

# City of Bay Village

Council Minutes, Committee Session  
Council Chambers

December 10, 2012  
7:30 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, Service Director Galli, Operations Manager Landers

President of Council Paul A. Koomar called the meeting to order at 7:30 p.m. in the Council Chambers of Bay Village City Hall, and the meeting was open to the public.

## **AUDIENCE**

The following members of the audience signed in this evening: Lydia DeGeorge, Suzanne Graham, Sandy Carter, Jerrie Barnett, Gigi Monroe, Denny Wendell, Susan Murnane, Conda Boyd, Patrick McGannon, Jennifer Smillie, Jennifer Kennedy

Jerrie Barnett, 316 Bayview Road, asked about the refuse collection fee expiring on December 31, 2012. We have three choices – we can get rid of it, we can keep the same rate of pay, or the rates going to go up, or down.

Mr. Young responded, stating that when the refuse collection fee was first established it was designed to be one that would come to Council every year. We would basically stand in front of our voters and say yes or no. The purpose was to have it looked at and voted on every year. The matter will be discussed further this evening under the Finance and Claims Committee portion of the meeting, and based on that discussion will do one of the things described by Mrs. Barnett.

## **COMMITTEE OF THE WHOLE**

### **Mr. Bob Greytak, CT Consultants – Update on Sewer Projects**

**Service Director Galli** stated that construction is underway on the Cahoon Road Aerial Sewer. The contractor is putting a manhole at each end of the project. When this is complete they will set up bypassing of the sewers and then replace the sewer line. The project is on schedule and should be complete by mid-January, weather permitting. Mr. Galli introduced Mr. Bob Greytak of CT Consultants to discuss the Cahoon Road Relief Sewer and the Lake Road Pump Station.

Mr. Greytak distributed printed information to the Council. He advised that the City of Bay Village is under orders from the Environmental Protection Agency (EPA) to eliminate two overflows located along Cahoon Road, one at the end of Lincoln Road, and one at the end of

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Aberdeen Road. A relief sewer is to be built along Cahoon Road to take the flow that would normally go out the overflow and transport that to Wolf Road.

A computer model of the sewers on Cahoon Road and the LARK area (Lincoln, Aberdeen, Rexford, Knickerbocker) has assisted CT Consultants to come up with a recommendation. They were able to use flow data information provided by United Survey in 2010, and rain data for that same period. They could match that up with what they were seeing in the sanitary sewers and compare it to the amount of rainfall there was at the same time. The patterns indicate that five percent of all the rainfall that falls in the LARK area finds its way into the sanitary sewer. The sanitary sewer was not designed to take any flow from storm water.

Mr. Koomar asked if there are other areas that might have higher or lower percentage of rainfall in the sanitary sewers. Mr. Greytak stated that Mr. Koomar is correct; the five percent is an average of the whole area and a totality of the amount of rainfall in the sanitary sewer.

Mr. Greytak noted that at the present time there is an eight inch sewer and a ten inch sewer in the area. Graphs were displayed, using 25, 50 and 100 year storm events, indicating the efficiency of the flow if those smaller sewer lines were to be replaced with an eighteen inch sewer. With a 100 year storm the eighteen inch pipe will completely fill up and start to back up, affecting every sewer upstream from that sewer. An eighteen inch sewer is large enough if the interest is transporting the water from a 25 year storm. A twenty-four inch sewer will provide enough sewer capacity to handle a 100 year storm. The cost of a twenty-four inch sewer is estimated to be 25% more than an eighteen inch storm. The existing sewer system dates back to the 1930's. A 100 year storm is about 4 ½ inches of rain over a 24 hour period of time. The position of the EPA is that storm water overflows into the sanitary sewer lines are illegal, regardless of the storm event.

Mr. Young stated that he does not want to see the City of Bay Village designed so that the rest of the city has only a 25 year storm event sewer. This will be the only area in Bay Village that now has a 100 year storm event sewer. He asked if it is assumed that the rest of the system can handle the volume. Mr. Greytak stated that because the city is a rather small area, while they are taking in a 100 year storm and providing additional capacity compared to the total flow from the city, it is not going to have that much impact downstream.

The Mayor stated that once the overflow issues are taken care of they may start looking at where they need to replace sewers and build up to the 100 year storm capacity.

Mr. Greytak commented that even with a 24 inch relief sewer on Cahoon Road, there could still be sewer back-ups on local streets. The local sewers are not designed to convey a lot of flow. The project is designed to get rid of the overflow and make sure that whatever happens on the side streets is not a result of the sewer on Cahoon, but there could still be issues because of the size of the sewers on the local streets.

Mr. Koomar stated that in the past the city has lined sanitary sewers to minimize inflow and infiltration. He asked if storm sewers are lined. Mr. Greytak stated that both sanitary and storm

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sewers can be lined. The sanitary sewers in the area were relined, but only within the public right-of-way.

Mayor Sutherland stated that Mr. Greytak is advising that once the city has taken care of this project they have done everything they can for that area in the public right-of-way. The next step would have to be on private property.

Mr. Young asked if there has been any discussion about the city paying the cost of a sewer design up to a 50 year storm event, and anything above that would be borne by the residents of the area.

Mr. Pohlkamp, Chairman of the Public Improvements, Streets, Sewers and Drainage Committee, stated that the committee has discussed the possibility of putting together a formal education program for the residents on what they can do to eliminate inflow and infiltration. That would be especially appropriate next year to explain to the people in that area what is being done and also educate them on what they can do in the short term to reduce inflow and infiltration.

Mr. Koomar confirmed with Mr. Greytak that the connection from the individual lines of homes to the sewer pipe has not been relined. He asked if the joints have been relined. Mr. Galli stated that every connection is different. Some have been replaced with plastic. Mr. Greytak and Foreman Gordon Evans stated that he believes the connections were relined just to the point of several feet before the sidewalk.

Mr. Pohlkamp asked if there is a negative aspect to going to a 24 inch pipe. He stated that there is no negative aspect at the slope it is being installed. If it were installed at a flatter slope there would be a sluggish flow with sediment build up over time. The specifications will allow for other material of the pipe, but they typically end up being PVC pipes.

Mr. Greytak stated that money from the Issue 1 loans must start to be drawn by July 1, which would require advertising for bids by March 1. The best option is for the 24 inch pipe and is the best opportunity for additional flow management.

Mr. Tadych asked if the reduction from the ten inch sewer to an eight inch sewer was common at the time the sewers were constructed. Mr. Greytak stated that for the area it serves, under dry weather conditions, the ten inch sewer is large enough. The added inflow of storm water is negatively impacting the capacity. The sewers were not designed to take that inflow.

Mr. Pohlkamp stated that long term it makes more sense to go with the 24 inch storm sewer. The life of the project is 100 years. Mayor Sutherland stated that from an administrative stand point they would recommend the 24 inch storm sewer. Mr. Young stated that he would vote yes, but it bothers him that this area gets a 100 year storm event sewer at no cost, whereas his neighborhood does not have a 100 year storm event sewer.

Mr. Miller asked what led the storm sewer investigation to this location versus other locations in the city. Mr. Greytak stated that there were sanitary sewer overflows discharging sewage directly into the storm sewer during rainfall events. To his knowledge, there are four overflows

that are listed with the EPA. These two, and two on Lake Road are the four that are under orders by the EPA to eliminate.

Mr. Miller stated that he just wants the public to know there is no favoritism. There is a pertinent, engineering reason why these are being addressed.

Mr. Tadych expressed favor with the 24 inch sewer.

### **Lake Road Pump Station**

Mr. Greytak distributed information regarding the Lake Road Pump Station to the City Council. He stated that there were problems with the pump station, and concern about whether that pump station has the capacity to do its job going forward. CT Consultants was asked to install some flow meters in the sanitary sewers upstream from the pump station to monitor the flow over a period of time and report back on their findings.

Mr. Pohlkamp noted that this is the pump station that was designed and engineered by another firm, and has found to be faulty.

The pump station has a capacity of .06 MGD, or 60,000 gallons per day, peak flow coming into the pump station. The graphs provided by Mr. Greytak indicate that the pump station does not have the capacity to pump a 5-year storm from the sewer on the north side of Lake Road. This relates primarily to the pump and the pipe from the pump to the interceptor, which is a very small diameter pipe, approximately 340 feet in length.

There is also an overflow on the south side of Lake Road. The proposal is to take the sewer from the south side, connect it to the sewer on the north side, take them both into the pump station, and pump from there into the interceptor. The reason for this proposal is because the sewers by gravity are impacted by the level in the interceptor. Even during minor events, if the interceptor is up to more than half capacity, the pipes start to back up to overcome the flow. A relief sewer such as the Cahoon Road Relief Sewer could be designed, but there will still be back up when the flow is coming into the interceptor at the same elevation. In order to mitigate that, there needs to be a disconnection of any gravity connection between those sewers and the interceptor, which means it needs to go to a pump station. The tributary to the sewer in the south, Bruce/Douglas area, used to be a combined sewer. It was separated in the 1920's and 1930's, and there are a lot of remaining connections from the house to the sewer. When they built the sanitary sewer to separate the system, there is a note on the plans that says if you come to a house and there is only one pipe coming out of the house, connect it to the sanitary sewer. The sanitary sewer was significantly smaller than the old combined sewer. The city did dye testing and determined that on Russell Road of 44 homes tested, 17 homes failed. The dye, instead of showing up in the storm sewer, showed up in the sanitary sewer. Bruce Road – 38 tested, 10 failed. Dover Center – 9 homes tested, 3 failed. Douglas- 5 homes tested, 4 failed. Lake Road – 24 homes tested-5 failed. Overall, 121 homes were tested. Thirty-nine failed, a failure rate of almost 33%. Those thirty-nine homes can have a tremendous amount of water from the directly connected downspouts or a foundation drain.

A questionnaire was sent out to the homeowners in the area. Roughly 78% of the people in this area experienced basement flooding. Fifty-seven percent experienced flooding in 2011; 91% experienced flooding in 2010 or prior years. Intensity of the flooding fluctuated, but one or two inch storms produced flooding in the area. Some of the water (21%) was coming from basement walls. The rest was either from the drain under the stationary tub or along the foundation, which is characteristic of sanitary sewer back-ups. Thirty-six of the respondents had backflow prevention devices installed, with most having sump pumps installed with the backflow preventers. Twenty percent of the responders had disconnected their downspouts.

One choice for a solution is to put in a pump station that will be a 2 ½ MGD capacity, enough for a five year storm event. The alternative is to try to get rid of the clean water that is getting into the system. The existing pipe is in good enough condition, with one section between Douglas and Glen Park starting to deteriorate, and would be able to handle the flow without the need of a new pump station. Mr. Greytak suggested returning to the EPA with a proposal to address the inflow and infiltration problems that are inherent in this area.

Mr. Koomar summarized Mr. Greytak's report, stating that one-third of these homes that failed the dye test are due to only one pipe running to the street, and it is going to the sanitary sewer line. Even though it is clean water, the reason there is waste in basements is because the sanitary sewer line gets charged and then backs up.

Mr. Young asked if the city could require homeowners to run a line from their home to the storm sewer or disconnect downspouts and put in sump pumps. Mayor Sutherland stated that legislation would need to be passed. Mr. Pohlkamp noted that the EPA should have some stories or history with other communities that the city can discuss. Mr. Greytak stated that he cannot guarantee that the basements will never flood again when a new sewer is built, but he can guarantee if all sources of clean water getting into the sanitary system are eliminated, there won't be future flooding.

Mr. Greytak stated the best way to approach this is for the city to tell the EPA what is the best way for this city to accomplish their goal of elimination of the sources of clean water in the sanitary system through a progressive plan. Mayor Sutherland added that it has been their experience with the EPA that if they go to them with a proposal they are more successful. CT Consultants has just completed the analysis and there can be discussion about formulating a plan going forward.

Mr. Koomar confirmed with Mr. Greytak that there is a possibility in some cases where a homeowner may be able to dig down and connect a storm line to an existing storm line that exists, but that would be on a case-to-case basis. This might be a combination of disconnecting downspouts and doing proper connections.

Mr. Pohlkamp asked if disconnecting the downspouts would give the fastest relief. Mr. Greytak responded affirmatively. Mr. Tadych asked what pouring all of the water out of the downspouts does to the ground, and where the ground might lead that water to go, to create a neighborhood situation. Mr. Greytak stated that the responses vary, from the size of the lot and how the lot drains. The discharge should be at least ten feet away from the foundation. Mr. Tadych stated

that homes on corners that might have ten feet of dirt and sidewalks next to it, as is around the Douglas area, might experience a freezing problem on the sidewalks. Mr. Greytak agreed and stated that in some areas they have to have a new connection from the downspouts straight to the storm sewer.

Mr. Pohlkamp noted that the committee has had these discussions in the past. On the surface it seems a simple solution but in reality it is very complicated which is why it hasn't been immediately addressed in the past.

Mr. Koomar asked if the slope of the sanitary within Douglas, Bruce, and Russell is flat. Mr. Evans stated that it is flat. It picks up when getting closer to Lake Road, and towards Glen Park. Mr. Koomar asked if the water would back up into Douglas if there were a 100 year storm event. Mr. Greytak stated that with the overflows in place it will not back-up, without the overflows it will back-up.

Mr. Tadych stated that it is time the city approached these problems and do something effective. We've all been on Council long enough to know this is a very serious problem. Mr. Greytak stated that the problem is not unique to Bay Village. As far as overflows, Bay Village has less overflows than other communities. Mr. Clark asked if it would be fair to say that Bay Village is more proactive in their approach than other Westshore communities. Mr. Greytak responded affirmatively, but noted that Rocky River has been doing a lot of work. The magnitude of the problem in Bay Village is not as daunting as it is in other communities.

Mr. Greytak stated that CT Consultants will meet with the administration and contact the EPA for a meeting to report their findings and what the options are for a solution. The Council will receive a report as to whether the EPA is negative about other options, other than building a large pump station. He feels they will be able to make a strong case that it doesn't make sense to build something that large for this size of an area.

Mr. Greytak was thanked for his presentation.

## **ANNOUNCEMENTS**

**Mayor Sutherland** announced that the first Emergency Communication Task Force meeting was held this evening. Council will be kept posted as this moves forward.

The Mayor advised of the following reappointments:

Architectural Board of Review – Gregory Ernst, term expires December 31, 2012  
Board of Zoning Appeals – Jack Norton, term expires December 31, 2012

Community Services Advisory Board member Mary Munn, whose term expired December 4, 2012, has chosen not to be reappointed. Scott Pohlkamp has expressed interest in the position.

There is one more week for leaf pick up. Every single home in the city was reached six times, with 1642 loads of leaves amounting to 31,000 yards picked-up. The program officially ends

December 15. After that time it is suggested that homeowners bag their leaves as yard waste.

The Mayor stated that she would like to go back and address the Council meeting that was held which discussed the animal kennel. She stated that she does not think that the meeting was handled very well by the Mayor, by the Council, and by the Friends of the Bay Village Kennel. She stated that it would be in everyone's best interests to hit the reset button, let bygones be bygones and she would like to make the following proposal publicly.

Mayor Sutherland stated further that what they would propose to the Friends of the Bay Village Kennel would be to offer them a lease for the current kennel at the Service Garage for a three year period with three annual renewals for \$1.00 per year. The city would work with them to incorporate enough land into the footprint to accommodate a new building. The driveway and parking, Foreman Gordon Evans assures the Mayor, can be done in-house. At that particular site, the water, sewer, electric and gas lines are currently available. All utility costs would be paid for by the Friends of the Bay Village Kennel. The city would construct a new driveway and parking area once the construction plans are finalized. That can be done in-house and tacked on to the asphalt contract. The thought as far as the land issue is that the city does not know what they are planning as far as new construction so they can rent the current kennel, then take it down or utilize it while they are under construction. The Friends could then operate the kennel at their expense, as they see fit, provided that all local and state laws and regulations are obeyed. The city would be held harmless in the event of any animal or human injuries at the kennel, or on the kennel property. The kennel will have a room at the inn for stray animals brought to the kennel by members of the Bay Village Police Department and the organization would have to have a certificate of insurance.

The Mayor concluded by saying that this is just an initial proposal. There would have to be a lot of discussion and, hopefully, consensus built with a smaller committee to address it.

Mr. Koomar asked if the Mayor will be contacting the Friends of the Bay Village Kennel for further discussion. Mayor Sutherland stated that she has already reached out to them so she will wait for them to get back to her.

Nancy Brown asked Mayor Sutherland if it would be possible to have the proposal sent to Janet Kauker as a Word Document. The Mayor responded affirmatively.

## **PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE**

### **CT Consultants contract for Construction Services (Inspection and Contract Administration) for the Cahoon Creek Aerial Sewer Replacement Project**

**Mr. Galli** stated that he will present an ordinance on December 17, 2012 authorizing the Mayor to enter into an agreement with CT Consultants for construction services for the Cahoon Creek Aerial Sewer Replacement Project. This will provide on-site inspection of the project. The project was funded 100% through the Ohio Public Works Commission (OPWC) and this contract amount was included in the application to the OPWC.

Mr. Young commented that there are a number of projects outstanding: Bradley/Naigle intersection, the Dwyer Memorial Center, and the Dover Center Road Tennis Courts. It would be nice to conclude the budgetary aspects of these projects before year-end.

Mr. Galli will submit a report to Council next week as to the standing on all of these projects.

**Transfer Station/Salt Storage Building at Service Garage – Discussion and introduction of options for replacement**

Mr. Pohlkamp stated that the previous storage building has been demolished. A settlement has been received from the insurance company; the committee has recommended going to requests for proposals and requests for qualifications for replacement of the building and other ideas that Mr. Galli has put forward for storage capacity.

Mr. Galli stated that they are trying to take action on this project to obtain the insurance settlement. They would like to request proposals and qualifications for a cold storage building, which would be a pole barn. None of the RFP/RFQ's would obligate Council. They will keep the loading transfer point, where the building was demolished. They also need to construct a vehicle washing, dewatering, and sediment control facility as part of the storm water management program. This will need to be engineered, and would be constructed as an addition to the east end of the existing garage. The proposals would be returned to Council by mid to late January with the hope of moving forward in the spring. Motions will be presented at the Council meeting of December 16, 2012.

A 10,000 square foot building will be at least \$200,000. Depending on what is done with the truck washing facility, that may add another \$150,000 plus engineering. It is hoped that the entire cost will be covered by insurance. Mr. Presley stated that, in his opinion, it would have to be taken to the insurance company first. As long as the storage facility is being replaced there would be coverage. Putting in a water washing system may be considered an improvement.

Mr. Pohlkamp noted that the effort is to increase storage capacity for city vehicles. There are a number of vehicles that do not have proper storage.

Mr. Galli stated that the need is to identify what the cost will be for the proposal. From there, a final plan can be developed and taken to the insurance company to find out what they will maximize out. There could be some out-of-pocket costs. Mr. Clark noted that it is functionality; a replacement and an EPA combination project which we need to sort out.

**FINANCE AND CLAIMS COMMITTEE**

**Kiwanis Donation for Fire Department (\$700.00 for an Apple I-Pad)**

Mr. Young stated that the Fire Department is over their appropriations on this account so the donation may not necessarily get them an I-Pad.

**Refuse Collection Fee expires December 31, 2012**

Mr. Young stated that a refuse collection program has been done on a year-by-year basis due to the increase in the cost of trash collection. Mr. Young stated he thinks it is still appropriate to charge the fee, considering the actual cost of trash collection, and would suggest continuing the fee at the current rate.

Mr. Clark stated that he would agree, noting that the city pays about 75% of the total cost of trash collection. Resident fee is \$48.00 per resident per year amounts to about \$.90 per week for a great collection system. Mr. Clark recommended proceeding one additional year with no increase in the \$12.00 per quarter.

Mr. Pohlkamp stated that it is a good value when considering what other communities that have similar programs in place are charging.

Mayor Sutherland noted that residents in Fairview Park are paying \$10.00 per month.

The ordinance will be presented for adoption on December 17, 2012.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Miller**

**Pizza Hut Application before Planning Commission – Deadline, January 6, 2012 – For next week’s Regular Meeting Agenda: A Motion to extend the time for review of the application for a period of 60 days, from January 6, 2013 to March 7, 2013**

**Mr. Miller** stated that Pizza Hut is renovating the brick structure south of Burns Automotive. A public hearing was held Wednesday, December 5. The Planning Commission moved the project to the Architectural Board of Review. The Planning Commission is scheduled to meet for final approval of the project on January 16, 2013.

**Internet Café Moratorium Expiration of December 31, 2012**

The moratorium on Internet Café’s was extended in June of this year to expire on December 31, 2012. Law Director Ebert recommended a six-month extension, noting that the item is being discussed in state legislature currently.

**Generator Ordinance Update**

Mr. Miller stated that the recently revised version of the proposed Chapter 1370, Electrical Stand-By Power Generator Systems was reviewed by the Board of Zoning Appeals after being discussed in Council committee session last week with Chairman Jack Norton and BZA member Barry Tyo in attendance. The BZA further discussed some of the finer points of what this ordinance describes versus some of the items they are faced with in application situations. There were 12 applicants for generators at that meeting. All received approval. Some were required to amend their applications either based on the location, or they had selected a sideyard and had to move to a rear yard, or had a rear yard issue as far as the distance from the home. The members of the BZA felt it prudent that

these devices of convenience be located close to the home structure rather than locating it remotely on the property, regardless of the size of the property.

Mr. Miller will present the ordinance at the December 17, 2012 meeting for first reading.

Mr. Miller recapped some of the general discussion points with the Board of Zoning Appeals. This ordinance is addressing permanently mounted stand-by generators. It is not addressing generators that can be wheeled out from the garage or purchased at Lowe's and connected to the home for portable type power. This ordinance is addressing a permanently connected piece of equipment. There was a lengthy discussion about monitoring the amount of noise that comes from the units. None of the units discussed created a decibel level of over 70 levels which meets the current code for attenuation or those types of devices such as air-conditioning units that are ten feet from the property line. It was thought at that point that the appeal process would burden the Building Department. The appeal measure, based on the opinion of the Board of Zoning Appeals, was removed from the ordinance.

A check-list of things that are addressed when there is an on-site inspection or review of an application talks about the manufacturer, model and how the unit will be hooked up to the home. The BZA and Mr. Miller tried to integrate that check list into the ordinance and be more specific as to the size of the unit, the manufacturer and the model. All of that will be addressed in the Building Department application. That check-list will be maintained for inspection purposes.

If someone feels there is a hardship and they want to put the unit in their sideyard, the same language for a sideyard variance is also addressed in the ordinance. The units must be placed in the rear yard. If evidence is provided that this can't be done, there is an exception for the sideyard. If someone feels compelled that they need to put it in the front yard, they would have to come back to the BZA for a variance.

The levels of decibels from the property line are universally measured at 23 feet. Some of the discussion about the sound readings was clarified in the ordinance.

The language from the City of Moreland Hills ordinance was referenced for the Monday through Friday, 9 a.m. to 5 p.m. period of time in which the units would cycle on for general testing. That was adjusted to Monday through Saturday, between the hours of 9 a.m. to 6 p.m.

Section 1370.08 that addressed an appeal has been eliminated because it is picked up elsewhere in the permitting process.

Mr. Tadych asked why holiday was removed for testing. Mr. Clark stated that the technology to single out holidays in that cycle is not there yet. Mr. Tadych stated that the ordinance that was copied from did single out holidays. Mr. Miller stated that the committee did not discuss holidays, but did discuss not allowing testing on Sundays. Mr. Ebert noted that the testing lasts for just a few minutes. Mr. Miller noted that the modern units are relatively quiet. The sound level is similar to an air conditioning unit.

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Mr. Koomar asked if there is anything new regarding the Bicycle Cooperative. Mr. Miller stated that Mr. Galli and he have discussed that there might be geriatric materials in storage at the Community House that would have to be relocated. Mr. Galli stated that they will be progressing on that issue.

## **RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mrs. Lieske** had no report this evening.

## **SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

**Mr. Tadych** advised that rubbish pick up is Tuesday, December 11. He asked Operation Manager Landers if there were any complaints on the first Tuesday pick up last week. Mr. Landers stated that no complaints have been received, and the pick-up went well.

## **MISCELLANEOUS**

### **Special Meeting of Council after Christmas**

Mr. Koomar stated that Mr. Presley will need a meeting of Council to close out the year-end financial issues. The two dates that look favorable were Thursday morning, December 27, and Thursday, December 27, late afternoon or early evening. Further discussion followed. Council members will recheck their schedules to reach a time when a minimum of five members can be present.

### **Vacancy in Council**

With the resignation of Councilman-at-large Scott Pohlkamp effective December 31, 2012, Mr. Koomar advised that City Council has thirty days to fill that position in accordance with City of Bay Village Charter Section 2.4, from January 1, 2013 to January 30, 2013.

The Ward Council representatives do not have interest in pursuing the vacancy so the Council-at-large position will become available to a candidate from any of the four wards in the city. The qualification is that the candidate must have been a resident of the City of Bay Village for at least one year. Interested candidates should forward their resume to the Clerk of Council, Joan Kemper, at [jkempercivofbayvillage.com](mailto:jkempercivofbayvillage.com). Those will be collected through December 31, 2012 and after the first of the year Council will meet with those individuals and select someone to fill Mr. Pohlkamp's term for the remainder of 2013. The candidate must run in the General Election to be held in November of 2013 for the remaining two years of the term.

Law Director Ebert confirmed the information regarding this vacancy in Council as presented by Council President Koomar as being accurate and in accordance with the Charter provisions of the City of Bay Village.

Council adjourned briefly for a meeting of the Cahoon Memorial Park Trustees at 9:18 p.m.

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**MISCELLANEOUS**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. **Pohlkamp MOVED** to adjourn to Executive Session regarding labor contracts, contracts, personnel, and litigation, at 9:35 p.m.

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

Council reconvened in an open meeting at 10:28 p.m. Present were: Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 10:28 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council