

CITY OF BAY VILLAGE

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

March 16, 2015

Paul A. Koomar, President of Council, presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, 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 Dwight Clark, Councilman-at-large

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held March 9, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of March 9, 2015 as prepared and distributed. Motion carried 6-0, with 1 abstention by Mrs. Lieske.

ANNOUNCEMENTS

Mayor Sutherland announced that information is posted on the City's web site to enable residents to opt out of having phone books delivered. An email blast will also be sent out by the Mayor's office on Tuesday, March 17, 2015.

The Mayor announced that she will be introducing a couple of ordinances under the miscellaneous category of the agenda this evening. Mayor Sutherland addressed Council and explained to the public present why she is introducing the ordinance. She stated that it is because the Council President would not put the water agreement ordinances on the agenda, and as a result of that she was forced to evoke one of the Charter sections, 3.5, which allows the Mayor to introduce ordinances, and that is what she is going to do. The Mayor stated that she would appeal to Council that they are elected to vote. The Mayor continued, "People will respect your making a decision; vote it up, vote it down, but vote. And I fully expect that this Council will entertain a motion to table, that is the same thing as sweeping it under the carpet, and I think the public deserves a decision, I deserve a decision, the administration deserves it, and even the City of Cleveland. I hope I am wrong. I hope there are enough people at this table that will step up, man up and vote. And so, I just wanted to make that appeal and explain why I will be making that motion. It's never been done in the history of Bay Village, not in my twenty years, and not in the Law Director's thirty-one plus years. This is new territory for us. I will be introducing the two ordinances regarding the water agreement under the miscellaneous section. Thank you."

REPORTS

Mayor Sutherland had no further report this evening.

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch had no report this evening.

Director of Public Service Thomas had no report this evening.

Director of Community Services Selig had no report this evening.

Police Chief Spaetzel had no report this evening.

Fire Chief Lyons had no report this evening.

AUDIENCE

The following audience members signed in this evening: Ilona Farkas, Tom Vickers, Allen Clever, Bill and Elaine O'Brien, Bob Sutherland, Jeff and Sue Maurer, Jeff Foster, Ed Davis, Bill Barrack, Ned Topping, Matt Clever, Jerry Dowling, Bob Tuneberg, Jerrie Barnett, Dennis McNulty, J Russell Thompson, Tara Wendell, David and Karen Brill, David Coury, Jeff Gallatin.

Mr. Koomar called for comments from the audience.

Robert Tuneberg, 30328 Provincetown Lane, stated that he is sorry to take an opposing viewpoint on the water issue. Mr. Tuneberg stated further that he read about the water issue in the minutes from last week's Council meeting, and it strikes him that he does not think offering the Cleveland Water Department ownership of the City of Bay Village water lines sounds like a very good idea. He thinks that there are too many open questions. After he read the minutes, there are a ton of things that remain unanswered. The only analogy Mr. Tuneberg stated he could come up with was that you wouldn't sign over ownership of your home water pipes to a plumber in return for fixing a leak. I don't think you want to give up rights to your own infrastructure, and that is true on a citywide basis as well. The language that was advanced to the public seems to show many, many areas of uncertainty that remain in the new agreement, and these areas of uncertainty rightfully deserve a public discussion, and probably more than one.

Mr. Tuneberg asked if the City turns over the ownership of the City's water lines to the Cleveland Water Department, doesn't that put the residents of Bay Village at the mercy of an outside billing agency. The Mayor stated that it is already like that. The issue is that yes, we own our own infrastructure, and we do not have a plan or the financing in place to fix it. We've got aging water lines, roughly about 15 miles of our water lines are in poor or very poor

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condition and approaching 100 years old. It costs about \$1 million a mile to replace those. The agreement is not perfect, but the benefits outweigh the negatives.

Mr. Tuneberg stated that he read in the minutes that the City of Bay Village was offered \$1.2 million from the City of Cleveland Water Department in return for ownership of the infrastructure. That seems awfully low. What is the replacement value of the entire Bay Village water infrastructure? This is something that needs to be examined very closely before we sign our water infrastructure over to another agency.

Mayor Sutherland stated that it is how you look at it. We look at it as instead of an asset it's a liability. That just brings up all kinds of other issues – we don't know how we are going to pay for replacing water lines. For instance, we have a project that is coming up in the Sunset area, and there is only one water line in that entire area that is fair. They really need to be replaced. It makes sense that when you go in to do a project and we are opening up the road that we would do it all at one time. It makes for economies of scale. It is not just the \$1.2 million; it's that we can go back year after year after year, ask for additional funding for water line replacement but leverage that and package it with whatever project we are doing.

Mr. Tuneberg asked if the people of the community would be able to review this agreement before you contract with it. The Mayor stated that they absolutely would. Mr. Tuneberg stated that he just fears once we sign over our infrastructure to the City of Cleveland we are going to lose our ability to control our destiny with our water system.

The Mayor stated that if you talk with Mayor Bopst from Rocky River, they signed the agreement three years ago and they've gotten about \$2.8 million in water line replacements in Rocky River. They are thrilled with the program; the same thing with Fairview. It is a perspective of control over trying to get funding to get the lines done.

The Mayor stated she would be happy to sit down with Mr. Tuneberg and talk about it further. Mr. Tuneberg stated that he would like to reiterate that what he read about the Cleveland Water proposal there are too many questions at this time to proceed with the sale. He is afraid that the City will be left with a bunch of legal battles or questions from residents that will continue in the future that are not ready to clarify the agreement at this point. Mr. Tuneberg asked that the agreement be held off as of now.

A member of the audience asked if there was a deadline for the agreement. Mr. Koomar stated that he was told February 1, then February 20. Now it is March 16. This agreement has been to Council over the years. This is the third go-around with it. The Mayor stated that there is a deadline.

Jeff Foster, 329 Kenmore, stated that after reading the minutes he would just like to comment to this gentleman's comments as well. This is just like the situation with East Ohio Gas, or the Electric Company. They own the infrastructure and we use it. I see this as akin to that. Plus, it is a liability so I think it would be something that would be good for us to get off our hands. As a neighborhood, obviously we have a vested interest in this with some contribution that could go

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towards our project. It disheartens us that this has been discussed all this time in private session or executive session. A lot of these details we would have liked to have discussed in an open forum like this so we could be privy to that and understand it. We do find it somewhat irresponsible to wait till the 16th to bring this up to a vote, or to force this into a vote. We just find that somewhat troubling that we are trusting you folks to do that. As a neighborhood, we implore you to vote on this tonight and to vote for it because the streets in our neighborhood need any assistance they can get.

Mr. Koomar stated that one of the things when we looked at any agreement is we rely on our Law Director for various points we are concerned about, and we want to make sure the residents of Bay Village are safeguarded not only for one particular project like Sunset, but in perpetuity. One of the things we struggled with is the litigation in Westlake. A lot of times when we are negotiating a contract we are trying to do that in executive session to hammer out the details. Sometimes it is a little bit easier to negotiate with Cleveland Water and at a certain point it does have to go public for discussion. We've asked all along for cure, that Bay Village, if Westlake left the system and the connections were severed, that we would not be held accountable for those costs which we are told can be up to \$16 million. We've simply asked that to be part of the contract with Cleveland Water to protect the residents if that were to happen. The first real draft we got back from Cleveland was a week ago Friday. This is not us sitting around just looking at a contract thinking we don't want to take action on it. It's that we have asked for certain components to be included in that contract to protect Bay Village, and that simply didn't occur. When that did occur, that happened at 5 p.m. on that Friday. You need a partner to work with to cover some of these issues. Those are some of the things that Cleveland has not been willing to put into contract language. There have been verbal conversations agreeing to certain items, but never in contract form. For this Council, ten years from now we'll all be gone. Somebody else will be sitting here. You want to make sure that the contract that you sign, whether it is for IT services or for transferring water pipes, is the best agreement for the citizens of Bay Village. We simply haven't gotten there.

Mr. Foster asked what the fallback option is. There has to be some other alternative. Mr. Koomar stated that one of the questions he has asked that has not been answered to his satisfaction is that this \$1.2 million is not a gift from the Water Department. They have been assessing Bay Village residents since 2007. Our question has been: "This is our money, show me the documentation or legislation that says I've got to turn over an asset to get my money back." We think that's our money and one of our questions has been, "Why can we not just access our own funds that you have collected from Bay Village residents for projects like Sunset?" I don't think that is an unreasonable question to answer, but I don't think we have gotten an answer.

Mr. Clark addressed Mr. Foster and stated that his question is one we've all wrestled with. Mr. Clark stated that he has been a vocal opponent for two primary reasons. One, it is a twenty year agreement with no outs. There is a five year out at the end. It's a long term contract right now. Secondly, this is a significant piece of litigation and we don't know the outcome with the City of Westlake and Cleveland Water right now. Westlake's contract with the Cleveland Water Division expires this Thursday, March 19. That litigation outcome could affect what we do or

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don't do here by signing a two decade agreement. That is the primary problem. We promised we would deliver engineering dollars for the Sunset project that is in the 2015 budget for \$136,000. We will look at alternatives to help you. That is our goal as your legislators and your elected officials.

David Coury, 25024 Sunset Drive, stated that he has been to seven of these meetings in five years and heard the same rhetoric that was just said – you'll look into it next time and we're looking things over and there is always a reason and nothing is done. It is a war zone in our neighborhood. I understand there are pros and cons to this agreement, but for some reason I feel unrepresented by all of you, except for the Mayor. I have never spoken to the Mayor but I've just listened to her. But, I feel unrepresented by all of you, the folks ten years prior to you and the folks ten years in front of you. I don't care that you really are thinking ten years out, because I am looking in the past and they haven't looked forward either. I have hired legal counsel. I am formally looking into this from a legal standpoint. You have an obligation under Ohio law to provide us with safe streets. I am glad to put it on the record that it is not safe. You are being irresponsible as a Council to this neighborhood. I have a four-and-one-half year old son who can get lost in these potholes on these streets, they are so bad. It is unsafe, so it is rhetoric to me as to the pros and cons. This is not something that just came on the table, this water situation. This has been here for awhile. There is a letter dated November 17, 2014. So, if the Council and/or the Mayor couldn't get resolution in five months over this – you should have done something three months ago. You should have taken a stronger action, or voted it down so this neighborhood can then plan on how we live our lives in that neighborhood. You don't drag gravel into your houses from the streets; your floors don't get ruined; your kids have to not be able to go out and ride their bikes on the streets. This water issue is just part of the issue that you guys have been pushing off for years. This is a great city – the Fire Department, the Police Department, my daughter goes to Bay Village High School. It is great to live in Bay. I love it. I'm not moving, but I'm certainly not going to take this anymore. I have legal rights and under Ohio law you are all obligated to maintain our streets. And if this water proposal can help towards that, that is a huge positive for us. There are negatives, understood. But, you are not taking into account our neighborhood by doing this. I am formally moving forward legally. And I want it to be clear, this is me as an individual, so don't look at the rest of the neighborhood. Don't punish the rest of the neighborhood with your decisions. This is me being done with living like this in the City of Bay Village.

Mr. Koomar called upon Director of Public Service Thomas to confirm that for the Sunset project the engineering will be completed in six months. From that point we will go out to bid based on the documents by CT Consultants. Director of Public Service Thomas stated that we will have the design and final engineering of which at course at that point there will be the assessments. Mr. Thomas stated that he looks at that as where the money is going to come from to help. Instead of going towards water, Mr. Thomas stated he would hope that money would go towards the cost and that is why he supports the Mayor 100% of what she is doing here.

Iлона Farkas, 24805 Sunset, stated that they share their neighborhood with the dog walkers in the community of Bay Village. My dentist asked me where I live and when I told him Sunset he said he knew exactly where that is because he walks his dog there all the time. Mrs. Farkas

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stated that she sees car parking and they get out of their cars at the church or side streets just to come and bring their dogs in our neighborhood. We provide a destination for the community around us for the pet owners, so it is a community project. It is a very well-known area and we are very busy over there, not just with the people who live there.

Matt Clever, 430 Canterbury Road, addressed Mr. Clark and stated that with all due respect that he has to say his concerns about the length of the agreement strike him as bogus. This is not putting out a bid for an IT vendor, where there are multiple vendors out there and a new vendor can pop up at any time. We are talking about a water system. As I understand it right now, we have only two potential providers: the City of Cleveland to whom we are connected, and the City of Avon Lake which we are not connected to. It is not as though in the next 12, 15, 20 years down the road, another water provider is going to pop up out of nowhere. It is a static situation.

Mr. Clark stated that Mr. Clever's point is well taken. I am not going to disagree but three weeks ago the Mayor, her team, and Councilman Steve Lee and I went down there with the express intent of trying to get two major agreements in place we thought would work for the City, a shorter term, five or seven years, and some protection on the Westlake situation. They were not willing to move on either side.

Mr. Henderson stated that he would also like to respond to Mr. Clever's question regarding term. There is another element of the contract that has not been clearly communicated to the public. My understanding of it is that the extent we spend that \$1.2 million we owe it back to the Cleveland Water Department for a 100 year period, amortized at one-one hundredth of the amount per year across that time frame. While the contractual nature is twenty years, the economic relationship is at least 100 years.

The Mayor stated that is if we leave the system. The probability that we are going to leave the Cleveland Water system is probably less.

Mr. Tom Vickers, 25025 Sunset, stated that there is an immediate benefit to this citywide. We are going to fix our streets eventually, and our sewers, and when we do this the water money on top of it, it will help the City as well. There is a proportion of the overall costs that is borne by everyone in the City not just us in Sunset. We think that this money, not only is it a shot in the arm for our group, where we really, really need it, but it is a shot in the arm for the City as well because there is the overall cost reduced by, hopefully, half. We urge you strongly to approve Deborah's ordinance, which we thank you very much for presenting to Council.

Jeff Foster stated that they have been dealing with this and have design and engineer proposals in our archives that go back to the fifties. You can sense a level of skepticism and that is exactly why. This has come to this point, it has come to the point of bidding, and we do see this as a huge opportunity. Not only the release of liability, which is a 100 year old water system which we admittedly do not have the resources to take care of, but it also gives us a chance to finally rectify the issues we have been living with. We have such disparity in our neighborhood. We have million dollar homes, we have \$150,000 homes. The assessments we are looking at our

completely unprecedented. Anywhere from \$20,000 to \$50,000, which is heartbreaking to really any of us. We just encourage you to please take action.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Lee introduced **Ordinance No. 15-19** authorizing the Mayor to enter into a professional services agreement with Bay Village School District and McKeon Education Group, Inc. to provide prevention and intervention 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. 15-19.

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. 15-19, an emergency measure, by a vote of 7-0.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark read **Ordinance No. 15-16**, as amended, amending Section 1 of Ordinance No. 14-112 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 2015 and thereafter, and declaring an emergency (First Reading 3-9-15, Amended by Reading).

Ordinance No. 15-16, as amended, was placed on second reading.

Mr. Clark introduced and read **Ordinance No. 15-20** authorizing the Director of Finance to change an advance made in 2012 to a transfer, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-20.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 15-20, an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Tadych stated that this evening in the Committee Session of Council held prior to this Regular Meeting of Council, he advised that his committee has reviewed Chapter 916 Foundation Drain Disconnection, which he will introduce at the next meeting of Council for first reading. This new regulation will reduce the amount of clear water going into sewers, resulting in a reduction in the expense of processing water at the Rocky River Wastewater Treatment Plant. The ordinance will have three full readings.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske read **Ordinance 15-05** amending Codified Ordinance 1305.02 regarding Fees for Building Permits, and declaring an emergency (Amended to include Housing License Fee increase) (First Reading 2-23-15) (Second Reading 3-2-15) and moved for adoption. The ordinance was amended to include the Rental Housing License Fee increase from \$76.00 to \$100. The ordinance will also increase the deposit from \$800 to \$1000 prior to the review of topographical site improvements and/or landscaping plans, and it separates plumbing and HVAC out to be \$35.00 each.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-05

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-05, an emergency measure, by a vote of 7-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson reported that last year the City began the process of restoring the slides at the Family Aquatic Center, coating the interior lining with a new product. This year during the budget process the Finance Committee reviewed the plan to extend that to the remainder of the structure. The anticipated cost is included in the budget, and now the City is seeking authorization for a motion to move forward with that additional restoration work.

Motion by Henderson to authorize the Director of Public Service and Properties to request proposals for the water slide and diving tower restoration project. **Motion carried 7-0.**

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

MISCELLANEOUS

Mayor Sutherland introduced and read **Ordinance No. 15-20** authorizing the Mayor to enter into a Water Service Agreement, an Asset Transfer Agreement, and a Joint Development Zone Agreement with the City of Cleveland, Ohio.

Mayor Sutherland stated that the City administration is firmly behind passing this ordinance and allowing the agreement to be signed. The City's consulting engineer also concurs.

Mr. Koomar stated that he is personally concerned about proper notice which is the procedural issue. The Law Director has provided an initial opinion, because the Charter is silent on some components of this. Mr. Koomar has allowed it to go forward this evening based on Mr. Ebert's initial opinion. In a Charter Review Commission going forward, or in another session of Council, this would need additional discussion in regard to moving forward, but based on Mr. Ebert's initial opinion he has allowed the Mayor to go forward and present this ordinance.

Mr. Clark stated that he has made himself pretty clear on this topic over the past couple of weeks. It is a difficult one, but I respectfully differ with the administration and I would ask to **Move** to postpone this ordinance indefinitely.

Motion passed 7-0.

Mayor Sutherland introduced and read **Ordinance No. 15-21** authorizing the Mayor to enter into a Letter Agreement with the City of Cleveland, Ohio, which provides additional terms and conditions to the Water Service Agreement with the City of Cleveland.

The Mayor advised that this ordinance talks about the letter that was received from the Law Department in Cleveland dated November 17, 2014.

Mr. Koomar commented that the Law Director is unique in his position. The Charter states that he represents both Council and the administration, and on this matter for these agreements his advice to Council has been that this agreement is not in the best interest of Bay Village, it doesn't protect us adequately.

Mayor Sutherland stated that that is absolutely not true.

Councilman Vincent stated that he disagrees, he has heard that too.

Mr. Koomar stated that he just wants to get that on the record.

Mayor Sutherland asked Mr. Ebert to counter that. Mr. Ebert stated that there have been several discussions concerning the legal interpretation of the agreements. Some members of Council actually attended the meeting with Mayor Jackson in the Cleveland Law Department. The original side agreement, which goes back two to three weeks was changed a week ago. That changed it in different form and fashion to really make it more addressing Sunset versus than the generality of the \$1.2 million agreement. And also in that side agreement were the various issues concerning the hold harmless and the City of Westlake litigation going on. That has changed. That is true. That has changed since the last agreement that came a week ago. That being said, what the Mayor just introduced was, instead of a side agreement, a letter agreement that references the letter received by the City of Cleveland Water Department dated November 17, 2014. In that letter, it does indicate about hold harmless the City of Bay Village concerning the City of Westlake. Mr. Ebert has asked the City of Cleveland Law Department to incorporate that in a more formal agreement.

Mr. Koomar interjected, stating "because that is not a binding agreement." Mr. Ebert stated because it is a letter signed by an individual not as part of this. That is what I wanted legally to be incorporated in this and it was originally and changed a week ago. It was pulled out. That is true.

Mr. Tadych asked who pulled that out. Mr. Ebert stated that he assumes the City of Cleveland. We did not pull it out. But, in this ordinance that the Mayor just introduced it is back in this. The City of Cleveland has to agree with it, that I don't know.

Mr. Koomar stated that in the meeting Mr. Ebert had with Mr. Clark and Mr. Lee the City of Cleveland they would not agree to that, correct? Mr. Ebert stated that at that point in time they had the agreement, the side agreement letter we had prepared and had sent to the City of

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Cleveland to be executed. They subsequently changed it to be referring to the letter of November 17, 2014.

Mayor Sutherland stated that they put it back in.

Mr. Koomar asked Mr. Ebert if the hold harmless is secure in the agreement with Cleveland Water.

Mr. Ebert stated it is not as we speak tonight in the Asset Transfer Agreement and Economic Development Agreement and the Water Service Agreement. It is not in there.

Mr. Koomar stated that we don't vote on agreements hoping that somebody puts it in.

Mr. Ebert stated that it is in the Side Letter Agreement which is the second ordinance the Mayor introduced. It refers to the November 17 letter which they indicate they would hold us harmless. Have they agreed to that? No, they haven't as of now.

The Mayor stated that they are waiting for us to pass it or do something. We negotiated with them, I believe, in good faith. But they have exhibited better faith than the City of Bay Village.

An audience member asked if it be a stipulation that they put that in. The Mayor said they will put it in.

Mr. Ebert stated that the first ordinance that was tabled would have to be adopted as part of this. You can't do one without the other. Once the first ordinance is passed, then our concern of the Law Department is that Mr. Ebert wants to make sure that the various issues concerning the hold harmless of the City of Bay Village relative to the City of Westlake litigation is also incorporated and that is the purpose of the second ordinance.

Mr. Henderson stated that all of the Council have made an extremely genuine effort to advance the discussions. The members of City Council as well as Mr. Ebert that went downtown and spoke to Mayor Jackson were doing that in good faith and that process did occur. One of the reasons Mr. Henderson is o.k. with the motion he expects Mr. Clark to offer is because, in a fundamental way, he is concerned about the transfer of these assets from Bay Village to the City of Cleveland. Right now we own and control the pace at which these lines will be replaced. We do have options for controlling that pace going forward, and I am concerned about transferring that decision making authority to Cleveland Water. That is my primary concern. Secondly, I am interested in seeing what happens between Westlake and Avon Lake.

Motion by Clark to postpone Ordinance No. 15-22 indefinitely.

Motion passed 7-0.

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

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Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council