

# City of Bay Village

Council Minutes, Regular Meeting  
Council Chambers; augmented by Zoom.  
Vice President of Council David L. Tadych, presiding

April 4, 2022  
8:03 p.m.

Vice President of Council Tadych called the meeting to order at 8:03 p.m. with roll call and the Pledge of Allegiance led by Sara Byrnes Maier, Council-at-large.

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

Excused: President of Council Clark, Ward 2 Councilwoman Lydia DeGeorge.

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Chief of Police Gillespie, Recreation Director Enovitch, Building Director Tuck-Macalla, Project Manager Kerber, Community Services Director Selig, Fire Chief Lyons, Project Coordinator Mark Spaetzel, Clerk of Council Kemper.

## AUDIENCE

Kent Silverberg.

Via Zoom: Madison MacArthur.

**Motion by Maier** to dispense with the reading and approve the minutes of the Regular Meeting of Council held March 21, 2022, as prepared and distributed.

**Motion carried 5-0.**

**Motion by Maier** to dispense with the reading and approve the minutes of the Cahoon Memorial Park Trustees Meeting held March 21, 2022 as prepared and distributed.

**Motion carried 6-0.**

## ANNOUNCEMENTS

There were no announcements this evening.

## REPORTS

**Law Director Barbour** advised that Mr. Tadych asked him to talk about the roll call votes as part of the adoption of legislation.

Procedure

Section 2.14 - Effective Date  
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

**Mr. Barbour** stated that there are many times when ordinances will have only one or two readings. There are also many times when there are three readings, but Council still goes through the suspension of Charter Rules to prevent an error and make sure the vote is correct. It becomes a good habit to make sure the legislation is being correctly adopted.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

**Mr. Barbour** explained that typically Council members receive their meeting packets Thursday, Friday, or Saturday, but there could be an occasion that a Council member is out of town and arrives home Monday, receiving their written copy that day. Routinely, the Council rules are suspended on the 24-hour rule to insure uniformity. If any Council member has an objection to an ordinance or wants more time to review it, which is what happened this evening with the Civil Service Rules, that opportunity is presented. The roll call on suspension of Council Rules is also more for the purposes of housekeeping to ensure there wasn't a mistake made and somebody did not have a written copy 24 hours prior to voting.

Roll call on inclusion of the emergency.

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

**Mr. Barbour** noted that this action seems to cause some consternation with citizens. The Ohio Constitution, Article II, Section 1D, and the Ohio Revised Code provides that municipalities can pass ordinances and resolutions on an emergency basis for the preservation of public peace, property, health and safety. If the city is not a Charter City, it is governed by Chapter 7 of the Ohio Revised Code. In the Bay Village City Charter the emergency clause allows for passages of ordinances, if Council finds that it aids in the preservation of public peace, property, health and safety. What it means is that the ordinance will take effect immediately upon signing rather than waiting 40 days. Most all of Bay Village ordinances impact public peace, property, health and safety in one way or another. Certain other ordinances, simply by their terms, cannot have

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an emergency clause. The emergency clause is regularly applied to Bay Village ordinances to insure uniformity and that they take effect immediately to aid in the governance of the City.

Mr. Tadych asked if the signature Mr. Barbour is referring to is the Mayor's signature. Mr. Barbour responded affirmatively.

**Director of Finance Mahoney** had no report this evening.

**Director of Recreation Enovitch** announced that summer pool passes are available on line. Mr. Enovitch encouraged residents to beat the rush and sign up for their membership. The Recreation Department is still seeking life guards, and students looking for summer work are encouraged to become certified and join the team.

Mr. Tadych asked how many hours per week a life guard normally works.

Mr. Enovitch stated that schedules are flexible, ranging from a few hours to many hours. They have the ability to make their own schedule.

**Director of Public Service and Properties Liskovec** reported that the Columbia Gas Co. line replacement project is almost complete at Bradley and Webster Roads, and will now be switching over to service laterals. They are also working on the main line replacements for the Columbia Road Replacement Project.

The Sidewalk Correction Program began with inspections last week. The City Website has been populated for reference. Questions or comments can be referred to [www.cityofbayvillage.com](http://www.cityofbayvillage.com).

The City of Westlake will have work done on the ramps at the intersection of Columbia Road with Interstate-90, with completion due by fall.

Columbia Gas has also begun utility work for the Wolf Road Project, working diligently to stay ahead of construction start. An official start date is expected about the beginning of May.

A pre-construction meeting is scheduled for April 21, 2022 for the Lake Road Repaving Project.

The Bradley Road Playground Project resumed today.

A pre-construction meeting was held today with the contractor that will be conducting the flow metering for the USEPA SSO Project. They intend to begin accessing thirteen manholes on April 11, with initial inspection and setting up the meters in the manholes. They will return twice a month for routine checks and maintenance. The meters will be in place for three months.

**Director of Community Services Selig** advised that the monthly City sewer invoices include a call for volunteers for the program to help seniors with maintenance around their homes and properties. The biggest need is for spring clean-up. Mr. Tadych noted that the residents look forward to assistance.

**Police Chief Gillespie** advised that the grant process for body cameras has begun. The first hurdle of a policy in place has been approved by the Ohio Collaborative. Work is being done with Project Manager Kerber and representatives from Motorola for in-car cameras with the hope that a product for the cars and another product for body cameras might be able to save money for storage space. A meeting will be held with the Motorola representatives next week.

Mr. Tadych and Mr. Kelly expressed congratulations to Chief Gillespie for these efforts.

**Fire Chief Lyons** advised that the Bay Village Fire Department is on a record-setting pace for emergency calls. The highest year ever for emergency runs was in 2021, with 1,750 calls. The department is on pace now to hit 2100 for 2022, which would be close to a twenty percent increase which is statistically significant. The data reviewed does not explain the increase. Runs are many and varied.

Mr. Kelly asked if it has been consistent that the number of runs annually seems to increase.

Chief Lyons stated that they would see an increase year-to-year. Looking at a ten-year period over the last fifty years there has been a steady increase, usually around one to two percent. The higher rate of increase will not affect the operation of the department, which is fully staffed.

**Building Director Tuck-Macalla** reported that interior and exterior inspections have begun for the 235 rental homes in the City. Registrations of the homes were due on April 1, and the owners were notified by mail.

**Human Resource Director Demaline** was excused this evening.

## **AUDIENCE**

There were no comments from the audience this evening.

## **COMMUNICATIONS**

Staff Sergeant George Teetzel, the National Guard Recruiter for Bay Village and the High School, sent an email regarding an opportunity for 17 year old Juniors and all Seniors in High School to enlist in the National Guard and receive 100% public school or trade school tuition.

Sergeant Teetzel can be reached at 216-832-9790.

## **COMMITTEE OF THE WHOLE**

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

**Mr. Kelly** stated that the Resolution to adopt the newly revised City of Bay Village Rules and Regulations of the Civil Service Commission dated January 20, 2022, and declaring an emergency is tabled this evening.

**Motion by Mr. Kelly** to approve the sale of a Steris VHP Unit to Steris Life Sciences.

**Motion carried 5-0.**

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

**Mr. Winzig** introduced and read **Ordinance No. 22-27** to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2022 as previously appropriated in the Annual Appropriations 21-101, 22-07, and 22-17, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 22-27.

Roll call on Suspension of Charter Rules:

Yeas- Greco, Kelly, Maier, Tadych Winzig.

Nays – None.

Roll call on Suspension of Council Rules:

Yeas- Greco, Kelly, Maier, Tadych Winzig,

Nays – None.

Roll call on Inclusion of the Emergency Clause:

Yeas- Greco, Kelly,

Nays – None. Maier, Tadych Winzig.

Roll call on Adoption:

Yeas- Greco, Kelly, Maier, Tadych Winzig.

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 22-27, an emergency measure, by a vote of 5-0.

**Mr. Winzig** introduced and read **Ordinance No. 22-28** amending Codified Ordinance Chapter 923.04 regarding Refuse Collection Penalty for late payment and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 22-28.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

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Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 22-28, an emergency measure, by a vote of 5-0.

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

**Mr. Winzig** introduced and read **Ordinance No. 22-29** repealing Codified Ordinance Chapter 935 regarding Bayway Youth Cabin, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 22-29.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 22-29, an emergency measure, by a vote of 5-0.

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

**Mr. Kelly** introduced and read **Resolution No. 22-30** authorizing the filing of an application with the Cuyahoga County Department of Public Works for a Road Resurfacing Cost sharing Program, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Resolution 22-30.

Roll call on Suspension of Charter Rules:

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

Nays – None.

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Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Resolution No. 22-30, an emergency measure, by a vote of 5-0.

**Mr. Kelly** introduced and read **Ordinance No. 22-31** authorizing the Mayor to enter into an agreement with American Pavements, Inc. for the 2022 Crack Seal of Pavement, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 22-31.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 22-31, an emergency measure, by a vote of 5-0.

**Mr. Kelly** introduced and read **Resolution No. 22-32** authorizing participation in the Ohio Department of Transportation (ODOT) Winter Salt Contract for the 2022-2023 Season for the purchase of Road Salt, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Resolution 22-32

Roll call on Suspension of Charter Rules:

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

Nays – None.

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Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Resolution No. 22-32, an emergency measure, by a vote of 5-0.

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

**Ms. Maier** introduced and read **Resolution No. 22-33** authorizing the filing of a grant application with the Ohio Department of Natural Resources and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Resolution 22-33.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Resolution No. 22-33, an emergency measure, by a vote of 5-0.

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

**Mr. Greco** introduced and read **Resolution No. 22-34** authorizing all actions necessary to accept a Northeast Ohio Public Energy Council (“NOPEC”) Energized Community Grant, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Resolution 22-34.

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Mr. Barbour announced adoption of Resolution No. 22-34, an emergency measure, by a vote of 5-0.

**Mr. Greco** introduced and read **Resolution No. 22-35** authorizing the purchase of One (1) International HV507 SFA 4X2 Chassis, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Resolution 22-35.

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Mr. Barbour announced adoption of Resolution No. 22-35, an emergency measure, by a vote of 5-0.

## MISCELLANEOUS

**Mayor Koomar** announced that the Easter Bunny will be touring the City this Saturday in a fire truck, beginning at 10 a.m. from the west side to the east side of the City, starting at St. Barnabas Church on Bradley Road. A map will be available to track the bunny on the City Website for kids of all ages.

Mayor Koomar advised that Republic Services, Inc. has approached the City for a potential modification to the trash collection contract. They have been working diligently to try and find a place for yard waste compost and have not been successful. The Kurtz Brothers yard waste operations have been halted by the Environmental Protection Agency. Republic is anticipating picking up yard waste as part of the trash pick up collections, 52 weeks of the year, due to not having a viable option for composting the yard waste.

Mr. Liskovec noted that Republic Services was the last operator in the Cleveland area that offered separate yard waste pick up for composting. Mr. Liskovec commented further on the logistic difficulties being experienced for future yard waste collection, and the reason for Bay Village and twenty-seven other municipalities to have to consolidate into one collection as solid waste. The change is expected in May of this year.

The Mayor stated that Republic has looked at many other possibilities but have been unsuccessful. Facilities are closing at 3 p.m. this year which would cause yard waste to be sitting in trucks for a period of time. There will not be any additional charge for being able to collect the yard waste together with trash for 52 weeks per year. The Mayor noted that they have tried to keep the separate yard waste collections a reality for the past 15 months. The Cuyahoga County Solid Waste District has emphasized how hard they have worked to educate people regarding recycling and stressed that habits not change because the market may return.

Mr. Kelly stated that the City is currently working through the remaining options on their contract with Republic Services. Rates everywhere have risen. He asked if there is anyone specializing in yard waste collections, such as the company that is doing the food composting, that would consider doing this in the future.

Mr. Liskovec stated that the company, Rust Riders, that does food composting, does offer composting for a fee. The problem is that it is necessary to have a consumer that wants to consume the volumes that are being generated. In 2019 Kurtz Brothers stopped Republic Services from dumping, and in 2019 Republic Services was granted permission from the Ohio Environmental Protection Agency to landfill yard waste as a separated commodity, trying to work with Carlisle Township. At that point it was unsuccessful. Yard waste composting is a market demand similar to recyclables.

Mr. Tadych asked the annual tonnage of the pick-up of yard waste in the City. Mr. Liskovec will provide that information.

Ms. Maier asked if there is a percentage number to show the increase going into the landfill. Mr. Liskovec will obtain the information from the recycling report. He will provide the data by email.

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**ADJOURNMENT**

**Mr. Tadych** wished everyone a Happy Easter and the meeting adjourned at 8:41 p.m.

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David L. Tadych, Vice President of Council

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Joan T. Kemper, Clerk of Council