

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

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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:

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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:

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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.

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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