

# City of Bay Village

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

April 12, 2021  
7:30 p.m.

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

Also Present: Law Director Barbour, Finance Director Mahoney, Police Chief Leasure, Clerk of Council, pro tem Lauren Oley, Director of Public Service and Properties Liskovec, Building Director Tuck-Macalla.

Via Zoom – Fire Chief Lyons, Recreation Director Enovitch

## AUDIENCE

Mary-Alice Frank, By Zoom: Claire Banasiak, Tara Wendell

President of Council Clark called the meeting to order at 7:30.

**Motion by Tadych** to appoint Lauren Oley as Clerk of Council, pro tem.

**Motion carried 7-0.**

President of Council Clark requested a roll call and the Pledge of Allegiance led by Peter J. Winzig, Councilman of Ward 4.

**Motion by Tadych** to dispense with the reading and approve the Minutes of the Special Meeting of Council held March 29, 2021 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 held March 29, 2021 as prepared and distributed.

**Motion carried 7-0.**

**Motion by DeGeorge** to not request a hearing on the application for the issuance of a liquor license for the Board of Park Commissioners, Cleveland Metropolitan Park District dba The Noshery at Huntington Beach.

Mr. Clark commented that this is a great project and their hope is to get this project opened up before the end of May.

**Motion carried 6-0.**

**Maier Abstained**

**Motion** by Tadych to acknowledge receipt of the March 2021 Financial Statements of the City of Bay Village as prepared by Finance Director Renee Mahoney.

Mr. Tadych went on to remark that these were received via Email and as he pointed out before the City income is down just slightly and they will review them later on in the process.

**Motion carried 7-0.**

Mr. Tadych advised that each ordinance that he is going to propose also comes with the financial officers' certificate signed by Ms. Mahoney and he wants to acknowledge receipt for each of these five ordinances which will take care of the Fiscal Officer's certifications.

**Mr. Tadych** introduced and read, by title only, **Ordinance No. 21-25**, Ordinance providing for the issuance and sale of \$4,074,120 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, (ii) Acquiring a Fire Truck and Appurtenant Equipment for use in performing the functions of the City's Fire Department and (iii) Acquiring Equipment used in performing the functions of the City's Department of Public Services and Properties, and declaring an emergency. (First Reading)

Mr. Tadych went on to remark that what this is 4 million dollars of notes that we issued last year that we are rolling over to the City for the next one year period. We do this every year. What isn't paid off we roll over. That is the first item.

Mr. Barbour announced that Ordinance No. 21-25 is placed on first reading.

**Mr. Tadych** introduced and read, by title only, **Ordinance No. 21-26**, Ordinance providing for the issuance and sale of \$1,058,700 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of Improving Streets by Resurfacing, Paving, and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency. (First reading)

Mr. Tadych added that this is a million new money that we are putting into the streets right now.

Mr. Barbour announced that Ordinance No. 21-26 is placed on first reading.

Fiscal Officer's Certificate certifying in connection with the proposed issue of \$43,380 of Notes to be issued in anticipation of Bonds, for the purpose of paying costs of improving the City's Park and Recreational Facilities by constructing a Connectivity Bridge within Cahoon Park, together with the necessary appurtenances thereto. (Acknowledgement of Receipt by Mr. Tadych)

**Mr. Tadych** acknowledged the Fiscal Officer's certificate attached to it and he introduced and read, by title only, **Ordinance No. 21-27**, Ordinance providing for the issuance and sale of \$43,380 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving the City's Parks and Recreational Facilities by constructing a Connectivity Bridge within Cahoon Park, and declaring an emergency. (First Reading).

Mr. Barbour announced that Ordinance No. 21-27 is placed on first reading.

Fiscal Officer's Certificate certifying in connection with the proposed issue of \$100,000 of Notes, to be issued in anticipation of the issuance of Bonds for the purpose of paying costs of acquiring Motor Vehicles and Equipment for use in performing the functions of the City's Police Department. (Acknowledgement of Receipt by Mr. Tadych)

**Mr. Tadych** acknowledged the Fiscal Officer's certificate attached to it and he introduced and read, by title only, **Ordinance No. 21-28**, Ordinance providing for the issuance and sale of \$100,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring Motor Vehicles and Equipment for use in performing the functions of the City's Police Department, and declaring an emergency. (First Reading).

Mr. Barbour announced that Ordinance No. 21-28 is placed on first reading.

Fiscal Officer's Certificate certifying in connection with the proposed issue of \$298,000 of Notes, to be issued in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring equipment used in performing the functions of the City's Department of Public Services and Properties. (Acknowledgement of Receipt by Mr. Tadych)

**Mr. Tadych** acknowledged the Fiscal Officer's certificate attached to it and he introduced and read, by title only, **Ordinance No. 21-29**, Ordinance providing for the issuance and sale of \$298,800 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring equipment used in performing the functions of the City's Department of Public Services and Properties, and declaring an emergency. (First Reading)

Mr. Barbour announced that Ordinance No. 21-29 is placed on first reading.

Mr. Tadych added that these five ordinances that he just read totals to \$5,575,000 of debt that the City is going to be issuing.

Mr. Clark remarked that, by way of reference, everyone received a copy of Ms. Mahoney's updated debt service schedule. If they refer to page 3, each of the numbers that are in ordinance for the new money matches up with the schedule Ms. Mahoney has put together tonight so they segue nicely into the total. That is the new money portion of \$1,500,880. He remarked that he'd like to be able to bring this to approval next Monday at their meeting in two readings. They have been through the protocol before and unless he hears something otherwise he thinks they understand the process and they want to make sure all the ordinances done so that when they go to market they are ready to go.

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**Motion by Mr. Kelly** to authorize the Director of Public Service to advertise for bids for the 2021 Street Striping Program.

Mr. Kelly went on to say that during the committee meeting they all heard from Mr. Liskovic on terms of what it is and the annual process.

Mr. Clark added that they discussed this earlier and he believes they have a copy of the schematic of the roads that are going through the street striping.

**Motion carried 7-0.**

**Mr. Kelly** introduced and read, by title only, **Resolution 21-30**, Resolution authorizing participation in the Ohio Department of Transportation (ODOT) Winter Sale Contract for the 2021-2022 Season for the purchase of Road Salt, and declaring an emergency.

**Motion carried 7-0.**

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 21-30.

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

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

Nays- None.

Mr. Barbour announced adoption of Resolution No. 21-30, an emergency measure, by a vote of 7-0.

## **ANNOUNCEMENTS**

Mayor Koomar stated that the Council Members received a link to a video relative to the vaccination of one of our residents. That is one of the latest efforts we've made in the City to go around and get to residents where it is more difficult for them to get out and to get a vaccine.

Leslie and her team, at Community Services, have been working very hard throughout the year and the Women's Club headed by Nancy Trainer has mobilized their members to reach out to the older members to make sure they have access. Relative to the vaccine, he's spoken with them and Leslie has spoken with them and try to get to find a way to get to this particular resident, who is homebound. Drug Mart was willing to give the vaccine, but they had a concern from a

health standpoint of having someone monitor the patient for 15 minutes. With Chief Lyons support they enlisted the Bay Village Fire Department to go over and be part of that process. It has been a long, collaborative, effort to reach out those who may not have computers, may be homebound, or lack access to transportation. Churches have been involved, as well, and he thinks it's another sign of caring we have in Bay Village. He just wanted highlight that. It's just one, in a long stream of individual efforts including people driving residents or signing them up it has been really nice to see. Relative to Ms. Kerber's email, which he received his first day back in the office, we did get a notification that we received a grant reward through the recreational trails program for \$85,912 which is 75% of that trail segment. The TLCI application for Wolf and Cahoon Rd. is working its way through NOACA right now it's in the programming committee. Right now it is on the recommended list and we will have an update on that at the June board meeting. In talking with Grace Gallucci at NOACA while that's not finalized it's heading in the right direction.

Mayor Koomar remarked that we are looking into some grant funding for emergency erosion assistance grants through the state of Ohio. Which may be a source of funding for engineering dollars relative to some of the lakefront improvements that is due at the end of the month. So they are working through that right now, but have been in contact with Scudder Mackey at ODNR and he thinks that is something they will be pursuing. There is no match on that, but it's in Cahoon Park so they will be talking to the Law Director and his guess is that he'll be bringing that to the trustees.

## MISCELLANEOUS

Mr. Greco stated that wanted to thank the service director. Last week he had a resident on North Lincoln Facebook him and he was having some sewer issues and he didn't know what to do. He had plumbers there and he wanted to get the Service Director involved. The Service Director was very quick to respond. The resident replied and was very happy with the outcome.

Mr. Clark advised that their next meeting is the regular meeting next Monday April 19<sup>th</sup> and they will have a busy agenda. Highlighting the agenda will be the folks from McDonald Hopkins. Kevin Butler and Amanda Gordon will be talking to us about some special improvement districts which Mr. Tadych and the Law Director and a number of folks are working on. He will have them in during their committee session next Monday.

Mr. Tadych advised that he had a meeting today with quite a few residents on south Red Oak vs. north Red Oak. They took him around and showed him their concerns with the creek, the walls of the creek, and everything else. As he has said, he is very concerned about the water problem from the building up of the Red Oak area. They wanted him to take a moment and invite other members of Council to come and see it. He advised that it is an eye opening experience. The streets actually drain into the creek. The drains from the street empty into that creek and when it is a rainy season it is very significant and you can see the problem. They took him down and he looked really close. The large area that water dumps into the creek. The residents concerns, of course, is that they're are putting in more street and it also is probably going to dump into the creek rather than go into the waterway that takes it towards the other processes. If anyone would

like to go he's setting it up and he'll take you over. The residents will let you in their backyards. It was eye opening for him and he was surprised.

Mayor Koomar advised that Mr. Tuck-Macalla and Mr. Barbour have been involved. He inquired if Mr. Tuck-Macalla could speak to the process that he worked through, with Mr. Bierut the City Engineer, since Mr. Tadych brought it up. He believes it would be helpful to understand that.

Mr. Tuck-Macalla advised that when it came to his desk the contractor/developer and he talked about how a portion of that property, and a lot of those properties on Red Oak, are within the floodplain. The Developer then got his engineer involved, Polaris, and they did extensive studies along with FEMA. Going through how much of that property is in the floodplain and if there would be any impact by developing that property. All those calculations went back and forth between Polaris and FEMA and they went to Don Bierut who reviewed it several times. Through the process, it is sort of a stepped process, as they get closer and closer to the exact type of build and how much fill and property gets level gets brought up. It went through all the hydraulic calculations and by the time it got through planning commission it had been approved by Mr. Bierut and himself. That is where they are at this point. It's been approved. And once they get to the point where they split the properties and they are about to build there will be another engineer and more drawings for specific parcel drawings. Those drawings will be given to him and will be sent out to Bramhall Engineering, who does all the Single Family Residential properties, and they will approve or not approve and will go keeping back and forth until they are approved. Then once a home is built, on that property, the engineers will go back and they will take measurements and make sure they drain properly to their specifications. That happens on every single new home that is built in the city.

Ms. DeGeorge inquired if someone from FEMA comes out to the property.

Mr. Tuck-Macalla replied in the negative.

Ms. DeGeorge followed up by asking how they make a determination.

Mr. Tuck-Macalla replied that they use the calculations that the developers engineers sends to FEMA. FEMA sends us back letters. One of the homes, 550 Red Oak, prior to building that home he had to have a copy of the letter of map amendment that took that house/property out of the floodplain. Of the three properties there is only one that is near the floodplain. The same type of thing that would happen for those homes before he would let a home be built there. He would get notification from FEMA that everything had been approved.

Mayor Koomar commented that Bramhall is local and they can be on site.

Mr. Tuck-Macalla confirmed that they will be on site after the house is built. At this point, in the process, there are no plans for any houses. They are not approving any houses to be built there it's just to split the lot. The developer may ultimately feel that it's too expensive to build on and they may not be able to get someone to buy it.

Ms. DeGeorge inquired if Mr. Tuck-Macalla could speak to what is being built on the property that he owns to now. It's been referred to as a garage or a mudroom. One of the concerns is if it's a garage - did it need a variance because it's facing the street that isn't a street yet because it hasn't come through Council?

Mr. Tuck-Macalla replied that in the plans he received they called it a workshop mudroom. It didn't need to be called that it could be called a garage. He has been through this with BZA. The garage doesn't have to face the street or have a driveway. This is an addition to a building. A garage in someone's backyard would be an accessory structure. He has every right to build what he is building on the side of the house. It meets all the setback requirements and that is what it is.

Mr. Tadych reiterated that he invites the Councilmembers to join him.

Mr. Clark remarked that there has been no shortage of concerns by Red Oak residents to each of them on Council. He doesn't want to speak for everybody, but he presumes everyone has gotten concerns. They are going to be asked to vote on this sometime in the near future. He wants to make sure that they enforce all the appropriate codes and all the conduct that need to go with this project. It's an important project, but legislatively they want to vote on it and they want to be fully informed.

Mr. Tadych remarked it was quite alarming to see the water from the street dumping into the creek. He hadn't thought of it.

Mr. Barbour inquired which Red Oak was he on?

Mr. Tadych replied that he was on South Red Oak.

Mr. Barbour remarked that he was south of where these houses are supposedly going to be built?

Mr. Tadych replied in the affirmative.

#### AUDIENCE

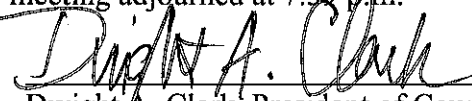
Ms. Mary-Alice Frank, 25145 Wolf Rd, whose property is just north of this area remarked that she has a question regarding the floodplain. Have there been any studies done, with regard to the backyards that butt up onto that area from Wolf Rd. They are already pretty soggy back there. The other homes on Red Oak circle the north part that but up to that area on the northern side of the creek. What are the implications of putting a bunch of asphalt because that drains into the creek?

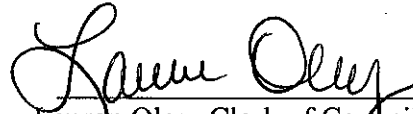
Mr. Tuck-Macalla advised that it has been studied by FEMA. That area was not classified before this developer came in and started getting FEMA involved. They were then able to classify that area. Their determination was there wouldn't be an increase in flooding in that area downstream from Red Oak.

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**ADJOURNMENT**

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 7:59 p.m.

  
Dwight A. Clark, President of Council

  
Lauren Oley, Clerk of Council pro tem