City of Bay Village
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April 17, 2020

A Special Meeting of the Bay Village City Council will be held on **Monday, April 20, 2020,** at **6:00 p.m., via Video-Conference,** to take action on items listed below. There will not be a Committee Meeting prior to this Special Meeting. Information to access the meeting by Zoom or telephone is included below.*

Members of the Public are invited to send comments or questions by 3:00 p.m. the day of the meeting to the Clerk of Council, jkemper@cityofbayvillage.com. The comments or questions will be addressed by the President of Council in the audience portion of the meeting.

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https://zoom.us/j/99458408486

Meeting ID: 994 5840 8486

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1. Roll Call; Pledge of Allegiance led by David L. Tadych, Vice President of Council and Councilman of Ward 1.

2. Motion to approve the Minutes of the Special Meeting of Council held March 20, 2020. **(Mr. Tadych)**

3. Motion to approve the Minutes of the meeting of the Cahoon Memorial Park Trustees held March 20, 2020. **(Mr. Tadych)**

4. Announcements.

5. Motion to acknowledge receipt of March 2020 Financial Reports of the City of Bay Village, as prepared and submitted by Finance Director Renee Mahoney. **(Mr. Tadych)**

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

7. Ordinance authorizing the Mayor to enter into a contract with Tri-Mor Corp. for the construction of a Transfer Station Ramp at the City Service Garage, and declaring an emergency. **(Mrs. Stainbrook)**

8. Ordinance authorizing the Mayor to enter into an agreement with American Pavements, Inc. for the 2020 Crack Seal of Pavement, and declaring an emergency. **(Mrs. Stainbrook)**

9. Resolution amending Resolution No. 20-34 authorizing all actions necessary to accept a Northeast Ohio Public Energy Council ("NOPEC") 2020 Energized Community Grant, and declaring an emergency. **(Mr. Kelly).**

10. Ordinance to enter into an agreement with Smith Group, Inc. for services related to the Cahoon Park Public Access Study, and declaring an emergency. **(Ms. Maier)**

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

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

13. Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of $744,436 of notes, in anticipation of the issuance of bonds. **(Mr. Tadych)**

14. Ordinance providing for the Issuance and Sale of $744,436 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of acquiring equipment used in performing the functions of the City's Department of Public Service and Properties, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

15. Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of $155,000 of notes, in anticipation of the issuance of bonds. **(Mr. Tadych)**

16. Ordinance providing for the Issuance and Sale of $155,000 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of acquiring computer software for use in performing the administrative functions of the City, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

17. Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of $240,087 of notes, in anticipation of the issuance of bonds. **(Mr. Tadych)**

18. Ordinance providing for the Issuance and Sale of $240,087 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of improving the City's Parks and Recreational Facilities by constructing improvements to the Basketball Courts at Reese Park, and Walking Trails in Cahoon Park, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

19. Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of $124,000 of notes, in anticipation of the issuance of bonds. **(Mr. Tadych)**

20. Ordinance providing for the Issuance and Sale of $124,000 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of acquiring motor vehicles and equipment for use in performing the functions of the City's Police Department, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

21. Fiscal Officer's Certificate certifying estimated life and maximum maturity for the issuance and sale of $236,500 of notes, in anticipation of the issuance of bonds. **(Mr. Tadych)**

22. Ordinance providing for the Issuance and Sale of $236,500 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of improving streets and related bridges by resurfacing, paving, and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

23. Resolution certifying unpaid Sewer Rental and Refuse Collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

24. Resolution certifying unpaid Tree Removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

25. Resolution certifying unpaid Grass Cutting and Cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

26. Resolution certifying unpaid Sidewalk Repair and/or Construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. **(Mr. Tadych) (First Reading and Consideration for Adoption)**

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

28. Miscellaneous

29. Adjournment

Charter Reference 2.11 Dwight A. Clark, President of Council

C. O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 7:30 p.m. However, Council generally meets informally at 7:00 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.

CITY OF BAY VILLAGE

Agenda, **Cahoon Memorial Park Trustees** **April 20, 2020**
Dwight A. Clark, President of Council
Presiding

A virtual meeting of the Cahoon Memorial Park Trustees will be held following the virtual Special Meeting of Council to be held on April 20, 2020, at 6:00 p.m.

https://zoom.us/j/99458408486

Meeting ID: 994 5840 8486
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Members of the Public are invited to send comments or questions by 3:00 p.m. the day of the meeting to the Clerk of Council, jkemper@cityofbayvillage.com.

CAHOON MEMORIAL PARK TRUSTEES

Motion to approve a Professional Services Contract with the Smith Group, Inc. to complete a Master Plan of the Cahoon Memorial Park Lake Erie shoreline, and adjacent areas. **(Mr. Winzig)**

Adjournment.

City of Bay Village

Council Minutes, Special Meeting March 20, 2020
Council Chambers 5:00 p.m.
President of Council Dwight A. Clark, presiding

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

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Jon Liskovec, City Engineer Don Bierut, Clerk of Council Kemper.

AUDIENCE

There were no members of the audience present this evening.

President of Council Clark called the meeting to order at 5:00 p.m. with roll call and the Pledge of Allegiance led by Thomas J. Kelly, Councilman-at-large.

Mr. Clark thanked the Mayor, the administration, the City Council, and all who have worked to put together this Special Meeting of Council tonight during these unusual times for our City and our Country. He stated further that this could be the last meeting for some time, given the health situation that is being dealt with at this point in time. Life is playing out day by day as it stands now, and hopefully the tide will end in the next couple of weeks. We will try to keep the City running positively, and without interruption.

Motion by **Tadych** to dispense with the reading and approve the Minutes of the Regular Meeting of Council held March 2, as prepared and distributed.

Motion passed 6-0, and one abstention by Mr. Clark.

Motion by **Tadych** to dispense with the reading and approve the Minutes of the Cahoon Memorial Park Trustees Meeting held March 2, as prepared and distributed.

Motion passed 6-0, and one abstention by Mr. Clark.

Law Director Barbour addressed Council regarding the ordinance to be introduced by Ms. DeGeorge authorizing the Mayor to take any and all administrative action deemed necessary in the handling of the State of Emergency and mandates by various State and County agencies, in light of the recent health crisis created by the rapid spread of the Coronavirus.

Mr. Barbour explained that the Bay Village City Charter requires City Council to meet twice per month in regular session. In view of the fact that the current health crisis may cause a situation where Council is unable to meet, or cannot gather a quorum, the ordinance to be introduced by Ms. DeGeorge was written to provide a loophole to the meeting requirement established by City Charter. Section 2.11 of the City Charter also states that the President of Council, the Mayor, or any three Council members can call a meeting when it is deemed necessary to do so. Mr.

Barbour noted that when the current health crisis runs its course and the City and County can resume their normal business, the ordinance to be adopted this evening will be repealed. The ordinance also permits the Mayor and his designee to cancel all Boards and Commission meetings in the interest of the public health. The ordinance also ratifies what the administration has already started to do to deploy the City work force in a way to minimize contact with each other and not affect the public, while still providing services. The language for the ordinance has been written by Mr. Barbour after consultation with members of the Ohio Municipal Attorneys Association and the Northeast Ohio Law Directors Association.

In response to a question by Mrs. Stainbrook regarding the necessity to have in-person meetings, Mr. Barbour commented that Ohio Revised Code 121.22 (c) requires all meetings be in-person meetings, and the City would be taking a risk by meeting through video conferencing.

Ms. DeGeorge asked if Council would be permitted to conduct a meeting in a larger venue to permit members of the public to participate. Mr. Barbour stated that Council can meet at an alternate site, if necessary. Mr. Kelly noted that it would be disturbing to place members of the public at risk while taking measures to protect the health of the Council members. In response to a question by Mrs. Stainbrook, Mr. Barbour stated that the City Council will be permitted to meet during times of a State mandated "lockdown."

Mr. Clark asked if the City's IT service provider will be in a position to assist the City in the event that virtual meetings are necessary and permitted in the future. Mr. Barbour stated that it would probably be arranged as a call-in for the Council members, taking place in a setting where the public could attend and hear the call. In talking to Bailey Communications, the IT service provider for the City, they are overwhelmed by their municipal and governmental clients to enable their employees to work remotely.

Ms. Maier suggested of looking into the possibility of working with WebEx, for an online meeting.

Mr. Kelly stated that he is struggling with the idea of the City providing for one of these meetings and having a public place for people to gather, when the City has taken the approach that City officials should not gather. He stated that he understands what is being said in terms of access for people that would not have that online capability, but it is disturbing that we would protect the health and safety of the Council and administration, but not the public.

Mrs. Stainbrook noted that telecom platforms are overwhelmed now with poor reception and delays.

Mr. Barbour suggested that if it comes to be necessary to meet in a virtual manner, it would be best to just take care of the necessary matters. The fewer items addressed outside the normal way things are handled would be the most favorable way to proceed.

Ms. DeGeorge read and introduced **Ordinance No. 20-25** authorizing the Mayor to take any and all administrative action deemed necessary in the handling of State of Emergency and mandates by the Governor of the State of Ohio, the Ohio Department of Health, and the Cuyahoga

Department of Health, as it pertains to the operations of the City of Bay Village, including adjourning, postponing, or canceling meetings and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-25.

Roll call on Suspension of Council Rules:
Yeas- Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig.
Nays – None.
Roll Call on use of Adoption:
Yeas – Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig.
Nays – None.

Mr. Barbour announced adoption of Ordinance No. 20-25, an emergency measure, by a vote of 7-0.

Ms. DeGeorge introduced and read **Resolution No. 20-26** authorizing the donation of personal property items received into possession by the Bay Village Police Department to the Village Bicycle Cooperative, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-26.

Roll call on Suspension of Council Rules:
Yeas- DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays – None.
Roll Call on Adoption:
Yeas – DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark
Nays- None.

Mr. Barbour announced adoption of Resolution No. 20-26, an emergency measure, by a vote of 7-0.

Motion by Tadych to acknowledge receipt of February 2020 Financial Reports of the City of Bay Village, as prepared and submitted by Finance Director Renee Mahoney.

Mr. Tadych stated that in reviewing the financial statements, there is a significant increase in receipts in the month of February, due to a problem with bookkeeping which has been corrected by the Finance Director.

Motion passed 7-0.

Mr. Clark called upon the administration to discuss each particular item included in an amended appropriation ordinance to be introduced by Mr. Tadych this evening.

Finance Director Mahoney explained each of the additional appropriations funded by this amending ordinance, as follows:

The first item is the CMAG-22 Crosswalks and Path original appropriation of $146,000, which is down to $3,000 remaining from the original appropriation. City Engineer Don Bierut commented that the path also included the two crosswalk projects that were installed last year on Lake Road, at Columbia Road, and at Cahoon Road. Bids for those crosswalks came in higher than anticipated which led to the shortfall of $10,000 for the path under the bridge, north of Lake Road. This is the last part of the northern end of the project.

Mr. Clark asked if there are design renderings of the way this project will be implemented. Mr. Bierut stated that the section that is covered under this project is under the bridge and goes up about 125 feet on the haul type road that comes off of Lake Road. It is a very small section of path, about 12 feet wide. The southern half runs all the way from the Lake Road Bridge toward the sledding hill parking lot. That section is currently under design.

Director of Public Service and Properties Liskovec stated that there is not much to be displayed in a rendering. It is a gentle sweep that goes up through the existing woods area to the haul road that Mr. Bierut mentioned.

Mr. Tadych asked if trees will need to be removed. Mr. Liskovec stated that there will be tree removal.

Mr. Tadych asked if there will be fencing. Mr. Bierut stated that there is fencing in place now underneath the bridge, but there will be no additional fencing.

Mr. Tadych asked if there will be lighting, and was informed by Mr. Bierut that there will not be lighting.

Mr. Winzig asked if the lane is a bike lane and a walking lane. Mr. Liskovec stated that it will be a multiuse trail. It will be 10 ft. wide with berms on each side, which follows the grant application. Mr. Bierut noted that it is very similar to what is seen in the Metroparks. Mr. Winzig commented that there is a similar path on Wolf Road with a green dotted line in the middle for separation.

Mr. Winzig asked if there is a need for lighting under the bridge, noting there is lighting on the Metroparks Bridge.

Mr. Liskovec stated that lighting would be a complicated and expensive project to undertake, because of the location.

Mayor Koomar stated that the lighting could possibly be added later. Ms. Maier suggested a simple wall pack on the bridge itself for illumination, and not doing lighting all around the trail.

Mr. Winzig commented that on all of these path projects we have discussed design aspects and for this project we are being asked to appropriate funds without design.

Mr. Bierut stated that a design is available. Mr. Liskovec will circulate the design to Council.

Mayor Koomar noted that the administration did meet with the Smith Group Environmental Design with Ms. Maier present. Input on options can be received when a firm is selected going forward. The attempt is to do the interconnectivity with the parking and lake shore planning.

Mr. Winzig stated that there was discussion about split rail fence and different decorative aspects to a trail that might enhance the overall area. This presentation sounds like just asphalt.

Mrs. Stainbrook stated that there is some description in a letter identifying the location provided by Mr. Bierut.

Cahoon Multiuse Facility

Mayor Koomar stated that the environmental piece of this project, making sure there would be nothing in harm's way, held this project up a bit. It has been clarified that this project can move forward and have it under contract, with completion not required by June 30, 2020. The Mayor is working with Representative Dave Greenspan and the Ohio Department of Natural Resources (ODNR) to get language that is suitable for Cahoon Memorial Park. Good progress was being made until recent events. The thought, two-fold, is that we have the potential of getting this project out to bid and get a sense of what the bids will reveal. The bidding environment over the last 18 to 24 months has not been all that favorable. However, bidding this now may show better results since there may not be a lot of work at this time. If the City does not like the bids, they do not have to be accepted, but it gives the ability to put the project in play and work out the language with the State. If we cannot come to agreement with the State, we would not accept the bids at all, or give it deeper thought. Given the circumstances, going out for bids at this time does not have a lot of downside. Perhaps we can beat the June 30 deadline, not knowing if that will be adjusted at some time. Clarification was received from the State that they would like the project under contract, if we decide to move forward and accept a bid.

Mr. Liskovec stated that in his agenda request submitted March 18, 2020, under the heading "Current Fund Available" there is a typographical error. If approved tonight, the project design is ready to go out to bid, but we still have the final details to tie it all together and get it ready for

the public. We are still looking at a week and a half to put it all together and get it out there. We don't know what the bidding environment looks like right now. It could be something that works in our favor. We need to have a better understanding of where that is going to take us, that way Council can make a decision on how to proceed.

Mr. Clark asked if it is necessary for Council to appropriate the funds for the project before placing the project out for bids. Finance Director Mahoney stated that this is correct.

Mr. Clark stated that the price of the project has morphed into something more than we would like to see. The challenge is we do not have definitive funding sources, i.e. the State and the Soccer Club, locked up. Mr. Clark added that he would welcome comments from Council members.

Mayor Koomar stated that relative to the Soccer Club, Mr. Enovitch and the Mayor were scheduled to meet with them on Sunday evening, until that was postponed. He stated that he talks with their representative frequently, and he has reiterated that the club is firm for the $25,000 donation for the project. It just has not been formalized with them yet because the City has not formalized the project. The Soccer Club representative said that they need the storage and this is the most efficient way for them to get the storage.

Ms. Maier asked what Sixmo Architects' reaction has been throughout this work, that they were so "off" in designing it, acknowledging that the bidding environment has been more difficult lately. That is a big increase, that throughout the design process we wouldn't have known a little earlier on.

Mayor Koomar stated that Ms. Maier is correct, he feels that they dropped the ball. There is a piece in there of the bidding environment, and a piece in there of what they are trying to get out of it, and talking with these groups about more cover and getting the Soccer Club the space they wanted. The Mayor has been clear with them that this should have been brought to the City's attention sooner.

Mr. Tadych stated that he believes the project is just way too expensive. The only reason he is willing to go forward with it at this point is the need for decent bathrooms for our community. Not the Soccer Club, not anything else, it is the idea of our community having decent facilities in our park.

Mr. Clark stated that Mr. Tadych's point is a point well taken. As long as Council provides the support today, we are not obligated to accept a bid. He would be concerned if we were committing the money today without further say from Council.

Finance Director Mahoney reminded Council that once the bids are received Council must review the bids. Because the money is appropriated it doesn't necessarily mean we have obligations to spend the money.

Mr. Barbour commented that nothing about the ordinance just adopted (Ordinance No. 20-25) would allow acceptance of the bid without Council approval.

Mr. Winzig asked if the balance of $25,000 from the Rosehill Museum Project is all the money that was saved, or a portion of the money saved. Mr. Liskovec stated that it is all the money that was saved. Mr. Clark noted that the Rosehill Museum Project was done on time and under budget.

Mayor Koomar stated that in normal circumstances they might have held on this Multiuse Facility Project for a week or two to get their ducks in a row. Ms. Kerber is working remotely and there is a NOPEC grant that they would like to access for City operations for the Service Garage Roof Repair. The budget for the Service Garage Roof is $35,000. The NOPEC grant is for energy efficiency and they think if we use the right contractor that project would count. There is an opportunity in some of this that there might be some buckets of money that could reduce that and we could move it around. Normally, we would try and figure that out before bringing it to Council, but not knowing where we are in the timing we wanted to get that out for discussion. There are other opportunities to lower that number.

Mr. Clark stated that the project will face scrutiny once the bids come in and we learn the numbers. At that time we can talk about that in more detail.

Sunset Improvement Project

Mr. Liskovec stated that the paving component of the Sunset Improvement Project is on the agenda for Council approval this evening. At the request of the Council President, Mr. Liskovec included the synopsis of money spent thus far on the Sunset Improvement Project. The utility section work included one of the alternates as a necessary measure, and did lead to some additional spending. In regard to the paving component, the bid of the successful bidder was lower than the advertised construction estimate of $250,000.

City Engineer Don Bierut stated that in regard to the Utility Portion of the Sunset Project, the contractor is almost finished. They are ahead of their scheduled completion time of May 15, 2020. The work included water lines, sanitary and storm sewers, with the water lines being the most difficult portion. The water line on Kenmore Drive is chlorinated and is in use. The line on Rockledge, if not chlorinated, is very close. Lead connection has been discovered from the old water lines back to some homes that the Cleveland Water Department will have to deal with. The Cleveland Water Department will not enter the homes to do anything under the current public health conditions. The homes were connected on a temporary basis so that the residents are getting clean water and bypassing the lead lines. Those temporary connections are out of the way of the paving portion. Regardless of when Cleveland Water Company comes back, we can proceed on the paving.

Mr. Bierut stated further that Mr. Liskovec mentioned the additional work on Lake Road making those taps. There have been considerable number of challenges with this project, including but not limited to, tons of laterals coming out of houses at varying depths that were unknown that the contractor had to deal with, and gas lines that Columbia Gas Co. did not know the location of and in some cases forced the contractor to have to hand install some of the water line portion. In more than one case, there was no line there and nothing to be cautious about, but people did not

know that. The lines that Mr. Liskovec mentioned on Lake Road reached the tap point and then discovered that the water main past the tap point was deteriorated. On the good side, credits were given by the contractor for doing things differently which offset all of the challenges they had. The utility portion is within a week or two of completion. They are preparing to install sidewalks and driveway aprons that were disturbed by the construction.

Mr. Winzig asked if there is correspondence regularly with the residents of the Sunset neighborhood in regard to these projects.

Mr. Bierut stated that the contractor has been communicating home-by-home with affected residents.

Mr. Winzig stated that perhaps when the utility work is completed and the bids for the paving contracts are awarded this evening there could be an update. The bid states that it is a 90-day project from starting date, which would be good to let the residents know.

Mr. Bierut stated that the residents have been remarkably patient.

Mayor Koomar commented that they had communicated the process up front and some of the changes with Mr. Jeff Foster, who lives in the Sunset neighborhood. At the pre-construction meeting, the contractor did indicate that they were going to do personal touches with the residents. The Mayor has talked with Mr. Foster and he has informed the Mayor that the contractor has been great and is communicating directly with the residents. The Mayor has not received one single phone call regarding the project, which is a good testament that they did what they said they were going to do at the pre-construction meeting, which isn't always the case.

Mr. Bierut stated that there were alternates to the contract that they did not have to perform as part of the project which saved some funds.

Mr. Tadych stated that he does not know if money is being saved, because we are up to about $900,000 on this project.

Mrs. Stainbrook thanked Mr. Liskovec and Mrs. Mahoney for the financial information they provided in regard to total amount of money spent on the Sunset utilities and paving since 2013, which makes it so much easier for Council to understand the cost of this project. From 2013 to 2017 total CT Consultants expenditures were $186,586.85. From 2019 to 2020 another $620,000 was spent. The total to date is $808,200.00.

Mr. Clark stated that an additional $22,000 is needed to be appropriated this evening for the paving project. He noted that for as many delays that have been seen for the past thirty-some years it is nice to know that the utility portion is going to be done ahead of time, and we have been advantaged with good weather. We are pleased with the contractor, which is good to see as well.

Mr. Tadych asked if the lead pipes reported by Mr. Bierut this evening are going into the homes.

Mr. Liskovec stated that it is the lead pipes from the main to the shut off. There is one resident that has a lead pipe that goes from the main all the way into his house. That connection cannot stay, and will have to be redone all the way from the main to the house.

Mr. Tadych asked who will pay for that correction.

Mr. Bierut stated that from the water main to the shut off valve, which is normally behind a sidewalk, the one in the tree lawn area, is a city cost. Typically, from that shut off to the home is a homeowner cost. That is the "policy", but it is unsure if the Cleveland Water Department always follows that. Cleveland Water Dept. has come in to replace lines from the shut-off into the home. Because of the current public health crisis, they will not go into the home for inspection.

Law Director Barbour stated that he would guess that half of the houses in Bay Village have lead service lines. What happens sometimes is that if someone discontinues their service, i.e. during remodeling projects, and when it is requested to turn the service back on, the Water Department will not do that because the resident has a lead line. If you go to the curb stop and turn the water off there and keep paying the basic charge per month, then there is not that problem. Mr. Barbour stated that he has gotten calls on this and has talked to the Cleveland Water Department about this on several occasions. If members of Council have any constituents that are going to undergo work the Building Department advises people that they do not want to discontinue their service. The best way is to turn it off at the curb. We have had builders and residents who have had to replace their service line.

Mr. Tadych asked if the City will not pay for those lead line replacements for the Sunset area.

Mr. Bierut stated that in the past the Cleveland Water Department has replaced them. Mr. Barbour added when there is water line replacement that is part of the overall supply to a neighborhood they have done it in the past.

Mr. Tadych asked if the City will be responsible for the replacement under any circumstance. It will either be the Water Department or individual from the front line to the house. Is that correct?

Mr. Barbour stated that he would not use the term "under any circumstance."

Mr. Tadych stated "under this circumstance?"

Mr. Barbour stated that the City's position is that based on past practices it is the Water Company's responsibility.

Mr. Tadych asked if we have any idea how much this is going to add to the project, or if it is going to add to the project.

Mayor Koomar stated that it has always been Cleveland Water.

Mr. Bierut stated that on any project there is a quantity included for something discovered. The contractor has to tell the owner he has a lead line, providing filters to use for the next 90 days for the water supply, and quoting a cost to replace the water line. Mr. Bierut noted that in his own neighborhood there is a sanitary sewer project and they discovered lead lines and he saw the Cleveland Water Department replacing those lines. It is set up in the contract for the homeowner to pay that price. In reality, Cleveland Water Department often does the work themselves.

Ms. Maier asked the cost for the replacement. Mr. Bierut stated it depends on the connection. If it is to the house it can run $5000 to $6000.

Longbeach Paving Project

An additional appropriation of $1,000 is required for the Longbeach Paving Project, with the total contract cost to be approved this evening at $105,000.00 with 15-20 days to complete. The successful bidder is Ronyak Paving Company.

Mr. Tadych introduced and read **Ordinance No. 20-27** to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2020, as previously appropriated in Annual Appropriation Ordinance 19-109, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-27.

Roll call on Suspension of Council Rules:
Yeas- Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.
Roll Call on Adoption:
Yeas – Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays- None.

Mr. Barbour announced adoption of Ordinance No. 20-27, an emergency measure, by a vote of 7-0.

Mr. Clark stated that the next item on the agenda is an ordinance repealing Ordinance No. 16-32, which was voted down six weeks ago. The ordinance is to adjust some of the figures related to bidding requirements for personal services contracts and Capital projects. Mr. Clark asked the administration for their comments.

Law Director Barbour stated that the reasons for this request now, understanding that it was voted down previously for further discussion, are the highly unusual circumstances at this time due to the public health crisis. If something has to be purchased and the Council cannot be convened, the City would lack the ability to make the purchase, such as a health expert to give advice regarding the pandemic conditions, or other professional personnel services contract or a piece of equipment that might be needed. If the ordinance to be presented this evening is adopted it can be repealed after the current health crisis is resolved.

Mr. Clark stated that the current ordinance allowing purchases has a $20,000 limit. Mrs. Stainbrook asked if the limit amount would be changed to $50,000. Mr. Barbour stated that there is no limit on personal service contracts, such as the Jason Russell contract.

Mr. Clark stated that since the City is unchartered waters at this time, and it is not known what contingencies might happen, this ordinance will give the administration flexibility at this uncertain time.

Mr. Tadych read the following statement in regard to the ordinance:

"This is indeed an exceptional time in our lives, where caution in all our actions is appreciated. By repealing Ordinance 16-32, which Council has just voted to hold in place a few weeks ago, and has been in place since 2016, we are allowing higher emergency spending by the administration without Council approval. It is my hope that when this crisis is over Ordinance 16-32 will be restored, and an open, written report of these spending charges will be presented."

Mr. Barbour commented that no money that has not been appropriated can be spent.

Mr. Tadych introduced and read **Ordinance 20-28** repealing Ordinance No. 16-32, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-28.

Roll call on Suspension of Council Rules:
Yeas- Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Kelly.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Kelly.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Kelly.
Nays – None.
Roll Call on Adoption:
Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Kelly.
Nays- None.

Mr. Barbour announced adoption of Ordinance No. 20-28, an emergency measure, by a vote of 7-0.

Motion by Maier, to authorize the Director of Public Service and Properties to advertise for bids for the CMAG 22 Trail Construction Project.

Motion passed 7-0.

Mrs. Stainbrook introduced and read **Ordinance 20-29** authorizing an agreement with Specialized Construction, Inc. for Street Resurfacing Material and Services for the Sunset Area Improvements, and declaring an emergency, and moved for adoption.

Mr. Clark thanked Mr. Liskovec, Mrs. Mahoney and the administration for putting together the cumulative cost on the project.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-29.

Roll call on Suspension of Council Rules:
Yeas- Stainbrook, Tadych, Winzig, Clark, DeGeorge, Kelly. Maier.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas –Stainbrook, Tadych, Winzig, Clark, DeGeorge, Kelly, Maier.
Nays – None.
Roll Call on use of 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.

Mr. Barbour announced adoption of Ordinance No. 20-29, an emergency measure, by a vote of 7-0.

Mrs. Stainbrook introduced and read **Ordinance No. 20-30** authorizing an agreement with Ronyak Paving, Inc. for Street Resurfacing Material and Services for the Longbeach Area Pavement Maintenance Project, and declaring an emergency, and moved for adoption.

Mr. Bierut stated that the field crews are still laid off and the asphalt plants are not yet open. The intention is to start the work in May, and stay on the project until the work is completed. Mr. Clark noted that this is the first contract for this company with the City and they will be anxious to make a favorable impression.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-30.

Roll call on Suspension of Council Rules:
Yeas- Tadych, Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – Tadych, Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – Tadych, Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook.
Nays – None.
Roll Call on Adoption:
Yeas –Tadych, Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook.
Nays- None.

Mr. Barbour announced adoption of Ordinance No. 20-30, an emergency measure, by a vote of 7-0.

Motion by Stainbrook to authorize the Director of Public Service and Properties to advertise for bids for the Contracted Crack Seal Program. The base bid is for Bassett Road, with alternates for Clague Road and Nagle Road. Mr. Liskovec stated that the mode of operation on county streets is to use an outside contractor with the county specifications for those streets. It is hoping to be able to manage all three roads within the budget for the crack seal program.

Mayor Koomar asked if there is a sense that opening of asphalt plans will be delayed. Mr. Bierut stated that everything is uncertain at this time. Mr. Liskovec stated that weather permitting it is possible that the asphalt plants will open shortly.

Motion passed 7-0.

Motion by Stainbrook to authorize the Director of Public Service and Properties to advertise for bids for the construction of a Cahoon Memorial Park Multiuse Facility.

Mr. Clark noted that this project was discussed at length as part of the amended appropriation ordinance discussion this evening. Council has the ability to reverse the project if need be, or if some of the funding sources do not come in to play.

Mr. Tadych asked if they start building this unit, and the virus throws them off and they stop, what power the City has to get the job completed.

Law Director Barbour that it depends on what the contract says. Most are standardized, and Mr. Barbour cannot inform Mr. Tadych at this moment if the business practices are crippled by a world-wide pandemic you don't have to complete the contract.

Mr. Winzig commented that often times there is a clause about national disaster.

Mr. Barbour stated that there is a Force Majeure Clause in the contract, but it has to be determined if that will exactly apply to this contract.

Ms. Maier stated that a contract she read recently had a basic hold harmless clause and did mention quarantine. It is basically no-fault on either side.

Mr. Barbour stated that usually those mean that they are not excused from performing, but they are given an opportunity to cure the issue. There is no penalty on the contractor. If absolutely no construction work can take place for thirty days and you have the right language in the contract, and normally the contract says money is owed for each day past thirty days that would not apply.

Mr. Tadych stated that the biggest contract in his mind regarding this is the Sunset Project contract. He would not want the contractor to have to stop in the middle of the Sunset Project.

Mayor Koomar stated that contractors are working outside and are not in close proximity to one another. Mr. Bierut added that the outside contractors all seem to be working.

Mr. Barbour stated that the things the government will permit to shut down does not include this type of work. What may happen is a shortage of people to do the job, rather than being half done and stopping completely.

Mayor Koomar noted that there are daily news conferences with the Governor which indicate people should practice social distancing, and the young people to take the mandates seriously. He is trying to keep everything going as much as possible.

Motion passed 7-0.

Mrs. Stainbrook introduced and read **Ordinance No. 20-31** authorizing the Mayor to enter into a contract with Duro-Last Roofing Company for the replacement of the Service Department roof over the lunch room and office space, and declaring an emergency, and moved for adoption.

Mr. Liskovec stated that initial conversations with NOPEC indicate that this project would qualify for the grant that is available for energy conservation. The structure is of white membrane and it is installed over the existing roof. It is durable and eliminates the need for removing any existing roof material and potentially stirring up any underlying asbestos that may or may not be there. The purchase is being made through a Cooperative Purchasing Agreement, guaranteeing a good price for services.

Mr. Winzig noted the budgeted amount for this project is $35,000, and the cost is well below that amount at $28,000. The NOPEC offset will be $20,700. Mr. Liskovec does not anticipate any other ancillary items.

Mr. Clark asked if any other municipalities use this white membrane product. Mr. Liskovec stated that the Ohio Department of Transportation (ODOT) is one of the biggest users at this time. The salt dome at the Cleveland Hopkins Airport has the same product installed on their roof.

Mr. Winzig noted that the roof for the Service Garage lunch room is a good investment to protect the hard working Service Department employees on their lunch break.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Ordinance No. 20-31.

Roll call on Suspension of Council Rules:
Yeas- Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych.
Nays – None.
Roll Call on Adoption:
Yeas – Winzig, Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych.
Nays- None.

Mr. Barbour announced adoption of Ordinance No. 20-31, an emergency measure, by a vote of 7-0.

Mrs. Stainbrook introduced and read **Resolution No. 20-32** authorizing participation in the Ohio Department of Transportation (ODOT) Winter Sale Contract for the 2020-2021 Season for the purchase of Road Salt, and declaring an emergency, and moved for adoption.

Mr. Liskovec stated that this is the annual road salt purchase through ODOT using statistical data to determine how much salt to purchase and considering salt storage capacity. This resolution will authorize the request for 1,250 tons of salt, which is about 500 tons less than last year, and significantly less than asked for in 2018-2019, which was 2,200 tons. Mr. Liskovec stated that he tries to look at the worst case scenario for winter, noting that we have been fortunate recently. In 2015, 3000 tons were purchased.

Mr. Clark asked if all the salt is held at the salt dome, or stored elsewhere and transported to the City as needed.

Mr. Liskovec stated that this year we were fortunate enough to start with a full shed, and ordered salt as needed. During the contract terms, ODOT stores the salt off-site and ships as needed. A number of years ago the City was required to pay for storage. The price of salt this year is $73.28 per ton, and in 2017-2018 it was $29.00 per ton. In 2015-2016, it was $52.00 per ton.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-32.

Roll call on Suspension of Council Rules:
Yeas- Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig.

Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig
Nays – None.
Roll Call on use of Emergency Clause:
Yeas –Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig
Nays – None.
Roll Call on Adoption:
Yeas –Clark, DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig.
Nays- None.

Mr. Barbour announced adoption of Ordinance No. 20-32, an emergency measure, by a vote of 7-0.

Mr. Kelly introduced and read **Resolution No. 20-33** authorizing the purchase of Two (2) International HV507 Single Axle Cab and Chassis, and Snow and Ice Control Equipment Packages, and declaring an emergency, and moved for adoption.

Mr. Liskovec stated that in going through the budget process in 2019, they asked for the replacement of two existing snow vehicles. In working with Fleet Manager Scott White, the largest impact is the chassis cost, which has increased approximately $5,000 since the last truck purchase. The snow and ice packages that are installed on the trucks have increased about $4,000 each. The over cost will be managed through additional purchases this year and balances from last year. The vehicles include the complete hydraulic system, truck body itself, salt spreaders and plows, computer systems, and warning lights to keep motorists and drivers safe. The trucks being replaced will be sold through auction.

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-33.

Roll call on Suspension of Council Rules:
Yeas- DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas – DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays – None.
Roll Call on Adoption:
Yeas – DeGeorge, Kelly, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays- None.

Mr. Barbour announced adoption of Resolution No. 20-33, an emergency measure, by a vote of 7-0.

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

There being no further discussion, Mr. Clark called for a vote on the motion of adoption of Resolution No. 20-34.

Roll call on Suspension of Council Rules:
Yeas- Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.
Roll Call on Suspension of Charter Rules:
Yeas –Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.
Roll Call on use of Emergency Clause:
Yeas – Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.
Roll Call on Adoption:
Yeas –Kelly, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays- None.

Mr. Barbour announced adoption of Resolution No. 20-34, an emergency measure, by a vote of 7-0.

Announcements

Mayor Koomar stated that when he first took office they started having meetings with the clergy of the community. The Mayor spoke with them last Tuesday and talked about a strategy for helping those potentially at risk for the longer term. Discussions in the past have been held in each church in the community regarding substance abuse programs, and it nice to have the relationship and dialogue built at this time.

The Mayor stated that sixteen people have volunteered to the Dwyer Memorial Center for anyone that may need help. Community Services Director Selig and her assistant, Connie Lupica, have done an excellent job taking care of Knickerbocker Apartments needs and working with their social worker. He noted that Director Selig has a phone system that is utilized for those folks who do not have cell phones, and 400 calls were made yesterday to check on well-being of residents.

The Mayor stated that Stacey Nye, who does catering for St. Raphael's Church, has food available, baskets made, and is ready to drop those off for residents in need.

Dr. Spanger from University Hospital has been good guidance for the safety forces in his role in reviewing all of the Paramedic runs. He is pragmatic in his approach and his guidance is invaluable.

Mayor Koomar brought in a Westcom partner at the Council of Governments (COG) meeting last week to review protocols for protective gear. Fire Chief Lyons has procured the equipment the Bay Paramedics need for near term and are planning on having stock through mid-May.

Department Directors have segmented staff into varying work arrangements to keep the City operational through phone and email, with physical presence inside the building restricted. Residents have been very understanding. The Mayor complimented the work of the Directors in keeping all staff informed.

Project work, such as the cemetery project has continued. The hope is to try to stay with Regular Council meetings twice per month, but it is unknown if that will be possible.

Building Director Tuck-Macalla, Mayor Koomar, and Mr. Bierut met with Liberty Development this week. The Service Department will film sewers for them next week. Liberty is committing to breaking ground this summer. Plans will be submitted in the near future. A call will be placed to First Energy to coordinate the moving of poles for construction of the library and the Liberty Development Project construction.

The Library Project has had bid submission, with the bids coming in high. Tracy Strobel, Cuyahoga County Library Board Director is excited to move forward with the project. They are still looking at donors for the patio, with donations already made by residents in the amount of $50,000 collectively.

The Mayor stated that most of the time over the last ten days was trying to make sure the City staff is kept safe and protected. There may be a couple of cases over the past two days. The City does not have a huge staff, so employees have been split off physically and assigned to working from home. If the front line goes down, a second team will be brought in. Curtis Krakowski, Infrastructure Manager, has been working from home. Mr. Liskovec has split his team and is trying to rotate employees. Work is being finished at the Community House. Daily temperatures are being taken of staff. Employee populations are segmented as much as possible and safety measures are being taken.

The Mayor noted that there will most probably be real estate tax delinquencies and delays, as well as a drop in Municipal Income Tax. The gasoline tax, which affects road repairs, will also be diminished. Interest rates are very low which may positively affect the City's annual borrowing program.

Mr. Kelly asked if there are any thoughts in terms of addressing what would be done if something should happen to the Mayor, given what happened when Mayor Sutherland left. Mayor Koomar stated that he has always made Police Chief Spaetzel Acting Mayor, followed by Law Director Barbour as second in line.

Mr. Tadych asked if Liberty Development has purchased the land for their project. Mayor Koomar stated that he does not know, but there have been deposits on the homes. They have brought the Oster family in for the actual project. They are very excited about the development.

Mayor Koomar stated that he sends out information in his email blasts, but will try to do his quarterly newsletter a little sooner than usual. Hard copies are available for seniors. His email blast contained information about a loan program announced by the State, and warned residents of scam artists who are already working.

Mr. Barbour stated that the State of Ohio has made significant changes to the ability to draw unemployment. He suggested constituents of Council be directed to those programs that have been changed due to coronavirus related matters, including child care and school closings. Also, the Federal Government made far reaching changes for paid sick time. Mr. Barbour encouraged Council members to keep their constituents informed of these measures that will provide benefits to those unable to work.

The Mayor reviewed the process of keeping work flowing in the City while keeping employees safe. He noted that Finance Director Mahoney has done a great job with a limited number of employees in the Finance Department. The good thing about City Hall is that it is physically spread out. Currently there are only about four people per day working in the building.

Mr. Barbour stated that because of a reduced staff, he suggested Council ask residents to be patient with calls for small matters, i.e. garbage cans left out or branches to be picked up, and assure the callers that these things will be taken care of as soon as possible.

Mr. Tadych asked if the Regional Income Tax Agency has changed the deadline for filing municipal income tax, as have the Federal and State Governments. Mr. Barbour stated that they have not changed the deadline, and it will be one of the issues taken up by the Ohio General Assembly when they are recalled.

Audience.

There were no members of the audience present.

Miscellaneous.

Mr. Winzig stated that Finance Director Mahoney put together the Available Funds Balance Report which cleared up many of the questions Mr. Winzig had in regard to carry over projects and how each of these funds change over time. On the 2020 page, we have to drop in all of the encumbrances we logged in this evening. This is a working document that helps the Finance Committee when a project trickles over with allocated funds; it can be much easier to trace.
Mr. Winzig thanked Mr. Liskovec and Mrs. Mahoney for putting this report together.

Mr. Barbour announced that a decision has been made to close sports fields because of the prohibition of gatherings by the Ohio Department of Public Health. Organized practices, meetings, or games will not be held until further notice. Mayor Koomar stated that the sports organizations have been understanding. Public buildings used by organizations and private rental parties have also been closed.

The Mayor reviewed the staffing of the Building Department and City Hall during the Stay-at-Home mandate by the Governor of the State of Ohio. The Building Department will be open for applications from 9 a.m. to 12 Noon. Property Maintenance Inspector Bob Lyons, and two other Building Department employees, will be brought in to assist Building Director Tuck-Macalla if necessary. Rental inspections have been suspended. The Mayor noted that the City of Rocky River has an even more reduced schedule of staffing for their Building Department.

Mrs. Stainbrook asked about the arrangements for the Clerk of Council. The Mayor stated that being very fit, but an older demographic, he would like her to work from home. Mr. Clark stated he will talk to Ms. Kemper about having connectivity at home, making sure she is set through the folks at Bailey Communication as well, so she is not put in harm's way.

Mr. Tadych asked what the fireworks contract allows for cancellation on the Fourth of July. Mayor Koomar stated that he feels that they are looking for the peak of the pandemic to be the end of April. Summer plans will be reviewed further as things move forward.

Mr. Clark noted that speakers and presentations scheduled for Council, as well as the off-site planning session will be held in abeyance until there is more clarity.

Mr. Barbour suggested that prior to the conclusion of this evening's meeting, Mr. Clark announce the adjournment of Council to a specific date. Mr. Tadych asked if it is necessary to vote for adjournment. Mr. Barbour stated that voting is not necessary, but an official announcement should be made.

Mr. Clark stated that Bay Village is a great city, much in part by the administration and the department heads. He thanked Council for taking time out of their schedules for the unanimous support of the legislation voted on this evening. These are extraordinary times. Bay Village is a great city because of the combined work of the administration, the Council, the Council Clerk and the department heads.

Mr. Clark announced that after this evening City Council meetings will be adjourned until June 30, 2020. Special meetings of Council will be called as necessary.

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 7:27 p.m.

Dwight A. Clark, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

March 20, 2020
7:27 p.m.

President of Council Clark called the meeting called to order in the Council Chambers of Bay Village City Hall at 7:27 p.m.

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

Also Present: Law Director Barbour, Finance Director Mahoney.

AUDIENCE

Motion by **Mr. Winzig** to approve the request of the Bay Village Foundation to use the north side of Cahoon Memorial Park for their annual Memorial Day event on Monday, May 25, 2020, from 10 a.m. to 12 Noon, including set up and take down times as necessary, and contingent upon the lifting of the restrictions on public gatherings due to the State of Emergency caused by the public health crisis.

Motion passed 8-0.

Motion by **Mr. Winzig** to approve the annual Bay Village Memorial Day Parade and activities in Cahoon Memorial Park on Monday, May 25, 2020, contingent upon the lifting of the restrictions on public gatherings due to the State of Emergency caused by the public health crisis.

Motion passed 8-0.

There being no further business to come before the Cahoon Memorial Park Trustees, the meeting adjourned at 7:30 p.m.

Dwight A. Clark, President of Council

Joan Kemper, Clerk of Council

Transfer Ramp Bid Summary

April 2, 2020

Bidder	Base Bid	Alternate	Item 8*	Alternate minus Item 8	Total with Alternate
Tri Mor Corp	$103,380.00	$38,025.00	$12,000.00	$26,025.00	$129,405.00
RMH Concrete & Foundations Inc.	$111,945.50	$36,620.00	$8,450.00	$28,170.00	$140,115.50
Cook Paving & Construction Co., Inc	$112,572.00	$41,025.00	$11,500.00	$29,525.00	$142,097.00
Denes Concrete	$116,890.00	$32,300.00	$10,000.00	$22,300.00	$139,190.00
Schirmer Construction LLC	$117,651.00	$48,700.00	$7,300.00	$41,400.00	$159,051.00
R.J. Platten	$133,180.00	$57,400.00	$13,500.00	$43,900.00	$177,080.00

* Item 8 is non-performed if the alternate is used.

BID TABULATION

Transfer Ramp Rehabilitaiton

CITY OF BAY VILLAGE

DATE: April 2, 2020

CVE JOB NO. 19424 Engineer's Estimate: $110,652.00

				TRI MOR CORPORATION		RMH CONCRETE & FOUNDATIONS, INC.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	PAVEMENT REMOVAL	SY	110	$20.00	$2,200.00	$40.00	$4,400.00
2	EXCAVATION AND EMBANKMENT	LS	1	$13,500.00	$13,500.00	$10,500.00	$10,500.00
3	EXISTING GUARDRAIL REMOVED	LF	50	$4.00	$200.00	$8.50	$425.00
4	CONCRETE BLOCK WALL REMOVAL	LS	1	$2,000.00	$2,000.00	$1,890.00	$1,890.00
5	SUBGRADE COMPACTION	SY	110	$1.00	$110.00	$1.25	$137.50
6	304 AGGREGATE BASE	CY	35	$70.00	$2,450.00	$95.00	$3,325.00
7	9" REINFORCED CLASS MS CONCRETE	SY	110	$110.00	$12,100.00	$85.00	$9,350.00
8	7" CONCRETE JOINT/SLAB REPAIR (INCL. REMOVAL)	SY	100	$120.00	$12,000.00	$84.50	$8,450.00
9	GUARDRAIL TYPE MGS w/LONG POSTS	LF	60	$60.00	$3,600.00	$85.00	$5,100.00
10	STONE STRONG RETAINING WALL	SF	768	$40.00	$30,720.00	$51.00	$39,168.00
11	#57 AGGREGATE	CY	50	$60.00	$3,000.00	$60.00	$3,000.00
12	4" UNDERDRAIN WITH FABRIC WRAP	LF	100	$10.00	$1,000.00	$24.00	$2,400.00
13	PENETRATING WATER REPELLENT SEALER	LS	1	$1,000.00	$1,000.00	$600.00	$600.00
14	TOPSOIL, SEEDING, AND MULCHING	LS	1	$500.00	$500.00	$2,500.00	$2,500.00
15	EROSION AND SEDIMENT CONTROL	LS	1	$1,000.00	$1,000.00	$2,700.00	$2,700.00
16	CONTINGENCY	LS	1	$18,000.00	$18,000.00	$18,000.00	$18,000.00
	TOTAL PROJECT COST			**TOTAL**	**$103,380.00**	**TOTAL**	**$111,945.50**
				DAYS TO COMPLETE: 30 DAYS		DAYS TO COMPLETE: 20 DAYS	
				EARLIEST START DATE: 4/20/2020		EARLIEST START DATE: 4/27/2020	
	ALTERNATE BID ITEMS						
ALT 1	RAMP - PAVEMENT REMOVAL	SY	400	$10.00	$4,000.00	$7.25	$2,900.00
ALT 2	EXCAVATION & EMBANKMENT	LS	1	$1,000.00	$1,000.00	$1,955.00	$1,955.00
ALT 3	304 AGGREGATE BASE	CY	45	$70.00	$3,150.00	$74.00	$3,330.00
ALT 4	SUBGRADE COMPACTION	SY	400	$1.50	$600.00	$0.90	$360.00
ALT 5	SUBGRADE REMOVAL AND REPLACEMENT	CY	15	$85.00	$1,275.00	$165.00	$2,475.00
ALT 6	7" NON-REINFORCED CLASS MS CONCRETE	SY	400	$70.00	$28,000.00	$64.00	$25,600.00
	ALTERNATE BID TOTAL			TOTAL	$38,025.00	TOTAL	$36,620.00

				COOK PAVING & CONSTRUCTION CO., INC.		DENES CONCRETE INC.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	PAVEMENT REMOVAL	SY	110	$30.00	$3,300.00	$15.00	$1,650.00
2	EXCAVATION AND EMBANKMENT	LS	1	$8,000.00	$8,000.00	$15,000.00	$15,000.00
3	EXISTING GUARDRAIL REMOVED	LF	50	$6.00	$300.00	$5.00	$250.00
4	CONCRETE BLOCK WALL REMOVAL	LS	1	$7,500.00	$7,500.00	$10,000.00	$10,000.00
5	SUBGRADE COMPACTION	SY	110	$10.00	$1,100.00	$3.00	$330.00
6	304 AGGREGATE BASE	CY	35	$95.00	$3,325.00	$60.00	$2,100.00
7	9" REINFORCED CLASS MS CONCRETE	SY	110	$100.00	$11,000.00	$60.00	$6,600.00
8	7" CONCRETE JOINT/SLAB REPAIR (INCL. REMOVAL)	SY	100	$115.00	$11,500.00	$100.00	$10,000.00
9	GUARDRAIL TYPE MGS w/LONG POSTS	LF	60	$95.00	$5,700.00	$111.00	$6,660.00
10	STONE STRONG RETAINING WALL	SF	768	$41.50	$31,872.00	$50.00	$38,400.00
11	#57 AGGREGATE	CY	50	$80.00	$4,000.00	$80.00	$4,000.00
12	4" UNDERDRAIN WITH FABRIC WRAP	LF	100	$22.00	$2,200.00	$10.00	$1,000.00
13	PENETRATING WATER REPELLENT SEALER	LS	1	$1,000.00	$1,000.00	$500.00	$500.00
14	TOPSOIL, SEEDING, AND MULCHING	LS	1	$2,500.00	$2,500.00	$1,200.00	$1,200.00
15	EROSION AND SEDIMENT CONTROL	LS	1	$1,275.00	$1,275.00	$1,200.00	$1,200.00
16	CONTINGENCY	LS	1	$18,000.00	$18,000.00	$18,000.00	$18,000.00
	TOTAL PROJECT COST			**TOTAL**	**$112,572.00**	**TOTAL**	**$116,890.00**
				DAYS TO COMPLETE: THIRTY		DAYS TO COMPLETE: 30	
				EARLIEST START DATE: JUNE 1, 2020		EARLIEST START DATE: TEN DAYS AFTER NOTICE TO PROCEED	
	ALTERNATE BID ITEMS						
ALT 1	RAMP - PAVEMENT REMOVAL	SY	400	$15.00	$6,000.00	$12.00	$4,800.00
ALT 2	EXCAVATION & EMBANKMENT	LS	1	$3,500.00	$3,500.00	$2,000.00	$2,000.00
ALT 3	304 AGGREGATE BASE	CY	45	$85.00	$3,825.00	$60.00	$2,700.00
ALT 4	SUBGRADE COMPACTION	SY	400	$3.00	$1,200.00	$4.00	$1,600.00
ALT 5	SUBGRADE REMOVAL AND REPLACEMENT	CY	15	$100.00	$1,500.00	$80.00	$1,200.00
ALT 6	7" NON-REINFORCED CLASS MS CONCRETE	SY	400	$62.50	$25,000.00	$50.00	$20,000.00
	ALTERNATE BID TOTAL			**TOTAL**	$41,025.00	**TOTAL**	$32,300.00

				SCHIRMER CONSTRUCTION LLC		R.J. PLATTEN CONTRACTING CO.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	PAVEMENT REMOVAL	SY	110	$20.00	$2,200.00	$36.00	$3,960.00
2	EXCAVATION AND EMBANKMENT	LS	1	$2,700.00	$2,700.00	$15,956.00	$15,956.00
3	EXISTING GUARDRAIL REMOVED	LF	50	$10.00	$500.00	$16.00	$800.00
4	CONCRETE BLOCK WALL REMOVAL	LS	1	$16,000.00	$16,000.00	$4,000.00	$4,000.00
5	SUBGRADE COMPACTION	SY	110	$3.00	$330.00	$3.00	$330.00
6	304 AGGREGATE BASE	CY	35	$105.00	$3,675.00	$80.00	$2,800.00
7	9" REINFORCED CLASS MS CONCRETE	SY	110	$140.00	$15,400.00	$90.00	$9,900.00
8	7" CONCRETE JOINT/SLAB REPAIR (INCL. REMOVAL)	SY	100	$73.00	$7,300.00	$135.00	$13,500.00
9	GUARDRAIL TYPE MGS w/LONG POSTS	LF	60	$130.00	$7,800.00	$65.00	$3,900.00
10	STONE STRONG RETAINING WALL	SF	768	$47.00	$36,096.00	$58.00	$44,544.00
11	#57 AGGREGATE	CY	50	$80.00	$4,000.00	$91.30	$4,565.00
12	4" UNDERDRAIN WITH FABRIC WRAP	LF	100	$10.00	$1,000.00	$31.00	$3,100.00
13	PENETRATING WATER REPELLENT SEALER	LS	1	$450.00	$450.00	$2,000.00	$2,000.00
14	TOPSOIL, SEEDING, AND MULCHING	LS	1	$1,500.00	$1,500.00	$1,500.00	$1,500.00
15	EROSION AND SEDIMENT CONTROL	LS	1	$700.00	$700.00	$4,325.00	$4,325.00
16	CONTINGENCY	LS	1	$18,000.00	$18,000.00	$18,000.00	$18,000.00
	TOTAL PROJECT COST			**TOTAL**	**$117,651.00**	**TOTAL**	**$133,180.00**
				DAYS TO COMPLETE: 45 DAYS		DAYS TO COMPLETE: 30	
				EARLIEST START DATE: APRIL 20, 2020		EARLIEST START DATE: MAY 1st 2020	
						*clerical error	
	ALTERNATE BID ITEMS						
ALT 1	RAMP - PAVEMENT REMOVAL	SY	400	$20.00	$8,000.00	$18.00	$7,200.00
ALT 2	EXCAVATION & EMBANKMENT	LS	1	$4,000.00	$4,000.00	$1,000.00	$1,000.00
ALT 3	304 AGGREGATE BASE	CY	45	$105.00	$4,725.00	$80.00	$3,600.00
ALT 4	SUBGRADE COMPACTION	SY	400	$3.00	$1,200.00	$3.00	$1,200.00
ALT 5	SUBGRADE REMOVAL AND REPLACEMENT	CY	15	$105.00	$1,575.00	$80.00	$1,200.00
ALT 6	7" NON-REINFORCED CLASS MS CONCRETE	SY	400	$73.00	$29,200.00	$108.00	$43,200.00
	ALTERNATE BID TOTAL			**TOTAL**	$48,700.00	**TOTAL**	$57,400.00

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH TRI-MOR CORP. FOR THE CONSTRUCTION OF A TRANSFER STATION RAMP AT THE CITY SERVICE GARAGE, AND D ECLARING AN EMERGENCY.

WHEREAS, the City is in need of construction services for the Service Garage Transfer Station Ramp; and

WHEREAS, the City has received a proposed Scope of Services for that project from Tri-Mor Corp., 8530 Boyle Parkway, Twinsburg, OH 44087, which was determined to be the lowest responsive and responsible bidder, and ;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Tri-Mor Corp. to proceed with the proposed services for the Service Garage Transfer Station Ramp project at a cost not to exceed One Hundred Twenty-Nine Thousand, Four Hundred Five Dollars ($129,405.00), consisting of a base bid of One Hundred Three Thousand, Three Hundred Eighty Dollars ($103,380.00) and an additional alternate of Twenty-Six Thousand, Twenty-Five Dollars ($26,025.00) which incorporates nonperformance of item 8 from the base bid.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, property and safety, and for the further reason that it is immediately necessary to provide said construction services, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

041420 jt

City of Bay Village
Memorandum

Date: April 16, 2020

To: Jon Liskovec, Director of Public Services and Properties

From: Curtis J. Krakowski, CSI, CDT
Infrastructure Manager

Re: Bid Results for the 2020 Asphalt Pavement Crack Sealing Program

The City of Bay Village publically advertised and requested bids from contractors to apply crack sealing to various asphalt streets within the City. The streets scheduled to be crack sealed include Naigle Road, Bassett Road and Clague Road. The area map is attached for reference. The bids were due by 12:00 noon, Thursday, April 16, 2020 and submitted electronically by email.

The City received four bids during this time. The complete Bid Tabulation is attached. The "Lowest Responsive and Responsible Bidder" was American Pavements, Inc. who submitted a total bid of $11,400.00 for all three streets that were scheduled. Their bid was considered complete and provided all the required qualifications and references that were requested. I contacted them to discuss their bid and confirm their understanding of the project's requirements and the City's expectations of quality and scheduling. American Pavements, Inc. was also previously awarded the 2019 Crack Seal Contract last year. Their performance met all the requirements of the project's specifications and the City was satisfied with their work.

Based on our review of the apparent lowest bid and my conversation with them and their references, it would be our recommendation to award this year's Contract to American Pavements, Inc. for $11,400.00. It is their intention to begin their work as soon as the weather permits; most likely beginning in the month of May and would complete the work within 2-3 weeks.

If you have any questions or comments, feel free to let me know.

CC: Paul Koomar, Mayor
Mark Barbour, Law Director
Renee Mahoney, Finance Director
Don Bierut, P.E., Consulting City Engineer
File

City of Bay Village
2020 Asphalt Pavement Crack Sealing Program
Bid Tabulation

Bid Opening: April 16, 2020, 12:00 noon

Contractor (Time Bid was Received)	Bid Bond	ODOT Qualified	Naigle Road Bid Amount	Bassett Road Bid Amount	Clague Road Bid Amount
* American Pavements, Inc. (4/15/20 – 10:27 am)	Yes	Yes	$2,100.00	$5,400.00	$3,900.00
Specialized Construction, Inc. (4/16/20 – 8:53 am)	Yes	Yes	$4,980.00	$12,397.50	$5,505.00
Protect A Cote, Inc. (4/16/20 – 10:25 am)	Yes	Yes	$4,500.00	$10,800.00	$8,280.00
Henry W. Bergman, Inc. (4/16/20 – 12:14 am)	Yes	Yes	$3,860.00	$14,861.00	$11,111.00

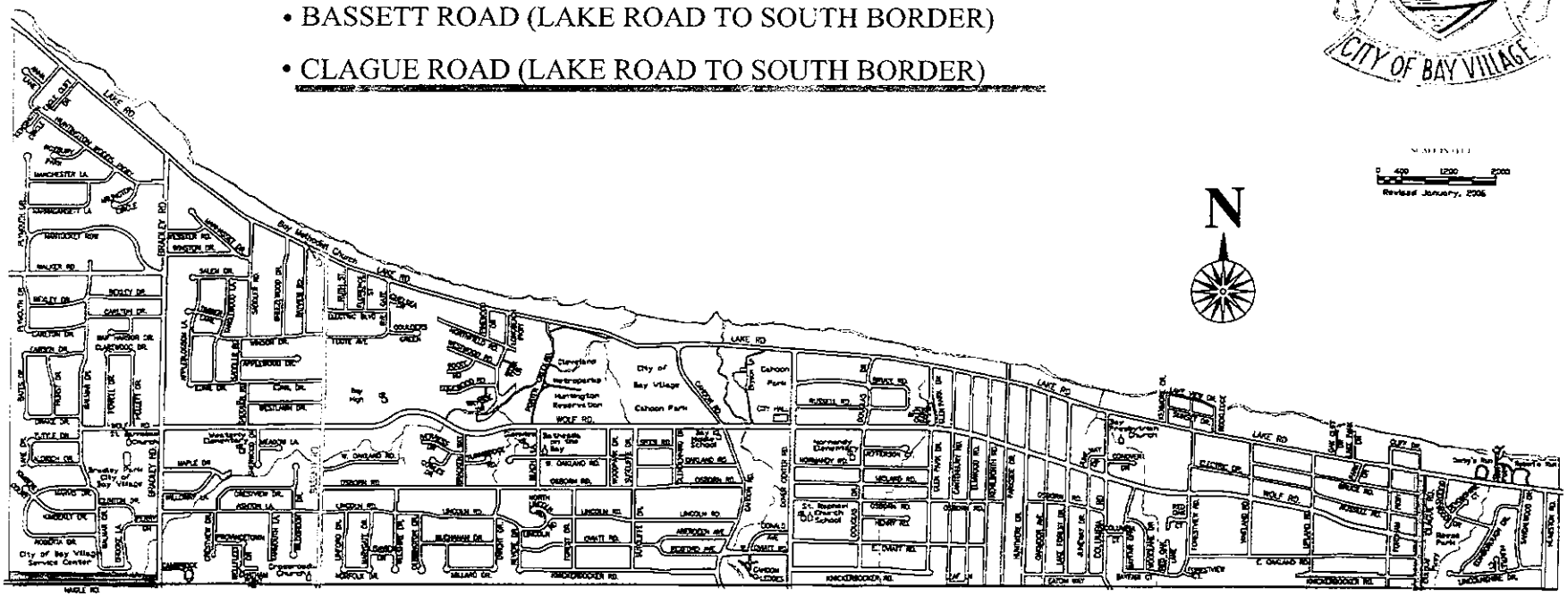
(* Apparent Lowest Bidder)

2020

ASPHALT PAVEMENT CRACK SEAL PROGRAM

CITY STREET MAP

- NAIGLE ROAD (WEST BORDER TO BRADLEY ROAD)
- BASSETT ROAD (LAKE ROAD TO SOUTH BORDER)
- CLAGUE ROAD (LAKE ROAD TO SOUTH BORDER)



April 2, 2020

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AMERICAN PAVEMENTS, INC. FOR THE 2020 CRACK SEAL OF PAVEMENT, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with American Pavements Inc., 7475 Montgomery Drive, Plain City, Ohio 43064, to crack seal the said roads in accordance with the plans and specifications at a total bid price not to exceed Eleven Thousand, Four Hundred Dollars ($11,400.00).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and to ensure that said project moves forward expeditiously, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

041720 jt

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AMENDING RESOLUTION 20-34 AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT A NORTHEAST OHIO PUBLIC ENERGY COUNCIL ("NOPEC") 2020 ENERGIZED COMMUNITY GRANT, AND DECLARING AN EMERGENCY

WHEREAS, based on guidelines from NOPEC, Resolution 20-34, approved by Council on March 20, 2020, requires an additional statement authorizing the Mayor to execute the Grant agreement;

NOW, THEREFORE, be it resolved by the Council of the City of Bay Village, Ohio:

SECTION 1. That Section 1 of Resolution 20-34 is hereby amended and restated as follows:

"That Council finds and determines that it is in the best interest of the City to enter into the Grant Agreement to accept the NEC Grant for 2020, and authorizes the Mayor to execute the Grant Agreement to accept the NEC Grant funds."

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that this resolution is required to be immediately effective in order to maximize the potential benefit through the Natural Gas Program provided by NOPEC, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

040220 jt

SMITHGROUP

March 25, 2020 *(rev. April 10, 2020)*

Kathryn E. Kerber, Project Manager
City of Bay Village
350 Dover Center Road
Bay Village, Ohio 44140
e : kkerber@cityofbayvillage.com

RE: Cahoon Park Public Access Study
Proposal of Professional Services

Dear Ms. Kerber,

On behalf of SmithGroup, Inc., ("SmithGroup") I am pleased to submit this proposal for the Cahoon Park Public Access Study in support of the City of Bay Village. The following is our understanding of the services which are to be provided.

UNDERSTANDING OF THE PROJECT

Cahoon Memorial Park is a beautiful lakefront asset that helps define the community of Bay Village. It is a place to recreate, commune with nature, celebrate, view the lake, learn about the history of place, and foster a high-quality lifestyle synonymous with Bay Village. While this much-loved place is part of the heart of the community, connections within the park and specifically to the lakefront at Bay Point can be improved. Once the community's vision for Bay Point is understood and the roadmap for its development is established, the community will be poised to create a lakefront gem that further enhances the community, park and region.

Existing plans for Cahoon Park offer recommendations key to improving connections and expanding recreational opportunities within the park. The improvement of Bay Point requires focus on both the immediate lakefront as well as the Park as a whole. For this reason, SmithGroup proposes to include two different levels of study as part of this project.

1) Bay Point & Lakefront – looking at the existing coastal conditions along the full stretch of shoreline to identify potential areas of coastal erosion resulting from high water, evaluating existing park improvements specifically within this area to identify potential enhancements that support lakefront use, expanding recreational opportunities at Bay Point, and finding interventions to best link Cahoon Park across Lake Road and to park amenities within the broader Park.
2) Cahoon & Beyond – evaluating existing park assets as well as planned improvements to identify any elements that might be missing and needed to serve improvements developed at Bay Point. This includes elements like signage, additional trail connections, and parking lot and drive reconfigurations. Cahoon Creek also represents an opportunity that SmithGroup feels is critical to explore, both south and north of Lake Road.

SCOPE OF SERVICES

Task 1.1 Project Kick-off Meeting

SmithGroup and the City project manager will meet via phone or video conference to review and discuss the project. The scope of work and overall project schedule will be confirmed and pertinent background information that may exist will be identified. Additionally, key project stakeholders to be engaged as part of the study will be reviewed and discuss.

Task 1.2 Collect and Review Background Information

Background information will be collected and reviewed. This task includes the review of previously completed studies as well as the collection and review of available data related to the existing project site conditions. Potential information to be collected and reviewed includes:

- Cahoon Park Area Connectivity Study
- Bay Village Master Plan
- Cuyahoga County Lakefront Public Access Plan
- Cahoon Creek-Frontal Lake Erie NPS-IS
- Stormwater Management Studies
- Utility Mapping
- Parcels Mapping and/or Riparian Interests
- Tree Inventory
- Parking Usage Data/Studies
- Site Surveys (topography, bathymetry or lakebed contours, etc.)
- Site Investigations (geotechnical, cultural resources, etc.)

Physical site information will be compiled into a project base map used throughout the study. Whenever possible, this information shall be provided by the City in electronic format. Any missing information needed to complete the study will be identified and SmithGroup will work with the City to support their efforts to secure it.

Task 1.3 Existing Conditions Summary and Site Analysis

Using the existing available information, SmithGroup will summarize the existing site conditions and perform initial site analyses. Previously completed studies and recommendations exist for Cahoon Memorial Park south of Lake Road. These recommendations will be summarized in a series of simple diagrams and SmithGroup's work for this area will focus on 1) identifying elements that appear to require further study as part of this process, and 2) defining elements that may be missing from existing plans but may be needed to support development of Bay Point. Portions of Cahoon Park north of Lake Road will be reviewed and analyzed as well, however, the level of analysis is anticipated to be greater for this area given the proximity to the lake and Bay Point.

New analysis performed by SmithGroup as part of this study include:

- Coastal Conditions Analysis – including a hindcasting to analyze wind, wave and potential ice impacts that can help influence design along the full shoreline and specifically at Bay Point. This analysis will be critical to informing the design of Bay Point and other potential shoreline areas along Lake Erie. It will also dovetail with efforts being advanced by the County as part of their Lakefront Public Access Plan.

- Cahoon Creek Analysis - including an analysis of the riparian edges to determine the condition and opportunities for enhancement. Benchmarking of stable upstream portions of the creek that may serve as a model for potential restoration or enhancement efforts. This element can help bolster support for funding toward this and other portions of the project.
- Connectivity & Accessibility Analysis – including a review of ADA accessible routes as well as missing or underimproved trails that may be needed to support increased use at Bay Point.
- Signage & Wayfinding Analysis – documenting the location of existing signage and wayfinding elements as well as key decision points where this information appears to be missing.

The results of this task will be summarized in a series of graphic overlays and supplemented with technical memoranda where appropriate. As the process advances, new information and observations from upcoming meetings and tours will be used to refine this information.

Task 1.4 Site Tour, Stakeholder Meetings & Public Meeting #1

SmithGroup will work with the City to organize a series of events that will occur over two consecutive days. Events that will occur as part of this task include:

- Cahoon Park & Bay Point Site Tour – a walking tour of Cahoon Park, Bay Point and other areas including the adjacent park shoreline. Key members of City staff and/or others as desired by the City are welcome to join SmithGroup during this process. A key outcome of this step will be a shared understanding of potential areas of concern and opportunities.
- Stakeholder Interviews - a series of hour-long focused individual or small group sessions organized around specific interests important to the project. Potential stakeholder groups may include elected officials, special interest organizations, park maintenance and operations staff, and regulatory or funding agency staff.
- Public Meeting #1 – an opportunity for SmithGroup, the City and members of the public to review and confirm planned improvements within Cahoon Park as outlined in existing plans and discuss the specific goals and amenities desired within the Bay Point area. This session will be interactive, offering both opportunities to disseminate information, as well as gather input that will inform the upcoming design process.

The findings resulting from this task will be summarized and used to refine the preliminary summary of existing conditions and site analyses performed during the preceding task.

Deliverables – Task 1
- Project Base Map (digital PDF)
- Technical Memoranda – Connectivity & Accessibility; Signage & Wayfinding; Cahoon Creek; and Coastal Conditions (digital PDF)
- Site Analysis Summary Presentation - including initial design program (digital PDF)
- Public Meeting Summary (digital PDF)

Meetings – Task 1
- City | SmithGroup Kick-Off Meeting (via phone or video)
- Site Tour & Stakeholder Meetings
- Public Meeting #1

TASK 2: DEVELOPMENT AND EVALUATION OF ALTERNATIVES

Task 2.1 Initial Alternatives

SmithGroup will generate conceptual alternatives that meet the objectives established through consultation with the City, key project stakeholders, and the community. A total of 2-3 alternatives will be prepared, each illustrating distinct options for Cahoon Park south and north of Lake Road.

a) Cahoon Park South of Lake Road (previously studied areas) - the emphasis will be on recommendations that enhance wayfinding, complete or improve connections that support access to Bay Point, and identifying Bay Point support facilities not considered during previous planning efforts.
b) Lake Road and Cahoon Park North of Lake Road (including Bay Point) – offer design alternatives that describe improvements in the upland areas of Bay Point, potential shoreline stabilization and erosion mitigation along the Bay Point shoreline as well as the larger Cahoon Park lakefront, provide options for improving trail connectivity and Lake Road crossings, parking options, and provide general landscape treatments for the park areas.

Images, including sketches and photos, will be used to convey design intent associated the various recommendations. Relative costs associated with the various alternatives will be summarized to provide a means of comparing the levels of investment illustrated and to help determine preferences.

Task 2.2 Public Meeting #2 - Alternatives Review

The City and SmithGroup will host a public meeting. The final format for this meeting will determined collaboratively and is likely to include both a large group format presentation of the alternatives and more focused topical discussions around specific issues or areas such as signage and wayfinding, the Bay Point design, shoreline improvements, and/or connectivity (trails and crossings). Feedback from this process will be used to select a preferred alternative, or elements from multiple alternatives that may be recombined to create a single preferred plan.

Task 2.3 Preferred Alternative

Preferences expressed during the alternatives review meeting will be coalesced into a single solution. As with the initial alternatives, the preferred plan will include recommendations for areas of Cahoon Park south and north of Lake Road. Updated imagery will be provided to illustrate the plan's recommendations and a concept-level opinion of probable construction cost (OPCC) will be generated.

Task 2.4 Public Meeting #3 - Preferred Alternative

The City and SmithGroup will host the third public meeting to review the preferred alternative. Again, the final format will be determined collaboratively and is likely to include both large group presentation and smaller group focused review and feedback. Feedback from this meeting will be used to make final revisions to the preferred plan.

Deliverables – Task 2

- 2-3 Conceptual Alternatives – including associated graphics (digital PDF & PowerPoint Presentation)
- Preferred Conceptual Alternative – including OPCC and associated graphics (digital PDF & PowerPoint Presentation)
- Public Meeting #2 and #3 Summaries (digital PDF)

Meetings – Task 2
- Public Meeting #2 – Alternatives Review Meeting
- Public Meeting #3 – Preferred Alternative Review Meeting

TASK 3: CAHOON PARK PUBLIC ACCESS STUDY

Task 3.1 Draft Cahoon Park Master Plan

SmithGroup will create a master plan for park improvements. A combination of text and graphics will be integrated into a master plan summary report that will serve as the roadmap for implementation and funding procurement. A preliminary table of contents for the summary report is presented below.

- Report Cover – incorporating the required Coastal Management Assistance Grant (CMAG) disclaimer regarding funding support for completion of the study.
- Introduction – serving as an executive summary.
- Project Background – distilling the key project goals and objectives, Bay Point design program, and site analysis findings that form the basis of the recommendations.
- Cahoon Park South – identifying new improvements or recommendations that build upon previous studies including signage and wayfinding, trail additions and crossing, as well as parking and vehicular circulation additions and modifications.
- Cahoon Park North & Bay Point – describing signage and wayfinding, trails and Lake Road crossing recommendations, parking and vehicular circulation additions and modifications, Bay Point improvements, general potential Cahoon Creek enhancements for potential inclusion within updates to the Cahoon Creek-Frontal Lake Erie NPS-IS, and recommendations for Bay Point and the broader Cahoon Park shoreline.
- Cost & Implementation Strategy – including a discussion on specific permit and submerged land lease requirements, the immediate next steps to advance toward implementation, recommendations for geotechnical and/or other site investigations needed to advance the project, a matrix of potential funding sources, and OPCC summary including estimates engineering and construction.

Upon completion of the master plan and summary report, the draft materials will be provided to the City for review and comment. Review comments will be compiled by the City into a single document and transmitted in advance of the upcoming review meeting.

Task 3.2 Draft Plan Review

SmithGroup and the City project manager will meet via phone or video conference to review and discuss the draft documents and associated comments. Required revisions, additions and clarifications will be agreed upon and incorporated into the final documents. Upon completion two hardcopies of the completed plan will be printed and bound. The hardcopies and master plan report in Adobe Acrobat (.pdf) will be transmitted to the City.

Task 3.3 Cahoon Park Master Plan Presentation

SmithGroup will attend and present the study and its recommendations at a City Council meeting. This presentation will be an opportunity for council members and the community to ask questions of the SmithGroup design team.

Deliverables – Task 3
- Draft Master Plan & Summary Report (digital PDF)
- Final Master Plan & Summary Report (2 hardcopies, digital PDF and PowerPoint Presentation)

Meetings – Task 3
- City | SmithGroup Draft Master Plan Review
- City Council Presentation

PREPARATION OF DIGITAL DATA

In the event SmithGroup is requested to prepare digital data for transmission to the Owner's consultants, contractors or other Owner authorized recipients ("Digital Data"), the Owner acknowledges that due to the limitations of the digital data software, not all elements of SmithGroup's services may be represented in the Digital Data, this being in the sole discretion of SmithGroup. Accordingly, although SmithGroup will endeavor to represent all material elements of SmithGroup's services in the Digital Data, any use shall not relieve the Owner's consultants, contractors, or other Owner authorized recipients or their respective obligations. The Owner agrees that it will include this provision in any agreements with its consultants, contractors, or other Owner authorized recipients, in which Digital Data is provided.

OWNER RESPONSIBILITIES

The City of Bay Village is responsible for the following items.

- Contracting with and managing a geotechnical consultant to perform borings, analyze bluff stability, and coordinate with SmithGroup to develop recommendations and review concepts pertaining to potential bluff and slope stabilization strategies. The City shall coordination completion of the geotechnical investigations to align with tasks outlined within the Scope of Services and delays in receipt of this information may slow the development of alternatives.
- Organizing, scheduling, and communicating with stakeholders and community members as well as providing the venue and any associated required meeting notifications.
- Establishing representatives to participate as project stakeholders and the project steering committee.
- Preparing updates and status reports as required by the CMAG program and other funding programs that may be sought to support project advancement.
- Establishing a single point of contact for communication with SmithGroup.
- Collecting and transmitting all existing and available pertinent background information.
- Compiling reviewer comments for various project deliverables and transmitting them to SmithGroup for review.

SCHEDULE

Completion of the Scope of Services is anticipated to require 3-5 months from SmithGroup's receipt of an executed agreement and City transmittal of the requested background information. Current issues surrounding COVID-19 may delay or make it more difficult to advance certain tasks. SmithGroup will work with the City to monitor the schedule and identify opportunities that may exist to continue advancing the project including remote public engagement.

PROFESSIONAL SERVICES FEE

The City of Bay Village shall compensate SmithGroup for the scope of services outlined above for a fixed fee lump sum of $90,000 inclusive of labor and expenses.

ADDITIONAL SERVICES

Requests for additional services or staff will be documented by SmithGroup (if given verbally), and the work will commence upon City of Bay Village approval of an estimated fee for that effort or, if not agreed otherwise, City of Bay Village shall reimburse SmithGroup on an hourly basis of SmithGroup's project staff actively engaged for all personnel hours worked on the project.

PAYMENTS

Invoices will be prepared monthly on the basis of percentage of completion.

All payments due to SmithGroup shall be made monthly upon presentation of the statement of services rendered. All payments due SmithGroup under this agreement shall bear interest at one-and one-half (1½%) percent per month commencing thirty (30) days after the date of billing.

DELIVERY OF CADD GRAPHIC FILES

Any electronic/data/digital files (Files) from SmithGroup shall be deemed Instruments of Service, and/or Work Product, as the case may be, for the Project identified above. City of Bay Village covenants and agrees that: 1) the Files are Instruments of Service of SmithGroup, the author, and/or Work Product of SmithGroup, as the case may be; 2) in providing the Files, SmithGroup does not transfer common law, statutory law, or other rights, including copyrights; 3) the Files are not Contract Documents, in whole or in part; and 4) the Files are not As-Built files. City of Bay Village agrees to report any defects in the Files to SmithGroup, within 45 days of the initial Files transmittal date (Acceptance Period). It is understood that SmithGroup will correct such defects, in a timely manner, and retransmit the Files. City of Bay Village further agrees to compensate SmithGroup, as Additional Services, for the cost of correcting defects reported to SmithGroup after the Acceptance Period. City of Bay Village understands that the Files have been prepared to SmithGroup's criteria and may not conform to City of Bay Village's drafting or other documentation standards. City of Bay Village understands that, due to the translation process of certain CADD formats, and the transmission of such Files to City of Bay Village that SmithGroup does not guarantee the accuracy, completeness or integrity of the data. City of Bay Village understands that even though SmithGroup may have computer virus scanning software to detect the presence of computer viruses, there is no guarantee that computer viruses are not present in the Files. SmithGroup makes no warranties, express or implied, of merchantability or fitness for any particular purpose.

LIMITATION OF LIABILITY

NOTWITHSTANDING ANYTHING TO THE CONTRARY AND TO THE FULLEST EXTENT PERMITTED BY LAW, CITY OF BAY VILLAGE AGREES THAT THE TOTAL LIABILITY OF SMITHGROUP IN CONNECTION WITH THIS AGREEMENT, WHETHER IN CONTRACT, TORT, NEGLIGENCE, BREACH OR OTHERWISE, SHALL NOT EXCEED AND SHALL BE LIMITED TO THE TOTAL COMPENSATION RECEIVED BY SMITHGROUP UNDER THIS AGREEMENT.

MISCELLANEOUS PROVISIONS

SmithGroup will use reasonable professional efforts and judgment in responding in the design to applicable federal, state and local laws, rules, codes, ordinances and regulations. City of Bay Village acknowledges that certain state and local laws, rules, codes, ordinances and regulations may reference standards that are outdated and/or contrary

with today's industry requirements. SmithGroup cannot and does not warrant or guarantee that the Project will comply with all such outdated and/or contrary federal, state and local laws, rules, codes, ordinances and regulations

Notwithstanding anything to the contrary, nothing contained herein shall be construed: i) to constitute a guarantee, warranty or assurance, either express or implied, that the SmithGroup's Services will yield or accomplish a perfect outcome for this Project; or ii) to obligate the SmithGroup to exercise professional skill or judgment greater that the standard of care exercised by other similarly situated design professionals currently practicing in the same locale as this Project, under the same requirements of this Agreement; or iii) as an assumption by the SmithGroup of liability of any other party.

SmithGroup will use reasonable professional efforts and judgment to interpret applicable ADA requirements and other federal, state and local laws, rules, codes, ordinances and regulations as applicable to this Project. City of Bay Village acknowledges that requirements of ADA, as well as other federal, state and local laws, rules, codes, ordinances and regulations, will be subject to various and possibly contradictory interpretations. SmithGroup cannot and does not warrant or guarantee that the Project will comply with all interpretations of the ADA requirements and/or the requirements of other federal, state and local laws, rules, codes, ordinances and regulations

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This document will serve as an agreement between us, and you may indicate your acceptance by signing in the space provided below and returning one (1) signed copy for our files.

SmithGroup (*Signature*)	Owner (*Signature*)
(*Printed name and title*)	(*Printed name and title*)
Date	Date

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SMITHGROUP, INC. FOR SERVICES RELATED TO THE CAHOON PARK PUBLIC ACCESS STUDY, AND DECLARING AN EMERGENCY.

WHEREAS, the City is in need of professional consulting services for the Cahoon Park Public Access Study; and

WHEREAS, the City has selected a Proposal of Professional Services from SmithGroup, Inc., 500 Griswold Street, Suite 1700, Detroit, MI 48226;

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with SmithGroup, Inc. to proceed with the proposed services for the Cahoon Park Public Access Study at a cost not to exceed Ninety Thousand Dollars ($90,000.00).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, property and safety, and for the further reason that it is immediately necessary to provide said services, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

041420 jt

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID SEWER RENTAL AND REFUSE COLLECTION CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 921.05 and Section 923.04 of the Codified Ordinances of the City of Bay Village it is hereby determined and declared the list of sewer rental and refuse collection charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid sewer rental and refuse collection charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested, pursuant to statute, to cause said sewer rental charges to be extended in the 2020 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

040620 jt

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID TREE REMOVAL CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 547.15 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of tree removal charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid tree removal charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2020 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

040620

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID GRASS CUTTING AND CLEANING CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 521.11 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of grass cutting and cleaning charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid grass cutting and cleaning charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2020 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

040620 jt

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID SIDEWALK REPAIR AND/OR CONSTRUCTION CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of sidewalk repair and/or construction charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid sidewalk repair and/or construction charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2020 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

040620 jt

MATTERS PENDING BEFORE COUNCIL COMMITTEE
April 15, 2020

Committee of the Whole

- Sunset Area Improvements

Environment, Safety & Community Services- DeGeorge, Tadych, Maier

Finance & Claims-Tadych, Winzig, Kelly, Clark

Planning, Zoning, Public Grounds & Buildings-Maier, DeGeorge, Stainbrook

- Review of Codified Ordinance No. 1373.01 Boat Storage
- Review of Codified Ordinance No. 1141.04 Home Based Business
- Review of Existing Zoning Code per Master Plan Recommendations (3-18-19)
- Tree Ordinance

Public Improvements, Streets, Sewers & Drainage-Stainbrook, Maier, Kelly

- Bruce/Russell/Douglas Sewer Improvements

Recreation and Parks Improvement- Winzig, DeGeorge, Tadych

- Renovations to Playground Equipment at Bradley Road Park (8-29-17)

Services, Utilities & Equipment- Kelly, Stainbrook, Winzig