

City of Bay Village

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

May 3, 2021
8:00 p.m.

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

Mayor Koomar – Excused.

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Human Resource Director Demaline, Building Director Tuck-Macalla, Clerk of Council Kemper.

Via Zoom – Fire Chief Lyons, Recreation Director Enovitch, Community Services Director Scelig.

AUDIENCE

Mary Alice Frank.

Via Zoom – Matt Viola, Rosemary Kesselman, JoAnn Post, Sean Crowley, Jim Blocksidge, Pat Andler, Robert Petkash.

President of Council Clark called the meeting to order at 8:00 p.m. with roll call and the Pledge of Allegiance led by Sara Byrnes Maier, Councilwoman-at-large.

Motion by **Tadych** to dispense with the reading and approve the Minutes of the Regular Meeting of Council held April 19, 2021, with correction by Mr. Kelly as to his title noted in the minutes for the Pledge of Allegiance. Mr. Kelly is the Councilman-at-large, and was erroneously referred to as the Councilman of Ward 4, which office is held by Mr. Peter Winzig.

Motion carried 7-0.

Motion by **Tadych**, to dispense with the reading and approve the Minutes of the Cahoon Memorial Park Trustees meeting held April 19, 2021, as prepared and distributed.

Motion carried 7-0.

ANNOUNCEMENTS

There were no announcements this evening.

REPORTS

Law Director Barbour had no report this evening.

Finance Director Mahoney advised on the status of the missing sewer bills that were delivered to the United States Post Office for delivery to residents. The postal employees are in search of the box of sewer bills. No late charges will be assessed for payments this quarter.

Mr. Tadych asked if a written receipt is received from the post office when the sewer bills are delivered to them for mailing.

Mrs. Mahoney stated that the main post office sends notification of receipt via a scan on paperwork that accompanies the package. Upon arrival to the local post office for delivery, it is scanned again. Of the 6200 bills prepared for delivery, 205 residents have received their bills. It would appear that all of the 44140 zip code residents did not receive their bills. Residents who live outside of the City but still receive sewer bills for property they own in the City have received their bills.

Mr. Tadych asked if other mail addressed to the 44140 zip code has been lost. Mrs. Mahoney stated that she would not know, but it is her belief the sewer bills were lost at the main post office.

Mr. Clark commented that the Board of Education's school report was received by residents, and that mail probably goes through the main post office as well.

Mr. Clark noted that he would still look at digitizing the sewer bills at some point in time, saving the \$12,000 cost to mail the bills.

Mr. Tadych asked if the post office will refund the City for the undelivered mail. Mrs. Mahoney stated that she is working on that possibility.

Fire Chief Lyons had no report this evening.

Director of Public Service and Properties Liskovec reported that the 2021 Pavement Maintenance Program is officially underway. All streets in the program this year have been milled to the leveling or intermediate course, to be followed by casting adjustments, curb repairs and pavement repairs.

Mr. Clark asked if the City has the technology in place that allows the detection of any kind of issues underground, such as crushed pipe.

Mr. Liskovec stated that this technology was purchased at the end of last year and is actively being used as part of this year's pavement maintenance program. It was used significantly at the beginning of the season. Laterals are inspected to the end of the right of way. There are two issues that have been found that will be corrected. Mr. Liskovec will do a printout of the areas that have been covered and will furnish that report to Council. Mr. Liskovec noted that an area on the west end of the City, the Kimerly/Marvis area has been checked with the equipment with very positive results.

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Mr. Liskovec stated that the contractor for the crack seal program will begin work at Dover Center Road/Columbia Road. Bids have been opened for the street striping program and will be presented to Council at their next meeting for approval and award of contract, which is expected to be in the area of \$23,000.

Bids will be opened this week for the Cahoon Memorial Park restroom project. A pre-bid meeting was held last week with three contractors.

At Walker Road Park, the contractor preparing to mobilize was stopped by rain. When weather permits the excavation work will begin.

Property Maintenance Inspector Bob Lyons has been inspecting sidewalks for the 2021 Sidewalk Correction Program. Data is being assembled with 600 to 800 blocks expected to be included in the program. Council will be asked for permission to advertise for bids for a contractor with the necessary documentation being prepared for the sidewalk repair program.

Mr. Clark noted that the sidewalk repair program is funded by the City with reimbursement by the homeowners either through direct payment to the City or placement on the property owners' tax duplicate.

Mr. Winzig asked if a resident who has sidewalk issues currently can contact someone directly to have it included on the list being prepared. Mr. Liskovec will meet with Mr. Winzig for further discussion.

Mr. Liskovec reported that the City was unsuccessful in their application for the County tree grant this year. The grant was for \$50,000 and would have been used for planting 200 new trees. Efforts will be put forth for the next round of funding. Mr. Liskovec and Project Manager Kerber will review their application for this year's funding for possible ways for improvement.

Mr. Winzig asked Mr. Liskovec to advise Council of the property owner visits made on Ashton Lane in regard to the upcoming Ashton Lane Bridge Project.

Mr. Liskovec stated that the homeowners that abut the project were called upon for discussion of real estate acquisition to accomplish the project. The project itself is within the existing right-of-way, but in order to start the project temporary easements will be required. The acquiring of the easements will be done by the O.R. Colon Company, whose contract was approved by Council earlier this year. Representatives of O.R. Colon will negotiate for temporary access.

Mr. Winzig noted that he and Mr. Liskovec met with the property owners on the four corners of the bridge, showed them the map, and walked them through the process. The residents were quite pleased that Mr. Winzig and Mr. Liskovec stopped by to provide information. The homeowners have received letters advising them of the project.

Mr. Tadych asked if there have been any inspections on the plantings that were done in completion of the Queenswood Bridge Project in Ward 1.

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Mr. Liskovec replied that all plantings are leafing out and doing well.

Recreation Director Enovitch reported that summer registration for the Bay Village Recreation Department programs is now open and available on line. Please go to the web site, create a new account and register for summer activities. Adult Basketball and Volleyball will begin on Monday and Tuesday nights from 6:30 p.m. to 8:00 p.m. at the Community Gym. The Family Aquatic Center will open on June 4, 2021.

Mr. Kelly asked Director Enovitch if there is information from the Governor's office in respect to limitations and guidelines for day camps.

Mr. Enovitch advised that there will be some limitations and guidelines for the start of the season and at this point he is awaiting the final guidelines from the state. Plans are being made to include day camps in the Bay Village Recreation programs.

Human Resource Director Demaline advised that there has been a promotion in the Service Department. Mr. James Sears, Jr. has been appointed to the position of Leadman. Conditional officers have been made to two candidates for the position of entry level Police Officer. Both candidates are Ohio certified and will not need to attend the police academy. The first phase of Fire Lieutenant and Fire Captain promotional examinations were held this past week. Successful candidates will move on to the assessment portion of the examinations later this month.

Director of Community Services Selig reported that the Dwyer Memorial Community Center re-opened today. Through the month of May, weather permitting, all senior activities will be held out-of-doors, with a few inside programs. All Ohio Department of Health and the Governor's guidelines will be followed to keep everyone safe.

Finance Director Mahoney had no further report this evening.

Building Director Tuck-Macalla advised that the new library foundation is complete and construction for the outside shell will begin soon. Bay Creek has not presented plans for their next unit, but it should be the single family unit and plans are expected in the near future.

AUDIENCE

There were no comments from the audience this evening.

COMMUNICATIONS

The following communication has been received:

A communication on Wednesday, April 21 from Timothy Doyle, who advises that he has retained LNE Group to assist the city in sensible language in preserving the tree canopy of the City of Bay Village.

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An email communication on May 1, 2021 from Nancy Brown of Hot Diggity Dog USA advising of the annual heavy duty cleaning, sanitizing and replenishing of inventory of the Bay Village kennel. Volunteers included Julie Hanhauser, Pam Carson, Dennis Kelly, Susan and Dennis Driscoll, Nancy Brown, Nancy Trainer, Martin Reuban and Brenda Warner. Several photographs of the volunteers at work were included and distributed to the members of Council.

Mr. Clark stated, in reference to Mr. Doyle's comments, that Councilwoman Sara Byrnes Maier has a Planning and Zoning Committee scheduled for Monday, May 10 at 6 p.m. with the Tree Ordinance on the agenda. He stated that a current Ordinance is under review, and a new Ordinance is being proposed by a resident, which is a little unique from Mr. Clark's standpoint. The committee has also looked at templates from other communities. It is hoped that everything can be taken under consideration for one Ordinance to move forward.

Ms. DeGeorge stated that she would like to make a clarification to the communications that Council often times receives regarding the Tree Ordinance. The emails often mention "I hope this doesn't sit in Council much like the fence ordinance did for years." A clarification -- the first time the Environment and Safety Committee looked at the fence ordinance was on December 30, 2018, and the fence ordinance was completed in June of 2019, a total of seven months, not years. Ms. DeGeorge stated that she just wants to clear up the mis-understanding and mis-communication regarding that time line.

Mr. Clark thanked Ms. DeGeorge for her clarification and noted that the Tree Ordinance is not a small Ordinance and he wouldn't expect it to take a couple of months. The Ordinance has long-lasting repercussions.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Ms. DeGeorge

Ms. DeGeorge introduced and read, by title only, **Resolution 21-33** accepting donation of hanging baskets and additional annuals, and declaring an emergency, and moved for adoption.

Mr. Clark noted that this resolution was discussed in tonight's committee meeting and acknowledged the generosity by the Bay Village Garden Club.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 21-33.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

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Nays – None.
Roll call on Adoption:
Yeas- Clark, DeGeorge, Greco, Kelly, Maier, Tadych, Winzig.
Nays- None.

Mr. Barbour announced adoption of Resolution No. 21-33, an emergency measure, by a vote of 7-0.

FINANCE AND CLAIMS-Mr. Tadych

Mr. Tadych referred to the next agenda item, an Ordinance amending Section 1 and Section 2 of Ordinance 19-106 regarding rates of compensation for the officers and employees of the General Administration Department and those employees of the City not covered by separate labor contract for the Calendar Year 2021 and thereafter, and declaring an emergency.

Mr. Tadych noted that this Ordinance was discussed earlier this evening in the Committee Session. The Ordinance provides for a pay grade reduction for the Property Maintenance Inspector and change of classification from exempt employee to non-exempt employee. Mr. Tadych called upon Human Resource Director Demaline for comments.

Ms. Demaline stated that the position is currently classified as an exempt level position which is paid a salary and is exempt from overtime. The Federal Labor Standards Act put together a job duties test to decide if the job should be exempt from overtime or should be non-exempt and be able to be paid overtime. With the upcoming vacancy in the position, the administration reviewed the position and the recommendation is that it should be non-exempt and any hours worked more than 40 hours per week will receive time and one-half compensation. The position is expected to have a 40-hour work week.

Mr. Tadych read, by title only, **Ordinance 21-34** amending Section 1 and Section 2 of Ordinance 19-106 regarding rates of compensation for the officers and employees of the General Administration Department and those employees of the City not covered by separate labor contract for the Calendar Year 2021 and thereafter, and declaring an emergency and advised that he would like to place Ordinance 21-34 on first reading.

Mr. Barbour announced that Ordinance No. 21-34 is placed on first reading.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE-Ms. Maier

Motion by Ms. Maier to refer the matter of the Red Oak Subdivision to the Planning, Zoning, Public Buildings and Grounds Committee. Ms. Maier stated that this item will be on the agenda of the Planning, Zoning, Public Buildings and Grounds Committee meeting that will be held on Monday, May 10, 2021 at 6 p.m.

Mr. Tadych asked if the meeting will be held at the Bay Village City Hall or the Dwyer Memorial Center.

Ms. Maier stated that the meeting will be held at the Bay Village City Hall and will include an option to access the meeting by Zoom.

Motion carried 7-0.

Ms. Maier acknowledged receipt of memorandum to the Clerk of Council, dated April 22, 2021, per Bay Village Codified Ordinance Chapter 115.05, of the following motion of the Planning Commission, to refer new Chapter 1189 Mixed Use Overlay Ordinance back to Council: "Motion by Ms. Byrnes Maier, second by Mr. Remein to refer the Ordinance back to Council with the edits and corrections that were discussed during the April 21, 2021 Planning Commission Meeting. Motion carried 7-0."

Motion by **Ms. Maier** to move the matter of pending Ordinance 21-24 entitled, "Enacting Codified Ordinance Chapter 1189 - Mixed Use Overlay District to the Planning and Zoning Code, and declaring an emergency", as amended, to public hearing, in accordance with Administrative Code No. 115, Section 115.07, of the City of Bay Village, Ohio.

Mr. Clark stated that the public meeting will be scheduled for the Multi-Use Overlay District Ordinance at 6 p.m. on Monday, May 17, 2021 Upon the conclusion of that public hearing, additional readings of Ordinance No. 21-24 will be scheduled, and if approved, the final step will be the preparation of the legislation to approve the wording of the ballot language for the November 2021 election.

Mr. Winzig noted that there are edits required for the document that is on first reading and asked if these will be incorporated into the document prior to or at the public meeting, or at the next meeting of Council.

Mr. Barbour suggested that the amendments to the Ordinance be done at the time of second reading of the Ordinance. They can be discussed at the public hearing followed by the suggestions for the changes to the Ordinance. The amendments are not substantive and consist of minor typos and corrections.

Motion carried 7-0.

Ms. Maier moved to grant the request of St. Raphael Catholic Church, 525 Dover Center Road, to install a sign recognizing the parish's 75th Anniversary on the church front lawn along Dover Center Road. The sign is to be in place from May 23, 2021 through May 25, 2021.

Motion carried 7-0.

Ms. Maier introduced and read, by title only, **Resolution 21-35** providing for the submission of the question of approval of Ordinance No. 20-93, being an Ordinance "Rezoning Certain Land located on Dover Center Road, Permanent Parcel No. 203-09-029, also known as 452 Dover Center Road, from Third Residence District to Retail Business District, and declaring an emergency." (First Reading).

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Mr. Barbour announced that Resolution No. 21-35 is placed on first reading.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Kelly

Mr. Kelly had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig

Mr. Winzig had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Mr. Greco

Motion to permit the disposal by the Department of Public Service and Properties of the following fleet vehicles that are surplus or obsolete, with an auction value that may exceed \$5,000.

- (1) 2007 4WD GMC 1500
- (1) 2009 2WD Ford F-250
- (1) 2008 4WD Ford F-250
- (1) 2005 2WD Ford F-450
- (2) 2006 International 7400
- (3) Dinkmar Leaf Collectors

Motion carried 7-0.

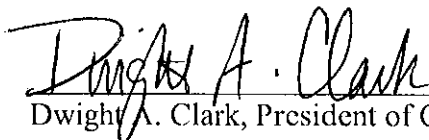
MISCELLANEOUS

Mr. Clark announced that a Planning, Zoning, Public Buildings and Grounds Committee meeting will be held at 6 p.m. on Monday, May 10, 2021.

The next meeting of City Council will be a Regular Meeting held on Monday, May 17, 2021 at 7 p.m.

ADJOURNMENT

There being no further business to discuss this evening, the meeting adjourned at 8:07 p.m.


Dwight A. Clark, President of Council


Joan T. Kemper, Clerk of Council