

CITY OF BAY VILLAGE

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

March 2, 2015

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, Police Chief Spaetzel, Fire Chief Lyons, Safety/Service Director Thomas, Recreation Director Enovitch, Director of Community Services Selig, Director of Operations Landers

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 Dwight Clark.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held February 23, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of February 23, 2015 as prepared and distributed. Motion carried 7-0.

President of Council Koomar introduced Nancy Heaton, Executive Director, BAYarts, who gave a presentation of BAYarts programs, events and future plans. Mr. Koomar and Law Director Ebert complimented Nancy Heaton on the work she has done with BAYarts, creating a jewel and asset for the City of Bay Village. The area is something that is talked about all over Northeast Ohio, inviting people from all ages to visit BAYarts and participate in their programs. Ms. Heaton's energy is unbelievable as far as what she is able to achieve, and working with Nancy and Mr. Peter Winzig has been a rewarding experience.

Ms. Heaton introduced Pete Winzig, the President of the BAYarts Board, and stated that the accomplishments they have achieved are due to the great people working for the program. The group of talented, tireless people have worked together since 2006. Ms. Heaton noted that people come to their events that have never been in Bay Village before. The purpose there is to serve the community, and connect people. BAYarts has created jobs, supported artists, and renovated all of the old buildings on their campus. The original building was the John Huntington House, 122 years old, and every single room has been renovated. The Fuller House was going to be torn down in 2005, and now, after complete renovation, holds the coffee shop, gazebo, and gallery. The pottery station was originally in the basement of the John Huntington House. Through a generous donation from benefactors, in the name of their mother who lived in Bay Village, a brand new structure has been built, the first new structure on the campus. The studio is 2500 square feet, and grand opening will be held on May 1, 2015.

A Farmers' Market will be held in BAYarts on Thursday evenings, bringing many vendors and attractions. The concert series continues, and a one day festival, Bayfair, will be held on June

13, 2015. The festival will combine the efforts of BAYarts, the Bay Village Historical Society, The Village Project, the Lake Erie Nature and Science Center, Huntington Playhouse, and Vento's Restaurant.

Mr. Winzig thanked everyone for their support and encouraged visitors to BAYarts. Ms. Heaton thanked Council for allowing their presence this evening.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney encouraged everyone to file their Regional Income Tax Agency (R.I.T.A.) taxes early this year. The City of North Ridgeville, on Wednesday, March 4, 2015, from 1 p.m. to 7 p.m., will offer assistance in the completion of R.I.T.A. income taxes. Filers can also go to ritaohio.com and file online.

Recreation Director Enovitch reported over 660 youth basketball participants this past season, aging from Kindergarten to high school. The Recreation Department collaborated with other communities which gave the kids a positive experience playing in the facilities of neighboring cities.

Service/Safety Director Thomas reported that this week the Service Department has taken possession of their new sewer camera truck. When going through state bids, the best trade-in value that could be received was \$15,000. Late last fall, the City began using Govdeals.com. The truck sold on Govdeals.com for \$51,250. A city in Illinois purchased the truck and will come to Bay Village to pick up the truck. Mr. Thomas credited the successful sale to the exposure on the internet of the item for sale.

Community Services Director Selig had no report this evening.

Police Chief Spaetzel advised that on Wednesday, March 4, 2015, the Bay Village Police Department will be transitioning to a next generation 911 system, replacing the current 911 system. Those who call the 911 number will not see a difference, however the new system is IP based and in the future will enable people to text 911. All the equipment has been received for free from Cuyahoga County, including a new hardware system in place as well as the necessary software. Bay Village is the first city to go on line this Wednesday. The new software has a mapping capability and in the near future the texting will reveal the location of the caller.

Fire Chief Lyons advised that an entry-level Firefighter examination was conducted by the Bay Village Civil Service Commission this past Saturday, February 28, 2015. Nearly 140 applicants were on file to take the test, noting the competitiveness of Bay Village as an employer. A number of cities through Northeast Ohio are getting fewer than half than number as applicants for the test. Chief Lyons complimented the work of the Civil Service Commission.

COMMUNICATIONS

Ward 3 Councilwoman Karen Lieske advised of a Ward 3 Town Hall Meeting on Tuesday, April 14, at 7 p.m., in the City Council Chambers. Mrs. Lieske stated that this will be a follow-up to the ward meeting she had last fall with Councilman Paul Vincent, combining Wards 2 and 3 as the Heart of the City. This meeting is in response to a request for an individual Ward 3 meeting.

The Clerk of Council reported that the following communications were received and are on file in the Clerk of Council office for public inspection:

Letter dated February 28, 2015 from the Bay Park Beach Company, encouraging City Council to VOTE FOR approval of the water service agreement with the Cleveland Division of Water.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Ilona Farkas, Tom Vickers and Tracy Stier, Allen and Marcy Clever, Mary Wise, Diane DeRubba, Jennifer Voss, Regis Garrity, Dennis McNulty, Jeff Kellerman, Laura Keane, Russell Thompson, Denny Wendell, David and Karen Brill, David Coury, Jeff Gallatin.

Mr. Koomar called for comments from the audience. There were no comments.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Lee introduced **Ordinance No. 15-09** authorizing the purchase of two (2) Lifepak 15 ECG Monitors and one (1) Lucas 2 Chest Compression Machine, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-09.

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 – Clerk, 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. 15-09, an emergency measure, by a vote of 7-0.

FINANCE AND CLAIMS

Mr. Clark introduced **Resolution No. 15-10** authorizing the filing of a Bureau of Workers Compensation Safety Grant Application, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 15-10.

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. 15-10, an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych introduced **Ordinance No. 15-11** authorizing the Mayor to enter into an agreement with A&A Safety, Inc., for the 2015 Pavement Marking and Striping Program, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-11.

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

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

Mr. Koomar announced adoption of Ordinance No. 15-11, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced **Ordinance No. 15-12** authorizing the Mayor to enter into an agreement with Westview Concrete for the furnishing of ready mix concrete, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-12.

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 of Ordinance No. 15-12, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced **Ordinance No. 15-13** authorizing the Mayor to enter into an agreement with Stoneco, Inc., dba Allied Corporation, Inc., for street resurfacing material and services, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-13.

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:

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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 Ordinance No. 15-13, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced **Ordinance No. 15-14** authorizing the Mayor to enter into an agreement with Shelly Materials Inc., for street resurfacing material and services, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-14

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

Yeas – Tadych, Vincent, Clerk, 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.

Mr. Koomar announced adoption of Ordinance No. 15-14, an emergency measure, by a vote of 7-0.

Motion by Tadych authorizing the Director of Public Service to advertise for bids for the 2015 Pavement Maintenance and Resurfacing Program.

Motion carried 6-0.

A meeting of the Public Improvements, Streets, Sewers and Drainage Committee will be held on Thursday, March 5, 2015, at 6:30 p.m. in the Conference Room of Bay Village City Hall to review proposed Codified Ordinance Chapter 916, Foundation Drain Disconnection.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske read, by title only, **Ordinance 15-05** amending Codified Ordinance 1305.02 regarding Fees for Building Permits, and declaring an emergency (Second Reading) (First Reading 2-23-15). This will be increasing the deposit from \$800 to \$1000 prior to the review of topographic site improvements and/or landscaping plans. This will allow the city to avoid having to collect additional revenue during this process, and possibly be in a position to refund a few dollars rather than going back and asking for more.

Ordinance No. 15-05 was placed on second reading.

Mrs. Lieske read, by title only, **Ordinance 15-06** amending Codified Ordinance 1307.02 regarding Fees for Inspection of Plans and Specifications Governed by the Residential Code of Ohio, and declaring an emergency (Second Reading) (First Reading 2-23-15). This separates out the HVAC and Plumbing, which had been combined.

Ordinance No. 15-06 was placed on second reading.

Mrs. Lieske referred to **Resolution 15-07** approving, for record purposes, southern extension of Crestview Drive, and declaring an emergency (Second Reading) (First Reading 2-23-15). Mrs. Lieske stated that she thought this resolution was subject to revision after last week's reading. Law Director Ebert stated that he is awaiting information from Mr. O'Neill, the developer.

Mr. Lee stated that when this resolution was discussed in the committee session he was fine with adding to the resolution conditioned on receipt of the items that are outstanding so that it could move forward. The open items are Item (C) and (D) of Section 1109.03 (d).

Resolution No. 15-07 is moved to second reading. The resolution will stay on second reading pending receipt of Items (C) and (D) of Section 1109.03 (d).

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

AUDIENCE

Laura Keane, 26523 Knickerbocker Road, stated that she is present tonight because last year at this time she called the Mayor's office to report snow blower damage due to newspapers and telephone books being left on the sidewalks. The phone book ruined the snow blower last year. This year their neighbor across the street had to buy a new snow blower for the same reason, and Mrs. Keane again suffered damage this year to her snow blower. A letter was received from the

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Mayor this year about the necessity of keeping sidewalks clear. The people who deliver telephone books should not be permitted to bring phone books this time of the year if they cannot bring them to an area away from the sidewalk. Perhaps the City can suggest they deliver them in the spring or summer.

Law Director Ebert stated that Mrs. Keane has made a good point. The companies will be contacted.

Mr. Vincent suggested that the persons who deliver the phone books should be required to enroll as a solicitor with the Police Department in compliance with the City's solicitation ordinance.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to convene to Executive Session at 8:45 p.m. regarding contracts: Cleveland Water Agreement and litigation specifically involving Becky Olson and James Violette versus the City of Bay Village.

Roll Call Vote: Yeas- Clark, Henderson, Koomar, Lee, Lieske, Vincent. Nays – Tadych. Motion passed 6-1.

Also present in Executive Session was Law Director Ebert.

Council reconvened in an open meeting at 8:59 p.m. Present were: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 9:01 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council