

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:58 p.m.

August 5, 2013

Paul A. Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director
Galli, Operations Manager Landers

Mr. Koomar called the Special Meeting of Council to order at 8:58 p.m. in the Council Chambers with the Pledge of Allegiance led by Ward 1 Councilman David L. Tadych, and roll call.

ANNOUNCEMENTS

Mayor Sutherland informed the audience that the score of the Cleveland Indians Game at this point in time in the top of the 7th inning is 2-0, Cleveland.

AUDIENCE

The following audience members signed in this evening: Conda Boyd, L. Dyko, Carl Frey, Gerry Schreibman, John Brooks, Susanne and Vince Donofrio, Michael Sathre, Jerrie Barnett, Ken and Maryann Sindelar, Greg and Diane Puntel, Briant and JoAnn Valerino, Neil Wensink, Marty Mace, Tom Henderson, Paul Vincent, Mike O'Boyle, Dick Majewski, Dave Volle, Kim Volle, Terry Cariglio, Bill and Peggy Dawe, Timothy Golden, William Clements, John Suter, Glenn Bender, Ned and Sharon Topping, Roger Svehla, Susan Murnane, Dennis Driscoll, Al Kruzer, Russell Thompson

Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held July 22, 2013. Mr. Young MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 6-0, with one abstention (Mr. Lee). Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees meeting held July 22, 2013. Mr. Young MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0, with one abstention (Mr. Lee).

Mr. Lee read **ORDINANCE No. 13-56**, amending by reading, to include a clause to clarify that this ordinance will not go into effect unless approved by voters city-wide, and in Ward 2 on November 5, 2013, in accordance with Bay Village City Charter Section 7.6, REZONING CERTAIN LANDS LOCATED ON CAHOON ROAD, PERMANENT PARCELS NO. 203-09-017, 203-09-018, 203-09-019, 203-09-020, and 203-09-021 CONTAINING 2.349 ACRES, FROM THIRD RESIDENCE DISTRICT TO ATTACHED RESIDENCE DISTRICT, AND DECLARING AN EMERGENCY, and moved for adoption.

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Mr. Young commented that he would like to make a motion this evening regarding TIFS and Tax Abatement, and will do so later in this meeting

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-56.

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 **Ordinance No. 13-56**, as amended, an emergency measure, by a vote of 7-0.

Mr. Lee read **ORDINANCE NO. 13-57**, amending by reading to removing the incorporated language from Section 7.6 of the City Charter, ENACTING NEW CODIFIED ORDINANCE CHAPTER 1158B ENTITLED CAHOON WEST ATTACHED RESIDENCE DISTRICT, 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. 13-57.

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. 13-57**, as amended by reading, an emergency measure, by a vote of 7-0.

Motion by Young, that Council so agrees that TIFS, as well as Tax Abatements will be limited to distressed, under-utilized, or undeveloped properties and where development would not occur otherwise, that Council would first look to incentivize such development by any other means such as county and/or state programs, that the general welfare of the proposed project would be part of the consideration, that it would fall within the development goals of the City's Master Plan as well as in some cases the Kent State Urban study, and that such developments as far as tax abatement as well as TIFS in general would be reserved for commercial development, and as it refers to the development on the east and west side of Cahoon Road, that such TIFS or tax abatements would not qualify.

Motion Passed 7-0.

Mr. Miller introduced ORDINANCE NO. 13-65 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CHAGRIN VALLEY PAVING INC., FOR THE 2013 PAVEMENT MAINTENANCE AND RESURFACING PROGRAM, 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. 13-65.

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. 13-65**, an emergency measure, by a vote of 7-0.

Mr. Tadych read **RESOLUTION NO. 13-66** AUTHORIZING THE FILING OF AN APPLICATION AND TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE DIVISION OF FORESTRY'S URBAN FORESTRY ASSISTANCE PROGRAM, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 13-66.

Roll Call on Suspension of Charter Rules:

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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 **Resolution No. 13-66**, an emergency measure, by a vote of 7-0.

Motion by Lieske to ratify advertisement for bids for sport surface at Bradley Road Tennis Courts and Basketball Courts.

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 (AFSCME Admin. and Service, Police, Fire) litigation, (Ohio Citizens Action Group/ Inglefield/Radick/Bainbridge) and personnel at 9:17 p.m.

Roll Call Vote: Yeas- Young, Clark, Koomar, Lee, Lieske, Miller, Tadych. Nays- None.
Motion passed 7-0.

Also present in Executive Session were Mayor Sutherland, Law Director Ebert, Finance Director Mahoney.

Council reconvened in an open meeting at 9:38 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:39 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council