

City of Bay Village

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

February 21, 2023
7:30 p.m.

President of Council Clark called the meeting to order at 7:30 with roll call and the Pledge of Allegiance led by Peter J. Winzig, Councilman of Ward 4.

Present: Dwight A. Clark, President of Council
David L. Tadych, Vice President of Council, Councilman, Ward 1.
Lydia DeGeorge, Councilwoman, Ward 2
Michael Greco, Councilman, Ward 3
Peter J. Winzig, Councilman, Ward 4
Thomas J. Kelly, Council-at-large.

Excused: Sara Byrnes Maier, Council-at-large, excused.

Also Present: Law Director Barbour, Finance Director Mahoney, Police Chief Gillespie, City Engineer Don Bierut, Human Resource Director Demaline, Recreation Director Enovitch, Director of Public Service and Properties Liskovec, Building Director Tuck-Macalla, Clerk of Council Kemper.

AUDIENCE

Samantha Illius, Richard Fink.

Motion by Tadych to dispense with the reading and approve the minutes of the Regular Meeting of Council held February 6, 2023, as prepared and distributed.

Motion carried 6-0.

Motion by Tadych to dispense with the reading and approve the minutes of the meeting of the Cahoon Memorial Park Trustees held February 6, 2023, as prepared and distributed.

Motion carried 7-0.

ANNOUNCEMENTS

Mayor Koomar announced that there was a Planning Commission meeting held on Wednesday, February 15, 2023, which included the approval by the commission to move the Village Green Project and the Humble Wine Bar proposal to public hearing.

REPORTS

Director of Law Barbour reported that the Ohio Legislature is wrestling with the State of Ohio two-year budget, which will affect funding that goes to municipalities. More information will be available as the Ohio Legislature solidifies their position by the deadline of June 30, 2023, when the current budget expires.

Finance Director Mahoney had no report this evening.

Director of Public Service and Properties Liskovec reported the following:

- There was an accidental spill of concrete on Wolf Road on Friday, February 17. The clean-up efforts have produced a favorable result at this point. Pavement experts have been consulted and a trial test will be conducted when weather permits to make sure the efforts were sufficient. Law Director Barbour has all data in place for recourse.
- The Safe Routes to Schools Project contract was awarded by the Ohio Department of Transportation to Perram Electric. The estimate for the project is \$254,000 and the project was awarded for \$250,500, which is 1.4% over the estimate. A construction meeting will determine schedules and other details. At this time, no additional funding is required.
- The Wolf/Cahoon intersection project is slated for bid opening on March 9, 2023, with award for the project scheduled by the end of March.
- The City paving program bids will be opened on Thursday, February 23, 2023.
- The Rocky River Wastewater Treatment Plant management is preparing to receive their loan for projects from the State of Ohio, based on the bids received. Final interest rates will be calculated in the month of March, and they will receive a credit reduction on the rate because of specifics of the project. More details will be presented at a later date.
- Regarding vehicle and equipment purchases, the Service Department has received large truck chassis ordered in 2021. Those will be sent for body equipment and hopefully will be seen on the road by the end of this year or beginning of next year.

Recreation Director Enovitch reported that the Reese Park fence was installed around the courts last week. The courts are now fully enclosed, and complete a 2022 Capital Project. Quotations are being received for the floor, lights, and HVAC at the Community Gym.

Fire Chief Lyons is excused this evening.

Human Resource Director Demaline reported the following:

- There has been a great response to the posting on the position of Director of Community Services, which is currently vacant. Over 170 applications and resumes have been received. Telephone and in-person interviews have been conducted. The top two candidates will interview with the Mayor, with an offer of employment to follow to the final candidate.

- The 2022 year-to-date employee health claims were less than those for years 2018, 2019 and 2021. The year 2020 was an anomaly on health claims, but we ran lower on claims than we had the three years prior. The 2022 prescription claims were actually less than 2019, 2020 and 2021. One of the contributing factors to that is the implementation of the new RX program, put into place on July 1, 2022. This is a cost savings program where the employer is able to take advantage of discounts available on specialty subscriptions. A fiscal year savings, year to date, from July 1 through the end of January with a \$6,781 savings on prescriptions through the RX program. Initially, our RX program for prescriptions has been up over the past couple of years. Year to date, at seven months this year we are at \$23,000 that we have received back in prescription rebates. Fiscal year ending June of 2022 we brought in \$40,800, fiscal year ending June of 2021 we brought in \$41,000 back in prescription drug rebates. This is notable because in June of 2020, the Jefferson Health Plan changed their pharmacy benefits manager to RX Benefits, so prior to that we were bringing in about \$10,000 in rebates. We will know how we are looking for 2023 once the February numbers are received. In late December and January there was a large claim come through that affected the reserves or large claim reimbursement, which is commonly known as stop loss. That was a significant dollar amount claim, but it doesn't appear to be a claim that is on-going or catastrophic. It should just be a series of costs that should level off going forward. A large number of claims will be seen in the January and February numbers, and it is hoped that it will level off. Regarding the stop-loss for the fiscal year to date we have two members who have gone above and beyond stop-loss. We have received year-to-date back in our stop-loss about \$40,000 for claims that exceeded the \$75,000 threshold.
- In the beginning of 2023, the City implemented a High Deductible Health Plan. Open enrollment began in the fall of 2022, with 70 eligible employees able to enroll. The goal was to get 10% participation. Ten employees enrolled with is a 15% participation rate of the first year of the High Deductible Health Plan. This will take 38 covered lives into the High Deductible Health Plan, with the cost-savings to be observed throughout the year.
- The spousal surcharge for health care is paid by twenty-two employees. The tobacco use surcharge is paid by nine employees.
- Thirty-eight employees have achieved the requirements for the Wellness Program. A Lunch-and-Learn event was held last week with Upshot Health with the employees able to meet one of the doctor's available to them through the Upshot Health Wellness Program. Screening for the Wellness Program will be offered in a hybrid manner with both an in-house screening event as well as the opportunity to participate in screening through an external laboratory at their convenience.

Building Director Tuck-Macalla reported that Quinn's Restaurant at the former Greenisland Restaurant site will open for business next week. Green Farms Juicery at the Bay Square Shopping Center opened this week.

Mr. Clark noted that Bay Provisions, at the former Martin's Deli site on Bassett Road, has been open for some time.

Police Chief Gillespie stated that he apologizes if he did not transmit enough information to the Council members regarding the implementation of the Flock Camera Program. The impetus for

this program began at the end of last year. The Police Department is always looking to improve safety for residents and the Flock Camera Program is prolific throughout this area. Bay Village is actually one of the last Westshore Enforcement Bureau (WEB) cities to have the system. Looking at the operating budget for the Police Department at the end of last year, it was determined that there were funds left to test the program out for a year. The cameras are leased, with the thought to lease enough to cover the entrances to the City on a trial basis for one year, with a decision to be made at the end of the year about moving forward. If a favorable decision is made, there are many grant opportunities to continue.

The Chief noted that he saw this opportunity as a continuation of the safety and technology plans that include having cameras in the city hall building and the schools, body and in-car cameras, and speed signs. The Mayor noted a recent incident in Bay Village that ended when the Westlake Police Department was able to pick up the license plate of a car when it exited Bay Village after attempting a car theft in Bay. He advised that the only way to review information is by the Police Department after the detectives open an investigation. Detective Elish has stated that the cameras have been extremely valuable in investigations.

Police Chief Gillespie added that a total of twenty-eight vehicles were stolen in Bay Village last year. That is more than the average amount in the past. The cameras offer the opportunity to see the vehicles entering the City between hours when these thefts occur. The chief stated that he will be glad to discuss the use of the cameras with any resident who would like further information.

Ms. DeGeorge addressed Police Chief Gillespie, noting that he stated that the cameras are being leased for one year. Will it be required to purchase them at the end of the year?

Chief Gillespie stated that if there is the desire to move forward the lease will be a renewal. The cameras will never be purchased or owned. Grant money would be used for renting the cameras.

Ms. DeGeorge asked how documentation and data would be retrieved, if needed.

Chief Gillespie stated that Flock keeps all of the data and it is NASA level encryption. If information is sought by the Police Department, it is requested through providing parameters. One of the nicer things about the program is that it is not just accessing cameras in Bay Village, it is accessing all of the Flock cameras, enabling tracking through any city that has the cameras.

Ms. DeGeorge asked how long the records are kept. Chief Gillespie responded that the records are kept for thirty days. As mentioned previously, there has to be an investigative reason to access information. All requests for information, as well as the information provided, are subject to public record laws. Arrests and resulting court trials will include the information provided as a result of an investigation.

Ms. DeGeorge confirmed with Chief Gillespie that the request for information goes directly to law enforcement, and not a third party. Chief Gillespie stated that the information is not available to anyone other than law enforcement.

Ms. DeGeorge asked if those records are kept separately or in addition to what is commonly seen driving through the City.

Chief Gillespie stated that whatever information the police are looking for or requested for investigative reasons is entered as evidence.

Ms. DeGeorge asked if at end of the year you can gauge, for example, that we had sixteen incidents.

Chief Gillespie stated that they have a portal which will provide information as to how many times the City asked for information.

Mr. Barbour stated that a case has to be created with a case number, which is what the Police do when there is a report of an incident. The case number must be used to seek information, linking it to the investigation and the case number.

The Mayor noted that features on an automobile such as bumper stickers can be used to seek information as well as the license plates, which may be obscured. Chief Gillespie stated that the cameras take a picture of the back of the vehicle as it enters the City. Nothing about the operator or occupants of the vehicle is revealed through the cameras.

Chief Gillespie noted that the use of the cameras is a force multiplier for the Police Department, adding to the nighttime surveillance by patrol cars. If a vehicle enters the City that has been reported as stolen, the Police will be informed and can send officers. The Mayor added that those operating the stolen vehicle may be coming in to the City to steal another vehicle. The information provides the officers with information to possibly stop another vehicle theft.

Chief Gillespie further noted that the license plate will be run again to make sure that the vehicle is stolen, just as though he had randomly pulled behind the vehicle at a stop light.

Ms. DeGeorge asked if the Police Department's criteria is the same as the federal governments for a hot list.

Chief Gillespie stated that their list would include the top tier matters, wanted people, stolen vehicles, protection orders, etc. The cameras do not act as a speed device, they do not report the speed of the vehicle, it is another set of eyes.

Mr. Winzig asked the Chief to walk through the way the cameras work. For example, if a resident contacts the department, who makes the decision to open up a case? When does it become accessed and is the information sent to all active officers, or sent back to central?

Chief Gillespie stated that, for example, your car is stolen. You can say, generally, what time you last saw your car outside, so we know it was out there at that time. Just like we are investigating any other case. We call the detective bureau, what other officers are working and say, Mr. Winzig saw a gray SUV and his car was gone. We put in gray SUV, we also put in your license plate, so we can say that stolen car tripped three different Flock cameras on its way to

wherever it was going. There still has to be that initial call; there still has to be an investigation. The camera is a tool. It is similar to something like a cell phone. If somebody goes missing or we think you committed a crime, we can call Verizon and have them check your phone. Sometimes an order is required; there is technology available. We all have cell phones which are basically tracking devices that can calculate down to meters. That is another tool that we might use if it is warranted. In the case of the Flock cameras, each entrance of the City is covered; a protective blanket around the City of Bay Village. It allows our officers to stop things before they happen. I completely understand the privacy issues, the thought that Big Brother is watching. We are the last city in the WEB to have these cameras. If you drove from North Olmsted to your home in Bay Village, you have passed ten cameras. Why not have that in Bay Village? In fact, if something terrible happened and you knew that every city had those cameras the question would be why we don't have those cameras. I would be remiss to think that we could have had these and then we didn't.

Mr. Kelly asked if they only address vehicular traffic or is it able to be accessed for other things, i.e., pedestrian traffic, etc.

Chief Gillespie stated that they are motioned censored so they will go off. Obviously, a car is bigger, it is going to be a bigger imprint.

Mr. Greco asked if a notification comes into the City, such as an Amber Alert, where does it go.

Chief Gillespie stated that the dispatchers or patrol people can log in. Detectives can log in if they are investigating a case.

Mr. Greco asked if the Police Department is alerted and needs to check something.

Chief Gillespie stated that is correct. The dispatchers, or whoever is dispatching for the department can all log into the Flock system and bells and whistles will go off.

Mr. Greco asked if the dispatchers are moved to a central location, will it still come to the police station to designated officers or would it go to the dispatch center.

Chief Gillespie stated that our officers would still be able to log in, on the road. They would still hear it, and the dispatchers, wherever they might be would also hear it.

Mr. Greco asked if they would see a text.

Chief Gillespie stated that you definitely know when it is going off. It definitely extends our manpower.

Ms. DeGeorge stated that the terms of the contract as she understands it are \$2,500 per year, per camera, and the installation fee is \$350 per camera. Ms. DeGeorge asked if it is possible to see a copy of the contract. Chief Gillespie responded affirmatively.

Mr. Tadych asked if there is a charge for requesting information.

Chief Gillespie stated that there is no charge. It is all included in the rental fee.

Chief Gillespie welcomed any follow up questions, or direct contact from any residents with concerns.

Chief Gillespie further reported that the deer culling program ended on February 6, resulting in only four deer culled this year. The low numbers were experienced by all cities in the surrounding areas.

AUDIENCE

There were no comments from the on-line or in-person audience this evening.

COMMUNICATIONS

There were no communications this evening.

COMMITTEE OF THE WHOLE

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

Mr. Clark stated that as Ordinance No. 22-142 currently stands the current rental rates would increase by \$40 per quarter, with a 6% annual escalator, with a start date of April 1, 2023. Mrs. Mahoney noted that the start date at this point would be July 1, 2023.

Mr. Clark commented further that there are people that are favorable on an increase of \$40 per quarter, and people that are favorable on an increase of \$30 per quarter. Mr. Clark would like to take the ordinance to third reading, as is, or with any amendment, so it can be consistent for two readings.

Mr. Tadych stated that he would like to leave the ordinance the way it is, noting the change to the starting date of July 1, 2023, since it is almost April now.

Motion by Winzig, to reduce the quarterly increase to \$30 as opposed to \$40, with a 6% annual escalator.

Mr. Clark stated he would be supportive.

Mr. Kelly stated that he could get behind that for the reasons described in the Finance Committee meeting earlier this evening. He recognizes the project, he recognizes the dilemma, and not putting forth additional funds at this point is a reasonable conclusion.

Mr. Greco stated that he would not be in support.

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Mr. Clark stated that the amendment by reading to Ordinance 22-142 would be to increase by \$30 per quarter with a 6% annual escalator with the payment increase beginning July 1, 2023.

Law Director Barbour noted that there is a motion pending to amend by reading to change the dollar amount to \$30 quarterly from \$40 quarterly as currently proposed and keeping the 6% escalator, and to change the date to be effective July 1, 2023.

Mr. Kelly seconded the motion by Mr. Winzig.

Roll Call Vote:

Yeas – Clark, Kelly, Winzig.

Nays – DeGeorge, Greco, Tadych.

Mr. Barbour announced that the motion failed.

Mr. Clark stated that they will move the ordinance to second reading because it was promised to do so. He asked Mr. Tadych to so move.

Mr. Tadych **moved** to move the implementation date of Ordinance 22-142 to July 1, 2023, and place it on second reading.

Mr. Clark asked if that would be the only amendment to the ordinance. Mr. Tadych responded affirmatively.

Mr. Kelly seconded the motion by Mr. Tadych to amend Ordinance 22-142 to move the implementation date of Ordinance 22-142 to July 1, 2023.

Roll Call Vote:

Yeas –Greco, Kelly, Tadych, Winzig, Clark

Nays - DeGeorge

Motion carried 5-1.

Mr. Barbour asked if Ordinance No. 22-142 is to be moved to second reading as amended by motion.

Mr. Clark responded affirmatively.

Mr. Barbour stated that Ordinance No. 22-142 is placed on second reading, as amended by motion.

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

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Motion by Mr. Kelly to confirm the reappointment by Mayor Koomar of Debra Jesionowski to the Tree Commission for a three-year term expiring March 3, 2026. As Council's representative to the Tree Commission for the last three years, Mr. Kelly stated that he can say that Ms. Jesionowski is an excellent addition to the Tree Commission who has brought new energy and vigor to the team, and he is grateful that she wishes to continue to serve.

Motion carried 6-0.

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

Motion by **Tadych** to acknowledge receipt of January 2023 Financial Reports of the City of Bay Village prepared by Finance Director Renee Mahoney.

Motion carried 6-0.

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

Motion by **Mr. Winzig** to grant permission to St. Raphael Parish to install two signs consisting of two rectangular panels, each panel is six feet wide and five feet tall, on the church lawn along Dover Center Road, in a V-shape that permits the sign to be read from either direction travelling on Dover Center, from February 22 to April 1, 2023, advertising the St. Raphael Fish Fry on Fridays during that time duration, from 5 to 7:30 p.m.

Motion carried 6-0.

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

Ms. DeGeorge introduced and read, by title only, **Ordinance 23-20** authorizing the Mayor to enter into an agreement with Area Aggregates, LLC for street resurfacing material and services, 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. 23-20.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 23-20, an emergency measure, by a vote of 6-0.

Ms. DeGeorge introduced and read, by title only, **Ordinance 23-21** authorizing the Mayor to enter into an agreement with Holcim Quarries of New York for street resurfacing material and services, 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. 23-21.

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 23-21, an emergency measure, by a vote of 6-0.

Ms. DeGeorge introduced and read, by title only, **Ordinance 23-22** authorizing the Mayor to enter into an agreement with Stoneco, Inc., dba Allied Corporation for street resurfacing material and services, 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. 23-22.

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 23-22, an emergency measure, by a vote of 6-0.

Ms. DeGeorge introduced and read, by title only, **Ordinance 23-23** authorizing the Mayor to enter into an agreement with Westview Concrete Corp. for the furnishing of ready-mix concrete, and declaring an emergency.

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

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 23-23, an emergency measure, by a vote of 6-0.

RECREATION AND PARKS IMPROVEMENTS COMMITTEE –Maier, Greco, Tadych.

There was no report for the Recreation and Parks Improvements Committee.

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

Mr. Greco introduced and read, by title only, **Resolution 23-24** authorizing the purchase of One (1) Crafc0 SS125DC Diesel Meltzer from D.L.J. Material and Supply, Inc., and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-24.

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 23-24, an emergency measure, by a vote of 6-0.

MISCELLANEOUS

Mr. Tadych advised that he would like to speak to a matter from March 20, 2020 when he made the following statement to Council at that particular time in regard to Ordinance No. 16-32:

"This is indeed an exceptional time in our lives, where caution in all our actions is appreciated. By repealing Ordinance 16-32, which Council has just voted to hold in place a few weeks ago, (February of the same year) and has been in place since 2016, we are allowing higher emergency spending by the administration without Council approval. It is my hope that when this crisis is over (COVID) Ordinance 16-32 will be restored, and an open, written report of these spending charges will be presented."

Mr. Tadych stated that he would like to have Council consider restoring Ordinance No. 16-32 in the future weeks.

Ms. DeGeorge stated that she would support that request by Mr. Tadych. Council has discussed this before; it has come up multiple times throughout the years and we never went anywhere with it. I would support looking at it again, especially with a new Council member, and one of the Council members that voted no on it in February of 2020 is no longer here. It is worthy of a new discussion.

Mr. Clark stated that he would take this under consideration.

ADJOURNMENT

There being no further business to discuss this evening, the meeting adjourned at 8:22 p.m.

Dwight A. Clark, President of Council

Joan T. Kemper, Clerk of Council