

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers, 8:10 p.m.

November 19, 2012

Scott Pohlkamp, Vice President of Council, presiding

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

Absent: Mr. Koomar

Others

Present: Finance Director Presley, Operations Manager Landers

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

During the review, it was noted that this week's trash collection will be on Saturday, November 24, 2012. The last Friday trash collection will be Friday, November 30, 2012, and the Tuesday pick up days will begin Tuesday, December 4, continuing on Tuesdays only from that point forward. Mr. Pohlkamp asked if something can be put on the Cahoon Memorial Park bulletin board to notify residents. Mayor Sutherland stated that she would prefer to do that the week that the switch to Tuesdays is being made. Mr. Clark suggested Council members also inform their constituents via email.

Mr. Clark commented during the review that he will introduce two motions this evening during the meeting of Council. The first motion will be to not voice an objection to the liquor permit application of BAYarts, and the second motion will be to approve the Common Pleas Court approved donation of the lost, abandoned, stolen, or lawfully seized bicycles currently in the possession of the Bay Village Police Department to the Bay Skate and Bike Park Foundation.

Mr. Pohlkamp asked if the Bay Skate and Bike Park Foundation is working in cooperation with the Village Bicycle Co-op. Mayor Sutherland stated that they are working as the fiduciary agent of the Village Bicycle Co-op. The Village Bicycle Co-op does not yet have their non-profit status, it is in process, and the Bay Skate and Bike Park Foundation will dispose of the items through the Bicycle Co-op.

Mr. Clark will introduce three ordinances this evening that need to be approved for the Rocky River Wastewater Treatment Plant, as mandated by the Environmental Protection Agency. The four Westshore communities of Bay Village, Fairview Park, Rocky River, and Westlake are approving the same documents.

Mr. Young stated that he has spoken with resident Libby Showalter, who was present this evening, in regard to an idea that Mrs. Showalter had for a fundraising effort for their Bay Travel Baseball Team to fund a trip to the Baseball Hall of Fame in Cooperstown, New York. The group is looking to sell the naming rights of one of the baseball fields at Bradley Park, for a

Minutes of Regular Meeting
Bay Village City Council
November 19, 2012

period of one year. A sign would be erected naming the field for the one-year period in the name of the person who purchased the naming rights by auction to the highest bidder. Mr. Young stated that he feels any activity of this sort would be out of the question for the fields in Cahoon Memorial Park, but it may be able to be discussed by the Committee of the Whole at the Committee Meeting to be held November 26, 2012 as an option for a Bradley Park field.

Mrs. Showalter explained that the 12 year old team from Bay Village goes every year to the Baseball Hall of Fame. The trip costs \$12,000 for the team. The idea is to install a small plaque, approximately 10 inches by 10 inches, at the field with the person's name, and the name of the family, on the backstop or fence of the field for a period of one year.

Mrs. Lieske asked if all of the players on the team are Bay Village residents. Mrs. Showalter stated that 6 boys are residents and 4 boys are non-residents. Two of the non-residents attend St. Raphael's School.

The fundraising event is to be held in June with the trip to Cooperstown scheduled for August.

Mrs. Lieske stated that a Recreation and Parks Improvement Committee meeting will be held Monday, November 26, at 7 p.m. and suggested the possibility of including this item on the agenda for that meeting. Mr. Young stated that he would prefer the discussion be held by the Committee of the Whole as a general, policy discussion.

Mr. Clark noted that consideration could also be given to allowing the naming rights on a seasonal basis rather than for a period of a whole year.

Mr. Young reiterated the need for a discussion of the Committee of the Whole on generalized terms, taking into consideration future ramifications if others should submit the same type of proposal.

Mr. Tadych noted that several years ago there was a request for naming rights of a field in Cahoon Memorial Park, which was not permitted.

Mrs. Lieske agreed that the whole concept of naming rights is a broader discussion for the Council of the Whole rather than for the Recreation and Parks Improvement Committee.

Mr. Tadych suggested that the Law Department may be able to give some advice and direction.

Mr. Pohlkamp gave Mrs. Showalter credit for creativity in the presentation of their idea. With the approval of the President of Council, the item will be placed on the agenda for the November 26, 2012 committee meeting agenda.

Mr. Young reviewed the items he will present at the regular meeting of Council tonight. The standard monthly transfer of fund resolution will be presented for approval. A supplemental appropriation ordinance was reviewed by Mr. Young, and he noted that the Law Operating Fund is being increased by \$15,000 for Outside Legal Expense. Mayor Sutherland distributed a copy

Minutes of Regular Meeting
Bay Village City Council
November 19, 2012

of a contract for which these funds are needed. The proposal will be discussed in Executive Session this evening.

Mr. Young noted further changes to the ordinance, which will be amended by reading. In Section C, Public Improvement Fund, \$13,550.00 will be added to the \$17,300.00 in the ordinance to purchase new lighting for the fire station. This new lighting will provide a payback to the city in less than two years in utility costs. In addition, a rebate is offered in the amount of \$5,800 from the energy company. Since the contract is under \$15,000, it will not be necessary to authorize the contract by ordinance. Mr. Young noted that since the fire station lights are on 24 hours a day there will be a very quick payback on the energy savings. Mr. Young commented further that since the police station is a newer building, it makes more sense to make these changes at the fire station which was built in 1970.

Mr. Miller clarified that the lighting is only for the interior of the fire station building and does not include site lighting.

Mr. Young will also introduce an ordinance this evening authorizing a contract with Citi Electric Company, Inc. for emergency repairs to the sewerage pump stations at Huntington and Longbeach, which suffered serious damage from Hurricane Sandy. This contract is in the amount of \$42,000 and represents the electrical work necessary to bring the pumps back into working condition. The Finance Committee discussed the urgency of this situation and also noted the expense of \$19,675.00 for a back-up system for the Longbeach Pump Station.

Mayor Sutherland commented that this qualifies as an emergency repair which must be done. It is unsure whether lightning or a combination of lightning and power surges caused the damage. Temporary equipment was rented to stay operational.

Mr. Young stated that inquiries will be made as to whether insurance coverage will apply for these damages. Mayor Sutherland stated that pumps at the pool were also lost, as well as the lights at Bradley Park. There are some qualifications for FEMA funding, which the Mayor has reviewed. The Mayor commented further that the administration is still gathering all of the numbers, rolling in the overtime that was incurred for the clean-up crews. One of the provisions for FEMA is that the area needs to be declared a disaster area and in order to do that there has to be a certain amount of property damage which the City of Bay Village did not sustain. Six homes were hit by trees, as well as garages, but the damage was not catastrophic enough to qualify. They will amass the information from the storm to see what those figures indicate.

Mr. Pohlkamp asked the situation with the city hall roof. Mayor Sutherland stated that the roof is in very bad condition. During the storm, water was running down the clock tower, the Law Director's office, the Mayor's office, and in other trouble spots. Many roofing shingles were blown off the roof. This is also being considered in light of the previous hail claim damage. Similar damage occurred on the Community House roof. The Mayor stated that repairs will have to be made before the onset of winter.

Mr. Tadych will introduce an ordinance this evening ratifying a Public Utilities Commission of Ohio renewal application that was last approved on October 4, 2010. This comes due every two years and allows the city to maintain their status as a government aggregator. Mayor Sutherland stated that the ordinance is a ratification of the renewal because of receiving notification only one week ahead of the time that the documents were due to be signed and returned.

Mr. Clark noted that there is one more year before the opt-out period goes into effect. Residents may opt out every three years in the nine year program that was approved by the voters two years ago in an 80%/20% margin. The program saves 6% on generation charges for electricity to each household receiving their electricity through First Energy.

Vice President of Council Pohlkamp called the regular meeting of Council to order at 8:10 p.m. in the Council Chambers with the roll call and Pledge of Allegiance led by David L. Tadych, Councilman, Ward 1.

Mr. Pohlkamp called for a reading of the Minutes of the Regular Meeting of Council held November 5, 2012. Mr. Miller 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 November 5, 2012. Mr. Miller MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mayor Sutherland advised that Mayor Bobst of Rocky River, Mayor Eileen Patton from Fairview Park, and Mayor Sutherland met with the President of The Illuminating Company last week to talk about their storm response and communications. They had a very productive meeting, and commitments were made to the mayors regarding dedicating cut and clear crews to the three communities and looking at how to prioritize. Mayor Sutherland will keep Council posted. They will have a follow-up meeting with The Illuminating Company and the mayors were very pleased. The Mayor noted that the President of The Illuminating Company had been on the job about a week and a half before the storm hit, and the Mayor feels he is able to look at this with a fresh view. The conversations will be continued, but they were very pleased with the reaction they received.

Mr. Clark addressed the Mayor, stating that it may be helpful, when the discussions are concluded, for Council to receive those in writing so that they will know the date commitments are made. The Mayor stated that they have asked for that and she just received a follow-up letter from the President today stating that they are working on a letter that they will send out to the community.

Mayor Sutherland stated that she had an idea, and she has approached the Friends of the Bay Village Kennel to meet and she would like to come to Council with the idea. The Mayor stated that she thinks it is tentatively scheduled to be on the agenda next week and she would ask that that be postponed until she has a time to meet with this group and see if they are even interested.

REPORTS

Finance Director Presley had no report this evening.

Operations Manager Landers had no report this evening.

COMMUNICATIONS

Email communications from the following were received and are on file in the Clerk of Council office for public inspection:

Nancy Brown, 25824 Wolf Road received November 6, 2012

Jennifer Smillie, Village Bicycle Cooperative received November 19, 2012

AUDIENCE

The following members of the audience signed in this evening: Jack Miller, Kent Silverberg, Frank Pohlkamp, Jeff Gallatin, Jerrie Barnett

Jerrie Barnett, 316 Bayview Road, asked for an update on the railroad tracks and stoplight installations.

Mayor Sutherland stated that Director of Public Service Dan Galli gave an update earlier this evening in the Finance Committee meeting. He advised that the holdup has been the railroad. That has been resolved; the lights have been tested and worked. The plans are to go live the first week in December.

Mrs. Barnett asked if this is still going to cost the city \$29,000. Mayor Sutherland stated that she is not sure what the final bill was, but there was some cost to the city.

Mrs. Barnett asked if there is any information as to the cost to the city for the overtime and work required due to Hurricane Sandy.

Mayor Sutherland stated that they are still assessing damage and part of that is tied up to the pump station. The city lost two pumps at the pool, the lights at Bradley Road Park, two buildings need to be re-roofed, and there are overtime costs associated with storm damage.

Jerrie Barnett asked if the tennis courts on Dover Center Road are basically done, except for the strips. Mayor Sutherland stated that there needs to be another course of asphalt applied, the actual professional surface applied, and fencing. The asphalt plants close on Thanksgiving and the Service Director thought that because of all the rain the project should cure over the winter with the second coat of asphalt applied in the spring.

Mr. Young asked if the additional costs for the traffic light signals at the railroad tracks will be split with the City of Westlake. Mayor Sutherland stated that there is a portion that will be paid

for by the City of Westlake. Mr. Presley noted that even with the additional costs, the contract is still under-budget.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Clark

Motion by Clark to approve the application to the Ohio Division of Liquor Control for D1 and D2 Liquor Permits by Baycrafters, dba BAYarts, 28795 Lake Road.

Motion passed 6-0

Motion by Clark to approve the Common Pleas Court approved donation of the lost, abandoned, stolen, or lawfully seized bicycles currently in the possession of the Bay Village Police Department to the Bay Skate and Bike Park Foundation.

Motion passed 6-0.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Clark introduced **ORDINANCE NO. 12-94** AMENDING CHAPTER 912 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, ENTITLED “SEWER USE AND TREATMENT FACILITIES,” TO COMPLY WITH THE REQUIREMENTS OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY, 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. 12-94.

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 **Ordinance No. 12-94**, an emergency measure, by a vote of 6-0.

Mr. Clark introduced **ORDINANCE NO. 12-95 REPEALING** EXISTING CHAPTER 912A OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, ENTITLED

Minutes of Regular Meeting
Bay Village City Council
November 19, 2012

“PRETREATMENT,” AND ENACTING A NEW CHAPTER 912A, ENTITLED “PRETREATMENT” TO COMPLY WITH OHIO ENVIRONMENTAL PROTECTION AGENCY REQUIREMENTS FOR DISCHARGES INTO THE ROCKY RIVER WASTEWATER TREATMENT PLANT, 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. 12-95.

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 **Ordinance No. 12-95**, an emergency measure, by a vote of 6-0.

Mr. Clark introduced **ORDINANCE NO. 12-96** AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT BETWEEN THE CITIES OF BAY VILLAGE, FAIRVIEW PARK, ROCKY RIVER, AND WESTLAKE AS REQUIRED BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO ENSURE UNIFORM STANDARDS AND COMPLIANCE ENFORCEMENT FOR THE OPERATION OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT, 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. 12-96.

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 **Ordinance No. 12-96**, an emergency measure, by a vote of 6-0.

In compliance with Section 121.22 of the Ohio Revised Code, Mrs. Lieske **MOVED** 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 passed 6-0.** Also present in Executive Session were Finance Director Presley and Mayor Sutherland.

Council reconvened in an open meeting at 8:55 p.m. Present were: Clark, Lieske, Miller, Pohlkamp, Tadych, Young, Mayor Sutherland, Finance Director Presley.

FINANCE & CLAIMS COMMITTEE

Mr. Young introduced **RESOLUTION 12-97** 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. 12-97.

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 **Resolution No. 12-97**, an emergency measure, by a vote of 6-0.

Mr. Young introduced **ORDINANCE NO. 12-98**, amending by reading that Section A shall state that there be appropriated from the General Fund the additional sum of \$17,975.00, bringing the General Fund to \$11,796,432.00, the second item in Law Operating, \$15,000 is to

Minutes of Regular Meeting
Bay Village City Council
November 19, 2012

be removed, Section C is to be amended by reading that there be appropriated from the Public Improvement Fund the additional sum of \$30,850.00, bringing the total Public Improvement Fund to \$618,780.00, 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, 12-10, ANNUAL APPROPRIATION ORDINANCE 12-11, AND SUPPLEMENTAL APPROPRIATION ORDINANCES 12-62, 12-79 AND 12-89, 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. 12-98.

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 **Ordinance No. 12-98**, an emergency measure, by a vote of 6-0.

Mr. Clark introduced **ORDINANCE NO. 12-99** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CITI ELECTRIC, INC. FOR THE EMERGENCY REPAIRS TO THE LONGBEACH AND HUNTINGTON SEWERAGE PUMP STATIONS, 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. 12-99.

Roll Call on Suspension of Charter Rules:

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. 12-99**, an emergency measure, by a vote of 6-0.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE - Mr. Miller

Mr. Miller had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Tadych introduced **ORDINANCE NO. 12-100**, RATIFYING THE PUBLIC UTILITIES COMMISSION OF OHIO RENEWAL APPLICATION FOR THE CITY OF BAY VILLAGE TO MAINTAIN THEIR STATUS OF GOVERNMENTAL AGGREGATOR, 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. 12-100.

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 **Ordinance No. 12-100**, an emergency measure, by a vote of 6-0.

MISCELLANEOUS

Mr. Pohlkamp wished everyone a Happy Thanksgiving.

Minutes of Regular Meeting
Bay Village City Council
November 19, 2012

There being no further business to discuss, the meeting adjourned at 9:10 p.m.

Scott Pohlkamp, Vice President of Council

Joan Kemper, Clerk of Council