

# City of Bay Village

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

February 6, 2023  
8:11 p.m.

President of Council Clark called the meeting to order at 8:11 p.m. with roll call and the Pledge of Allegiance led by Wyatt Gillespie, Scout Troop 201, Olmsted Falls.

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

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

## AUDIENCE

Samantha Illius, Matt Nocella, Wyatt Gillespie.

Due to technical difficulties, the Zoom participation feature was not available this evening.

**Motion** by Tadych to dispense with the reading and approve the minutes of the Special Meeting of Council held January 23, 2023.

**Motion carried 6-0 and 1 abstention by Ms. DeGeorge.**

**Motion** by Tadych to dispense with the reading and approve the minutes of the meeting of the Cahoon Memorial Park Trustees held January 23, 2023.

**Motion carried 7-0 and 1 abstention by Ms. DeGeorge.**

## REPORTS

**Director of Law Barbour** had no report this evening.

**Finance Director Mahoney** reported that the City of Bratenahl is part of the Northeast Ohio Regional Sewer District and their current rates are \$116.00 per month. There has been much news about why the Northeast Ohio Regional Sewer District rate is so high, and it is because they need to do these projects too.

**Director of Public Service and Properties Liskovec** reported that it was necessary to close down the pedestrian crossing in the middle of the City temporarily for safety purposes while the crossing was being serviced.

**Recreation Director Enovitch** reported that the Recreation Department is at the halfway point of their basketball season, with about 300 kids participating in the program. The Recreation

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Department is also currently accepting registrations for Kindergarten through second grade basketball. Lifeguards, front desk, concession and maintenance positions are available for the municipal swimming pool, which will open for the season on May 27, 2023. Activity at the Community Gym includes day and evening Pickleball, and basketball from 6 p.m. to 9 p.m. most evenings.

Mr. Clark noted that the City, along with the schools, put away an amount each year in a replacement and renovation fund for the Community Gym. He asked if there is any need at the gym over the next year or so.

Mr. Enovitch replied that the gym floor will be refinished and repainted. Lights and a new HVAC system are also slated for replacement. The City is currently working with the schools on the planning of those projects. Mr. Clark noted that at this time there is a little over \$100,000 in the Community Gym fund for needed repairs or replacement of equipment.

**Fire Chief Lyons** expressed his gratitude to Council for holding the ceremonial swearing in of Firefighters Baumann and Gillespie this evening.

Chief Lyons reported further that the Fire Department has been working closely with the YMCA in Westlake and acknowledged with gratitude the help of Ben Altemus, the Executive Director of the Westlake YMCA, for providing swim training opportunities for the firefighters in preparing for the swim season.

**Building Director Tuck-Macalla** reported that St. Raphael Church/School will be presenting their plans for an addition to their playground and the construction of a pavilion to the Architectural Board of Review (ABR) on Wednesday, February 8. After the ABR review the project will return to the Planning Commission on February 15 for a vote. Also, at the Planning Commission the Humble Wine Bar will have a preliminary meeting for their plans for outdoor dining. The Village Green project will also be on the Planning Commission agenda on February 15 for a preliminary hearing.

Mr. Tadych asked if there is a planned opening date for the Humble Wine Bar. Mayor Koomar stated that it depends on the build out and approval of the Planning Commission. The Mayor thinks that late summer or early fall might be their timeline, in accordance with the conversations he has had with the owners.

Mr. Tadych stated that it appears they are going to use part of the parking lot for the outside dining.

Mayor Koomar stated that he has not seen the final plans. In talking with them, that was one of the concepts.

Mr. Clark asked if the Humble Wine Bar will take up the entirety of the former Vivid Jewelers.

Mr. Tuck-Macalla stated that it will be at the former Vivid Jewelers location with outdoor dining on the north side and on the west side.

**Police Chief Gillespie** reported that the mild weather has affected this year's deer culling, with only two deer culled after two attempts last week. The team is actually out again this evening hoping to see activity. Council will be kept apprised as the culling moves forward.

#### **AUDIENCE**

There were no comments from the audience this evening.

#### **COMMUNICATIONS**

**Clerk of Council Kemper** reported the following communications:

Bay Village Tree Commission Report for Year 2022.

**Mr. Tadych** read, by title only, **Ordinance 22-143** amending Chapter 125 of the Codified Ordinances by enacting Section 125.63 relating to the establishment of Storm Sewer Maintenance Fund, and declaring an emergency, and moved for adoption. (Second Reading January 23, 2023) (First Reading December 19, 2022).

**Mr. Clark** thanked the administration for the work they have put into this matter, noting it is not an easy topic to establish a new fee for residents. There will be expenses coming up for which this dedicated fund is created.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 22-143.

Roll call on Inclusion of the Emergency Clause:

Yeas- Clark, DeGeorge, Greco, Kelly, Maier, Tadych, Winzig.  
Nays – None.

Roll call on Adoption:

Yeas- Clark, DeGeorge, Greco, Kelly, Maier, Tadych, Winzig.  
Nays- None.

Mr. Barbour announced adoption of Ordinance No. 22-143, an emergency measure, by a vote of 7-0.

**Ordinance No. 22-142** amending Codified Ordinance 921.02 regarding sewer rental rates, and declaring an emergency. (First Reading December 19, 2022)

Mr. Barbour announced that Ordinance No. 22-142 will remain on first reading.

**ENVIRONMENT, SAFETY, & COMMUNITY SERVICES COMMITTEE- Kelly, Tadych, Maier.**

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**Mr. Kelly** introduced and read, by title only, **Ordinance No. 23-17** authorizing the Mayor to enter into an agreement with Ohio Pyro & Flame, LLC. For the 2023 July 4<sup>th</sup> Fireworks Display, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-17.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 23-17, an emergency measure, by a vote of 7-0.

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

**Mr. Tadych** had no report this evening.

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

**Mr. Winzig** had no report this evening.

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

**Ms. DeGeorge** read, by title only, **Ordinance No. 23-14** authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering, LTD., for engineering services related to the Equalization Tank Project, and declaring an emergency, and moved for adoption. (First Reading January 23, 2023).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-14.

Roll call on Suspension of Charter Rules:

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

Nays – None.

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Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 23-14, an emergency measure, by a vote of 7-0.

**Ms. DeGeorge** read, by title only, **Ordinance No. 23-15** authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering, LTD., for engineering services related to the Bruce Russell Douglas Sanitary Sewer Overflow Elimination Project, and declaring an emergency, and moved for adoption. (First Reading January 23, 2023).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-15.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 23-15, an emergency measure, by a vote of 7-0.

**Motion by DeGeorge** to authorize the Director of Public Service to advertise for bids for the 2023 Mill and Overlay Program.

**Motion carried 7-0.**

**Motion by DeGeorge** to authorize the Director of Public Service to advertise for bids for the 2023 Pavement Repair Program.

**Motion carried 7-0.**

**Motion by DeGeorge** to authorize the Director of Public Service to advertise for bids for the 2023 Crack Seal Program.

**Motion carried 7-0.**

**Motion by DeGeorge** to authorize the Director of Public Service to advertise for bids for the 2023 Street Striping Program.

**Motion carried 7-0.**

**RECREATION AND PARK IMPROVEMENTS COMMITTEE –Maier, Greco, Tadych.**

**Ms. Maier** had no report this evening.

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

**Mr. Greco** introduced and read, by title only, **Ordinance 23-18** authorizing the Mayor to enter into an amended agreement with Life Force Management, Inc. for medical services provided by the Bay Village Fire Division, 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. 23-18.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 23-18, an emergency measure, by a vote of 7-0.

**Mr. Greco** introduced and read, by title only, **Ordinance 23-19** authorizing a five-year agreement with Brightly for Service Department Work Management Software, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-19.

Roll call on Suspension of Charter Rules:

Yeas- Tadych, Winzig, Clark, DeGeorge, Greco, Kelly, Maier.  
Nays – None.

Roll call on Suspension of Council Rules:

Yeas- Tadych, Winzig, Clark, DeGeorge, Greco, Kelly, Maier.  
Nays – None.

Roll call on Inclusion of the Emergency Clause:

Yeas- Tadych, Winzig, Clark, DeGeorge, Greco, Kelly, Maier.  
Nays – None.

Roll call on Adoption:

Yeas-Tadych, Winzig, Clark, DeGeorge, Greco, Kelly, Maier.  
Nays- None.

Mr. Barbour announced adoption of Ordinance No. 23-19, an emergency measure, by a vote of 7-0.

## MISCELLANEOUS

**Mr. Winzig** acknowledged receiving a terrific memo from the Bay Village Tree Commission with some nice data. He asked if this memo/report could be put on the City website and some of the highlights included in the next Mayor's newsletter. Mr. Winzig noted that the memo/report is a positive recap on the efforts of the City and the Tree Commission, and he really likes the tone that they believe that things are moving in a positive direction and the whole need to protect the tree canopy is being supported both by Council and the Service Department. It is good news and would be great to share it with the community.

**Ms. DeGeorge** stated that she spoke to residents who wanted her to bring the following points to the attention of Council. They would like to see a social worker at the police force which was a topic of discussion in the past throughout the nation. The residents would like to see more community gardens in our green space. Ms. DeGeorge did mention the Village Green project that is going on at this time. Ms. DeGeorge did forward an email to the other members of Council and Director Liskovec from a resident who is asking about the City using organic herbicides and pesticides. Mr. Liskovec did respond noting the City's efforts in that regard. The resident did send links about the fresh water lake and having clover yards, etc. Ms. DeGeorge will forward the information to Council.

Ms. DeGeorge stated that the Council and administration discussed last year that Council would be allowed to put a newsletter in with the Mayor's newsletter but never got around to discussing that with the Council as to how and why this will be done, and what Council wanted to include in the newsletter. Ms. DeGeorge doesn't want this to be forgotten, because Council does have things to say other than what the administration offers to the community.

In March of 2019 when Ms. DeGeorge served on the Environment, Safety and Community Services Committee, which is now Councilman Kelly's committee, at that time Council legislated that texting while driving would be a primary offense in Bay Village. The State of

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Ohio has recently caught up to the City in that respect and expanded the state's distracted driving laws. Ms. DeGeorge stated that she believes a review of the ordinance is necessary, in light of the state's legislation which goes into effect in April of 2023. Ms. DeGeorge asked Mr. Barbour for his comments.

Mr. Barbour stated that this is an excellent point. The City of Bay Village was well ahead of the curve and thanked Ms. DeGeorge, acknowledging that this was her doing. Now that the State of Ohio has caught up to us and made changes to the handheld electric device, it is no longer just texting affected, it is using the phone in every way, we do need to get that on the Environment, Safety and Community Services Committee and adopt the changes that are in the Ohio Revised Code and incorporate them in to our local code. Mr. Barbour noted that this is advantageous to the City of Bay Village and thanked Ms. DeGeorge for bringing the matter up.

Mr. Kelly stated that he would gladly take a look at it and discuss it with Council. If it necessitates a meeting of the Environment and Safety Committee he would not have a problem with that, but if it is simply a matter of they did something more robust he will see if there is consensus to move in that direction. Mr. Kelly thanked Ms. DeGeorge.

Mr. Greco thanked Law Director Barbour and Building Director Tuck-Macalla for timely responses regarding issues in Ward 3.

Mr. Clark mentioned that there is quite a bit of negative publicity that shows up these days. We see it on the internet, television and social media. He does not want to understate the efforts of Firefighter Jeremy Gillespie. The timing was ideal for the ceremonial swearing-in this evening. It was not just what he did, but the fact that we have a great person working for Bay Village and Bay Village received a lot of positive public relations from this event. It says a lot about our community. Mr. Clark asked Fire Chief Lyons to please convey that to Firefighter Gillespie.

#### **ADJOURNMENT**

There being no further business to discuss this evening, the meeting adjourned at 8:38 p.m.

  
Dwight A. Clark, President of Council

  
Joan T. Kemper, Clerk of Council