City of Bay Village

Council Minutes, Special Meeting Council Chambers; augmented by Zoom. President of Council Dwight A. Clark, presiding April 25, 2022 7:30 p.m.

President of Council Clark called the meeting to order at 7:30 p.m. with roll call and the Pledge of Allegiance led by David L. Tadych, Vice President of Council and Councilman, Ward 1.

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

Also Present: Finance Director Mahoney, Director of Public Service and Properties Liskovec, Chief of Police Gillespie, Recreation Director Enovitch, Building Director Tuck-Macalla, Clerk of Council Kemper. Via Zoom: Community Services Director Selig.

AUDIENCE

Via Zoom: Kevers Riggs.

Motion by **Tadych** to dispense with the reading and approve the minutes of the Regular Meeting of Council held April 4, 2022, as prepared and distributed.

Motion carried: 5 Yeas, 2 Abstentions (Mr. Clark and Ms. DeGeorge who were absent at the April 4 meeting) and 0 Nays.

Motion by **Tadych** to dispense with the reading and approve the minutes of the Cahoon Memorial Park Trustees Meeting held April 4, 2022 as prepared and distributed.

Motion carried: 6 Yeas, 2 Abstentions (Mr. Clark and Ms. DeGeorge who were absent at the April 4 meeting) and **0 Navs.**

ANNOUNCEMENTS

Mayor Koomar advised that Cuyahoga County is going through their final approval process for the Wolf Road Improvement. A pre-construction meeting will be held in May.

City Engineer Don Bierut has reported that the Lake Road Project will begin on July 7, 2022 with a 45-day time frame for completion.

A pre-construction meeting will be held for the Inter-Urban Bridge Project this Wednesday, April 27, 2022.

Mr. Liskovec stated that utility pole relocation has begun for the Ashton Lane Bridge Project. The official start date is anticipated as early May. Mr. Clark confirmed that all the necessary easements for the project have been granted.

Recreation Director Enovitch reported that the swimming pool has been readied to be filled following the plastering and caulking operation.

Building Director Tuck-Macalla stated that permits have been issued for the construction of the final two homes at the Bay Creek Development. A final inspection of the new library interior will be conducted on Tuesday.

Mayor Koomar noted the installation of two electric charging stations at the new library. This will be a good service for residents with electric vehicles.

All of the properties that are built at the Liberty Development site on Wolf Road have been sold. The last two properties will be constructed with one buyer assured. In late fall or early spring the landscaping of the properties will be completed.

Mr. Kelly asked about the pre-construction meeting for the Wolf Road Project. Mr. Liskovec stated that utility representatives are present at the meeting, as well as the county and city representatives, along with the contractor for the project. The Ohio Department of Transportation (ODOT) goes over the paper work for the project, highlighting the data for all present. Additional terms and considerations are reviewed, as well as the logistics for staging of equipment. Pre-construction meetings for ODOT projects are held at district headquarters.

Mr. Kelly asked if the meeting is public and members of Council can attend. Mr. Liskovec will check and get back to Mr. Kelly.

Mr. Kelly asked Director of Public Service and Properties to comment on the agenda item of the confirmation of the appointment by Mayor Koomar of Leo Mahoney to the Tree Commission for a three year term expiring January 1, 2025.

Mr. Liskovec stated that Mr. Mahoney was formerly a member of the Tree Commission, serving as Chairman at one point. Mr. Mahoney has a horticulture related degree, well suited to meet the needs of the Tree Commission.

Motion by **Mr. Kelly** to confirm the appointment by Mayor Koomar of Leo Mahoney to the Tree Commission for a three year term expiring January 1, 2025. Mr. Tadych noted that Mr. Mahoney wanted to be present this evening, but due to family commitments was unable to do so and was assured by Mr. Tadych that his presence was not required for the confirmation of his appointment.

Motion carried 7-0.

Mr. Kelly thanked Councilwoman Maier for reviewing the following submerged land ordinances during the earlier committee meeting this evening due to Mr. Kelly's excused late arrival. He noted that these pieces of legislation are all related to the Special Improvement District and the efforts to prevent erosion along the lake shore.

Mr. Kelly introduced and read, by title only, **Resolution No. 22-36** approving use by David A. and Kelly D. Campbell of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-36.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-36, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read, by title only, Resolution No. 22-37 approving use by Gina M. Crawford, Trustee, of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-37.

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.

Navs - 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.

Ms. Kemper announced adoption of Resolution No. 22-37, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read, by title only, **Resolution No. 22-38** approving use by Amy A. Bircher of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-38.

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.

Ms. Kemper announced adoption of Resolution No. 22-38, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read, by title only, **Resolution No. 22-39** approving use by Patrick J. Marron of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-39.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Navs – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-39, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read, by title only **Resolution 22-40** approving use by Martin D. Rueben of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-40.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-40, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read **Resolution 22-41** approving use by JHBR Holdings LLC of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-41.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-41, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read, by title only Resolution No. 22-42 approving use by Edward McKeon Smith & Marlene Mary Smith of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-42.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Navs – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-42, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read, by title only, a Resolution approving use by Lance S. Smith and Amy J. Smernoff-Smith of submerged lands of Lake Erie for shoreline improvements, and declaring an emergency, and moved for adoption.

Mr. Greco noted that the copy of the property description submitted by the engineer lists the name as Lance S. Smith and Amy J. Smith-Smernoff. Ms. Maier checked the county records through her phone and stated that the property changed owners on April 12, 2022 and there is a new owner listed.

Mr. Clark stated that the resolution will be re-introduced on Monday, May 2, 2022 after clarification with the engineer who submitted the request.

Mr. Kelly introduced and read, by title only, **Resolution 22-43** approving use by Allison A. Marino of submerged lands of Lake Erie for shoreline improvements, 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 Resolution No. 22-43.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Ms. Kemper announced adoption of Resolution No. 22-43, an emergency measure, by a vote of 7-0.

Ms. Maier suggested removing the next resolution on the agenda approving use by Bay View Park Beach Association of submerged lands of Lake Erie for shoreline improvements, and declaring an emergency, for consideration this evening because it encompasses the parcels of the resolution for Lance S. Smith and Amy Smernoff-Smith that was removed due to new ownership.

Motion by **Tadych** to acknowledge receipt of the March 2022 Financial Reports of the City of Bay Village prepared by Finance Director Renee Mahoney.

Motion carried 7-0.

Mr. Tadych introduced and read, by title only, **Resolution 22-44** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

Mr. Greco asked if the City sends out the notices to the residents.

Mrs. Mahoney stated that unpaid sewer bills at the end of August are sent to the County. Notices to the residents are not sent.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 22-44.

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.

Navs – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-44, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced and read, by title only, Resolution No. 22-45 certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

here being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 22-45.

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.

Ms. Kemper announced adoption of Resolution No. 22-45, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced and read, by title only, **Resolution No. 22-46** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, 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 Resolution No. 22-46.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Navs – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-46, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced and read, by title only, **Resolution No. 22-47** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, 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 Resolution No. 22-47.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays - None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Resolution No. 22-47, an emergency measure, by a vote of 7-0.

The Fiscal Officer's Certificate in connection with the proposed issue of \$3,930,853 of notes, to be issued in anticipation of the issuance of bonds for the purpose of paying costs of (i) improving streets and related bridges by resurfacing paying and making other improvements as designated in the plans approved or to be approved by Council (\$2,887,617 of the Notes and (ii) acquiring equipment used in performing the functions of the City's Department of Public Services and Properties (\$1,043,236) of the Notes), with an estimated life or period of usefulness of the improvements of at least five years, etc., signed by Finance Director Renee Mahoney, was delivered and received by the members of Council as part of the following ordinance introduced by Mr. Tadych.

Mr. Tadych introduced and read, by title only, **Ordinance No. 22-48** providing for the issuance and sale of \$3,930,853 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of (i) improving streets and related bridges by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council and (ii) acquiring equipment used in performing the functions of the City's Department of Public Services and Properties, and declaring an emergency.

The Clerk of Council announced that Ordinance No. 22-48 is placed on first reading.

The Fiscal Officer's Certificate in connection with your proposed issue of \$1,569,147 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving streets and related bridges by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council (the improvement), that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 15 years, being my estimate of the life or period of usefulness of the improvement, and the maximum maturity of the Notes is 240 months from their date of issuance, signed by Finance Director Renee Mahoney, was delivered and received by the members of Council as part of the following ordinance introduced by Mr. Tadych.

Mr. Tadych introduced and read, by title only, **Ordinance No. 22-49** providing for the issuance and sale of \$1,569,147 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving streets and related bridges by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency.

The Clerk of Council announced that Ordinance No. 22-49 is placed on first reading.

Mr. Tadych introduced and read, by title only **Ordinance No. 22-50** providing for the funding of the optional redemption of certain of the City's outstanding Police Station General Obligation Bonds, Series 2011, dated as of July 1, 2011, and authorizing and directing the call for optional redemption of those bonds, and declaring an emergency.

Mr. Tadych noted that passage of this Ordinance will save the City \$45,000 in interest charges.

The Clerk of Council announced that Ordinance No. 22-50 is placed on first reading.

Motion by **Winzig** to grant the sign request of Saint Raphael Church, Home and School Group, for a Yard Party Sign with 2' tall letters spelling out "Saint Raphael's Teachers are STARS" broken into two even rows of lettering, each row approximately 20' long, on the front lawn of the Church, along Dover Center Road, during Teacher Appreciation Week of May 2 to May 6, 2022.

Motion carried 7-0.

Motion by **Winzig** to grant the sign request of Saint Raphael Church, Encounter Mary Ministry, for a temporary sign, 8' x 3' (banner anchored on each end by metal fence posts) stating "Praying Together Strengthens Families," on the lawn in front of the church along Dover Center Road (not on tree lawn), from May 6 to May 15, June 6 to June 14, July 6 to July 14, August 5 to August 15, September 6 to September 15, October 6 to October 14.

Ms. DeGeorge asked if it is something new that approval is being requested for a sign to be installed on a monthly basis.

Mr. Winzig stated that this is something new for St. Raphael's Church. This will be a program run on a monthly basis between May and October.

Motion carried.

6-0-1 abstention by Mr. Winzig.

Ms. Maier introduced and read **Ordinance No. 22-51** authorizing a contract with Industrial Surface Sealer, Inc. to repair and reseal the Cahoon Park Tennis Courts, 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. 22-51.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays- None.

Ms. Kemper announced adoption of Ordinance No. 22-51, an emergency measure, by a vote of 7-0.

Audience

There were no comments from the audience this evening.

Miscellaneous

Mr. Clark noted the community events occurring this Saturday, April 30, 2022 including Shredding Day from 9 a.m. to 12 Noon in Cahoon Memorial Park which will include electronic shredding and Habitat for Humanity collections. An additional drop off day of hazardous waste items will also be held this Saturday at the Service Garage, from 9 a.m. to 12 Noon. The grand opening of the new Bay Library will be held on Saturday, April 30 from 2 p.m. to 5 p.m.

The next meeting of Council will be held on Monday, May 2, 2022 at 7 p.m. for the Committee Session, immediately followed by the Regular Meeting of Council.

Ms. DeGeorge asked when National Pill Take-Back Day will be held.

Police Chief Gillespie announced that National Pill Take-Back Day is held twice a year, falling this Saturday, April 30, 2022. Regular pills, sharps and liquids will be included in the drop-offs accepted at the police station from 10 a.m. to 2 p.m. Chief Gillespie noted that a pill drop off box is located 24 hours, 7 days a week, 365 days per year at the police station. The liquids and sharps are only taken twice per year, every April and every October.

Mr. Greco asked if there is any update on the grant application for body cameras.

Police Chief Gillespie stated that they are working with representatives from Motorola to determine pricing. Chief Gillespie also conferred with the Regional Transit Authority (RTA) to learn about the process. RTA has outfitted numerous parts of their organization with different camera and storage systems.

Mr. Greco asked if the pricing is needed for the grant. Chief Gillespie stated that the pricing information is required.

Mr. Clark announced that the Village Project is a finalist for a \$25,000 grant. Voting begins on line this Wednesday, and suggested checking the Village Project website for further information, noting that the Village Project performs a very valuable service in Bay Village and West Shore communities.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych **MOVED** to convene to Executive Session regarding Sale of Property, Cahoon Road Library; Personnel: Administrative Compensation; Police Department, at 8:17 p.m.

Roll Call Vote: Yeas- Clark, DeGeorge, Greco, Kelly, Maier, Tadych, Winzig. Nays – None. Motion passed 7-0.

Council reconvened in an open meeting at 9:13 p.m. Present were: Clark, DeGeorge, Greco, Kelly, Maier, Tadych, Winzig.

There being no further business to discuss this evening, the meeting adjourned at 9:18 p.m.

Dwight A. Clark, President of Council

Joan T. Kemper, Clerk of Council