

# City of Bay Village

Council Minutes, Organizational Meeting  
Council Chambers, 8:00 p.m.

January 3, 2022

President of Council Dwight A. Clark, presiding

Present: Clark, DeGeorge, Kelly, Greco, Maier, Tadych.

By Zoom: Mr. Winzig

Others

Present: Police Chief Gillespie

By Zoom: Director of Public Service and Properties Liskovec, Community Services Director Selig, Fire Chief Lyons, Recreation Director Enovitch.

## AUDIENCE

The following individuals were also present this evening: David Waltz.

President of Council Clark called the meeting to order in the Council Chambers with the Pledge of Allegiance and Roll Call at 8:00 p.m. It is a legal requirement of the Bay Village City Charter to meet for the purpose of organization at 8:00 p.m. on the first business day following January 1 of the year following a regular municipal election.

## ANNOUNCEMENTS

After wishing everyone a Happy New Year, **Mayor Koomar** called upon Law Director Barbour for comments concerning a matter that has arisen for the attention of Council.

**Mr. Barbour** distributed copies of a memorandum to City Council dated January 3, 2022 regarding Sale of Municipal Property – Library, 502 Cahoon Road, a copy of which is attached to these minutes as if fully incorporated herein. Mr. Barbour stated that the memorandum outlines the authority in the Ohio Revised Code for a municipal corporation to sell or lease real property of a municipal corporation no longer needed for any municipal purpose. He noted that the memorandum outlines the steps that Council would need to take if there is a desire in the future to sell the existing library building on Cahoon Road. An appraiser has been hired for an up-to-date appraisal and a title search will be conducted.

Ms. DeGeorge asked Law Director Barbour to reiterate the permitted zoning uses of the land on which the library sits.

Mr. Barbour stated that the property is zoned Residential, so it can be used for any residential purposes, and also can be used for municipal purposes, or a church or buildings used by a church such as a convent or

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parsonage. If someone wanted to use it for commercial purposes it would have to be rezoned and the rezoning approved by the voters of the City of Bay Village.

The audience member present asked if the Law Director is talking about selling a piece of property.

Mr. Barbour responded affirmatively that he is speaking of the old library on Cahoon Road. Under the agreement with the County Library, the City assumes control of the Cahoon Road Library after the new library opens. One of the options of the City would be to sell that property to the highest bidder.

Mr. Clark commented, to clarify for the record, that the City is not selling the property, they are exploring the potential sale of the property at this point. They are not bound by this but these are the procedural rules of the Ohio Revised Code.

Mr. Barbour stated it is beneficial to know the steps to be taken to begin the discussion in a formal way.

**Mr. Clark** nominated Joan Kemper to serve as the City of Bay Village Clerk of Council. There were no other nominations.

**Motion** by Mr. Tadych to confirm the appointment of Joan Kemper as Clerk of Council of the City of Bay Village.

**Motion carried 6-0.**

The Clerk of Council announced that Certificates of Election have been received from the Cuyahoga County Board of Elections for the following Bay Village Public Officials duly elected November 2, 2021:

**Paul A. Koomar, Mayor**

**Sara Byrnes Maier, Councilwoman-at-large**

**David L. Tadych, Councilman, Ward 1**

**Lydia DeGeorge, Councilman, Ward 2**

**Michael Greco, Councilwoman, Ward 3**

**Peter J. Winzig, Councilman, Ward 4**

At 11:00 a.m. on Wednesday, January 1, 2022, Judge Brian Hagan of the Rocky River Municipal Court administered the Oath of Office to Mayor Paul A. Koomar, Councilwoman-at-large Sara Byrnes Maier, Ward 1 Councilman David L. Tadych, Ward 2 Councilwoman Lydia DeGeorge, Ward 3 Councilman Michael Greco, and Ward 4 Councilman Peter J. Winzig, for their terms of office beginning January 1, 2022.

**Mr. Clark** nominated David L. Tadych for Vice President of Council. There were no other nominations.

**Motion by DeGeorge** to confirm the appointment of David L. Tadych for Vice President of Council.

**Motion carried 6-0.**

Clerk of Council Joan Kemper announced the following appointments by President of Council Clark to Council Committees:

Public Improvements, Streets, Sewers and Drainage Committee:  
Chair, Lydia DeGeorge Members: Thomas J. Kelly, Peter J. Winzig.

Recreation and Park Improvements Committee:  
Chair, Sara Byrnes Maier Members: Michael Greco, David L. Tadych.

Finance and Claims Committee  
Chair, David L. Tadych Members: Peter J. Winzig, Thomas J. Kelly, Dwight A. Clark.

Services, Utilities and Equipment Committee  
Chair, Michael Greco Members: Sara Byrnes Maier, Lydia DeGeorge.

Planning, Zoning, Public Grounds and Buildings Committee  
Chair, Peter J. Winzig Members: Lydia DeGeorge, Michael Greco.

Environment, Safety and Community Services Committee  
Chair, Thomas J. Kelly Members: David L. Tadych, Sara Byrnes Maier.

**Motion by Tadych** to confirm appointments of the President of Council to Council Committees.

**Motion carried 6-0.**

**President of Council Clark** announced the following appointments of Council representatives to Boards and Commissions:

**Boards and Commissions Representation:**

Planning Commission – Peter J. Winzig

Architectural Board of Review- Michael T. Greco

Tree Commission- Thomas J. Kelly

Community Services Advisory Board- Lydia DeGeorge

Parks and Recreation- Sara Byrnes Maier

Income Tax Board of Review- Tom Bechtel, James Strunk

Ad Hoc Committee for Walker Road Park – Peter J. Winzig, David L. Tadych, Thomas J. Kelly

Bay Family Services – Dwight A. Clark

**Motion** by Tadych to confirm the appointments by President Clark to Boards and Commissions.

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**Motion carried 6-0.**

**Mayor Koomar** announced the appointment of Mark E. Barbour as Director of Law of the City of Bay Village.

**Motion by Mr. Clark** to confirm appointment by Mayor Koomar of Mark E. Barbour as Director of Law.

**Motion carried 6-0.**

**Mayor Koomar** announced the appointment of Renee Mahoney as Director of Finance of the City of Bay Village.

**Motion by Mr. Clark** to confirm appointment by Mayor Koomar of Renee Mahoney as Director of Finance.

**Motion carried 6-0.**

**Mayor Koomar** announced the appointment of Jon Liskovec as Director of Public Service and Properties of the City of Bay Village.

**Motion by Mr. Clark** to confirm appointment by Mayor Koomar of Jon Liskovec as Director of Public Service and Properties.

**Motion carried 6-0.**

**Mayor Koomar** announced the appointment of Dan Enovitch as Director of Parks and Recreation of the City of Bay Village.

**Motion by Mr. Clark** to confirm the appointment by Mayor Koomar of Dan Enovitch as Director of Parks and Recreation.

**Motion carried 6-0.**

**Mayor Koomar** announced the appointment of Leslie Selig as Director of Community Services of the City of Bay Village.

**Motion by Mr. Clark** to confirm the appointment by Mayor Koomar of Leslie Selig as Director of Community Services.

**Motion carried 6-0.**

**Mayor Koomar** announced the appointment of Jennifer Demaline as Director of Human Resources of the City of Bay Village.

## Memorandum

To: Council  
From: Mark E. Barbour, Law Director  
CC:  
Date: January 5, 2022  
Re: Sale of Municipal Property –Library, 502 Cahoon Rd.

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There is express authority in the Ohio Revised Code for a municipal corporation to sell or lease real property of a municipal corporation no longer needed for any municipal purpose. Ohio Revised Code 721.01 states as follows:

Municipal corporations have special power to sell or lease real estate or to sell personal property belonging to the municipal corporation, when such real estate or personal property is not needed for any municipal purpose. Such power shall be exercised in the manner provided by this chapter.

The chapter describes the process in Ohio Revised Code 721.03, which states as follows:

No contract, except as provided in section 721.28 of the Revised Code, for the sale or lease of real estate belonging to a municipal corporation shall be made unless authorized by an ordinance, approved by a two-thirds vote of the members of the legislative authority of such municipal corporation, and by the board or officer having supervision or management of such real estate. When the contract is so authorized, it shall be made in writing by such board or officer, and, except as provided in section 721.27 or 721.29 of the Revised Code, only with the highest bidder, after advertisement once a week for five consecutive weeks in a newspaper of general circulation within the municipal corporation or as provided in section 7.16 of the Revised Code. Such board or officer may reject any bids and readvertise until all such real estate is sold or leased.

The Revised Code mandates that City Council find that the property is no longer needed for public purposes prior to offering the property for sale, and to do so by ordinance. After such authorization by council, the property needs to be advertised for sale once a week for five consecutive weeks in a newspaper of general circulation within the municipal corporation or as provided in section 7.16 of the Ohio Revised Code.

The property may then be sold to the highest bidder. The bids may be rejected if the bid amount is too low in the estimation of the City. The property can then be readvertised until a satisfactory bid is received.

The contract for sale must be approved by City Council by ordinance. The Ohio Revised code provides that no contract for the sale or lease of real property may be made unless approved by a two-thirds vote of the members of the legislative authority (in our case city council) and approval by the officer having supervision or management of such real estate. In our case the office of the mayor would be the officer having supervision or management of real estate pursuant to the Charter Provision 3.7.

The property is being appraised as to value and a title search is being completed as well.

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In summary here are the steps:

1. Ordinance from City Council stating property is “not needed for a municipal purpose” and motion approving solicitation of bids for sale. Ordinance must be approved by 2/3 vote of City Council
2. Mayor as executive officer of the City must also approve the sale property is “not needed for a municipal purpose” and authorizing sale to highest bidder by execution of a document stating the same.
3. Advertise for bids by publishing proper notice for once a week for **5 consecutive weeks** in a newspaper of general circulation.
4. Open and accept highest bid or reject bids if too low. The sale can be rebid, but the winning bid from the next round of bids would have to be higher than the first round to be accepted.
5. Ordinance accepting bid and authorizing execution of sale. Must be approved by two-thirds of city council members. Can take place next meeting after receipt of bids.
6. Complete sale and transfer/close.

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**Motion by Mr. Clark** to confirm the appointment by Mayor Koomar of Jennifer Demaline as Director of Human Resources.

**Motion carried 6-0.**

Mr. Clark expressed congratulations to Mrs. Demaline on being sworn in this evening as a member of the City of Avon Council.

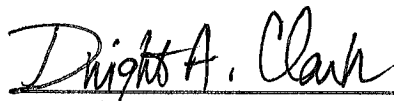
**Mayor Koomar** announced the appointment of Eric Tuck-Macalla as Director of Building of the City of Bay Village.

**Motion by Mr. Clark** to confirm appointment by Mayor Koomar of Eric Tuck-Macalla as Director of Building.

**Motion carried 6-0.**

Mr. Clark stated that a time for the next meeting of Bay Village City Council will be based on agenda items. Mr. Clark expressed that it has been a great year with a great team, stating to Mayor Koomar that the votes confirming his appointments this evening are an endorsement of the great team he has put together for the administration of the City of Bay Village.

There being no further business to discuss, the meeting was adjourned at 8:14 p.m.

  
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President of Council

  
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Clerk of Council

Attachment: Memorandum from Mark E. Barbour, Law Director  
Dated January 3, 2022  
Regarding Sale of Municipal Property – Library, 502 Cahoon Road.