

CITY OF BAY VILLAGE

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

June 4, 2012

Paul A. Koomar, President of Council, presiding

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

Others

Present: Law Director Ebert, Police Chief Wright, Fire Chief Lyons, Director of Public Service Galli, Recreation Director Enovitch, Operations Manager Landers, Community Services Director Bock, Police Detective Mark Spaetzel

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, Mr. Clark advised that he will introduce an ordinance this evening amending the current peddlers and solicitor's ordinance, Codified Ordinance No. 721.07 and ask for the ordinance to be placed on first reading. Mr. Clark explained that an Environment, Safety and Community Services Committee meeting was held on March 26, 2012, the goal of which was to compare where the City of Bay Village is, in reference to hours permitted, in comparison to other west shore cities for solicitors to canvas within the city. This proposed amended ordinance is an attempt to tighten up the hours and be more respectful to residents. Sundays, state and federal holidays will be made exempt from the ability to solicit in Bay Village.

Mr. Koomar stated that complaints he has received over the years are for solicitors approaching homes after dusk when it is dark outside. Mr. Clark stated that the ordinance has been amended to limit the hours to 8 p.m. or sunset, whichever comes earlier. When solicitors obtain their licenses, they will be given a copy of the new rules and regulations.

Mr. Pohlkamp will introduce an ordinance this evening authorizing the Mayor to enter into an agreement with Chagrin Valley Paving, Inc., for the 2012 Pavement Maintenance and Resurfacing Program, in the amount of \$517,494. The program includes Oviatt Road between Dover Center Road and Cahoon Road, Donald Street, and all of Huntington Woods.

Service Director Galli has provided a memorandum dated June 1, 2012, advising that for the last ten years this project has been bid with an asphalt index published by the Ohio Department of Transportation. This index levels the playing field between all contractors. They use the published price and if there is an escalation or decrease in price, it is adjusted based on the month when the asphalt is actually placed. For every \$50 of increase in liquid asphalt, there is a \$10,000 adjustment in price. Mr. Galli asked for alternate bids where the contractor would lock in their price and the low bidder provided a deduction of \$9,846, representing a deduction in price at this time of \$50 per ton of liquid asphalt. Liquid asphalt is currently selling at \$650 per ton, or about 8% of the cost. Mr. Galli recommends award of the contract to the low bidder, Chagrin Valley Paving, Inc.

Mr. Koomar asked Police Chief Wright if solicitors in the city are required to register with the Police Department. Chief Wright stated that solicitors representing for-profit organizations are required to register with the police. Registration includes information on each individual solicitor which enables the Police Department to perform background checks and deny those solicitors who do not pass the background check. Those who do pass the background check are issued a solicitor's permit, which they must carry with them during their canvassing of the city. Non-profit organizations, e.g., American Cancer Society and/or local civic organizations, are not required to register or obtain a solicitor's permit. Detective Mark Spaetzel stated that large, non-profit organizations provide the Police Department a list of who will be soliciting. The Police Department checks to be sure that individuals do not have outstanding warrants in other cities. Chief Wright noted that this information also assists the Police Department in the case of a medical emergency involving one of the solicitors. Detective Spaetzel stated that the Police Department normally requires documentation that the organization is a valid, licensed non-profit organization.

Mr. Clark suggested that the ordinance be reviewed to be sure that all of these items discussed are included in the ordinance. The ordinance as it is presented this evening will be placed on first reading pending this review.

Mrs. Lieske asked what the ordinance means in the terms of political canvassing. Mr. Ebert stated that this is a whole different issue. Mayor Sutherland stated that the political signage ordinance needs to be reviewed due to the allowance of absentee voting prior to election day. Mr. Ebert stated that the City of Bay Village at one time had the most restrictive ordinance for political signs on the west side of Cleveland. It was since moved to thirty days, and now people are voting absentee well before the time that signs are permitted. Mr. Clark volunteered the Environment, Safety and Community Services Committee to review the political signage regulations.

Mr. Young discussed the ordinance he will introduce this evening authorizing the Mayor to enter into an addendum to the labor agreement with the Ohio Patrolmen's Benevolent Association. Law Director Ebert stated that this is the first time there have been contract terminations at different times of the years. To try to bring all terminations together at the same time, the current contract with the Ohio Patrolmen's Benevolent Association was extended from May 1 of this year to December 31, 2012, giving the same, identical thing that was given to AFSCME. From May 1, 2012 to the end of December, an increase of 1.75% in pay will be granted, and an increase in co-pay for the monthly premium for health insurance for single and family members. This will mean that AFSCME Administration, AFSCME Service, Police Blue, and Police Gold are on the same schedule. The only one that has not agreed as yet is the Firefighters Union. The Mayor stated that she is very hopeful that this contract will calm the waters in the Police Department, and perhaps the Bay Village Police Department will not lose the three or four people who have received offers from the City of Westlake.

Mr. Miller stated that a resolution will be presented this evening authorizing the Mayor to enter into an agreement with Cuyahoga County for the purpose of establishing business attraction and

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anti-poaching protocol. On May 21, 2012, Mr. Edward Jerse of the Cuyahoga County Executive's office made a presentation to Council regarding this agreement. The agreement has established a foothold in other communities and all have agreed that they would not want their businesses poached. If there is competition there is still the flexibility to offer a suitable environment for businesses who want to relocate to the city. The policy is not to prohibit businesses from growing in the city, but to try to level the playfield economically for everybody in the county. Mr. Miller recommended passage of the resolution this evening.

Mr. Miller further advised that Mr. Tadych and he met at the Community House recently for a walk through and detailed review of the Community House with Service Director Galli. The committee assigned to review the needs of the Community House, composed of Mr. Miller, Mr. Tadych, and Mr. Pohlkamp, will bring a list of what to address first and how to fund restoration to Council after further discussion by the committee. Mr. Koomar noted that he has a running list of items to be acted on before Council recess in July and August, and asked the committee's consideration of including anything for the Community House that would entail authorization for proposals. Mr. Miller asked that any member of Council let the committee know of any needs for the Community House that they may be aware of during this discovery phase. Mr. Tadych commented that Service Director Galli has provided copies of the plans for the Community House restoration in 1936, which will be very helpful in this review.

Mrs. Lieske reported that a meeting of the Recreation and Parks Improvement Committee was held earlier this evening. Recreation Director Enovitch summarized the topics that were discussed at the Recreation Commission meeting held Thursday, May 24, 2012. Minutes of the meeting held this evening will be provided to Council.

Mr. Tadych advised receiving calls from residents about water meter installation that is taking place within the city. Mayor Sutherland stated that she will cover that topic at the meeting of Council this evening.

Law Director Ebert introduced Mr. Mark Barbour, attorney-at-law, who Mr. Ebert contacted to review the Bayway Lease. Mr. Barbour stated that he has twenty-five years experience representing landlords and tenants, and commercial lease negotiations and litigation. Mr. Barbour reviewed the lease and prior Council minutes, as well as contacting Brian Cruse, counsel for Kiddie Kollege, Inc. Out of the discussion, Mr. Barbour suggested one change which reflects that the tenant agrees to comply with the terms of the Cahoon Will. Mr. Cruse stated that the clause will be adopted in Article IV, Paragraph (e) of the lease, stating "Lessee (Kiddie Kollege, Inc.) agrees to use the premises consistent with the terms of the Ida Cahoon Will." Mr. Barbour stated that he also had questions about the signage and the playground. In reviewing the lease in more detail, the Cahoon Memorial Park Trustees have absolute control over anything on the outside of the building. In Mr. Barbour's opinion, even if the other city bodies approve signage or playground, ultimately the Cahoon Memorial Park Trustees would have the final determination as to whether it could be installed and the terms and conditions under which it could be used. The lease did not say where the playground could be located. Mr. Barbour is satisfied that the Cahoon Memorial Park Trustees veto power or control over the issue can dictate wherever a playground might be installed. Mr. Barbour stated that the lease is a

standard commercial lease that sets out the terms of the lease, meaning the time the tenant can have the property, the rate of rent, the tenant obligations including utilities. The tenant is responsible for the interior and has to maintain insurance. There is an indemnity provision which means that if the tenant has a fire or does something that otherwise causes damage to the City of Bay Village or the Cahoon Memorial Park Trustees, they are responsible for that through the indemnity provisions. The lease defines the premises and most importantly limits the use of the premises specifically to what is termed as a day-care facility, even though it is contemplated that the children won't necessarily be toddlers. The lease also defines default if the tenant should fail to meet the terms of the lease. The landlord's obligations include certain repairs, maintenance of the exterior, plowing of the parking lot, providing access to the tenant, not interfering with the operation and use of the premises. The lease does not guarantee signage or playground or additional office space. Any external or side agreements are not binding unless they are incorporated by reference in writing into the lease. Article XXX talks of certain repairs. Mr. Cruse has advised that all of those repairs have been done. Mr. Barbour suggested that perhaps those repairs should be defined, but he would argue that if it becomes a problem once the tenant takes possession of the premises they agree by taking possession that the repairs have been completed. Mr. Barbour concluded that based on his experience and knowing the client and the lawyer, things should work out favorably. The lease is very standard and there is nothing out of the ordinary whatsoever. Mr. Koomar asked for any questions from Council. There were none and Mr. Barbour was thanked for his appearance this evening.

President of Council Koomar 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 Councilman-at-large Dwight Clark. Mr. Koomar called for a reading of the minutes of the regular meeting of Bay Village City Council held May 21, 2012 **MOTION** by **Pohlkamp** to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 7-0.**

ANNOUNCEMENTS

Mayor Sutherland announced that Bay Village was designated as the No. 1 Suburb by *Cleveland Magazine*. Mayor Sutherland gave thanks to Shelly and Mike Morrison who were interviewed in the article in this month's issue of the magazine. The Mayor acknowledged receiving a note of congratulations from former Mayor Jeleps.

The Mayor expressed appreciation to the Bay Village VFW Post No. 9693 for providing the Community Room at the Police Department with an Epson Interactive Smart Board, Bose Sound System, and Wi-Fi access, all made possible by the very generous donation from the VFW. The VFW also donated a podium which was created and constructed by the Bay Village Woodshop workers. Bailey Communications, the city's IT Company, will provide training for city personnel in the use of the equipment. The Mayor noted how delighted the city is to receive this equipment from the VFW Post.

Mayor Sutherland advised that the Cleveland Water Department has begun to send out notifications about their automated meter reading replacement program. They will be replacing all of the meters for the homes in Bay Village, the third city in which this replacement will take place. A

representative of the Cleveland Water Department will attend a Council meeting in the near future to discuss the replacement program. The Mayor suggested that residents watch their mail for notification from the water department regarding the program. She noted that eventually the Cleveland Water Department workers will be able to read water meters by driving down streets with the information uploaded to their equipment.

REPORTS

Law Director Ebert had no report this evening.

Recreation Director Enovitch reported that the Bay Village Family Aquatic Center officially opened today, Monday, June 4, with modified hours through Thursday, June 7. On Friday, June 8, 2012, the pool will open with full-time summer hours. The pool has registered 2000 full memberships that are expected to double within the next few weeks.

Director of Public Service and Properties Galli had no report this evening.

Community Services Director Bock reported that this will be the fourth summer that the woodshop workers will go to Whiskey Island and assist with teaching young people in the use of equipment and help the youth build boats. The boats are then taken out on to Lake Erie to make sure they are water worthy. The project took shape after the woodshop was displaced from the Friendship Center. They were looking for a home at that time and partnered with Whiskey Island, resulting in this long term partnership. This is a great project for both seniors and the youth.

Police Chief Wright expressed appreciation to the VFW Post 9693 for their kind and generous donation, not only because of the quality of the equipment they donated, but for the benefit to the Police Department and the City of Bay Village. The equipment will enable the Chief to attract more vendors and trainers to the city to conduct classes. He noted that typically a training session costs \$200 to \$400 per student, to send an officer. With the provision of the classroom and upgraded equipment, the vendors will provide two to three free slots to Bay Village officers to attend the classes.

Mayor Sutherland expressed kudos to Assistant Finance Director Ruth Popovich who has been trying, for a long time, to get this effort to work out. Prices came down on the technology and Miss Popovich was able to match that with the VFW donation.

Mr. Koomar asked Chief Wright the status of going through the eligibility list for potential new hires of police officers. Chief Wright stated that at this time the Police Department has finished the initial interviews by the Detective Bureau. The top three candidates will now be sent for psychological assessment and polygraph testing. It is hoped that selections of new officers will be made by the end of July, 2012.

Fire Chief Lyons reported that the top four candidates for vacancies in the Fire Department have been identified. The candidates have been through a polygraph examination, and three of the four

have completed their psychological examinations. It is hoped to make job offers with the next couple of weeks with appointments effective July 1, 2012.

COMMUNICATIONS

The following communication was reported:

Cuyahoga County Board of Health Food Safety Report for the Year 2011 listing the breakdown of inspections of food services in Bay Village in 2011 has been received and is on file for public inspection in the office of the Clerk of Council.

AUDIENCE

The following members of the audience signed in this evening: Jerrie Barnett, Bruce Geiselman, Susan Murnane, Dennis Driscoll, Nancy Brown, Tom Carey, Jeff Gallatin, Dick Majewski

Jerrie Barnett, 316 Bayview Road, stated that she received the mailing from the Cleveland Water Department about the automated meter reading replacement. Mrs. Barnett stated that, as she understands it, the meter reader will no longer have to enter her home. The information stated that within two to three weeks the homeowners will be receiving letters to make appointments to have someone come out for the replacement. The Mayor advised Mrs. Barnett that the Cleveland Water Department representative may have to enter her home to change out the meter, but will no longer have to come in to read the meter. There is no cost to the homeowner.

Dennis Driscoll, 30509 Willoway, stated that approximately one month ago he addressed Council about concerns he and other members of the Bay Village Friends of the Kennel have. This need initiated a discussion regarding the construction of a new kennel to replace the old kennel that is scheduled to be demolished at some point. On May 21, Councilman Dwight Clark held a meeting of the Environment, Safety and Community Services Committee which included a briefing on the status of the existing kennel and information gathering regarding the tentative construction of the new kennel. Mr. Driscoll stated that he was unable to attend due to other commitments, but read the minutes of meeting and received feedback from attendees. The meeting was very informative and had a very positive tone. Mr. Driscoll expressed his appreciation to Councilman Dwight Clark, Councilman Mike Young, and Councilwoman Karen Lieske for holding the meeting, and initiating discussion on the kennel situation. Mr. Driscoll anticipates that the City of Bay Village and the Friends of the Kennel will continue to work on productive discussion on how to address this kennel situation to hopefully develop a win/win situation for everybody and the residents of Bay Village.

Councilman Clark responded to Mr. Driscoll's statement, advising that the committee wanted to get on record an update on where the city stands. They discussed, in the meeting, that if they wanted to do something at the Service Garage there are a number of things that still have to be resolved that are Environmental Protection Agency related and as it relates to insurance adjustments as well. While wanting to push the concept forward, in making a decision it wasn't

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a question whether it was pro or against the kennel. The meeting was very informative for everybody and it was time to do so.

Nancy Brown, Wolf Road, asked Mr. Miller if there is an update on the wooden signage at Clague Park. Service Director Galli stated that research indicates that the signs were originally made by the Recreation Department. The signs were paid for by the businesses on Clague, and there was to be an escrow account provided by the business with the landlord for maintenance. No account can be found. At this time, the signage needs to be addressed.

Ms. Brown applauded the idea expressed by Mr. Ebert recently of using the woodshop to create new signs. Mr. Galli noted the need to bring plans for the new signage to the Architectural Board of Review for approval. Mr. Ebert will follow through with the woodshop.

Nancy Brown asked for an update on Sunday usage of Cahoon Memorial Park.

Law Director Ebert stated that this issue was brought up at a committee meeting of Council on March 26, 2012. Mr. Ebert stated that when the skate park opened, those that were on Council at that time, suggested a wait and see attitude to see how it would work out. The issue was complaint driven; if there is a complaint the police respond. They do not look to shut it down. The issue that has transpired since that period of time is whether or not there should be a legal opinion. It has been noted that there is no difference between the playground being used on Sundays. The skate park has become a site for many families with their children. The Will specifically prohibits, sports, boating, and gambling. The question is whether the skate park is a sport or not, to comply under the terms of the Will. Mr. Ebert stated that he would hate to come to a point in time when everything would be closed down. In March, there was an email that went out indicating that Police Department responses to skate board park use on Sunday does not include having people leave unless there is mischief going on. The issue is how far the trustees want to go with this issue.

Chief Wright stated that any issues at the skate park since it opened have been negligible.

Mr. Ebert stated that because of where the skate park is located out in the open it is not subject to the type of activity it would be in a secluded location.

Ms. Brown asked if the Will states that the park shall be policed properly. Mr. Ebert stated that it says that no boating, bathing, or sports shall be permitted on said park or property on Sunday. The issue is that when this came out in the 1960's there was a Probate Court judge that interpreted what "sports" meant. He interpreted it as organized sports, i.e., a football game, a soccer game, a baseball game with teams. We do not allow soccer, baseball, or football games on Sundays, and the swimming pool is not open on Sunday. Skateboarding is isolated to one person; it is less than even tennis court play. It can be compared to sledding, with one person going down the sledding hill, which would also have to be stopped. Mr. Ebert stated that he does not want to prohibit the activities that promote the family atmosphere in Bay Village which encourage people to live in this community. He is cognizant of the Will, the issue has been discussed years ago with the Attorney General's office, and the Probate Court. He is not an

advocate of going to the Probate Court about the skate park use on Sunday, because it is very costly to do so, to ask one question, because of what is involved in the process. Unless someone files suit and it is necessary to defend the case, or that we want to go further and do complete research and give another legal opinion, it is really a wait-and-see, and complaint driven, to see where it goes.

Ms. Brown stated that she is sure that we are in an environment where someone might scream discrimination. Mr. Ebert stated that everyone knows a team cannot use the park on Sundays. That is a whole different issue. The police would enforce that immediately. There used to be padlocks on the tennis courts in the park on Sundays.

Ms. Brown stated that she would request, as a citizen of the City of Bay Village, knowing what a precious gift the Cahoon Memorial Park is, and is the epicenter of the City of Bay Village, that everything is done to protect that park so that we don't lose it. With all due respect to the police, it shouldn't always have to be complaint driven, especially with police officers just cruising down the road and seeing it is full of kids. Mr. Ebert stated that the issue is whether it is full of kids is a violation. It may not be. Mr. Ebert stated that he questions whether it is a violation of the Will at all. It is individualist, and as the Mayor said, maybe then the sledding hill should be shut down.

Ms. Brown asked what is the current directive given to the Bay Village Police Department if a resident should call. Mr. Ebert stated that the police will respond to the complaint and go over to see what the activity is. If there is mischief, they will force them to leave. If it is just a complaint because a resident drove by and said they saw somebody skateboarding on Sunday, the police will go by, and if there is no mischief they would not stop the activity. The Sunday signs have been removed. It is no different than an individual jogging on the jogging trail. Bay Village is family oriented; it is a park. They aren't hurting anyone; they aren't playing an organized sport. It would be different if they were next to a house and making noise.

Ms. Brown said she can remember being in the initial kick-off discussions of the skateboard park. Mr. Kuh and all the skateboarding families and all the individuals that came forward and even wrote letters to the editors to the different papers said that they would comply with no Sunday usage. Mr. Ebert stated that they did comply. They asked about having the city look at it again. The original concern that everybody on Council and everybody in the city had was what type of individuals were going to be attracted to this facility from other cities. It turned out to be a family oriented type of atmosphere at the skatepark.

Ms. Brown asked if we know these families are from Bay Village. Mr. Ebert stated that families and friends are invited to walk in the park, come to Bay Days in the park and swimming pool passes for non-residents are sold. That is not a violation.

Chief Wright stated that former Law Director Elmer Cowan briefed the Police Department on the ruling from Common Pleas Court. Mr. Cowan stated that the question the police officers on patrol should judge in determining activity at the park is competitiveness. If two teams show up on a Sunday wearing uniforms, there is an umpire and they are keeping score, it is competitive.

If somebody is shooting baskets or playing tennis, it is not competitive. Skateboarding is a non-competitive sport, unless there is a tournament with a judge in which case that would not be allowable on a Sunday. Chief Wright stated that the use, in his opinion, is non-competitive and probably should be allowed on Sunday.

Mr. Ebert stated that he does not think the city would like to see the skatepark closed down on Sunday, nor would the court anticipate that would be the response of the city. It is complaint driven; if there is a complaint the Police Department has been directed to respond but as far as saying we are going to shut the facilities down, we are not at that point.

Ms. Brown stated that the families and visitors should be reminded that the city does have other facilities at both ends of the city, as well, that can be used. Mr. Ebert noted that soccer tournaments and baseball tournaments do play at the other end of the city on Sundays when they have tournaments.

Ms. Brown asked if it going to take something from a resident or non-resident or something to happen before it goes before the court. Mr. Ebert stated that he hopes that no resident is going to file suit. It is costly for the resident and costly for the city to defend. If that issue came up, the Trustees would have to address it at that point in time, or, if the issue becomes more prevalent the Trustees would have to look at it and ask for a formal legal opinion again.

Mayor Sutherland stated that if the issue is not just about the skate park. That is one of the reasons that Bay Village was voted No. 1 by Cleveland Magazine, because we are such a wonderful, family oriented, recreational oriented community.

Mr. Ebert stated that it is a common sense issue and that is how the Police Department has enforced it.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Pohlkamp **MOVED** to adjourn to Executive Session regarding labor contracts, personnel, and litigation, at 8:30 p.m.

Roll Call Vote: Yeas- Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young. Nays – None. **Motion carried 7-0.** Also present in Executive Session were Law Director Ebert and Mayor Sutherland.

Council reconvened in an open meeting at 9:18 p.m. Present were: Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Clark introduced **ORDINANCE NO. 12-46** AMENDING CODIFIED ORDINANCE SECTION 721.07 (a) AND (b) REGARDING PEDDLERS AND SOLICITORS, AND DECLARING AN EMERGENCY.

Mr. Clark commented that the ordinance will be placed on first reading this evening. The Council will review the entire ordinance. The goal initially was to try to tighten up the hours in which solicitors can solicit to Bay Village, and truncate the times from the existing ordinance as well as eliminating some of the days that soliciting is permitted. The Council would like to look at the entirety of the ordinance to make sure they do the right thing. Mr. Clark will send a review of the existing ordinance out to Council on Tuesday, June 5.

Mr. Koomar announced that **Ordinance No. 12-46** is placed on **First Reading**.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Pohlkamp introduced **ORDINANCE NO. 12-47** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CHAGRIN VALLEY PAVING, INC. FOR THE 2012 PAVEMENT MAINTENANCE AND RESURFACING PROGRAM, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 12-47.

Roll Call on Suspension of Charter Rules:

Yeas – Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays- None

Roll Call on Suspension of Council Rules:

Yeas – Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays– None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays - None

Roll Call on Adoption:

Yeas– Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays– None.

Mr. Koomar announced adoption of **Ordinance No. 12-47**, an emergency measure, by a vote of 7-0.

FINANCE & CLAIMS COMMITTEE

Mr. Young introduced **ORDINANCE NO. 12-48** AUTHORIZING THE MAYOR TO ENTER INTO AN ADDENDUM TO THE LABOR AGREEMENT WITH THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 12-48

Roll Call on Suspension of Charter Rules:

Yeas –Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays- None

Roll Call on Suspension of Council Rules:

Yeas – Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays– None

Roll Call on Use of the Emergency Clause:

Yeas – Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays - None

Roll Call on Adoption:

Yeas– Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays– None.

Mr. Koomar announced adoption of **Ordinance No. 12-48**, an emergency measure, by a vote of 7-0.

PLANNING, ZONING, PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mr. Miller introduced **RESOLUTION NO. 12-49** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY FOR THE PURPOSE OF ESTABLISHING A BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL, AND DECLARING AN EMERGENCY, and moved for adoption.

Mr. Koomar stated that at the last Council meeting Mr. Edward S. Jerse, Director of Regional Collaboration for Cuyahoga County, was present to give Council an overview of this protocol. It is something that other cities are passing in the spirit of collaboration, and not competition.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 12-49.

Roll Call on Suspension of Charter Rules:

Yeas –Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar
Nays -None

Roll Call on Adoption:

Yeas–Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar
Nays–None.

Mr. Koomar announced adoption of **Resolution No. 12-49**, an emergency measure, by a vote of 7-0.

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RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Tadych had no report this evening.

There being no further business to discuss, the meeting adjourned at 9:33 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council