

City of Bay Village

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

March 13, 2023
7:40 p.m.

President of Council Clark called the meeting to order at 7:40 p.m. with roll call and the Pledge of Allegiance led by Sara Byrnes Maier, Councilwoman-at-large.

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

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Building Director Tuck-Macalla, Clerk of Council Kemper.

AUDIENCE

Denny Wendell, Amanda and Gary Sebrosky, Ed Smith, Dan Sweeney, Martha Raymond, Bob Barker, Dan Rettig, Pat Dokler, Thomas Feser, Samantha Illius.

By Zoom: Ann Marie's I-phone.

Mr. Clark announced the passing of former City of Bay Village Fire Chief Greg Jackson who served the City of Bay Village Fire Department for 34 years, and called for a moment of silence to celebrate former Chief Jackson's life and his contributions to the City of Bay Village. Mr. Clark extended sympathy and prayers on behalf of the City Council and administration to the Jackson family.

Motion by DeGeorge to confirm the appointment by Mayor Koomar of Kathleen Messeri as Director of Community Services of the City of Bay Village.

Mr. Tadych noted that Ms. Messeri's resume indicates that she has grant experience, which will serve the City and the Community Service Department well.

Motion carried 7-0.

Mr. Clark extended a welcome to Kathy Messeri, stating that the Council looks forward to having her as the Director of Community Services. A round of applause followed.

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

Motion carried 6-0 and one abstention by Mr. Clark.

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

Motion carried 6-0 and one abstention by Mr. Clark.

Mr. Tadych read, by title only, **Ordinance No. 22-142**, as amended on February 21, 2023, amending Codified Ordinance No. 921.02 regarding Sewer Rental Rates and declaring an emergency. (First Reading December 19, 2022) (Second Reading February 21, 2023).

Mr. Tadych stated that upon passage the ordinance will be effective July 1, 2023. It is written as \$40.00 additional per quarter to the sewer rental rate, with a 6% increase each year following. Mr. Tadych stated that he personally approves the implementation of the ordinance if it is adopted, but would really like to see the sewer rate based on water usage or water usage and a small fixed fee.

Mr. Clark noted that the ordinance also incorporates a storm water fee for residents and commercial properties. For residents, the storm water fee is \$36.00 per year, or \$9.00 per quarter.

Ms. DeGeorge stated that the reasons to vote yes on this complex and multi-layered sewer ordinance are necessary and the reasons to vote no are valid. Either outcome will impact residents. I am appreciative that the administration put in hours and hours of work on the sewer bill to do the best for the City and residents. All along the way I have explained the funding to residents, they understand and have offered their input and ideas. I will cast my vote on behalf of residents. Thank you.

Ms. Maier stated that while she likes the idea of basing it completely on usage, just from the numbers we've seen and the amount of Inflow and Infiltration (I&I) that comes into the system, it is three times what our water usage is. It can't be solely based on water usage, because you are not paying the full infrastructure costs. Those aren't properly allocated, and that is my reason to use the flat fee, at least at this time. If there is some sort of hybrid model in the future, I think we have to account for that. It is not a simple black and white as usage because there is a whole lot more that goes into that system and is lost in that system, or rather gained in that system than what you are putting in through your home.

Mr. Clark stated that Ms. Maier's comments are a point well taken. There are no silver bullets to fix this. We have never seen an expenditure of this size and magnitude in front of Council. I have made it clear to folks here that I believe that the fees proposed by the administration and on third reading is a bit high for residents. Everyone is left to make their own decision.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 22-142.

Roll Call on Suspension of the Charter Rules:

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

Nays- None.

Roll Call on Suspension of the Council Rules:

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

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Nays –None.

Roll Call on Inclusion of the Emergency Clause:

Ms. Maier called for the opportunity to ask a question. She asked that since the implementation date is beyond 40 days, is the emergency clause necessary. Law Director Barbour stated the 40 days would not be material. Mr. Winzig noted that it may impact the ability to get the loan. Mrs. Mahoney stated that as long as there is an ordinance approved for rate increases it would not make a difference. Mr. Barbour stated that the way the ordinance is written it takes effect July 1, 2023.

Yeas – Kelly.

Nays – Clark, DeGeorge, Greco, Maier, Tadych, Winzig.

Roll Call on Adoption:

Yeas– Kelly, Maier, Tadych, Winzig.

Nays –Clark, DeGeorge, Greco.

Mr. Barbour announced adoption of Ordinance No. 22-142, as amended on February 21, 2023, by a vote of 4 yeas and 3 nays.

Mr. Clark commented that the ordinance has passed and it is incumbent upon Council and the administration to review this down the road. It is most important because there are a lot of projects in front of Council. We all desire to make sure we maintain the integrity of the zero interest loans early in the process. We have a lot of work to do in front of us. It started out just as an Environmental Protection Agency (EPA) Sanitary Sewer Overflow (SSO) project and now it has morphed into an Inflow and Infiltration (I&I) project that is larger than we ever thought it would be. My thinking is that we are going to be back on this within 24 to 36 months. Let's see how it plays out.

Mr. Tadych stated that we have had I&I for years and years that he has been on Council. The City has really never done anything to completely try to solve the problem. I don't think the I&I is the big thing, it is what confuses the issue. This has been going on and talked about over and over.

Mr. Clark stated that Council has been thrust into the position of trying to comply with the EPA where other communities have not. I give the administration and Council an incredible amount of commendation for being ahead of the curve on a project that is going to cost the City at least \$15 million for this component alone.

Mr. Kelly introduced and read, by title only, **Resolution 22-27** urging the Legislative Branches of the Federal Government as well as the State of Ohio to enact legislation to further protect the citizens of the City of Bay Village, Ohio from the inherent dangers of a train derailment on the tracks located in our City, and declaring an emergency.

Mr. Greco stated that National Public Radio (NPR) had an article this morning stating that over 500 train derailments have occurred in Ohio in the last ten years. Any action that Council can put forward to Columbus is the least we can do. It is fifty derailments a year in this state.

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There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 23-27.

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 Resolution No. 23-27, an emergency measure, by a vote of 7-0.

Law Director Barbour stated that the Clerk of Council will send a certified copy of the Resolution to the Governor's Office, our Congressman, our State Senator, our United States Senator, and our State House Representative.

Motion by Tadych to acknowledge receipt of February, 2023 Financial Statements of the City of Bay Village as prepared by Finance Director Mahoney. Mr. Tadych noted that the month of February is over with an increase of over 9.9% in municipal income tax over last year. Mr. Clark noted that this is almost ten percent over what was a record last year.

Motion carried 7-0.

Motion by Winzig to approve the request of St. Raphael Parish to install an 18 inch by 5-foot double sided vertical banner within a 1-inch x1-inch painted white aluminum frame, set 21 inches into the ground with the top of the frame to be 6 feet, 10 inches and 2 inches wide, grommited and tied within the frame, to be placed 10 to 12 feet back from the Dover Center sidewalk and 10 to 12 feet north of the main church driveway, following approval for a period of sixty (60) days, advertising The Gabriel Project of St. Raphael's Parish.

Motion carried 7-0.

Motion by Winzig to confirm the appointment by Mayor Koomar of Ivan Lyons to the Planning Commission for a five-year term expiring March 13, 2028.

Motion carried 7-0.

Ms. DeGeorge introduced and read, by title only, **Ordinance 23-28** authorizing additional funding for the LPA Federal ODOT-Let Project Agreement with the Ohio Department of

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Transportation for improvements to the intersection of Cahoon and Wolf Roads, 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. 23-28.

Roll call on Suspension of Charter Rules:

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

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. 23-28, an emergency measure, by a vote of 7-0.

Audience

Martha Raymond, Lincoln Road, stated that she has a comment about the sewer bill that comes to residents' homes. Nobody would know what is trash/refuse and what is sewer. All of a sudden the residents have to pay almost \$50 more. They are not going to know if it is for trash or sewer. There used to be two line items, and someone decided to make it one line item. It really needs to be broken out. I would suggest that with the sewer bill that comes to the residents there should be an explanation of why it has been raised almost \$50.

Mr. Winzig stated that the administration's plan is to explain to the residents, now that this ordinance has passed, its purpose and some of the projected costs. There was a mention in the Mayor's address in the State of the City. He talked about the projects and some of the costs. It is a very good point to make sure that we not only detail it on the bill, but provide the residents with ample amount of information in their mail packet, in the newsletter, and on the City's website. The website allows us to include much more detail and description.

Ms. Raymond commented that people actually look at those two line items.

Mrs. Mahoney stated that when they switched over to a new printer company, it was changed, and she is looking forward to breaking it back out.

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Mr. Tadych noted that it was brought up previously, about a month ago, that the fee was a fixed number and he thought at that time there was going to be some look at bringing it back to being broken down into the two fees, one for sewer rental, and one for trash.

Finance Director Mahoney stated that unfortunately the next bill will still have one line item but after that it will be broken down into two line items.

Mrs. Mahoney stated that she wants to thank Council for the value they have put on supporting the administration. Just interestingly, *Crain's Cleveland Business* today talked all about infrastructure in the City of Cleveland and all about sewer problems and how the sewer district authority has spent \$2 billion, and another \$1 billion that they have to spend on sewer improvements. This all stems from the river catching on fire fifty-some years ago. Mrs. Mahoney stated that she will be ecstatic if Bay Village is the first city to follow all the Clean Water Act rules. It will be a feather in our cap.

Mr. Winzig commented that if anyone gets *Crain's Cleveland Business* on line today there were eight articles on infrastructure.

Mr. Clark stated that it is hoped there is acknowledgement by people outside of Bay Village to recognize what is being done here.

Miscellaneous

Ms. DeGeorge made the following statement:

"I speak only for myself and not anyone else on council. The trash contract expires this November. I ask that a trash contract be advanced with transparency and that council be allowed to be the checks and balances because that is what we were elected to be. As an example, while discussing the sewer bills some members of council requested and others supported hearing input from outside sources and that did not happen. Regardless of any conclusions, regardless of our trust in administration, it is Council's right to have the additional input we seek. I do not want the same experience going forward with the trash or any other issue that will ultimately come to council for a vote. Council should not be an afterthought."

Mr. Barbour noted that the trash contract expires the end of March, 2024. In November is when it really needs to be the beginning of looking at the contract.

Mr. Clark stated that he would certainly endorse Ms. DeGeorge's comments as well. As Chair of the committee when the City went to the automated trash collection in 2010 the Council Chambers were filled as people were thinking about what was going to happen. In hindsight it worked out well but Council needs to be part of it. We know there is going to be an increase and we are going to have to shoulder some of the burden. Mr. Clark expressed support of Ms. DeGeorge's statement.

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Mr. Greco stated that moving forward it really did pain him to have the discussion of moving that fee on to the residents when Council sits up here and hears how the tax receipts are so abundantly coming in the City, we are approving these equipment purchases, and how well the City is doing. I just ask near the end of the budget year any sort of surplus that will help offset any future fee, please, if we could just review that because I just feel, and the Finance Director did clarify how we can transfer funds in and out of certain accounts and how these accounts can be used, and I just feel that we could have done a better job in reviewing the City budget. I just want to go on record with that.

Mr. Tadych addressed Mr. Clark and stated that he thinks he is right, he thinks this needs to be revisited and we need to take in all kinds of things we talked about and not gone any further to look at, as Lydia said.

There being no further business to discuss this evening, the meeting adjourned at 7:35 p.m.



Dwight A. Clark, President of Council



Joan T. Kemper, Clerk of Council