

## CITY OF BAY VILLAGE

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

November 4, 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, Chief Building Official  
Cheatham, Operations Manager Landers, Service Director Galli

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

During the review, Mr. Young advised that an amended appropriation will be presented for consideration at this evening's Council meeting. Mr. Young called upon Finance Director Mahoney to comment on the changes in the appropriations.

Mrs. Mahoney stated that the Community Services Department is about to receive \$1,000 in donations for the purchase of a projector. This will need to be appropriated for the purchase of the projector.

The amount of \$2,000 is to be appropriated for repairs at the Rose Hill Museum to install a new control board in one of the HVAC units.

A transfer appropriation of \$1,000 from Service Engineering to Service Equipment Replacement is included in the ordinance to provide for a new computer in the Sign Shop.

The Public Improvements Fund is being reallocated \$4,000 for background equipment for the Recreation Department and \$1,000 in Fire Department Equipment for I-pads to be used for the emergency medical service ambulance. The funds are available in the Finance Equipment line, and the net effect is \$0.00.

A reclassification of Walker Road Park Appropriation from Capital to Other is to pay for payments on assessments of improvements to the park. Mr. Young asked Mrs. Mahoney to determine how many more years this will need to be paid and noted that it may be advisable to pay the entire amount off with the money available in the Walker Road Park fund.

Mrs. Mahoney advised that when health insurance is paid to Medical Mutual it is paid for out of a contractual service fund, not a personal service fund. The funds will be moved from the personal service column to the contractual service column. In each of the department budgets, the health insurance per employee is being shown in the personal service column. The monthly reports will remain the same; the only place there will be a change is in the appropriation ordinance.

Minutes of Regular Meeting  
Bay Village City Council  
November 4, 2013

Director Mahoney advised that the city has spent \$40,000 to date this year in legal fees associated with workers compensation cases and \$33,000 in fees associated with contract negotiations. There is an additional cost of \$62,000 for one lawsuit. Mrs. Mahoney stated that she does not know where we will be for the bargaining for the Fire Department.

In regard to the workers compensation cases, Mr. Ebert commented that the administrator calls and advises whether the claim should be allowed or contested. Going forward, there will be training in the Service Department which will result in a reduction of the claims.

Mr. Lee asked if there are estimated numbers for legal fees for the balance of 2013. Mr. Ebert stated that the fact finding report on the Fire Department has been recently received. There is not a large amount expected further on the workers compensation for the remainder of the year because the hearings have been conducted.

An additional appropriation is needed for the Accrued Benefits Fund. The account is overspent by \$24,000 due to a few high dollar amount individuals retiring this year that was unexpected. This includes the Building Department, 3 employees from the Police Department and 3 Firefighters. At least \$45,000 more in expenses is to be posted through the end of the year. This would require an additional \$69,000 in appropriation to cover this and the already over-appropriated amount of \$23,811. This will need to be funded through an additional transfer from the General Fund in the amount of \$50,000. Mr. Young noted that as discussed in the Finance Committee meeting held October 28, 2013, some of these expenses are mitigated by the absence of a Police Chief salary for a period of time.

A 14% match was required in the Bradley Naigle project funding, that was not known originally on the project. The total match amount is equivalent to \$215,952.77 of which Bay and Westlake are responsible for half. The total liability for each city is \$144,510.89. Of that, \$36,534.50 is Ohio Public Works Commission 0% interest loan; the remaining \$107,976.39 is cash outlay by the city. To cover this cost the same amount needs to be converted from an advance to a transfer. Originally \$1,500,000 was advanced from the Infrastructure Improvement Fund to the Bradley Naigle Project Fund. The City of Westlake will reimburse the City of Bay Village for the Westlake portion within the next two weeks.

Mr. Koomar asked Mrs. Mahoney to provide an updated schedule of the Capital Improvement Funds for review as we enter the 2014 Budget review.

The amount of \$400 from the Community Diversion Fund will be appropriate from the fund balance to provide clerical assistance at evening Community Diversion meetings.

Mr. Lee will introduce two motions this evening for extensions of time to be granted to the Planning Commission. One motion will permit an extension of 60 days for the review of Chapter 1158. The second motion will grant an additional 60 days for review of a proposed restaurant at 27115 East Oviatt, the building presently occupied by Consign Home Couture.

Minutes of Regular Meeting  
Bay Village City Council  
November 4, 2013

Mr. Tadych asked if there has been discussion about the proposed restaurant. Mr. Lee stated that there has been extensive review and discussion by the Planning Commission. The project is slated for the Architectural Board of Review meeting of November 13, 2013.

Mr. Koomar called upon Ronda Schneider from the Bay Kiwanis to update Council on the plans to conduct a Cahoon Christmas event in Cahoon Memorial Park on Sunday, December 8, 2013.

Mrs. Schneider stated that the Bay Kiwanis and the Bay Village Historical Society would like to have an event on Sunday, December 8 to open the Christmas season with a lighting of the Christmas tree in the Gazebo, and refreshments and Christmas caroling in the Community House and the park. Santa will tour the city on the new Bay Village Fire Truck. Residents are asked to display luminaries in front of their homes that evening.

Mr. Tadych asked why a Sunday was picked for the event instead of a Saturday. Mrs. Schneider stated that Saturdays are traditionally busy for families with sporting events for children. The groups felt that Sunday afternoon would be a nice time for families and children. The event is a fun, family event, and not a fund raiser.

Law Director Ebert commented that the Sunday event would not be in violation of the Cahoon Will. It is a community event and not a sports activity. The Will states no gambling, no alcohol, nor sports. There is no problem whatsoever as far as violation of the Will.

Mr. Koomar noted that there will not be a Council meeting on Monday, November 11 due to the observation of Veterans Day.

Mr. Ebert noted that insurance was submitted for the December 8, 2013 Christmas event. He reiterated that there is no violation of the Cahoon Will.

Mr. Koomar thanked Mrs. Schneider for the efforts of the Bay Kiwanis Club and the Bay Village Historical Society to bring this event forward.

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 Boy Scout Barrett Powell in attendance for his Citizenship and Community Merit Badge.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held October 21, 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 held October 21, 2013. Mr. Young **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 8-0.

## **ANNOUNCEMENTS**

**Mayor Sutherland** announced the appointment of Mark Spaetzel as Chief of Police. Chief Spaetzel was administered the Oath of Office on Friday, November 1, at 3:00 p.m. in the Council Chambers of City Hall.

Mayor Sutherland stated that she received an email from Assistant Finance Director Ruth Popovich regarding the Bay Village Green Team. Miss Popovich states “The Green Team was awarded \$5,000 (grant) and spent \$4,912.60. As you review the list of expenditures and their purpose you will see that once again this team has beautifully managed to get the very most of their dollars. This year they even had sufficient funds to work with the Service Department to obtain eight recycled containers for the city in addition to the city-wide mailing efforts, as well as updating their video presentation. Once again, I found it so easy to work with the members of the Green Team to manage the financial aspect of the grant from purchase order to payment as they continually kept us in the loop on their transactions and also because they took the time to understand our process and procedures which kept everything timely. Thanks again for your support with the team. Their impact on the city is undeniable.”

Mayor Sutherland stated that the Green Team has been great to work with and have done another good job.

## **REPORTS**

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

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

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

## **AUDIENCE**

The following signed in this evening: Dick Majewski, Russell Thompson, Denny Wendell, Rhonda Schneider, Tom Henderson, Marty Mace.

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

**Mr. Clark** advised that an Environment, Safety and Community Services Committee meeting was held Monday, October 28 and the minutes of that meeting have been circulated and posted on the city’s web site.

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

**Mr. Miller** announced that on Thursday, November 7, at 6:00 p.m.at the Dwyer Memorial Center., a public meeting will be held regarding the Cahoon Road Sanitary Sewer Project.

**FINANCE & CLAIMS COMMITTEE**

**Mr. Young** introduced **ORDINANCE NO. 13-92** TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES IN THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR 2013 AS PREVIOUSLY APPROPRIATED IN ORDINANCES NOS. 13-15, 13-34, 13-47, 13-59, 13-72, AND 13-86, 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. 13-92.

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 Ordinance No. 13-92, an emergency measure, by a vote of 7-0.

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

**Motion** by **Lee** to grant an extension of 60 days to the Planning Commission, from November 7, 2013 to January 6, 2014 for review of Chapter 1158.

**Motion carried 7-0.**

**Motion** by **Lee** to grant an extension of 60 days to the Planning Commission, from November 26, 2013 to January 25, 2014 for review of the application of Robert Gulla for a proposed restaurant at 27115 East Oviatt Road.

**Motion carried 7-0.**

**Mr. Lee** advised that the Planning, Zoning, Public Grounds and Buildings Committee met on Monday, October 28, 2013 and reviewed in detail some proposed edits to Chapter 13, the City of Bay Village Building Code, as proposed by Mr. John Cheatham. Those proposed edits will be presented to Council within the next sixty days. Most of the edits relate to bringing the code into consistency with the state's code. There are also proposed edits to the fee calculation

procedures, for simplification purposes. There are many chapters involved, so the ultimate revision will be lengthy.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mrs. Lieske**

**Motion** by **Mrs. Lieske** to approve the Cahoon Community Christmas event sponsored by Kiwanis and the Bay Village Historical Society on December 8, 2013.

Mrs. Lieske stated that she referred to the Cahoon Will in the City Charter and had some questions. She asked Law Director to give his interpretation of the provisions of the Will and how this has been viewed in the past.

Mr. Ebert stated that this has been viewed several times in the past, even to going to court for various issues that came before the trustees. The issue concerning this type of activity is that it is not prohibited by the Cahoon Will. The prohibitions are confined to gambling, sports, boating and bathing in Cahoon Memorial Park on Sundays. The term “organized” came about in reference to sports, e.g., having a team atmosphere with competitive play. This issue concerning this type of community event with the Bay Kiwanis and the Bay Historical Society is not a prohibition of the Will, and has never been directed to be so as by the court opinion.

**Motion carried 7-0.**

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych**

**Mr. Tadych** had no report this evening, but encouraged everyone to exercise their voting rights on Tuesday, November 5.

**MISCELLANEOUS**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Young **MOVED to** convene to Executive Session for discussion of Labor Contracts (Police Gold, Police Blue, AFSCME Service and Administration, Fire) Contract Litigation (tennis courts) and Contract/lease (SAFEbuilt).

**Roll Call Vote: Yeas- Koomar, Lee, Lieske, Miller, Tadych, Young, Clark. 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 9:11 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:12 p.m.

Minutes of Regular Meeting  
Bay Village City Council  
November 4, 2013

---

Paul A. Koomar, President of Council

---

Joan Kemper, Clerk of Council