

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:26 p.m.

September 15, 2014

Paul A. Koomar, President of Council, presiding

Present: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Acting Mayor Ebert

Not Present: Mayor Sutherland

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

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

During the review, Mr. Ebert stated that the Bay Village City Hall will be open on Columbus Day, October 13, 2014. The holiday that was normally observed on Columbus Day has been moved to the day after Thanksgiving. Mr. Koomar will advise in the near future whether a Committee Meeting of Council will be held on October 13, 2014.

Mr. Koomar further announced that on November 3, 1914 the actual first Council meeting was held in the Bay Village City Hall Council Chambers. November 3, 2014 falls on a Monday this year, and the Council meeting that evening will include recognition of that 100th Anniversary and highlights of the history of the Council Chambers.

A Town Hall Meeting will be held in November, either November 17 or November 24, depending on the progress of the 2015 Budget process.

Mr. Lee reviewed the items to be considered at the Regular Meeting of Council this evening under the category of the Environment, Safety and Community Services Committee.

Discussion regarding proposed amendment to Subsection 721.01 regarding Peddlers, Solicitors and Canvassers; Definition of Canvassers.

Ordinance No. 13-17 amending Codified Ordinance Section 721.01 was adopted in December of 2013. Currently there is an issue regarding the local organizations that go door-to-door for the purpose of selling goods and/or soliciting funds for their groups. They will not be able to do so with the Do-Not-Knock Registry that has been put into place. There are approximately 1500 homes listed on the registry. Rather than having a problem with allowing these local organizations to continue their activities, Mr. Ebert emailed the Ohio Citizens Action Group and they have waived any concern they have about this activity. The proposed amendment is to give those organizations within the city, such as the schools, Kiwanis, and other social, civic or charitable organizations a status that would allow them to continue their activities.

The existing paragraph reads as follows:

721.01 DEFINITIONS.

As used in this Chapter:

- (b) "Canvasser" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street who obtains or seeks to obtain or influences the opinions of the residents of the City, upon the private residences including any house, apartment or other dwelling in the City, who also may or may not obtain or seek to obtain funds for any cause whatsoever."

The proposed amendment reads as follows:

721.01 DEFINITIONS.

As used in this Chapter:

- (b)"Canvasser" means any individual, group of individuals or organization traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street who obtains or seeks to obtain or influences the opinions of the residents of the City , for any purpose, including but not limited to civic, political, educational and/ or social organizations, upon the private residences including any house, apartment or other dwelling in the City, who also may or may not obtain or seek to obtain funds for any cause whatsoever.

Mr. Henderson stated that in his opinion the phrase "individual, group of individuals or organization" in place of "person" creates an illogical sentence. A natural person, or human, can travel, but a non-human legal person, such as a group or organization can't really travel as they have no body to convey. Mr. Henderson recommended replacing the word "person" with "person or persons" or leaving it as-is. Mr. Ebert stated that organization would mean individuals that are seeking opinions for their organization. Mr. Ebert will review any changes with the Ohio Citizens Action Group so there are no issues since that was the understanding when a settlement was worked out in this case.

Mr. Henderson's second item is the phrase "including but not limited to civic, political, educational and/or social organizations." He stated that this phrase does not include certain organizational types that he would expect should be listed for the avoidance of doubt, namely: charitable and religious. Mr. Henderson asked if there would be any negative ramifications associated with adding these. Mr. Ebert stated that he does not think there will be any opposition to this wording by the Ohio Citizens Action Group.

The last item Mr. Henderson called forth for review is the definition of "peddler or solicitor" in 721.01(a) which refers to any person who take(s) orders for profit by the sale of goods. The definition of "canvasser" in 721.01(b) in both the current and proposed amended forms refers to any (person) "who may or may not obtain or seek to obtain funds." He gave the example of when a child stopped by his house offering to sell them popcorn, a "good." The child told Mr.

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Henderson that purchasing this popcorn would benefit a cause he supported. Therefore, the price paid for the popcorn must have exceeded the cost paid by this child to obtain the popcorn, a “profit.” It is Mr. Henderson’s opinion that this child would still be a “peddler” even under the newly proposed definition of “canvasser” regardless of the cause he supported by selling this popcorn. Had the child simply asked for money to support his cause, without an exchange of goods for a profit, it is Mr. Henderson’s opinion that he would be a “canvasser.”

Mr. Henderson concluded stating that he supports the intent we are seeking with this amendment, however, he does not believe it achieves that goal as presently written.

Mr. Lee added the example of the sale of Girl Scout Cookies. Mr. Ebert stated that Girl Scouts and Boy Scouts organizations are non-profit. Mr. Henderson stated that the entire Ordinance 721.03 requires that anyone that is actually a non-profit include that documentation when they are filing for a license to be a peddler in order to avoid the fee associated with being a peddler. It is incongruent that we would document peddling by 501c3’s and exempt the fee, but then simultaneously declare non-recognized legal entities such as these walking around to be canvassers who are engaging in this activity.

Mr. Lee stated that the canvasser definition says that they are moving from house to house, or street to street to obtain, or seek to obtain or influence the opinions of the residents of the city. Clearly those folks that are raising funds or selling popcorn or Girl Scout cookies, that is not their intention. Mr. Ebert stated that this is why they have specifically exempted these local groups from the classification of peddler in this proposed amendment.

Mr. Clark clarified that the amendment was purely designed to put in writing a practice that has been going on for years for these organizations. He asked how long we continue to over-manage this process.

Mr. Henderson stated that he still holds the opinion that this amendment does not exempt them because we now have ambiguous definitions. Mr. Henderson added that the ordinance was adopted before he was on Council. He would welcome some historical context on this that the impetus for the 2012 action was that people wanted the right to have people not knock on their doors, hence the stickers being updated to include canvassers, hence the creation of the Do-Not-Knock list. Mr. Henderson respects their rights to preclude people knocking on their doors as well, including peddlers of any type. Mr. Ebert commented that except by this amendment specifically we include “but not limited to civic, political, education, and/or social organizations.” We identify, knowing there is an issue, but we are exempting them as far as being a peddler. For purposes of this section they would be classified as a canvasser. There is no question it is contradictory to the definition, but we specifically exempt. There are laws that create exceptions to those situations.

Mr. Henderson stated that it is his opinion that this is not clear. He supports the intent but does not agree with the drafting. Mr. Tadych expressed agreement with Mr. Henderson.

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Mr. Lee stated that he believes they can work at it and try to make it clearer. There is general consensus on the intent and there may be a little more work needed. Mr. Henderson asked if someone is on the Do-Not-Knock list, or, if they put a sticker on their door that says “No peddlers and solicitors” is it our intent to allow children who are raising funds through the sale of cookies or popcorn to knock on those doors, or preclude them from knocking on those doors.

Mr. Ebert stated that they are precluded. But, our police force is not going to harass the children. If someone comes to the door and the property owner points out the sticker on the door that will be the enforcement. There is no other way of enforcing it.

Mr. Lee will take Mr. Henderson’s comments under consideration and look at what other communities have done for examples and assist in rewriting the language. Mr. Ebert noted that some of the other communities have hours that are in violation. He noted that the intent of this amendment was to try to create an ordinance in the city that the residents wanted to keep from being bothered in evening hours after the time changes and it is darker earlier. Unfortunately, the Federal court has spoken as far as what is and what is not constitutional. Ohio Citizens Action Group took us to task in Federal Court. This ordinance was created in lengthy discussion with the Ohio Citizens Action Group and the Court. We must be very careful with anything we draft. They understand what we are trying to do with this amendment. Mr. Ebert is sure the language can be changed. An exemption will be created that the law will not be enforced for these types of groups.

Mr. Henderson stated that he just would like to understand our intent with children selling goods door-to-door. Do we want them to not be allowed to knock on the doors, or are we going to exempt them so they can. Mr. Ebert stated that he thought this amendment was something the Council and the schools wanted to put before Council and the Council would support it.

Mr. Koomar concluded the discussion by suggesting the ideas of Mr. Lee be incorporated into the ordinance. He noted that when you talk to residents they may draw a distinction between entities that they are unfamiliar with and one that they are familiar with which makes legislating somewhat difficult.

Ordinance amending Codified Ordinance Section 129.02 regarding Division of Police; Members, and declaring an emergency.

Mr. Koomar stated that that earlier in the year there an ordinance passed changing the long-term structure of the Police Department. Based on the conversation at that time, there were expected retirements from the Police Department that may be deferred and go longer into 2015. Our existing ordinance says that on April 1, 2015 we will reduce the number of Lieutenants by one, based on the structure that is going forward long-term. That retirement may not happen by April 1, 2015. We will keep the change in force, changing the date to October 1, 2015 so that whenever that retirement does occur the change will still be in place, but there will be no pressure on the department members at this time.

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Mr. Lee stated that we had originally gone from five Lieutenant positions to three Lieutenant positions, and increasing three Sergeant positions to four Sergeant positions. We are keeping the three Lieutenant positions and delaying the time to reduce it to two Lieutenant positions to October 1.

Mr. Tadych asked why the date of October 1 is being used. Mr. Koomar stated that the choice of October 1 is arbitrary. Mr. Tadych asked if the change is definitely forthcoming, and Mr. Koomar stated that it is forthcoming.

The ordinance modifying Section 129.02 Division of Police; Members, will be introduced for consideration and this evening's Council meeting.

Ordinance to provide participation in the Heritage Home Loan Program, and declaring an emergency

Mr. Lee and Mr. Koomar advised that this is a program that we have participated in a few years ago. At that time, the program was much more restrictive than it is now, with architectural guidelines that homeowners found difficult to manage. In the economic downturn, participation in the program was discontinued. Service Director Thomas has some long-term plans for private property maintenance and this program would be a tool for residents to acquire low interest home improvement loans.

Service Director Thomas stated that he spoke with the office of the Heritage Home Loan Program today in relative to their guidelines and maintenance issues such as sewer connections and sewer improvements, and those do fall within their guidelines. This is a positive because it offers an alternative way to help fund some of the sewer improvements the Service Department is looking for at this time. Mr. Thomas recommends moving forward with the Heritage Home Loan Program beginning January 1, 2015. The interest rate has dropped to 1.85%.

Mr. Lee noted that homes that qualify for this program have to be older than 50 years. Mr. Tadych stated that there are some additional fees. Mr. Lee stated that there are fees, but those have been lowered. The fee to the City is \$5,800 annually.

Mr. Clark commented that if only one person would take advantage of it in 2015 the City would pay \$5,800 for one resident.

An audience member stated that they have learned of this program and found that the City was no longer involved. The City of Chagrin Falls utilizes the program and has advertised it widely on their web site as a tool for the upkeep of homes and the protection of their tax base.

Mr. Clark asked if there were metrics on how many people participated in the program in Bay Village in the past. Mr. Tadych stated that four or five residents did participate in the past. Mr. Koomar added that there was also a Help Loan Program through the County which was a five year fix and was more flexible at that time. When we used both those programs we did get metrics back and there were hundreds of thousands of dollars that went into the homes.

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Mr. Thomas will speak further with the Heritage Home Loan office to learn of the past participation. He noted that they have also lowered their fee down to zero for any improvement under \$10,000, and from 2% to 1% for \$10,000 to \$25,000, based on some changes in their process.

Mr. Tadych commented that the plan was restrictive in the past. Property owners would apply and then back away because of the architectural requirements such as maintaining the same type of windows as the original installations. That has all changed; the plan has loosened.

Mr. Henderson asked how long it takes for the increase in the value of the homes to be reflected in the property tax base. Mrs. Mahoney stated that when a permit is taken out it is filed with the County. It does not take three years before the increased valuation of the home is added on to the tax duplicate.

Mrs. Lieske asked about the stipulation that the program cannot fund loans on properties with a value over \$750,000. She asked if there is any way that property value limit could be lower. Mr. Lee responded that this is one of the guidelines of the Heritage Home Loan Program.

Mr. Clark stated that it would be favorable to have as many people as possible participate to defray the cost. If it doesn't work well, we at least tried it for one year, advertised it, and if it works well it will be a nice catalyst for the City.

Mr. Vincent asked if we are part of the same pool as everyone else in the program. Mr. Henderson stated that we are part of the same pool.

Mr. Tadych stated that he would like to see a record of past participation.

Mr. Lee stated that the intention of the ordinance is to have it be effective in January of 2015 at a cost of \$5,800 for the Year 2015. After receiving the information requested this evening, the ordinance will be placed on the agenda for a future meeting. Mr. Clark would also like to know what other cities are participating. Mr. Henderson would like to see the tax base valuation of the properties in Bay Village that participated in the past before and after their projects. Mrs. Lieske noted that it would also be a nice offering to people whose property is being inspected as the result of a complaint.

Mr. Lee noted that Mr. Thomas has expressed that this program will be beneficial to solve some of the Inflow and Infiltration problems discussed in the past. Mr. Thomas agreed that this would be an option for the homeowner to use in solving those sewer problems.

Mrs. Mahoney will provide the \$5,800 funding for participation in the 2015 Budget.

Resolution ordering the repair of the public sidewalk abutting certain premises in the City of Bay Village, and declaring an emergency.

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Mr. Tadych will introduce this resolution ordering sidewalk repair at a property on Buchanan Drive as part of the Public Improvements, Streets, Sewers and Drainage Committee.

Resolution accepting the Amounts and Rates as determined by the Budget Commission and authorizing the necessary Tax Levies and certifying them to the County Fiscal Officer, and declaring an emergency.

Resolution authorizing the Director of Finance to request Tax Advancements before Settlement Dates for Fiscal Year 2015, and declaring an emergency.

Mr. Clark will introduce the Resolutions this evening, noting that the Resolution accepting the Amounts and Rates as determined by the Budget Commission and authorizing the necessary Tax Levies lays out the millage that the City Council approved in the Tax Budget for 2015 filed with the County this past summer.

Mr. Henderson noted that this is the same millage rate that the City has had in place for over 15 years. The City is not increasing the millage rate. It tends to be about 16% of most property tax bills.

The second Resolution will allow the City to collect property taxes in advance. The collection will be biannual as a result of this request instead of once per year.

Ordinance amending Section 1 of Ordinance 14-73 regarding Rates of Compensation for the Officers and Employees of the General Administration Department and those Employees of the City not covered by separate labor contract for the Calendar Year 2014 and thereafter, and declaring an emergency.

Mr. Clark stated that the amendment to this Compensation Ordinance reflects the change of personnel in the Community Services Department. This would be a new hire for the position of Director, at a lower rate of compensation than the compensation paid to the former Community Services Director Debbie Bock.

Acting Mayor Ebert stated that the candidate has accepted the position, pending Council's approval. She will begin working on September 25, 2014. The interview process included interviews by Mayor Sutherland, Director of Finance Mahoney, and Director of Public Service Thomas.

Mr. Koomar stated that it would be desirable to have the new Director start as soon as possible to relieve the Interim Director, Ann Orin, who will be taking time off to attend to a family matter. Mr. Koomar suggested moving forward with the ordinance this evening in order to give the seniors of Bay Village continued support. Mr. Clark noted that the seniors deserve a full time Senior Services Director, which will be the result of this action.

Motion to refer the proposal of installing exercise stations at the Cahoon Memorial Park to the Recreation and Parks Improvement Committee will be moved from the Planning and Zoning Committee to the Recreation and Parks Improvement Committee, per the request of Mr.

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Henderson. Mr. Henderson will be holding a Recreation Commission meeting at the Bayway Cabin on Thursday, September 25, 2014 with the two people that are proposing this installation, inviting and incorporating public feedback to the proposal. After this review is completed, the matter will be heard by the Recreation and Parks Improvement Committee of Council, chaired by Mr. Henderson. After their review, the matter will be referred to the Committee of the Whole of Council.

Mr. Lee commented that when this project was initially introduced, there was discussion about fundraising. He asked if progress has been made in that regard. Mr. Henderson stated that one of the steps since the project was last reviewed by the Committee is that the design has been altered to eliminate features that may result in on-going expenses from year-to-year. The Committee would like to get the Recreation Commission's input on what now may be the final design. The two gentleman who are championing this effort would like to see Councilmanic approval before engaging in a fundraising process. They are coordinating with local organizations that do fundraising and plan to approach businesses as well.

Mr. Tadych recalled that when the sailboat sculpture was placed in Cahoon Memorial Park there was some discussion about inhibiting the view of the lake. Mr. Tadych assured positioning for these exercise stations so that the lake view is not obstructed.

Motion to grant permission to the Director of Public Service to advertise for bids for fiber optic cable installation at the City Service Garage.

Mr. Vincent will make a motion this evening to grant permission to the Director of Public Service (or the Director of Finance) to advertise for bids for fiber optic cable installation at the City Service Garage. He addressed Finance Director Mahoney, stating that when this was discussed a few months ago it was suggested that Mrs. Mahoney would discuss potentially working with the Bay Schools to accomplish this project.

Mrs. Mahoney stated that the first thought was that this installation would be \$80,000 to \$90,000 to run the fiber optics. Mr. Henderson asked if the line is being run from Westerly School to the Service Center, or from City Hall to the Service Center.

Mr. Koomar stated that he spoke with Assistant Finance Director Popovich on Friday, September 12, regarding the possibility of doing a bid, and an alternate bid. Mr. Koomar stated that he had a conversation and it does appear that we could work collaboratively with the schools, if needed. It may not be a significant difference, we might just say we want to do it on our own.

Mrs. Mahoney stated that if we had to do an alternate bid we would have to contract with the gentleman that did the first RFP to come up with an RFP for an alternate. He was paid \$3,000 for the first RFP. Mrs. Mahoney stated that she does have a draft from Daryl Stumph from the Board of Education on his thoughts if we were to share with the schools' fiber optics. He comes up with various different things, e.g., using our bucket truck for four half-days per school year, or paying them an annual payment of \$1,000 for twenty years. Consultant George Souris' estimate is \$40,000 to \$45,000 for the City to own the installation. The thought of tying in to the

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school might be more trouble than it's worth. Mr. Koomar stated that when he spoke with Mr. Ebert on September 12, his understanding was that Mr. Stumph might have stated some ideas initially but there is no intent to charge the City anything. That is why he was discussing with them on September 12 the idea of an alternate bid. If we can go back and see how much it would cost to do that, it would be a good idea to include an alternate bid in the motion which would give us time to do further leg-work and see if it makes sense.

Mrs. Mahoney stated that Mr. Souris was having difficulty the first time getting cooperation from the schools. That's why he suggested doing it on our own. Because of the cost, we thought it was favorable to run it on our own. If we don't put the advertising for RFP's out, we have another two months before we receive an alternate RFP.

Mr. Lee stated that it would be helpful to know what that difference is. He assumes these are charged by linear foot and you would be saving the charge from City Hall to Westerly School, and only be paying from Westerly School to the Service Center. If that's a 50% reduction that is meaningful in the discussion. We owe it to the taxpayers to go down that path and make sure we look at that.

Mr. Clark stated that we have gone through an exhaustive study of the City/Schools collaboration, partnership and shared expenses. We have all that data which the schools would be happy to talk about. Mr. Clark added that he does not want to delay the process but he does think we have to run out the options.

Mr. Henderson stated that he would not want to have a twenty-year liability for a fiber optic line.

Mrs. Mahoney stated that she has been at the Service Center and sees how slow those computers are. Mr. Lee suggested that time might actually be saved because it doesn't have to be run all the way to Westerly. We would just like to understand the difference in cost. Ultimately this might be the best answer.

Mr. Vincent asked if the City's technology person will also tell us what it will feed into and the functionality of the line if we share it with the school. Mrs. Mahoney stated that the school is saying it will not slow down the technology.

Mr. Koomar stated that the same consultant doing the RFP process also works with the school system. It is the same individual. It is not competing professional opinions; it is one and the same.

Mr. Clark stated that the point is there is no reason we can't look at partnership. He stated that he does not want to hold it up, but at the same time we have had fiber optic capabilities for several years now. He hates to rush this because it is a rush today; it could have been a rush a year ago.

Mrs. Mahoney will review further. The motion will be placed on the agenda giving the Director of Finance the authority to advertise for bids, including an alternate bid.

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Town Hall Meeting – Ward 2 and Ward 3

Mr. Vincent and Mrs. Lieske will be holding a Town Hall Meeting on Tuesday, September 30 at 7:00 p.m. at the Bay Village Community House for Wards 2 and 3, the “Heart of Bay Village.”

Regular Meeting of Council Called to Order

Mr. Koomar called the Regular Meeting of Council to order at 8:26 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 3 Councilwoman Karen Lieske.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held September 8, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and amended. Motion carried 5-0, with one abstention by Mr. Clark, and one abstention by Mr. Lee. Both Mr. Clark and Mr. Lee were not in attendance at the September 8, 2014 meeting.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch announced that the Bay Recreation Department Football Season official begins this Saturday at the High School Football Stadium with games running from 12:30 p.m. to 7:00 p.m.

Police Chief Spaetzel advised that the Police Department has had a busy summer. The Multi-Agency Radio Communication System (MARCS) is up and running. Additional grant monies have been received from Cuyahoga County to purchase additional radios, saving the City approximately \$25,000.

Two new police officers have been hired. Ian Moore and Gregory Engle will be presented to Council for a ceremonial oath of office at some point in the future. Officers Moore and Engle are currently attending the Lorain County Community College Police Academy.

Chief Spaetzel addressed the Bay Men’s Club recently. He received a great reception there and thanked Mr. Clark for introducing him to the organization.

Working with the schools, the Police Department has conducted a full evacuation drill at the Bay Middle School on September 8, 2014. The Police Department is participating in Lock Down Drills with all the schools, per the Ohio Revised Code. They are also working with school administrators to educate them on the recognition of drug use as well as drug trends in the school. The department is also participating in two Drug Awareness and Education Programs this fall.

Mr. Henderson asked if Shooter Stimulation Training is being done. Chief Spaetzel stated that they will initiate that again in the spring. Mr. Henderson stated that there has been some negative media coverage of that approach. Chief Spaetzel stated he is not aware of negative media to this approach. They have been doing it now for several years and have gotten positive feedback, especially from the schools. It is preparation for something you hope never happens, but it one of those things you have to prepare for. It also prepares the department for a lot of other things at the schools.

Mr. Koomar commented that his daughter participated in the drill last year and her feedback was very positive. Unfortunately those things do occur, and being proactive is a good thing.

Fire Chief Lyons had a very successful first annual open house for the Fire Department this past June. The Chief expressed appreciation to the Council members who attended.

Every dozen years or so, the Insurance Services Organization (ISO) comes to municipalities to establish their rating. This occurred in Bay Village this past summer and the City will receive their rating in the near future. Chief Lyons is hoping for an improvement in the rating and will report back to Council when it is received.

All of the members of the Fire Department are now training in Rescue Swimmer, the technical rescue program that they spoke extensively about this past spring. They are working on more advance training and working with the City of Westlake to use their indoor pool during the winter months to continue their training.

Firefighter Gary Clifford retired after 33 years of service. His replacement has been hired and trained.

A Mass Casualty Incident Drill was held with the City of Avon Lake and seven other Fire Departments.

Service Director Thomas reported that the Service Department crews worked extremely hard on the city streets this year. Cuyahoga County has offered a program that must be submitted by September 30 to address the conditions of county roads. Bay Village will be submitting for the entire length of Wolf Road. This is a \$1.8 million project for the length of 4.3 miles. The City will submit by September 30 and it is hoped that funding will be received for the road for the 2016 year.

Mr. Lee asked how the Transfer Station project is proceeding. Mr. Thomas advised that the project will begin Tuesday, September 16.

Mr. Clark expressed kudos to the Service Department in overseeing the repaving of Cahoon Road which went seamlessly. Two different contractors were used and there were many good comments from the residents.

AUDIENCE

The following members of the audience signed in this evening: Lydia DeGeorge, Marty Mace, Rhonda Schneider, President, Bay Village Kiwanis Club; Tony Dostal, Allen Waddle, Jerrie Barnett.

Marty Mace commented that tonight Council entertains the motion for the fiber optic service line for the Bay Village Service Department that has been in the budget for this year in excess of \$50,000. He is sure it will be very helpful for the Service Department to do what they need to be able to do to get the job done. However, Mr. Mace would like to point out that it goes on the budget without any overall review of the information technology needs of the City and also of any prioritization of the overall needs.

Rhonda Schneider, President of the Kiwanis Club of Bay Village, was present to address the City Council. Mr. Koomar noted that Tony Dostal of the Bay Kiwanis Club presented the Law Director/Acting Mayor Gary Ebert with a check representing some of the proceeds of Bay Days to help the City address some of the additional operating costs incurred by the City for the safety forces and Service Department.

Mrs. Schneider thanked the City Council for having the representatives of Kiwanis attend this evening's Council meeting. She noted that Tony Dostal has been running the Bay Days for the Kiwanis for the past forty years. Rhonda Schneider also expressed appreciation to the Service Department, Police Department, and Fire Department for being such willing partners in making the Fourth of July celebration the unique event that it is in Bay Village. Kiwanis Club is very proud of the endeavor and it does allow them to give back to the community in scholarships of about \$12,000 to \$15,000 per year. Last year over \$80,000 was given out by organizations in Bay Village for scholarships. Kiwanis has also donated \$15,000 to Normandy School for the construction of the new playground and will be working further with the school and the PTA.

A Kiwanis Pancake Breakfast will be held with the assistance of the Key Club on Homecoming Sunday, October 12, 2014. The Kiwanis will again conduct the second annual Christmas Tree Lighting Ceremony on December 7 with Santa officially lighting the Christmas Tree donated to the City. This event is held with the partnership and assistance of the Bay Historical Society. Christmas trees will go up for sale in Cahoon Memorial Park the weekend after Thanksgiving. The Kiwanis is always looking for projects throughout the City. They meet every Tuesday night at the Bay Methodist Church on Lake Road. Membership is open to both men and women.

Mr. Koomar expressed appreciation to the officers and members of the Bay Village Kiwanis Club for all the work they do and the good they accomplish in the City. He thanked Mr. Tony Dostal for his forty years of running the Bay Days event annually for the days surrounding the Fourth of July. Mr. Tadych noted that everything done by the Bay Kiwanis is done with a smile and it is really fun to cooperate with their efforts.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Lee introduced and read **ORDINANCE NO. 14-81** Amending Codified Ordinance Section 129.02 Regarding Division of Police; Members, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-81.

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. 14-81, an emergency measure, by a vote of 7-0.

Mr. Henderson suggested removing the emergency clause from the legislation to proceed with the Heritage Home Loan Program that will be introduced at a future Council meeting, since it does not go into effect until January 1, 2015.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark introduced **Resolution No. 14-82** accepting the Amounts and Rates as determined by the Budget Commission and authorizing the necessary Tax Levies and certifying them to the County Fiscal Officer, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-82.

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

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Nays -None
Roll Call on Adoption:
Yeas–Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark
Nays–None.

Mr. Koomar announced adoption Resolution No. 14-82, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **Resolution No. 14-83**, authorizing the Director of Finance to request Tax Advancements before Settlement Dates for Fiscal Year 2015, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-83.

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 Resolution No. 14-83, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **Ordinance No. 14-84** amending Section 1 of Ordinance 14-73 regarding Rates of Compensation for the Officers and Employees of the General Administration Department and those Employees of the City not covered by separate labor contract for the Calendar Year 2014 and thereafter, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-84.

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption Ordinance No. 14-84, an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych announced that the Walker Road Park Ad Hoc Committee, composed of three members of Bay Village City Council and three members of Avon Lake City Council, has a meeting on Tuesday, September 16 at 6:30 p.m. in the Conference Room of Bay Village City Hall.

Mr. Tadych reported that he had a meeting with Bob Greytak of CT Consultants, Director of Public Service/Safety Director Scott Thomas, and Law Director Gary Ebert about the Sunset Area assessment plans. It is hoped that the matter will be reviewed by the Public Improvements, Streets, Sewers and Drainage Committee within the next two and one half weeks.

Mr. Tadych introduced **Resolution No. 14-85** ordering the repair of the public sidewalk abutting certain premises in the City of Bay Village, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-85.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council 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 Resolution No. 14-85, an emergency measure, by a vote of 7-0.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske announced that together with Ward 2 Council Paul Vincent, they will be hosting a Joint Wards 2 and 3 Town Hall Meeting on Tuesday, September 30 at 7 p.m. at the Bay Village Community House. Councilman Vincent added that the theme for the meeting will be “Wards 2

and 3, The Heart of It All in Bay Village.” An agenda is forthcoming and will be widely publicized. There will be an opportunity for citizen involvement at the meeting.

A Planning, Zoning, Public Grounds and Buildings Committee meeting will be held on Monday, September 22 at 6 p.m. for review of Chapter 1158. Residents are encouraged to attend.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson reported that he has been working with two gentlemen who have been promoting the idea of exercise stations in Cahoon Memorial Park. In speaking with them and working with Council President Koomar, it was decided that the first step would be to meet with the Parks and Recreation Commission on Thursday, September 25, 2014 at Bayway Cabin at 7:30 p.m. to collect public input on the plans. Subsequent to that meeting, the proposal will be brought forth to the Recreation and Parks Improvement Committee of Council.

Mr. Henderson **Moved** to refer the proposal of installing exercise stations at the Cahoon Memorial Park to the Recreation and Parks Improvement Committee.

Motion passed 7-0.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Motion by Motion to grant permission to the Director of Public Service to advertise for bids, including an alternate bid, for fiber optic cable installation at the City Service Garage.

Motion passed 7-0.

MISCELLANEOUS

Mr. Koomar announced that on November 3, 2014, which falls on a Monday, it will be the 100th Anniversary of the City Hall Council Chambers. Information will be made available on the history of the Chambers, reaching out to the community organizations to offer any information they may have as well. Refreshments in the way of a celebration cake will be served that evening.

There being no further business to discuss, the meeting adjourned at 8:55 p.m.

/s/ Paul A. Koomar
Paul A. Koomar, President of Council

/s/ Joan Kemper
Joan Kemper, Clerk of Council