

# City of Bay Village

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

May 16, 2022  
7:41 p.m.

President of Council Clark called the meeting to order at 7:41 p.m. with roll call and the Pledge of Allegiance led by Lydia DeGeorge, Councilwoman, Ward 2.

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

Also Present: Law Director Barbour, Director of Public Service and Properties Liskovec, Chief of Police Gillespie, Building Director Tuck-Macalla, Community Services Director Selig, Clerk of Council Kemper.

Via Zoom: Fire Chief Lyons.

## **AUDIENCE**

Jeff Nichols, 29314 Lincoln Road.

**Motion** by **Tadych** to dispense with the reading and approve the minutes of the Regular Meeting of Council held May 2, 2022, as prepared and distributed.

**Motion carried 7-0.**

## **ANNOUNCEMENTS**

**Mayor Koomar** reported receiving a notification from Mr. Bob Piccirilli of the Bay Village Bike Coop that they have donated ten bicycles recently to the Afghan refugees. Recreation Director Enovitch and his team helped with the donation, as they have in the past. The total bike donation this year is 43 bikes, focusing on the refugee population given that the bikes might be their only mode of transportation. A grant received from the American Academy of Pediatrics enabled the donation of helmets as well.

The Village Foundation Board has notified Mayor Koomar that they are in support of the Village Green Project and will donate \$50,000 for a pergola.

The Memorial Day Parade will be held Monday, May 30, 2022, with those marching gathering at 8:15 a.m. in the Huntington Parks Reservation.

The Bay Days 2022 Schedule has been published and distributed.

Bay High School Scholarship Awards will be announced Monday, May 23 at 7 p.m. at the Bay High School. Scholarships are awarded by the Bay Kiwanis, Bay Women's Club, Bay Men's

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Club and many other community organizations. Most scholarships are in the range of \$6,000, of great support to those seeking higher education.

The Village Green Public Meeting will be held on Tuesday, May 24 at 6 p.m. in the Committee Room of Bay Village City Hall.

**President of Council Clark** expressed appreciation to Laura Crabb of the Green Team who led a group of volunteers to help clean up the Cahoon Creek Waterways last weekend, keeping Bay Village environmentally clean.

**Law Director Barbour** reported that the Airbnb Bill that he spoke about at a prior meeting has passed out of the State Legislature Committee, meaning that it has been approved, and is with the Ohio House of Representatives in Columbus. They will vote on the Bill in the next week or two, at which point it will go to the State Senate. Mr. Barbour has received information that the Bill is probably going to pass. It prohibits municipalities from prohibiting short term rental of dwellings. An article on *Cleveland.com* by Andrew Tobias about the topic notes that the chief sponsor of the Bill is a legislator from Ashtabula who owns an Airbnb in Geneva-on-the-lake, and the community of Geneva-on-the-lake has some restrictive short term rental regulations. Mr. Barbour will keep Council informed of this legislation which, he stated, infringes on the Constitutional right of Home Rule.

Mr. Clark asked if passage of this Bill will supersede the existing legislation adopted by Bay Village City Council. Mr. Barbour stated that it could, although, the legislator from Ashtabula said that she has been told that it would not change existing rules which is contrary to what was said by the Legislative Service Commission, the entity that analyzes all state statutes and laws.

Mr. Tadych asked if Council would consider writing a letter to the state from all of Council.

Mr. Barbour stated that he wrote a letter, but Council most certainly could send a letter as well.

The Mayor added that the City of Bay Village is already on record along with the Ohio Municipal League and other large entities.

Mr. Clark stated that there is nothing wrong with showing some strength, and there is no reason why Council cannot put together a letter.

Mr. Barbour noted that many large entities, such as several of the Mayors and City Managers Associations, have expressed opposition to this House Bill 563.

The Mayor stated that he will be in Columbus on Tuesday, May 17 to further express the City's feelings. He noted that if it does pass it could possibly change its current form so that the local ordinances can stay intact.

Mr. Tadych noted that the protection of the rights of Home Rule are very important, and there seems to be a loss of some Home Rule in slight amounts here and there over time.

Mr. Barbour stated that Mr. Tadych's statement is correct. This loss was seen with the wireless small cell, and this is just another example. HB 563 doesn't even have the predicate of benefitting the community as a whole by providing utility service that is available to everyone. This Bill strictly benefits a few people. It is not about Airbnbs, it is about what municipalities have a right to regulate.

Ms. DeGeorge asked Law Director Barbour if he foresees any workaround as to what is defined as having a commercial entity next to a residential property, which Bay Village does not allow.

Mr. Barbour stated that the Mayor of the City of Pepper Pike raised that point in the article. There is opposition, but it seems as though it is not getting traction. The very next step might be a lawsuit by some other community or entity. There will be a lot of discussion by Law Directors and Building Officials. The Bill is not in its final form as yet, so it is difficult to say.

**Finance Director Mahoney** is excused this evening due to attendance at a training event.

**Director of Public Service and Properties Liskovec** reported just receiving this evening a notification from Republic Services that refuse and recycling material will be collected on May 17 as regularly scheduled, but bulk collection and yard waste collection will be delayed until Wednesday, May 18.

Mr. Liskovec advised that Columbia Gas Company has nearly completed the service connections on Bradley Road. Concrete and landscape restoration is underway. Columbia Gas is working on Wolf Road in preparation for the main construction project with a few additional connections and restoration work.

In regard to the Cahoon Memorial Park Restroom Project, there are still issues to be resolved with the controls and sanitary pumping system. The superintendent of the project is in contact with the vendor and our engineer who put the package together. It is hoped to resolve problems later this week.

The Wolf Road Construction Project has received the pre-construction meeting. An alternative option by the contractor was presented to be able to turn what was originally a two-season construction project into a one-season construction project. This is being reviewed with the county and the contractor regarding logistics and all the finite details as to how that would proceed forward. Council will be kept informed.

Mr. Kelly asked if there are any concerns on the part of Mr. Liskovec in light of his prior expectations that this would be a two season construction project.

Mr. Liskovec stated that the contractor is sizeable and having staff and equipment to manage is important. The contractor has brought on as one of their sub-contractors a quite large company that has performed many of these types of construction projects.

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Mayor Koomar noted that the intersection of Wolf Road and Cahoon Road will receive some work to tighten it up as part of the Northeast Ohio Areawide Coordinating Agency Transportation for Livable Communities grant, administered by the state.

Ms. Mair asked if the budget was put together anticipating the economies of scale of rolling down the construction timeline or is it going to impact the bottom line of that intersection project.

Mayor Koomar stated that it will not impact the bottom line of that intersection project. The idea would be from the west end of Wolf Road Bridge through the intersection to the other side. From that standpoint, the project this year will start at the east end of the bridge and work toward Dover Center Road. Just west of Cahoon to Sutcliffe will be included also.

Ms. DeGeorge asked if the intent is still to do a scramble at the intersection of Cahoon Road and Wolf Road when that intersection is redone. There was talk about that at one point, early-on.

Mr. Liskovec stated that he will have to double-check. He believes that as it sits right now it functions very similar to a scramble. It is still early; they are not quite there yet.

Ms. DeGeorge stated that she remembers the discussion including if some consideration would be given to Dover Road and Wolf Road intersection which is also as busy and students tend to cross in a similar "x" fashion.

The Mayor stated that they looked at that with the county when the Master Plan was done and they said it is functioning well. They thought it would be more confusing to restripe it for motorists.

Mr. Clark asked if there is a potential closure date for Ashton Lane, which will be closed for 90 days due to bridge replacement.

Mr. Liskovec stated that he has not received an official response from the Ohio Department of Transportation. Communication with them last week was for finalization of dates. It appears to be early June, but there is not a specific date.

Mr. Clark suggested posting the closure date on the City website because the road is so widely used as a cut-through for residents.

Mr. Winzig noted that he also spoke with Mr. Liskovec about walking the streets to let the residents know when the date is determined.

The Mayor stated the possibility of a mailer to residents informing them of the road projects with maps and guidance.

Mr. Clark noted the need for patience with so many routes being closed.

**Recreation Director Enovitch** is excused this evening.

**Human Resource Director Demaline** is excused this evening for Avon City Council.

**Director of Community Services Selig** advised that the Community Service Department is back to where they were pre-Covid. The participation numbers of a few things may still not be met, while others are over what they were previously. The number of calls for Community Services has increased.

**Fire Chief Lyons** stated that he reported at the last Council meeting that the Fire Rescue Boat was back in service after an almost two-year hiatus because of a new motor. Upon getting it back it was discovered that the transom, the back of the boat that supports the outdoor motor, has rotted away. The boat had to be returned for repair with the hope to have it back in service as soon as possible.

Surveys sent out to the firefighters regarding the Fire Station Project will be completed mid-week and returned to the architect for review.

The asbestos survey has been completed with a report sent to Mayor Koomar. It appears that there is less asbestos than expected.

Chief Lyons has been working with Project Manager Mark Spaetzel on an update to the Fire Protection Systems, first at City Hall, and then proceeding to install a Fire Protection System at the Bay Lodge.

**Mr. Tadych** asked Fire Chief Lyons how long the Fire Rescue Boat has been out of service.

**Fire Chief Lyons** stated that in total it is coming up on two years. When the boat went in for the new motor the transom still looked good. The delamination process can happen at any time, especially with a boat over 25 years old. Moisture must have gotten in and the inside of the transom is fiberglass but the counter-protective layer is just plywood. When plywood is exposed to moisture it starts to warp and lose strength. A couple of minor cracks were noticed near where the motor is mounted. There is no way to prove if that happened during the mounting process of the motor. They are working with the vendor to find an equitable solution.

**Mr. Greco** asked if Council is able to see the evaluations that were sent out to the Firefighters regarding needs for the fire station.

Fire Chief Lyons stated that he will forward copies to the Clerk of Council for distribution to Council.

**Building Director Tuck-Macalla** advised that digging has begun for the final town home foundation at the Bay West Condominium Development.

Inspection of after prom set up at the Middle School will be completed by Friday morning.

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The High School Field House construction is almost complete, with the desire to be done by the high school graduation.

Mr. Clark stated that the same contractor was used for the Cahoon Park Restroom Facility, with that project substantially completed.

Mr. Tuck-Macalla stated that the field house is also almost complete. Their sub-contractors are a little different, and they also have a fire alarm system to be installed.

**Police Chief Gillespie** announced the graduation of Police Lieutenant Mark Palmer from the 147<sup>th</sup> Administrative Officers' Course which is held at the University of Louisville. Lieutenant Palmer is recognized for his outstanding efforts in completing this course as he returns today to his duties at the Police Station.

Mr. Clark asked Chief Gillespie to thank Lieutenant Palmer, on behalf of City Council, for his service and dedication to his profession.

## **AUDIENCE**

There were no comments from the audience this evening.

## **COMMUNICATIONS**

The following communication has been received:

An email report from Nancy Brown listing the up-to-date inventory of the Bay Village Kennel.

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

**Mr. Kelly** introduced and read **Resolution No. 22-58** accepting donation of hanging baskets and additional annuals, 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. 22-58.

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:

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

Mr. Barbour announced adoption of Resolution No. 22-58, an emergency measure, by a vote of 7-0.

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

**Mr. Tadych** read, by title only, **Resolution No. 22-55** adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2023, submitting same to the County Fiscal Officer, and declaring an emergency. (Second Reading) (First Reading May 2, 2022)

Mr. Barbour announced that Resolution No. 22-55 is placed on second reading.

**Motion** to acknowledge receipt of April 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, **Ordinance No. 22-59** 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, 22-17, and 22-27, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 22-59.

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Roll call on Inclusion of the Emergency Clause:

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

Roll call on Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 22-59, an emergency measure, by a vote of 7-1.

**Mr. Tadych** introduced and read **Ordinance No. 22-60** authorizing the Mayor to enter into an agreement with Jackson Dieken & Associates as agents of U.S. Specialty Insurance Company (Tokio Marine), and declaring an emergency. (First Reading)

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Mr. Barbour announced that Ordinance No. 22-60 is placed on first reading.

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

**Mr. Winzig** read, by title only, **Ordinance No. 22-56** to accept the bid of Nick and Nancy Dadas in the amount of \$1,410,000 for the City owned property located at 502 Cahoon Road, and declaring an emergency.(Second Reading) (First Reading May 2, 2022)

Mr. Barbour announced that Ordinance No. 22-56 is placed on second reading.

A special meeting will be held on Monday, May 23, at 6 p.m. to consider Ordinance No. 22-56 for adoption on third reading.

**Motion** by **Winzig**, to permit the Bay High School PTSA to hang Street Pole Banners for the MB5K to be held Saturday, May 28, 2022, as requested by Melissa Mason, Chair of the Event.

**Motion carried 7-0.**

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

**Motion** to authorize the Director of Public Service and Properties to advertise for bids for the 2022 Sidewalk Replacement Project.

**Motion carried 7-0.**

**Ms. DeGeorge** introduced and read **Ordinance 22-61** authorizing the Mayor to enter into a Conveyance Agreement with the Cuyahoga County Land Reutilization Corporation regarding Permanent Parcel No. 202-22-002 on Bassett Road, and declaring an emergency, and moved for adoption.

Mr. Barbour noted that the parcel does not have an address.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 22-61.

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.

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Nays – None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 22-61, an emergency measure, by a vote of 7-0.

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

**Ms. Maier** had no report this evening.

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

**Mr. Greco** had no report this evening.

**MISCELLANEOUS**

**Mr. Clark** reminded all that the grand opening of the Knickerbocker Apartments will occur on Thursday, May 26 from 4 p.m. to 7 p.m. and encouraged all members of Council to be there for this grandiose occasion. Food trucks will be on site.

**Mayor Koomar** stated that the Bay High School prom will be held this Saturday, May 21, 2022. An After Prom activity at the Bay Middle School has been planned for the students with a lot of work and effort on the part of the parents. There is a walk through for the community from 6 p.m. to 7 p.m. at the Middle School on Saturday evening, May 21, 2022.

**ADJOURNMENT**

**AUDIENCE**

There were no comments from the audience this evening.

There being no further business to discuss this evening, the meeting adjourned at 8:31 p.m.

/s/ Dwight A. Clark

Dwight A. Clark, President of Council

/s/ Joan T. Kemper

Joan T. Kemper, Clerk of Council