

City of Bay Village

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

April 22, 2013

Paul Koomar, President of Council, presiding

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

Excused: Mr. Young, Mr. Miller

Others

Present: Law Director Ebert, Finance Director Mahoney, Community Services Director Bock, Service Director Galli, Operations Manager Landers, Recreation Director Enovitch, Police Chief Wright, Fire Chief Lyons

Mr. 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 Ward 1 Councilman David L. Tadych, for Councilman Clete Miller during his absence this evening.

ANNOUNCEMENTS

Mayor Sutherland stated that she received a nice letter from former Council President Brian Cruse regarding issues at the Bradley Road Park tennis courts. Operations Manager Landers and Billy Schleicher from the Service Department received kudos from the Mayor for their quick work in preparing the courts for the high school tennis team.

Mayor Sutherland announced that the Browning Ferris Industries (BFI) workers have gone back to work as of Saturday, April 20, 2013. Trash pick-up in Bay Village will resume on Tuesday, April 23. E-mail blasts and Nixle communications have been sent out notifying residents that trash and recycling containers should be placed on the tree lawns. The Mayor warned everyone that the load will be heavy tomorrow and if all trash is not picked up on Tuesday the crews will be back out on Wednesday, April 24 to finish. Mayor Sutherland gave kudos to the Service Department for a great job in picking up all the yard waste last week.

Mayor Sutherland had a conversation with BFI representative Dave Kidder who has assured the Mayor that the city will be reimbursed for any and all expenses incurred due to the strike by the trash haulers. This will include wear and tear on the equipment and overtime and labor costs for city workers having to do the work. Credit will be issued to the city from the first work stoppage day and including last week. The Mayor will keep the Council posted as to the final numbers. Mayor Sutherland thanked all the residents for being patient in dealing with adverse conditions.

Normal bulk pick-up will be on Tuesday, April 30, 2013.

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Mr. Koomar advised that a Council meeting will not be held on Monday, April 29, 2013, the fifth Monday of the month.

Mr. Koomar announced that together with the Board of Education, a speaker will be brought into the city on September 17, 2013. Mr. Bob Stutman is the retired head of the Drug Enforcement Agency in the New York office, the largest drug enforcement office in the world. Mr. Koomar stated that he has heard him speak and he has some great information to share with both students and parents. Sean McAndrews, Principal of Bay Middle School and Jason Martin, Principal of Bay High School, will champion the program. More details will be forthcoming. All three of the Bay Village Police Detectives, and the representatives of Bay Family Services think this is a valued form of communication that can be used to increase awareness with residents throughout the city.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held April 15, 2013. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 5-0.** Mr. Koomar called for a reading of the Minutes of Cahoon Memorial Park Trustees Meeting held April 15, 2013. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 6-0.**

AUDIENCE

The following were present: Jerrie Barnett, Sue Fink, Russell Thompson, Mike O'Boyle, Jeff Gallatin, Bruce Geiselman, Tom Henderson, Dave Sima, Nancy Brown

Susan Fink, Wolf Road, addressed Mr. Koomar, stating that Mr. Koomar had mentioned earlier that he was thinking of having a meeting with Westlake regarding where they are with plans for Cleveland Water. Mrs. Fink asked if this meeting has taken place, or will it take place.

Mrs. Fink stated that over the years she has had many building projects and taken out permits. Today, because of the transition to the new service and staffing, Mrs. Fink checked and found that she had open permits back to 2002. At that time, Mr. Milburn was the one who came out and did the inspections, but they were not closed out. Mrs. Fink stated that she has always had inspections done and if this happened to her she is sure it will happen to others. Because Liz Carey was there, she was able to straighten it out and close those open permits.

Mr. Koomar stated that regarding the Cleveland Water Department, there will be more due diligence done with Westlake. Mr. Koomar will speak with the administration on this matter and will provide Mrs. Fink with an update as things move forward.

Mrs. Fink asked if Council has received the Westlake report that was done for their engineering study. Mr. Koomar stated that it has not been received as yet.

Nancy Brown, Wolf Road, asked Mr. Koomar to explain what the contracts are that are listed in regard to the Executive Session that is on the agenda for this evening. Mr. Koomar stated that the contracts tonight would be discussion relative to the Cleveland Water Agreement. Ms. Brown asked for an update on the labor contracts that will be discussed in Executive Session this

evening. Mr. Koomar stated that negotiations are currently being held with the unions and those contracts have expired. The collective bargaining process has started and an update is being waited for from the Law Department. Law Director Ebert stated that they are actually waiting now for a report from Findlay Davies, the city's health care consultant on proposals given to the city last week from the Fire Department, to see how those numbers align to the proposal of the city. Unfortunately, that report has not been received for this evening, so the discussion will not be held. Ms. Brown asked for an update on the personnel matter that is listed for Executive Session. Mr. Ebert stated that there is no matter of personnel to be discussed in Executive Session this evening. Ms. Brown asked if the potential Fire Department regionalization has been discussed in the Executive Sessions. Mr. Ebert stated that it has not been discussed in Executive Session. There have been meetings for the last year-and-one-half, or longer, with cooperation of the various cities as to whether regionalization can be shared in the Fire Departments. Mr. Ebert stated that when he heard what happened at the recent meeting, he feels it got way out of hand as to where it was going. What has been discussed at the meetings Mr. Ebert attended as Law Director was about sharing of equipment and sharing of training, which saves cities millions and millions of dollars. Ms. Brown asked Mr. Ebert if he is talking about Council of Governments (COG) Executive Sessions or City of Bay Village Executive Sessions. Mr. Ebert stated that he is talking about Bay Village Executive Sessions. But, it hasn't been discussed in Executive Sessions. These were not Executive Sessions when the monthly meetings were held with all the west shore cities, including North Ridgeville, Lakewood, and North Olmsted. There have been some discussions of resurrecting those meetings concerning Westlake, Bay Village, Rocky River, and the smaller cities as far as cooperation with purchase of equipment and the training of officers in those departments. Because, you can save on economy of scales, especially with the hook and ladder trucks that the cities purchase, which cost over \$1 million. But, people walked out of that meeting the other night talking about the Council of Governments. That was part of the regionalization that was discussed over the past two years, as the Mayor indicated, as to how the cities could cooperate with each other to save money. When the whole issue came up to go further to a fire authority or a fire district, there were discussions, but it is a major step to get to that point in time. Then, you are talking taxing entity and everything else. There was very little discussion, if any, about those concerns. It was to try to take baby steps and see where the cities could try to save money while not sacrificing safety whatsoever. When you talk about regionalization you are talking about collaboration with those types of things first and then looking down the road where the situation could handle further. Mrs. Barnett stated the other night that this was stopped at the ballot. The ballot had nothing to do with it. The ballot was a prelude, down the road, to say if you do that you have Civil Service Commissions of all the cities. You need to have a Regional Civil Service Commission if you are going to that. Each city, again, does need to have an individual Civil Service Commission, and individual testing when you have police or fire. That is where that was going. It got sold the wrong way. The wrong perception to the public. Because, no one is looking to sacrifice safety in the city. No one ever has. It was a step to get to the ultimate, down the road, where you could actually combine services, the state taxpayers' money, on all cities without jeopardizing safety.

Mr. Koomar stated that from a Council perspective, when that grant application was submitted for \$500,000 and they came back with their findings, it was either stay at current collaboration, do further collaboration, or a full consolidation. What the Law Director is talking about is further collaboration. The things they specifically pointed out were 1) coordination of training

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so that it was more efficient and saving dollars, 2) specifically the number of pieces of ladder equipment. Currently in the study zone it was 9 ladder trucks and they said go back to 5 or maybe start with 6 units and allow for some joint purchasing so that those costs are shared. And, maybe, as Mr. Ebert mentioned, some more efficiencies in the management ranks. But, the number of personnel on the shifts was relatively in good shape. The stations are relatively physically located where they should be. Those are the three things they pointed out in going for enhanced efficiencies out there and talking further on that.

Prior to introducing Ordinance No. 13-27, Mr. Clark commented that the combination of the ordinances to be introduced this evening roll up to one financing the city plans to do to summarize a bond anticipation note for scheduled projects.

Fiscal Officer's Certificate, signed by the Director of Finance, was presented to Council, certifying in connection with proposed issuance of \$50,000 of Notes to be issued, in anticipation of the issuance of Bonds, for the purpose of paying costs of renovating and otherwise improving City Hall, that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 20 years, and the maximum maturity of the Notes is 240 months from date of issuance.

Mr. Clark introduced **ORDINANCE NO. 13-27 PROVIDING FOR THE ISSUANCE AND SALE OF \$50,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING AND OTHERWISE IMPROVING CITY HALL, 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. 13-27.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Koomar, Lee, Lieske, Tadych

Nays-None

Roll Call on Suspension of Council Rules:

Yeas -Clark, Koomar, Lee, Lieske, Tadych

Nays-None

Roll Call on Use of the Emergency Clause:

Yeas -Clark, Koomar, Lee, Lieske, Tadych

Nays -None

Roll Call on Adoption:

Yeas-Clark, Koomar, Lee, Lieske, Tadych

Nays-None.

Mr. Koomar announced adoption of **Ordinance No. 13-27** an emergency measure, by a vote of 5-0.

Fiscal Officer's Certificate, signed by the Director of Finance, was presented to Council, certifying in connection with proposed issuance of \$20,000 of Notes to be issued, in anticipation

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of Bonds, for the purpose of paying costs of improving the City's Community House by installing a new fire alarm system, that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 20 years, and the maximum maturity of the Notes is 240 months from date of issuance.

Mr. Tadych introduced 13-28 PROVIDING FOR THE ISSUANCE AND SALE OF \$20,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S COMMUNITY HOUSE BY INSTALLING A NEW FIRE ALARM SYSTEM, 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. 13-28.

Roll Call on Suspension of Charter Rules:

Yeas- Koomar, Lee, Lieske, Tadych, Clark

Nays-None

Roll Call on Suspension of Council Rules:

Yeas -Koomar, Lee, Lieske, Tadych, Clark

Nays-None

Roll Call on Use of the Emergency Clause:

Yeas -Koomar, Lee, Lieske, Tadych, Clark

Nays -None

Roll Call on Adoption:

Yeas-Koomar, Lee, Lieske, Tadych, Clark

Nays-None.

Mr. Koomar announced adoption of **Ordinance No. 13-28** an emergency measure, by a vote of 5-0.

Fiscal Officer's Certificate, signed by the Director of Finance, was presented to Council, certifying in connection with proposed issuance of \$390,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving the City's parks and recreational facilities by improving basketball and tennis courts, aquatic and related facilities and their sites, all together with the necessary appurtenances thereto, that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 30 years, and the maximum maturity of the Notes is 240 months from date of issuance.

Mr. Clark introduced **ORDINANCE NO. 13-29** PROVIDING FOR THE ISSUANCE AND SALE OF \$390,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S PARKS AND RECREATIONAL FACILITIES, BY IMPROVING BASKETBALL AND TENNIS COURTS, AQUATIC AND RELATED FACILITIES AND THEIR SITES, AND DECLARING AN EMERGENCY, and moved for adoption.

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There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-29.

Roll Call on Suspension of Charter Rules:

Yeas- Lee, Lieske, Tadych, Clark, Koomar

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lee, Lieske, Tadych, Clark, Koomar

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Lieske, Tadych, Clark, Koomar

Nays -None

Roll Call on Adoption:

Yeas– Lee, Lieske, Tadych, Clark, Koomar

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-29** an emergency measure, by a vote of 5-0.

Fiscal Officer's Certificate, signed by the Director of Finance, was presented to Council, certifying in connection with proposed issuance of \$25,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of renovating and otherwise improving the City's Service Garage, that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 20 years, and the maximum maturity of the Notes is 240 months from date of issuance.

Mr. Tadych introduced **ORDINANCE NO. 13-30 PROVIDING FOR THE ISSUANCE AND SALE OF \$25,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING AND OTHERWISE IMPROVING THE CITY'S SERVICE GARAGE, 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. 13-30.

Roll Call on Suspension of Charter Rules:

Yeas- Lieske, Tadych, Clark, Koomar, Lee

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lieske, Tadych, Clark, Koomar, Lee

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Tadych, Clark, Koomar, Lee

Nays -None

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Roll Call on Adoption:

Yeas–Lieske, Tadych, Clark, Koomar, Lee

Nays– None.

Mr. Koomar announced adoption of **Ordinance No. 13-30** an emergency measure, by a vote of 5-0.

Fiscal Officer’s Certificate, signed by the Director of Finance, was presented to Council, certifying in connection with proposed issuance of \$765,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 15 years, and the maximum maturity of the Notes is 240 months from date of issuance.

Mr. Clark introduced **ORDINANCE NO. 13-31 PROVIDING FOR THE ISSUANCE AND SALE OF \$765,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RESURFACING, PAVING AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, 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. 13-31.

Roll Call on Suspension of Charter Rules:

Yeas- Tadych, Clark, Koomar, Lee, Lieske

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Tadych, Clark, Koomar, Lee, Lieske

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Tadych, Clark, Koomar, Lee, Lieske

Nays -None

Roll Call on Adoption:

Yeas–Tadych, Clark, Koomar, Lee, Lieske

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-31** an emergency measure, by a vote of 5-0.

Mr. Clark introduced **RESOLUTION NO. 13-32 ORDERING THE REPAIR OF THE PUBLIC SIDEWALK ABUTTING CERTAIN PREMISES ON CANTERBURY ROAD IN THE CITY OF BAY VILLAGE, AND DECLARING AN EMERGENCY,** and moved for adoption.

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There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 13-32.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Koomar, Lee, Lieske, Tadych

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Koomar, Lee, Lieske, Tadych

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lee, Lieske, Tadych

Nays -None

Roll Call on Adoption:

Yeas–Clark, Koomar, Lee, Lieske, Tadych

Nays–None.

Mr. Koomar announced adoption of **Resolution No. 13-32** an emergency measure, by a vote of 5-0.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to adjourn to Executive Session regarding labor contracts, contracts, and litigation at 8:35 p.m. (The motion listed on the agenda was amended to exclude “personnel” as an item for discussion this evening.)

Roll Call Vote: Yeas- Koomar, Lee, Lieske, Tadych, Clark. Nays- None. Motion passed 5-0. Also present in Executive Session were Mayor Sutherland, Law Director Ebert and Finance Director Mahoney.

Council reconvened in an open meeting at 9:09 p.m. Present were: Clark, Koomar, Lee, Lieske, Tadych.

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

Paul Koomar, President of Council

Joan Kemper, Clerk of Council