

CITY OF BAY VILLAGE

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

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

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 advised that she will reappoint Diane Pavan to the Community Services Advisory Board, noting that this is the third appointment of Ms. Pavan and her services are relied upon by Community Services Director Debbie Bock.

Mayor Sutherland advised that the city received another unqualified audit from the State of Ohio. It was a perfect audit, and the Mayor thanked Mr. Presley and the directors for their work.

Mr. Clark stated that he will introduce a resolution this evening for the repair of sidewalks at 25495 Wolf Road. In addition, he will introduce a resolution adopting the Solid Waste Management Plan Update for Cuyahoga County. Mr. Pohlkamp noted that 60% of the county must approve the plan, otherwise the Environmental Protection Agency (EPA) will write their own mandated program.

Mr. Young will introduce a resolution this evening accepting the amounts and rates established by the Cuyahoga County Budget Commission for 2013. The millage within each of the funds has been changed, but the overall total has not been changed.

Mr. Young will also introduce a supplemental appropriation ordinance this evening and called upon Finance Director Presley for an explanation of some of the additional amounts to be appropriated for expenditures. Mr. Presley explained that under the General Fund the amount of \$3,000 is being appropriated for the charter revision mailings that are currently being printed. Under General Administrative, Operating, the appropriation is being reduced by \$11,000 because the expenditure for the July 4 fireworks was appropriated twice. The Civil Service appropriation is for an operating deficit. In Section B, under Community Gym Improvement Fund, this is a contractual obligation that the city and school board entered into when the community gym was built. The city contributes two-thirds, and the school contributes one-third of the cost of improvements. The lights in the community gym are being replaced, saving the city \$4,000 per

Minutes of Regular Meeting
Bay Village City Council
September 17, 2012

year. The savings will revert back to the City of Bay Village because the city is responsible for the utility bills. The Diversion Fund change represents a change between wages and operating expenses, pursuant to a request by Officer Kevin Krolkosky. The Community Band takes donation as a revenue source, and when they have a concert they submit the funds and the invoice to the city for the conductor and the assistant conductor. The appropriate IRS Form 1099 is issued at year end by the city. The Public Improvement Fund is included in the supplemental appropriation ordinance to set aside the funds for the tennis court improvement project. The amount of \$310,000 is being advanced to pay for the project. Under the Swimming Pool Fund, the additional \$900 is the balance necessary for umbrella replacement. In Section H, the \$700 is necessary for a deficit appropriation due to the cost of insurance.

Mr. Presley stated that one of the vendors for lighting adjustments as an energy savings measure is currently looking at the city hall, fire station, and the police station garage for potential savings. At this point, the fire station is the best candidate for new lighting, due to the age of the lights that are in place. Once the vendor has completed his survey and comes back with proposals for cost savings and paybacks, those proposals will be reviewed for possible action. Mr. Young noted the cost savings for the city in spending \$9,000 for the community gym lighting but realizing a payback of \$4,200 per year in savings. The Mayor stated that rebate dollars may also be available.

Mr. Clark asked if the savings are estimated or guaranteed. Mr. Presley stated that the figure is estimated and based on the price for electricity and the kilowatts used. Mr. Young commented that they look at the amount of watts now compared to what will be to base the estimated savings. It is very close, unless the rates go up which would then actually help the savings more.

Mr. Young commented on the monthly fund transfer resolution he will introduce this evening. He noted that one of the reasons some of the millage calculations were adjusted within funds was so that they could reduce some of the transfers made on a monthly basis. The resolution to be presented this evening is the standard monthly transfers to various funds.

Mr. Miller stated that he will introduce a motion this evening to grant an additional sixty days to the Planning Commission to review the application of Bradley Bay Health Center. The time has been extended in the past, and the Planning Commission is asking for an additional extension. Mr. Miller explained that the Planning Commission will meet October 1, 2012, at 6:30 p.m., instead of the regularly scheduled date of October 3. All the members of the Planning Commission will be in attendance on October 1, and it is hoped that the application can be moved upon at that time with everyone in attendance.

Law Director Ebert advised that on October 1 there will also be a Charter Review Commission public hearing at 6:30 p.m. in the Council Chambers. The Planning Commission will meet in the conference room.

Mr. Tadych will introduce an ordinance this evening for the purchase of a vacuum leaf loader under the National Joint Powers Alliance Cooperation, at a cost of \$32,600. Mr. Galli advised that the equipment is in stock and can be delivered within thirty days.

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 Council held September 4, 2012. Mr. Clark MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 6-0. Mr. Pohlkamp called for a reading of the Minutes of the Cahoon Memorial Park Trustees held September 4, 2012. Mr. Clark MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mayor Sutherland announced the reappointment of Diane Pavan to the Community Services Advisory Board for a three year term ending September 17, 2015. Mrs. Pavan has been on the Community Services Advisory Board for two previous terms, and has also chaired the Advisory Board. The Mayor stated that they are delighted that Mrs. Pavan is willing to continue to serve.

Mayor Sutherland stated that during the summer the city's financial statements were submitted to the state. The city received the Twentieth Unqualified Opinion certifying a completely clean audit. A Certificate of Achievement was received from State of Ohio Auditor Yost for Exemplary Financial Reporting in accordance with Generally Accepted Accounting Principles for the Year 2011. The Mayor noted that Auditor Yost goes on to say that the citizens represented are well served by effective and accountable financial practices. The Mayor presented the certificate to Finance Director Steve Presley with a thank you to Mr. Presley and all of the directors of the city.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Presley had no report this evening.

Recreation Director Enovitch advised that on Saturday, September 15, the Recreation Department's football season kicked off by hosting five games at the Bay High School field. The players enjoyed it thoroughly and look forward to the six future dates the department will be hosting at the high school field this season.

Director of Public Service and Properties Galli reported that construction began on the West Oviatt portion of the Pavement Maintenance and Resurfacing Program. West Oviatt at this time from Dover Center Road to Cahoon Road is one way traffic west bound. It is hoped that this restricted traffic pattern will be limited to a period of three weeks. The remainder of this year's work is in Huntington Woods and that work will commence the first week in October.

Community Services Director Bock. announced the receipt of a grant from The Village Foundation in the amount of \$2,000. Half of the funds will be put toward the transportation program, and the remaining \$1,000 will be allocated to the Meals on Wheels program.

Ms. Bock further reported that the Kiwanis Club has provided the Community Services Department with \$1,000 to be distributed among three families in need.

Ms. Bock expressed appreciation to both The Village Foundation and the Kiwanis Club.

On October 5, residents may obtain their flu shots at the Dwyer Memorial Center, beginning at 9:00 a.m.. An appointment can be made by calling Director Bock at 440-899-3409.

Police Chief Wright reported that over this past summer City of Bay Village Police Officer Anne Smith resigned and is pursuing other opportunities. Officer Smith is wished good luck by the Police Department. There are currently four openings in the Police Department. The process of interviewing recruits will begin Tuesday, September 18, and the vacancies that the budget will support will be filled.

Chief Wright sadly reported the passing of retired Lieutenant Paul Moore who served the citizens of Bay Village from 1968 to 1993. Chief Wright stated that, in his humble opinion, Lieutenant Moore was one of the finest lieutenants the city ever had. When Chief Wright was a brand new sergeant in 1987, he was assigned the midnight shift, and part of Lieutenant Moore's mentoring advanced the chief in his career. Lieutenant Moore was also a United States Marine who served our country in Viet Nam.

Chief Wright reported further that the department has been patiently awaiting delivery of new police cars. Two Ford Interceptors arrived two weeks ago, delayed from the typical delivery around the Fourth of July due to the fact that a new vendor took over the state bids with resultant delays. The new cars are now in the garage, are marked, will undergo the changeovers from the old cars, and should be on the road no later than Halloween. The department looks forward to the use of the new cars with the new design and new decals, and will be anxious for feedback from those who see them on the road.

Mrs. Lieske asked what happens to the old cars. Chief Wright stated that the old cars are taken to the Service Garage where they are evaluated by the mechanics. If there is value to the automobile, it will be passed on to another city department. If it is felt that the car is not adequate for city use, it will be sent to auction.

Fire Chief Lyons, on behalf of the Bay Village Fire Department, expressed fond farewell to Fire Captain Tom Boatwright who retired earlier this month with over 30 years of service to the Fire Department and the City of Village. Captain Boatwright will be missed as a valued member of the Bay Village Fire Department.

Three new Fire Department recruits have been appointed and are undergoing training at this time. The ceremonial swearing-in will be conducted in the very near future at a City Council meeting.

The Fire Department Apparatus Replacement Committee has been working hard throughout the summer, and has narrowed down vendors from well over a dozen to the final two. A decision will be made this month in terms of who the vendor will be for new apparatus. They will move forward according to state bid, and expect to be coming in under the budgeted amount for the apparatus.

COMMUNICATIONS

The following communication was reported:

Norfolk and Southern Train Reports Nos. 166, 167 and 168 advising that an average of:
2.4 trains per day traveled through the City of Bay Village during the month of June
1.6 trains per day during the month of July,
1.7 trains per day during the month of August, 2012.

An invitation was received from the Northeast Ohio City Council Association to attend their meeting this Thursday, September 20 at the Maple Heights Library regarding State Funding: What Local Governments can Expect.

AUDIENCE

The following members of the audience signed in this evening: Jerrie Barnett, Jeff Gallatin, Dick Majewski

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Motion by **Mr. Clark** to approve the reappointment by Mayor Sutherland of Diane Pavan to the Community Services Advisory Board for a three year term ending September 17, 2015. Mr. Pohlkamp reaffirmed that he has known Diane Pavan for a long time and she is very committed to what she does. It is great to have her on board helping our Bay Village Community Services Department. Mr. Tadych added that Mrs. Pavan has been a senior advocate over the years, and is a great person.

Motion passed 6-0.

Mr. Clark introduced **RESOLUTION NO. 12-76 ORDERING THE REPAIR OF THE PUBLIC SIDEWALK ABUTTING CERTAIN PREMISES ON WOLF ROAD IN THE CITY OF BAY VILLAGE, AND DECLARING AN EMERGENCY**, and moved for adoption.

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Resolution No. 12-76.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Pohlkamp announced adoption of **Resolution No. 12-76**, an emergency measure, by a vote of 6-0.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Clark introduced **RESOLUTION NO. 12-77** TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Resolution No. 12-77.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Pohlkamp announced adoption of **Resolution No. 12-77**, an emergency measure, by a vote of 6-0.

FINANCE & CLAIMS COMMITTEE

Mr. Young introduced **RESOLUTION NO. 12-78** ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE CUYAHOGA COUNTY BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES, AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY, and moved for adoption.

Minutes of Regular Meeting
Bay Village City Council
September 17, 2012

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Resolution No. 12-78.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Pohlkamp announced adoption of **Resolution No. 12-78**, an emergency measure, by a vote of 6-0.

Mr. Young introduced **ORDINANCE NO. 12-79** TO MAKE APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR 2012, INCLUDING TEMPORARY APPROPRIATIONS HERETOFORE MADE IN ORDINANCES 11-102, 12-03, AND 12-10, ANNUAL APPROPRIATION ORDINANCE 12-11, AND SUPPLEMENTAL ORDINANCE NO. 12-62, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Ordinance No. 12-79.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Pohlkamp announced adoption of **Ordinance No. 12-79**, an emergency measure, by a vote of 6-0.

Mr. Young introduced **RESOLUTION NO. 12-80** AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER MONTHLY OPERATING FUNDS, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Resolution No. 12-80.

Roll Call on Suspension of Charter Rules:

Yeas –Tadych, Young, Clark, Lieske, Miller, Pohlkamp

Nays- None

Roll Call on Suspension of Council Rules:

Yeas – Tadych, Young, Clark, Lieske, Miller, Pohlkamp

Nays– None

Roll Call on Use of the Emergency Clause:

Yeas –Tadych, Young, Clark, Lieske, Miller, Pohlkamp

Nays - None

Roll Call on Adoption:

Yeas– Tadych, Young, Clark, Lieske, Miller, Pohlkamp

Nays– None.

Mr. Pohlkamp announced adoption of **Resolution No. 12-80**, an emergency measure, by a vote of 6-0.

PLANNING, ZONING, PUBLIC GROUNDS & BUILDINGS COMMITTEE

Motion by **Mr. Miller** to grant an extended period of time of sixty days, from the date of October 4, 2012 to December 3, 2012, to the Planning Commission for the review of plans for the expansion of the Bradley Bay Health Center. **Motion passed 6-0.**

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Tadych introduced **ORDINANCE NO. 12-81** AUTHORIZING THE PURCHASE OF ONE (1) 2012 ODB VACUUM LEAF LOADER UNDER THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Ordinance No. 12-81.

Roll Call on Suspension of Charter Rules:

Minutes of Regular Meeting
Bay Village City Council
September 17, 2012

Yeas – Young, Clark, Lieske, Miller, Pohlkamp, Tadych

Nays- None

Roll Call on Suspension of Council Rules:

Yeas – Young, Clark, Lieske, Miller, Pohlkamp, Tadych

Nays– None

Roll Call on Use of the Emergency Clause:

Yeas – Young, Clark, Lieske, Miller, Pohlkamp, Tadych

Nays - None

Roll Call on Adoption:

Yeas– Young, Clark, Lieske, Miller, Pohlkamp, Tadych

Nays– None.

Mr. Pohlkamp announced adoption of **Ordinance No. 12-81**, an emergency measure, by a vote of 6-0.

MISCELLANEOUS

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

Roll Call Vote: Yeas- Clark, Lieske, Miller, Pohlkamp, Tadych, Young. Nays – None. **Motion carried 6-0.** Also present in Executive Session were Law Director Ebert, Mayor Sutherland.

Council reconvened in an open meeting at 8:59 p.m. Present were: Clark, Lieske, Miller, Pohlkamp, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:00 p.m.

Scott Pohlkamp, Vice President of Council

Joan Kemper, Clerk of Council