the necessary fees for the sewers. The Internal Service Fund group are funds such as health insurance and workers' compensation, which are allocated to departments. The last is a Permanent Fund Group which used to be called a Trust and Agency Fund Group and is comprised of only one fund, the Waldeck Fund, specifically established to pay homecare expenses for residents. Only the interest of the fund can be spent, about \$18,000, of the \$187,000 amount of the fund. The fund was established through a donation by deceased resident Walter Waldeck.

Mr. Winzig commented that he thought this information would be helpful. Residents look at bottom line numbers, question the spending, and may not know that funds are allocated to certain groups. This evening the appropriation request is for a Comminutor purchase, originally estimated in the \$100,000 range with an additional need for \$5,430. There is also an appropriation request for \$12,528 for the archeological survey required for the Bay Point Phase I Project. Both of these requests will be submitted this evening for approval. The Bay Point Phase I Project is grant funded from Cuyahoga County.

Mr. Winzig commented further, noting that typically on a Capital project an estimate will be received from the engineers, Mr. Liskovec's department, or the Building Department, and Mrs. Mahoney will incorporate the projections into a document. A contingency line is normally added. In the event that something happens to require more funds beyond the contingency to complete the project, additional funding will be requested.

Ms. Maier added that there is also a need for an additional environmental study as we go through a project. Sometimes when something is found there is the need to do a little bit more study and requires the coordination with all the different elemental entities, i.e., the State Preservation Office, the Ohio EPA. The procedures must be followed to obtain the funds.

**PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE -Greco, Maier, Rettig.**

Request of Bay Rockets Association for eight Snoball Race pole banners to be installed the first or second week of January, 2024. The banners are approximately 33 inches by 60 inches in size, four to be installed at the intersection of Wolf and Cahoon Roads, and four at the intersection of Wolf and Dover Center Roads, to promote community spirit for the annual Snoball Run

sponsored by the Bay Rockets Association to be held at Bay High School on Saturday, March 2, 2024.

**Mr. Greco** presented the request of the Bay Rockets Association for eight Snoball Race pole banners to be installed at various intersections to promote community spirit for the annual Snoball Run on March 2, 2024.

Mr. Clark stated that the standard application form with a non-refundable fee paid by the applicant is on file and has been submitted for review by Council. The request will be moved forward affirmatively this evening.

Request of St. Raphael Parish to install two rectangular panels, each panel 6 ft. wide and 5 ft. tall on church lawn (not tree lawn) along Dover Center Road, in a V-shape, from Monday, February 12, 2024 to Saturday, March 23, 2024.

Mr. Greco presented the request of St. Raphael Parish to install their annual fish fry sign for the period of Monday, February 12 to Saturday, March 23, 2024.

The request will be accommodated by vote of Council this evening.

**PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE - DeGeorge, Long, Winzig.**

Authorization for the Director of Public Service and Properties to advertise for bids for concrete, asphalt and aggregate material for daily Service Department operations.

**Ms. DeGeorge** will introduce a motion this evening to authorize the advertisement for bids for materials as outlined for daily Service Department operations.

Mr. Liskovec stated that the bid will be to secure standard unit pricing for any type of surface material the Service Department needs for asphalt repair, concrete patching after water breaks, and materials used in the daily operations of the Service Department separate from major resurfacing projects.

Approval to enter into agreement with Duke's Root Control, Inc. for Smoke and Dye Testing Program. Ordinance on agenda for Regular Meeting of Council this evening.

**Ms. DeGeorge** will introduce an ordinance this evening authorizing an agreement with Duke's Root Control for a Smoke and Dye Testing Program, as explained by the city engineers.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE -Rettig, Maier, DeGeorge.**

Approval for additional funding for archeological investigation for Bay Point Project, as requested by State Historic Preservation Office.



**Mr. Rettig** advised that there is a request for approval for additional funding for archeological investigation for the Bay Point Project, as requested by the State Historic Preservation Office. A copy of a letter dated November 7, 2023 to Lawhon & Associates, Inc., from the Ohio History Connection, Stephen M. Biehl, Project Reviews Coordinator (archaeology), Resource Protection and Review, State Historic Preservation Office, has been provided to Council regarding the proposed North Cahoon Park Improvements project. The project is within an historic area, and an archaeological survey is requested. Chagrin Valley Engineering has advised by letter dated January 2, 2024 that both the archaeology and history/architecture studies can be taken care of with a Phase 1 Cultural Resources survey that covers the project area. The environmental consultant for the project, Lawhon & Associates, Inc. has proposed that the additional work can be done in the amount of \$10,960.00. That work will require coordination by Chagrin Valley Engineering, resulting in the overall cost of \$12,528.00.

The additional amount required will be included in an amended appropriation ordinance.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Long, Winzig, Greco.**

Agreement with Browning Ferris Industries of Ohio, Inc., dba Republic Services of Elyria, for solid waste collection and disposal, recycling materials collection and processing, and yard waste, and declaring an emergency. Ordinance No. 23-144 for third reading and consideration of adoption at the Regular Meeting of Council this evening. (First Reading December 18, 2023) (Second Reading January 2, 2024)

**Mr. Long** will introduce, for third reading this evening, Ordinance No. 23-144 authorizing an agreement with Browning Ferris Industries of Ohio, Inc., dba Republic Services of Elyria, for solid waste collection and disposal, recycling materials collection and processing, and yard waste collection.

Mr. Clark noted that the existing contract with Browning Ferris Industries has a diesel recovery charge. The new contract does not.

**Director of Public Services and Properties Liskovec** has advised Council with a Refuse Collection Cost Comparison of the impact of the diesel fuel recovery rates. Adding all of the rates together per month for the 6,250 residential units increased the total yearly cost significantly. The new contract eliminates the fuel recovery fee. Two different rates are shown, the standard rate, and the Homestead rate also play into the final pricing, with an effective rate for 2024-2025 of \$22.43 per residential unit. There is an increase of residential units to 6,320, and of those 944 are currently participating in the Homestead Reduction Act through Cuyahoga County. A Homestead Exemption is qualified by age and requires an application to the county.

Mr. Clark noted that the contract also reflects all the positives enjoyed through the current contract: one day pick-up on Tuesdays, year around yard waste, and weekly bulk pick-up.

Comminutor Installation on Bryson Lane. Ordinance on agenda for Regular Meeting of Council this evening.

Mr. Long will introduce an ordinance this evening for the purchase and installation of a Comminutor on Bryson Lane.

Mr. Clark stated that in the interest of trying to reduce flooding, this ordinance will be moved forward this evening to enter into the contract with Nerone & Sons, for this second installation of a Comminutor in the City.

#### **AUDIENCE**

There were no comments from the audience this evening.

#### **MISCELLANEOUS**

The next Regular Meeting of Council will be held on Monday, February 5, 2024.

**Ms. DeGeorge** stated that since the quarterly sewer bill went out to residents, there have been questions from residents regarding consideration for those who would qualify for a reduction due to income below poverty level. Two particular residents have lived in Bay Village for upwards of fifty years. They would like to remain in Bay Village, but their social security income is below poverty level.

Mayor Koomar stated that this would require further review, and suggested checking with other communities.

Ms. DeGeorge will send the information she has acquired to Mayor Koomar and Finance Director Mahoney.

#### **ADJOURNMENT**

There being no further discussion, the meeting adjourned at 9:15 p.m.

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Dwight A. Clark, President of Council

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Joan Kemper, Clerk of Council