

City of Bay Village

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

March 20, 2020

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

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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.

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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

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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

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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.

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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.

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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.

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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.

Special Meeting of Council
March 20, 2020

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.

Special Meeting of Council
March 20, 2020

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 Spaetzle 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.

Special Meeting of Council
March 20, 2020

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.

Special Meeting of Council
March 20, 2020

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.

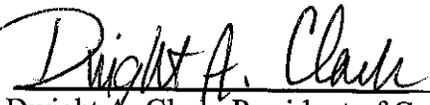
Mr. Clark noted that speakers and presentations scheduled for Council, as well as the off-site planning session will be held in abeyance until there is more clarity.

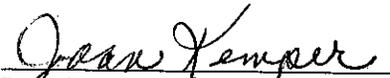
Mr. Barbour suggested that prior to the conclusion of this evening's meeting, Mr. Clark announce the adjournment of Council to a specific date. Mr. Tadych asked if it is necessary to vote for adjournment. Mr. Barbour stated that voting is not necessary, but an official announcement should be made.

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