

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

September 17, 2012

Scott Pohlkamp, Vice President of Council, Presiding

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

Not Present: Mr. Koomar

Others

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

Vice President of Council Scott Pohlkamp called the meeting to order at 7:45 p.m. in the Conference Room of Bay Village City Hall.

AUDIENCE

The following members of the audience signed in this evening: Richard Majewski, Jerrie Barnett

Installation of playground equipment by Kiddie Kollege at the Bayway Cabin

Law Director Ebert stated that a representative of Kiddie Kollege was to be present at this meeting. Mayor Sutherland stated that the person that was going to be at the meeting had surgery.

Mr. Young stated that Kiddie Kollege has already assembled the playground equipment on site, and as part of the contract it is supposed to come before the Cahoon Memorial Park Trustees for approval before being installed.

Mayor Sutherland stated that there was a bit of a misunderstanding and she will take responsibility for that. One time when Dan Galli and the Mayor were out there walking around the owner had just asked if she could put up a playground, the Mayor said that she did not see why not. The Mayor stated it was a lack of communication.

Mr. Young stated that the owner has been advised that in the future she will need to come before the trustees prior to making any changes to the property. Mr. Young stated that other than a couple of phone calls he received, those who did not like the idea of Kiddie Kollege moving into the facility are the ones that complained. Mr. Young stated he does not see it as something that is a problem, but going forward he would appreciate the trustees receiving advance notice.

Mrs. Lieske asked if there were any thoughts when the Mayor and Mr. Galli saw it being built that they should put a halt to it. The Mayor said she did not see it being installed. Mr. Galli stated that it was installed by the time he saw it.

Minutes of a Meeting of
Cahoon Memorial Park Trustees
September 17, 2012

Mrs. Lieske stated that a concern she has is if there will have to be a fence around the playground equipment. The equipment in the park can be used by anyone, and is it durable in terms of the type of use it might experience compared to it being used solely by the day care? What about insurance, if a child gets hurt playing on it if it is not really something we would have installed and improved ahead of time?

Mr. Presley stated that it should meet the same requirements for anyone using it. If someone were hurt on it, certainly they are going to name the City of Bay Village because of the deep pockets on the insurance side. Kiddie Kollege does have their own insurance coverage.

Mrs. Lieske stated that she is very concerned about the precedent this sets in terms of voting after it is installed, and in terms of other things we are discussing in the future with uses for Cahoon Memorial Park, she feels it is not good for us to proceed. She asked the purpose of the trustees if they really don't have to vote on it.

Mr. Young stated that if, indeed, he has a problem with the size of it and its location, he would vote no. He does not have a problem with either the size or the appearance of the installed playground. Mr. Young stated that he can understand Mrs. Lieske's opinion that the trustees should not be voting after the fact, but feels that at certain times things like that, unfortunately, do happen. When you find out someone has done something, it then must be addressed. He would say going forward he would have a different opinion, such as if another piece of playground equipment shows up.

Mr. Tadych stated that he has a problem with some of the things, as mentioned by Mrs. Lieske, such as the insurance for non-students of Kiddie Kollege and the weight limits for the equipment. He does not want to see teen-agers climbing around on it. An additional concern is the need for inspection of the equipment. If it is in the open park, he would assume it is the city's responsibility to inspect the equipment and maintain it. The management of Kiddie Kollege now knows that they can't do things like this; they have to be exceptionally careful. Mr. Tadych stated that he is concerned about someone getting hurt on the equipment, and weight limits for the equipment.

Mr. Ebert stated that the city has liability insurance, and Kiddie Kollege has liability insurance. If someone is injured in the period of time that Kiddie Kollege is being operated, the injury would fall under the Kiddie Kollege policy. If it is after hours, the city policy would cover any type of activity, as it is with Play-in-Bay.

Mr. Young asked if the Kiddie Kollege administrators should post a sign saying that while the equipment is in Cahoon Memorial Park, it is for the student use of Kiddie Kollege. From a liability standpoint, if that sign were posted it may limit some of the city's liability. Mayor Sutherland stated that she will speak with the Kiddie Kollege owner.

Mr. Pohlkamp stated that maybe something could be put into writing to the owner of Kiddie Kollege explaining the process that these things must be brought to Council, and would have to be inspected by the city.

Minutes of a Meeting of
Cahoon Memorial Park Trustees
September 17, 2012

Mrs. Lieske addressed Mr. Ebert, noting that he just stated that if there were an injury after hours the liability would be with the city. Mrs. Lieske noted that the city did not approve it in the first place. Mr. Ebert stated that the trustees are approving it now; it is part of the park the same as the Skate Park when it was turned over to the city. He advised that the city's insurance policy covers any recreational activity that is done in the park. During the Kiddie Kollege hours, if one of their children is injured, Kiddie Kollege's policy would cover.

Motion by Young, second by Sutherland, to approve the installation of playground equipment at Bayway Cabin by Kiddie Kollege. Vote resulted: Yeas – Clark, Pohlkamp, Sutherland, Young. Nays – Lieske, Miller, Tadych.

Motion passed 4-3.

There being no further business to come before the Cahoon Memorial Park Trustees, the meeting adjourned at 7:55 p.m.

Scott Pohlkamp, Vice President of Council

Joan Kemper, Clerk of Council