

City of Bay Village

Council Minutes, Committee Session
David L. Tadych, Vice President of Council, presiding
Council Chambers.

October 2, 2023
7:00 p.m.

David L. Tadych, Vice President of Council, called the meeting to order at 7:00 p.m.

Present: 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
Sara Byrnes Maier, Council-at-large.
Mayor Koomar.

Excused: Dwight A. Clark, President of Council, Thomas J. Kelly, Councilman-at-large.

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

AUDIENCE

David Florez, Dan Rettig. Samantha Illius on Zoom.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY, & COMMUNITY SERVICES COMMITTEE- T. Kelly, D. Tadych, S. Byrnes Maier.

Ms. Maier had no report this evening.

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

Amended Appropriation Ordinance.

Mr. Winzig stated that Council has received information regarding transfer of funds for a number of projects. The first document received is calling for additional funds for engineering of the Longbeach Lift Station to replace the force main. Mr. Winzig stated that at a recent Council meeting there was discussion about Council considering improvements to sewers and drainage when those opportunities come forward. Council tries to take advantage of those opportunities when there is a recommendation from the director, and that recommendation has been received this evening for the replacement of the force main at the Longbeach Lift Station.

The second project requiring additional funds is for the expansion of the Play-in-Bay parking lot and the addition of sidewalks at that site. The contractor for the project has found that the ground is unstable to support the pavement.

The third project is related to the Fire Department, specifically for three items: an Automatic External Defibrillator (AED) to be installed on the first floor of the Bay Village City Hall, a site survey for the expansion and renovation of the Bay Village Fire Station, and lights for the Fire Chief's new automobile.

Fire Chief Lyons commented that the new vehicle is a hybrid vehicle, which required some of the additional funds. This is the first hybrid vehicle for the City. Mayor Koomar stated that the plan is to test the use of hybrids with this car before beginning to purchase more hybrid vehicles. The light package was reduced from more expensive lights to something that would give ample awareness through the lights during emergency response.

Mr. Winzig recommended moving forward with the requests for additional funds in the amount of \$78,000 for the Play-in-Bay parking lot, \$51,700 from Fund 580 for the Longbeach Lift Station, and \$18,100 for the Fire Department vehicle.

Finance Director Mahoney commented that no additional funding is needed for the Play-in-Bay parking lot because extra money in the Road Improvements Fund has been moved to accommodate the additional funds needed for the parking lot improvement. The appropriation ordinance reflects that the parking lot improvement category has increased and the road improvement category has decreased.

Mayor Koomar noted that the administration is reviewing bids for the East Trail Connector. An apparent low bidder will allow for funds to be available. The east trail is on the east side of the creek up to the overflow parking lot providing an accessible trail from the eastern side to the lakefront. The Mayor commented that they always try to consult with the Metroparks and obtain the latest and best of what the practices are for accessible trails.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE -P.

Winzig, L. DeGeorge, M. Greco.

Amendment to Section 1335.04 regarding trees on private property, overhanging public property, and dead or diseased tree, per recommendation of Urban Forestry Manager.

Mr. Winzig stated that proposed revisions to Codified Ordinance Section 1335.04 relative to the tree ordinance have been presented to Council, as reviewed and recommended by David Robinson, the Urban Forestry Manager. Mr. Winzig will ask for these recommendations by Mr. Robinson to be incorporated into the tree ordinances of the City. Mr. Winzig noted that what is important is the leadership of the director in recommending when it is appropriate to trim a tree rather than cutting it down.

Law Director Barbour commented that Mr. Robinson thought that an adjustment to the language would provide an opportunity to preserve trees rather than just having them cut down. He noted that there are times when trimming trees rather than cutting down would help with preservation of the tree canopy. Also, the term "damaged" trees is now included in the ordinance which previously stated "dead, diseased or dying." Mr. Barbour noted that this gives more options for

the homeowners and still enables the City to achieve its goals of preserving part of the tree canopy.

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

Agreement with Chagrin Valley Engineering for engineering of force main replacement at the Longbeach Pump Station.

Ms. DeGeorge will present an ordinance at the Regular Meeting of Council this evening authorizing an agreement with Chagrin Valley Engineering for engineering services for the force main at the Longbeach Pump Station.

Director of Public Service and Properties Liskovec advised that the City has two lift stations: the Huntington Lift Station, and the Longbeach Lift Station, which is the oldest of the two. The engineering for the replacement of the force main was originally scheduled for the future, but the main is showing evidence of replacement much sooner due to the wear and tear sustained over fifty-plus years of service. After design work is finished, water way permits must be obtained before the actual replacement. More will be learned about the complexity of the replacement through the design process.

Ms. DeGeorge noted that the ordinance to be presented this evening authorizes the contract with Chagrin Valley Engineering in the amount of \$51,700 for the engineering services relative to the force main replacement.

RECREATION AND PARK IMPROVEMENTS COMMITTEE -S. Byrnes Maier, M. Greco, D. Tadych.

Increase in Carron Asphalt Paving, Inc. contract value for additional work needed for the Play-in-Bay Parking Lot Resurfacing Project.

Ms. Maier reported that an ordinance amending the previous ordinance authorizing a contract with Carron Asphalt Paving, Inc. will be presented at the Regular Meeting of Council this evening to extend the contract in the amount of \$78,000. The need for additional funding was explained earlier in the meeting by Mr. Winzig in his report for the Finance Committee.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE -M. Greco, S. Maier, L. DeGeorge.

Authorization to advertise for bids for residential solid waste collection, disposal and recycling services.

Mr. Greco will present a motion at the Regular Meeting of Council this evening authorizing the Director of Public Service and Properties to advertise for bids for residential solid waste collection, disposal and recycling services.

Mr. Liskovec stated that there are two options which the City is studying which is to advertise for bids for solid waste collection, disposal and recycling services, or to piggyback on another city's contract.

Law Director Barbour explained that the motion this evening is authorization to advertise for bids. The actual advertising for bids won't take place until Mr. Liskovec determines if piggybacking on another city's contract would meet the qualifications of the City of Bay Village. If not, the actual advertisement for bids will be placed.

Mr. Tadych asked if the gasoline surcharge is included in the contract the City is thinking of piggybacking with.

Mr. Liskovec stated that the contract they are considering for piggybacking does not have the gasoline surcharge.

Mr. Barbour stated that the bid document, if necessary, will request the same services as the City receives now. If a piggyback contract has those same services and the price is reasonable, the permission of Council will be requested to piggyback on that contract. Mr. Barbour noted that the price for a new contract is going to be different than a contract two, three, or four years old. A new supplier would require all new refuse cans for residents.

To clarify, Mr. Greco stated, the motion he will make this evening is to grant authorization to advertise for bids if the piggyback option is not to be taken.

Ms. DeGeorge stated that we know what we are looking for in terms of services, and we know the price is going to be more. Do we have an idea of how much more we can expect?

Mayor Koomar stated that the piggyback options being considered are pretty much flat.

Mr. Barbour noted that it would require Council action to piggyback on an existing contract with another city. The other city's consent would be needed first.

Ms. DeGeorge asked if the City is looking for something similar to the piggyback contract in terms of years if we seek a contract individually.

Mr. Liskovec stated that the current contract looking at for piggybacking is a five-year contract ending in 2028. Whatever terms of length in that contract is what the City of Bay Village would follow.

Mr. Barbour stated that if the contract was a five-year contract with two one-year extensions, and they are two years into it, we would start at year three. The City of Bay Village could exercise the one-year option, even if the other city does not. We would have the authority to say we are done at year five, or we are exercising year six, and not seven, or exercising seven. We sign a new contract, which is the exact same contract that city has, under the same terms.

Mr. Greco asked where this piggybacking concept comes from.... the state?

Mr. Barbour stated that Ohio Revised Code Section 9.48 authorizes public entities including municipalities to enter into a contract with other municipalities or public entities so long as the initiating entity has followed the required bid process and satisfied all the bidding requirements, including Council approval by their city.

Mr. Barbour noted that all of the joint purchasing agreements that the City of Bay Village is in are under the same Ohio Revised Code Section 9.48. Goods and services can be purchased through this section of the Ohio Revised Code.

Ms. DeGeorge asked if there is a reason why the City did not piggyback off another City's contract when the existing contract was initiated in 2015.

Mr. Barbour stated that he does not know because he was not the Law Director at that time. The joint purchasing programs, including those for services, have gained traction in the past five years. It has gone from uncertainty to widely accepted. There are a number of northeast Ohio communities that use these for refuse collection.

Mr. Tadych asked if the partnering city will get anything out of it for their own pocketbook.

Mr. Barbour stated that they get nothing out of it whatsoever. It is dependent upon their sense of wanting to help out their fellow community. If the City of Bay Village was in a position, and another city came to piggyback the language of the contract, a valid reason to turn them down could not be achieved because it doesn't cost the initiating city anything to do it and it doesn't affect their ability to receive services or goods under the contract. It simply requires a letter from their law director stating that the Mayor or City Manager gives authority to enter into the agreement. There is no incentive to turn it down.

Mr. Tadych asked if when the contract comes due, can the City negotiate with the bargaining unit if we should be merged with the other city.

Mr. Barbour stated that the contract would still have to go to bid.

Mr. Tadych asked if the City of Bay Village would have anything to say with what they would like to see in the bid.

Mr. Barbour stated that it would seem to violate the spirit of these types of things. These are unit cost contracts, and he does not know the answer other than he is conservative about these decisions and would not feel good about that.

AUDIENCE

David Florez, 154 Kensington Circle, asked how the City enforces code in regard to trees on private property. Mr. Florez noted the accumulation of fallen branches from trees overhanging public sidewalks. Is there a periodic review that happens by the City or residents reporting?

Mr. Tadych stated that on his street there happens to be a dead tree in a property owner's backyard. The homeowners were just notified about it, so the City does have a method of checking.

Mayor Koomar stated that some of it is resident driven by complaints or concerns. A lot of the overhanging on sidewalks is maintenance. The new Urban Forest Manager has just spent time with our Director of Public Service and his staff. The City newsletter, at some point, will include what is required on residential property because people often just aren't aware of what is required. At the same time, the City has tree lawn trees that are subject to that same ordinance and it is necessary for the City to keep their own house in order. The Building Department does walk around home inspections, and if something is seen that is overgrown that would be part of that inspection. A section of homes is done every year. The Mayor stated that a little bit of surveillance is through the Building Department, a little might be more proactive communications moving forward, and if there is a complaint that someone points out it is not uncommon for the Mayor to get a comment on a sidewalk blockage due to a tree that needs to be cut back.

There were no further comments from the audience, or from the Zoom audience.

MISCELLANEOUS

ADJOURNMENT

There being no further discussion, the meeting adjourned at 7:26 p.m.



David L. Tadych, Vice President of Council



Jean Kemper, Clerk of Council