

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:17 p.m.

April 14, 2014

Paul A. Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Thomas, Community Services Director Bock, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers.

President of Council Koomar called the meeting to order at 8:17 p.m. with a roll call and Pledge of Allegiance led by Councilman-at-large Steve Lee.

ANNOUNCEMENTS

Mayor Sutherland announced that she has received the Westshore Regional Community Emergency Response Team (CERT) Annual Report for 2013. The Mayor noted that the team is made up of volunteers and they are all fantastic.

The Mayor stated that she spent the afternoon with Leon Bibb from Channel 5. Channel 5 is doing a segment called "Twenty-five Communities in twenty-five days" and today was Bay Village. The program is going to air on Monday, April 21, 2014.

Mayor Sutherland further advised that there have been a lot of questions about the removal of the Ash Trees in the city, even though an email blast was sent out with all of the details. The trees were taken down because they were infested with the Emerald Ash Borer and where the trees were the stumps are remaining. Those stumps will be removed but it is necessary to have a utility locator come in and make sure before they bring the stump grinders in they have all the utilities located. That process will finish over the next couple of weeks and the intention is to begin to replant those 77 spots over the next couple of years. Planting will probably begin in the fall.

The Mayor reported that there is a wild turkey hanging out at the corner of Wolf and Douglas Drive, and urged residents driving in that area to be careful.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Russell Thompson, Denny and Tara Wendell, Conda Boyd, Marty Mace, Lawrence Kuh, Jerrie Barnett, Mike O'Boyle, Eric Eakin, Susan Murnane.

Nancy Brown asked someone on Council to please clarify - when there is a dog at large she has

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been advised by the Bay Village Police Department that they will not respond unless the dog is in the street or doing destruction to someone's property, or acting viciously. Ms. Brown asked if this is the new procedure.

Mayor Sutherland stated that it was her understanding that the police would respond if we have personnel available to do so. Chief Spaetzel stated that if they have personnel available they will respond but they often don't have the equipment to capture the animal. If the animal is problematic when it is caught it will be taken to the kennel. Chief Spaetzel thanked Nancy Brown for replacing a lot of dogs back into their homes. The Chief continued that it really comes down to manpower and equipment, and often they do not have the capability to do that.

Ms. Brown asked if friendly canines are allowed to be put in the back of a police cruiser. The Chief responded affirmatively, noting that they have done that before. Ms. Brown asked if a canine caught on a leash and is somewhat friendly it is allowed to go in the back of a police cruiser. Chief Spaetzel stated that it will depend on the circumstances. He stated that he does not want someone getting bit because of that so it will be dependent on the situation.

Ms. Brown stated that if a dog is hit by a car and injured, would that dog also be permitted to be in the back of a cruiser, or will that dog be shot on site. Chief Spaetzel stated that they do not shoot them. They have arrangements with veterinarians where they can take the dogs and they have some money contingencies set aside for that purpose. The officers are trained to handle all the situations, so it depends on the situation if the dog is allowed to be transported in the cruiser.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of City Council held April 7, 2014. It was **MOVED** by **Mr. Clark** to approve the minutes of the Regular Meeting of Council held April 7, 2014 as prepared and distributed. Motion carried 5 Yeas, 0 Nays and two abstentions (Mrs. Lieske and Mr. Tadych). Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees held April 7, 2014. It was **MOVED** by **Mr. Clark** to approve the minutes of the Cahoon Memorial Park Trustees held April 7, 2014, as prepared and distributed and amended to indicate the absences of Councilwoman Lieske as due to illness. Motion carried 6 Yeas, 0 Nays and two abstentions (Mrs. Lieske and Mr. Tadych).

Motion by Tadych approve the appointment of Patrick Graham to the Tree Commission for a one-year term beginning April 15, 2014 and expiring January 1, 2015.

Motion passed 7-0.

Motion by Tadych to approve the appointment of Dave Patzwahl to the Tree Commission for a two-year term beginning April 15, 2014 and expiring January 1, 2016.

Motion passed 7-0.

Motion by Tadych to approve the appointment of Liz Pim to the Tree Commission for a two-year term beginning April 15, 2014 and expiring January 1, 2016.

Motion passed 7-0.

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Motion by **Tadych** to approve the appointment of Julia Shutt to the Tree Commission for a three-year term beginning April 15, 2014 and expiring January 1, 2017.

Motion passed 7-0.

Motion by **Clark** to approve the appointment of Mary L. Munn to the Community Services Advisory Board to fill the unexpired term of Dr. Georganne Vartolla ending November 6, 2014.

Motion passed 7-0.

Mr. Henderson introduced **Ordinance No. 14-47** authorizing the Mayor to enter into an agreement with SlideCare, LLC for restoring the Water Slide and Swimming Pool Play Feature at the Aquatic Center, and declaring an emergency, and moved for adoption.

Mr. Koomar stated that because of the necessity to get this work done before the pool opens it will be considered for adoption this evening.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-47.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent
Nays -None

Roll Call on Adoption:

Yeas–Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-47, an emergency measure, by a vote of 7-0.

Mr. Henderson introduced **Ordinance No. 14-48** authorizing the Mayor to enter into an agreement with the American Fireworks Company for the 2014 July 4th Fireworks Display, and declaring an emergency, and moved for adoption.

Mr. Koomar stated that this is traditionally the time of the year when this legislation is passed. This year this is a combination city/private citizen effort this year.

Mr. Clark thanked the Village Foundation and Eileen Vernon for being great partners on this undertaking. Looking for ways to fill the gap financially to provide fireworks for the city during

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the Fourth of July Bay Days celebrations, under the leadership of Eric Eakin as the Committee Chairman the following volunteers worked diligently with the committee for eight to ten meetings over the past three or four months:

Camille Sheehan
Tara Wendell
Mindy Stroh
Dominic Giovannazzo
Lisa Wilson
Tony Dostal
George McDonald
Councilman Tom Henderson
Councilman Dave Tadych
Jennie Mace

Mr. Clark thanked everyone for their efforts. The funds have been raised for fireworks for 2014. It is hoped to add more to have a carry-over balance for next year. There are two grand raffle prizes that have been advertised in the *Westlake/Bay Village Observer* by Tara and Denny Wendell. The tickets for the raffle prizes are still on sale at bayfireworks.org.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-48.

Roll Call on Suspension of Charter Rules:

Yeas- Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark
Nays -None

Roll Call on Adoption:

Yeas–Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-48, an emergency measure, by a vote of 7-0.

Mrs. Lieske introduced **Ordinance No. 14-49** extending the moratorium on the development under Chapters 1158 and 1158(B) Attached Residences in the City Of Bay Village, and declaring an emergency, and moved for adoption.

Mrs. Lieske explained that the moratorium in effect expires April 21, 2014. Since the Council will not be meeting again in April, it is recommended that this extension be granted this evening to keep the moratorium in effect until the study of Chapter 1158 is completed.

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There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-49.

Roll Call on Suspension of Charter Rules:

Yeas- Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson

Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-49, an emergency measure, by a vote of 7-0.

Mr. Lee introduced **Ordinance No. 14-50** authorizing the Mayor to enter into a professional services agreement with Bay Village School District and McKeon Education Group, Incorporated to provide prevention and intervention services, and declaring an emergency, and moved for adoption.

Mr. Koomar recommended consideration for adoption this evening since the funds are in the budget for the city’s portion of the contract, and for the McKeon group to receive adequate notice of renewal to prepare their staffing for the next calendar year. Mr. Koomar echoed the Police Chief’s comments that this service is a wonderful collaboration with the Middle School, Bay High School, St. Raphael’s, the Police Department, and Community Services. Additional representation on the Board is provided by City Council through Mr. Koomar and citizen representation. The Bay Family Services is a model for other communities and provides a diversion for youth who would otherwise go to Juvenile Court.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-50.

Roll Call on Suspension of Charter Rules:

Yeas- Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar

Nays -None

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Roll Call on Adoption:

Yeas– Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-50, an emergency measure, by a vote of 7-0.

Mr. Lee read **Resolution 14-38** authorizing the Mayor to accept the grant awarded by Ohio Local Government Innovation Fund for Phase II of the Westshore Regional Fire District Study in the sum of \$100,000.00 and declaring an emergency, and moved for adoption. (First Reading 4-7-14)

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-38.

Roll Call on Suspension of Charter Rules:

Yeas –Lieske, Tadych, Vincent, Clark, Henderson, Koomar, Lee

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Tadych, Vincent, Clark, Henderson, Koomar, Lee

Nays -None

Roll Call on Adoption:

Yeas–Lieske, Tadych, Vincent, Clark, Henderson, Koomar, Lee

Nays–None.

Mr. Koomar announced adoption of Resolution No. 14-38, an emergency measure, by a vote of 7-0.

Mr. Clark read **Ordinance No. 14-40** amending Chapter 125 of the Codified Ordinances by enacting new Section 125.21 relating to the establishment of a Private Property Maintenance Fund, and declaring an emergency, and moved for adoption. (First Reading 4-7-14)

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-40.

Roll Call on Suspension of Charter Rules:

Yeas –Tadych, Vincent, Clark, Henderson, Koomar, Lee, Lieske

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Tadych, Vincent, Clark, Henderson, Koomar, Lee, Lieske

Nays -None

Roll Call on Adoption:

Yeas–Tadych, Vincent, Clark, Henderson, Koomar, Lee, Lieske

Nays–None.

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Mr. Koomar announced adoption of Ordinance No. 14-40, an emergency measure, by a vote of 7-0.

Mr. Clark read **Ordinance No. 14-41** amending Codified Ordinance 521.11 regarding Payment of Fees for City Services, and declaring an emergency, and moved for adoption. (First Reading 4-7-14)

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-41.

Roll Call on Suspension of Charter Rules:

Yeas- Vincent, Clark, Henderson, Koomar, Lee, Lieske, Tadych

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Vincent, Clark, Henderson, Koomar, Lee, Lieske, Tadych

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Vincent, Clark, Henderson, Koomar, Lee, Lieske, Tadych

Nays -None

Roll Call on Adoption:

Yeas– Vincent, Clark, Henderson, Koomar, Lee, Lieske, Tadych

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-41, an emergency measure, by a vote of 7-0.

Mr. Clark read **Ordinance No. 14-42** amending Codified Ordinance 543.01 regarding Constructing, Cleaning and Repairing Sidewalks, and declaring an emergency, and moved for adoption. (First Reading 4-7-14)

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-42.

Roll Call on Suspension of Charter Rules:

Yeas-Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays -None

Roll Call on Adoption:

Yeas–Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays–None.

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Mr. Koomar announced adoption of Ordinance No. 14-42, an emergency measure, by a vote of 7-0.

Mr. Clark read **Resolution No. 14-45** adopting updated formal policies governing the use of cell phones by employees of the City of Bay Village, and amending Resolution No. 04-153, and moved for adoption. (First Reading 4-7-14)

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-45.

Roll Call on Suspension of Charter Rules:

Yeas- Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark

Nays -None

Roll Call on Adoption:

Yeas–Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark

Nays–None.

Mr. Koomar announced adoption of Resolution No. 14-45, an emergency measure, by a vote of 7-0.

Mr. Koomar announced that there will not be Council meetings on April 21 or April 28, 2014.

There being no further business to discuss, the meeting adjourned at 8:50 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council