

CITY OF BAY VILLAGE

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

December 16, 2013

Paul A. Koomar, President of Council, presiding

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

Absent: Mayor Sutherland

Others

Present: Finance Director Mahoney, Law Director Ebert, Police Chief Spaetzle, Assistant Service Director Thomas, Assistant Service Director Sears, Operations Manager Landers, Community Services Director Bock

Council and members of the administration assembled at 7:10 p.m. in the conference room to review agenda items; this was open to the public.

During the review, Mr. Koomar clarified with Finance Director Mahoney that there is a need for a special council meeting on December 30, 2013. Mr. Koomar asked Council to let him know if they would be available to attend the special meeting earlier in the day, possibly at 5 p.m. The date will be held open with the time to be determined.

The presentation by First Energy scheduled for this evening will be held in January.

Mr. Clark stated that he will introduce the third and final reading of the Peddlers and Solicitors Chapter 721 that has been discussed for the better part of this year. We believe we have finality to that so we will be bringing that forward for final approval.

Conda Boyd stated that page 7 of the proposed ordinance, reference Chapter 721.08 states that the Division of Police shall update these lists on a bi-weekly basis. Law Director Ebert stated that the Do Not Call Registry has to be set up with the Police Department. Ms. Boyd asked Law Director Ebert to define "bi-weekly." Mr. Ebert stated that when people enter their name on the Do Not Call Registry it will be forwarded to the Police Department. As emails come in we will do that probably twice a month. Ms. Boyd stated that this is her issue exactly because "bi-weekly" means two things, if you look it up in the dictionary. It means either twice a week or every other week. Mr. Ebert asked Chief Spaetzle how often he thinks they can update the registry once it is established. Chief Spaetzle stated it would be easy enough to do weekly. It would not be a problem. He does not anticipate a lot to come in after the initial set-up. Once we are up and running they can enter the changes.

Mr. Ebert stated he would leave the wording as is. Mr. Clark stated he would suggest updating monthly. Getting it up and running is going to be the bigger impediment as opposed to how often we update it. Mr. Clark stated that we will just do it monthly and I will amend by reading.

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Ms. Boyd asked if Council is clear that the Charter requires that to be in writing before it is voted on. Mr. Ebert stated that it is his recommendation this ordinance passes tonight. This has been discussed for over six months at every Council meeting. We are under a mandate by federal court that this be passed tonight. There have been ample discussions at every meeting when it is on the agenda. This isn't something that is brand new and not known by the public.

Ms. Boyd stated that unfortunately this last week was the first time she actually sat down and read it.

Mr. Koomar suggested putting "bi-weekly" in brackets and amend by reading to say twice a month so the intent of the ordinance will stay intact.

Ms. Boyd stated that the Charter requires the amendment be in writing before you vote.

Mr. Miller stated that the first issue is the 24 hours requirement.

Ms. Boyd stated that it can be amended tonight but it just has to be in writing in front of you.

Mr. Ebert stated he would recommend passing it. If you want to amend that later, fine; it is not a material part of the ordinance.

Mr. Young stated that he will present a 2014 Temporary Appropriation Ordinance this evening. Until the Council adopts the budget, each month a temporary appropriation ordinance will be passed based on the prior year's budget. One-twelfth of those numbers are applied for the next month. Mrs. Mahoney stated the ordinance to be adopted this evening is one-twelfth of Budget Estimate No. 3. If an annual appropriation ordinance is not passed by the end of January, an additional temporary appropriation ordinance will have to be passed.

An ordinance establishing an effective date for refuse collection fee will be introduced by Mr. Young this evening. The Finance Committee has discussed this continuation of the fee as well as possible revenue sources for 2014. Mr. Young stated he does not feel there should be an increase in the amount of the refuse collection fee until such time as we know what sewer fee increases will be, which we will not know until at least the end of this quarter. Mr. Tadych noted that the refuse fee was originally a temporary measure. Mr. Young stated that it was designed with a sunset clause so that every year every Council would have to review it and vote, and then stand up in front of the voters later saying they had looked at it and thought it was necessary.

Mr. Young will introduce an ordinance authorizing the Mayor to enter into an agreement with Bailey Communications for network support. This is a continuation of the work that they have been doing. The three year contract is in the amount of \$25,000 per year for a period of three years. The contract is renewable at our discretion after two years with 60 days notice.

Mr. Young will introduce an ordinance for renewal of the contract with Cuyahoga County for general health services for 2014, commenting further on the many health services provided through this contract, including restaurant inspections, water testing, and pest abatement.

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An ordinance establishing a lease agreement with SAFEbuilt, Inc., for their occupancy of the city hall lower level will be introduced this evening. Mr. Ebert distributed a copy of the proposed lease. Mr. Young noted that the lease does not include a second or third year dollar figure for the monthly basis. Mr. Ebert stated that the first year was billed on one-half of the area build-out cost. Mr. Lee stated that his last few suggestions submitted to the Law Department on Friday, December 13 are not included in the draft of the lease presented this evening. The ordinance will be placed on first reading this evening, pending those additions to the lease. Mr. Lee also noted that the increase of 2% per year should be \$1,020.00 monthly after the first year of the lease.

Mr. Clark asked when the city will receive the build-out costs from SAFEbuilt, Inc., and to which fund this revenue will be applied. Mrs. Mahoney stated that it will be deposited into the General Fund and the money will be received when the lease is signed. Mr. Clark stated that the money should go back into the place from where it was originally taken.

Mr. Young will introduce ordinances this evening authorizing the Mayor to enter into change orders to contracts that covered the replacement and repair of roofs on city buildings.

Assistant Service Director Sears reviewed the six change orders before Council. Service Director Galli had advertised for bids for 25 total contracts. Some of those contracts exceeded the bid limit and many were under that amount. These change orders represent the end of the contracted roof work. Insurance proceeds were in the amount of \$500,000, with a majority of those funds as a result of the hail storm in 2008.

The change order in the amount of \$1,205 involving the Service Garage pole barn is due to repair work to sheeting and flashing. Mr. Sears noted that the intent was to further the improvements on every one of the roofs if there were enough funds. Mr. Sears noted that the total amount of the contracts is under the amount received by insurance proceeds. Those proceeds will be used on other projects in the city. A representative of the insurance company will tour the buildings. Mr. Clark suggested doing a full report on the projects for future reference.

The change order for the Bay Way Cabin is in the amount of \$353.80 and is for repair of sheeting.

The Dwyer Senior Center change order is in the amount of \$228.10 is for sheeting and a credit on metals.

Mr. Sears noted that inspection was provided by Curtis Krakowski, employee assigned to the Service Department, of every one of the jobs. Mr. Krakowski made the decision as to whether or not to move forward on any of the additional work.

The Rose Hill Museum change order is in the amount of \$9,153.00 to the original contract amount of \$6,993.03. Mr. Sears explained that the entire roof was re-sheeted because the sheeting that was there had gaps in-between. Over the past year there was extensive repair work at the Rose Hill Museum due to leakage. With the upstairs dormers, they made the decision to

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put ice-guard over the entire roof, sliding it up inside along the dormers. The flat roof portion of the building was added to the project, as well as the adjustment of vent stacks. They are also replacing any of the downspouts that have rotted out and had custom, pressed-out aluminum leaf guards made and installed.

The fifth change order is for the Community House in the amount of \$1,189.80 and is for additional carpentry to correct the abandoned box guard along the east and west end of the roof of the soffits. When the building was built instead of gutters hanging on the outside the roof came down and framed a box guard about two or three feet before the end. The last time it was roofed someone laid tin right over the top of the box guards.

Mr. Tadych stated there were also some issues on the cupola. Mr. Sears stated that the copper is being taken care of. Absolute Roofing will be out and redoing those outside edges.

The last change order is for Campopiano Roofing Company for the city hall roof. The increase is in the amount of \$1,036.40 and is repair of roof sheeting, trim, and downspouts. The flat roof was done separately.

Regarding the ordinance to be introduced this evening authorizing a contract with CT Consultants for engineering and design services for the Walker-Nantucket Pump Station, Mr. Sears stated that this contract is to move forward with the survey, investigation, and design work for the pump station. The money for the contract is included in the 2013 budget. In 2014, engineering will be done on the Huntington-Longbeach Pump Station. Mr. Lee asked if there are construction services included as part of the project. He was informed that this contract is only for engineering. The bidding phase for the Walker-Nantucket project will be discussed when Council proceeds with the authorizing for advertisement for bids.

The legislation for sewer connection charges will be removed from the agenda this evening pending changes by Mr. Sears. Mr. Sears stated that he needs to address the situation where a builder actually does the excavation work. In this type of situation, the city will bill just for the tapping. Mr. Sears will determine that cost for the legislation. He further noted that our current ordinance states that the resident is responsible for the lateral sewer to the main line. One of the things the Service Department has done is to take it to and include the clean-out. In most other cities, that is how it is done. The city provides the tap, takes it out to the sidewalk, and puts in the clean-out. As long as that is not in conflict with our current ordinances, that is what our ordinance would say. It would no longer say from the center line to the tree lawn, or beyond the center line to the tree line, it will say from the center line up to and including the clean-out.

Mr. Miller asked about the situations when we are trying to quell the inflow and infiltration issues of separating storm and sewer and you have an existing structure that you can't necessarily get underneath back to a clean-out. Can there be language in the ordinance that talks about the separation point? Mr. Sears stated that this is purely a connection into the main. He noted that there could be a situation such as corner lots where the individual comes in and asks for a different connection. They would fall under these guidelines. Or, the situation where there is overland flooding and the plumber wants to put in a yard drain to serve three or four homes. If

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a resident requests a connection to the storm sewer separate from their home connection they would fall under these guidelines also.

Mr. Miller asked if the values are comparable to neighboring communities. Mr. Sears stated that they are comparable. They range anywhere from \$750 to \$3000. You do not want to penalize the individual where all they have to do is dig into the treelawn for a cost that you would put for someone who has to go completely across the street with two lanes of pavement repair. That was the whole idea for curb to clean-out, center line to clean-out and beyond center line to clean out. A fourth circumstance was priced for property where it is possible that the connection could be deep enough to require special equipment services. The ordinance will be held until the January meetings of Council when it will be placed for three readings.

An ordinance establishing legal services and fees is something that has been discussed in general. With the last compensation ordinance a figure of \$175.00 per hour was entered for the Law Director for outside legal services. There have been discussions about having someone who is a specialist to help with human resources and this legislation includes an attempt to provide for that service. Mr. Ebert distributed a draft of an ordinance prepared by Mr. Ebert today. The proposed ordinance on this evening's agenda will be pulled from the agenda to give the Council an opportunity to review Mr. Ebert's changes included in his draft.

Mr. Lee noted that the intention is to have an ordinance similar to what we are considering for CT Consultants on special services, or Bailey Communications for IT support, and to have a similar ordinance passed that would reflect Human Resource consulting and outside legal compensation. Mr. Koomar stated that since the Human Resource component is also part of Mr. Ebert's firm it is thought from a transparency standpoint to list the rates, although they have been announced at previous public meetings. Since the Human Resources services are different from a retainer it became too difficult to try to tack that on to the compensation ordinance. It can be updated on an ongoing basis but at least people can see the different components within Seeley, Savidge, Ebert and Gourash.

Mr. Ebert stated that the person that does the Human Resource services is actually a part time Human Resource person that serves the City of Westlake. She came from the Attorney-General's Office and is a very smart person. Mr. Koomar stated that no one has a question on the quality of the services but to Mr. Lee's point where we take much smaller contracts and write specific ordinances for them we just want to make sure we are treating all those in a similar nature.

Mrs. Mahoney stated that the payment for the Human Resource Consultant comes from the Finance Department budget and not from the Law Department budget. Mr. Clark noted that the same thing is done when the consultant for Health Care is provided. The process of an ordinance and contract is followed.

Mr. Lee will introduce two motions this evening. The first is to confirm the appointment of Jeff Foster to the Planning Commission, and the second motion is to extend the time the Planning Commission has to review Chapter 1158. This will carry out the review time to March 8, 2014.

The issue was originally referred in September so that will result in a full six months review by the Planning Commission.

Twenty-two ordinances introduced on December 2 relating to amendments to the Building Code will be moved to second reading this evening. The twenty-third ordinance removed from the agenda on December 2 will be introduced this evening for first reading. This ordinance is for an amendment to Codified Ordinance Chapter 1322 regarding the Residential Code of Ohio for one, two and three family dwellings. New language drafted regarding workmanship is included in what was circulated in the Council packets. An amendment to Ordinances No. 98 is a result of new language involving foundation facing. Chief Building Official Cheatham has proposed additional materials that are appropriate for foundation facing. Ordinance No. 99 is amending Chapter 1159 for accessory structures for attached garages. Mr. Cheatham stated that the ordinance was relating to lot sizes 25,000 square feet, 45,000 square feet and higher which is not relevant in Bay Village. The intent was reviewed and new verbiage created so that everything stays the same but the irrelevant language is taken away.

President of Council Koomar called the meeting to order at 7:30 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Clete Miller, Councilman of Ward 2.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held December 2, 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 December 2, 2013. Mr. Young **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mr. Ebert reported the following:

Appointment of Jeff Foster, 329 Kenmore Drive, to the Planning Commission to fill the unexpired term of Andy Dzienny, ending August 29, 2016.

Reappointment of Martha Krebs to the Civil Service Commission for a six-year term expiring January 28, 2020.

Mr. Koomar announced that the inauguration of city officials elected November 5, 2013 will be held on January 1, 2014 at 11:00 a.m. at the Dwyer Memorial Center. The public is invited to attend.

Mr. Koomar further reported that when the budget work is completed for 2014, he would like to discuss with Council a continuation of the practice of Town Hall Meetings, with the exception of election years. The meetings would be held on a Monday evening as a normal Council meeting. If the meeting is moved to a different venue to accommodate a larger crowd, a greater number of

residents would be exposed to the type of business that is transacted. Committee heads could discuss their goals for the coming year. At the end of the formal meeting there would be a break-out of Ward and Council-at-large to answer specific questions. Mr. Koomar would like to encourage more participation in the coming year through this effort.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch had no report this evening.

Chief Building Official Cheatham had no report this evening.

Community Service Director Bock reported that the Adopt-A-Family Program, and Holiday Caring and Sharing Feed-a-Family Program will be taking place on Wednesday, December 18, 2013. Donations should be to Ms. Bock's office by 12 Noon Tuesday, December 17, 2013. Ms. Bock expressed appreciation to all of the civic groups for their generosity this year through participation in the programs.

COMMUNICATIONS

Certificate of Result of Election on a Question or Issue received December 16, 2013 from the Cuyahoga Board of Elections. Issue No. 6 – Proposed Zoning Amendment results indicate that the proposed zoning amendment passed city wide by a total vote cast on the issue of 5,174. Yes votes – 2,963. No votes – 2211. However, the issue did not pass in Ward 2 which is necessary for it to go into effect. Yes votes- 615. No votes – 667. The certificate will be attached to the ordinance that sent the issue to the ballot.

AUDIENCE

The following signed in this evening: Tom Henderson, Dick Majewski, Suzanne Graham, Conda Boyd, Lydia DeGeorge, Jeff Gallatin, Kent Silverberg, Marty Mace, Denny Wendell, Al Kruzer, Eric Dilisi, Mike O'Boyle, Russell Thompson, Pam Cottam

Kent Silverberg, 24425 East Oakland stated that there is a page of codified ordinances being proposed today for amendment or repealing. He still has not seen anything regarding residential surveillance or security cameras. Mr. Silverberg stated that he has talked about this at least six times in front of Council asking for assistance and he has not seen anything like that coming across in his emails or anywhere. He would like to hear something about why not.

Mr. Koomar stated that in the past they have looked at enforcing the ordinances that are on the books for this particular instance. Mr. Ebert stated that he does not have a problem if Council

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wants to put it in committee to look at it. It has been an ongoing battle in Mr. Silverberg's neighborhood. Obviously the Police Department and everyone at city hall is fully aware of it.

Mr. Silverberg stated that he will look forward to seeing that as well, and he will hold the Law Director and committee to that.

Mr. Koomar asked the specifics in particular that Mr. Silverberg is looking for. Mr. Silverberg stated that he is looking to have residential security cameras not pointing on neighboring properties. They are supposed to be security cameras for their own properties, for residential properties, they should not be pointing at other people's properties unless it is a residual type of effect. He noted that this is not the case in his particular instance, and hasn't seen it in any other instance.

Pam Cottam commented that she also lives on East Oakland and is aware of what has been going on and everyone else is aware of what has been going on at the street; there has been a lot of publicity. People have come to city hall. People have had to deal with the police on a regular basis. Why hasn't that issue been addressed after this amount of time? I know that you say it is going to be but I have to question why hasn't anything been done.

Mr. Koomar stated that they were working with the prior Police Chief and Building Inspector on this issue and letting them handle it through those channels. If that is not being effective, we have a new Police Chief and new folks in the Building Department area that are certainly happy to take a look at it if those other avenues are not being effective.

Mr. Ebert stated that it is also an issue that during the heat of the publicity of this going on and changing legislation we generally wait until the situation settles down so it does not look like it is retaliatory towards any particular individual. I know your situation got all the publicity and all the television stations, etc. The issue comes up as to even how the camera is pointed. Security cameras outside are security cameras but not to the extent that this individual is doing. The whole issue as far as people's rights or the First Amendment rights all have to be looked at as far as how you limit the number of security cameras. It is not as easy as saying you can't point cameras at a neighbors. That situation had more than one camera; several dozen.

Mr. Silverberg stated that it is that residual pointing; he understands that. Pointing at other people's properties that's where, in my opinion, menacing is involved and I will be at City Council as our law makers should be writing ordinance on such things as infringements.

Mr. Ebert stated that the prosecutor will be called in because he was there for all these hearings. The Police Department will be brought in on that committee to try to give their report. It is something that has to be looked in at depth. You are not denying someone's constitutional rights but also creating a public or private nuisance and not menacing and not infringing on someone's private enjoyment of his property.

Mr. Silverberg stated that he just wants to make sure it is at the forefront of all of our minds. Thank you.

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Pam Cottam stated that Mr. Ebert is making perfectly good sense when he says he doesn't want anything to look like it is retaliatory or going after someone's First Amendment rights. You are talking about a situation, though, and this is why I guess I am befuddled by it as well as many other people on the street. You are talking about a situation where we have 18 to 20 cameras that, we know, are pointed at people's front doors, back doors, three houses, and across the street at a house where one neighbor has little children playing out front. It gets to a point, truly, and this has been going on for quite a long time where no one can claim that it is retaliatory. It truly has reached the point where it looks like it is menacing and you have certain houses where the cameras are pointed right at someone's front door and right at someone's back door.

Mr. Ebert stated that he knows there are a lot of cases filed. Not only by our Building Department but Common Pleas Court on this. There are a lot of issues and a reason to wait until it is either terminated, ended, dismissed, or adjudicated. The time is right to take a look at it.

Mr. Tadych asked if there are any privacy areas in the state regulations that would disallow that.

Mr. Ebert stated the question is what is reasonable.

Mr. Mike O'Boyle stated that he is also on East Oakland and it is the same issue but with a different twist. The young man in question that we are talking about has been ordered by Judge Hagen of Rocky River Court to vacate the premises. He has not done that. I call this to our new Police Chief Spaetzel's attention. Judge Hagen has made it clear, and the young man is wearing a GPS bracelet and being monitored. But he is there every single day of the week, including weekends, and to what extent does our Police Department have power to enforce the order of the Judge in Rocky River. I honestly do not know to what extent our local Police Department has that charge. The Judge issued this order and the young man, his mother and father also, are flagrantly violating that order. I am hoping Chief Spaetzel will look into this.

Chief Spaetzel stated that they will and also any order by any Judge as part of probation we can't enforce, however, we can make the Judge aware of the potential violations that are occurring and then let him take that matter up with his probation department. If the Judge issues a warrant based on a probation violation, in other words finds that this individual is violating the probation, whatever it is that he set up, and issues a warrant for that arrest, then we can make that arrest. I cannot take individual action without a court order. It is up to the probation to handle that situation, but we can certainly make the Judge aware of the violation.

Mr. O'Boyle asked if he can ask that this be done. Chief Spaetzel responded affirmatively. They will look into it and talk to the neighbors about what they are actually seeing.

Mr. Silverberg asked if somebody will be present representing the city during these times when the person in question is going back to court for his various offenses. Mr. Ebert stated that someone will be present representing the city. The probation officer is well aware of one prior violation concerning his whereabouts.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES

Mr. Clark read **ORDINANCE NO. 13-17** ENACTING NEW CODIFIED ORDINANCE CHAPTER 721, PEDDLERS, SOLICITORS, AND CANVASSERS, AND DECLARING AN EMERGENCY, as amended on March 11, 2013, June 4, 2013, September 16, 2013, and November 18, 2013, and moved for adoption as amended.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-17.

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lieske, Lee, 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. 13-17 as amended, an emergency measure, by a vote of 7-0.

Motion by **Clark** to confirm the reappointment of Martha Krebs to the Civil Service Commission for a six-year term expiring January 28, 2020.

Motion passed 7-0.

FINANCE & CLAIMS COMMITTEE

Mr. Young introduced **ORDINANCE 13-119** MAKING TEMPORARY 2014 APPROPRIATIONS FOR THE CURRENT AND ORDINARY EXPENDITURES OF THE CITY OF BAY VILLAGE, OHIO, PENDING RECEIPT OF THE AMENDED OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES DURING PART OF THE FISCAL YEAR ENDING DECEMBER 31, 2014, 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. 13-119.

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

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Nays –None.

Roll Call on Adoption:

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

Nays- None.

Mr. Koomar announced adoption Ordinance No. 13-119, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-120** ESTABLISHING THE EFFECTIVE DATE FOR THE REFUSE COLLECTION FEE, 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. 13-120.

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 Ordinance No. 13-120, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-121** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BAILEY COMMUNICATIONS FOR NETWORK SUPPORT, 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. 13-121.

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:

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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 Ordinance No. 13-121, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-122** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE DISTRICT ADVISORY COUNCIL OF THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT TO PROVIDE PUBLIC HEALTH SERVICES FOR THE CITY OF BAY VILLAGE DURING THE CALENDAR YEAR 2014, 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. 13-122.

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 Ordinance No. 13-122, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-123** AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH SAFE BUILT, INC. FOR THE REAL ESTATE LOCATED ON THE LOWER LEVEL AT BAY VILLAGE CITY HALL, AND DECLARING AN EMERGENCY.

Mr. Koomar announced that Ordinance No. 123 is placed on First Reading.

Mr. Young introduced **ORDINANCE NO. 13-124** AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 FOR MASTER RENOVATIONS, INC., FOR THE REPLACEMENT OF THE SERVICE CENTER POLE BARN BUILDING ROOF, 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. 13-124.

Roll Call on Suspension of Charter Rules:

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

Nays-None.

Roll Call on Suspension of Council Rules:

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

Nays–None.

Roll Call on Use of the Emergency Clause:

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

Nays –None.

Roll Call on Adoption:

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

Nays- None.

Mr. Koomar announced adoption Ordinance No. 13-124, an emergency measure, by a vote of 7-0.

Mr. Young noted that these ordinances were change orders to the contracts for roof repair or replacement based on hail damage and/or storm damage to city buildings. Even though we are authorizing expenditures more than what was originally bid, in total the city paid less than what was billed out based on other projects that were included.

Mr. Young read **ORDINANCE NO. 13-125** AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 FOR MASTER RENOVATIONS, INC., FOR THE REPLACEMENT OF THE BAY WAY CABIN ROOF, 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. 13-125.

Roll Call on Suspension of Charter Rules:

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

Nays-None.

Roll Call on Suspension of Council Rules:

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

Nays–None.

Roll Call on Use of the Emergency Clause:

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

Nays –None.

Roll Call on Adoption:

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

Nays- None.

Mr. Koomar announced adoption Ordinance No. 13-125, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-126** AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 FOR MASTER RENOVATIONS, INC., FOR THE REPLACEMENT OF THE DWYER MEMORIAL SENIOR CENTER ROOF, 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. 13-126.

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. 13-126, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-127** AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 FOR MASTER RENOVATIONS, INC., FOR THE ROOF REPLACEMENT OF THE ROSE HILL MUSEUM, 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. 13-127.

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:

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Yeas–Koomar, Lee, Lieske, Miller, Tadych, Young, Clark
Nays- None.

Mr. Koomar announced adoption Ordinance No. 13-127, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-128** AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 FOR ABSOLUTE ROOFING AND CONSTRUCTION, INC. FOR THE ROOF REPLACEMENT OF THE COMMUNITY HOUSE, 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. 13-128.

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 Ordinance No. 13-128, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-129** AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 FOR CAMPOPIANO ROOFING FOR THE REPLACEMENT OF THE CITY HALL ROOF, 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. 13-129.

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 Ordinance No. 13-129, an emergency measure, by a vote of 7-0.

Mr. Young advised that an ordinance ratifying the appointment of Gary Ebert as the City’s Law Director for 2014, and establishing fees for Legal Services and Human Resources Consulting Services, and declaring an emergency will be removed from this evening’s agenda and be brought before Council at a future meeting.

PUBLIC IMPROVEMENTS /STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Miller introduced **ORDINANCE NO. 13-130** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CT CONSULTANTS, INC. TO PROCEED WITH DESIGN SERVICES FOR THE REPLACEMENT OF THE WALKER/NANTUCKET PUMPING STATION, 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. 13-130.

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 Ordinance No. 13-130, an emergency measure, by a vote of 7-0.

Mr. Miller advised that an **ORDINANCE** AMENDING CODIFIED ORDINANCE SECTION 913.14 REGARDING SEWER SERVICE LINES; FEE has been removed from this evening’s agenda for further edits.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Motion by **Mr. Lee** to approve the appointment by Mayor Sutherland of Jeff Foster, 329 Kenmore Drive, to the Planning Commission to fill the unexpired term of Andy Dzienny, ending August 29, 2016.

Motion passed 7-0.

Motion by **Mr. Lee** to extend the time of the Planning Commission for review of Chapter 1158, Attached Residence District, from January 7, 2014 to March 8, 2014, a period of 60 days.

Motion passed 7-0.

Mr. Lee introduced **ORDINANCE NO. 13-131** AMENDING CODIFIED ORDINANCE CHAPTER 1322 REGARDING RESIDENTIAL CODE OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.

Mr. Koomar announced that **Ordinance No. 13-131** is placed on **First Reading**.

Mr. Lee read by title only, **Ordinance No. 13-97** amending Codified Ordinance 1301 regarding Department of Building, Engineering, and Inspection; Enforcement

Mr. Koomar announced that **Ordinance No. 13-97** is placed on **Second Reading**.

Mr. Lee read by title only, **Ordinance 13-98** enacting new Codified Ordinance Chapter 1150 regarding Foundation Facing amending by reading to include additional foundation facing materials that are permitted.

Mr. Koomar announced that **Ordinance No. 13-98, as amended**, is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-99** amending Chapter 1149 regarding Accessory Use or Structure, Residence Districts, amending by reading

Mr. Koomar announced that **Ordinance No. 13-99, as amended**, is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-100** amending Codified Ordinance Subsection 1303.06 (a) regarding Posted Notice of Application; Complaints; Board Hearing

Mr. Koomar announced that **Ordinance No. 13-100** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-101** Amending Codified Ordinance Section 1305.02 regarding Permit and Inspection Fees, and declaring an emergency

Mr. Koomar announced that **Ordinance No. 13-101** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-102** amending Codified Ordinance Chapter 1307 regarding Plan Review Fees, and declaring an emergency

Mr. Koomar announced that **Ordinance No. 13-102** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-103** repealing Codified Ordinance Chapter 1321 regarding Adoption of Regional Dwelling House Code

Mr. Koomar announced that **Ordinance No. 13-103** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-104** amending Codified Ordinance Chapter 1331 regarding the Ohio Building Code

Mr. Koomar announced that **Ordinance No. 13-104** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-105** repealing Codified Ordinance Chapter 1333 regarding adoption of Regional Building Code

Mr. Koomar announced that **Ordinance No. 13-105** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-106** amending C.O. Section 1344.03 regarding Residential, Commercial and Accessory Structure Maintenance Definitions

Mr. Koomar announced that **Ordinance No. 13-106** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-107** amending Codified Ordinance Section 1344.04 regarding Basic Standards for Residential and Commercial Building

Mr. Koomar announced that **Ordinance No. 13-107** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-108** amending C.O. Section 1303.02 regarding Applications for Permits

Mr. Koomar announced that **Ordinance No. 13-108** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-109** amending Codified Ordinance 1303.04(a) regarding Conditions for the Issuance of Permits

Mr. Koomar announced that **Ordinance No. 13-109** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-110** amending Codified Ordinance Subsection 1304.01(h) regarding Final Inspection

Mr. Koomar announced that **Ordinance No. 13-110** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-111** amending Codified Ordinance Section 1304.03 regarding Inspection Check List

Mr. Koomar announced that **Ordinance No. 13-111** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-112** amending Codified Ordinance Section 1310.05 regarding Bond

Mr. Koomar announced that **Ordinance No. 13-112** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-113** amending Codified Ordinance Subsection 1341.04(e) regarding Rules during Work

Mr. Koomar announced that **Ordinance No. 13-113** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-114** amending Codified Ordinance Section 1344.08 regarding Conflict

Mr. Koomar announced that **Ordinance No. 13-114** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-115** amending Codified Ordinance Subsection 1355.03(b) (1) regarding Permit Application Fee

Mr. Koomar announced that **Ordinance No. 13-115** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-116** amending Codified Ordinance Subsection 1355.07(f) regarding Duties of Permittee

Mr. Koomar announced that **Ordinance No. 13-116** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-117** amending Codified Ordinance Section 1365.10 regarding Housing License Issuance

Mr. Koomar announced that **Ordinance No. 13-117** is placed on **Second Reading**.

Mr. Lee read by title only **Ordinance 13-118** amending the reference of Building Code to Building “Standards” in Chapter 1300-Codified Ordinances of the City of Bay Village

Mr. Koomar announced that **Ordinance No. 13-118** is placed on **Second Reading**.

RECREATION AND PARKS IMPROVEMENTS COMMITTEE

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

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Mr. Tadych had no report this evening, and wished everyone a Happy Holiday.

MISCELLANEOUS

President of Council Koomar wished all a Happy Holiday Season. Council will not meet on December 23, 2013. The Finance Committee will meet at 4 p.m. on Monday, December 23 in the conference room of City Hall. The Council potentially will meet in special meeting on Monday, December 30, 2013 at a time to be announced.

There being no further business to discuss, the meeting adjourned at 8:35 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council