

City of Bay Village

Council Minutes, Special Meeting

October 29, 2012

Council Chambers 8:00 p.m.

Paul A. Koomar, President of Council, Presiding

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

Others

Present: Law Director Ebert, Finance Director Presley

President of Council Koomar called the Special Meeting of Council to order at 8:00 p.m. in the Council Chambers with the Pledge of Allegiance led by Councilman Michael Young, Ward 4, and roll call.

AUDIENCE

The following members of the audience signed in this evening: Denny Wendell, Bruce Geiselman, Jeff Gallatin, Kent Silverberg, Russell Thompson

ANNOUNCEMENTS

Mayor Sutherland announced that this will be the last, official Council meeting of Finance Director Steven Presley. Mayor Sutherland wished Mr. Presley the very best in his new position with the City of Pepper Pike, noting that it has been a great pleasure working with him.

Mr. Koomar added his best wishes to Mr. Presley, noting that it sounds like a great opportunity and wishing him good luck in his new position.

The Mayor advised that an emergency notification system, Nixle Community Information Service, is in service and encouraged all residents to access the service by going to the Safety Services page on the city's web site, www.cityofbayvillage.com. Residents can put in as many phone numbers as they would like so they can get text messages and emails in emergency situations such as Hurricane Sandy, which the City of Bay Village is suffering from today. High winds with resulting trees and branches down and power outages are expected this week. People need to plan accordingly and be kind to their neighbors, taking care of each other during this weather crisis. Staffing is around the clock by the Service Department, police and fire squads are being bolstered, and First Energy has sent out an advisory of potential outages for five to seven days. The city will be prepared to shelter residents if necessary, but this is more of a storm where it is more prudent to shelter in place, at home. There have been many phone calls and emails about cancelling and rescheduling Halloween's Trick-or-Treat time. The Mayor asked for patience to assess the situation and allow a decision to be made on Tuesday afternoon or Wednesday morning as to whether or not to reschedule the official Trick-or-Treat time.

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Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held October 15, 2012. Mr. Pohlkamp **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 7-0.** Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees held October 15, 2012. Mr. Pohlkamp **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 8-0.**

Mr. Clark introduced **RESOLUTION NO. 12-87** URGING THE PASSAGE OF THE BAY VILLAGE SCHOOL DISTRICT BOND ISSUE, AND DECLARING AN EMERGENCY, and heartedly and strongly moved for and endorsed adoption.

Mayor Sutherland asked to add a friendly amendment to the resolution to support the charter amendments on the November 6 ballot.

Mr. Koomar stated that he and Law Director Ebert had discussed that for the last couple of days. The history on that has been that Council has not adopted a formal resolution from the standpoint that the members of the Charter Review Commission are appointed by the Mayor and confirmed by Council. Former President of Council T. Richard Martin believed that there should be an arms-length distance with Charter Review Commission members to allow them to do their work. Since Council is part of that process, in the past what they have done is to write a formal letter. Mr. Ebert stated that in the past a letter was sent signed by the Council and Mayor urging passage by the residents. Mayor Sutherland stated that there has also been direct campaigning and letters to the residents. Mr. Ebert stated that they used to have a "Seven for Bay Committee" which was made up of Council members for adoption of various legislation and election issues on the ballot in the past. That account was closed years ago, but was an effort by Council for issues that they felt politically needed to have an impact. They distributed literature with the funds, and distributed signage as necessary.

Mr. Koomar stated that this year his hesitation with putting this on the agenda last week was the fact that one of the charter amendments has to deal with Council itself. That is a conflict of interest that they would be voting on something that affects themselves. In other cases, they would not do that. In lieu of that, Mr. Pohlkamp is working on a letter that all of Council can sign informally.

Mayor Sutherland stated that Council passes an ordinance that sets their own wages.

Mr. Koomar stated that he is following the history set by Mr. Martin of how this has been done in the past. He noted that he would defer to the group, but the fact is that Council would be urging people to do something that would affect Council. Mr. Koomar lauded the Charter Review Commission, noting that they have done great work, but noted that this is his concern.

Mr. Tadych stated that as he remembers when he was on Council ten years ago, Council did not adopt a resolution. He stated that he would prefer keeping the resolution just read supporting the Bay Village Schools clean and concise.

Mr. Miller stated that as a member of the Charter Review Commission, he understands the

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frustration and the hours put into those amendments. The outpour of resistance to amendments known as Issues 4 and 5 upsets him because of the nature by which they have been twisted. Mr. Miller stated that he agrees that the resolution for the school district should remain as drafted and a resolution for the charter amendments should not be included, as much as he would like to support it.

Mr. Ebert asked if it would be proper for Council to voice their support of those issues for the record.

Mr. Clark stated that he saw no reason why not. He commented that the Charter Review Commission is a cross-section of professionals that gave of their time for four to six months. The members were not compensated, looked at a charter that was ten years old, and attempted to do what they thought was the right thing. He stated that it is up to Council to heartily support and endorse what they are doing.

Mr. Koomar stated that what was done in the past is in accordance with Mr. Tadych's comments.

Mr. Ebert stated that the majority of the impact of those changes in the Charter were part of the regionalization that is being talked about. It started with the Fire District, and has been on-going for some time. Based on the new funding mechanism, for cities to be able to be self-sufficient they are going to have to combine services with other cities. The impact of Issues 4 and 5 was to move forward with regionalization. Mr. Ebert noted that he recently attended a national conference and the major thrust right now is sharing services because cities cannot exist based on the funding mechanisms going forward unless they work outside the model. The opposition that is out there for Issues 4 and 5 are specifically related to the regionalization of a potential fire or police situation.

Mayor Sutherland stated that it is the unions.

Mr. Ebert stated that he knows they are opposed to it. The funding that is going on is coming from the unions to oppose Issues 4 and 5. Council doesn't have at its fingertips that ability to fund literature, campaign signs, or anything of that nature, not like the unions do.

Mr. Tadych stated that Council did fund the letter that went out from the Charter Review Commission.

Mr. Ebert stated that it was not signed by the Council. Mr. Tadych repeated that Council funded the letter. Mr. Ebert stated that it is not like it is a campaign with signs and things of that nature. It is difficult because Council is short-changed on what they can do and can't do. Literature has been received in the mails from the unions regarding Issues 4 and 5. It is being done, and it is unfortunate because the people that would have questions about it haven't seen the Council or Mayor come out about it. If nothing else, for the minutes, or for the newspapers' sake, support from the Council or the city as behind it because it is an effort to try to move forward with an idea of combining services in the future based on funding mechanisms.

Mr. Koomar stated that Mr. Pohlkamp sent him an initial draft this afternoon of a letter going out

that all of Council and the Mayor would sign which would further explain some of the nuances on which Mr. Ebert just commented.

Mr. Pohlkamp stated that he was just going to explain that this is the first time he has been through this process. His understanding is that it was a “hands-off” approach from City Council. These are also unique circumstances because he does not recall seeing in 2002 any type of signage. Mr. Pohlkamp is drafting a letter, if anyone wants to sign it. He will send it to Council, if they want to sign it, but it is hoped to get it out in a timely fashion.

Mayor Sutherland asked if the media will be printing next week.

Mr. Miller stated that one of the items that is probably being questioned by those opposing Issues 4 and 5 is that they bring to the topic that the chiefs, if they were unclassified, would be political pawns. For the record, someone would really need to read the Charter and understand that they both answer to the Safety Director. The Safety Director is the Mayor, so they don’t work with autonomy. They ultimately answer to the Mayor. If the Mayor gives them a direct order and they fail to follow it, then that is their choice. Whether they have classification or unclassification, they still answer to someone. They are not above the Mayor.

Mr. Ebert stated that Mr. Miller is correct. The take-off on the regionalization and Fire District, when those meetings are being held, if the cities do create a fire authority or fire district, you would not have five or six chiefs. There would be a commander and an officer-in-charge in local communities. There are six chiefs in the west shore. The idea is to save money from the top down. You would still have the same amount of fire fighters, but the number of administrators would be less. Not all the cities would need a hook and ladder truck, because we don’t all use it. The City of Bay Village’s truck usually sits in the garage, or is out for parades, gets rusted and \$4,000 to \$5,000 is spent having it retuned every five years. That is the idea of consolidation of services and equipment, and that is the impact of the fire district study. Mr. Ebert stated that he was here one night when it was discussed at a public meeting, and the unions are spreading something that is totally untrue. It is an effort to scare people that safety is going to be compromised. That is not the case.

Mr. Koomar stated that the one instance that concerned him the most was a resident who was concerned that if Issues 4 and 5 were to pass their fire service would come from a surrounding community and not Bay Village. Mr. Koomar stated that he does not think that could be farther from the truth. It has to do with management personnel, coordinating more training, and as the Law Director mentioned, collaborating on a few large pieces of equipment that would all be efficiencies for the city. Our fire station in Bay Village would remain, our paramedics would remain on staff, and Mr. Koomar expressed that he was disappointed that information was floating out there.

Mr. Ebert stated that this is one time in the election it would be good to have the League of Women Voters have a debate on this issue because the record could be set straight.

Mayor Sutherland stated that she thinks the Charter Review Commission was excellent, and was one of the best ones the city has had in a long time. They were very thoughtful. They had two

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attorneys, a great diversity, lots of wonderful background. The Mayor stated that she charged them with the idea of looking at the Charter in terms of trying to look at the future, look in a crystal ball, and make it as flexible as possible so the city can take advantage of some of the shared services and regional opportunities that may come up. Maybe things will come that we hadn't even considered. The Mayor stated that she thinks they did a really great job of trying to do that. The leadership of the community owes it to them, and to ourselves, and to the community to support what they have done because it is going to move the ball down the field.

Mr. Young stated that he personally has received at least five or six phone calls on questions in regard to the issues. He has also emailed out to his constituents that he does support the issues, and if they would like to have questions answered to please contact him.

Mr. Koomar stated that the last thing he would say is that a few residents have asked why not wait until regionalism is complete. There are a lot of different varieties out there that the city could take advantage of, and furthermore, if the timing was such that we needed to call a special election, people have not factored in that the cost of a special election can be upwards of \$30,000, and there is a time frame to take action and be part of a collaboration. Those are all factors that should be considered.

Mayor Sutherland stated that there is a friendly amendment to the school bond resolution that is on the table.

Mr. Tadych stated that he would like to keep the school bond resolution as it is.

Mayor Sutherland stated that there needs to be a motion to accept or reject the amendment.

Mr. Clark asked if a separate resolution can be done this evening as opposed to an amendment to an existing resolution.

Mr. Ebert stated that a separate oral resolution, or motion could be done to support the passage of the charter amendments that were proposed by the Charter Review Commission that is on the ballot on November 6.

Mr. Pohlkamp stated that he is in favor of leaving the school resolution as is. He is preparing a letter from Council in support of the charter amendments.

Mr. Miller stated that he is in favor of leaving the school resolution as is.

Mr. Ebert stated that if a motion were on the floor in support of the charter amendments, it could be reported that there was a motion supporting the charter review amendments.

The Mayor noted that Council must take action on the friendly amendment she proposed to the school bond resolution. Mr. Ebert stated that a second to the motion must be made, and from there a vote.

There was no second to the amendment to the school bond resolution.

Mr. Koomar called for a vote on the motion to adopt Resolution No. 12-87, urging the passage of the Bay Village School District Bond Issue, and declaring an emergency.

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 **Resolution No. 12-87**, an emergency measure, by a vote of 7-0.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Pohlkamp **MOVED** to adjourn to Executive Session regarding contracts, 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.

Council reconvened in an open meeting at 9:00 p.m. Present were: Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young.

Mr. Young read and introduced **RESOLUTION NO. 12-88 AUTHORIZING THE PART-TIME EMPLOYMENT OF STEVEN J. PRESLEY FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2012, AND JANUARY, 2013, AND DECLARING AN EMERGENCY**, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 12-88.

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:

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

Mr. Koomar announced adoption of **Resolution No. 12-88**, an emergency measure, by a vote of 7-0.

Mr. Young read and introduced **ORDINANCE NO. 12-89** TO MAKE EXPENDITURES OF THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR 2012, INCLUDING TEMPORARY APPROPRIATIONS HERETOFORE MADE IN ORDINANCES 11-102, 12-03, 12-10, ANNUAL APPROPRIATION ORDINANCE NO. 12-11 AND SUPPLEMENTAL APPROPRIATION ORDINANCE 12-62 AND 12-79, 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. 12-89

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 Ordinance No. 12-89, an emergency measure, by a vote of 7-0.

Mr. Koomar stated that technically we have adjournment, but he would be happy to return to Item No. 3 on the agenda, Miscellaneous/Announcements/Audience, if the Mayor would like to do so.

The Mayor stated that she would like to make a motion to support the charter amendments that are on the ballot this November, Mr. Clark seconded the motion.

Mr. Koomar asked all those in favor to signify by saying “Aye.”

The “Ayes” were heard.

“Opposed?” None were heard.

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Mr. Koomar announced that the motion passed.

Following the meeting, Mrs. Lieske, Mr. Miller and Mr. Tadych notified the Clerk that they did not say “Aye” to the motion of Mayor Sutherland, but, in fact, abstained from voting.

There being no further business to discuss, the meeting adjourned at 9:07 p.m.

Paul A. Koomar, President of Council

Joan T. Kemper, Clerk of Council