

## **AGENDA**

Agenda, Bay Village City Council  
Committee Meeting  
Conference Room  
Paul A. Koomar, President of Council, Presiding

January 12, 2015  
7:30 p.m.

### **ANNOUNCEMENTS**

### **COMMITTEE OF THE WHOLE**

#### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee**

#### **PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych**

Request of Service Director to advertise for bids for the 2015 Pavement Marking and Street Striping Program, and the 2015 annual construction materials and supplies.

#### **FINANCE & CLAIMS COMMITTEE – Clark**

Receipt of Financial Reports for the month of December, 2014, from Director of Finance Renee Mahoney.

#### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske**

Request of Tina Stipanovich, representing St. Raphael's School, for approval of temporary banner, 5' x 3', to be hung on the gate to the construction fence from approval to February 8, 2015, advertising the St. Raphael Mardi Gras Event.

Request of Mark Cunningham, representing St. Raphael Catholic Church Parish, for approval of two temporary signs on the St. Raphael Church Property. Sign No. 1 is 2' x 10' and will be hung upon approval on the fence adjacent to the north entrance driveway until new church building is completed, not later than August 22, 2015. Sign No. 2 is 4' x 10' and will be hung upon the construction barricade fence along Dover Center Road upon approval until new church building is completed, not later than August 22, 2015.

Removal of Zoning Code Review/Sign Update (Section 1179) and Cahoon Memorial Park Information Sign from Matters Pending Before Council Committee List.

#### **RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson**

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent**

### **MISCELLANEOUS**

### **CAHOON MEMORIAL PARK TRUSTEES**

### **AUDIENCE**



# City of Bay Village

350 DOVER CENTER ROAD  
BAY VILLAGE, OHIO 44140-2299

Phone: 440/871-2200  
Fax: 440/871-5751

January 9, 2015

A Special Meeting of the Bay Village City Council will be held on Monday, January 12, 2015, immediately following the Committee session at 7:30 p.m., in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Pledge of Allegiance to the Flag/Mr. Tadych
2. Roll Call
3. Announcements/Audience/Miscellaneous
4. **Motion** to approve the minutes of the Regular Meeting of Council held January 5, 2015\***Clark**\*
5. **Motion** to acknowledge receipt of Financial Reports for the month of December, 2014, from Director of Finance Renee Mahoney.\***Clark**\*
6. **Ordinance No. 14-114** authorizing all actions necessary to effect an Opt-Out Natural Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code, directing the County Board Of Elections to submit a Ballot Question To The Electors, and declaring an emergency. (Second Reading 1-5-15) (First Reading December 15, 2014)\***Clark**\*
7. **Ordinance 14-115** establishing fees for outside legal services, and declaring an emergency. (Second Reading 1-5-15) (First Reading 12-29-14)\***Clark**\*
8. **Motion** to approve the request of Tina Stipanovich, representing St. Raphael's School, for approval of a temporary banner, 5' x 3', to be hung on the gate to the construction fence from approval to February 8, 2015, advertising the St. Raphael Mardi Gras Event.\***Lieske**\*
9. **Motion** to approve the request of Mark Cunningham, representing St. Raphael Catholic Church Parish, for approval of two temporary signs on the St. Raphael Church Property. Sign No. 1 is 2' x 10' and will be hung upon approval on the fence adjacent to the north entrance driveway until new church building is completed, not later than August 22, 2015. Sign No. 2 is 4' x 10' and will be hung upon the construction barricade fence along Dover Center Road upon approval until new church building is completed, not later than August 22, 2015.\***Lieske**\*
10. **Motion** to remove Zoning Code Review/Sign Update (Section 1179) from Matters Pending before Council Committee List.\***Lieske**\*
11. **Motion** to remove Cahoon Memorial Park Information Sign from Matters Pending before Council Committee List.\***Lieske**\*
12. **Motion** authorizing the Service Director to advertise for bids for the 2015 Pavement Marking and Street Striping Program, and for 2015 annual construction materials and supplies\***Tadych**\*

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**13. Motion** to convene to Executive Session regarding Contracts: Cleveland Water Contract.

**14. Adjournment**

Charter Reference 2.11

Paul A. Koomar  
President of Council

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Procedure

Section 2.14 - Effective Date  
C.O. 111.10 - Council Rules for Legislation

*Roll call on suspension of Charter Rules:*

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

*Roll call on suspension of Council Rules:*

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

*Roll call on inclusion of the emergency clause:*

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

**NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.**

## CITY OF BAY VILLAGE

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

January 5, 2015

Paul A. Koomar, President of Council, presiding

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

Not Present: Mr. Henderson

Also Present: Law Director Ebert, Recreation Director Enovitch, Police Chief Spaetzel, Fire Chief Lyons, Service/Safety Director Thomas, Community Services Director Selig

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, Mayor Sutherland advised, weather permitting, she will be going with other area Mayors to Columbus, Ohio, on Friday, January 9, 2015 to meet with the Director and Deputy Director of the Ohio Department of Natural Resources (ODNR) to discuss deer management. The Mayor is not optimistic that anything will be heard that is very different from what was heard from Goeff Westerfield from the ODNR when he visited the City.

Mrs. Lieske stated that this goes a long way for the residents. Mrs. Lieske noted that she received another email over the weekend asking about the deer issue. Making the good faith effort to meet with whomever we can meet with and stay on top of it goes a long way into trying to be proactive. The Mayor added that she hasn't heard any details yet about a group of cities contracting with a helicopter pilot who could come in and do a survey through the winter. It is not in our budget, but depending on the number, the more who participate, the cheaper it will be.

Mr. Lee asked if when conducting this census they actually provide information detailing where the deer are concentrated in the City of Bay Village. The Mayor stated that they do fly over, have infrared equipment and will plot the concentrations.

Ordinance 14-115 regarding outside legal services will be placed on second reading this evening. The ordinance provides a greater definition in terms of the scope of work that is being done by the firm of Seeley, Savidge, Ebert, and Gourash.

Mr. Lee stated that the ordinance includes a reduction in the hourly rates of outside legal services from 2014, and expressed appreciation to Mr. Ebert.

A motion to remove the 2015 Budget Process on the list of Matters Pending before Council Committee will be presented by Mr. Clark this evening, since the 2015 budget was passed on December 15, 2014.

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Mr. Tadych commented that he will remove the Saddler Beach Easement Storm Water System Improvements from the Matters Pending before Council Committee list, under the category of Public Improvements, Streets, Sewers and Drainage Committee. Mr. Tadych advised that statistics have been received from CT Consultants and Service Director Thomas that the finalization of the problems has been completed.

Mr. Clark noted that this leaves one item pending under the Public Improvements, Streets, Sewers and Drainage Committee: the Sunset Area Improvements. Mr. Clark noted that Council is attempting to address the project this year. Money has been put aside in terms of design and engineering for the Sunset project. Director Thomas stated that they are awaiting the finalization from CT Consultants. The amount of \$136,000 has been budgeted for the engineering.

Mr. Clark explained that a budget placeholder was set for some work on either Wolf Road or Lake Road, pending funds from outside sources. This did not come to fruition this year, so the thought was to slot in the engineering for the Sunset project.

Mr. Lee asked Mr. Thomas what work was done at Saddler Beach. Mr. Thomas stated that there was review of the area and it was found that there was nothing further the City could do. Mr. Tadych asked if the pipes were revamped. Mr. Scott stated that the pipes were revamped. Mr. Lee noted that there was some work done on Bassett Road as well.

Mrs. Lieske advised receiving an email today from the Assistant to the Law Director, Lorree Lewis, regarding proposed changes to the building code sections covering Fees for Building Permits and Inspection of Plans. Mrs. Lieske will schedule a Planning, Zoning, Public Buildings and Grounds Committee to review these proposed changes recommended by Chief Building Official John Cheatham.

Mr. Vincent will request that Ordinance 14-115 in regard to Natural Gas Aggregation be placed on second reading this evening. The deadline for filing with the Board of Elections is February 4, 2015. Mr. Clark stated that there will be no cost to the City for the election charges.

Mr. Koomar called the Regular Meeting of Council to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Councilman-at-large Steve Lee.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held December 29, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 5-0 with one abstention by Mr. Tadych.

## **REPORTS**

**Mayor Sutherland** had no further report this evening.

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

**Recreation Director Enovitch** had no report this evening.

**Service/Safety Director Thomas** had no report this evening.

**Community Services Director Selig** had no report this evening.

**Police Chief Spaetzel** advised that the two new police officers will graduate from the Police Academy this week and will begin their FTO program. They will be on road patrol by May 1, 2015.

**Fire Chief Lyons** acknowledged the fine service of Firefighter Guy Snodgrass who served his last day on Christmas after 21 years of service with the City of Bay Village Fire Department. Firefighter Snodgrass retired early with military time credit and due to nagging injuries. Firefighter Neal Perko has been hired as his replacement who began his orientation period on December 29, 2014.

Chief Lyons related that in 2015 the City will transition from the Nixle Emergency Notification System to the Ready/Notify Notification System. Chief Lyons noted that it is a good time for the transition since Nixle has been purchased by a larger company which will mean that their prices will be going up. The Nixle contract ends in March. Mr. Tadych asked if the programs will run parallel prior to the closure of the Nixle Notification System. Mr. Tadych was informed that they have been running parallel and will continue to do so until the contract with Nixle is completed.

## **AUDIENCE**

The following audience members signed in this evening: Conda Boyd, Lydia DeGeorge, Pam Cottam, Tara Wendell, Denny Wendell, Jeff Gallatin, Dick Majewski, Marty Mace, Larry and Peggy Ludwig, Richard Fink, Barb Galbincea.

**Mr. Koomar** called for comments from the audience.

Conda Boyd, West Oakland Road, asked about the Police Dispatcher process that has been under discussion. Mr. Lee responded that the topic of Civilian Police Dispatch is still in the Environment, Safety and Community Services Committee, with review continuing. Follow-up information is being pulled together by Police Chief Spaetzel. It is hoped to reconvene the committee in the next few weeks, continue the discussions, and refer the matter to the Council of the Whole before the end of January, or early February.

Lawrence Ludwig, Ruth Street, requested that Council not approve the motion to remove the Saddle Beach Association Easement and Storm Water System Improvements from Matters Pending before Council's Committee List, for the following reasons. The City has not produced a recorded easement for the two city-installed storm pipes on the Association's property. Secondly, the City's engineering report indicates that the west storm pipe is blocked, to the point

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that a camera cannot be passed through. Considering that this pipe is shown on the City's Storm Water Evaluation Survey or SSES Plan, as prepared by Michael Benza and Associates as part of the City's Storm Water System, this blockage issue should be addressed and corrected. In addition, both pipes currently on the Association property are incorrectly shown. Thank you for considering this request.

Law Director Ebert noted that there has been a lot of investigation with the engineering consultant, CT Consultants, at the site. Service Director Thomas stated that the Engineering Department of the City feels that the issue has been addressed, and is not something that the City needs to look at further. A letter has been received from CT Consultants, the City Engineer in this regard. A copy of the letter will be forwarded to Mr. Ludwig.

Mr. Ebert stated that there is an easement partial way into that storm sewer that predates the actual maps. At one point in time it was just a drainage area there off of Lake Road. Dirt was added when the house was demolished directly west. It is now more of a direct slope than it used to be. The actual easement goes halfway through the property and stops. The question came up as to why the City ever got an easement. Mr. Ebert stated that it predates his work with the City. The previous Service Director assumed that it actually drained there and was part of Lake Road drainage before the road was improved. The one pipe is still operating; it still actually discharges water. It is draining water from the ground. From a legal standpoint, there is no easement from one section to the lake, but it is draining something that is pertinent to the drainage of the whole area.

Mrs. Lieske asked, in terms of protocol, when a committee meeting is held to review all the information prior to a motion to remove something from the Matters Pending before Council Committee List. Mr. Koomar stated that when a committee is finished with their work, the motion would come from the Chair of the Committee. In this case, it is Mr. Tadych. The work from our Consulting Engineer had gone out to everyone on Council, and to the residents with their opinion on the current status. Based on that information, Mr. Tadych and Mr. Koomar decided to remove the matter from the pending list.

Mr. Tadych stated that if the easement is necessary it is more of a legal matter than it is a committee matter. The committee can't go forward with it if the City wishes to aggressively pursue an easement on the property. That would be up to the Legal Department.

Mr. Koomar asked Mr. Ludwig if he had a question regarding the consulting engineer's report. Mr. Ludwig stated that the west pipe is blocked and is shown by camera to be blocked. With that blockage, typically if that is part of the City's storm water system, the blockage should be removed. In this case, the camera couldn't go through which means that the pipe is almost completely blocked. With that in mind, it was thought it would be prudent to remove the blockage. Since it is in a pipe and will discharge on concrete, there is very little chance for erosion.

Mr. Koomar asked Director Thomas to connect with Mr. Ludwig with a copy of the engineering report.

**ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE**

Mr. Lee had no report this evening.

**FINANCE AND CLAIMS**

Mr. Clark read, by title only, Ordinance 14-115 establishing fees for outside legal services, and declaring an emergency. (Second Reading) (First Reading 12-29-14)

Ordinance No. 14-115 was placed on second reading.

Motion by Clark to remove 2015 Budget Process from the Matters Pending before Council Committee List. The budget was finalized on December 15, 2014.

Motion carried 6-0.

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

Motion by Tadych to remove Saddler Beach Easement and Storm Water System Improvements from the Matters Pending before Council Committee List. Information has been received from CT Consultants saying that the City has gone as far as they believe the City should go. Service Director Thomas has looked at the area and made a few changes, and there was discussion on the matter earlier this evening.

Motion carried 6-0.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

Mrs. Lieske had no report this evening.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE**

There was no report this evening.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

Mr. Vincent read, by title only, Ordinance No. 14-114 authorizing all actions necessary to effect an Opt-Out Natural Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code, directing the County Board of Elections to submit a Ballot Question to the Electors, and declaring an emergency. (Second Reading) (First Reading December 15, 2014)

Ordinance No. 14-114 was placed second reading.

**MISCELLANEOUS**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to convene to Executive Session at 8:09 p.m. regarding contracts: Cleveland Water Agreement.

**Roll Call Vote: Yeas-Clark, Koomar, Lee, Lieske, Tadych, Vincent. Nays – None. Motion passed 6-0.**

Also present in Executive Session were Mayor Sutherland, Law Director Ebert, Mr. Bob Kelley, Safety/Service Director Scott Thomas, Fire Chief Lyons.

Council reconvened in an open meeting at 10:13 p.m. Present were: Clark, Koomar, Lee, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 10:14 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council

ORDINANCE NO. 14-114  
INTRODUCED BY: Mr. Vincent

First Reading Dec. 15, 2014  
Second Reading Jan. 5, 2015

**AN ORDINANCE**

**AUTHORIZING THE ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT  
NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26,  
OHIO REVISED CODE, DIRECTING THE COUNTY BOARD OF ELECTIONS TO  
SUBMIT A BALLOT QUESTION TO THE ELECTORS**

**WHEREAS**, under Section 4929.26, Ohio Revised Code, the City of Bay Village, Ohio (the "City") is authorized to establish an opt-out natural gas aggregation program for the benefit of natural gas consumers located within the incorporated areas of the City;

**WHEREAS**, under Section 4929.26, Ohio Revised Code, the City may exercise such authority jointly with other political subdivisions in the State of Ohio;

**WHEREAS**, governmental aggregation provides an opportunity for natural gas consumers collectively to participate in the potential benefits of natural gas deregulation through lower gas rates which they would not otherwise be able to have individually;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** This City Council finds and determines that it is in the best interest of the City/Village and certain natural gas consumers located within the incorporated areas of the City to establish an opt-out natural gas aggregation program (the "Gas Aggregation Program"). Provided that this Ordinance and the Gas Aggregation Program is approved by the electors of the City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate, in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the incorporated areas of the City. For the Gas Aggregation Program, the City may enter into service agreements to facilitate the sale and purchase of service for retail natural gas loads. The City may exercise such authority jointly with any other political subdivision of the State of Ohio and through the Northeast Ohio Public Energy Council ("NOPEC"), a political subdivision of the State of Ohio, to the full extent permitted by law, and for such purpose, any City officers are hereby authorized to execute and deliver a program agreement with NOPEC in order to establish the Gas Aggregation Program through NOPEC. The Gas Aggregation Program does not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26(A)(2): (i) the person is both a distribution service customer and a mercantile customer, (ii) the person has an existing commodity sales service contract with a retail natural gas supplier, (iii) the person has commodity sales service as part of a retail natural gas aggregation pursuant to rules and orders of the Public Utilities Commission of Ohio, or (iv) such other persons that are not eligible customers pursuant to rules and orders of the Public Utilities Commission of Ohio.

**SECTION 2.** The Board of Elections of Cuyahoga County is hereby directed to submit the following question to the electors of the City at the primary election on May 5, 2015.

Shall the City of Bay Village have the authority to aggregate the retail natural gas loads located within the incorporated areas of the City and enter into service agreements for the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

The Clerk of this Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not later than February 4, 2015, which is ninety (90) days prior to May 5, 2015. The Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

**SECTION 3.** Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Ordinance, this Council individually or jointly through NOPEC, shall develop a plan of operation and governance for the Gas Aggregation Program. Before adopting such plan, this Council or NOPEC on behalf of this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council or NOPEC on behalf of this Council shall aggregate any retail natural gas customer in the City unless it in advance clearly discloses to the person whose retail natural gas is to be so aggregated that the person will be enrolled automatically in the Gas Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Gas Aggregation Program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the Gas Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

**SECTION 4.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order for the City to file a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not later than February 4, 2015, as provided herein; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor of the City.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

12-12-14 11

ORDINANCE NO: 14-115  
INTRODUCED BY: Mr. Clark

First Reading – Dec. 29, 2014  
Second Reading – Jan. 5, 2015

**AN ORDINANCE**  
**ESTABLISHING FEES FOR OUTSIDE LEGAL SERVICES,**  
**AND DECLARING AN EMERGENCY**

**WHEREAS**, the Mayor has appointed Gary Ebert as Director of Law; and

**WHEREAS**, the Director of Law and his firm of Seeley, Savidge, Ebert and Gourash, LPA (“SSEG”), may be retained by the City from time to time as an independent contractor for extraordinary services under terms acceptable to the City, including those set forth herein; and

**WHEREAS**, the City desires to set forth the compensation arrangements for such services; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village, State of Ohio, that:

**SECTION 1. Extraordinary Services.** For any professional services beyond those normally performed by the Director of Law in his capacity as Director of Law (such services are more particularly described in Section 4.3 of the Charter of the City and on Exhibit A attached hereto), including but not limited to representing the City in court or before administrative agencies and for professional services on any litigated matter where the City or any of its representatives in their official capacity are named as a party, the Director of Law and/or members of SSEG, shall be paid at the hourly rates as follows:

**HOURLY RATES AND EXPENSES**

	<u>2014</u>	<u>2015 and Subsequent Years</u>
Director of Law/Attorneys	\$200.00 per hr.	Not to Exceed \$170.00 per hr.
Associate Attorneys		
(Less than five (5) years experience)	\$175.00 per hr.	Not to Exceed \$150.00 per hr.
Paralegals	\$100.00 per hr.	Not to Exceed \$100.00 per hr.

As well as being reimbursed for all reasonable out-of-pocket expenditures, including copies, long distance telephone charges, courier or overnight delivery charges based upon itemized monthly bills and statements of services, which shall be submitted by the Director of Law and the firm and duly approved by the Mayor and Finance Director.

**SECTION 2. Notification and Monthly Billing.** The Director of Law shall notify Council at the commencement of extraordinary services and prepare a preliminary budget and advise Council as to status and cumulative expenditures on each matter on a monthly basis.

**SECTION 3.** Ordinance No. 13-136 is hereby repealed.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Bay Village by reason of the immediate necessity of permitting said change to occur at the beginning of a month. Wherefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

ADOPTED:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

APPROVED:

\_\_\_\_\_  
Mayor

## EXHIBIT A

## Services Normally Performed by the Director of Law

1. Attendance at City Council meetings, and as needed or requested at committee, board, and commission meetings (BZA, Planning Commission, ABR, Civil Service Commission, Charter Review, etc.)
2. Written legal opinions
3. Legal assistance and guidance to departmental directors
4. Available at all times for procedural/ legal questions by on-duty police officers
5. Conflict resolution between the City and residents and resident/resident disputes
6. Review, negotiation and drafting of all contracts and other legal documents
7. Writing legislation
8. Litigation avoidance
9. Interpretation of state, federal, and local laws
10. Supervision of the City Prosecutor
11. Fills in for the City Prosecutor when he is unavailable or on vacation
12. Sets strategy for dealing with property violations
13. Advises Administration on compliance with bargaining contracts
14. Advises Administration on disciplinary procedures for both bargaining and non-bargaining employees
15. Legal research
16. Acting Mayor responsibilities in the absence of the Mayor, if waived by the President of Council

## Joan Kemper

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**From:** tina stipanovich <tinastipanovich@gmail.com>  
**Sent:** Tuesday, January 06, 2015 9:39 AM  
**To:** Joan Kemper  
**Subject:** Saint Raphael Mardi Gras Signage for approval  
**Attachments:** ExteriorSignPhoto.jpg

Hi Joan.

It was very nice talking to you yesterday. As I mentioned I didn't realize getting approval from the City of Bay Village to hang this sign was something I needed to do but I appreciate you helping with it.

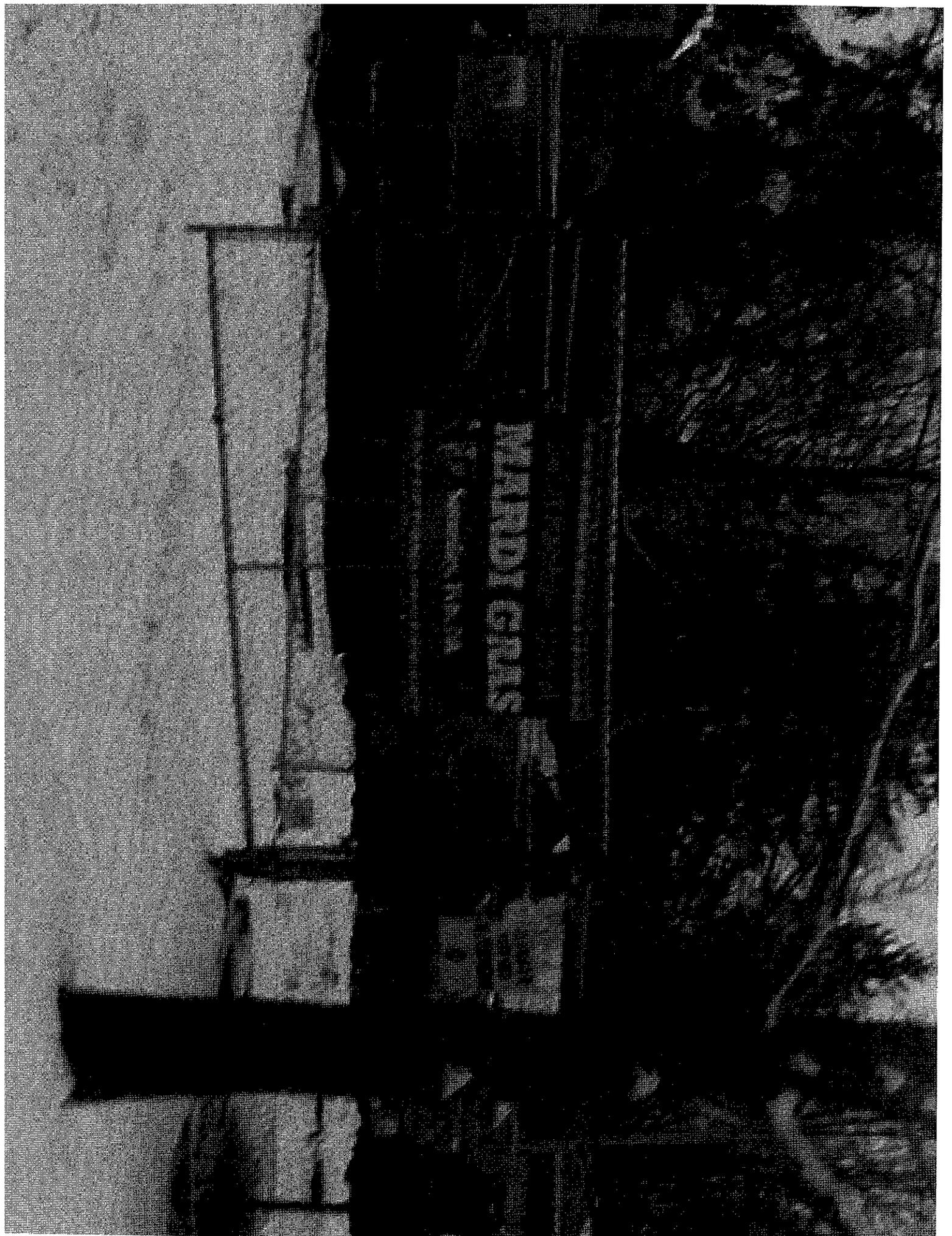
**SIZE:** The sign is approximately 5'-0" x 3'-0".

**MESSAGE:** Saint Raphael School, Mardi Gras, February 7.

**LOCATION:** It is hanging on the gate to the construction fence in front of the new church construction. (See attached photo for reference).

I will wait to hear from you on Monday to confirm that the banner is officially approved. In the meantime, if you have any questions/comments/concerns please feel free to email or call me anytime.

Thank you!  
Tina Stipanovich  
216-633-2107



## Joan Kemper

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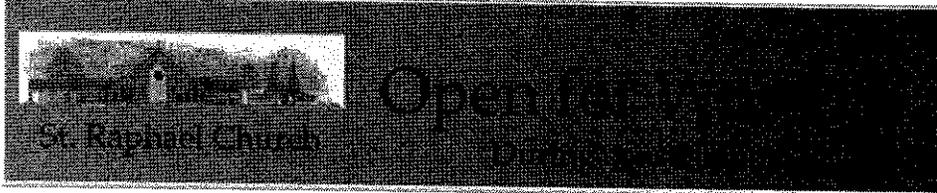
**From:** Mark A. Cunningham <mcunningham@saintraphaelparish.com>  
**Sent:** Wednesday, January 07, 2015 11:47 AM  
**To:** Joan Kemper  
**Cc:** Andy Kereky  
**Subject:** St. Raphael Sign Request for City Council

Good Morning Joan,

Thank you for taking a few minutes on the phone with me yesterday to explain the process for obtaining approval for temporary signs on our St. Raphael Church property.

I would like to request permission to place the two following temporary signs:

### Sign #1

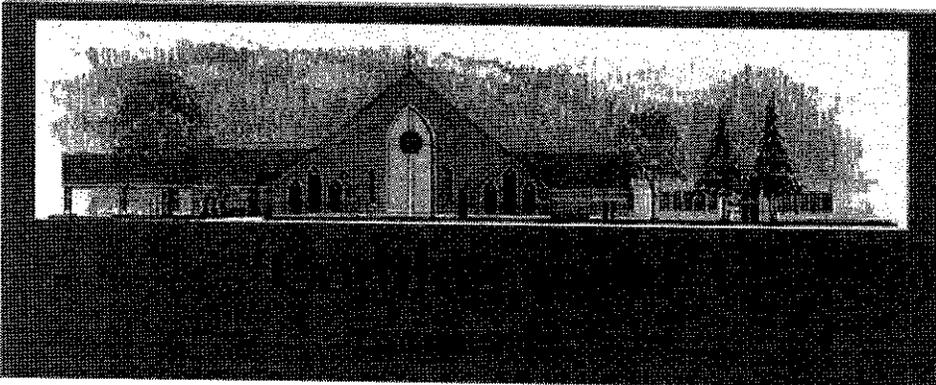


Dimensions: 2' x 10'

Placement: The construction barricade fence along Dover Center Road, facing Dover Center, approximately 5' from the ground, on the fence adjacent to the north entrance driveway leading to the back parking lot.

Duration: Now (upon approval) until construction of the new church building is completed, not later than August 22, 2015.

### Sign #2



Dimensions: 4' x 10'

Placement: The construction barricade fence along Dover Center Road, facing Dover Center, approximately 3' from the ground, on the fence positioned in what will be the center of the new church building as seen from the street.

Duration: Now (upon approval) until construction of the new church building is completed, not later than August 22, 2015.

Should the Council object to the size of either sign, we would be happy to resize to accommodate their requirements. We are happy to cooperate with the city on this matter. Please advise me of any other concerns or requirements that may be presented.

Thanks for your help Joan!

Blessings,

**Mark A. Cunningham**

Stewardship Director

St. Raphael Parish

525 Dover Center Road

Bay Village, OH 44140

440-871-1100 x146

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**MATTERS PENDING BEFORE COUNCIL COMMITTEE**

**January 6, 2015**

**Items in italics are from the 1-30-06 Strategic Planning Committee Meeting**

**Public Improvements, Streets, Sewers & Drainage-** Tadych, Henderson, Lee

- Sunset Drive Area Storm Sewer and Road Improvements (5-12-08)

**Recreation and Parks Improvement-**Henderson, Vincent, Clark

**Finance & Claims-** Clark, Tadych, Henderson

**Services, Utilities & Equipment-**Vincent, Lieske, Tadych

**Planning, Zoning, Public Grounds & Buildings-**Lieske, Lee, Vincent

- Zoning Code Review /Sign Update (Section 1179) (10-22-07)
- *Cahoon Memorial Park Information Sign (2-9-06)*
- Section 1158 – Attached Residence District (1/29/07)
- Architectural Board of Review Design Guidelines (2/12/07) (4/23/07)
- Community House Restoration & Budget Fact Finding (03/05/12)

**Environment, Safety & Community Services-**Lee, Clark, Lieske

- Animal Kennel (11-5-12)
- Review of Codified Ordinance Chapter 377, Bicycles (1-13-14)