

CITY OF BAY VILLAGE

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

October 7, 2013

Paul A. Koomar, President of Council, presiding

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

Others

Present: Law Director Ebert, Finance Director Mahoney, Recreation Director Enovitch, Community Services Director Bock, Interim Police Chief Holliday, Fire Chief Lyons, Chief Building Official Cheatham

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. Clark stated that he will introduce a resolution this evening accepting a donation of new radios for the City of Bay Village from Cuyahoga County. Mayor Sutherland commented that these are Marks Radios. The City would like to go to Marks Radios, and is discussing going together with the neighboring communities to purchase radios. There is a monthly fee at this time for these radios, which is approximately \$250.00, but over the next year or so will go up \$20.00 per radio. The Mayor noted that the radios are expensive, but they work. She stated that all police officers will have to have one of the radios.

Councilman Miller reported that this evening a brief meeting was held regarding the Saddler Beach improvements at the site. Mr. Miller will provide the minutes of the meeting to the Clerk of Council as a record of the meeting.

Mr. Miller advised that at 7 p.m., Wednesday, October 9, 2013, the City of Westlake will have a session at the Westlake Recreation Center regarding the water negotiations with the City of Cleveland.

Councilman Young advised that this evening he will introduce an amended appropriation ordinance prepared by Finance Director Renee Mahoney. Mr. Young noted that there was not a Finance Committee meeting held last week, but the items on the appropriation have been discussed in prior Finance Committee meetings and Council of the Whole Committee meetings.

A memorandum from Director of Finance Mahoney to the Council dated October 4, 2013 states that the city is ready to move forward with the Cahoon Road Sewer Project. The total estimate at this time is \$1,532,219 which consists of the contract with Trax Construction for \$1,405,619, contract with CT Consultants of \$111,500, and utility relocation expenses to First Energy for \$15,100. The total of these funds needs to be appropriated from the Sewer Capital Fund (580). This project will be partially funded by a 0% interest loan of \$780,000. The remainder of the project will need to be funded from funds in the Infrastructure Improvement Fund (494) in the amount of \$752,219. In order to properly appropriate the money there will need to be an advance of the loan money of \$780,000 from the Infrastructure Improvement Fund to the Sewer

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Fund (580). This money will be returned to the Infrastructure Improvement Fund once the loan money is received.

A Fire Department promotional examination will be held later this year resulting in an additional need of \$10,000 for the General Fund Civil Service budget.

Mr. Clark suggested that the Infrastructure Improvement Fund be replenished from the proceeds received from the state for the Bradley/Naigle Intersection Improvement Project. Director Mahoney stated that the \$1.3 million has been replaced. The replacement of \$1 million for the Cahoon Aerial Sewer has also been replaced. An additional \$200,000 from the Bradley/Naigle Infrastructure Improvement Fund will be paid partly by the City of Westlake and the rest by the money left over in the fund. Director Mahoney will bill the City of Westlake for their share of the \$200,000 during the next week.

Mr. Young reviewed the ordinance he will introduce this evening amending Subsection 151.071 regarding hospitalization eligibility.

Mr. Koomar stated that in Section (a) the monthly premium for non-collective bargaining members has been deleted but the ordinance is silent as to when that occurred and what the new rate would be. Mr. Koomar asked if this section should stay in effect until the new rates went into effect. Finance Director Mahoney stated that the ordinance states that "Effective October 1, 2013, eight percent (8%) of the COBRA rate for single or family coverage" shall be contributed to the city by the employees enrolled in the city's health plan who are not part of a collective bargaining unit.

Mr. Koomar asked if the COBRA rate is the right percentage to reference and work from. Mrs. Mahoney stated that this is the only percent we know, since the city is self-insured. Mr. Koomar stated that he thought the rates went into effect on July 1. Mrs. Mahoney stated that the compensation increases were effective July 1, 2013, but the change in hospitalization was October 1. Mayor Sutherland noted that this was a mediator decision.

Mr. Koomar stated that there was a section that was deleted that he believes should be in the ordinance. It stated that "The current Law Director shall receive hospitalization insurance as provided in Section 151.07 and contribute twice the monthly rate of full time employees." Mr. Koomar stated that he knows the Law Director is not currently on the plan but the idea of Council was that a part time employee being treated differently would pay a higher premium to be consistent with the county, Board of Education, and other entities. While that it is not effective, if a Law Director were to go back on the plan they would not be subject to the intent of Council. Mr. Koomar would like to leave that clause in the ordinance if it is to be considered for adoption this evening.

Mr. Tadych suggested putting the ordinance on first reading.

Mr. Clark asked why the COBRA rate of the proxy for the employees' share of the monthly health care premium cost would not be included in the ordinance. Mrs. Mahoney stated that the

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rate could be included for this year, but she would not know what the rate would be for the next two years. The insurance company calculates that for the city and provides it in March with the renewal of the coverage.

Mr. Clark stated that he is speaking of the intent of what was agreed. When the entire health care package was revised the understanding was that everyone would understand that it was a percentage of the monthly health care premium cost for employees. That was the intent. Mr. Clark asked if the COBRA rate is the proxy for that or if there is something that is different. It is a three-year plan that we are agreeing to, and he would like to make sure that everyone understands.

Mrs. Mahoney stated that because the city is self-insured the only fixed cost is a little under \$200 per month. If an employee does not use the health care at all, the city would only pay \$200 per month for the employee for the administrative cost. Because the city is self-insured, the employee pays their deductible and after that the city pays the rest of the claim. Even if an employee went up to their maximum deductible, the city would only be responsible for a small amount. When Director Mahoney does the budget, or when calculating how much an employee is going to pay, the COBRA rate is used. It is also used for the budget to determine how much to charge each department per employee and the revenue goes back into the self-insurance fund.

Mr. Clark stated that he would rather read the ordinance into first reading tonight and finalize it the proper way. It is a big enough issue for us to do it the right way. Mrs. Mahoney stated that there is no other rate to use. Mr. Clark asked what happens if Medical Mutual says we are no longer self-insured because of the number of enrollees. Mrs. Mahoney stated that the ordinance would have to be amended.

Mr. Tadych asked what kind of notification the city could expect to get from Medical Mutual regarding the number of employees. Mrs. Mahoney stated that it probably would not happen until renewal time, in March or February. The insurance company does not care that the city is paying all of the claims, up to the stop loss. It is a no-loss for them. It is the administrative portion that would make a difference. The representative of the insurance company is ok with the fact that there are 96 enrollees. If it goes much lower there would be discussion.

Mr. Lee asked if the ten, twelve, and fourteen percentage contributions should also be included in the ordinance to reflect the Service contract. Mrs. Mahoney stated that was deleted from the Service contract because the mediator in the Police contract said no one pays two separate rates. The mediation agreement was 8, 9, and 10% for Police, and you must be equal along all contracts.

The ordinance will be removed from tonight's Council meeting agenda to give Mr. Clark and Mr. Young an opportunity to finalize the COBRA language.

Councilman Young will also introduce an ordinance this evening approving the editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances of the City of Bay Village. These include ordinances that have been adopted by the

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State of Ohio, and the city must also include in their codified ordinances. As an example, Mr. Ebert stated that the City of Bay Village does not have a specific traffic violation for texting while driving. If there is a charge, the offense is defaulted to the state code. Mr. Ebert recommends this method, rather than having every nuance of change being added to our local ordinances. Mr. Young stated that there were a number of ordinances adopted by the state in 2006 regarding bicycles that were never adopted by the city. Mr. Young asked Mr. Ebert to review those laws in order for the city to be consistent with the communities around us. Mayor Sutherland stated the importance of being consistent with neighboring communities regarding the bicycle laws. Mr. Clark stated that in the interest of safety the intent would be to put legislation together after review and recommendation by the Law Director.

Mr. Tadych asked if the ordinances that will be included in the codification update are proof read prior to submission for passage. Law Director Ebert stated that the city works with Walter Drane Company as they are submitted.

Mr. Lee reviewed the ordinance to be introduced this evening declaring a six-month moratorium on development for attached residence district of five permanent parcels of land known as Cahoon West, and throughout the city. This has been discussed at the last two or three meetings. The moratorium is designed to be effective city-wide, except for the Retail Business District which is the area zoned under Codified Ordinance Section 1173. The ordinance will be placed on first reading this evening.

Mr. Lee will introduce a motion this evening to permit the hanging of a temporary banner for a new pizza store at 622 Dover Center Road in the Dover Center Junction Mall, called "Nirvana Pizza." Store owner Andrea Coats was present and explained that the banner will be in place for thirty days, from October 20, 2013 until November 20, 2013. This will allow her time to establish permanent signage, which will be reviewed by the Architectural Board of Review. Ms. Coats gave a preview of the offerings she will have at her restaurant, and noted her background as a restaurant owner in Ashtabula and California. Nirvana Pizza will take the spot formerly occupied by Georgio's Oven Fresh Pizza in the Dover Junction Mall with opening planned for October 21, 2013.

Mr. Tadych will introduce a resolution this evening authorizing Columbia Gas Company to perform work on Cahoon Memorial Park property, at the southeast and southwest corners. This work is consistent with work being performed to install new lines in other parts of the city.

Mr. Koomar asked if there is a reason there is an easement needed for this particular piece of property. Law Director Ebert stated that the gas company never had an easement in Cahoon Memorial Park. Mr. Young asked if there is a fee charged for the granting of the easement. Mr. Ebert stated that there is no fee. There is no loss of park land; the easement is in the same spot as the existing utility lines.

Discussion followed concerning the motion that will be entertained for the approval of Bay Days 2014. Mayor Sutherland stated that the motion on the agenda is still including a rain date for fireworks. The Mayor noted that there was discussion at the last meeting that the police, fire and

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the Kiwanis Club are in agreement that there will not be a rain date for the fireworks. Mr. Koomar stated that the Mayor was to get back to Council with contract language relative to the fireworks company. If we sign a contract, and then tell them we don't want the fireworks, do we get a refund? Mr. Koomar stated that he was thinking we were going to go one more year, and then decide on the rain date.

Mr. Tadych added that the thought there was discussion about having an insurance policy on the fireworks.

Mr. Koomar suggested removing the item from tonight's agenda for further review.

Mayor Sutherland stated that the concern is the manpower. Other communities are cancelling their fireworks and Bay's keeps getting bigger and bigger crowds. We just do not have the manpower for crowd control on two consecutive nights.

Mr. Koomar noted that the cities of Westlake and Lakewood still have fireworks. Rocky River has not had their fireworks for years. Mayor Sutherland stated that she believes that the City of Fairview Park dropped their fireworks.

Mr. Tadych stated that he would like to insure that the residents have fireworks.

Mr. Miller asked the increase of manpower on the day of the fireworks compared to any other day that we would have activities. He asked if we start bringing in more manpower around 8 or 9 p.m. on the fireworks night. Mayor Sutherland stated that people come in earlier for dinner, and then they stay. It starts getting very busy around 5 p.m. Cahoon Park has to be roped off and there must be supervision to make sure nobody goes over there. Traffic is heavier that day than other Bay Days.

Mr. Miller asked if this amounts to ten auxiliary officers. Interim Police Chief Holliday stated that it is every auxiliary police officer, amounting to fifteen. The work is staged, with everyone not coming in at the same time. Officers are added in two hour increments as we get closer to the fireworks time. They are assigned to different locations within the park, and at intersections. The traffic must be funneled off. If the activity is prepared well, it makes the end of the night easier to handle. This year, the City of Westlake sent hundreds of cars into Bay Village via Clague Road when their fireworks ended. That traffic ran into Bay Village traffic. It is hoped to avert that next year through discussions with Westlake.

Mr. Miller asked if the potential insurance policy being discussed would cover the cost of the fireworks and cancellation costs. Mr. Ebert stated that normally it covers the loss of the event, but he will check into what it would cover. Mr. Miller stated that it seems as though the manpower is a tangible lost, because you can quantify the man hours that would be applied. We are trying to cover the cost of the manpower it would take to execute the fireworks.

Mayor Sutherland commented that the fireworks are not paid for at this point.

Mr. Koomar asked Fire Chief Lyons how many individuals are staffed for July 4, and at what time. Chief Lyons stated that he brings in one individual that is certified in fireworks inspection and safety. He is on duty for an 8-hour day. Another three or four individuals are brought in to man extra engines, and be at the fireworks site in the event of an emergency. Their duty time would amount to 4 to 6 hours each.

Mr. Koomar asked Interim Chief Holliday how many other people he would bring in other than the auxiliaries. Chief Holliday stated that it numbers about ten. They try to make sure there are more than needed because there is always an issue. There is a lot of road rage that evening, with folks thinking that when the fireworks are over they should be able to drive right out of the city.

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 Michael Young, Vice President of Council and Councilman of Ward 4.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held September 16, 2013. Mr. Young **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 6-0 with abstention by Mr. Koomar.

ANNOUNCEMENTS

Mayor Sutherland announced that the city is now offering automatic withdrawal for payment of sewer rental and refuse collection. The Mayor congratulated Director of Finance Mahoney on the implementation of this process. Those wanting to sign up can do so on the website or by filling out a form available at city hall. The service will begin January 1, 2014.

Browns Backers

Colby Sattler, President, and Dr. Jon Umbel, Vice President of the Bay Browns Backers (Baybrownsbackers@yahoo.com) presented a Cleveland Browns flag to Mayor Sutherland and the residents of the city. Mr. Sattler advised that the Bay Browns Backers are part of global community of Browns Backers world-wide, which is the official fan club of The Cleveland Browns, and recognized as one of the most intense and largest fan clubs in all of professional sports. One of the goals of the Cleveland Browns network nationwide is to promote community engagement centered on common interest in the Cleveland Browns. Browns' ownership as well as management have stepped up their efforts this year to increase fan support and community involvement to an all time high. As part of this process, the Cleveland Browns organization created the "Paint the Towns Browns Campaign" where local communities show their allegiance and devotion to our storied franchise. "Paint the Town Brown" simply involves residents wearing orange and brown and flying our flag every Friday during the football season.

Mr. Sattler officially presented the Cleveland Browns Flag, stating that he hopes seeing it fly will inspire all to reinvest in the spirit of community, pride, and The Cleveland Browns. Mr. Sattler

and Dr. Umbel were thanked for their presentation. Councilman Clark noted for the minutes that the Cleveland Browns are tied in first place for the first time since 2007.

Mayor Sutherland advised that there have been two resignations from the Planning Commission. Mr. Andy Dzienny resigned Friday, October 4, 2013. Mr. Abe Bruckman resigned the previous week due to relocation to Tremont. The Mayor noted that Mr. Bruckman's home sold in four days, speaking well of the real-estate market in Bay Village.

The Mayor reported that today she met with several members of the Ohio Legislature and Speaker of the House Batchelder, along with Mayor LoCastro. They are still working on House Bill 5 and Municipal Income Tax reform. There are still four areas where there are significant differences of opinions, but they are still making progress. Speaker Batchelder would like to have that legislation passed by the end of December, but is still taking a cavalier approach that if this doesn't occur it could happen next year.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening. Mr. Koomar asked if there are any other transactions on line in addition to the implementation of the sewer rental fee and trash collection charges, and the existing Recreation Department registrations. Director Mahoney stated that the sewer rental fee and trash collection payments will be different than the Recreation Department registration on line. The sewer rental and trash collection payments will be automatically deducted from checking accountants.

Recreation Director Enovitch had no report this evening.

Chief Building Official Cheatham had no report this evening.

Community Services Director Bock advised that continuing along the sports theme this evening, tomorrow at 1 p.m., at the Dwyer Memorial Center, the film "A League of Her Own" will be shown and they are fortunate enough to have Audrey Daniels, a Bay Village resident, who was a member of the original league. Mrs. Daniels will bring all of her memorabilia and will address the audience after the film. Mrs. Daniels was interviewed on Channel 8 News last week, who were seeking her advice about the Indians playoff game. Crackerjacks and popcorn balls in the shape of baseballs will be served.

Director Bock expressed the benefits of getting to know an older adult, and encouraged everyone to reach out and get to know those living nearby.

Last Friday was flu shot day at the Dwyer Memorial Center. Over 100 shots were administered. It is recommended that everyone over 6 months old should get a flu shot, unless they have an allergy to eggs. Mr. Tadych commented that this is a very admirable effort on the part of the staff of the Dwyer Center.

Interim Police Chief Holliday reported business as usual at the Bay Village Police Department.

Fire Chief Lyons reported that new Engine No. 14 has been delivered to the Bay Village Fire Department. It is a beautiful piece of machinery; a mixture of art and mechanical perfection. The members of the department are being trained for its use after which time the engine will be put into official service. Chief Lyons thanked the Council and administration for their support in the purchase of this new piece of equipment, noting it is great to make leaps forward in terms of technology.

Chief Lyons commented further that all the members of the Fire Department are wearing pink during the month of October to show their support and solidarity with those who have been victims of breast cancer, their families and loved ones. The Fire Department will be making a donation toward that cause at the end of the month.

Chief Lyons read the following letter into the minutes of this meeting from Diane Shirley, a wildland firefighter currently serving as a Resource Unit Leader on Oregon Interagency Management Team 4, formerly known as the Blue Mountain Team:

“September 6, 2013

To the Bay Village Fire Chief,

I am writing to express my appreciation for the numerous times, over many, many years that you responded to 9-1-1 calls at 28621 W. Oviatt Drive. My father, William Shirley, suffered from heart disease and diabetes, conditions that earned him more than his fair share of ambulance rides to St. John’s West Shore. You also assisted his wife, Gloria, when she suffered a ruptured aneurism that took her life. And, his beloved wife, Bethie, who endured a 9-month battle with colon and lung cancer. You transported her on her final ride when she contracted pneumonia.

I especially appreciate the last time you took my father to the hospital in January of 2012. He had fainted and fallen three times that day. Your paramedics finally convinced him to go to the hospital, saving his life. That allowed me to spend 2 more weeks with my Dad, the last time I would see him alive (I live in Oregon). He worked in a rehabilitation center to earn the right to return to the home he loved so much. In the early hours of April 28, 2012, he passed away in his sleep. The Indians won their game just hours before so I know he died a happy man! Thanks to the automated call service you offer, in conjunction with the Bay Village Police Department, you responded to my father’s home one last time. The coroner called and notified me of his passing.

People often think of structural firefighters as men and women who rush into burning buildings, saving lives and property. But more often than not, you serve as paramedics and EMT’s who provide emergency response to members of your communities. Of equal value is the compassion and comfort you impact to terrified individuals who are either suffering in pain, or are afraid for their loved ones. The latter left a lasting and highly positive impression on me and my family.

With heartfelt gratitude,

Diane M. Shirley
P.O. Box 237
Ukiah, Oregon 97880

COMMUNICATIONS

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

Email communication dated September 26, 2013 from Catherine Timko thanking the City Council for their tour of the Lake Erie Nature and Science Center on September 16, 2013.

Email communication from Richard Majewski on September 17, 2013 regarding thoughts to consider on the establishment of a moratorium on developing attached residence districts.

Letter dated September 16, 2013 from the Northeast Ohio Sustainable Communities Consortium advising that public meetings will be held October 7 to 17 for feedback on a draft of shared vision around our region's priorities and information to register for the meetings. (Information also posted on bulletin board of city hall).

AUDIENCE

The following members of the audience signed in this evening: Colby Sattler, Denny Wendell, Marty Mace, Mike O'Boyle, Al Kruzer, Jerrie Barnett, Patrick McGannon, Russell Thompson, Peggy Dague, Dick Majewski.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Clark introduced and read **RESOLUTION No. 13-85 ACCEPTING DONATION OF THREE (3) APX6000 RADIOS FOR THE CITY OF BAY VILLAGE POLICE DEPARTMENT 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. 13-85.

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:

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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. 13-85** an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS /STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Miller had no report this evening.

FINANCE & CLAIMS COMMITTEE

Mr. Young introduced and read **ORDINANCE NO. 13-86** TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR 2013 AS PREVIOUSLY APPROPRIATED IN ORDINANCE NOS. 13-15, 13-34, 13-47, 13-59, AND 13-72, 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. 13-86.

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. 13-86**, an emergency measure, by a vote of 7-0.

Mr. Young introduced and read **ORDINANCE NO. 13-87** APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE, OHIO, TO APPROVED, ADOPT AND ENACT NEW MATTER IN THE TRAFFIC, GENERAL OFFENSES AND FIRE CODES, 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. 13-87.

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. 13-87** an emergency measure, by a vote of 7-0.

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

Mr. Lee noted that the original agenda that went out included a motion to refer Chapter 1158 to the Planning Commission for review. That motion was made and passed on September 9, 2013.

Mr. Lee introduced and read **ORDINANCE NO. 13-88** DECLARING A SIX-MONTH MORATORIUM ON DEVELOPMENT OF FIVE (5) PERMANENT PARCELS OF LAND KNOWN AS CAHOON WEST, AND DECLARING AN EMERGENCY.

Mr. Koomar announced that Ordinance No. 13-88 is placed on First Reading.

Motion by **Lee** to grant permission to Andrea Coats, dba Nirvana Pizza, 622 Dover Center Road, for the hanging of a temporary banner stating “Nirvana Pizza”, 2 feet x 12 feet, for a period of thirty days from October 21, 2013 until November 20, 2013, in accordance with Codified Ordinance 1179.09.

Motion passed 7-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mrs. Lieske

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Mr. Tadych introduced and read **RESOLUTION NO. 13-89** GRANTING AN EASEMENT TO COLUMBIA GAS OF OHIO, INC. TO UPGRADE PIPELINE ALONG THE SOUTHEAST AND SOUTHWEST PROPERTY CORNERS ALONG WOLF ROAD IN CAHOON MEMORIAL PARK, AND DECLARING AN EMERGENCY, and moved for adoption.

Mr. Young asked if there will be an aerial gas line going across Cahoon Creek. Mr. Miller stated that this would not be the kind of utility that is exposed. John Cheatham, Chief Building Official stated that the line has to be protected and the public utilities work separately from the contractors.

Mr. Ebert will provide a sketch of the easement area to Council. He noted that they are preparing the easement with their title company. Mr. Ebert will provide a copy of that easement to Council. Mrs. Lieske asked if there is a reason why Council would not wait to see that easement. Mr. Ebert suggested that Council proceed in order to keep the project moving along Wolf Road. They are trying to get in as much done as possible before winter.

Mr. Lee confirmed with Mr. Ebert that whatever is ultimately recorded in the real estate records will be the narrow strip. Mr. Ebert will circulate a copy of this when it is completed.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 13-89.

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 **Resolution No. 13-89** an emergency measure, by a vote of 7-0.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Young **MOVED to** convene to Executive Session regarding labor contracts (Fire, Police Gold), Personnel (testing for Police Chief position; update on Service Department organization structure).

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

Prior to convening to Executive Session, a brief intermission was held to conduct a meeting of the Cahoon Memorial Park Trustees.

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

Council reconvened in an open meeting at 9:08 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:09 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council