

# City of Bay Village

Council Minutes, Committee Session  
Dwight A. Clark, President of Council, presiding  
Council Chambers

June 7, 2021  
7:00 p.m.

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

Also Present: Finance Director Mahoney, Law Director Barbour, Director of Public Service and Properties Liskovec, Police Chief Gillespie, Building Director Tuck-Macalla, Clerk of Council Kemper.

Via Zoom – Fire Chief Lyons, Recreation Director Enovitch, Project Manager Kerber, Human Resource Director Demaline, Community Services Director Selig.

## AUDIENCE

Richard Fink, Ed Smith, Sam and Connie Festor, Charlie Post, Robert Petkash.

Via Zoom – Claire Banasiak, Jim Blocksidge, Bob Shield, Jan Maziasz, Jim Strunk, Joseph Ptak, John Ross, “Hands4healing.”

President of Council Clark called the meeting to order at 7:00 p.m. Mr. Clark advised that this is the informal Committee session, and Council will review legislation at this meeting prior to opening the Special Meeting at 7:30 p.m., or when this meeting is completed. Mr. Clark called upon Mayor Koomar for announcements.

**Mayor Koomar** advised meeting with Kiwanis regarding Bay Days and they are ready to go beginning June 30, and ending with the fireworks on Saturday, July 3. The meetings included the Mayor, Mr. Tony Dostal of Kiwanis, the Police Chief, Fire Chief and Service Director.

## COMMITTEE OF THE WHOLE

**ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-DeGeorge, Tadych, Maier**

Submerged Land Lease, Jay Dee Vaidya (trustee), 23604 Lake Road.

**Ms. DeGeorge** will introduce a resolution this evening for a Submerged Land Lease Resolution for the property owned by Jay Dee Vaidya, 23604 Lake Road. The resolution confirms that the City of Bay Village has no need for said designated parcel of submerged lands, and has no objection to said use.

Mr. Clark confirmed with the Law Director that all of the required documentation has been received in preparation for approval this evening.

**FINANCE & CLAIMS COMMITTEE-Tadych, Winzig, Kelly, Clark.**

General Liability and Property Insurance Coverage, Second Reading and consideration of approval of contract by Ordinance No. 21-40 at Regular Meeting of Council this evening.

**Mr. Tadych** will present Ordinance No. 21-40 for second reading and consideration for adoption at the Regular Meeting of Council this evening. The ordinance will approve a contract with Jackson Dieken & Associates as agents of U.S. Specialty Insurance Company (Tokio Marine) for general liability and property damage insurance coverage for a one year period effective June 15, 2021. The premium for the policy is \$139,769.00.

Mr. Clark noted that the quotation for the policy is considerably less than the cost of the current insurance coverage.

Codified Ordinance 171.01 – Investment Policy.

Mr. Tadych stated that he will introduce an ordinance this evening to amend Codified Ordinance Section 171.01 regarding the City’s investment policy. The term of investment shall be increased to a five-year limit, from the existing one year limitation. The ordinance also calls for submission of a new policy to the City’s investment banks to acknowledge and sign the agreement with and to the City.

Establishment of Investment Account with Huntington Bank.

Mr. Tadych stated that addressing the matter of investments further, he will introduce a resolution this evening to establish an additional account with Huntington National Bank for active and interim funds as part of the current depository contract authorized by Ordinance No. 16-70. The Finance Director is interested in taking part in the new investment plan being offered by Huntington Bank.

May 2021 Financial Reports.

Mr. Tadych will formally acknowledge the May 2021 Financial Reports of the City of Bay Village by motion at the Regular Meeting of Council this evening. He noted that the Municipal Income Tax Collections are almost at the same level of collection as they were in 2019, which is very favorable.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier, DeGeorge, Winzig**

Mixed Use Overlay Ordinance No. 21-24 – Consideration for adoption at Special Meeting of Council this evening.

**Ms. Maier** advised that a meeting of the Planning, Zoning & Public Grounds and Buildings Committee was held earlier this evening. Council will seek to approve the Mixed Use Overlay Ordinance No. 21-24 at the Regular Meeting of Council following this meeting.

Northern Extension of Red Oak Lane

Ms. Maier will introduce a resolution for first reading this evening for a lot division and the extension of Red Oak Lane.

Chapter 1179 – Sign Control.

Ms. Maier advised that the Planning, Zoning, Public Buildings and Grounds Committee began reviewing a new draft of Chapter 1179, Sign Control, at their meeting this evening. Additional meetings will be set throughout the rest of the month to work on sign control, as well as the tree ordinance.

Congestion Mitigation and Air Quality (CMAQ) Projects administered by the Northeast Ohio Areawide Coordinating Agency (NOACA) Grant Application.

A resolution has been prepared to apply for funding to Northeast Ohio Areawide Coordinating Agency (NOACA). Ms. Maier called upon Kathryn Kerber, Project Manager, present via Zoom, for further information.

Kathryn Kerber stated that this is a Congestion Mitigation and Air Quality (CMAQ) application to construct a path on the west side of Cahoon Road in the middle of the park. It would essentially replace the existing sidewalk with a path that is more accessible for bicycles and other forms of transportation. It was part of the Master Plan and the NOACA Connectivity Study, and there is a possibility to get funding for it. The funding availability would not be until 2026.

Ms. Maier commented that the project has a 20% local portion, and the project cost is estimated at \$226,836.14.

Mr. Clark asked Ms. Kerber if there is a better chance of obtaining a grant when the City is shovel ready from a financial standpoint to share in the cost of the plan that is part of the project. Ms. Kerber stated that it depends on the grant. Some give extra credit for contributing a larger percentage; some do not take that into consideration.

Ms. Maier stated that for the CMAQ grant, extra points might be received if plans are in place, but this is a low risk project.

Mr. Clark stated that since this project is in line with the Master Plan there is no reason not to move forward with the resolution this evening.

Mr. Clark asked Ms. Maier if the intention is to dispense of the sign control ordinance prior to the elections this fall. Ms. Maier stated that Mr. Clark is correct regarding the schedule to review the ordinance.

Ms. DeGeorge asked if the resolution for the extension of Red Oak Lane is the final plat, noting that she was expecting the wording to be different than just the extension of Red Oak Lane.

Mr. Barbour stated that this is the language that would be used at this juncture. It is the same language that was used when Crestview Drive was extended. The last time this was done was the Crestview extension.

Ms. DeGeorge asked if this is the only time Council will vote on that lot split.

Mr. Barbour stated that Ms. DeGeorge is correct. This is the only time Council will vote on the current application.

**PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Kelly,  
Maier, Greco**

**Mr. Kelly** had no report this evening.

**RECREATION & PARKS IMPROVEMENT COMMITTEE-Winzig, Tadych, Greco**

Cahoon Memorial Park Restroom Improvement Project, Second Reading of Ordinance No. 21-43 at Regular Meeting of Council this evening.

**Mr. Winzig** will present Ordinance No. 21-43 which is presently on first reading for second reading with potential for adoption this evening. The ordinance is for the Cahoon Memorial Park Restroom Improvement Project. At first reading the Council received a detailed breakdown of the original budgeting assembled between the state, the soccer club, and moving funds that were unspent on a few other projects. Council received a report through the Director of Public Service and Properties from Sixmo Architects and the opportunity to include the alternatives to the project. There was a favorable bid received from the potential contract builder that was quite a bit lower than the bid budget. Finance Director Mahoney was asked to go through where all these different funding sources come from, to make sure everyone understands it. Mr. Winzig stated that as long as everyone is comfortable with the project, the ordinance can be put up for second reading and adoption this evening.

**Finance Director Mahoney** stated that in 2019, the amount of \$245,000 was budgeted. The amount of \$75,000 came from debt; \$130,000 from State Capital, and \$25,000 from the Bay Soccer Club. Funds were budgeted in 2019 for a fire boat storage building and that budgeted money was moved to this project since it was decided not to go ahead with the fire boat storage building. The amount of \$129,000 was remaining in the funds debted out for the cemetery project. Because it was debt funds for park improvements, the money has to be used for a similar activity. The cemetery project changed course and the \$129,000 in debt was not needed for the cemetery project and

moved toward the Cahoon Parks Restroom Project. In 2020, Council appropriated \$145,000 from Fund 495, which is cash, and again in 2021, another \$92,000 from Fund 495. That left an available appropriated amount of \$616,000. Funds spent for this project to date are \$21,000 which leaves \$595,000 available.

Mr. Winzig stated that there was some question about the continued intent of the Bay Soccer Club. In talking to that group it was learned that the allocation of funds of \$25,000 was approved by a prior board. Now that the club has a new board they want to go back and make sure the board is supporting that allocation of funds. Mr. Winzig stated that it is not enough money to offset what was budgeted, the project can still go forward. The question is whether Council wants to wait for that authorization to approve the project.

Mr. Clark stated that Council has appropriated enough money to cover the project. The project bid came in favorable at \$470,000 including all the additional components, and if some assurance is received that there is \$130,000 coming from the state, and a reasonable assurance that the soccer club would keep their previous commitment, the project cost to the City would be about \$300,000.

Mr. Tadych asked if there is assurance regarding the Bay Soccer Club donation. Mr. Clark stated that it is a small part of the project. Mr. Tadych commented that the project is being done for them.

Mayor Koomar asked Recreation Director Enovitch if he had any conversation with Sean Egan, the President of the Bay Soccer Club.

Mr. Enovitch stated that Mr. Egan said that the new board just wants to review the project for approval.

Mr. Tadych asked when Mr. Enovitch spoke to Mr. Egan. Mr. Enovitch stated that he spoke with him approximately two weeks ago.

Mr. Tadych stated that he thinks the project could move forward. Mr. Clark stated again that the bid came in favorably, the money is appropriated, but he would like a strong assurance that the soccer club will commit their portion. He suggested writing it into the ordinance by amending by reading.

Ms. DeGeorge asked if there is assurance for the state funding of \$130,000.

Mayor Koomar stated that he spoke to the state last week and they said it is good to go.

Mr. Clark stated that he is in favor of taking the ordinance to second reading and consideration for adoption if Mr. Winzig wants to put in any caveats. It seems to be green lighted all the way and perhaps it is just a formality for the soccer club. He would be more concerned if the project came in at a half a million or \$600,000.

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

Mr. Clark stated that it is a lot of money, but getting \$150,000 from the outside will make it a much better project for the City. Another nice thing is that it is the same contractor that is doing the facility at the high school.

Ordinance No. 21-43 will be brought forward for adoption this evening.

### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Greco, DeGeorge, Kelly**

**Mr. Greco** had no report this evening.

### **MISCELLANEOUS**

**Ms. Maier** will schedule a Planning, Zoning, Public Buildings and Grounds Committee meeting in the near future.

Mr. Clark stated that Council will vote for summer recess at the end of June. There are usually special meetings held during the months of July and August to take care of legislation that might be time sensitive.

The next meeting of Council will be Monday, June 21, 2021.

### **AUDIENCE**

**Robert Petkash, 574 Red Oak Lane**, stated that he is present this evening concerning the Red Oak Lane Subdivision project. He advised sending an email to each member of Council on June 6, 2021, which expressed the continued objection of the neighborhood for the continuation of the project. Mr. Petkash stated that he wanted to make Council aware that everyone is still objecting and hope that you will give the neighbors' concern consideration when making their decision.

**Mr. Ed Smith, 23718 Cliff Drive**, is present this evening to try to make a contact with Mr. Vaidya who has applied for a submerged land lease. Mr. Smith will try to make that contact through the engineering company who presented the application. He thanked Mr. Tadych for providing the information.

Mr. Smith stated that the City of Lakewood Councilman he has been working with has set up a meeting with the Cuyahoga County executives. It was led by Michael Dever, the Director of Public Works for Cuyahoga County, and the discussion was about Special Improvement Districts for the entire county. Mr. Smith let them know that Bay Village is moving ahead; there is collaboration and cooperation at this point. Mr. Smith noted further that about a month ago he did send in a list of all the homeowners on Cliff Drive to Mr. Kevin Butler of McDonald Hopkins to tell him to proceed. Mr. Butler is waiting for more names. Mr. Smith is appealing to the Council and administration to say possibly could they look at something in the next Mayor's newsletter regarding exploring the idea of the Special Improvement District, and those along the lakefront that are interested in partaking of that to please let us know. Mr. Smith could then

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begin gathering some of those names. In the meantime, Mr. Smith asked Law Director Barbour to encourage Mr. Kevin Butler of McDonald Hopkins to move forward.

Mr. Barbour stated that Mr. Butler will be drafting all of the necessary documents without waiting for additional names. Mr. Butler will have the agreement and legislation to the City sometime relatively soon.

Mayor Koomar suggested that Mr. Smith speak with Jeff Foster, who is head of the Sunset Homeowners Association. Mr. Smith stated that he did meet with Mr. Foster and Mr. Dever's brother, Steve. Both were very interested in pursuing the Special Improvement District.

Mr. Smith will write something for the Mayor regarding this project and the Mayor will send it out in an email blast.

Ms. DeGeorge confirmed with Mr. Smith that he is not objecting to the submerged land lease on the agenda for Council this evening. Mr. Smith stated that he just looking for contact information and is not objecting to the submerged land lease.

Mr. Smith stated that the Water Department of the City of Cleveland has a 300 ft. wide easement and it is treading on some of the properties they are considering. He has contacted the Water Department.

## **ADJOURNMENT**

There being no further discussion, the meeting adjourned at 7:23 p.m.

/s/ Dwight A. Clark

Dwight A. Clark, President of Council

/s Joan T. Kemper

Joan T. Kemper, Clerk of Council