

City of Bay Village

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

May 18, 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 Liskovec, Human Resource Director Demaline, Recreation Director Enovitch, Sergeant Kathy Leasure, Police Chief Spaetzel, Fire Chief Lyons, Building Director Macalla, Engineer Don Bierut, Clerk of Council Kemper.

AUDIENCE

Residents signed in through Zoom technology, and had submitted comments to the Clerk of Council to be read at the meeting. These comments are included on Page 17 of these minutes.

President of Council Clark called the meeting to order at 6:00 p.m. with roll call and the Pledge of Allegiance led by Sara Byrnes Maier, Councilwoman of Ward 3.

Motion by Tadych to dispense with the reading and approve the Minutes of the Special Meeting of Council held May 4, 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 May 4, 2020, as prepared and distributed.

Motion passed 8-0.

Announcements

Mayor Koomar reported that the Federal Government has made funding available through the CARES Act, which is distributed to the states and passed on through the county governments to municipalities with populations less than 500,000. Senator Matt Dolan has introduced a Bill in the Senate that would provide 110% of 2019 Local Government Funds to municipalities. For Bay Village, that would amount to \$384,000. The House of Representatives is looking at that Bill now. The Treasury Department is enacting new guidelines for funding for municipalities who have lost revenue with reimbursement for safety forces in their roles as first responders. Guidance is being sought from the Auditor of State to be sure that Bay Village will spend this money in accordance with proper guidelines.

The House of Representatives at the Federal level recently passed an Act that would provide funds for states and local governments. This measure will be subject to further negotiations. The Bill sponsored by Senator Dolan is a direct reimbursement to local government funds, with the

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hope that we can use those funds for our safety forces in fighting COVID-19. Finance Director Mahoney is working through the budget to see what items can be deferred. We are cancelling things such as Bay Days, keeping a pretty good tally and probably have thirty to forty items that are in transition.

Relative to COVID-19 itself, the Mayor had a conference call with the Cuyahoga County Health Commissioner on Friday, May 15. Cases are still moving up. They expect that as the economy opens back up new cases will increase. There is still a lot of concern for the fall months. As we try to cope with the new normal, the things stressed at the city administration staff meeting today were doubling down on the cleaning, use of hand sanitizers, hand washing, and refraining from touching your face. This has been the order of the day since mid-March with a good deal of success, and will be continued to keep our employees safe.

The Mayor stated that he has received many calls from mothers with young children that are really concerned about the emotional health of their children, and the home-schooling of young children. This is something that we will continue to watch and it is hopeful there will be some activities this summer to give them a distraction from the four walls of their homes.

There is cautious optimism in Bay Village due to the low number of residents and City employees who have come down with this virus. We are going to try to stay the course and follow the Governor's guidelines. The Cuyahoga County Department of Health has been extremely helpful as have CDC guidelines.

Mayor Koomar provided an opportunity for department directors to give updates on the work being done in their departments.

Law Director Barbour reiterated the comments of the Mayor about their efforts to continuously review the Governor's orders and those of the State and County Health Departments, incorporating those guidelines into the City's practices and procedures as quickly as possible.

Building Director Macalla reported that the Board of Zoning Appeals has conducted two Zoom meetings which have worked out very well. The site plan for the Bay Creek Development is presently out for review.

Finance Director Mahoney reported that the administration is trying to find as many cost cutting measures as they can find. They are unsure what the municipal income tax and property tax decreases will be, or if there will just be a delay. The State of Ohio has about a 30% decrease in revenue over the whole state. We are planning for the worst, while hoping for the best. More will be known towards fall.

Mayor Koomar stated that he did have a call this week with Representative Greenspan. There was a slight decrease this month, about \$12,000, in the Local Government Fund. Representative Greenspan is working through legislation, as part of the Senator Matt Dolan Bill, to restore that \$12,000 through this fiscal year.

Police Sergeant Kathy Leasure reported that the Police Department is seeing an uptick in calls

for service as the weather is getting nicer and people are getting out more. On Saturday of last week they did have several calls regarding kids using the Bay Village Skate Park. The police officers are keeping an eye on the area and will put tape back up across the skate park if necessary.

Fire Chief Lyons advised that Mr. Chris Becker has been hired as a new firefighter for the Bay Village Fire Department and is doing a stellar job for his first week. An official swearing in ceremony will be held in the presence of Council and Mr. Becker's family sometime in the future. Routine Fire Department activities will resume June 1, after this most recent period of limiting activities to emergencies only. With businesses reopening, the intention is to visit the stores and perform the normal fire safety inspections.

Chief Lyons noted that the Fire Department has purchased the most efficient type of air purifiers, in light of the COVID-19 pandemic. These purifiers are being installed in the back of the ambulances to help protect both patients and firefighters.

Human Resource Director Demaline advised that she is currently monitoring safety guidelines and how they apply to the City's employees. She is working with Recreation Director Enovitch in regard to employees for the Recreation Department activities and staying on top of policies and procedures.

Director of Public Service and Properties Liskovec advised that on May 29, 2020 there will be the drop off at the Service Garage of household hazardous items. There will be increased signage to enforce the social distancing measures that are in place. Mulch sales are being conducted, with credit card transactions to aid in the effort to be as contactless as possible. Instructions are posted on the City of Bay Village website. The Service Department is well into their annual maintenance program with milling done and the leveling course installed. Adjustments and repairs are accomplished before the final coat is done. The Lake Road/Cahoon Road crosswalk will have new parts installed this week. Various other projects have been approved and are being executed.

Recreation Director Enovitch advised that the Reese Park courts are completed and will be opening shortly. Regarding the swimming pool, the Governor announced on Thursday of last week that pools can open on May 26. It is always a fluid situation, we are receiving some guidelines that were released on Friday, May 15. There are still many answers to be sought should the Bay Pool be opened. On Tuesday, May 19, there will be a meeting with the recreation people across the state and the Westshore Recreation Directors are meeting on Wednesday, May 20.

Police Chief Spaetzle announced that tonight's meeting of City Council will be his last official meeting as Chief of the Bay Village Police Department. Chief Spaetzle will retire on June 1, 2020 after 34 ½ years with the City of Bay Village. He extended appreciation for the work of each and every one, noting that he worked for six Mayors and many Council members over the years. He stated that it has been his honor and pleasure to serve and all he has worked with have contributed to his success as a law enforcement officer. Chief Spaetzle stated further that he considers public service a privilege, and he has been blessed to work in public service for this

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many years. Bay Village is a great place to work and a great community. He believes he has had a great working relationship with everyone and Bay Village is a better place because of this cooperation. The Chief noted that if there has not always been agreement, there has been good discussion which is part of the democratic process. Chief Spaetzel stated that as he moves on to his next stage of life, he thanks each and every one.

Mayor Koomar stated that from his role as Mayor and Council person, the Chief's professionalism, willingness to collaborate, and quick attention to address residents' concerns has always been greatly appreciated.

Mr. Clark stated that on behalf of the City Council it has been an honor and a privilege to serve with Chief Spaetzel. With 34 ½ years of public office, the Chief will retire with deep appreciation for everything he has done.

Mr. Clark asked Mayor Koomar the protocols for swearing-in Sergeant Kathy Leasure as the new Chief of Police.

Mayor Koomar stated that Sergeant Kathy Leasure will take the oath of office as Chief of Police on Tuesday, June 2, 2020 at 8:30 a.m.

Mr. Clark extended good wishes to Sergeant Leasure, who expressed appreciation to the Mayor and City Council.

Mr. Clark called for any further comments or questions from the members of Council.

Mr. Tadych asked Director of Public Service and Properties Liskovec if the Service Garage will accept old gasoline during the hazardous waste drop off on May 29. Mr. Liskovec stated that they will accept the gasoline in a container, marked accordingly. Mr. Tadych noted that he cautioned the resident not to dispose of old gasoline through the sewers. Hours for drop-off are 7:30 a.m. to 3 p.m. at the Service Garage on May 29, 2020.

Mr. Clark stated that he has asked the Mayor and Finance Director to set time aside for Council to go through the Operating and Capital expenses during a Finance Committee or Council meeting.

Motion by **Mr. Tadych** to acknowledge receipt of the April 2020 Financial Statements of the City of Bay Village as prepared by Finance Director Mahoney.

Motion passed 7-0.

Mr. Tadych introduced and read **Resolution No. 20-50**, adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2021, submitting same to the County Fiscal Officer, and declaring an emergency.

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Mr. Tadych noted that this is an annual event which solidifies monies that are appropriated for various funds, primarily such things as the levy for Parks and Recreation, taxation limitation, and paramedic units. It does not define the budget that the City Council will pass this fall.

Finance Director Mahoney advised that the purpose of a tax budget is to show the County Fiscal Officer that the City needs tax revenue for the next year. It is not the true budget for 2021, but shows the need for property taxes to operate. Mrs. Mahoney referenced her memorandum dated May 12, 2020 to the Mayor and Council which explains the various levies per Article X of the Bay Village City Charter. These are the General Operating Levy, the Parks and Recreation Levy, and the Paramedic Unit Levy. The other amount levied per the Tax Budget is an inside millage of 3.89 mills.

Mr. Clark stated that the millage will remain unchanged for 2021. There is an additional one mill available to the City which will not be taken. Mrs. Mahoney's recommendation is to leave the tax as is for 2021, noting in her memorandum that considering the effect of the pandemic on residents' income, it would not be a good time to further tax our residents.

Mr. Clark asked if Council wishes to proceed with adoption of Resolution No. 20-50 this evening. Council members expressed agreement.

There being no further discussion, Mr. Clark called for a vote on the motion to adopt Resolution No. 20-50.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-50, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced and read **Resolution No. 20-51** authorizing all actions necessary to accept a distribution of Federal Coronavirus Relief Funding to the City Of Bay Village, and declaring an emergency, and moved for adoption.

Law Director Barbour stated that Amended Senate Bill No. 310, a copy of which has been given to City Council, requires that a resolution be adopted in order to receive the funds that are being

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distributed through the State of Ohio and Cuyahoga County, affirming that the intent is to only use the funds for the particular purpose of Coronavirus Relief Funding.

Mr. Tadych asked if this request requires the submission of a signed form. Mr. Barbour stated that the County will receive a certified copy of Resolution No. 20-51.

Ms. DeGeorge asked if these funds will be used for the type of items such as personal protective equipment, or for something else. Finance Director Mahoney stated that this is in order to be able to access the \$384,000 that the State could be giving the City. Mayor Koomar stated that there might be several different avenues to receive reimbursement or receive funds from the CARES Act.

There being no further discussion, Mr. Clark called for a vote on the motion to adopt Resolution No. 20-51.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-51, an emergency measure, by a vote of 7-0.

Ms. DeGeorge introduced and read **Resolution 20-52** approving use by Hayden and Rachel Stafford of Submerged Lands of Lake Erie for Shoreline Improvements, and declaring an emergency, and moved for adoption. Ms. DeGeorge advised that Council has received a memorandum explaining that the Ohio Department of Natural Resources is requesting a new resolution since there was a delay in their department for review of the request. A current resolution is required.

There being no further discussion, Mr. Clark called for a vote on the motion to adopt Resolution No. 20-52.

Roll call on Suspension of Charter Rules:

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

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-52, an emergency measure, by a vote of 7-0.

Mayor Koomar asked President of Council Clark to allow him to speak to a matter later on the agenda this evening, Pool Opening, before proceeding with the remainder of the legislation on the agenda.

Pool Opening

Mayor Koomar stated that Recreation Director Enovitch has done an outstanding job of tracking the issue of swimming pool openings with his counterparts throughout the state. The announcement by the Governor to allow pool openings was last Thursday. Mayor Koomar spoke with the Governor's office on Friday and it is hoped to have the regulations for pool openings this week. Part of the process is receiving feedback from interested organizations throughout Ohio.

Mr. Enovitch stated that one of the biggest regulations will be limiting attendance. The 6-foot social distancing regulation between patrons and staff will limit how many people will be at the pool at any given time. The recommendation is to look at block sessions, where the patrons come in for 90 minutes, after which the patrons leave and the staff disinfects for 30 minutes before the next group comes in for a 90 minute session. Pre-registration for pool admission would be done online. Slides, diving boards and water features are still under discussion insofar as whether patrons would be allowed to use those pool accessories. Clarity and direction from the Governor is being sought by Ohio Recreation Directors.

The Mayor added that additional securities may be required, i.e., temperature taking at the gate, only allowing one patron at a time in the restroom, and staffing of the restrooms. Concessions would follow the same guidelines as those set in place for restaurants. The concession stand is normally staffed with students who are 14 and 15 years old, and the question is whether it is viable to continue that practice.

Pool passes have not been sold this year. The annual pool pass revenue is approximately \$150,000, plus \$50,000 in General Admission. At this point, the expected revenue budget has been cut in half. Many calls have been received by the Mayor from residents who want their children to be able to swim. It could be that each 90 minute session is limited to just 200 people, with 100 or less in the water at one time. Mr. Enovitch stated that the requirement is 170 square feet per individual. This would limit use to 200 people in the pool facility, with 90 in the water. Learn-to-swim programs are prohibited and swim teams will not be permitted. These are additional sources of revenue for the pool.

Mr. Clark opened the dialogue for Council participation.

Ms. DeGeorge asked if the Metroparks will be opening the beaches this summer.

Ms. Maier stated that the Metroparks will be opening their beaches this year and using the same guidelines set by the state. Metroparks does operate two pools and will not be opening those this year.

Ms. DeGeorge stated that there was a mandatory check list sent by Mr. Barbour that mentioned maintaining a distance of six feet or more in all areas of the pool, no gathering of different households, and closing of all areas where people can congregate. Ms. DeGeorge asked who will make sure these restrictions are followed.

Mr. Barbour stated that the list came from the Ohio Parks and Recreation Association and a private swim group. They are not the actual requirements that the State of Ohio is going to put out. They were submitted by groups who have some background and feel they know what the guidelines will be. The state has not released the final guidelines.

Mayor Koomar noted that in his conversation with the Health Director last Friday it was made known that the limit of ten or less for gatherings is still in place. They are trying to carve out pools very specifically to give families some relief, but will not deviate too far. Extra staff will probably need to be employed to ensure compliance with regulations. Lifeguards will concentrate on safety in the water.

Ms. DeGeorge asked what would happen if residents register for a 90 minute block session, and there is inclement weather during that 90 minutes that prohibits their enjoyment of the pool. Recreation Director Enovitch stated that this is something that is being discussed with the other Recreation Directors. During inclement or threatening weather, patrons are usually asked to stay under the breezeway. That policy will no longer be possible. An alternate solution is still being sought.

Mrs. Stainbrook asked what is required to open the pool. It is the understanding that it takes four to six weeks to make the pool operational. Mrs. Mahoney was asked to provide operational costs for Council, based on the changes required for COVID-19 regulations.

Director Liskovec stated that it takes a three to four week time period to open the pool plus the filling time and addition of chemicals.

Mayor Koomar stated that they have started down the process to put things in place to open the pool. If there were no support for that tonight, they would be in a position to pull back quickly. The biggest question is on the revenue side. How many people want to come to the pool? The feedback from parents has been strong to open the pool. Waiting for the regulations to come out in a week or so may push back the opening date. Director Enovitch has been talking with other cities about how things will be priced and how we can serve the residents fairly in this odd situation.

Mr. Tadych stated that he can't imagine that we would price the pool entrance fee at any part of what it is today if patrons can conceivably have only 90 minutes in the pool. That would have to be an adjustment also. Mayor Koomar stated that this is what they are looking at by cutting the expected revenue in half and figuring out what that will look like. This will be part of the discussion Mr. Enovitch will have with other cities.

Mr. Tadych asked the age restriction on children being allowed in the pool without parents. Director Enovitch stated that the minimum age requirement without a parent is nine years of age.

Mayor Koomar noted that in the past parents have dropped their kids off at the pool for an entire day. It has to be made clear that this is not a place to drop your kids off for the day.

Mr. Tadych asked if a nine-year-old child can bring his eight-year-old sister and be allowed in that way. Mr. Enovitch stated that a nine-year-old can bring in a younger sibling. (This statement was corrected further in the meeting. A patron must be a minimum age of 14 to bring in a younger sibling without a parent.)

Ms. Maier asked if the costs for opening the pool are a linear cost, or are there more costs at the beginning, such as for chemicals. Is this something we can open without a huge amount of expense if it turns out that we can open? Mr. Enovitch stated that the chlorine will not need to be purchased. There is an existing inventory of 500 gallons. Bringing in staff, disinfecting, and cleaning will be the largest expense from the Recreation Department side. The Service Department might have additional expenses for the operation of the pump house.

Mr. Tadych asked if it will be possible to clean the whole pool in a half hour if the plan is followed to be open in 90 minute increments, followed by 30 minutes of cleaning. Mr. Enovitch stated that this is the recommendation.

Mr. Tadych asked how many people it will take to spray the facility down in a half hour. Mr. Enovitch stated that they typically have 20 to 25 employees on duty. That should be enough.

Mayor Koomar noted that one of the things under consideration by many cities is removing the lounge chairs and allowing people to bring their own chairs in. Mr. Enovitch added that it is one of the recommendations that patrons would bring their own chairs, or towels to sit on the deck.

Mr. Kelly stated that the information received from the Law Department all reflect conditions that he does not know how they will be received in terms of on-going interest. If people aren't even permitted to use the chairs, and are expected to leave after 90 minutes, and aren't able to access some of the more fun features of the pool, what is that going to do for attendance over the course of the season? Mr. Kelly asked if there has been any thought given to extending the season. The rationale is if there is any thought for the fall of getting back into school other than the five-days-per-week schedule, that this would present an opportunity. The temperature is still very warm and the staff who would normally be working at the pool, if that environment remains, may still be local and available for work.

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The Mayor stated that they have looked at what this looks like if they have guards, if we can expand our hours, if the hours can be lengthened. The Mayor saw a report today that work is being done with high school athletic directors to get fall sports back. Those would be our lifeguards. Some of those decisions would impact whether we could extend. If they did have fall sports in some form or fashion, that would eliminate the availability of some of our lifeguards.

Mr. Tadych noted that the pool has opened after 4:30 p.m. once school starts again in the fall.

Mr. Enovitch stated that the pool is open through Labor Day, for limited hours after school starts in late summer.

Mr. Tadych noted that makes it more confusing for the 90-minute increments.

Mr. Clark asked if the process has started for certification, or re-certification for lifeguards.

Mr. Enovitch stated that the process started months ago. The Red Cross has extended the re-certification of lifeguards. The new lifeguards can do their training on-line and finish the water portion once the pools are open.

Mr. Clark stated that basically the preparations must be done for pool opening without knowing if the pool will open.

Ms. DeGeorge asked if the 90-minute increments of pool use would include the 15 minutes of rest time.

Mr. Enovitch stated that the 90-minute use would be 90 minutes straight through without the 15 minutes of rest.

Mr. Enovitch noted that this is just an idea that has been submitted by the Ohio Parks and Recreation Association. This is not the final plan as to how the Bay Pool would operate.

Mrs. Stainbrook asked about additional staffing for social distancing compliance, mask requirements, and changing areas staffing. Is it the intent of the Recreation Department to provide that additional staffing?

Mr. Enovitch stated that this is the intent. Staff would be added to the deck to supervise whatever guidelines and regulations are in place, both on the deck and at the front desk.

Mr. Enovitch corrected his previous comment regarding the age requirement of a patron to bring in a younger sibling. A patron 9 years of age can enter without a parent, but a person age 14 or older can bring in a younger sibling.

An audience member asked Mr. Enovitch why there would be no swim teams.

Mr. Enovitch stated that the swim teams bring in about 200 patrons. Not having swim teams is a

big loss to the department. It was agreed upon by all the cities in the recreation swim team league, because of all the numbers of participants in each of these communities there is not a way to conduct a swim meet. Training might be an option. This will be looked at further when there are more details on operations of pools. Learn-to-swim, with the one-on-one interaction will probably not occur, especially with the younger children. It may be possible to do higher-end training, with the instructor on the deck, as opposed to being hands-on and having direct contact with children. This is a fluid situation that might change, but at this time this is the information that is being sent.

Mr. Clark thanked everyone for their input, noting that the right thing must be done for the residents, from both recreation and financial considerations.

Mrs. Stainbrook proceeded to the next agenda item, a resolution related to the Rocky River Wastewater Treatment Plant Clarifier Rehabilitation Project. This is a Capital Improvements Project for which Council has received the details prior to this evening's meeting. The project is cost-shared among four cities: Bay Village, Rocky River, Fairview Park, and Westlake. Council had discussed this project last fall, and the resolution will authorize the application for funding for this project. Mrs. Stainbrook asked if there are any questions or comments from Council.

Mr. Clark asked Bay Village's proportionate share of the loan for this project.

Mr. Liskovec stated that the proportionate share is based on a complete study. At the time the City of Bay Village was included in the flow-strength study, the proportionate share for Bay Village was 20.9%. In looking at the number of a little over \$206,000 for engineering costs, and construction costs at just over \$1.3 million for the entire project, the Bay Village share of the cost would be 20.9% of the total project cost.

Mrs. Stainbrook asked Law Director Barbour to speak to the cost-sharing agreement, specifically the Capital projects agreement and the operational agreement. Are we current with that agreement and when would we expect any changes based on flow-strength studies?

Mr. Barbour stated that the agreement is on-going from the last amendment, and it is based on strength and flow. The initial Capital is based on something different.

Mayor Koomar stated that in last year's management committee, when he inherited this, and during his years on Council, the improvements were based on the strength and flow study. There were extensive conversations last year as to the agreement being silent on what those other Capital improvements might be. The cities of Bay Village and Westlake had a lot of questions as to if the No Feasible Alternative study came forward how those Capital costs would be allocated based on individual cities and the amount of flow each city is contributing to the plant that might need adjustment due to a poor system and things of that nature. This will continue to be discussed and it is hoped that a new agreement will be forthcoming because the agreement does not clearly address larger Capital costs relative to the State Environmental Protection Agency.

Mrs. Stainbrook stated that applying the percentage for Bay Village, the City is anticipating a cost of a little over \$200,000 for engineering, and \$1.4 million for construction.

Mr. Clark stated that this is a favorable number compared to where Bay Village was last time. Bay Village used to pay about 24.5%. New testing will begin next year, so it certainly would be fortuitous to comply with the approval for the project which is due by July 1, 2020.

Mrs. Mahoney stated that the director of the plant would like to apply for the Ohio Public Works Commission (OPWC) loan with a current interest rate of 1.1%. Mr. Clark asked Mrs. Mahoney to obtain some clarity on the number of years for the loan, noting that some are for twenty years and others are for thirty years.

Mr. Tadych asked Mayor Koomar if there will be a new flow study before this rate is applied to this loan.

Mayor Koomar stated that there will be a new flow study for future projects, but the current rate is applicable to this project.

Mr. Barbour commented that in the past the same formula was applied for operating costs of the plant and Capital projects, but as the Capital improvements have gotten more and more expensive there is some discussion among member cities about what that actual language means because it is not clearly drafted. There are some member cities that are not happy with the flow meter for Capital improvements. For Bay Village, it is not too bad, because we have worked hard to improve and reduce the flow.

Mr. Winzig asked if this will impact the City's 2021 budget.

Mrs. Mahoney stated that it will impact the 2021 budget of the City.

Mrs. Stainbrook introduced and read **Resolution 20-53** requesting that the City Of Rocky River apply for financial assistance from the Water Pollution Control Loan Fund Program for the funding of the Rocky River Wastewater Treatment Plant Final Clarifier Rehabilitation Project, and declaring an emergency, and moved for adoption.

Mr. Barbour noted that the other members of the Rocky River Wastewater Treatment Plant agreement will have to pass the same resolution.

There being no further discussion, Mr. Clark called for a vote on the motion to adopt Resolution No. 20-53.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

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Nays – None.

Roll call on Adoption:

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

Nays – None.

Mr. Barbour announced adoption of Resolution No. 20-53, an emergency measure, by a vote of 7-0.

In regard to the next agenda item, Mrs. Stainbrook advised that this agreement with Cuyahoga County will enable the county to perform needed preventive maintenance on certain County roads within Bay Village.

Mr. Liskovec stated that it is the County's intention to offset operational costs for the cities. Bay Village has a cost estimate of materials for those County roads and the County provides reimbursement for those materials. It does not cover labor, but it does cover materials which is helpful. We have participated in this program for the last three or four years. It is a good program for the City.

Mrs. Stainbrook stated that with this program the City will expect a little over \$48,000 in reimbursement from the County. Mr. Liskovec stated that they may not get the full reimbursement, but he will seek as much funding from the County as possible.

Mr. Tadych asked if this reimbursement is for roads already completed. Is it a back-going cost, or a future cost? Mr. Liskovec stated that reimbursement will be in 2021 for this year's expenses.

Mrs. Stainbrook introduce and read **Ordinance No. 20-54** authorizing the Mayor to enter into a Master Cooperation Agreement with Cuyahoga County and the Department of Public Works for Preventive Maintenance Services, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion to adopt Ordinance No. 20-54.

Roll call on Suspension of Charter Rules:

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

Nays – None.

Roll call on Suspension of Council Rules:

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

Nays – None.

Roll call on Inclusion of the Emergency Clause:

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

Nays – None.

Roll call on Adoption:

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

Nays – None.

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Mr. Barbour announced adoption of Ordinance 20-54, an emergency measure, by a vote of 7-0.

Review of Bids – Cahoon Memorial Park Restroom Renovations.

Director of Public Service Liskovec reported that five contractors bid on the project. The apparent low bid is just over \$360,000 for the complete project. A final recommendation will be presented to Council.

Mayor Koomar stated that a point of reference is that \$379,000 was appropriated for this project. Mr. Liskovec and City Engineer Don Bierut will review the bid further. There is State Capital money involved, and there is still the legal language being negotiated by Law Director Barbour with the Ohio Department of Natural Resources. Mr. Barbour noted that the language was written by ODNR does not work well with the Cahoon Park. Discussions continue and there is a bit of an impasse at this time.

The Mayor stated that if they cannot come to terms in order to access the State Capital funding of \$130,000 it would be necessary to go back to the Probate Court for their approval. Mr. Barbour stated that Probate Court approval would be necessary to sign the grant agreement. That would be the best course of action.

Mr. Clark opened the topic for comments from Council.

Mr. Tadych stated that it is a lot of money.

Mrs. Stainbrook asked Mr. Barbour if he anticipates that this impasse is likely or unlikely that the project can proceed without going to court.

Mr. Barbour stated that his prediction today is that the City would have to go to Court to get that agreement.

Mrs. Stainbrook asked how long of a time frame that involves.

Mr. Barbour stated that court at this time is not moving very fast, and when it does start back up there will be a back log. Six to nine months would be his guess. It is a complicated process.

Mrs. Stainbrook asked Mayor Koomar the restrictions on state funding, in terms of timing.

Mayor Koomar stated that additional time was set aside to work with Partners Environmental to be sure of the boundaries and the need to work within a 300 foot limitation of the landfill. The state wanted to have the project started by the end of June. We can always move forward with the project as long as the Probate Court piece is in process. We can always ask for an extension.

Mr. Tadych asked if the Mayor is probably looking at next year if this should come in. Mayor Koomar stated that he would defer to Mr. Barbour in regard to the Probate Court timing.

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Mr. Tadych asked if the Court does not pick-up the case are we going to move forward this year with the project.

Mayor Koomar stated that the bid has to be accepted within 60 days and be under contract by the end of June for the grant. The state has already approved the funding. Probate Court would allow us to access that for reimbursement. The Mayor stated that he just wanted to provide some numbers this evening, and the matter can be revisited in June, when we have final numbers.

Bay Days and Fireworks for 2021

Mr. Clark stated that Bay Days and Fireworks have been cancelled for this year, and he thought it appropriate to talk about the conversations that the Mayor had with regard to plans for these activities in 2021.

Mayor Koomar stated that he has been in contact with our fireworks provider and they were able to relieve the City of any penalty clause for this year's cancellation. Mr. Steve Ernst, a Bay resident and agent for the fireworks company, is happy to be helpful and work with the City. In 2021, July 4 is on a Sunday. When the Cahoon Memorial Park Trustees approve next year's event they will take that into consideration and vote to consider having the fireworks on Saturday, July 3, 2021.

Project Updates.

- Walker Road Park Retention Basin – The City of Avon Lake is willing to move forward with and pay 50% of the cost of the project. City Engineer Don Bierut discussed the memorandum he sent to Mayor Koomar and Director of Public Service Liskovec, dated May 13, 2020, stating that considerable savings can be achieved by utilizing fill materials from the Avon Lake Walker Road Park retention pond project. Use of materials from that site will reduce the estimated cost for fills for the south Cahoon Park soccer fields from \$210,000 to \$75,000. The \$75,000 is comprised of preparation of the necessary EPA permits and analysis of the fill material by Partners Environmental (\$16,000), clearing the site (\$5,000), spreading of the material brought from Walker Road Park (\$45,000), and reseeded the field (\$9,000). Transportation of the dirt from the retention pond to Cahoon Memorial Park is included in the Walker Road project.
- Grading of Cahoon Memorial Park Soccer Fields – Mr. Bierut's memorandum further addresses the efforts to grade the Cahoon Park Soccer Fields. An analysis by Partners Environmental reveals an estimated cost of over \$700,000 to address the larger north and smaller south fields. The amount of fill would cover a full size soccer field with a layer of dirt ten feet high. Much of the cost is related to the sourcing and trucking of the fill material. Considering the costs that are expected to be incurred in response to meeting future USEPA requirements, proceeding with the entire project may not be prudent at this time. The grading for the north area would be a substantial change from what is out there now. A majority of the center field would be 5+ feet higher than now. It would be graded back down to either side, which would allow water roll-off into the roadways. If we are not prepared to take this dirt, perhaps it could be stored somewhere. If we are going to go forward, the focus should be on the south field on the south side of the

parking lot. Partners Environmental recommended additional fill in that area, relative to the 1972 Environmental Protection Agency order. Since we are already paying to get the dirt out of the retention basin, we could spread it over the fields at considerable savings. The \$200,000 estimated cost would be reduced to \$75,000.

The Mayor added that these figures are rough estimates. At one point, Partners Environmental predicted the cost as high as \$800,000. A question to still be answered is where all the water could go. The height of the field from Lake Road would look considerably different. The storm water would go to the Metroparks property or Cahoon Creek. We do not want to drain to the Metroparks so part of the Smith Group study of the expansion of the CMAG grant is very interested in the flow of the rain water. The lead on the project and Mr. Don Bierut have shared some of the data on Cahoon Creek. The Smith Group is interested in the whole park, and the focus of the CMAG grant is the lakefront. It makes sense to bring the Smith Group in to look at some of this for the north field and understand what this means, being thoughtful about the connectivity back to the parking area. On the south side, we want to take advantage of continually adding fill over time on top of an area that is already graded.

Recreation Director Enovitch stated that he worked closely with Mr. Liskovec on putting together a turf maintenance improvement plan. They addressed the different zones on the north side of the soccer fields. Year to year they will block off an area for work. Council was provided an illustration of that plan by the Mayor. It also includes what will be done on a weekly basis once the area is improved. Proper fertilization will be done while respecting environmental concerns, as well as employing best practices for athletic turf. They are also working closely with the sports clubs regarding start-up time to give the Service Department more time for work on the fields. The Mayor noted that the expenditure would be \$10,000 to \$12,000 per year to enhance the fields. Since there is no play on the fields this year, low spots have been addressed by the Service Department. As the weather cooperates, they will work more on the north field. All athletic fields have been aerated, from Reese Park to Cahoon Park, Bradley Road Park, and Walker Road Park.

Ms. DeGeorge stated that when we discuss these projects we are talking about large expenditures. Given the current climate, and this was also mentioned last year, before we were even impacted by COVID-19 and the negative impact it will have on the City, those projects should just sit. The \$10,000 here, \$12,000 there, adds up. Ms. DeGeorge stated she is not comfortable with the scope of the projects that we are discussing. There needs to be further discussion about prioritizing projects, and where that money will go even before having budget discussions. We seem to be proceeding as normal, and it is not normal.

Mayor Koomar stated that Ms. DeGeorge has a good point. There are a couple hundred thousand dollars in Capital projects that we are looking at holding. We are watching what is happening at the State level for funding, and trying to take advantage of funding sources. The Avon Lake Project was pushed back one year, last year. Given that we are a 50% partner with the City of Avon Lake on that project, it would not be prudent to lose that partnership.

Mr. Tadych stated that he assumes the cost of the movement of the dirt to Bay Village would be paid 50%/50% between Bay Village and Avon Lake. Mr. Liskovec stated it would be part of the

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50%/50% split for the cost of the retention pond, as noted in Mr. Bierut's memorandum of May 13, 2020. When the cost was estimated for the project, there were no close sites for the dirt. There is a cost savings for both cities to divert some of that dirt to Bay Village.

Mr. Tadych stated that we have heard many times how the athletic fields at the Walker Road Park need fill. It would be less expensive to use the fill there. Mr. Liskovec stated that there is more than enough fill to take care of both cities' needs.

- Road Pavement Maintenance Projects- Mr. Liskovec reported that the annual Road Pavement Maintenance contract is well under way. They are working with Ronyak Paving Company on the preparations for the Longbeach Paving Project. Preliminary estimates are for the project to start mid-June, with completion by the end of June. The Sunset Pavement Project is awaiting the materials schedule. Mr. Bierut stated that a pre-construction meeting will be held in the near future. The crack sealing contractor will begin work shortly.

Mr. Winzig noted that the Dwyer Memorial Center project looks great. He asked if there are any thoughts as to completion time for the project. Mr. Liskovec stated that they are working on the painting component. There are still organization and storage items to be completed.

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

Clerk of Council Joan Kemper read the following communications received prior to the meeting:

Bob Heisser, West Glen Park, sent an email on Saturday, May 16, urging consideration to opening the playgrounds, pools, skate parks and other activities.

Resident Jon Suter sent an email on May 16, 2020, suggesting the re-scheduling of fireworks for a later date, or cancelling this year's fireworks, setting the funds aside, and combining with next year's fireworks to have one big celebration, hopefully, to celebrate the vaccine that eradicates COVID.

Resident Camille Urban sent an email today suggesting that we let the children have some semblance of a normal summer and open the swimming pool.

Julie Miller sent an email on Monday, today at 12:23 p.m. regarding the opening of swimming pools and suggesting that the public officials talk to swim coaches before making a decision about opening the Bay pool this summer, noting that high school and club swimming continued all through February before being made aware of all the risks.

Resident Conda Boyd sent an email today regarding two measures passed by Council on March 20, 2020 to allow the City administration to act without customary Councilmanic oversight. Ms. Boyd is requesting that Ordinance No. 20-28, and Sections 2 and 3 of Ordinance 20-25 be considered for repeal, noting that a robust balance of powers among the branches of government is essential to American democracy.

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Eileen Bringman, head coach of the Lakeshore Swim Club, has sent a request to partnership this summer for programming at the outdoor pool for swimmers from all over Northeast Ohio, and attaching guidelines provided by USA Swimming and the CDC.

Casey Martin, 397 Bassett Road, has sent an email today, expressing hope that the pool will open this summer, with proper guidelines and enforcement in place.

Pamela Meyers, sent an email at 5:06 p.m. this afternoon stating that without scientific knowledge about pool transmissions it would be a reckless and dangerous decision to open Bay Pool for the summer.

Miscellaneous.

Mr. Clark commented that the pool opening will be continued to be worked through as more information and guidance is forthcoming.

The fireworks have been addressed with plans for 2021, and the City will not have to pay a cancellation fee for the 2020 contract.

Mr. Clark stated that in response to the comments of resident Conda Boyd relative to Ordinance No. 20-28, Council was giving the administration latitude during the pandemic to give them guidance to spend money as necessary to keep the City going. It was agreed this would be reconsidered through the Finance Committee once the pandemic was over. We have not judged the pandemic to be, by any stretch, complete, but we do owe it to have that discussion on this particular ordinance. The second ordinance referenced by Ms. Boyd, Ordinance No. 20-25, was walked through by the Law Director for the benefit of Council. On March 20, Council adjourned until June 30, 2020, with the stipulation that they could call a special meeting at any point in time. Mr. Barbour stated that this is correct, which accounts for the special meetings that have been called, and held at 6 p.m. rather than 7:30 p.m. The Charter requires that City Council meet twice per month. There have been two virtual BZA meetings as well. There has been no need for a Planning Commission meeting. Mr. Barbour stated that Council must decide in June if they wish to adjourn for the months of July and August.

Ms. Boyd commented that Council was meeting 6 feet apart at the March 20, 2020 meeting and Zoom technology was not contemplated as a means to hold Council meetings. Now that Council has Zoom meetings going, and it is working well, she would submit that neither of those ordinances mentioned in her comments are needed. Specifically, the spending limitations ordinance is what Ms. Boyd would like to see Council have a good discussion about, whether it really needs to be there. Council passed it because of the prospect of not being able to get together. Council is able to get together and call special meetings as needed.

Mr. Clark expressed appreciation for Ms. Boyd's comments. He noted he would prefer to begin to meet again in-person, and will rely on the Law Director for guidance.

Mr. Barbour stated that he would like to meet in-person again, as soon as possible, but, if something unforeseen happens we could have a problem. We have been able to meet

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successfully by Zoom, but it is hopeful that the Governor will release new guidance on the number of people in gatherings soon. While Ms. Boyd's comments on democracy are appreciated, nothing has been done in violation of democracy or City ordinances. Council still has to appropriate money and pass legislation. That will never change.

Ms. Boyd stated that she did not mean to suggest it was undemocratic. Council has rightly put a priority on being able to meet, whereas it was contemplated that they might not be able to meet. She appreciates that this is working, but does not see any reason for these two ordinances to be there.

Mr. Barbour stated that in accordance with the Governor's orders we can't have more than ten people at a meeting, so we have to keep having the meetings this way until that changes.

Ms. Boyd stated that there is a normal process for declaring there is not a quorum. To have the President of Council, Vice President of Council and Mayor have special powers to cancel meetings without consulting the other members of Council is not the ideal situation. Why not go back to what has worked in the past?

Ms. DeGeorge stated that the meetings were suspended in March because of not knowing what the virus or future would bring. We still don't know what is going to happen. We put that option in play to abide by the Charter, knowing we can meet like this and knowing we are already covered and don't have to get back together in the next week of two in an emergency meeting to re-implement the ordinance we have in place.

Mr. Kelly stated that the Charter commands Council to meet in person. It makes no proviso for this type of special experience, either at the time or the means we are currently implementing. The State directive ultimately provided for this provision. Mr. Kelly stated further that he would hope Ms. Boyd would know that her representatives would speak up if the Mayor, Mr. Clark, or anyone was trying to squelch debate. If anything, Council encourages robust debate. Mr. Kelly sees the concern and how it could be a concern long term. He noted that he voted twice to repeal the \$20,000 limitation on spending. He feels the \$50,000 state limitation is appropriate. There will be an appropriate and robust debate on that topic moving forward.

Mr. Barbour noted that the Ohio Revised Code section that allows video meetings expires in December of this year.

Mr. Tadych stated that he reviewed his copy of the annual report from NOPEC. Page seven in that report states that Bay Village received a cell charging station from NOPEC, as part of the gift of 21 cell charging stations in various Community Centers and Libraries. Mr. Tadych asked where the Bay Village cell charging station is located.

Mr. Enovitch responded that Bay Village has located their cell charging station at the Community Gym. Upon opening of the pool, it will be moved to that facility.

Mr. Clark asked for Monday, June 1, 2020 to be kept open for the next meeting of City Council, considering the possibility of meeting in-person while respecting social distancing guidelines.

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Mayor Koomar will obtain guidance from the Cuyahoga County Board of Health. Mr. Kelly suggested using the Dwyer Memorial Center in the interest of proper spacing.

Discussion followed regarding opening of the swimming pool this summer. The Mayor stated that pools in neighboring communities plan to be open. A Council of Governments meeting will be held on Wednesday, May 20, which will provide more input as to those plans. Opening the pool would provide residents with some options for the summer.

Ms. DeGeorge reported that it was sad to learn today that Village Yoga Works will be going out of business. They just opened on June 1 of last year, and are forced to close due to COVID-19. Ms. DeGeorge stated that several cities have established small business loans/grants including Berea, Olmsted Falls, Lakewood, and Dayton to name a few. We can't use public funds for private enterprises, but what are these cities doing that they are able to have small businesses apply for grants from the city?

Mrs. Mahoney stated that the City of Lakewood used Community Development Block Grant funding, and Bay Village does not have that funding. She noted that it is on her radar to find help for small businesses.

Ms. DeGeorge stated the options she has learned about are called "grants." Mayor Koomar will seek information at the Council of Governments (COG) meeting.

Ms. DeGeorge stated that there is a stakeholders meeting with The Smith Group scheduled. A question she asked through email, but did not receive an answer, was when the City did their stakeholders meeting for the Master Plan, they were all listed on the City website and open to the public. There was a resident or two that were turned away from a recent meeting, however eventually permitted. Since there is a meeting tomorrow, should that be posted since there are four Council members on that committee?

Mayor Koomar stated that Mr. Clark will be moved to another group.

Law Director Barbour stated that tomorrow's Smith Group meeting is not subject to the open meetings law posting requirements, because City business will not be undertaken. The meetings are for the Smith Group to obtain information.

Ms. DeGeorge stated that it would be beneficial to have the meetings posted on the website, so residents can listen in and email comments.

Mr. Winzig relayed comments received this evening in the Zoom Chat Room:

Abigail stated that these meetings are good for parents with young children who are not able to attend meetings. "We are very glad to have this as an option for citizens to listen in and comment."

Mr. Winzig suggested that as Council moves forward with in-person meetings it would be nice to add a side Zoom feature for residents to listen in and offer comments. He noted that as a St.

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Raphael Church parishioner, he finds it a welcome option to have the Mass and Rosary available daily through Zoom.

Mr. Clark called for comments from audience members.

A member of the audience asked, on behalf of his fifteen-year-old daughter, if the tennis courts will be opened, and, if not for the public, for team sport and lessons.

The Mayor stated that based on the Governor's directives, he expects the courts to be opened in the next three to four days.

A member of the audience asked if there has been any direction on opening playgrounds.

Mayor Koomar stated that his latest information on playgrounds is the State order on group size limitation of ten would stay in place due to the high degree of transmission on playground equipment.

There being no further business to discuss, the meeting adjourned at 8:21 p.m.

/s/ Dwight A. Clark
Dwight A. Clark, President of Council

/s/ Joan T. Kemper
Joan Kemper, Clerk of Council