

## CITY OF BAY VILLAGE

Council Minutes, Regular Meeting  
Council Chambers, 8:00 p.m.

March 5, 2012

Scott Pohlkamp, Vice President of Council, presiding

Present: Clark, Lieske, Miller, Pohlkamp, Young, Mayor Sutherland

Absent: Mr. Koomar, Mr. Tadych

Others

Present: Law Director Ebert, Finance Director Presley, Service Director Galli, Community Services Director Bock, Fire Chief Lyons, Recreation Director Enovitch, Police Chief Wright, Operations Manager Landers

Council and members of the administration had assembled at 7:30 p.m. in the conference room to review agenda items; this was open to the public.

During the review, Mayor Sutherland related an issue with the State of Ohio. There has been conversation coming out of the Tax Commissioner's office and also the Lieutenant Governor's office, that there is actually a movement to try to pull the municipal income tax collections into the state. The Mayor stated that they are very concerned about that and very opposed to it because they have a great set-up right now with the Regional Income Tax Agency (R.I.T.A.). There are a series of meetings coming up and the Mayor will be participating in one with Representative Nan Baker and Senator Tom Patton. There is a contingent of Mayors going to Columbus the week of March 12 and they will be working on the issue there. The following week the Mayor has been invited to go down and talk with the Governor about the issue. Mayor Sutherland advised that this is something they are extremely concerned about and if the state takes it over the city will no longer get the proceeds that they are used to and won't get it on the timely basis that they are used to. The Mayor may come back to Council and ask for a resolution in opposition.

Mr. Pohlkamp asked the timeline for this proposed takeover by the state of municipal income tax collections. Mayor Sutherland stated that Cheryl Grossman, who is behind the repeal of the estate tax, has also looked into this and she is kind of infamous for tacking little things on to another bill. The Mayors are watching it very carefully. Mr. Pohlkamp asked if there might be some coordination among the Mayors and Managers to write a resolution enmasse. The Mayor stated that they are working in a very coordinated fashion.

Mr. Young stated that he read that one of the state's reasons is that they see that there are numerous tax agencies collecting and wildly different tax policies within cities. He asked if there has been any discussion about trying to meet half way. Mayor Sutherland stated that she thinks this is a bogus argument because when looking at the various methods by which the taxes were enacted it would be difficult to try to unify. The Mayors are concerned that if they centralize income tax collections to the state, first, they will be getting the money flow and it will

Minutes of Regular Meeting  
Bay Village City Council  
March 5, 2012

be another local government fund issue with the possibility of changing disbursements; secondly they would want to standardize the rates but with all the different taxing authorities in the State of Ohio it is not practical.

Mr. Miller asked if there are any other states that have already gone to this type of collection. Mayor Sutherland stated that she is not familiar with how other states collect. The Mayor stated that one of the issues with the state is job creation. The Ohio Business Gateway is supposed to be the business liaison with one stop shopping to get taxes collected, but they are not as efficient as R.I.T.A. The Mayor will keep Council posted.

Mr. Clark asked Mayor Sutherland if there is any update on the estate tax repeal. Mayor Sutherland stated that the issue is dead. The same Cheryl Grossman also had introduced a bill to make the repeal of the estate tax retroactive back to December 31, 2011. The Mayor stated that hopefully that will not go anywhere but the Mayors are watching that as well.

Mr. Clark stated that he spoke with Finance Director Presley last week regarding a completed fire truck that was going to be delivered to a municipality in New York. Mr. Clark stated that the Finance Committee has been discussing having a pumper truck in the budget for this year. He asked Chief Lyons if this might be a reasonable request to fill a need.

Chief Lyons stated that they have reviewed the specifications and the resultant savings would only be in the neighborhood of \$30,000. What they would need to spend to modify the truck to fit Bay Village's needs is more than six figures. He stated that the engine comes with an eight man cab and the most Bay Village would need would be four or five. The engine was built in New York for entirely different reasons.

Mr. Clark stated that they just wanted to make sure that if it fit Bay Village's needs they could act quickly as they did with the garbage truck that was purchased two years ago.

Vice President of Council Pohlkamp called the regular meeting of Council to order at 8:00 p.m. in the Council Chambers with the roll call and Pledge of Allegiance led by Ward 3 Councilwoman Karen Lieske. Mr. Pohlkamp called for a reading of the minutes of the special meeting of Bay Village City Council held February 27, 2012. **MOTION** by **Young**, second by Lieske, to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 5-0.** Mr. Pohlkamp called for a reading of the minutes of the meeting of the Cahoon Memorial Park Trustees held February 27, 2012. **MOTION** by **Young**, second by Clark, to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 6-0.**

## **ANNOUNCEMENTS**

**Mayor Sutherland** administered the oath of office to Patrolman Elliot Silva who is promoted to the rank of Police Sergeant.

**Mayor Sutherland** issued and read a Proclamation of Appreciation to the head librarian of the Bay Village Branch of the Cuyahoga County Public Library, Pam DeFino. Mrs. DeFino will leave Bay

Village on March 12, 2012 to become the head librarian of the Berea branch of the Cuyahoga County Public Library.

Mrs. DeFino expressed appreciation to the Mayor and Council for the extending of their good wishes. Mr. Pohlkamp commented on the popularity of the lecture series which has grown under Mrs. DeFino's leadership. He complimented and expressed appreciation to Mrs. DeFino on the work she has done during the last four years in Bay Village.

## **REPORTS**

**Mayor Sutherland** extended congratulations to the Project of the Year which was The Fuller House, and the Citizen of the Year, Barb Harrell. The Mayor commented on the wonderful ceremony held Sunday, March 5 at the Fuller House.

The Mayor advised that on Friday, March 9, 2012 at 8:30 a.m., the Charter Review Commission will meet for their organizational meeting. The meeting will be held in the conference room of city hall and is open to the public.

Mr. Pohlkamp asked the deadline for the findings of the Charter Review Commission. Mayor Sutherland stated that they do have six months but she would like to have their recommendations to City Council by mid-June in order to meet the August deadline for charter amendments to be submitted for the ballot in November.

Tuesday, March 6 is Election Day in the City of Bay Village with polls opening at 6:30 a.m.

**Law Director Ebert** had no report this evening.

**Finance Director Presley** had no report this evening.

**Recreation Director Enovitch** advised that the spring and summer recreation program registration is open on-line, including pool passes. Early bird pricing for pool passes is available through May.

**Service Director Galli** provided an update on the progress at the Bradley/Nagle Road intersection project. The railroad has installed their new signals and the traffic signals have also been installed by the contractor. When the two parties coordinate their activities the signals will be operative.

**Community Services Director Bock** commented on the instructions provided at the library to teach patrons how to download books from the library to their Kindle readers. Ms. Bock noted that over 40 seniors took advantage of the opportunity to learn how to download books for three weeks with no worry about overdue fines since the books vanish from the readers after that period of time. Ms. Bock expressed gratitude to Mrs. DeFino for the many innovative programs she brought to the library.

**Police Chief Wright** advised of the retirement of Sergeant Mark Paskert after 25 years of service to the City of Bay Village, and expressed good wishes to Sergeant Paskert and his family. The retirement necessitated the promotion of Sergeant Elliot Silva to Sergeant who was also wished good luck in his new duties. Chief Wright expressed appreciation to Mayor Sutherland and the City Council for their support, noting that when the organization is in transition it is always an exciting time and new challenges are welcomed.

**Fire Chief Lyons** reported that he has been negotiating with representatives from FEMA over the 2008 SAFER Grant which was in jeopardy of being recalled due to not being able to maintain the agreed upon levels of staffing in accordance with the terms of the contract. Chief Lyons has been able to secure a waiver from the federal government and the city will continue receiving money from the SAFER grant.

## **COMMUNICATIONS**

Norfolk and Southern Train Report No. 161 advising that an average of 1.9 trains per day traveled through the City of Bay Village during the month of January, 2012.

Email communication dated February 26, 2012 from Doc Wheeler presenting information concerning the vicious dogs discussion on the February 27 committee agenda.

## **AUDIENCE**

The following members of the audience signed in this evening: Denny Wendell, Russell Thompson, Kevin Krolkosky, Jerrie Barnett, Pam DeFino

Jerrie Barnett, 316 Bayview Road, asked about the 2012 appropriation ordinance, page 2, and what is involved with street lights operating supplies besides bulb replacement. Finance Director Presley stated that the cost is for the electricity of the street lights. The actual maintenance of the street lights is done by The Illuminating Company.

Mrs. Barnett asked why the lights are on every night by the volley court in the park by the Dwyer Memorial Center when no one is out playing volley ball at this time of the year. It will be determined whether or not the lights are on a sensor and reported back at the next Council meeting.

## **ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE**

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

## **PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE**

**Mr. Clark** advised that a Public Improvements, Streets, Sewers and Drainage Committee meeting was held this evening reviewing with Service Director Galli a number of items that were matters pending before Council, some of which will be introduced to be removed from the list.

One of the major issues relating to the long term sewer improvement plan was reviewed. At this point in time there are three primary projects which aggregate approximately \$2.8 million. The first project would be the aerial sewer on Wolf Road, at \$800,000 in total cost. The city is eligible for a twenty-year, zero percent loan for the project. Plans will be prepared within the next four to six weeks.

**Motion by Clark** authorizing the Director of Public Service & Properties to advertise for bids for annual construction materials including asphalt, concrete and aggregates.

**Motion carried 5-0.**

**Motion by Clark** authorizing the Director of Public Service & Properties to advertise for bids for the 2012 Pavement Marking and Striping Program.

**Motion carried 5-0.**

#### **FINANCE & CLAIMS COMMITTEE**

**Mr. Young** read, by title only, **ORDINANCE NO. 12-11 TO MAKE APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR 2012 AND DECLARING AN EMERGENCY**, and requested that Ordinance No. 12-11 be placed on Second Reading.

Mr. Pohlkamp announced that **Ordinance No. 12-11** is placed on **Second Reading**.

#### **PLANNING, ZONING, PUBLIC GROUNDS & BUILDINGS COMMITTEE**

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

#### **RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mrs. Lieske** had no report this evening.

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

There was no report this evening.

#### **MISCELLANEOUS**

The Executive Session on the agenda this evening was cancelled.

There being no further business to discuss, the meeting adjourned at 8:17 p.m.

Minutes of Regular Meeting  
Bay Village City Council  
March 5, 2012

---

Scott Pohlkamp, Vice President of Council

---

Joan Kemper, Clerk of Council