

## CITY OF BAY VILLAGE

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

April 15, 2013

Paul Koomar, President of Council, presiding

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

Others

Present: Law Director Ebert, Finance Director Mahoney, Service Director Galli,  
Recreation Director Enovitch, Community Services Director Bock, Operations  
Manager Landers

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

During the review, Mr. Miller advised that this evening he will introduce legislation authorizing the Mayor to enter into a contract with CT Consultants for the design and engineering services associated with the resurfacing of Lake Road from the Avon Lake border east to Longbeach Road. Ordinances will also be introduced to purchase the necessary materials and supplies for the 2013 Road Resurfacing Program. A resolution has been prepared for introduction by Mr. Miller to engage in the Ohio Department of Transportation purchase of road salt for the 2013-2014 season.

A Public Improvements Committee meeting chaired by Mr. Miller was held this evening where it was determined to move forward to interview the three candidates who provided qualifications for designing improvements for the Sunset Area. Service Director Galli will craft the letter of invitation and the date of May 15, 2013 was set for the interviews.

Mr. Young stated that a Finance Committee meeting will be held at 8 a.m. on Tuesday, April 16, 2013.

Mayor Sutherland advised that the members of the Teamsters Union who work for Browning Ferris Industries (BFI) are conducting a sympathy strike this week. The strike is being implemented state wide. There is no information at this time as to when they will pick up the trash; when something new is learned the signs and Nixle telecommunications notification will be updated throughout the city.

Mr. Koomar noted that the Kurtz Brothers facility which is used for composting is also serviced by BFI. Nothing should be placed for pick-up by residents until further notification.

Mayor Sutherland commented that the competition is also represented by unions, as is the City of Bay Village Service Department. None of these folks will cross the picket lines.

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Mr. Miller asked if it has been expressed what the sympathy is about. Mayor Sutherland stated that it has something to do with the Youngstown landfill employees, and the fact that they were in a pension plan that is no longer funded as well as it should be. BFI wanted to get them out of that and into something that was safer and better funded.

Mrs. Lieske asked if there is anything in the contract that addresses the issue if garbage isn't picked up within a certain amount of time from the scheduled date. Mayor Sutherland stated that you cannot prohibit someone from striking. The Mayor added that she will have Law Director Ebert look at it but the biggest thing that we would want is for them to pick up the garbage. The best thing that we could get from them is if they would bring their folks in on Saturday to pick up. Mrs. Lieske suggested just taking a look at the contract so that a resident's question in this regard can be answered.

Mr. Lee advised that he will call a meeting of the Planning, Zoning, Public Buildings and Grounds Committee for Monday, April 22, 2013 at 6:30 p.m. Mr. Koomar asked that the conference room be available for Mr. Lee's meeting. Mayor Sutherland will make the necessary arrangements.

Mr. Koomar advised that he spoke with Law Director Ebert on Friday, April 12 after the Council agenda had been set for this evening. Mr. Ebert and Mr. Lee had been in a meeting with Colin Dean, the representative of Traveler's Insurance who holds the property casualty and public liability insurance contract for the city. Mr. Ebert stated that various information has been gathered for Mr. Dean concerning some of the city's property and buildings. Travelers does anticipate an increase in premium this year of a minimum of 20 to 25%. There have been events that have impacted the insurance, starting with the fire at the Service Garage and ending with the recent Hurricane Sandy. The city stayed with Travelers last year because of unresolved claims.

Mr. Koomar stated that he has done some checking and there are insurance pools available. Mr. Ebert stated that they have discussed that several times in the past, and have preferred not to be in a pool. Mr. Koomar suggested that a motion be introduced this evening to go out for a proposal to be sure that we are receiving all of the quotations possible. Mr. Ebert stated that Mr. Dean has sent out notices to all of the companies he represents. Mr. Lee noted that there are some markets that Colin Dean does not represent. Requests for quotations may also bring us information on the pool option, and although it may be something we may not want to do, given the potential increase Mr. Dean is discussing, we may want to take a look at that.

Mr. Clark asked if the \$40,000 increase Mr. Dean is talking about is city specific or industry specific because of Superstorm Sandy. Mr. Ebert stated that it is both. The City of Westlake's insurance is also going up. Mr. Young noted that the insurance company should be reminded that they did not have to pay anything to the city for the hail storm damage because they took so long resolving the claim. Hurricane Sandy came in and merged the first claim with the second.

Mr. Young questioned that if Travelers is going to be getting proposals from a broad section of insurance companies, would a request for proposals be needed. Mr. Koomar responded that Mr. Lee has pointed out that Mr. Dean does not represent everyone. Mr. Clark asked how long Mr.

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Dean has had the city's business. Mr. Ebert stated that it has been for a long time. Mr. Clark stated that the choice is to go through McGowan Insurance, represented by Mr. Dean, for the bids or go to an upper umbrella of which McGowan Insurance would be one of several firms. Mr. Lee stated that certain other brokers would have to go through McGowan Insurance to bring a carrier to us, but there are other carriers that they do not represent that we may be able to get access to if we expand the scope. The renewal date is June 15, 2013. We are exactly two months away. A motion to request proposals for the insurance will be included under the miscellaneous category during this evening's meeting.

Mr. Koomar asked Mr. Young if the Finance Committee is discussing the telephone system for the city buildings. Mr. Young stated that they are just touching on it at the Finance Committee meeting to be held Tuesday, April 16, at 8:00 a.m. Mr. Young has offered a suggested Request for Proposals for a telephone system. Finance Director Mahoney would like to address this as a mid-summer project when there is more time available.

Mr. Ebert addressed Mrs. Lieske and Mr. Clark regarding an inquiry about a bicycle path. Mr. Ebert stated that in the minutes from the mid-1980 period, when Mr. Ebert was a Councilman, they tried to expand Lake Road to accommodate a bicycle path with a grant of about \$225,000 from the Ohio Department of Transportation. There was a motion to withdraw the application for a bicycle path, due to the overwhelming preference of the residents to have sidewalks instead of a bike path. This is the reason curbs and gutters were put in; otherwise Lake Road in Bay Village would have been as it is in Avon Lake, with no curbs and gutters. The city elected to go with the curbs and gutters to provide better drainage than with a ditch. At that time, Councilman Shepherd suggested putting the bike path on Wolf Road. The problem was that it could be done on Wolf Road at the east end, where there were not curbs and gutters, but not the west end where there are curbs and gutters, but the road is not wide enough. Mr. Ebert advised that the minutes from those meetings are open for review. He explained that the Ohio Department of Transportation paid for sidewalks on Phases 3 and 4 of Lake Road. They did not pay for the sidewalks on Phase 1 and Phase 2 of Lake Road. Property owners were assessed for those sidewalks.

President of Council Koomar called the meeting to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 1 Councilman David L. Tadych.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held March 25, 2013. Mr. Young **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 Meeting held April 8, 2013. Mr. Young **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 8-0.

## **ANNOUNCEMENTS**

**Mayor Sutherland** reiterated her previous announcement that Browning Ferris Industries (BFI) is still having their labor difficulties. There is a sympathy strike that is going on across the state by the Teamsters that are employed by BFI. We will not know how long this is going to be until Tuesday, April 16. As soon as it is known, the city will communicate via all the methods at their disposal including sign boards, email blasts, phone messages, and Nixle communication. Hopefully it will just be a one-day interruption. Mayor Sutherland stated that she knows it is a heavy week because it is supposed to be the first week for yard waste pick-up. Dave Kidder from BFI has told us that they would be keeping their folks to work on Saturday. The Mayor is optimistic it will all be picked up soon.

## **REPORTS**

**Law Director Ebert** had no report this evening.

**Finance Director Mahoney** had no report this evening.

**Recreation Director Enovitch** advised that pool passes are now on sale. The pool will open in six weeks.

**Service Director Galli** had no report this evening.

**Community Services Director Bock** had no report this evening.

## **AUDIENCE**

The following members of the audience signed in this evening: Dick Majewski, Tom Henderson, Scott Mahoney, Jeff Gallatin, Bruce Geiselman, Sue Fink, Mike O'Boyle, Russell Thompson.

Mr. Mike O'Boyle of East Oakland, representing the Bay Village Democratic Club, reminded everyone that there is a panel discussion about Regionalism on Tuesday, April 16 at 7 p.m. at the Dwyer Memorial Center. The discussion will feature the Mayor of Lakewood, the Mayor of Westlake, and former Finance Director Steve Presley. The panel discussion is sponsored by the League of Women Voters and it is hoped to have as many people as possible attend to learn about the subject of Regionalism. It promises to be a very spirited discussion, with opponents and proponents of the regionalism concept. It is hoped that some of the members of Council as well as the media and others will attend.

## **ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE**

**Ordinance No. 03-17** as introduced by Mr. Clark, amended by reading, ENACTING NEW CODIFIED ORDINANCE CHAPTER 721, PEDDLERS, SOLICITORS, AND CANVASSERS, AND DECLARING AN EMERGENCY has been removed from the agenda this evening.

Mr. Clark reported that a Community Services Advisory Board meeting will be held Friday, April 19, at 9 a.m. at the Bay Lodge.

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

**Mr. Miller** introduced **RESOLUTION NO. 13-22 AUTHORIZING THE PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION’S CONTRACT FOR SODIUM CHLORIDE FOR THE 2013-2014 WINTER SEASON, AND DECLARING AN EMERGENCY**, and moved for adoption.

Mr. Clark asked the residual balance in the salt storage facility at this time. Operations Manager Landers stated that there are about 2000 lbs in the facility now. Mr. Clark asked if there are capacity issues. Mr. Landers stated that this resolution is authorizing participation in purchase for the 2013/2014 season, and the salt is ordered as needed. Mr. Galli noted that at the end of last year when there was not capacity the salt was held for the city.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 13-22.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays -None

Roll Call on Adoption:

Yeas–Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays–None.

Mr. Koomar announced adoption of **Resolution No. 13-22** an emergency measure, by a vote of 7-0.

**Mr. Miller** introduced **ORDINANCE NO. 13-23 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CT CONSULTANTS FOR DESIGN AND ENGINEERING SERVICES FOR THE 2013 LAKE ROAD RESURFACING PROJECT, AND DECLARING AN EMERGENCY**, and moved for adoption.

Mayor Sutherland commented that this is an important partnership with the Ohio Department of Transportation (ODOT) and the city is fortunate that they came out and reacted as quickly as they did to take a look at the condition of the roadway to be able to get it into this year’s projects. This is one of the reasons why it is very important to have a presence on the Northeast Ohio Areawide Coordinating Agency (NOACA) Board because you make these kinds of contacts. We

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thank Myron Pakush who is the District Deputy Director for ODOT District 12 for helping out on this project. Mr. Koomar added that it is nice that both sections can be done this year. Historically, it has been broken up. This bodes well for future cycles.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-23.

Roll Call on Suspension of Charter Rules:

Yeas- Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

Nays-None

Roll Call on Suspension of Council Rules:

Yeas – Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-23** an emergency measure, by a vote of 7-0.

**Mr. Miller** introduced **ORDINANCE NO. 13-24** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ALLIED CORPORATION, INC., FOR STREET RESURFACING MATERIAL AND SERVICES, 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. 13-24.

Roll Call on Suspension of Charter Rules:

Yeas- Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays -None

Roll Call on Adoption:

Yeas–Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-24** an emergency measure, by a vote of 7-0.

**Mr. Miller** introduced **ORDINANCE NO. 13-25** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LAFARGE NORTH AMERICA FOR STREET RESURFACING MATERIAL AND SERVICES, 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. 13-25.

Roll Call on Suspension of Charter Rules:

Yeas- Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

Nays -None

Roll Call on Adoption:

Yeas–Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-25** an emergency measure, by a vote of 7-0.

**Mr. Miller** introduced **ORDINANCE NO. 13-26** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ELYRIA CONCRETE, INC., FOR THE FURNISHING OF READY-MIX CONCRETE, 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. 13-26.

Roll Call on Suspension of Charter Rules:

Yeas- Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays -None

Roll Call on Adoption:

Yeas–Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-26** an emergency measure, by a vote of 7-0.

#### **FINANCE & CLAIMS COMMITTEE**

**Mr. Young** had no report this evening.

#### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

**Mr. Lee** had no report this evening, other than to reiterate his previous report that a meeting of the Planning, Zoning, Public Grounds and Buildings Committee will be held in the conference room at 6:30 p.m. on Monday, April 22, 2013.

#### **RECREATION AND PARK IMPROVEMENTS COMMITTEE**

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

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

**Mr. Tadych** asked the difference between Type 301 and Type 448 of the asphalt patching materials. Mr. Galli stated that Type 301 is a large stone asphalt that is used for base material. Type 448 is a smaller stone for surface course.

Law Director Ebert advised that he spoke with the representative of the Cleveland Water Department this afternoon at 5 p.m. regarding the complaints of high water bills referred to Mr. Ebert by Mr. Tadych. The two payable accounts of the residents are being placed on permanent hold until a resolution is obtained.

#### **MISCELLANEOUS**

**Motion** by Young to prepare and distribute a Request for Proposals (RFP) For Public Officials Liability, Law Enforcement Professional and Firefighters Professional Liability, General Liability, Automobile Physical Damage and Liability, Property and Equipment, Boiler & Machinery and Crime Coverage, and Umbrella Insurance. **Motion passed 7-0.**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Young **MOVED** to adjourn to Executive Session regarding labor contracts, contracts, personnel, and litigation, at 8:22 p.m.

Roll Call Vote: Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych, Young. Nays – None. Motion passed 7-0. Also present in Executive Session were Mayor Sutherland, Law Director Ebert, Finance Director Mahoney, Consultant Jim Budzik.

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Council reconvened in an open meeting at 9:18 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:25 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council