

AGENDA

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

June 15, 2015
7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

FINANCE & CLAIMS COMMITTEE – Clark

Administrative Compensation – Police Dispatchers

Amended Appropriation Ordinance

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Microphone Project Update

MISCELLANEOUS

Avon Lake Deer Culling Program in Walter Road Park

AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES

City of Bay Village

Council Minutes, Committee Session
Conference Room
Dwight Clark, Vice President of Council, Presiding

June 8, 2015
7:30 p.m.

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

Not Present: Mr. Koomar, participating in a Mission Trip; Mr. Vincent, welcoming birth of their third child.

Also Present: Finance Director Mahoney, Director of Public Safety and Service Thomas, Director of Operation Landers.

AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Pam Cottam, Lydia DeGeorge, Richard Fink, Russell Thompson, Jerrie Barnett, Jeff Gallatin, Conda Boyd.

ANNOUNCEMENTS

Mayor Sutherland announced that the second Public Hearing for Natural Gas Aggregation was held this evening in Council Chambers at 7 p.m.

Mr. Lee commented that Mr. Charles Ramer of NOPEC advised that there are some pieces of information that were requested at the Public Hearing held June 1, 2015, that Mr. Ramer will get to the City Council prior to second reading of the required legislation.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Police Dispatch

Mr. Lee stated that as discussed at the Finance Committee meeting held this evening, the topic of Civilian Dispatch is one that the Environment, Safety and Community Services Committee has been working on for several months now with Police Chief Spaetzel. Mr. Lee stated that he generally believes there is support for civilian dispatch and it is an initiative that should be implemented resulting in better use of resources in the Police Department. The issue that the committee has been struggling with and working through is the cost of adding 4.5 FTE's. The cost of adding those employees is estimated to be about \$230,000 when the program is fully implemented. It is expected that the dispatch team will start with a full time employee, and that person will train the next employee. It will be a fairly lengthy process to add these people to full complement. The Chief has identified savings through overtime and part time deputy hours that will be implemented as the civilian dispatchers come on board. Officers working in the dispatch

function will be able to get out on patrol and work other patrol-related functions. With these changes in place, the net cost is about \$115,000.

Mrs. Mahoney stated that in prior talks there was discussion about the Service Department moving a full time employee to part time. In staff meeting this morning, the administration actually eliminated one full time position because in the course of beginning discussion about this there was another part time employee that was discharged and not replaced. In essence, there is about \$72,000 savings by not replacing one full time employee. Mayor Sutherland added that they basically are talking about grass cutting, but think it is more important to take the dollars out of the Service Department for the Police Department.

Mr. Lee stated that they appreciate that savings and efficiency. They are trying to analyze just the police function as they look at these numbers and isolate the cost of this initiative. If there is savings to be implemented elsewhere that is something that should be done. The number discussed with the Chief for some time is in the \$115,000 range. As discussed in the Finance Committee meeting tonight, the current discussions are to hold off on the hiring process for the 23rd police officer for a variety of reasons, and with that in place it will make the civilian dispatch a revenue neutral proposition where the extra cost will be offset by the savings, including the savings from holding off on the 23rd police officer hiring. As we get into 2016, the administration is to come forward with some alternative sources of funding to help keep that at a cost-neutral proposition.

Mr. Lee stated that there are two pieces to this implementation: the compensation ordinance to create the dispatch position and set the hourly rates for that position, and there is something at the same time that formalizes the understanding regarding the 23rd officer and the desire to obtain the funding for that 23rd officer.

Mr. Clark stated that it would require Council approval but at the same time the concern the Chief had was codifying the reduction from 23 to 22 officers. The Council thought it fair to do that and if there is enough checks and balances to get this done right, the Council can work with the Law Director and administration to introduce both those ordinances together in tandem next Monday,

Mayor Sutherland stated that they would prefer to hold off on the other one until the fall. It is going to take time to figure out how to package where this funding might come from.

Mr. Lee stated that they understand that the specifics of that are yet to be defined. Mr. Clark stated that Council is at least philosophically agreeing to the 22 officers, and they do not want to make the reduction permanent. But at the same time they don't want to send the message that they are going to fund the 23rd next year in the budget without some offset through other revenue sources.

Finance Director Mahoney stated that she does not know that Council needs to pass a specific ordinance saying that. It would just be in the budget process. You wouldn't pass a budget unless there was sufficient funding for whatever is determined, 22 or 23, in the fall. Mr. Clark stated that as long as it requires Council's approval, he thinks Council would be ok with that, at least

from his standpoint. Mr. Lee stated that the Law Director's input would be needed on the best way to do that. The Mayor stated that he would probably prefer to leave it alone until we get to the budgeting process. Mayor Sutherland stated that Council has her commitment that they are not going to hire the 23rd officer; it is impossible to do that even though it is currently budgeted. The eligibility list is exhausted; there is not a candidate there that they would hire into our City. Even though the money is there; they cannot do it. The Mayor stated that Council has her commitment that they are not going to hire the 23rd officer. The Mayor would like to be able to talk through this whole idea of trying to formalize this. There is a lot of homework that has to be done as far what are the grants; the timing of the grants; can we work something out with the schools; are they even interested. Those discussions have not been held and it is going to take some time.

Mr. Clark stated that there is no silver bullet in this equation. It is a combination of federal, state and local grants, and revenue enhancement by the City on several fronts. We wanted to leave it somewhat open-ended so we were not boxing ourselves into a corner. Mayor Sutherland stated that she appreciates that because that was a great concern from their end. In their experience they have been very successful in getting grants but they are not sustainable; they are competitive. Maybe you get them one year and you don't get them the next year. You have to figure out how you are going to operate. It's not designed to sustain operations; it is a one-shot hit. You have to package that with something else that is sustainable. It is going to take a while to work through all those things.

Mr. Clark stated that we have spoken about civilian dispatch for many months now and we want to give the Chief flexibility to move forward on that front. It seems like that is what everybody else is doing and maybe there are benefits of us being a regional hub for that service with Rocky River and Fairview Park. It would certainly be our hope if we could do that. The faster we get there, the more efficient we might be in being able to do so.

Mr. Tadych asked what number of personnel are they thinking of for the civilian dispatch. Mr. Lee stated that it is 4.5 FTE's to do a 24/ dispatch. Mrs. Mahoney stated that would be 2 full time, and 4 part time employees.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Mr. Tadych had no report this evening.

FINANCE & CLAIMS COMMITTEE – Clark

Council Compensation

Mr. Tadych stated that this was discussed in the Finance Committee meeting this evening. Mayor Sutherland called the Law Director and the Law Director wants it voted on tonight. The ordinance, 15-44, was put on first reading on June 1, 2015 and it is going to be on second reading and up for adoption this evening.

Mr. Clark stated that there needs to be an outcome on this ordinance this evening. It has to be done prior to the Wednesday, June 10, 2015 filing deadline. Mr. Clark stated he would compel Council to vote their conscience and what they feel is appropriate. If this ordinance is voted down, it will freeze the President of Council's salary for four years.

Mr. Henderson stated that there is an ordinance in place that goes out for the next few years. Next year's rate is in existing Ordinance 13-44. Mr. Clark stated that if it is voted down the President of Council has been working at a pay freeze for two years. Mrs. Lieske commented that the President of Council wasn't included in Ordinance No. 13-44 because his term was in existence. Mr. Tadych stated that the President of Council advised that he has not had an increase since 2009.

Mr. Henderson stated that it is his opinion that we have market rates, just like these \$100 rates that nobody is willing to bid less than to do these jobs of mowing. That is a market set rate. People are seeking these jobs out; there are people here in this room that are seeking it out; fourteen people applied when Scott Pohlkamp retired. For that reason, I look at inflation. There is no inflation right now. The people on Social Security are getting 1.7%; I just can't vote for a 2% raise for the next four years in this environment under those conditions. I would welcome a 1.5% series of numbers. I have calculated them if anyone is interested in moving a different number out there. I have that table physically with me right here. I am not going to vote in favor of this tonight, at the 2% rate. I would vote in favor at a 1.5% rate. I acknowledge that we have five people here and need five people to vote for the emergency clause for that to be in effect. I am not going to vote against the emergency clause even though I am going to vote against the measure because I am not intending to block the will of the Council. That is where I stand on this.

Mr. Tadych stated that the argument about Social Security being at 1.7% is only for one year. Each year that Social Security rate changes. Mr. Henderson stated that right now, the most recent number is negative -.08%. Mr. Tadych stated that next year they are going to review it again. We don't have that opportunity to do that. Mr. Henderson stated that is why he pointed out that going forward the Tips Spread, which is measured at the bottom markets, used to estimate the forward curve, that is pointing at 1.7% over the next ten years which is lower than it was during 2014, so that is trending down. Mr. Tadych stated that one year does not make a trend.

Mr. Clark stated that we have had this debate; it is time to bring it to a head. He would close in saying that yes, there were fourteen people that applied for an open vacancy. It is different to run for an office every two or four years in a public election, versus stepping into an incumbency that steps down. It is a far different set of criteria.

Mrs. Lieske stated that her rationale stays the same. In terms of looking at residents and some of the issues our residents are facing that could be costing them some money in terms of fees and what happens in the Bruce/Douglas area. We have the other area where the homes are in need of help and rehabilitation. Those aren't even in my ward but I look at what our residents are facing. It is part time, even though it is a lot of time, I just can't accept additional revenue when I am looking at what they are having to face.

Mr. Clark stated that Mrs. Lieske's comments are a point well taken. We will see how this plays across with the salaries going forward with the administration and bargaining units later this year.

Mr. Lee stated that he spoke with the Law Director about this issue because his struggle with this is setting it for four years. That was created by our Charter. Who knows what the economy is going to do, or what the City's revenues are going to do, or what we will be able to offer the full time employees of the City. That is the challenge. Mr. Ebert pointed out that the Charter does say that Council can set that, and lower it, but can't increase it in mid-term. If you pass on this opportunity to do an increase, then you have to wait another four years for these positions that are four-year terms to do an increase. But, by implementing an increase now, you are not locking yourself into 2% every year. You have the ability as a Council to reduce that. If we do have deflation and the end of the year the Social Security COLA increases as a zero or even a negative number, Council has the ability to take that back. That is how I can get comfortable with it even though I don't like the idea of trying to lock something in for four years. There are so many variables that can affect the City's finances over that time period, but the ability to bring it back down under the right circumstances by vote of the Council is a level of comfort.

Mr. Henderson commented that this is very reasonable.

Mr. Clark stated that the factors of the timing of having to do this by the filing deadline, and by not having two Council members here tonight makes it a little bit more problematic.

Mr. Tadych will move for adoption of the McGowan Insurance Agency contract for Public Liability and Property Damage Insurance at the special meeting of Council this evening. The contract is \$50,000 less than last year's contract and was discussed at length at the Council Committee session of June 1, 2015.

Mayor Sutherland stated that she just spoke with Law Director Ebert regarding the Council compensation issue. Four members of Council would have to vote to approve the measure because it is based on a majority of the elected body. Five affirmative votes are needed for the emergency clause.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske had no report this evening.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson thanked Law Director Ebert and Mr. Sears for preparing the information provided in the Council packets this past weekend about the primitive campsite proposal. The topic will be on the June 15, 2015 Cahoon Memorial Park agenda.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Clark expressed congratulations to the family of Councilman Vincent on the birth of Harrison Daniel Vincent today.

AUDIENCE

Conda Boyd stated that she had sent information to the Members of Council, Mrs. Mahoney and the Mayor regarding Ohio Checkbook.com and if the City of Bay Village will think about participating in this initiative to make finances much more transparent.

Mrs. Mahoney stated that she had a gentleman from the Auditor's Office come to her a couple of months ago and he is supposed to get her the file format. Mrs. Mahoney stated that she has not yet heard back from him. There is no cost to the City to participate. Mrs. Mahoney is suspicious that the City's system would be able to upload their system. Mrs. Mahoney's suggestion to him was that they should look into a state wide financial system for all Cities and townships that we could all be on the same system. That was the end of the conversation. Some small townships cannot afford the much more robust system.

Ms. Boyd asked if there would be interest in having a presentation. Mr. Clark stated that he would defer to the administration. Mayor Sutherland stated that there are a couple of other things that they have been anxious to get and they are still testing. Mr. Donovan O'Neill is the name of the person that Mrs. Mahoney spoke with. Ms. Boyd stated that Seth Unger is the name of her contact.

The meeting adjourned at 7:55 p.m.

Dwight Clark, Vice President of Council

Joan Kemper, Clerk of Council

Avon Lake may expand deer culling program

Kaylee Remington

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Avon Lake may invite sharpshooters to return to take down more deer on city-owned properties.

Avon Lake Mayor Greg Zilka said that there was discussion at the environmental committee meeting of expanding the culling program.

Sharpshooters visited Weiss Field earlier this year and took down 16 deer. They also killed three near the city landfill.

City Council had met with Bay Village City Council and discussed initiating a program at Walker Road Park, which is jointly owned. If

Bay Village agrees to use sharpshooters, Zilka said they probably won't be able to come until January or February.

"We're going to wait until the population (of visitors) is dormant," he said. "It's 60 acres of park land and there's a huge herd of deer. They meander over to Bay Village and then to Avon Lake."

Councilman John Shondel would like to expand the program to other city-owned properties, such as the wastewater treatment plant land and land around the water tower.

The city had donated 696 pounds of venison after the sharpshooters took down 19 deer. The venison was donated to Second Harvest Foodbank of North Central Ohio to feed the homeless.

The cost to cull the deer was \$8,557.

Councilman John Shondel would like to expand the program to other city-owned properties, such as the wastewater treatment plant land and land around the water tower.

Culling

From Page A1

Zilka said the price tag was higher than he expected, but the benefit is food was provided for the homeless.

Expanding the culling program is still in preliminary stages, he said. The Ohio

Division of Wildlife would like the city create a 10-year plan and complete it by early July.

City Council previously passed legislation to allow residents to use archery equipment to get rid of the white-tailed deer on their property.

Under the codified ordi-

nance, residents are prohibited from hunting with firearms or other weapons; only sharpshooters can.

The sharpshooters are obtained through a federal or state agency and culling has to be approved by the Ohio Department of Natural Resources, Division of Wildlife.

Agenda, Bay Village City Council
Regular Meeting, Council Chambers

June 15, 2015
8:00 p.m.
Caucus 7:30 p.m. Conference Room
(Public Welcome)

Paul Koomar, President of Council, Presiding
Pledge of Allegiance/ Steve Lee, Councilman-at-large
Roll Call
Reading of Minutes – Special Meeting of Council, June 8, 2015

ANNOUNCEMENTS

Catherine Timko – Lake Erie Nature and Science Center Presentation

REPORTS

Mayor Sutherland	Director of Community Services Selig
Director of Law Ebert	Police Chief Spaetzel
Director of Finance Mahoney	Fire Chief Lyons
Director of Recreation Enovitch	
Director of Public Service/Safety Thomas	

COMMUNICATIONS

AUDIENCE

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Lee

FINANCE AND CLAIMS- Mr. Clark

Resolution adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2016, submitting same to the County Fiscal Officer, and declaring an emergency.

Ordinance amending Section 1 of Ordinance No. 15-16 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.

Ordinance to amend appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2015, as previously appropriated in Annual Appropriation 14-107, and Amended Appropriation Ordinance 15-15, and declaring an emergency.

Agenda
Regular Meeting of Council
June 15, 2015

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske

Ordinance extending the moratorium on the development under Chapter 1158 Attached Residences in the City of Bay Village, and declaring an emergency

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Tadych

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Vincent

Ordinance No. 15-47 authorizing the City to enter into the Northeast Ohio Public Energy Council (NOPEC) and the Execution and Delivery of the Agreement Establishing NOPEC and approving the Bylaws of NOPEC, and declaring an emergency (Second Reading) (First Reading 6-1-15)

Ordinance No. 15-48 authorizing the City to enter into a Natural Gas Program Agreement with the Northeast Ohio Public Energy Council (“NOPEC”), and declaring an emergency (Second Reading) (First Reading 6-1-15)

Ordinance No. 15-49 approving the Plan Of Operation and Governance for the NOPEC Gas Aggregation Program for the purpose of Jointly Establishing and Implementing a Gas Aggregation Program, and declaring an emergency (Second Reading) (First Reading 6-1-15)

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Primitive Camp Site Proposal for Cahoon Memorial Park

Agenda
Regular Meeting of Council
June 15, 2015

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.

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. 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, Special Meeting
Council Chambers 8:00 p.m.

June 8, 2015

Dwight Clark, Vice President of Council, Presiding

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

Not Present: President of Council Koomar, Ward 2 Councilman Paul Vincent

Also Present: Finance Director Mahoney, Safety/Service Director Thomas, Operations Manager Landers

Vice President of Council Clark called the meeting to order at 8:00 p.m. with a roll call and Pledge of Allegiance led by Mayor Sutherland. Mr. Clark noted that President of Council Koomar is on a Mission Trip this week, and Councilman of Ward 2, Paul Vincent, welcomed the birth of their third child today.

Mr. Clark called for approval of the minutes of the Regular Meeting of Council held June 1, 2015. **Motion by Henderson** to dispense with the reading of the minutes of the Regular Meeting of Council held June 1, 2015, and approve the minutes as prepared and distributed.

Motion passed 4-0, with one abstention by Mr. Lee.

ANNOUNCEMENTS

Mayor Sutherland advised that Jeff Harrington, Superintendent of the Rocky River Wastewater Treatment Plant has retired recently. A new superintendent has been hired, CarrieAnne Rosemark, who comes to the plant from the City of North Olmsted where she is currently the Assistant Superintendent of their waste treatment plant. Ms. Rosemark begins her work at the Rocky River Wastewater Treatment Plant on July 1, 2015.

Mr. Clark advised that a second required public meeting was held this evening by NOPEC for the Natural Gas Aggregation Program approved by the voters of the City of Bay Village who cast their ballots at the special election held May 5, 2015. The legislation approving the program will be moved to second reading on June 15, 2015.

REPORTS

Safety/Service Director Scott Thomas reported that the 2015 Road Resurfacing Projects are substantially completed. The Walmar Road Project has been completed with tree lawns in the process of being reseeded. The cul-de-sac at Humiston and Lincolnshire has been problematic due to soil similar to that found on Walmar Road. The Service Crews are addressing that problem, using the experience and understanding of the soil conditions that occurred on Walmar

Special Meeting of Council
June 8, 2015

Road.

Mr. Lee thanked Director Thomas for his leadership on the repair of the City Hall Clock Tower. The clock tower is now fully functioning. Mr. Lee asked if the Carillon Music System will be functioning soon. Director Thomas stated that they are looking for technical assistance to operate the system, which is in good, working condition. Mr. Tadych noted that the chimes are working.

Mr. Clark reported that Police Chief Spaetzel is out on a Mission Trip this week but had informed Council that Bay Village ranked favorably in terms of community safety for Cuyahoga County, the eastern part of Lorain County, and the western part of Lake County, a total subset of 75 communities. Mayor Sutherland stated that she was glad to see that Bay Village ranked No. 3 in the region for safety. The Mayor commented that this is due to the quality of our police officers and is a reflection of the work of Police Chief Spaetzel.

AUDIENCE

Russell Thompson, Pam Cottam, Conda Boyd, Lydia DeGeorge, Richard Fink, Marty Mace, Jerrie Barnett.

Mr. Tadych **MOVED** To acknowledge receipt of the May, 2015 Financial Report of the City of Bay Village prepared and submitted by Renee Mahoney, Director of Finance.

Motion passed 5-0.

Mr. Tadych read, by title only, **Ordinance No. 15-44** fixing the salary of the President and Members of Council and Repealing Ordinance No. 13-44, and declaring an emergency, and moved for adoption.

Mr. Clark stated that Mayor Sutherland had discussed this with Law Director Ebert, who is not present this evening, but has clarified that this Ordinance must be voted for final approval tonight in order to be submitted to the Cuyahoga County Board of Elections by Wednesday, June 10, 2015.

Mr. Clark called for a roll call vote on Suspension of Charter Rules. Mr. Henderson called **Point of Order, calling for discussion.**

Mr. Henderson asked Mayor Sutherland to explain how the voting will work at this point. Mayor Sutherland stated that she did double check this with the Law Director. To pass on an emergency measure, five (5) members of Council must vote to approve. In order to adopt the ordinance, a majority of the elected must approve, not just a majority of those present. There has to be four (4) members of Council in favor, in order for the resident to pass.

Mr. Henderson **MOVED** to amend by reading, the table of salaries listed in the center of Ordinance No. 15-44, as follows:

Special Meeting of Council
June 8, 2015

President of Council	1/1/2015	\$9,410.00
	1/1/2016	\$9,551.00
	1/1/2017	\$9,694.00
	1/1/2018	\$9,839.00
	1/1/2019	\$9,986.00
Ward Councilman	1/1/2015	\$8,300.00
	1/1/2016	\$8,425.00
	1/1/2017	\$8,551.00
Councilman-at-Large	1/1/2015	\$8,300.00
	1/1/2016	\$8,425.00
	1/1/2017	\$8,551.00.
	1/1/2018	\$8,679.00
	1/1/2019	\$8,809.00

Mr. Clark moved to second the Motion of Mr. Henderson. There being no further discussion, Mr. Clark called for a vote to amend the annual salaries of the President of Council, Ward Councilman, and Councilman-at-Large, for the years and in the amounts at a 1.5% increase per annum, as shown on the information provided by Councilman Henderson. There being no further discussion, voice vote resulted:

Yeas – Clark, Henderson
Nays – Lieske, Tadych

Mr. Clark announced defeat of the motion of Mr. Henderson to amend Ordinance 15-44.

Mr. Tadych stated that before the Council votes on the ordinance that is proposed, it is possible in the future, if the ordinance should pass, to review the salaries and reduce the amount of compensation before the election. Mayor Sutherland stated that this is correct. There are two ways that this could happen. Either Council can collectively decide to reduce the amount, or each individual Council person can decide to reduce the amount of their own salary. That is the recommendation of the Law Director.

Mr. Clark stated that in the event the ordinance fails this evening, the next opportunity to vote an increase would be four years hence for the President of Council and one Councilman-at-Large position, and two years hence for one Councilman-at-Large position and the Ward Councilmen.

Mr. Henderson stated that he is planning on voting for the emergency clause because it is not his intent to block the will of the Council. He finds it unfortunate that two members of Council are not present this evening, but that is the way legislative bodies work.

There being no further discussion, Mr. Clark, called for a vote on the adoption of Ordinance No. 15-44, as originally introduced by Mr. Tadych on June 1, 2015.

Roll Call on Suspension of the Charter Rules:

Special Meeting of Council
June 8, 2015

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

Roll Call on Suspension of the Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

Yeas– Clark, Lee, Tadych
Nays–Henderson, Lieske

Mr. Clark announced that **Ordinance No. 15-44** is **defeated**.

Mr. Tadych read, by title only, **Ordinance No. 15-46** authorizing the Mayor to enter into an agreement with the McGowan Insurance Agency as Agents of Argonaut Insurance for Public Officials Liability, Law Enforcement Professional and Firefighters Professional Liability, General Liability, Automobile Physical Damage and Liability, Property and Equipment, Boiler & Machinery and Crime Coverage, and Umbrella Insurance, and declaring an emergency, and moved for adoption. Mr. Tadych noted that this ordinance was read on June 1, 2015, and placed on first reading. This is the second reading for this ordinance this evening and the contract to be approved will realize a savings for the City in the amount of \$50,000 as compared to the contract one year ago.

Roll Call on Suspension of the Charter Rules:

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

Roll Call on Suspension of the Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Clark announced adoption of **Ordinance No. 15-46**, an emergency measure, by a vote of 5-0.

Mayor Sutherland reached Law Director Ebert by telephone for consultation on the possibility of reconsidering the motion to amend the ordinance that was defeated this evening.

Mayor Sutherland stated that Law Director Ebert has advised that a motion to reconsider the motion that was defeated this evening can only be introduced at the next meeting of Council.

Special Meeting of Council
June 8, 2015

Mr. Tadych attempted to introduce an amendment to the ordinance, or an additional ordinance

Mr. Henderson called **Point of Order**, noting that the ordinance has been voted on, and there is not another ordinance listed on the agenda.

There being no further business to discuss, the meeting adjourned at 8:24 p.m.

Dwight Clark, Vice President of Council

Joan Kemper, Clerk of Council

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**ADOPTING A TAX BUDGET FOR THE CITY OF BAY VILLAGE FOR THE
FISCAL YEAR BEGINNING JANUARY 1, 2016 SUBMITTING SAME
TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.**

WHEREAS, there has heretofore been prepared a tentative tax budget for the City of Bay Village for the fiscal year beginning January 1, 2016 showing detailed estimates of all balances that will be available at the beginning of the year 2016 for the purpose of such year and of all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types or classes of revenues; also estimates of all said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, the budget will be available for public inspection; and

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

SECTION 1. That the tax budget of the City of Bay Village for the fiscal year beginning January 1, 2016 as heretofore prepared and submitted to Council, copies of which are on file in the office of the Director of Finance of the City and the Clerk of Council, be and it is hereby adopted as the official tax budget for the City of Bay Village for the fiscal year beginning January 1, 2016.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of said tax budget and a copy of this Resolution to the Cuyahoga County Fiscal Officer, Ohio.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to adopt such tax budget to provide funds for 2016 wherefore this Resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

5/27/15 ll

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AMENDING SECTION 1 OF ORDINANCE 15-16 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.**

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

SECTION 1. That July 1, 2015 the compensation to be paid to the officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

	April 1, 2015 and thereafter	July 1, 2015 and thereafter
1. Director of Finance	\$93,386	\$93,386
2. Assistant Finance Director	\$67,713	\$67,713
3. Accounts Payable Coordinator	\$17.57 – \$20.12 per hour	\$17.57 – \$20.12 per hour
4. Part-time Human Resources Administrator	28.00 per hour	28.00 per hour
5. Part-time Clerical	\$11.68 – \$15.91 per hour	\$11.68 – \$15.91 per hour
6. Director of Law	\$72,296	\$72,296
7. Prosecutor	\$33,922	\$33,922
8. Dir. Public Service & Properties	\$90,515	\$90,515
9. General Foreman	\$73,425	\$73,425
10. Supervisor	\$75,485	\$75,485
11. Sewer Collections Foreman	\$59,160	\$59,160
12. Infrastructure Manager	\$64,260	\$64,260
13. Property Maintenance Inspector	\$59,160	\$59,160

14. Projects Coordinator	\$30.60 per hour	\$30.60 per hour
15. Part-time	\$8.10 – \$17.22 per hour	\$8.10 – \$17.22 per hour
16. Seasonal	\$8.10 – \$16.64 per hour	\$8.10 – \$16.64 per hour
17. Director of Recreation	\$73,361	\$73,361
18. Asst. Recreation Director	\$43,135	\$43,135
19. Assistant to Mayor	\$45,509	\$45,509
20. Clerk of Council	\$50,210	\$50,210
21. Fire Chief	\$100,864	\$100,864
22. Police Chief	\$100,864	\$100,864
23. Deputy Police Officer		
Start	\$22.88 per hour	\$22.88 per hour
After 2080 hours	\$25.43 per hour	\$25.43 per hour
After 4160 hours	\$28.82 per hour	\$28.82 per hour
After 6240 hours	\$32.83 per hour	\$32.83 per hour
24. Full-time Dispatch		\$17.50-\$22.00 per hour
25. Part-time Dispatch		\$15.75-\$19.80 per hour
26. School Guard	\$9.61 – \$14.17 per hour	\$9.61 – \$14.17 per hour
27. Jailer/Matron	\$14.17 per hour	\$14.17 per hour
28. Director of Community Services	\$59,160	\$59,160
29. Assistant Director of Community Services	\$35,700	\$35,700
30. Senior Van Driver	\$8.94 – \$12.55 per hour	\$8.94 – \$12.55 per hour

31. Safety Director	\$5,000	\$5,000
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The individual who may serve pro-tem as Secretary to Council or as Secretary to Planning Commission, Board of Zoning Appeals, Recreation Commission, Civil Service Commission, Architectural Board of Review, Tree Commission or Charter Review Committee shall be paid fifty dollars (\$50.00) for the first two hours of attendance and his or her hourly rate thereafter per regular or special meeting attended in lieu of wages.”

and present Section 1 of Ordinance 15-16 is hereby repealed.

SECTION 2. That it is found and determined that all formal actions 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 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City’s needs, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

Memorandum

To: Mayor and Members of Council
From: Renee Mahoney, Director of Finance
Date: 6/11/2015

Please find attached a revised appropriation ordinance for 2015. I have highlighted the major changes below:

Fund 284 – Endowment Trust Fund

Amy Mihaljevic

There has been sitting in Fund 284 \$205.00 that were raised years ago for the Amy Mihaljevic memorial. I would like to appropriate these monies to be used for some maintenance at the memorial and the funds can be closed out.

Fund 240 – Equipment Replacement

Fiber Optic Project

The full amount of the project was encumbered in 2014 to Cabling Concepts. We have recently learned that the cost to “make ready” on the poles will be paid directly to the Illuminating Co. The appropriations lapse at year end so in order to properly issue the PO to the Illuminating Co. we need to re-appropriate the money, decrease the PO to Cabling Concepts and create a PO to the Illuminating Co. by the amount of \$6,600.00.

Sewer Inspection Truck

Increase the appropriation by \$21,600 due to selling on GovDeals rather than trading in. Originally the City thought the total cost of the truck was to be \$252,000 which included a trade in of the old truck for \$18,000. Rather than trading in the old truck the City sold the old truck on GovDeals and netted \$49,968.75. The cost paid to Mtech for the truck was \$273,557.50. So, the net cost to the City was \$223,588.75 which is under \$28,000 than originally estimated.

CITY OF BAY VILLAGE, OHIO

ORDINANCE NO. 15-

By:

To amend appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2015, as previously appropriated in annual appropriation 14-107 and amended by 15-15.

NOW, THEREFORE, be it ordained by the Council of the City of Bay Village, State of Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2015, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedules attached hereto as Exhibit "A" and Exhibit "B" and incorporated herein:

General Fund - 100						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
100	Total General Fund	\$ 6,901,462	\$ 3,453,490	\$ 39,200	\$ 647,464	\$ 11,041,616

Special Revenue Fund Group - 200						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
210	Emergency Paramedic	\$ 981,240	\$ 65,075	\$ 12,200	\$ -	\$ 1,058,515
230	Parks and Recreation	633,960	264,000	4,500	-	902,460
231	Community Gym Capital Improvement	-	-	10,000	-	10,000
235	Bay Family Services	-	42,400	-	-	42,400
236	Community Diversion	-	5,400	-	-	5,400
240	Equipment Replacement	-	5,000	953,200	-	958,200
245	Private Property Maintenance	3,555	19,700	-	-	23,255
250	State Highway	-	50,000	-	-	50,000
270	Street Construction	656,930	430,600	722,000	60,000	1,869,530
280	Police Pension	358,616	-	-	-	358,616
281	Fire Pension	478,723	-	-	-	478,723
282	Accrued Benefits	140,000	-	-	-	140,000
284	Endowment Trust	-	25,393	-	-	25,393
290	Senior Programs	-	65,500	-	-	65,500
292	Local Law Enforcement	-	4,000	-	14,649	18,649
297	Federal Law Enforcement	-	14,648	-	-	14,648
293	Drug Fine/Bail Forfeiture	-	500	-	-	500
294	Alcohol Intervention	-	1,500	-	-	1,500
200	Total Special Revenue Funds	\$ 3,253,024	\$ 993,716	\$ 1,701,900	\$ 74,649	\$ 6,023,289

Debt Service Fund Group - 300						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
300	General Bond Retirement	\$ -	\$ 3,668,490	\$ -	\$ -	\$ 3,668,490

Section 5: 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 an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

MAYOR

EXHIBIT "B"
SCHEDULE OF CAPITAL PROJECTS AND EQUIPMENT APPROPRIATIONS BY FUND

Fund	Description	Amount
Equipment Replacement (240)		
	Computer Replacements	26,000.00
	Phone System (From 2012)	50,000.00
	Council Microphones (outside funding)	18,000.00
	Fire - Equipment	60,000.00
	Fire - Car 18	30,000.00
	Police - Car 1129	43,000.00
	Police - CAD/RMS System	33,000.00
	Service - Scareb (from 2014)	230,000.00
	Service - Truck #45 - Utility Body (from 2014)	30,000.00
	Service - Fuel Dispensing System	30,000.00
	Service - Truck 31 Super Duty Dump	60,000.00
	Service - 14 Utility Body	50,000.00
	Service - 560 Grooming Mower	13,000.00
	Fiber Optic Project (From 2014)	6,600.00
	Service - 50 Sewer Video Inspection Truck	273,600.00
Total Equipment Replacement (240)		953,200.00
Street Construction (270)		
	Walmar	110,000.00
	Fire Parking Lot	12,000.00
	Streets TBD	600,000.00
Total Street Construction (270)		722,000.00
Public Improvement (490)		
	Fire - Building Assessment	-
	City Hall - Parking Lot	240,000.00
	Bay Lodge	-
Total Public Improvement (490)		240,000.00
Municipal Building Improvement (495)		
	Fire - Building Assessment	15,000.00
	City Hall Clock Tower	14,140.00
	Bay Lodge	25,000.00
Total Municipal Building Improvement (495)		54,140.00
Pool (520)		
	Aquatic Repair	60,000.00
Sewer (580)		
	Sunset Engineering	136,000.00
	Douglas/Russell/Lake Source Control	30,000.00
	Huntington/Longbeach Lift Station	30,000.00
Total Sewer (580)		196,000.00
GRAND TOTAL		\$ 2,225,340.00

ORDINANCE NO:
INTRODUCED BY:

AN ORDINANCE
EXTENDING THE MORATORIUM ON THE DEVELOPMENT UNDER CHAPTER
1158 ATTACHED RESIDENCES IN THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that there is a need to request further time to study the impact of Chapter 1158 on Attached Residences in the City of Bay Village;

WHEREAS, this moratorium shall have no effect on the development in the Retail Business District under C.O. 1173; and

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

SECTION 1. That Council hereby enacts an additional ninety (90) day moratorium on development under Chapter 1158 by City Council, Planning Commission, Board of Zoning Appeals, and any committee appointed by Council.

SECTION 2. That the Clerk of Council is hereby directed to forward a copy of this legislation to the Building Director, the Planning Commission, Board of Zoning Appeals, and any committee appointed by City Council for review of this legislation.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons that it is immediately necessary to protect the planning process, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

6/3/15 ll

MATTERS PENDING BEFORE COUNCIL COMMITTEE
June 12, 2015

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

- 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)

AN ORDINANCE
**AUTHORIZING THE CITY TO ENTER INTO THE NORTHEAST
OHIO PUBLIC ENERGY COUNCIL (“NOPEC”) AND THE EXECUTION
AND DELIVERY OF THE AGREEMENT ESTABLISHING NOPEC AND
APPROVING THE BYLAWS OF NOPEC,
AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the City of Bay Village wishes to establish a natural gas aggregation program pursuant to Section 4929.26, Ohio Revised Code (the “Natural Gas Program”), for the residents, businesses and other consumers located within the City, and for that purpose, to act jointly with any other city, village, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Northeast Ohio Public Energy Council (“NOPEC”), the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefit of natural gas deregulation through group purchasing efforts.

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

SECTION 1. The Council of the City (the “Council”) finds and determines that it is in the best interest of the City, including the natural gas consumers located within the City, to join NOPEC and to adopt the NOPEC Bylaws, for the purpose of establishing and implementing the Natural Gas Program within the City.

SECTION 2. The Mayor and the Council is hereby authorized and directed to execute and deliver the Agreement Establishing the Northeast Ohio Public Energy Council, as amended (the “NOPEC Agreement”). The NOPEC Agreement shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the City and as may be approved by the Mayor and the Council, which approval shall be conclusively evidenced by the execution of the NOPEC Agreement.

SECTION 3. The Council hereby approves and adopts the Bylaws of NOPEC (in the form attached to the NOPEC Agreement).

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City’s Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code. This Ordinance is declared to be an emergency measure necessary for the

immediate preservation of the public health, safety and welfare of the City, wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Council.

SECTION 5. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Natural Gas Program provided by NOPEC, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

Approved as to legal form:

Director of Law

I, Joan Kemper, as Clerk of Council of the City of Bay Village, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ adopted by the Council of said Municipality on the ____ day of _____, 2015.

Clerk of Council

ORDINANCE NO. 15-48
INTRODUCED BY: Mr. Vincent

First Reading 6-1-15

AN ORDINANCE
**AUTHORIZING THE CITY TO ENTER INTO A NATURAL GAS
PROGRAM AGREEMENT WITH THE NORTHEAST OHIO PUBLIC
ENERGY COUNCIL (“NOPEC”),
AND DECLARING AN EMERGENCY**

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 eligible natural gas consumers located within 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. The Council of the City (the “Council”) finds and determines that it is in the best interest of the City and certain natural gas consumers located within the City, to establish an opt-out natural gas aggregation program (the “Gas Aggregation Program”) in the City, and to enter into a Natural Gas Program Agreement with NOPEC in order to establish a Gas Aggregation Program through NOPEC.

SECTION 2. The Council is hereby authorized and desires to execute and deliver the Natural Gas Program Agreement of NOPEC (the “Gas Program Agreement”). The Gas Program Agreement shall be substantially in the form presented to the Board on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the City and as may be approved by the Council of the City, which approval shall be conclusively evidenced by execution of the Gas Program Agreement.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City’s Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Gas Program provided by NOPEC, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

Approved as to legal form:

Director of Law

I, Joan Kemper, as Clerk of Council of the City of Bay Village, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ adopted by the Council of said Municipality on the ___ day of _____, 2015.

Clerk of Council

City of Bay Village

Minutes of Public Hearing
City Council Chambers

June 8, 2015
7:00 p.m.

Natural Gas Aggregation
Northeast Ohio Public Energy Council (NOPEC)

Present: Mr. Charles Ramer, Senior Consultant, NOPEC

Also Present: Mayor Sutherland, Councilman-at-large Steve Lee

AUDIENCE

The following signed in this evening: Richard Fink

Mayor Sutherland opened the public hearing at 7 p.m. The Mayor introduced Mr. Charles Ramer, Senior Consultant of the Northeast Ohio Public Energy Council (NOPEC), who addressed those present regarding Natural Gas Aggregation as it was approved by the voters of the City of Bay Village on May 5, 2015. This is the second of two required public hearings; the first public hearing was held on June 1, 2015.

Mayor Sutherland left the public hearing at this point to continue her attendance at the Finance Committee meeting taking place in the Conference Room of City Hall.

Councilman Lee referred to an article from the Sunday, March 8 *Plain Dealer*, entitled "Is NOPEC is a viable option for weary shoppers." The article states that NextEra Energy limits the number of customers who can sign up for the variable rate, however, to 7,500 Dominion customers and 3000 Columbia Gas customers. Mr. Lee noted that Bay Village is served by Columbia Gas, and asked if that means that of all Columbia Gas customers network-wide, only 3000 customers can be a part of the variable option of NOPEC.

Mr. Ramer answered affirmatively, and added that as he understands it there is only a very small percentage of people who have signed up for the variable product. Mr. Ramer said he can get an exact number for Mr. Lee. He believes it is less than 1%.

Mr. Lee asked if there is room available for Bay Village residents if they want to choose that option, and they won't be closed out because of this cap placed by NextEra Energy. Mr. Ramer stated that there will be ample room for Bay Village residents to sign up for the variable rate.

In addition to returning with the exact number, Mr. Ramer stated that he also owes the following information to Council, requested at the public hearing held June 1, 2015:

- Examples of the Opt-out letters
- Historical Pricing

Mr. Ramer also offered the following clarifications of information he presented at the June 1, 2015 public hearing:

- Clarification on the actual percentage of vote (The number of people who actually participated in the May election in Bay Village. The number was that 948 people total out of 11,767 registered voters, which is about 8%. Mr. Ramer had represented that on an average in a May election it is about 15%; it was in fact 14.7% countywide. In Bay specifically, it was about 8%. Mr. Ramer had represented that Beachwood, the most comparable size city that has established a program recently, on the November election had an 80% approval rate, and a 3% opt-out. Mr. Ramer represented that they had a 5% opt-out. Richmond Heights, which is also a comparable size city, had a 5% opt-out. That means that 5% of the people who had received the letter either phoned or mailed the opt-out card back in.
- Although NOPEC has been established for 15 years, all 200 communities have not been members for 15 years. Many of them did not start their programs until later.

Mr. Richard Fink asked Mr. Ramer if he would speak a little more about the hedging strategy he discussed at the June 1 public hearing.

Mr. Lee left the public hearing at this point to continue his attendance at the Finance Committee meeting taking place in the Conference Room of City Hall.

Mr. Ramer stated that his first week on the job fourteen months ago was to train in Florida. They have an entire trading floor of folks who do this daily purchase of natural gas. They estimate based on weather simulation, what the projected usage is of natural gas for that day, and they purchase it. They have at their disposal different contracts that have been set up. Not only are the different contracts set up because gas is purchased 90 days, 60 days, 30 days in advance, based on how the market looks, but there are also floor and ceiling contracts that they can avail themselves of, or they can trade on the deal they want. They have the best and brightest mathematical minds in the world in that room, and they are brilliant. They not only do this for NOPEC, they are the largest purchaser of natural gas in the country. They are purchasing natural gas for not only the NOPEC program, but for other communities, for Florida Light and Power Company, and many others. Although there are still unpredictable swings in any marketplace, NOPEC has a very talented team working on their behalf. The one thing that no one anticipated was recently, during the winter months, when you expect price to be at a premium, the market suffered a free fall and the value of natural gas absolutely plummeted, as did the price of gasoline. NOPEC ratcheted their price down accordingly. If the price goes up, they will be in a better position because they purchased gas when the price was down.

Mr. Ramer stated that Columbia Gas is buying their gas on the last day of the month for the next month, whatever that price happens to be. NOPEC is buying it in advance, which takes the peaks and valleys out of the roller coaster ride and also gives the distinct advantage if prices go up because your gas has already been purchased at a lower price.

Mr. Ramer stated that every week they have a conference call of about 10 or 11 people. Those conversations are about what is happening in the market, how NOPEC is positioned, what the futures look like, and how they should adjust their price. The fixed price on some occasions is fixed for a very short period of time, and sometimes it is fixed for six months, based on how volatile the market is. If they did not adjust it down when the market is going down, it would be a disservice to the customers. It is an exercise of science, with a bit of art, done by a very talented team.

Mr. Ramer continued, stating that the advantage of the NOPEC program is that they have the program price. They also have a variable price which is always slightly less than the standard choice. If you are inclined, you can follow the pricing and change from one program to the other based on what gives you a level of comfort.

The NOPEC pricing now is substantially less than it was last year. The expectation is that it is going to stay more affordable because of the resource that they have with the Marcellus and Utica Shale. The transportation costs from Mahoning County to Cuyahoga County is much less than from Henry, Louisiana to Cuyahoga County.

Mr. Fink and Mr. Ramer continued their conversation regarding the hedging marketing strategy.

The public hearing adjourned at 7:30 p.m.

Dwight Clark, Vice President of Council

Joan T. Kemper, Clerk of Council

AN ORDINANCE
**APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE
NORTHEAST OHIO PUBLIC ENERGY COUNCIL (“NOPEC”) GAS AGGREGATION
PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND
IMPLEMENTING A GAS AGGREGATION PROGRAM ,
AND DECLARING AN EMERGENCY**

WHEREAS, this Council previously enacted legislation authorizing the City of Bay Village (the “City”) to establish a Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code (the “Gas Aggregation Program”), for the eligible residents, businesses and other gas consumers in the City, and for that purpose, to act jointly with any other municipal corporation, city, county or other political subdivision of the State of Ohio, as permitted by law;

WHEREAS, this Council previously enacted legislation authorizing the City to join the Northeast Ohio Public Energy Council so that the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of gas deregulation through group purchasing efforts; and

WHEREAS, on behalf of this Council, pursuant to Section 4929.26, Ohio Revised Code, has held two (2) public hearings on the Plan of Operation and Governance for the NOPEC Gas Aggregation Program.

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

SECTION 1. This Council finds and determines that it is in the best interest of the City, including the gas consumers located within the City, to adopt the Plan of Operation and Governance of the NOPEC Gas Aggregation Program, for the purpose of establishing and implementing the Gas Aggregation Program in the City.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City’s Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Gas Program provided by NOPEC, wherefore this

ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

Approved as to legal form:

Director of Law

I, Joan Kemper, as Clerk of Council of the City of Bay Village, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ adopted by the Council of said Municipality on the ___ day of _____, 2015.

Clerk of Council

RESOLUTION NO. 15-18
INTRODUCED BY: Mr. Vincent

A RESOLUTION
**RATIFYING THE SALE OF 2007 FORD SEWER
INSPECTION WALK-THRU BOX VAN,
AND DECLARING AN EMERGENCY**

WHEREAS, the city is owner of one 2007 Ford Sewer Inspection Walk-thru Box Van which has been removed from service; and

WHEREAS, it is determined that there is no longer a municipal purpose requiring the city to own said property; and

WHEREAS, the Council of the City of Bay Village passed Resolution 14-19 On March 4, 2014, approving the sale of items determined to be obsolete or abandoned on GovDeals.com;

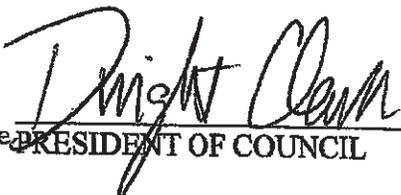
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Council hereby ratifies the sale of one 2007 Ford Sewer Inspection Walk-thru Box Van to Larry Toppert, 660 18th Avenue, East Moline, Illinois 61244, for the net amount of Fifty One Thousand Two Hundred Fifty Dollars (\$51,250.00).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution 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 law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and so the sale of said truck may move forward expeditiously, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: March 9, 2015


Vice PRESIDENT OF COUNCIL

CITY OF BAY VILLAGE

MEMORANDUM

TO: Mayor Deborah Sutherland, All Council, Joan Kemper

CC:

FROM: Gary Ebert

DATE: June 12, 2015

SUBJECT: Council Salaries

Pursuant to City Charter 2.5 council salaries shall be established at least 75 days before a regular municipal election.

When council amended the charter and approved by the voters in 2007 under Section 11.3 for the establishment of potential primary elections for the offices of mayor and council, it raised an issue concerning the clarification whether this requirement created a conflict as to the 75 day requirement.

Since there is no requirement for a primary election due to the fact that not more than 2 candidates have filed for office, this conflict does not exist and therefore 75 days before a regular municipal election would be August 20, 2015.

Therefore, council may either introduce new legislation as to the salaries for these positions prior to August 20, 2015 or it may move by Motion to Reconsider the Ordinance which was defeated due to lack of majority on June 8, 2015.