

City of Bay Village

Council Minutes, Special Meeting
6:00 p.m. Video Conference via Zoom Technology
President of Council Dwight A. Clark, presiding

April 20, 2020

Present via Zoom: Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar.

Also Present via Zoom: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Jon Liskovec, Human Resource Director Demaline, City Engineer Don Bierut, Engineer Jeff Filarski, Clerk of Council Kemper.

AUDIENCE

Resident Clare Banasiak was a member of the audience via Zoom technology.

President of Council Clark called the meeting to order at 6:00 p.m. with roll call and the Pledge of Allegiance led by David L. Tadych, Vice President of Council, and Councilman of Ward 1.

Motion by **Tadych** to dispense with the reading and approve the Minutes of the Special Meeting of Council held March 20, 2020 as prepared and distributed.

Motion passed 7-0.

Motion by **Tadych** to dispense with the reading and approve the Minutes of the Cahoon Memorial Park Trustees Meeting held March 20, 2020, as prepared and distributed.

Motion passed 8-0.

Announcements

Mayor Koomar advised of the work the administration and he have been doing to deal with the public health crisis created by the Coronavirus. This work has included the staggering of shifts of personnel, and providing distancing. The Mayor called upon Human Resource Director Demaline for a review of her efforts.

Human Resource Director Demaline stated that in response to the federal legislation on the Families First Coronavirus Response Act, Law Director Barbour and she worked together to develop an emergency sick leave policy, and also had to amend the current FLA policy to be in compliance for new emergency family medical leave expansion. They were able to get some guidance from the Department of Labor to help define who the emergency responders are and develop policies. Emergency responders are excluded from these two policies, but the rest of the staff is included. The City is prepared and has policies and request forms and everything needed to be responsive to the new federal legislation, effective through December 31, 2020. Ms. Demaline and Mr. Barbour worked with the directors of the departments and closely with Finance Director Mahoney from a finance and payroll perspective for implementation.

Ms. Demaline stated that they have also been working on how to distance the staff. Mr. Barbour and Ms. Demaline worked with each department director on how staffing models for each department would look going forward. Unfortunately, there were some layoffs for which they have developed a communication strategy. Different departments had different staffing models, with the necessity to change the models more than once and send communications out for the staff. Some departments required an MOU with the bargaining units. It was a large undertaking to make sure the staff is as safe as possible while carrying out the business of the City of Bay Village. There has been some revamping required on the IT end, and Mrs. Mahoney has done a great job working with that to get those employees to be able to do work from home.

Director Demaline stated that two employees tested positive for COVID-19. Law Director Barbour and Ms. Demaline partnered with that department director and retraced all the steps for those employees to determine with whom they have had contact, both in the community and at work. Mr. Barbour contacted all the community members and Ms. Demaline contacted the employees, and drafted the necessary communication, keeping in mind the HIPAA laws. Both of those employees have fully recovered from COVID-19 at this point.

Mayor Koomar advised that he has been working with both the Fire Chief and the Police Chief regarding the change in the protocols for first responders. As more information was gained, the medical directors of MetroHealth, University Hospitals and Cleveland Clinic put protocols into place. There were some cases where there was potential interaction with first responders so protocol for self-quarantine was followed working through the medical directors and getting good guidance from them to make sure personnel were kept safe. Good standards are coming forth and both chiefs have spent a lot of time in this area. At this time, we have sufficient levels of our personal protective equipment (PPE) for our first responders, and sufficient numbers of surgical masks have been ordered for all staff going forward.

Last week Servpro cleaned both ambulances and ten of the squad cars over a two-day period as an extra step in the cleaning process. Servpro was kind enough to do this cleaning gratis for the City, for which the Mayor is very appreciative.

The Mayor stated that he has also been involved with the Governor's Economic Development Committee and was asked to pull some Mayors together in Cuyahoga County to provide feedback as we move forward and attempt to balance the different health issues with the virus while looking at the economic health and getting people back to work. One of the key people in that effort is resident Frank Sullivan.

The Mayor advised that Engineers Don Bierut and Jeff Filarski are part of the virtual meeting of Council this evening. Mr. Filarski focuses on wastewater treatment issues, and will be discussing the Rocky River Wastewater Treatment Plant and recent correspondence with the U.S. EPA.

Chagrin Valley Engineering has been doing some survey marking on Wolf Road trying to put together data to engage the county in the future on potential improvement. One of their

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suggestions was to do some surveying, and Mr. Bierut may present an update in that regard in an effort to have dialogue and move forward with the county in the next month.

The Mayor stated that the administration has been working on the Clean Ohio Trail. Councilwoman Sara Byrnes Maier, as head of the Planning and Zoning Committee, has been involved in emails with Mr. Bierut. The Mayor displayed a draft of the proposed trail and asked Mr. Bierut for his comments.

Mr. Bierut described various aspects of the visual of the trail presented, noting the path location about 1100 feet in length from the parking lot at the sledding hill down to Lake Road. The parking lot is about 35 feet above the bottom of the hill, requiring ADA compliance coming down the hill. There are three or four wetlands at the middle of the site, and to the north there is a floodplain that reaches across that had to be avoided due to riparian setback restrictions. The shape comes from the effort to work around existing conditions. The far right side is where it connects to the bench put in by the Ohio Department of Transportation (ODOT) underneath the Lake Road Bridge. The layout is completed and work continues on the design and assembling bid documents, which will need to be approved by the Ohio Department of Natural Resources (ODNR) before going out for bids. The path to the north is scheduled for bid opening on Thursday, April 23, 2020 and work on that will commence with completion of paper work and Council action. Asphalt plants have begun to open and they will begin working on the scheduling of the City's paving program, including Longbeach Road, the Sunset area, and the crack sealing program for 2020 upon bid approval this evening. The Transfer Station Ramp contract approval is also on the agenda of City Council this evening.

Mayor Kumar stated that he spoke with Building Inspector Tuck-Macalla today, and the Cuyahoga County Library Board should be ready with all their permits in the next four or five days. The bids came in higher than anticipated, but the library representatives have assured the Mayor that they are committed to the project. Mr. Bierut, Mr. Tuck-Macalla, and Service Director Liskovec have been working through final site preparations. The next step would be asbestos removal before demolition of the Bayway Cabin building and movement of the fiber optic lines from City Hall through Bayway Cabin to the safety campus. Mr. Liskovec stated that the fiber lines have to be dealt with before demolition of the building, and verified that they are in good working condition. The Dwyer Memorial Center acts as a hub for a couple of the lines.

The Mayor advised that Building Inspector Tuck-Macalla has notified him that he continues to receive information from the Bay Creek Development on Wolf Road. He has received the Mylar and they are asking him for sign-offs on various items. It is indicated that they are going through final lot consolidation so they can move forward.

Regarding summertime activities, the Mayor stated that he has been in conversation with The Village Foundation, the Kiwanis Club regarding Bay Days, and Jim Potter of the VFW for the Memorial Day Parade. They will monitor the situation and make a final decision on some of those events the first part of May. Bay Days must have a contract signed with the vendor by that point in time. The Mayor noted that everything he has seen for large gatherings will make many of these events problematic this year. He has also been in contact with Recreation Director Enovitch regarding recreation department activities, and what the situation may mean for the Bay

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Pool. At this point, we are waiting for final guidelines from the Governor, which will probably occur in the next seven to ten days, and will give good guidance on what we may or may not be able to do this summer. A lot of the data received from the Cleveland Clinic shows that we have flattened the pandemic curve, but by doing so we have pushed it out a great distance.

Mr. Clark asked if there were any questions from Council members on other projects that were approved or are in process.

Mr. Winzig asked the status of the tree survey that was done and when that report will be published.

Director of Public Service and Properties Liskovec stated that the survey is up and running on a digital platform, Arbor Scope, and he will provide an executive summary for the next meeting of Council.

Ms. DeGeorge asked about the ordinance for the Smith Group, Inc. on the agenda for Council consideration this evening. Ms. DeGeorge stated that there has been discussion before about a Master Plan for Cahoon Memorial Park, but the last she recalls is that the Master Plan was being discussed between a couple of Council members and the Mayor. Was there discussion about moving forward with the Smith Group?

Ms. Maier stated that there was an internal meeting with Mayor Koomar, Mr. Winzig, and herself, along with several staff members as to what the need would be for Cahoon Memorial Park. One of the things agreed upon was having more of a Master Plan for the entire park area as we are going through the different projects such as Bay Point and the restroom facility. One of the things that Ms. Kerber was able to do with the CMAG grant that the City was awarded for Bay Point is to expand the scope to be able to do some of the early Master Planning work for the entire Cahoon Memorial Park area. One of the things discussed in the smaller group was looking at the area to see how the area is working, circulation being a big part of that, and the lack of sharing of parking and the access points. That is one of the things that is needed for Bay Point because there really isn't parking around that site. This is one of the things that the Smith Group contract is going to include. Bay Point and portions north of Lake Road are still the focus of the project, but they are looking holistically at the entire park. This will help further with some of the discussion held early on with Mr. Winzig and the Mayor.

Mayor Koomar asked Mr. Tuck-Macalla to speak about the process of reviewing the proposals and how discussions included Mr. Jeff Foster, Chairman of the Planning Commission and Mr. Bierut, and their collective experience.

Ms. Maier stated that there was a review committee for the proposals. There were three proposals that were received. Mr. Jeff Foster, with his experience in the field and as Chairman of the Planning Commission, and Mr. Bierut for technical expertise, and Ms. Kerber looked at the proposals. There was a strong showing from all three, but Smith Group had the best mix of understanding. They have done a lot of work in the area and they have a consultant on board who has done work with the trail design with the City of Euclid. They understand the way the lake works and some of the constraints. They have worked in Rocky River as well.

Ms. DeGeorge stated that it does seem to roll into the email received from a resident who was concerned about our timely spending of money and is this the right time for that sort of thing.

Ms. Maier stated that this is all within the scope of the CMAG Grant. The CMAG Grant as awarded is a 50%/50% contract. We are still spending the same amount, but Kathryn Kerber was able to expand the geographic scope of the study area to include a look at how the entire Cahoon Memorial Park is operating. You cannot design that one piece, Bay Point, in a vacuum; you need to look at how the other parts of the park operate. That is what we were trying to accomplish in the discussions. We are doing a lot within Cahoon Memorial Park, but we don't have a grand vision for it, and this isn't going to create a fully formulated vision, but it is going to start pointing us in a direction of almost double diagrams of what we need to work on, what isn't working correctly, and where do we take a deeper dive and do site plans. There is no additional spend as part of this.

The Mayor added that he sat in on the final interviews and noted the opportunity along all of Cahoon Memorial Park as we look at those things Ms. Maier just mentioned, but the potential opportunity as guidance is given back, for improvement of the conditions that exist currently where there is a lot of erosion. We will get feedback on how to mitigate the ongoing erosion and provide greater access to residents. It is a win-win for handling long term erosion issues we know we have elsewhere in the City and with a thoughtful way of planning we can achieve several items.

Mr. Clark stated that there are a number of Capital projects that are underway at this point in time. He asked if there could be provided, at least pictorially, a representation of all the projects anticipated right now and where their status is, so Council can look at one piece of paper for a better understanding. Mr. Clark asked if what there is now could be refreshed, noting it would be helpful in answer questions from residents. Mr. Tadych commented that he has also had that request in the past and it would be beneficial for everybody.

Motion by Tadych to acknowledge receipt of March 2020 Financial Reports of the City of Bay Village, as prepared and submitted by Finance Director Renee Mahoney. The reports were reviewed in the Finance Committee meeting of April 15, 2020, including the entire first quarter of 2020, and all seems to be in order.

Motion carried 7-0.

Update on discussion with the United States Environmental Protection Agency regarding Sanitary Sewer Overflows (SSO's)

Mr. Don Bierut advised that in 2009 the City of Bay Village received orders from the U.S. EPA that addressed four Sanitary Sewer Overflow locations SSO's, in the City. The City came to an agreement with the EPA to take care of those overflows and undertook a number of projects that addressed two of the SSO's. At about this time last year, the City heard back from the U.S. EPA, who had gone through some personnel changes. They had no background or idea about what had happened on the City's end, and where it all stood. The EPA was brought up to speed, they

took their share of the responsibility, and negotiated a new agreement with the City. They sent the new agreement to the City in late March, with a request for signing within fifteen days, which would have been impossible even under ideal conditions, which we certainly are not experiencing at this time. The document also had a few items they want the City to address. There were telephone calls with personnel at the U.S. EPA, and the City asked for changes, including an extension of the fifteen days to sixty days for signing the new agreement. They want the City to have a plan in effect, originally within 180 days. The City has asked for 240 days to get the plan into effect. The plan will include how the City will close the two remaining SSO's within five years. After the five years is up, there is a two year monitoring period to prove that the overflows are gone. They wanted the monitoring with flow meters continuously for two years, and the City asked that the monitoring be done for two years, but not continuously, saving the City approximately \$22,000. Once the agreement is sent back to the City it will be reviewed further. The City will then have eight months to consider how the SSO's will be closed. In those eight months there will be more modeling for the system to be done and recommended changes in the infrastructure to close the SSO's.

Mr. Jeff Filarski stated that the reason for the extension request to 240 days is because one of the aspects of achieving a plan is doing flow monitoring so the data can be used for modeling. The flow monitoring just started last week and is being done in conjunction with the Rocky River Wastewater Treatment Plant and their flow strength study. In discussions with the U.S. EPA, they have been acceptable to suggestions. They asked for theory behind the suggestion about not doing the flow monitoring continually, but doing it from March through October, and not the winter months. An answer is being awaited, but all other requests have been accepted. Mr. Bierut noted that the U.S. EPA has been very agreeable and very easy to work with.

Mayor Koomar noted that Mr. Filarski and Service Director Liskovec have been working with the Rocky River Wastewater Treatment Plant and the Ohio EPA on a No Feasible Alternatives ("NFA") plan. Mr. Filarski stated that the management group of the Wastewater Treatment Plant met two months ago to discuss the status of the No Feasible Alternatives plan. It is still in the EPA's hands, and there has not been a final conclusion on the acceptance of the No Feasible Alternatives plan that was suggested. It is still to be determined.

Mr. Clark asked if the information concerning the closure of two SSO's years ago was conveyed to the U.S. EPA as part of the negotiations. Mr. Filarski stated that their administrative order listed four different overflows. Mr. Liskovec stated that they were looking for data just to prove that the City did achieve the closures, and that data was supplied to the U.S. EPA. Mr. Filarski stated that those were due to hiccups in the system that Mr. Liskovec took care of when they happened. He provided the back-up to the EPA on those and it was asked that those be removed from the administrative order.

Mr. Clark asked if there is any idea of the cost of this incremental work to the EPA agreement. Mr. Bierut stated that the cost is unknown right now because we do not know what will be contained in the agreement. The modeling will help to reach a conclusion of the proper fix. The two locations are close together and the City has spent a considerable sum of money over the past ten years to fix the existing overflow.

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Mr. Winzig asked if Mr. Bierut and Mr. Filarski could describe what the work will entail after the monitoring is completed.

Mr. Filarski stated that it could be a combination of different things. It could be some relief sewers, there could be some reduction of Inflow and Infiltration (“I&I”) if that is found. There could be several types of construction projects, such as enlarging some pipes.

Regarding the next agenda item, the approval of a contract for the construction of a Transfer Station Ramp at the City Service Garage, **Mrs. Stainbrook** advised that information has been sent to Council regarding the bid documents. Tri-Mor Corporation was the lowest responsive and responsible bidder for the project and there is a combination of alternates included in the total price.

Mr. Liskovec stated that the numbers came in exceptionally well. The original bid estimate for the work, including the alternate was above \$150,000. Mr. Bierut has sent a letter to Mr. Liskovec recommending award of contract to Tri-Mor Corporation for \$129,405.00. That sum reflects the base bid, the addition of the alternate, and non-performance of Item 8, the concrete joint/slab repair. Item 8 will be non-performed because the alternate includes the removal and replacement of all the concrete pavement. The earliest start date is April 20, 2020 with an estimate of 30 days to completion.

Mr. Liskovec noted further that there was previous discussion about the Service Department staff performing the concrete pavement work. He stated that with the adjustments that had to be made with the Service Department staff recently and the nature of the slope, it is best to let the contractor perform the work and assume the responsibility should there be any issues with the finish of the concrete. Secondly, should the equipment that the Service Department use if they performed that work be needed elsewhere, it would need to be taken off the site.

Mrs. Stainbrook stated that she agrees with Mr. Liskovec’s comments about the bid coming in well under estimate and consideration of staffing levels, this is a good way to complete this project.

Mr. Clark asked if the City has done work with Tri-Mor Corporation previously. Mr. Liskovec noted that Tri-Mor Corporation did the utility work for the Sunset area project.

Mrs. Stainbrook introduced and read **Ordinance No. 20-35** authorizing the Mayor to enter into a contract with Tri-Mor Corp. for the construction of a Transfer Station Ramp at the City Service Garage, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-35.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Roll Call on use of Emergency Clause:

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

Roll Call on use of Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 20-35, an emergency measure, by a vote of 7-0.

In regard to the next item on the agenda, an ordinance authorizing the Mayor to enter into an agreement with American Pavements, Inc. for the 2020 Crack Seal of Pavement, Mrs. Stainbrook commented that the bid results have been forwarded to Council prior to tonight's meeting. American Pavement, Inc. is the lowest and best bidder at \$11,400. This is the normal crack seal program, and streets included this year are Naigle, Bassett and Clague Roads. A map is attached to the bid results for reference. Work will begin in the month of May and take two to three weeks for completion.

Mr. Kelly noted that American Pavements, Inc. was the best bid by a dramatic amount. He asked Mr. Liskovec if he can speak to the reputation and work experience of the company. Mr. Liskovec stated that American Pavements was awarded a project in Bay Village in 2019. They also submitted a bid in 2018, and there was a large disparity between high and low bids. Without history of the company, the bid in 2018 of American Pavements, Inc. was not accepted. The year 2019 was the first year American Pavements, Inc. was accepted. They did a very decent job, with just the necessity of touching base with them on a couple of different spots. This year they have a new Project Manager who has exceeded the City's expectations. Another bidder, Specialized Construction Co., who has done this work in the past, bid competitively but was not the lowest bidder.

Mrs. Stainbrook introduced and read **Ordinance 20-36** authorizing the Mayor to enter into an agreement with American Pavements, Inc. for the 2020 Crack Seal of Pavement, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-36.

Roll call on Suspension of Council Rules:

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

Roll Call on Suspension of Charter Rules:

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

Roll Call on use of Emergency Clause:

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

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Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Ordinance No. 20-36, an emergency measure, by a vote of 7-0.

Mr. Kelly advised that he will introduce a resolution amending Resolution No. 20-34 authorizing all actions necessary to accept a Northeast Ohio Public Energy Council (NOPEC) Grant, and asked if there are any questions in reference to this resolution.

Ms. DeGeorge asked if there is a dollar amount included in this resolution for the grant. Director Liskovec stated that it is a grant of approximately \$20,700.

Law Director Barbour noted that the acceptance of this grant was approved previously, but the Northeast Ohio Public Energy Council wanted a few different words that were not included in Resolution No. 20-34 authorizing the Mayor to actually sign the agreement. Ms. DeGeorge noted that the resolution states “execute the agreement,” which Mr. Barbour noted means to “sign” the agreement.

Mr. Kelly introduced and read **Resolution No. 20-37** amending Resolution No. 20-34 authorizing all actions necessary to accept a Northeast Ohio Public Energy Council (“NOPEC”) 2020 Energized Community Grant, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-37.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Emergency Clause:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-37, an emergency measure, by a vote of 7-0.

Ms. Maier introduced and read **Ordinance No. 20-38** to enter into an agreement with Smith Group, Inc. for services related to the Cahoon Park Public Access Study, and declaring an emergency, and moved for adoption.

Mr. Clark noted that the cost of this project will be split 50%/50% between a CMAG grant and the City.

Mr. Winzig referred to Page 6 of the document which states that the City is responsible for geo-technical work including borings, bluff stability, and other work to be performed. Mr. Winzig asked if additional funding will be needed for this specified work.

Mr. Liskovec stated that it is not additional funding. It was originally awarded as part of the grant funding. The choice was made to break it out and have it separated so that it can be addressed with the geo-tech company as opposed to rolling it all into their contract. Mr. Winzig asked if they would function as an outside vendor and provide all the information. Mr. Liskovec stated that Mr. Winzig's statement is correct. The Mayor added that part of the grant was to have the work sub-contracted out through the Smith Group or for the City to contract directly. The decision was made by the administration, Ms. Maier and consultants to contract directly giving the City more control over the locations. Mr. Winzig stated that it is favorable to have one of the City's engineers involved in the project.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-38.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Emergency Clause:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Ordinance No. 20-38, an emergency measure, by a vote of 7-0.

Prior to introducing the next agenda item, Mr. Tadych explained that the City is paying off this year's debt, issuing new debt and refunding the various purpose notes from before, sized at about \$5.3 million, including \$1.5 million in new money. These are bond anticipation notes and consist of the receipt of a Fiscal Officer's Certificate on each of the six ordinances.

Mr. Tadych acknowledged receipt of Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of \$3,965,977 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, **Ordinance 20-39** providing for the Issuance and Sale of \$3,965,977 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, (ii) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City's Department of Public Services and Properties, (iii) Acquiring a Fire Truck and Appurtenant Equipment for use in performing the functions of the City's Fire Department and (iv) improving the City's Parks and Recreational Facilities by constructing improvements to the Rose Hill Museum, Tennis Courts, Restroom Facilities and the Lake Erie Shoreline, and declaring an emergency, and moved for adoption.

Mr. Clark stated that this ordinance represents the refunding component of prior note issues the City has done in the past.

Mr. Clark stated that there was a very detailed conversation at last week's Finance Committee meeting about the pros and cons of going through one reading versus multiple readings for these note ordinances. It was the will of the Council that given the fact that we are in uncertain times, run the risk of illness, and given this is done annually, that Council consider first reading and adoption this evening. Mr. Clark opened the issue to members of Council for their comments.

Mr. Tadych stated he has no problems with one reading.

Ms. DeGeorge stated that she is fine with one reading under the circumstances.

Mrs. Stainbrook stated that she is also fine with one reading.

Mr. Kelly stated that he agrees with one reading, and in particular this first ordinance which is in reference to work that has already been completed and moving it forward.

Ms. Maier stated that her preference would have been for two readings, but given the discussion Council had she is fine with doing it in one reading as well.

Mr. Clark noted that the City is paying down about \$1,335,000 of prior notes that are part of this ordinance. The City keeps a very vigilant payment record on amortizing note debt relative to equipment and street improvements over five and seven years, respectively. The new money component is relatively small for 2020. Mr. Clark expressed appreciation of the support of Council, and asked for a vote on the motion of adoption of Ordinance No. 20-39.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Roll Call on use of Emergency Clause:

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

Roll Call on use of Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 20-39, an emergency measure, by a vote of 7-0.

Mr. Tadych acknowledged receipt of Fiscal Officer’s Certificate certifying estimated life and maximum maturity for the issuance and sale of \$744,436 of notes, in anticipation of the issuance of bonds.

Finance Director Mahoney noted that the Clerk of Council is presently in possession of signed copies of all of the Fiscal Officer’s Certificates.

Mr. Tadych introduced and read, by title only, **Ordinance No. 20-40** providing for the Issuance and Sale of \$744,436 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 Service and Properties, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance no. 20-40.

Roll call on Suspension of Council Rules:

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

Roll Call on Suspension of Charter Rules:

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

Roll Call on use of Emergency Clause:

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

Roll Call on use of Adoption:

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

Mr. Barbour announced adoption of Ordinance No. 20-40, an emergency measure, by a vote of 7-0.

Mr. Tadych acknowledged receipt of **Fiscal** Officer’s Certificate certifying estimated life and maximum maturity for the issuance and sale of \$155,000 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, **Ordinance No. 20-41** providing for the Issuance and Sale of \$155,000 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of acquiring computer software for use in performing the administrative functions of the City, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-41.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Emergency Clause:

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

Nays – None.

Roll Call on use of Adoption:

Yeas –Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych

Nays – None.

Mr. Barbour announced adoption of Ordinance No. 20-41, an emergency measure, by a vote of 7-0.

Mr. Tadych acknowledged receipt of Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of \$240,087 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, **Ordinance No. 20-42** providing for the Issuance and Sale of \$240,087 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 improvements to the Basketball Courts at Reese Park, and Walking Trails in Cahoon Park, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-42.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Emergency Clause:

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

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Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Ordinance No. 20-42, an emergency measure, by a vote of 7-0.

Mr. Tadych acknowledged receipt of Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of \$124,000 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, **Ordinance 20-43** providing for the Issuance and Sale of \$124,000 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, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-43

Roll call on Suspension of Council Rules:

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

Nays –None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Emergency Clause:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Ordinance No. 20-43, an emergency measure, by a vote of 7-0.

Mr. Tadych acknowledged receipt of Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of \$236,500 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, **Ordinance 20-44** providing for the Issuance and Sale of \$236,500 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of improving streets and related bridges by resurfacing, paving, and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency, and moved for adoption.

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There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-44.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Emergency Clause:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Ordinance No. 20-44, an emergency measure, by a vote of 7-0.

Mr. Tadych asked when these notes will be issued. Finance Director Mahoney stated that they will go out for bid and sale at the end of May, with closing and funding the beginning of June. Mr. Tadych stated that they are available for purchase from the successful bidder.

Mr. Tadych introduced and read, by title only, **Resolution No. 20-45**, amending by reading to remove the reference to an emergency clause, certifying unpaid Sewer Rental and Refuse Collection charges to the Cuyahoga County Fiscal Officer for collection, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-45.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-45, by a vote of 7-0.

Mr. Tadych asked when these ordinances will be submitted to the County Fiscal Officer for collection. Mrs. Mahoney stated that they are due at the County the second Monday in

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September. Residents who are listed now for submission can pay their balance prior to September and be removed from the list of certification.

Mr. Tadych introduced and read, by title only **Resolution No. 20-46**, amending by reading to remove the reference to an emergency clause, certifying unpaid Tree Removal charges to the Cuyahoga County Fiscal Officer for collection, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-46

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-46, by a vote of 7-0.

Mr. Tadych introduced and read, by title only, **Resolution No. 20-47**, amending by reading to remove the reference to an emergency clause, certifying unpaid Grass Cutting and Cleaning charges to the Cuyahoga County Fiscal Officer for collection, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-47.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-47, by a vote of 7-0.

Mr. Tadych introduced and read, by title only **Resolution No. 20-48**, amending by reading to remove the reference to an emergency clause, certifying unpaid Sidewalk Repair and/or Construction charges to the Cuyahoga County Fiscal Officer for collection, and moved for adoption.

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There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-48.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on use of Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-48, by a vote of 7-0.

Audience. (Comments sent via email to Clerk of Council prior to meeting).

The following communication has been received:

An email communication was sent by Mr. Richard Fink regarding the ordinances for the issuance and sale of notes in anticipation of the issuance of approximately \$4 million in bonds. Mr. Fink stated that this does not appear to be either prudent or fiscally responsible in light of the economic uncertainty caused by the coronavirus epidemic.

Mr. Clark did respond to Mr. Fink's communication, which will be sent to Council in their next packet from the Clerk. Mr. Clark stated that Mr. Fink did acknowledge receipt of Mr. Clark's response.

Mr. Clark called for comments from any members of the audience who might be listening in to the virtual meeting. Clare Banasiak was in the audience but had no questions or comments.

Miscellaneous

Mayor Koomar announced that Detective Jay Elish was selected to be the Sergeant Detective to run the Detective Bureau, the position that had formerly been held by Sergeant Detective Leasure, who is vacating the position to become Chief of Police. The Police Department is undergoing the application process at this time. Interviews will take place later this week to fill the vacant Detective position. It is expected that the position will be filled by the end of the week. The School Resource Officer position with the Bay Village Schools will be opened for applications with interviews for that position to follow. The Mayor stated that the transition in the Police Department is working well. A letter has been received by the Mayor from Police Chief Mark Spaetzel in notification of his retirement on June 1, with almost 35 years in service to the City of Bay Village.

Mr. Clark stated that the date of the next Council meeting will remain fluid based on the amount of legislation to come forward and the timing necessary for consideration of that legislation.

Mrs. Stainbrook asked Mayor Koomar and Finance Director Mahoney if there has been any information available related to gasoline tax, noting her interest in maintaining the budget for care of roads.

Mayor Koomar stated that he and Finance Director Mahoney have discussed this considerably, looking at the variables. For the last month, there has been a gasoline tax revenue decrease of 40%. Mrs. Mahoney stated that the *U.S. News and World Report* reported that the decrease was approximately 20% the last two weeks of March but is now estimated to be much higher. Director Mahoney is hoping that the gas war will encourage people to drive this summer.

Mayor Koomar addressed Mrs. Stainbrook and suggested that there might have been a \$30,000 loss in the last month when compared to budgeted revenue for 2020. He opined that with the extension of the pandemic curve people may choose to travel by automobile rather than flying, and with the Governor expected to announce the back-to-work order, it is hoped that the gasoline tax revenue will bounce back.

Mr. Winzig stated that a Deer Management recapitulation was received in the Council packets and he wanted to express compliments to the City and Council for supporting this program. When looking at the numbers when the effort began a number of years ago to reduce the number of deer accidents and the impact the deer have on people's property, the goals set forth years ago have been accomplished. The numbers are very promising and it is hoped that Council can continue to run the program again next year.

Mr. Winzig advised that he spoke with Mayor Koomar about what it takes to open the pool. Over the next couple of weeks if the pandemic crisis begins to loosen, there may be some questions from residents.

Mayor Koomar replied that Director Mahoney and Recreation Director Enovitch and he have been talking about the pool to a great extent. Director of Public Service Liskovec has been included in some of those conversations because the Service Department opens the pool. Director Liskovec stated that opening the pool is a five-week process. The Service Department crew tasked with the pool opening is responsible for all the mechanicals to make the pool operational for the season, including the system that balances the pool water chemistry. It is a timely process and there are sequential steps that need to be taken to reach the state ready for opening.

The Mayor commented that for a couple of Saturdays he spent most of his time at the tennis courts trying to explain the importance of singles play and social distancing before the decision was made to shut down the tennis courts. Trying to space out chaise lounges at the pool would be somewhat problematic. The pool revenue, for a number of years, broke even. The last few years required subsidization. It is not a huge expense to the City, but the thing that is important to note is at this time of the year we do a good business in seasonal pool passes, getting about \$150,000 a year in revenue from those passes. The question is, not knowing the status of the pool, and not knowing the next week if the pool might be closed, what are the chances people are going to want to purchase pool passes? If for some reason the pool doesn't open, a lot of time

would be spent refunding pool passes. The Mayor stated that this is one of the many items he has in front of the Governor to provide guidance to cities, hopefully by the end of the month, so that decisions can be made by the first part of May. Recreation Director Enovitch has put out conditional letters of employment to pool personnel so that if it does open we are committed to hiring staff. A few variables need to fall into place so important decisions can be made.

Mr. Tadych asked if there has been consideration if the pool would open later, would the pool passes reflect the change in usage for the late opening? Would the pool passes be reduced in cost? Mayor Koomar stated that this would make sense for a shorter period of time to encourage people to sign up for those passes. That would be one avenue to consider.

Mr. Tadych stated that if the pool doesn't open, what kind of problem would there be with the soft drink vendor's contract? Mayor Koomar stated that he would refer to the Law Department, but with all the problems we have now, he would gladly have that problem. Mr. Tadych stated that it is at least worth remembering.

Mrs. Stainbrook noted that the pool is a great example of being mindful of spending full cost for half benefit, i.e., the cost and service man hours to open the pool for half the benefit to residents. Mayor Koomar stated that there has been discussion to that issue. If we find out in mid-July that it can open, and it takes several weeks to open, there is not a lot of season left for the expense and effort of opening. We want to give the residents every opportunity to enjoy the pool, especially this year. If the Governor follows anywhere remotely to some of the federal guidelines, Phase 1 and Phase 2, those were groups of 10 and 50 people collectively, that makes it even more difficult to consider that we would be opening the pool sometime. Things change very quickly with this virus and we will hope for positive and sufficient time to open the pool giving residents an opportunity to swim this summer. Mr. Tadych noted that it costs money to close it back down again, if we have only used it on a limited basis.

Ms. DeGeorge commented that some of the Mayors from the Ohio Mayors' Alliance were looking to bring economic relief to municipalities due to the economic downturn. Would that come from the Governor or Congress; are there any more details or information on that issue?

Mayor Koomar stated that the Mayors have been trying to advocate on a couple of fronts for residents and businesses. He has had conference calls with both Senators Anthony Gonzalez (who is not even Bay's representative) and Marcy Kaptur, and the Governor himself and representatives of the Governor. The CARES Act funding is for cities with populations of 500,000 or greater. It is unclear how that would get to Bay Village. In the case of Cuyahoga County, money would definitely come to the county. The Mayors have talked to the County Executive and it is unclear how much of that money would get to municipalities. At the federal level, the Mayors have advocated for the Representatives to do something on a per capita basis to try to get some money directly to the state. The money would come from the federal government to the state, and the state would distribute it, so there is latitude. As it is right now, the money is for COVID expenses and not so much for loss of revenues. The Mayors have also asked for review of that policy and anything they can do for additional funding to keep money for small businesses. Last week, when speaking to the Governor, there were not guidelines received yet from the federal government, nor had the County Executive received guidelines from the state.

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Every five days there are conference calls with the Cuyahoga County Mayors and Managers Association. Tim Cosgrove of Squire, Patton, Boggs is the lead attorney on that front and has a good network into Columbus, advocating on behalf of the Mayors. It is a good situation but it is important for local Mayors to keep up the pressure.

Director Mahoney has done a good job of tracking COVID type expenditures. At this time the City is in the \$10,000 range for COVID expenses. Mrs. Mahoney added that the City can apply for FEMA funds, which is 75% reimbursement. The guidelines have not been released yet for the application process. She noted that is minor compared to how much revenue is being lost.

The Mayor noted that former Governor Kasich transitioned the state economy to a sales tax-based economy. So many of the state programs are flow through for important programs like Medicaid. The state is going to be scrambling for funding. The Mayors have asked them to protect the Local Government Fund as much as they can. Bay Village receives \$325,000 annually payable via monthly installments based on a fiscal year, with three installments left this year. The DOPWIC District One Committee that Mayor Koomar is part of has informed applicants that the state does not intend to fund any of those projects and reapplication is necessary. There are key things from a municipal standpoint where support is needed.

Mr. Clark thanked the administration, Director Mahoney, and Clerk of Council Kemper for adapting the agenda items for this virtual meeting of Council. There being no further business to discuss the meeting adjourned at 7:49 p.m.

Dwight A. Clark, President of Council

Joan Kemper, Clerk of Council