

City of Bay Village

Council Minutes, Special Meeting
Council Chambers; augmented by Zoom.
President of Council Dwight A. Clark, presiding

January 25, 2021
7:30 p.m.

Present: In-Person: Clark, DeGeorge, Kelly, Maier, Tadych, Winzig.

Excused: Mayor Koomar

Also Present: Law Director Barbour, Finance Director Mahoney, Police Chief Leasure, Clerk of Council Kemper. By Zoom: Director of Public Service and Properties Liskovec.

AUDIENCE

Tara Wendell, Denny Wendell.

The following were present via Zoom: Jim Strunk, Claire Banasiak, Heather Tuck-Macalla, Rich Frank, Sarah Sweeney Chris Fleig, Bernadette Power, Jim Blocksidge, Edward Smith, Matthew Aaron, Marty Mace, Taylor Evans, Alex Kamczyc, Pamos.

President of Council Clark called the meeting to order at 7:30 p.m. with roll call and the Pledge of Allegiance led by Sara Byrnes Maier, Councilwoman of Ward 3.

Motion by Tadych to approve the Minutes of the Special Meeting of Council held January 5, 2021.

Motion carried 6-0.

Motion by Tadych to approve the Minutes of the Special Meeting of Council held January 7, 2021.

Motion carried 6-0.

Motion by Tadych to approve the Minutes of the Special Meeting of Council held January 11, 2021.

Ms. Maier corrected her statement that the Public Meeting for the County Lakefront Plan is on January 28, 2021, not January 21, 2021.

Motion carried 6-0, with motion amended to include the comments of Councilwoman Maier.

Motion by Tadych to approve the Minutes of the Cahoon Memorial Park Trustees held January 11, 2021.

Motion carried 6-0.

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Ms. Maier read **Ordinance 21-01** authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering Ltd. for engineering services related to the Lake Rd Paving Project, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 21-01.

Roll call on Suspension of Charter Rules:

Yeas- Clark, DeGeorge, Kelly, Maier, Tadych, Winzig.

Nays – None.

Roll call on Suspension of Council Rules:

Yeas- Clark, DeGeorge, Kelly, Maier, Tadych, Winzig.

Nays – None.

Roll call on Inclusion of the Emergency Clause:

Yeas- Clark, DeGeorge, Kelly, Maier, Tadych, Winzig.

Nays – None.

Roll call on Adoption:

Yeas- Clark, DeGeorge, Kelly, Maier, Tadych, Winzig.

Nays – None.

Mr. Barbour announced adoption of Ordinance No. 21-01, an emergency measure, by a vote of 6-0.

Ms. Maier read **Ordinance 21-02** authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering Ltd. for engineering services related to the Wolf Rd Paving Project, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 21-02.

Roll call on Suspension of Charter Rules:

Yeas- DeGeorge, Kelly, Maier, Tadych, Winzig, Clark.

Nays – None.

Roll call on Suspension of Council Rules:

Yeas- DeGeorge, Kelly, Maier, Tadych, Winzig, Clark.

Nays – None.

Roll call on Inclusion of the Emergency Clause:

Yeas- DeGeorge, Kelly, Maier, Tadych, Winzig, Clark.

Nays – None.

Roll call on Adoption:

Yeas- DeGeorge, Kelly, Maier, Tadych, Winzig, Clark.

Nays – None.

Mr. Barbour announced adoption of Resolution No. 21-02, an emergency measure, by a

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vote of 6-0.

Ms. Maier read **Ordinance 21-03** authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering Ltd. for engineering services related to the Bradley Rd. Paving Project, and declaring an emergency, and moved for adoption.

Mr. Clark commented that this is the third engineering project being approved this evening. Based on previous conversations, the engineering for the three road projects will be completed in 2021.

Director of Public Service and Properties Liskovec responded by Zoom stating that all three of the engineering projects will be completed before the end of the year.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 21-03.

Roll call on Suspension of Charter Rules:

Yeas- Kelly, Maier, Tadych, Winzig, Clark, DeGeorge.

Nays – None.

Roll call on Suspension of Council Rules:

Yeas- Kelly, Maier, Tadych, Winzig, Clark, DeGeorge.

Nays – None.

Roll call on Inclusion of the Emergency Clause:

Yeas- Kelly, Maier, Tadych, Winzig, Clark, DeGeorge.

Nays – None.

Roll call on Adoption:

Yeas- Kelly, Maier, Tadych, Winzig, Clark, DeGeorge.

Nays – None.

Mr. Barbour announced adoption of Resolution No. 21-03, an emergency measure, by a vote of 6-0.

Mr. Clark expressed appreciation to the administration, Chagrin Valley Engineering Company, and Public Service Director Liskovec for the work they have done, as well as the support of Council, for these important projects for the City.

Motion by **DeGeorge** to not request a hearing on the application of BW Food Services, LLC, dba Greenisland Restaurant, 25517-25519 Eaton Way, Bay Village, Ohio for a D5 Liquor Permit.

Police Chief Leasure has found no reason to request a hearing for this application.

Motion carried 6-0.

Mr. Clark advised that Council colleague Nancy Stainbrook announced in December that she was stepping down from the Council-at-large seat in order to fulfill perpetual commitments on

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her work front. Mrs. Stainbrook was a wonderful addition to the team, professional and detailed in everything she did. The process for her replacement was opened in December, with a cut-off date of December 23, 2020. Interviews were held on Tuesday, January 5, and Thursday, January 7, 2021, for approximately two dozen candidates for the position. Mr. Clark thanked the Clerk of Council and the members of Council for all of the time invested into this procedure, noting its importance as part of our democracy. He stated that he feels proud of what was done in Bay Village and of the tremendous list of qualified candidates to fill this position. Before bringing a motion in front of the Council, Mr. Clark stated he would like to ask Council members for their thoughts and comments on the process, and open it up for discussion.

Mr. Winzig stated that he would second Mr. Clark's comments about the quality of candidates for the At-large vacancy. Nearly thirty people applied and Council enjoyed the process of meeting them and learning of their passion and their interest in supporting the City. This was well received by Council and it was a good process.

Mr. Tadych stated that as Mr. Winzig indicated, there was a fantastic amount of people and we have an opportunity before us tonight to strengthen Council with a new member and voice, and to further enhance our leadership. We should take advantage of this opportunity and act accordingly.

Ms. DeGeorge commented that she too appreciates the quality of the candidates and everybody concerned and wanting to participate in the process of Bay Village. Ms. DeGeorge continued, stating that when we embarked on the interview process, she thought they would select an individual with knowledge and abilities in areas different from our existing Council that would complement and complete our existing skillset. Given that criteria, an applicant from the twenty interviews rose to the top for her. It is not the same individual as our nominee, however she has the utmost faith that the nominee will skillfully perform their duties and she offers her support in their position as Council-at-large.

Motion by Mr. Tadych to appoint Sara Byrnes Maier to fill the Council-at-large vacancy for the remainder of the term expiring December 31, 2021, subject to her resignation as Ward 3 Council person.

Roll Call Vote:

Yeas – Maier, Winzig, Clark, Kelly

Nays – Tadych, DeGeorge

Motion carried 4-2.

Ms. Maier stated that she looks forward to serving. She stated that she hereby resigns from the Ward 3 Council seat effective immediately, and accepts the appointment upon the acceptance of her resignation.

Mr. Kelly stated that pursuant to this process, it is appropriate at this time to present a **Motion** to accept Sara Byrnes Maier's resignation from the Ward 3 position, and it is so **moved**.

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Roll Call Vote:

Yeas – Tadych, Winzig, Clark, DeGeorge, Kelly

Nays – None

Abstained - Maier

Motion carried 5-0 and 1 abstention.

Law Director Barbour administered the Oath of Office of Council-at-large to Sara Byrnes Maier, Council-at-large.

Councilperson-at-large Sara Byrnes Maier was congratulated by Mr. Clark, who thanked all Council members for their diligence through the entire process.

Announcements

A member of the Zoom audience asked if there will now be a search for a Ward 3 Council representative.

Mr. Clark stated that the Council will initiate the process likely this week for the Ward 3 replacement for Sara Byrnes Maier, much in the same fashion as Council undertook when there was the Council-at-large vacancy. Mr. Clark will be working with Clerk of Council Joan Kemper to distribute that announcement to all the different media and outlets as was done before. An application deadline date will be set with the understanding that this will begin this week and Council has thirty days to fill the vacancy. It is fully expected that Council will appoint an excellent representative for that seat.

Audience

Sarah Sweeney, Oakmoor Road, asked for an explanation of the process of how this happened that we had all the applicants for the At-large position and then decided instead to have one of the Council members move into that position. Can someone clarify that process of how that happened and if the names of the candidates who applied will become public knowledge or not.

Mr. Clark stated that we have had two previous At-large selections occur in the year 2013 and 2017. We accepted applications of interest by the deadline, made sure that anybody that met the deadline, met the Charter residency requirements, and voter eligibility requirements, and had the opportunity to interview. The interviews were held in fifteen minute intervals over January 5 and January 7. Council met in a process to discuss and narrow down the list of candidates and it was decided by a vote of 4-2 that the existing Councilwoman, Sara Byrnes Maier, was the best choice for this position At-large. Mr. Clark welcomed any other comments from Council people.

Mr. Kelly stated that it was a credit to Sara Byrnes Maier that her approach in this entire process has been to be as hands-off as one can imagine and doing this as formally as the process would request, even much more so than was required by the Charter, and certainly much more so than if he had been in her position. It is not that anyone else wasn't a good candidate, there were a

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number of excellent candidates, but, Mr. Kelly stated further, he was highly supportive of her candidacy by virtue of having had the opportunity to observe her both as a colleague and previously when she was on Council and he was seeking to be on this dais. Mr. Kelly stated that his vote is not intended to be a reflection of anything other than his appreciation and admiration for her hard work and for what he believes is a deserved opportunity. Mr. Kelly stated that he would note that a couple people he thought were in that same class or caliber of candidate, interestingly enough also are in her ward, so at least, to his perspective, he had tried to abdicate for the possibility of getting this all done in one swoop. A number of colleagues, also being ardent supporters of process and transparency said that they thought it was better to do this piece first and then move on to the next. Mr. Kelly stated that he understands and respects that and he feels very comfortable that this process was done correctly. It might not have been the way he would have done it if he had the ability to make those decisions himself, but he knows that a lot of thought went into it and there were a lot of uncomfortable conversations that everybody managed to work their way through. While it can be appreciated that there might be some resistance, reluctance or concern that we selected one of our own, he is very comfortable that this pick was made the right way.

Ms. DeGeorge stated that there is nothing in the City of Bay Village Charter that speaks to the process of a Councilperson applying for and holding that At-large Council position. Just like everyone else, Sara Byrnes Maier applied by the deadline and Council had to consider her in the same manner that we considered other applicants at that point. There had been discussion about remedying that situation in the Charter going forward so we have a clearer process and so that we don't have twenty or thirty applicants come forward only to say we picked one of our own. In no way is this a reflection of her ability, but we just don't have that system in place right now, but hopefully we will going forward.

Mr. Tadych stated that he believes in his heart that Sara Byrnes Maier is and will surely continue to be a good and strong presence in our City Council.

An unidentified audience member asked if, for the new vacancy on Council, the individual has to reside in Ward 3. Mr. Barbour answered that the individual has to reside in Ward 3, has to be a registered voter and can't be an employee of the City.

Matthew Diemer, Oakmoor Rd., stated that he has been following this very closely and wants to say that he has spoken to personally a lot of people who have put in their applications for this seat. Mr. Diemer stated that he wants to put on record that the consensus among a lot of people was that this was going to be an election based off of we like this person the best, or someone that is in our in-crowd. You did not fail to show us that is exactly what it is. Mr. Diemer stated that he is very disappointed, even though he really does like Sara and spoke with her many times. He feels this is going to exacerbate the idea that City Council acts with only City Council and he cannot believe that thirty people that put their applications in are not qualified to take that position over Sara and that is his final statement. He wished everyone good luck and thanked Council for the opportunity to speak.

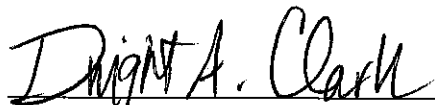
Mr. Clark thanked the Wendell family for being present this evening in person.

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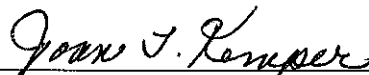
Mr. Tadych asked if it would be possible to consider vetting the next process for Ward 3 in public.

Mr. Clark stated that if that is the will of Council it would be something that can be discussed. That decision will not be made tonight. It is on record for further discussion.

Mr. Clark stated that the next meeting of Council will be Monday, February 1, 2021. There being no further business to discuss this evening, the meeting adjourned at 8:02 p.m.



Dwight A. Clark, President of Council



Joan T. Kemper, Clerk of Council

