

City of Bay Village

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

March 29, 2021
7:00 p.m.

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

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

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

AUDIENCE

Clare Banasiak, Ed Smith. By Zoom: Jane Blackie, Jason Russell, Peter Petto, Pamos, Lauren Grissom, Cynthia 1, Elaine Kosco, Tara Wendell, Conda Boyd, Karen Donnelly, Galaxy S10, Daisy, Mark Ingraham, Kari Eckel, Rosemary Kesselman, JoAnn Post, Robert, Rich Frank, Bay Village LWV.

COMMITTEE OF THE WHOLE

Shoreline Special Improvement Districts.

Law Director Barbour advised that there is a group of citizens that are collectively interested in banding together to take care of some shoreline erosion control. In 2019 the Ohio Legislature amended the revised code and now permits Special Improvement Districts (SSID) to incorporate shoreline erosion control projects which is very significant for a city like Bay Village. Because this is very new, most entities were treading very lightly. Lake County, Ohio, has taken the lead in this area and they have declared the entire Lake County shoreline a Special Improvement District to allow private and public entities to take special financing for the purposes of erosion control. It also includes the City of Euclid. The City of Euclid has done extensive shoreline improvements and increased access to the lake there. They accomplished this through a Special Improvement District. Discussions have been held with Bay Village resident Ed Smith on behalf of one of the beach associations in the City of Bay Village. Councilman Tadych and Mr. Barbour had a phone call with the McDonald Hopkins law firm because they specialize in this kind of work. President of Council Clark has also had discussions with Mr. Smith about this matter as well.

Mr. Barbour stated that the general parameters and information for formation of this requires the City's involvement. The anticipated boundary of the Special Improvement District would be the entire shoreline portion of the City of Bay Village. The City of Avon Lake is going through the same steps and it is anticipated that they are going to adopt the Special Improvement District.

The City of Vermilion is looking at this as well, as are other communities further west. The basic steps for formation include an initial plan. That involves circulating a petition among property owners or organizers. With Council's assistance, they prepare an initial plan. The initial plan would reflect the first round of shoreline improvement projects, a description of how the district operates, would engage professionals, and how additional territory could be added to the Special Improvement District, meaning additional property owners. There is a certain format that has to be followed. If signing on as a member of this, it is anticipated that a special improvement project will occur relative to the signer's property. The organizers then file their petition with the City and their anticipated non-profit articles of incorporation. They have to form a non-profit entity to administer the Special Improvement District. Once the City receives a petition, the City Council has 60 days to either approve or disapprove the petition by resolution. If it is approved, then the non-profit that is formed completes the corporation and files its articles of incorporation with the state. At that point, the non-profit then creates a public improvement plan and then circulates the petition among its members and agrees on what the plan is going to look like, what the financing consists of, what the limitations of financing are, who is going to do the work, and all related information. The non-profit Board consists of at least five members or trustees, two of whom are appointed by the City, one by the Mayor and one by City Council. It can expand to more members, but that is the minimum. The entity then submits its public improvement plan petition and legislation to the City. The City then acts on that and within 60 days the City has to approve the plan. The Board can respond, there is some going back and forth, and then contracting, financing and construction would then take place.

Mr. Barbour stated that the most interesting thing about this project is the financing is repaid through special assessments. The property owner does not go out and obtain a regular mortgage. The financing comes through the action of the City as an assessment that goes on the property tax duplicate. If someone wishes to transfer that property, the assessment stays with the property, unlike a mortgage, which has to be paid off upon sale of the property. It also allows the property owners to obtain some benefit of better financial terms. The ability to levy assessments lies only with the City and the County, pursuant to the Ohio Revised Code. That part of the Shoreline Improvement District will require the City's action.

Mr. Barbour stated that this is a very interesting opportunity. On Friday, Mayor Koomar, Finance Director Mahoney, and Mr. Barbour talked to attorneys from McDonald Hopkins who did the Lake County work. Finance Director Mahoney did bring up that in Lorain County the fiscal officer has agreed to pay the assessments directly to the lender. This would be Mrs. Mahoney's only caveat: she would not want the funds to go directly to the lender. Mr. Barbour stated that in Bay Village the lender would be a private lender, or a bank, and would not be the City. The City would not have any financial obligation.

Mr. Barbour concluded that there is work to be done. Legislation must be created, a plan must be accepted, Council has to nominate someone to sit on the Board, and the Mayor has to nominate someone to sit on the Board. There are certain intervals during the life of the SSID in which the City will have to pass legislation. For example, if a group of ten people band together to do a shoreline project the City would have to pass legislation to assess them. But, the financial responsibility for the project would be on the property owners and not on the City. We

are not backstopping or guaranteeing anything. Under the revised code we are allowed to create a Special Improvement District, but then the Board takes over the running of it once it is created. It would be very beneficial for the City in many ways to have the district.

Resident Ed Smith stated that Mr. Barbour has capsulated the SSID very well. Mr. Smith thanked Mr. Barbour for his involvement, and Councilman Tadych for his advocacy and support. It helps going forward to try to make things happen. This is a great opportunity for Bay, and knowing that if you go forward with this Special Improvement District, and there is advantageous financing available, more homeowners along the lake will take advantage of it. The Law Director is reviewing papers that came from the County. In those papers they mention the word "public." This has caused some people to become nervous. Setting up a Special Improvement District does not cause public access in any way. The Cuyahoga County lakefront project may involve some of that later on, but this Special Improvement District does not. Mr. Smith stated that he thinks it is a great opportunity and he will do whatever he can to keep pushing things forward.

Mayor Koomar stated that one of the things discussed was that if the Cliff Drive neighborhood homeowners association drew up a SSID, and in the future the Sunset neighborhood would want to do this, they would also be covered under the same non-profit. The non-profit is responsible for tax purposes and not the City. The whole reason to do the entire lakeshore is that as things come up everything could fit under this umbrella.

Mr. Winzig asked who would be liable if the project failed or if there is an injury on the project. Is that the non-profit, or is that the City?

Mr. Barbour stated that the City would not be liable. The City does not incur liability for anything of that sort; it would be the property owner or potentially the Board, depending on what happened and how it occurred, who was negligent, and what took place. The City does not incur any potential liability in this kind of situation, which is another bonus for the City.

Mr. Winzig asked if it would be the role of the non-profit entity to manage the project. If there is a project and four or five years later it fails, the resident would go back to the contractor and the non-profit to manage that.

Mr. Barbour stated that they could not come back against the City because the City was not involved in the project.

Mr. Winzig asked if the same procedure for submerged land leases would be followed.

Mr. Barbour stated that the submerged land lease procedure would be followed, and the construction process would be very similar. These property owners are not turning their property over to the public in anyway. The involvement of the City would be the creation of legislation that permits the Special Improvement District to exist. Then the Board that is appointed takes over running the non-profit entity. It is a separate legal entity. Two members are appointed by the City and the other members of the SSID, the property owners that elect to become members

of the Special Improvement District, elect the other trustees based on the language of the documents that create the non-profit entity. The property does not need to be contiguous. You could have four houses in a row that decide they are going to have a project because it benefits them collectively and then the next project could be another set of houses down the lake. They don't have to be right next to each other. If you do become a member of the SSID you do have to present a project. You can't be a member of the Special Improvement District as a property owner without committing to doing a project.

The Mayor noted that the time they become committed is when the City Council would pass the ability to assess that property. If they think they are interested and for any reason after the assessment passed, then they have allotted for it. That is the point of the term.

Mr. Tadych stated that when Mr. Smith first came to the City about this Special Improvement District, he was talking about the small park area at the end of the street. That was his first thought about doing it. Since then, he also has been thinking about the homeowners to the west of that park, with one or two opting out. That would go forward as a second district. And then the third set would be optional for anybody along the lake, or the entire lakefront if the City would approve.

Mr. Barbour stated that the City would not do work on private property. They would SSID the whole lakefront, and select the groups going forward. Property owners can join at a later date; they don't have to be in the first group that becomes a member of the SSID. The way the non-profit will be constructed is that it will allow new members to come along at some point.

Mr. Tadych stated that the first project Mr. Smith is talking about is one or two parcels of land. We can see how that goes and from that gain more knowledge of this and apply the knowledge to our own.

Mayor Koomar stated that from his perspective and talking to residents over the years, people do a shoreline project on their property, a neighbor does something slightly different with a different engineer. The ability here to pull together multiple parcels and have one engineering plan for it is a benefit to the residents. There are many residual benefits of a SSID.

Mr. Barbour clarified that homeowners will be assessed for the work on their property, they will not be assessed for other properties that are down the lake five years later.

Mr. Tadych referred to a document submitted by Mr. Smith that shows the cliff and how it has been eaten away by erosion. He noted that it is frightening how fast the erosion can go and how it changes things for the residents. The steps shown in the document can't even be used.

Ms. Maier stated that it is a one to one, non-profit for the SSID, so we only ever have one non-profit. What happens if there ends up being one SSID for the entire lakefront for all of Cuyahoga County, do the non-profits merge?

Mr. Barbour stated that is an excellent question. He would suspect that for that to happen they would have to merge because they probably would have some obligations that would be in existence so you couldn't dissolve them. There might also be some legislation that might get passed at the state level that would provide guidance as well. In Lake County there is one SSID for the entire county.

Ms. Maier stated that this leads to the question of whether if the City of Rocky River should be trying to do this jointly and if there is a way to take those incremental steps.

Mr. Barbour stated that his personal feeling from having lived in Bay Village and being involved in these kind of things in various capacities is that at this point we would want to have it just for Bay Village and get that established and running and let our residents take advantage of it rather than to seek to merge with another entity unless there are some incredible advantages.

Mayor Koomar stated that the other point is that if you go out for improvements with a twenty year payback and you sell the property, the assessment stays with the property.

Ms. Maier asked if that has to be disclosed when the home is listed, e.g., in the notes for the multiple listing service, that you have that liability almost like a homeowners' association.

Mr. Barbour replied that it does have to be disclosed like any other assessment.

Mr. Tadych added that it could be look at as an asset as well.

Mr. Winzig stated that to confirm, the City's role is really managing the collection of the liability.

Mr. Clark stated that the County would be the collection agency. It is really exculpatory to the City in just about every way. A borrower can borrow tax exempt because of the nature of the obligation, and the goal would be to create several of these types of transactions for scale because there is cost each time you have sell these, particularly the fixed-rate tax-exempt bonds. Because of the high collateral position priority of property taxes, they tend to achieve very attractive rates in the market place. The City doesn't have any liability to it as well, that is one of the niceties of this entire transaction.

Mr. Barbour stated that the City's work is organizational at the beginning because it requires the City's involvement under the revised code to create this. The City's lifting of this is up front when the initial plan is presented. A resolution is passed after debate creating a Special Improvement District, and as it gets further along the assessment is levied. When new people want to join and they have an assessment, we have to do it again. It is more procedural involvement than anything else. Construction would be subject to the code and all the other elements involved, just as if there were not a special group. All of the same approvals, documentation and all of those types of things would be required.

Mr. Tadych stated that he assumes the assessments will follow the procedure of the way our property is assessed and if our valuation changes you don't see it until one or two payments later. Is that the same type of assessment you would have for this?

Mr. Barbour stated that the City would have to determine the method of assessment, just like any other assessment.

Mr. Clark asked if there is any idea as to the general timeframe for this process.

Mr. Smith stated that they have already engaged a contractor that did the survey and the preliminary design for a reasonable cost projection. The contractor has been paid with funds advanced by a number of their Board members. The contractor has been asked to slow down to allow getting to the permitting phase which is lengthy because there are so many agencies involved. They are looking forward to this idea being established and recognize there are a lot of variables involved and the largest one right now is moving forward with the Special Improvement District. Without that they would not have the credit worthiness to be able to attract the needed funds so they are really looking forward to the Special Improvement District to give access for the funding.

Mr. Barbour stated that if Council would like more information Attorneys Kevin Butler and Amanda Gordon from the firm of McDonald Hopkins who have done this in many locations can give a presentation. They can fill in some of the detail and answer some of the questions.

If Council is willing to go forward, the petition would be submitted by the property owners to City Council, who would then have sixty days to act. If there is deliberation or discussion, Mr. Barbour suggested it be done prior to the formal filing of the petition, starting with a presentation of Mr. Butler and Ms. Gordon.

Mr. Clark suggested Mr. Butler and Ms. Gordon be present at the April 12 or April 19 meetings of Council. Mr. Barbour will arrange for their presence.

Mr. Clark thanked Mr. Barbour and Mr. Tadych for the good work they have done, seeing no reason not to move this along. There is certainly good history to it, and others have done this before.

Mr. Smith stated that the homeowners' park in 1992 provided an excellent test case to go forward because they already have an existing non-profit that will have to reach an agreement with the new non-profit. Mr. Smith stated that he has been in touch with Cuyahoga County to let them know what they are doing and how they might fit into their plans. They are reaching out everywhere they can to make sure all bases are covered. Mr. Smith thanked everyone for their support.

Discussion of Ordinance No. 543.11 Sidewalks to be cleared of ice and snow.

Mr. Clark stated that this discussion was held approximately six weeks ago, and is something he promised for further discussion, considering the severity and frequency of snowfalls within the winter season. He opened the discussion to Council members and a weigh in to the topic from the administration as well.

Ms. DeGeorge stated that she first mentioned increasing the fines, but that really doesn't solve the problem. She would like to see how other Council members feel about the possibility of purchasing sidewalk snow removal vehicles to offer that as a function to our residents. It would take partnership with the administration, but it is one of the things that could be done for our residents. They look to us for our services, such as garbage pick-up, leaf removal, even our roads as well maintained as possible, repaving, etc. It is a place where we could put some money that would benefit all the residents as opposed to putting money towards...and it is good to put money towards the trails and pool, but we really only have a percentage of our residents utilizing those services, whereas, if we had enough machines to do the City in a snowfall, that would be a benefit and something we need for our community. The City of Holland, Michigan has five machines, 140 miles of sidewalks, and it takes them eight hours to do their streets. If we had these machines and made that investment it would be an asset also with the ADA compliant curbs, being able to keep those clear. Ms. DeGeorge stated that she gets a lot of complaints about those during the snowfalls. There are areas where our plows will unintentionally push snow into walking paths. It would help that situation. Ms. DeGeorge stated that she would like to know if anyone would be interested in exploring this possibility.

Mr. Tadych asked how much the sidewalk equipment we have now that does the City property cost.

Mr. Liskovec stated that the last time a chassis was purchased it was \$40,000 without any attachments.

Mr. Tadych asked how long the equipment lasts.

Mr. Liskovec it is based on how many hours are put on the machine.

Mr. Tadych stated that the City has had experience over the years with the equipment, noting that in the budget process he does not recall them being replaced that often.

Mr. Liskovec stated that one of the original pieces was replaced two or three years ago.

Ms. DeGeorge stated that in terms of machines then, we would not be starting from scratch. We already have a couple with the accessory pieces and parts.

Mr. Liskovec stated that there are two currently in the fleet. There are interchangeable parts but they are not set up for both machines. The location that is going to be cleared determines which machine will be used.

Mr. Tadych stated that the idea isn't bad but he doesn't think we should be doing two inches of snow.

Ms. DeGeorge stated that the details always need to be discussed but she would like to know if this is something Council would want to discuss to take further. It is a laudable idea whether you believe in climate change or not. We could have a winter where we have eight inches of snow every week and a winter where we may never have to use the equipment. We have had a couple of mild winters, but it is not a bad investment to have those machines because they can have other uses with the different accessory pieces.

Mayor Koomar calculated, from the information presented by Ms. DeGeorge regarding Holland, Michigan, that Holland clears 17 ½ or 18 miles per hour of sidewalk. Mr. Liskovec stated that the City of Bay Village machines top out at about 12 miles of sidewalk per hour, and that is even on smooth conditions. We do have sidewalks with imperfections which require being very careful because hitting those at a high rate of speed could cause physical or equipment harm.

Ms. DeGeorge stated that this would not include the commercial areas; they are on their own as they should be.

Mayor Koomar stated that the commercial area sidewalks are public right-of-way as well. Ms. Maier added that they have the same requirements to keep their sidewalks clear as residents do.

Mr. Clark asked if there are other communities that provide that service to residents. Is this something that can be looked into to see what others are doing?

Ms. DeGeorge stated that she heard that the City of Independence did provide that service, whether it is for everyone or just for seniors is not known.

Mr. Clark stated that we may not come up with all the answers today, but, certainly, going out there, knocking on doors and increasing fines isn't the way to deter people.

Mr. Tadych noted that many people go to Florida for the winter, making it difficult for the people that don't go to Florida and walk their dogs.

Mr. Clark noted that the question also becomes not just that of cost but that of manpower, personnel in the Service Department.

Ms. Maier stated that you would be asking for additional work. When doing road clearing, they would also be doing the sidewalks if it is a heavy snowfall. You would have to double the crew.

Mr. Liskovec stated that it would be daunting. Having roads open for safety/service vehicles is the first priority. Even during a longer storm event, as shifts are rotated through, men do need breaks and to float them into one of the sidewalk machines might not be reasonable.

Mr. Tadych stated that if there were one piece of equipment for every ward that would be four pieces of equipment. We know that the residents who take care of their own snow would continue that effort, so it would be somewhat clear for the equipment going through, unlike the park system where it is not done unless we do it.

Mayor Koomar stated that in a continuous snowfall the clearing might not be able to stop. The City does provide that service in the school crossing areas. It does take a few days with the plows on the roads to get to Wolf, north on Cahoon and to Lake Road. As Mr. Liskovec said, we are going to focus on the roads, with sidewalk clearing we would need staffing up for an unknown.

Ms. DeGeorge stated that we have seasonal help in the spring and summer. It all needs to be discussed and looked at. We have seasonal help in the summer. Why not have seasonal help in the winter? Certainly, there would be priorities for roads. This would be a service we would provide with priorities in order for the roads or whatever else the Service Department might be needed for during snow emergencies or snow falls.

Mr. Tadych stated that even in the summer the City crews water plants throughout the City.

Mayor Koomar stated that the difference is that the workload is known so it can be budgeted and staffed accordingly. In a light year when there might not be snow for six or eight weeks, we would have to make sure they are still available and would respond to the call for work. That would be the difference in the summer seasonal help.

Ms. DeGeorge stated that you would see the advantage in having seasonal winter employees even if they weren't moving snow around.

Mr. Liskovec stated that this would be a topic for further review. Having an extra set of hands around to be kept productive could be potentially troublesome.

Ms. Maier stated that she would really want to see the cost analysis, depreciation and other things. Her sense is this will have a much higher cost than benefit.

Mr. Clark stated that the operating and Capital cost components will have to be reviewed. We will rely on Mr. Liskovec and his team for feedback.

Discussion of Section 2.4 of the Bay Village City Charter, Council Vacancies.

Mr. Clark stated that the resignation of a Council person at large at the end of the year last year triggered a process for Council to go through and review the City Charter in providing a replacement. When Ms. Maier was appointed to the vacant At-large position, the Ward 3 spot then had to be filled, which was occupied by the selection of Michael Greco. A discussion on the process of filling a vacancy was promised as things have settled down, and Mr. Clark opened the matter to Council for thoughts on the matter.

Mr. Winzig stated that one idea that came up when the matter was first discussed was the possibility of filling an at-large vacancy with someone from Council applying for the job before it goes to the public for additional candidates. This would alleviate the confusion we had with no protocol or framework for what took place in this most recent situation. It is worth considering that there could be language or a mechanism to allow that. Then it would create the ward vacancy such as was filled recently by Mr. Greco.

Mr. Tadych stated that you could also have, along that line, if more than one member was interested, a seniority effect for determination.

Mayor Koomar stated he considers this an HR or best practice. Sometimes you open it up to internal candidates first before going outside. When former President of Council Martin did this in the past this was the process he used. In the past there was an at-large vacancy and all three ward councilmen wanted the position. One was chosen for the at-large position and then the ward vacancy was filled.

Ms. DeGeorge stated that she would like to see something in writing about the process, almost in terms of when the Mayor resigned and the President of Council had the option within a certain amount of days to make the decision to take that position. When an at-large vacancy opens up it could be offered to the four ward Council persons and, as Mr. Tadych said, possibly in seniority order. If it is not in writing, the option of any combination of any Council person can come along at any time and just say to do it one way or another way. Something should be set up for the future. In terms of immediacy, we probably can do it by ordinance, but she would also like it to be part of the Charter Review in 2022 to look at that piece to see if that is something they would want to put into the charter for a more permanent process going forward. An ordinance first, however Council chooses to word it, and Charter Review Commission review with possibly more permanent action, would only be fair since the process is already in place for the resignation of the Mayor and the option for the Council President to fill the role.

Mr. Tadych stated that he would not exclude the other at-large candidate. They might want to have the other at-large seat that would afford them the opportunity to run for Mayor without losing their seat.

Mr. Kelly stated that he does not think that would be covered by the current language because it would require that the seat would come up anyway. The incumbent language is such that if it is beyond 75 days before the election then the seat will be up that year, no matter what.

Mr. Tadych noted that Ms. Maier took the position that was paying less and it didn't matter to her at all.

Mr. Kelly repeated that Mr. Tadych's example would make zero sense because if it is beyond 75 days then it is up that term.

Mr. Tadych stated that if you took the other seat you could still run for Mayor and not lose the seat.

Mr. Kelly stated that one at-large person moving to another at-large seat, if it is beyond 75 days before the election you would be running that fall. To Ms. DeGeorge's point, the most appropriate place for this is Charter Review. The succession process beyond the question of Council vacancy is the question of an unelected employee serving as Mayor for any significant amount of time is more of a concern.

Mr. Clark stated that this most recent event was a circumstance that was unique to all of us. The objective is to try to open this up and be efficient in terms of the replacement process. We had about thirty people interested in the position. Does this rise to the level of codifying in our laws, or is it more of a procedural question? It may be something the Charter Review Commission can look at. This is a selection process by Council; not an election process. If it arises to a larger level, we address that. This is why we have charter review.

Mr. Tadych stated that he would like to see something done.

Ms. DeGeorge stated that another piece of this for which she heard many comments from the residents is the transparency that took place during the process. She noted that she is not a keeper of the records so it was not necessarily up to her to put all the names out there of all the applicants even though we have them and they are public record. In years past, typically, in Ms. DeGeorge's experience, newspapers can come to the City and get the names and publish them. A lot of residents thought there was this shroud of secrecy and they thought it would be forthcoming of Council to release the information. This may not be something that can be put into the terms of the procedure, but she would like going forward, should this situation rise again, that we find a way to offer up that information without making the public come to us and ask for it.

Mr. Kelly expressed agreement.

Mr. Clark stated that this topic will be kept front and center for further discussion.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-DeGeorge, Tadych, Maier

2021 Fireworks Contract.

Ms. DeGeorge stated that on March 15, 2021, Ordinance 21-15 was placed on first reading and authorizes the 2021 fireworks contract. The ordinance will be up for adoption this evening. There is not a rain date set this year.

Liquor Permit Application – Boss Chick’N Beer LLC, 27321 Wolf Road.

Liquor Permit Transfer Application – Red Blend LLC, dba Chatty’s Pizzeria, 28611 Lake Road.

Boss Chick’N Beer will open on Wolf Road and Council is asked by the Ohio Liquor Control Board if they wish to ask for a hearing on the application, which is authorized by the Ohio Revised Code. A transfer of a license is being requested by Chatty’s Pizzeria in the Huntington Reservation.

Police Chief Leasure stated that the Bay Village Police Department has no objections to these requests.

Council will vote not to request a hearing on both of these applications.

Submerged Land Lease – 26800 Lake Road.

Submerged Land Lease – 29514 Lake Road.

Ms. DeGeorge will present two separate resolutions for two submerged land leases for Lake Road properties that will permit the applicants to proceed with construction on submerged lands for which the City has no use.

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

Amended Annual Appropriation Ordinance.

Mr. Tadych gave an overview of the changes to the Annual Appropriation Ordinance as outlined in an agenda request by Finance Director Mahoney. He explained that all benefits including pension, Medicare, life insurance, hospitalization and dental insurance were posted to the General Administration Fund. The new finance system posts these benefits to where an employee’s wages are charged. A budget adjustment is needed to correctly reflect these benefits as being posted to the correct department based on where the wages are charged. There is also a net change, and that amounts to about \$231,086. The change on the Ohio Public Employees Retirement System (OPERS) amount from 2020 posted in 2021 is \$8,330. There is an additional charge to OPERS for \$350. Ms. Mahoney explained that this all relates to the new Finance system charging the aforementioned benefits to where the wages are charged. In the case of the Fire Department OPERS charge, Fire Department historically never had an OPERS charge, but there is one employee who has an OPERS benefit.

Mr. Tadych continued his review stating that there is an additional appropriation needed for the fireworks in the amount of \$3,100 to the original amount of \$11,000 appropriated to account for a display equal, or better than, prior years.

The Coronavirus Fund has a remainder of \$25,380 unspent that was received in 2020 that will be expended in 2021 from the CARES funding.

The Municipal Building Improvement Fund will receive additional funding needed of \$92,000 for the Cahoon Multipurpose Facility that the City is considering building for about \$600,000. Last year it was estimated at \$360,000 and has gone up because of the escalating cost of

equipment and construction. Mr. Tadych asked if these funds must be appropriated before seeking bids.

Mrs. Mahoney stated that the funds must be set aside. Mr. Tadych asked how it is known what to set aside if the amount of the construction is not known. Mrs. Mahoney stated that the amount is based on the estimates, but before anything can move forward after the bids are received Council must approve the successful bidder and the contract.

Mr. Winzig asked if the transfer from 2020 to 2021 needs an amended 2020 year-end report for the Finance Committee. Over a quarter million dollars is being moved to 2021.

Mrs. Mahoney stated that the whole section is General Fund. It is just moving it from one department in General Fund to the individual departments in General Fund.

Mr. Clark reiterated that the funds need to be appropriated based on the bid estimate for the Cahoon Multi-purpose facility. There is not approval of the project at this point. The administration must return to Council for approval. The Mayor is also working on the State of Ohio and the Bay Soccer Club for funding for this project.

Mrs. Mahoney noted that if grants are received, those funds must also be appropriated. There was originally an estimate of \$130,000 in potential grants, which is included in the \$600,000.

Mr. Tadych stated to keep in mind that the amount of \$20,000 has already been appropriated when looking at the \$600,000 number.

Mr. Winzig stated that in 2019 there was an allocation of State Capital funds, money from the Bay Soccer Club, and a financing debt that never moved and stayed on our books. This is a carry-over from 2019. The fire storage building cancellation is new information that appeared in the notes. Mr. Winzig asked if the storage building is cancelled because of the lakefront development.

Mayor Koomar stated that now that we have a long term plan we would have to enter into we might want to hit the pause on the fire storage building and look at the lakefront plan to see where it can be funded. Any savings after that will be put towards the Cahoon Multi-Purpose project.

Mr. Winzig stated that in the February 25 Capital Project recap, the amount of \$65,000 was originally appropriated for the fire storage building. We spent \$12,037 with a balance of \$52,963. Is there still money left over because the number in the document received for tonight says \$20,000. Mrs. Mahoney stated that \$20,000 was the City's portion of cash. This is a factor of receiving grants, so you would have to appropriate the full amount of money. The only amount of money of the City's remaining in the project is \$20,000.

Mr. Winzig asked if we just cancel out the grant funds. Does that just zero out? We don't have an opportunity to go back? The Mayor stated that there is not that opportunity.

Mr. Winzig stated that the next line item in the agenda request of March 23, 2021 is the remaining cemetery debt of \$129,000. The Capital Project Report that Council received in February stated that it was \$139,937.

Mrs. Mahoney stated that Service Director Liskovec wants to keep \$10,000 in the fund in the event there is some extra funding needed for the cemetery.

Mayor Koomar noted that although the Young family has undertaken this project, the City does have a section of land there. Mr. Liskovec stated that it is for a protection of our investment and a third party was engaged by the City to be on site to make sure everything is in order during the construction.

Mr. Winzig stated that the line item for the Infrastructure Fund 495 balance of \$144,216.08 matches the year-end report, and carries over as the \$145,000 shown as part of the Cahoon Restrooms Funding Analysis. The \$144,216.08 can be found on the December year-end report. These funds all equal the \$503,216.08 which requires the additional request of \$91,783.91 to equal the revised project need of \$595,000 for the Cahoon Restrooms.

Mr. Winzig noted that he and Mr. Tadych reviewed this because the money moves and it helps Council to take the time to look through it. The issue that Mr. Liskovec and the Mayor mentioned about the market place exploding for cost and materials would indicate that the number of \$595,000 would be a good bid number to go to market with, but does require Council to appropriate additional money.

Mr. Tadych stated that Mr. Winzig and he also questioned that if money is appropriated in the amount that is estimated to be the cost of the project, is that information used by the contractors bidding to move their bid up to meet that estimate.

Mr. Liskovec stated that there is still competitive bidding. Mrs. Mahoney stated that this is public bidding.

Ms. Maier stated that with the prior funding the City was required to make a modification to the existing structure. Has there been consideration that a new building, a different structure type, could be constructed for less than modifying what is already there, and is that a practical application for the building?

Mayor stated that we wanted to see what the market would bear and started down that road. That is definitely something we can look at.

Ms. Maier stated that she thought we were constrained before in part because the funding was for staying with that location and modifying the existing structure. The cost is so much higher than we are anticipating. Is that the best way to move forward, or should we look at it again, knowing that we are constrained with the landfill cap and not disturbing the cap we can't move the building too far out?

The Mayor stated that the first meeting was just to look at bid alternates to see if it can be driven down, but we can definitely go back and look at other building material options, possibly moving it southeast.

Mr. Tadych stated that there might be problems with sewer lines to relocate the building.

Ms. Maier stated that the sewers are in the road.

Mayor Koomar stated that the lines have to be reconnected regardless of where the facility is placed.

Mr. Tadych stated that if it is moved too far more lines will have to be run.

Ms. Maier stated that she wondered, because we were constrained with it before and that is why we were doing the modification. Maybe a more simple structure could perhaps reduce the construction costs.

Mr. Tadych stated he would agree with Ms. Maier.

Mr. Clark stated that the discussion is relevant and timely. We all want to build a building that is going to last for a number of years and also be mindful of Council being financial stewards of the City. It will be interesting to see how the bids come in.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier, DeGeorge, Winzig

Mixed-Use Overlay District Legislation and referral to the Planning Commission.

Ms. Maier will present the Mixed-Use Overlay District Legislation for first reading at the Special Meeting of Council this evening, and move to refer the matter to the Planning Commission for approval, disapproval, or approval with modification. It will then come back to Council for readings and public hearing with an option also to modify the language. Mr. Jason Russell of Concord Consulting has been working on the Mixed-Use Overlay District with the Planning and Zoning Committee.

Mr. Clark noted that successful passage of the ordinance would require submission to the Board of Elections by August 4, 2021.

Mr. Winzig suggested that when the ordinance goes to the Planning Commission, Ms. Maier could ask for consideration to adjust the height requirement in the Clague Road area, as brought up by Mr. Tadych recently. Given the fact that the Clague Road area is an unusual landscape, is there any way to write that into the code so that we could have one document that goes to the public as potentially two? That was the only outstanding major issue that remains unresolved.

The next Planning Commission meeting is April 14, 2021, followed by a meeting on April 21, 2021.

The Planning and Zoning Committee met prior to this meeting to review the Tree Ordinance.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Kelly, Maier, Greco

Mr. Kelly had no report this evening.

RECREATION & PARKS IMPROVEMENT COMMITTEE-Winzig, Tadych, Greco

Cahoon Memorial Park Restroom and Multi-purpose Facility – Advertisement for Bids.

Mr. Winzig stated that the Cahoon Memorial Park Restroom and Multi-purpose Facility has been discussed in detail.

There has been work done in Walker Road Park with a graphic description of the project distributed to Council this evening.

Mr. Winzig noted that nice activity has been seen at the Bradley Road Park. Completion of Phase 3 of the playground construction is underway and could be completed this week. When that project is complete, we will talk with Project Manager Kerber and Recreation Director Enovitch to see if there is an opportunity to get the original funding that was allocated and see what it will take to complete that project.

The lines are going in at Cahoon Memorial Park for the Recreation Department's Soccer Program. So many people see Cardinals in their back yard; we have the opportunity to see goals in Cahoon Park, a sign of spring. About 800 kids have signed up for the Recreation Department Program. Combined with the traditional travel league there will probably be 900 of our kids playing in the leagues.

Regarding the Walker Road Park project, Mr. Liskovec stated that this is a storm water management improvement project driven by water issues in 2017 and concern of the capacity of the basin. The project and the park is co-owned by the cities of Bay Village and Avon Lake. Needs and capacities were reviewed on current standards for storm water management structures and the capacity of the basin. It was determined to build for a 100 year storm event. When the basin was designed in the mid-1990's it was designed for the standards at that time, which was a 50-year storm event.

The plan submitted by Mr. Liskovec shows three areas which will be completed to achieve the capacity. The first area is the spillway area that interconnects the last basin in the Hunt Club Development with the basin in Walker Road Park. Elevations and debris caused issues in 2015 that caused the basin to overflow, so the spillway will come into the elevation somewhere in-between the top of the berm of the basin and the top of the storm water structure. Area 2 is a

minimal improvement to the existing berm that surrounds the basin. There is no needed tree clearing in that area. Area 1 and 3 had significant tree clearing to provide space to accomplish the goals of the project. Area 2 is reinforcing the berm in those particular areas to an elevation that the basin will hold the stormwater of a 50 to 100 year event. Area 3 has the largest impact to the area and will provide the necessary storage to manage and maintain intense rain events which we seem to experience more frequently recently. A majority of the time, the basin will remain dry, but in the event of an intense rainfall event it will allow the water to have a place for storage. The area will remain passive, will be seeded over and turned into lawn space when everything is done.

Mr. Clark asked if this is the area where the primary amount of topsoil is being removed to be transferred to the soccer field.

Mr. Liskovec stated that this is correct. Once the clearing is done and they remove all roots, the topsoil will be moved. This should be done by the end of this week. The contractor will pause for at least two weeks before they move onto the excavation. Once they strip the topsoil the clay that is underneath, which has already been tested and has been determined as acceptable material for the landfill and soccer fields, will be diverted to the City of Bay Village site for the grading project.

Mr. Winzig advised that Mr. Liskovec and he, last evening, met with about a dozen of the residents from Bates Drive and walked the space, as well as walked through the project. The residents just asked, once they heard the back story, if it is possible to get the graphic and text information on the City website so that if others have a question the information is accessible to them. Mr. Winzig noted that we were a little late connecting with the neighborhood. Avon Lake took advantage of the warmer weather and got their crews out there, and they were off and running. This surprised some of the people because of the amount of trees taken down in Area 3.

The contractor for the project is Marks Construction from Valley City, Ohio.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Greco, DeGeorge, Kelly

Mr. Greco had no report this evening.

MISCELLANEOUS

Mr. Clark advised that the next meetings of Council will be held on April 12 and April 19, 2021.

AUDIENCE

Ms. Conda Boyd stated that she would like to reinforce Mr. Tadych's point about one at-large Council member possibly wanting the other at-large Council member's seat. Ms. Boyd can see that happening. One at-large position runs the same year as the Mayor; the other at-large position runs the same year as the President of Council. If an at-large member wanted to run for

Mayor, but was currently in the same slot, he or she might want to move to the other slot in order to retain their seat while running for Mayor. That situation could certainly arise, and Mr. Tadych is absolutely correct that it should be addressed and allowed for.

The second point is that the Council President replacement tends to run pretty smoothly but the way it is written in the charter is the same as any other Council member. Council may want to look at that carefully. Would you want the Vice President of Council to automatically move into the office of Council President, if the Council President resigned or moved up to Mayor? We are certainly aware of this at-large conundrum because that is what occurred now, but the same issue is there for the Council President as well as the Mayor.

Ms. Boyd asked Mr. Clark to please set a date for revisiting this issue. It has been out there for three months and it is an important issue while memories are fresh, and before the summer recess it is important to have a definite direction as to whether to create legislation and perhaps refer it to the Charter Review Commission as well.

Mr. Clark stated that he would be happy to continue to look at this and we will have to decide as Council whether this is actually an ordinance or resolution we want to work with, or a selection process procedurally. That is something we will continue to discuss before Council recess.

Ms. Boyd asked if it will be put on the agenda for the next meeting of Council.

Mr. Clark stated that we try to allocate enough time for those topics that are also important. It will certainly be revisited in the next month.

Ms. Boyd stated that she particularly wondered because Council meetings have been cancelled where it would be possible to discuss this kind of thing. As we saw tonight the discussion can run very long if you end up gathering lots of issues if you cancel meetings instead of addressing them.

ADJOURNMENT

There being no further discussion, the meeting adjourned at 8:55 p.m.

Dwight A. Clark, President of Council

Joan Kemper, Clerk of Council