

City of Bay Village

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

June 5, 2023
8:20 p.m.

President of Council Clark called the meeting to order at 8:20 p.m. with roll call and the Pledge of Allegiance led by Michael Greco, Councilman, Ward 3.

Present: Dwight A. Clark, President of Council
David L. Tadych, Vice President of Council, Councilman, Ward 1.
Lydia DeGeorge, Councilwoman, Ward 2
Michael Greco, Councilman, Ward 3
Peter J. Winzig, Councilman, Ward 4
Thomas J. Kelly, Council-at-large
Sara Byrnes Maier, Council-at-large.
Mayor Koomar.

Also Present: Law Director Barbour, Finance Director Mahoney, Police Chief Gillespie, Fire Chief Lyons, Recreation Director Enovitch, Director of Public Service and Properties Liskovec, Community Services Director Messeri, Clerk of Council Kemper.

AUDIENCE

Dan Rettig, D. Reinker, Samantha Illius.

Motion by Tadych to dispense with the reading and approve the minutes of the Regular Meeting of Council held May 15, 2023, as prepared and distributed.

Motion carried 7-0.

Motion by Tadych to dispense with the reading and approve the minutes of the Cahoon Memorial Park Trustees meeting held May 15, 2023, as prepared and distributed.

Motion carried 8-0.

ANNOUNCEMENTS

Mayor Koomar announced the securing of a Community Development Supplemental Grant in the amount of \$50,000 from Cuyahoga County for the Village Green Project. That moves the amount received to \$200,000 in funding. There are outstanding resources from a community group and also pending is a NatureWorks \$50,000 grant.

A rebate has been received from the Bureau of Workmen's Compensation Retrospective Rating Program in the amount of \$32,300.

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The Mayor advised that he participated in a bike ride downtown with County Executive Chris Ronayne, Mayor Justin Bibb, and Metroparks CEO Brian Zimmerman. Individual cities are encouraged to do these rides. The Bay Village ride will be the afternoon of July 3. Hopefully, County Executive Ronayne will participate and the ride will feature the bike lanes on Wolf Road, winding through East Oakland over to the Clague Plaza and back around. Details are being finalized.

REPORTS

Law Director had no report this meeting.

Finance Director Mahoney advised that on May 18, 2023 competitive bids were sought for the sale of Bay Village notes. Only one bid was received, and the bid was unsuccessful because the closing date was for June 2, one day after the date of June 1 when the City needed the funds to pay for the debt of June 1. The bond counsel contacted Key Bank, at Ms. Mahoney's suggestion, and they agreed to do a negotiated sale on May 23, 2023, with meeting the timeline to pay the note that was due. Key Bank was only successful in getting \$1.7 million in buyers from the \$5.2 million needed. Key Bank took on the rest, \$3.5 million, themselves. Ms. Mahoney noted that there is no appetite for short term notes at this time, but thanks to Key Bank the rate of 3.9% was received, the same rate recently received by the City of Strongsville. Ms. Mahoney suggested re-thinking the Capital spending plan for next year.

Mr. Clark asked if there should be thought to revisiting a note sale date after June 1, which is a huge interest payment date. There will be discussion in the future about financing the fire station renovations. Ms. Mahoney stated that there might be an opportunity to roll the one year note into the fire station note.

Director of Public Service and Properties reported that late afternoon Friday, June 2, there was an illicit discharge from the Longbeach Lift Station, which was reported to various EPA organizations as necessary. The contractor will begin repairs.

Materials are being staged for the Cahoon/Wolf Intersection project.

The western connector trail for the Cahoon Basin Trail is due to receive asphalt at the end of this week.

The various contractors are running through their punch lists for Wolf Road and working on striping, including the restriping of Clague Road with the bike box explaining how motorists and bicyclists interact at that intersection. Information and a diagram is shown on the city website.

The Village Green Project will receive bids on June 9, 2023. A pre-bid meeting is scheduled for next week.

Mr. Greco asked if the entire cost of the Village Green Project is included in the estimate of \$500,000 for the project.

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Mr. Liskovec stated that the most recent estimate is \$520,000. The amount of \$575,000 was budgeted, and the Mayor commented that there have been a few minor reductions.

Mr. Greco asked if the \$200,000 that has been received is included in the \$520,000.

Mr. Liskovec stated that the \$200,000 would go toward the cost of the Village Green Project.

Mr. Kelly asked for more information concerning the discharge event from the Longbeach Lift Station, noting that the weather has been dry.

Mr. Liskovec stated that there are two force mains at the Longbeach Lift Station that go underneath the creek and proceed up to the nature center. One of the pipes failed, discharging sanitary waste into the creek.

Recreation Director Enovitch reported that the Family Aquatic Center has been opened since last week. The swim team and learn-to-swim programs began today. Summer programs are in full swing. The Coulton Tennis Courts have been repaired and resealed, and look great. The Community Gym work will begin on June 14, with a three-week closure.

Director of Community Services Messeri advised that she has restructured the days and times of classes, and the changes have resulted an increase in the Dwyer Community Center of 1,084.25 hours, equating to 187 new sign-ins. People are coming back to classes and new members are registering. The BV60+ programs have increased, averaging an attendance at Trivia Nights and Happy Hours of thirty to forty participants on a regular basis. The Bocce League has been a huge hit with 48 players on 12 different teams, and 10 people on a wait list which keeps growing. The Lunch and Learns have been increasing as well, with 30 to 40 participants weekly for the activity with different sponsors and under the direction of Jennifer Ruese who is doing a great job.

A Senior Health and Living Expo will be held on August 11, 2023 from 11 a.m. to 1 p.m. with fifteen to twenty vendors offering health screenings. The event is free of charge.

Ms. Messeri thanked Police Chief Gillespie and Director of Public Service Liskovec for the placement of speed bumps at the Dwyer Community Center to increase safety awareness for the motorists who were not paying attention to the stop signs.

Fire Chief Lyons reported that repairs are being made to the concrete driveway at the fire station which needs maintenance due to the heavy trucks and the result of weather caused deterioration of concrete.

The Community CPR Program has proven to be quite successful with a full house every session. Dates for new schedules for the program will be posted.

Firefighters will be seen out at the pool and beach practicing water rescue exercises. The water rescue training program began in 2014, and recently three members have been sent out of state for intensive ten-day training, bringing back important information.

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Police Chief Gillespie reported that a Rape Aggression Defense class has been completed which was an outstanding success, with twelve members in the class.

The Community Police Academy will be held beginning after Labor Day and completed prior to the Thanksgiving Holiday. Information about the academy will be published within the next few weeks.

The Touch-a-Truck Event will be held on Saturday, September 9 from 9 a.m. to 12 Noon.

AUDIENCE

There were no comments from the audience this evening.

COMMUNICATIONS

The following communication has been received:

A communication from Bob Piccirilli of the Village Bike Co-op advising that with the help of Recreation Director Dan Enovitch, 27 refurbished bicycles were donated to students at the International Newcomers Academy, through Joseph House, bringing the total year to date donation to 55 bicycles.

A communication from the Cuyahoga County Council District 10, advising a proposed ordinance to create a Pay-to-Stay policy for renters in Cuyahoga County, providing that payment of rent and late fees prior to execution of eviction shall be an affirmative defense against eviction.

Mr. Clark noted that the Village Bike Co-op continues each year to amaze in terms of their performance and what they do for so many people in need. The organization is one of the finest non-profits in the City of Bay Village.

COMMITTEE OF THE WHOLE

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

Motion by **Mr. Kelly** to confirm the Mayor's reappointment of Michelle Payne to the Community Services Advisory Board for a three-year term expiring June 22, 2026.

Motion carried 7-0.

Mr. Kelly introduced and read, by title only, **Ordinance 23-61** authorizing an agreement with Mull & Weithman Architects, Inc. for design services for the Bay Village Fire Station, and declaring an emergency.

Mr. Barbour stated that Ordinance No. 23-61 is placed on first reading.

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Motion by Mr. Kelly to approve advertising for Requests for Qualifications for a Construction Manager at Risk for the Fire Station Construction Project.

Motion carried 7-0.

Mr. Kelly introduced and read **Ordinance No. 23-62** authorizing a contract with Motorola to replace body-worn camera equipment and software maintenance for the Police Department, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-62.

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.

Mr. Barbour announced adoption of Ordinance No. 23-62, 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. 23-53** adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2024, submitting same to the County Fiscal Officer, and declaring an emergency.

Mr. Barbour announced the Resolution No. 23-53 is placed on second reading.

Mr. Tadych read, by title only, **Ordinance No. 23-54** 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, and moved for adoption. (First Reading May 15, 2023)

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-54.

Roll call on Suspension of Charter Rules:

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

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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. 23-54, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced and read, by title only, **Ordinance 23-63** fixing the salary of the President and Members of Council, and repealing Ordinance No. 21-57, and declaring an emergency. Mr. Tadych commented that he would like to place Ordinance No. 23-63 on first reading for future discussion.

Mr. Barbour stated that Ordinance No. 23-63 is placed on first reading.

Mr. Tadych introduced and read, by title only, **Ordinance 23-64** to make appropriations for the current and other expenditures of the City of Bay Village for the fiscal year as previously appropriated in Ordinances Nos. 22-130, 23-11, 23-37, 23-48 and 23-55, and declaring an emergency.

Mr. Barbour stated that Ordinance No. 23-64 is placed on first reading.

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

Mr. Winzig introduced and read **Ordinance No. 23-65** authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering, Ltd. for engineering services related to the Bay Point Improvement Project, and declaring an emergency.

Mr. Barbour announced that Ordinance No. 23-65 is placed on first reading.

Motion by Mr. Winzig authorizing the Director of Public Service and Properties to advertise for bids for repaving of the Bay Village Municipal Lot at Dover Center Road and East Oviatt Road.

Motion carried 7-0.

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

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Ms. DeGeorge introduced and read, by title only, **Ordinance No. 23-66** authorizing the Mayor to enter into an agreement with Infinity Paving Company for the repair of public sidewalks, and declaring an emergency.

Mr. Barbour announced that Ordinance No. 23-66 is placed on first reading.

Ms. DeGeorge introduced and read, by title only, **Ordinance No. 23-67** authorizing the Mayor to enter into an agreement with Pavement Technology, Inc. to perform application of Asphalt Rejuvenator to the 2022 repaved portion of Lake Road, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 23-67.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays -- None.

Roll call on Adoption:

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

Nays- None.

Mr. Barbour announced adoption of Ordinance No. 23-67, an emergency measure, by a vote of 7-0.

Ms. DeGeorge introduced and read, by title only, **Resolution No. 23-68** ordering the repair of the public sidewalks abutting certain premises in the City of Bay Village, 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. 23-68.

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.

Nays – None.

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Roll call on Adoption:

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

Mr. Barbour announced adoption of Resolution No. 23-68, an emergency measure, by a vote of 7-0.

Motion by Ms. DeGeorge authorizing the Director of Public Service and Properties to advertise for bids for Titanium-based Asphalt Rejuvenator for the Wolf Road paving project.

Motion carried 7-0.

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

Motion by Ms. Maier to confirm the Mayor’s appointment of Jane Heban to the Recreation Commission for a four-year term expiring June 30, 2027.

Motion carried 7-0.

Motion by Ms. Maier authorizing the Director of Public Service and Properties to advertise for bids for the Play-in-Bay parking lot improvements.

Motion carried 7-0.

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

Mr. Greco introduced and read, by title only, **Ordinance 23-69** authorizing the Mayor to enter into an agreement with Tec Engineering and Design for engineering services related to the Huntington Lift Station electrical improvements, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the adoption of Ordinance No. 23-69.

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.

Mr. Barbour announced adoption of Ordinance No. 23-69 an emergency measure, by a vote of 7-0.

MISCELLANEOUS

Ms. DeGeorge referred to the communication read this evening, and the correspondence that accompanied the communication, concerning the Cuyahoga County Council's proposed Ordinance 2023-004 to create a Pay-to-Stay policy for renters throughout Cuyahoga County. Ms. DeGeorge asked if there is a deadline that the county wants the City Council members to act, or not act, on the proposal. She stated that her understanding is that if we don't do anything we follow the county's recommendation. Some municipalities have their own legislation pertaining to this matter.

Mayor Koomar stated that he has referred this to the Law Director to discuss with the Building Director.

Mr. Barbour stated that the Building Director and he have had that conversation. There are a couple of cities that passed their own Pay-to-Stay legislation. This legislation, if it passes the county, would give tenants an affirmative defense if their landlord refuses to accept back rent and expenses.

Mayor Koomar stated that at the COG (Council of Governments) meeting there was concern among Mayors relative to charter cities. The Mayor did connect our county councilman with Lisa Barna of the Cuyahoga County Mayors and Managers Association. There is a lot of concern among the Mayors throughout Cuyahoga County about that initiative for charter cities. They have slated a county representative to attend the next meeting for discussion of the matter. There is a lot of concern that the county does not have the ability to do that, and at the COG meeting the Mayor of Fairview Park, who is an attorney, has a lot of concerns that a landlord and tenant have a binding agreement and now, somehow, we are trying to insert ourselves into it. He had questions on whether Rocky River Municipal Court or other municipal courts have been advised or consulted on that legislation, and how they might act on it. There are a lot of unknowns.

Mr. Winzig thanked Councilwoman DeGeorge for shepherding the Council newsletter effort over the past few weeks. He thanked Ms. DeGeorge for her diligence in working together with the other members of Council in this effort.

Mr. Clark seconded the comments of Mr. Winzig, and asked if there is an approximate date for publication with the Mayor's newsletter.

Mayor Koomar stated that they are looking toward having it go out the end of next week, a little earlier than usual because of the many inquiries regarding aggregation.

Mr. Greco stated that he is going to reach out to the Clerk of Council regarding the creation of a handbook for newly elected Councilmembers as an introductory to new members of Council as a

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welcome to Council, and providing information as to the functions of Council. Mr. Greco stated that he volunteers to help with the creation or updating of a handbook.

Ms. Mahoney stated that she does have a good financial portion for the handbook.

In compliance with Section 121.22 of the Ohio Revised Code, **Motion by Mr. Tadych** to convene to Executive Session regarding litigation, pending or imminent.

Roll Call Vote:

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

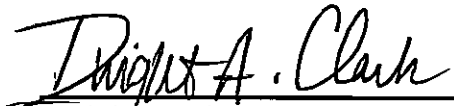
Nays – None.

Motion carried 7-0.

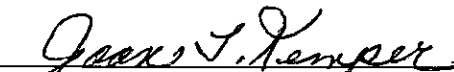
Council reconvened in an open meeting at 9:42 p.m. Present were: Clark, DeGeorge, Greco, Kelly, Maier, Tadych, Winzig.

ADJOURNMENT

There being no further business to discuss this evening, the meeting adjourned at 9:45 p.m.



Dwight A. Clark, President of Council



Joan T. Kemper, Clerk of Council