

AGENDA

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

June 22, 2015
7:30 p.m.

ANNOUNCEMENTS

Mayor Sutherland

Reappointments of:

Jennifer Lesny Fleming to the Planning Commission for a 5-year term ending August 17, 2020;
Stewart Watterson to the Parks and Recreation Commission for a four year term ending June 30,
2019;

Diane Pavan to the Community Services Advisory Board for a three year term ending June 30,
2018.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

C.O. 129.02 Police Complement - Modification to include part time and full time police
dispatchers

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Sidewalk Replacement

FINANCE & CLAIMS COMMITTEE - Clark

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Handicap Parking Spot to serve U.S. Post Office

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

MISCELLANEOUS

Avon Lake Deer Culling Program in Walter Road Park

AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES

Primitive Campsite Proposal

City of Bay Village

Council Minutes, Committee Session
Conference Room
Paul Koomar, President of Council, Presiding

June 15, 2015
7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel

AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Charles Ramer of Northeast Ohio Public Energy Council (NOPEC), Randy Risch, Patrick McGannon, David Madigan, Conda Boyd, Susan Murnane, Claire Banasiak

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Mr. Koomar called for a review of the agenda for the Regular Meeting of Council to be held this evening following the Committee session. Mr. Clark stated that he will introduce a resolution this evening to adopt the Tax Budget for 2016. The Tax Budget shows the need to collect property taxes for the year 2016. Because the Tax Budget is unchanged from prior years, the resolution will be passed on first reading this evening.

Mr. Clark related that the Council has spoken for some time about the creation of civilian dispatch. An administrative compensation ordinance is included in the packet for Council this evening to be introduced and placed on first reading. Items 24 and 25 on the ordinance provide the rate of compensation for full time and part time civilian police dispatchers. The ordinance will be read at three Council meetings prior to passage. Mr. Clark noted that Council would like to make sure that the civilian dispatch function is created as a cost neutral function. He called upon Police Chief Mark Spaetzel for further comments as to the number of people that will be hired.

Chief Spaetzel stated that initially the City would hire two full time police dispatchers, bringing one to start initially and the second shortly thereafter. They are hoping to attract seasoned dispatchers at first. The pay range outlined is thought to be reasonable and competitive by the Police Chief. Many people have already contacted the Police Department as being interested in this position. Part time employees will probably go into next year, after the full time dispatchers are up and running. The complement of part time dispatchers will depend on how many hours they can work. They will be working a maximum of 24 hours per week. Seven to eight part time dispatchers would be enough with reserves to complete the dispatch center 24 hours a day,

seven days a week, 365 days a year. The full time employees would receive a complete benefit package. The part time employees will not receive benefits.

Mr. Clark will also introduce an Amended Appropriation Ordinance this evening. Finance Director Mahoney stated that the intent of the ordinance is to clean up accounts with funds standing. For example, there is \$205.00 in the Amy Mihaljevic Fund that was raised years ago. The Service Department will put the money to use at the Amy Mihaljevic memorial adjacent to Bay Village City Hall. The purchase order to Cabling Concepts in 2014 for the fiber optic line needs to be reduced to provide \$6,600 of those funds to The Illuminating Company for the poles. The old sewer truck was sold via Gov.deals for \$50,000 on the Internet and not traded-in as originally planned. The cost for the new truck was actually \$18,000 more than the \$252,000 originally anticipated. By considering the amount received for the sale of the old sewer truck, the net cost to the City for the new truck was \$224,000.

Mr. Clark noted that the cost for selling on Gov.deals is 12.5%, but 10% of that cost was paid by the buyer and 2.5% paid by the City. Mayor Sutherland commented that the City has already sold about \$75,000 worth of items on Gov.deals this year. Mr. Koomar noted the necessity to submit an ordinance for the sale of any City property over \$5,000. Mrs. Mahoney stated that she would like to look at redoing the ordinance. Mrs. Mahoney doesn't know why Council would want to approve money coming in. She will speak with the State Auditor about the necessity. Mr. Koomar stated that the Council would like to know when items are sold as part of the checks and balance process. Mr. Tadych commented that it shows openness. Mayor Sutherland stated that Gov.deals is becoming common place now, and at the time the ordinance was initiated that may not have been the case.

Mr. Vincent asked about the \$252,000 appropriated for the sewer truck. Mr. Clark stated that the actual purchase price was \$273,000 because we did not do the actual trade in. Mr. Lee noted that we were able to purchase the demonstrator model of the truck, for an additional savings.

Mrs. Mahoney stated that a Federal Law Enforcement Trust Fund needs to be established. The Police Chief has brought to Mrs. Mahoney's attention that a separate fund is needed for the federal money, which is just under \$15,000. The money will be transferred from the local Law Enforcement Trust Fund. The Law Enforcement Trust Fund is dispensed according to the discretion of the Police Chief, with ten percent to community programs, and the remainder can be used for equipment and training.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Mr. Lee stated that he spoke with the Law Director today about Codified Ordinance Section 129 which describes the complement of the Police Department, to discuss whether the dispatchers should be included in Section 129. Two full time and up to seven or eight part time dispatchers would be added to the section. The 23rd police officer will be put on hold until the funding for that position has been approved. The Law Director is going to put together some language on that front as well. The goal is that the implementation of the civilian dispatch is going to be cost neutral. The agreement is that the position of the 23rd police officer will be held open while the administration is pursuing other funding sources for the position. There are other issues as to

why it is held open as well, with the Civil Service arrangements and other timing issues. Mr. Ebert is putting together his thought on that piece as well. The amendment to Section 129 can be in tandem with the compensation ordinance which will be placed on first reading this evening. Amendments to Section 129 will be introduced next week and catch up with the compensation ordinance so the two ordinances will be in tandem.

Mayor Sutherland stated that according to last week's discussion, the administration was urging Council to just handle it in the budget process because Council has her word that the 23rd person cannot be hired at this time. The Civil Service list is exhausted and we do not want to hire a body with someone potentially getting by the background check.

Mr. Lee stated that Council would like it to come back to them once the funding has been keyed up for that. We don't know what funding that might take, and what percentage it might cover, and we are open to flexibility. We are not eliminating the position, by any means, we want to keep that as a position to complement the department. Mr. Lee stated that the understanding he walked away was that Council was going to have another opportunity, it was going to come back before them for the hiring.

Mayor Sutherland stated that as long as there is flexibility in the funding, because they truly don't know what that is going to look like. Mr. Lee stated that Mr. Ebert and he had spoken about Codified Ordinance No. 129 which establishes the members of the Police Department and putting an amendment on for next week that references the dispatchers, for up to two full time and eight dispatchers, and also have lines in there about the hiring of the 23rd police officer as subject to Council approval.

Mrs. Mahoney asked if that is going to be the case for every position in the City. It is just through the budget process; I don't know if you need to single it out in Chapter 129. Mr. Lee stated that the feedback he is getting is that it is Council's desire to have that at the same time the compensation ordinance for dispatch is approved by Council.

Mrs. Lieske asked when they anticipate the first civilian dispatch full time employee would be hired and ready to start. Chief Spaetzel stated that they are just now beginning the process. They have not advertised or finalized the job description. It will be some time, probably no earlier than late October. Mr. Tadych asked if the Chief sees 2016 as a building year. Chief Spaetzel expressed agreement. Mrs. Lieske stated that the emergency clause then would not be necessary for the ordinance. Mayor Sutherland stated that without the emergency clause it would delay it another 45 days. Chief Spaetzel already has people calling.

Mr. Clark stated that he was trying to be sensitive to Chief Spaetzel not wanting to reduce the complement by ordinance from 23 to 22 officers. But we want to have some checks and balances with Council approval to hire the 23rd as well as get the civilian dispatch done. However we word it, I would say, "Let's get it done." I was trying to play middle ground to make this all work for us and do the right thing.

Mr. Lee asked Mr. Ebert if he has had an opportunity to begin preparing the ordinance. Mayor Sutherland stated that they are working on it. Mr. Lee stated that the idea is that amendment to

Chapter 129 would be put on first reading on June 22, the administrative compensation ordinance put on first reading tonight. The amendment to Chapter 129 may not have three readings; it may only have two to catch up with the administrative compensation ordinance to have everything done by the June 29 meeting of Council.

Mr. Koomar asked Mr. Ebert to send Mr. Lee a draft of the ordinance amending Chapter 129 when it is finished. When Mr. Ebert and Mr. Lee are in agreement, the draft will be circulated to Council.

Mr. Henderson asked if there is any rationale for the full time civilian dispatchers to be paid at an hourly rate. Chief Spaetzel stated that a survey of six or seven other cities was completed by the Human Resource Manager and every other city pays their dispatchers by an hourly rate. We want to be comparable and competitive with those other departments. We are starting toward the lower end, but it gives us room for growth.

Mr. Tadych asked if that affects any of the benefits of those employees compared to salaried employees. Chief Spaetzel stated that they did benefit packages for everyone. Currently those full time dispatchers eventually unionize which is something they kept in mind. They also know that currently they will fall under the administrative ordinance. If they choose to unionize they will fall under contract. Typically what they do is fall under the Patrol Officer's contract, and would get similar benefits to what the current police officers get. Mr. Tadych asked if they still have the benefits a salaried person has if they don't join the union. Chief Spaetzel responded affirmatively.

Mr. Henderson asked if the analysis that is being worked on with Councilman Lee for cost control, is the assumption for those costs based on police pension rates. Mrs. Mahoney stated that the dispatchers' pension would be covered by the Ohio Public Employees Retirement System (OPERS).

Mr. Lee commented that there is a time period when the savings are going to take time to catch up with some of the costs. The savings on overtime and the savings on deputy part time police officer hours is not all going to be realized in year one. Mrs. Mahoney has forwarded that analysis to Council.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske commented that she will introduce an ordinance this evening to extend the moratorium on development under Chapter 1158 for an additional 90 days.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Mr. Tadych had no report this evening.

FINANCE & CLAIMS COMMITTEE – Clark

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Vincent will present Ordinances No. 47, 48, and 49, to complete the natural gas aggregation process for the residents of the City for second reading this evening. Mr. Charles Ramer of NOPEC stated that he had many requests for information and distributed a packet to each member of Council and each inquiring resident to address the questions presented. Mr. Ramer included his contact information with the packets.

Microphone Project Update

Mr. Vincent asked Mayor Sutherland and Mrs. Mahoney if they had any updates on the microphone project.

Mayor Sutherland stated that the Finance Director, Assistant Finance Director, and the Mayor met with another potential vendor, who happens to be a Bay Village resident, and looked at the Council Chambers for audio and video recording. They also had the vendor go to the Dwyer Memorial Center because the Dwyer Center is in desperate need of some type of system there, and especially with the seniors, nobody can hear it. They are still waiting for their proposal. In the conversation they had with them it doesn't sound like video is going to be a viable option. It is going to be a cost issue due to the necessity of having a person to get the cameras lined up. Mr. Vincent stated that he had Mr. Ernst look at it sometime ago and he thought there would have to be a person there to do the camera work.

Mrs. Mahoney noted that the audio recordings are on the website. The Clerk of Council posts them on the website every Tuesday morning. Mr. Tadych noted that the quality is not good. Mayor Sutherland stated that the podium needs to come closer to the digital recorder.

Mr. Vincent stated that he thinks that speakers that are well done would make a huge difference as far as recording. Right now, unfortunately, you can't hear the sound all that much. Mrs. Mahoney suggested putting in more digital microphones and noted that they have them looking at different ways. The Mayor commented that the City's Service Department employees are so talented and said they can do some of the electrical work.

Mr. Koomar asked Mayor Sutherland and Mrs. Mahoney to also meet with the vendor that Mr. Koomar has been meeting with to get a quotation. Mr. Koomar will provide the Mayor and Mrs. Mahoney details that he has to incorporate into all proposals. Mrs. Mahoney stated that the company that they met with are both Bay residents. To go with one vendor outside of the City is putting us at risk of saying we didn't go out. Mr. Koomar asked if the vendor could just be included in the process. Mrs. Mahoney agreed, but said that for \$20,000 they need more than one vendor. Mr. Koomar stated the price is \$16,000.

Mr. Lee asked if this could be done in time for September. Mayor Sutherland stated that it is hard to say because they don't know what the cost is.

Mr. Vincent asked if the administration is asking for anything specific, or just asking them how they can make it sound better. The Mayor stated that basically they are just walking them through. They are very, very experienced with doing these types of facilities. Mr. Vincent asked the name of the company. Mayor Sutherland stated that the company is Audiocraft, represented by Greg Puntel, who has done a lot of work for the schools. Mr. Vincent stated that Mr. Puntel visited a Services and Utilities Committee meeting approximately a year ago.

Mr. Koomar asked if when the quotes are received back the Mayor and Mrs. Mahoney would incorporate the City Council in as a Council item. The Mayor stated that they will keep Council posted.

MISCELLANEOUS

Avon Lake Deer Culling Program – Walker Road Park

Mr. Koomar stated that after the last Walker Road Park Ad Hoc Meeting there was some discussion to investigate that if we were to move forward on a program in Walker Road Park that would obviously be under Avon Lake ordinances, because it is within their corporate limits. Chief Spaetzel was to talk with the Avon Lake Chief of Police about how they have done this in the past, and how residents would be notified, the securing of the area, and the time frame, etc.

Chief Spaetzel stated that he has had a couple of conversations with Chief Wayne Streater, and Councilman John Shondel of Avon Lake, who has headed up the Avon Lake side of this endeavor. As far as the details, it will depend on who they choose to perform the culling. Currently they are still interested in having the United States Department of Agriculture (USDA) do the culling operations because it was successful in Weiss Park. If that is the case, they will probably run it very similar to that operation. Avon Lake would be doing this culling in Walker Road Park in late December to February. Their plan is to hire sharpshooters from the USDA, and the location for this would be more than likely on the west side of the park, toward the soccer fields. They would also bait again for a period of time. There will be notification to all the residents surrounding the park. Notification was done by mailing for the previous culling operation of Avon Lake. Mr. Shondel indicated that it is his hope and desire, since all the park expenses are shared, that this will be a shared expense as well. As far as manpower goes, the City of Bay Village would have manpower available to secure the area at the actual time when they are doing the culling operations. Avon Lake has a July 31, 2015 deadline when they have to submit their report to the Ohio Department of Natural Resources (ODNR). They have expressed their desire to Chief Spaetzel to explain to Bay Village City Council that they would like to see something prior to recess so they can incorporate that into their plan by July 31.

Mr. Lee said that as part of the cost sharing expense, he read that Avon Lake spent somewhere in the low teens on sharpshooting that occurred last winter in Avon Lake. He asked if they have a cost in mind as to what it would cost for the Walker Road Park culling operation. Chief Spaetzel stated that he does not know the cost. Mayor Sutherland stated that she thinks it runs about \$1,000 to

\$1,500 a deer. Mr. Clark stated that this doesn't take into consideration what they spent in time and money finding the runway even before they got to the culling, which is two or three years plus and countless thousands of dollars which we can realize with that intelligence if we go forward. Mr. Henderson added that there are efficiencies of scale; the numbers that they have mentioned were what could be considered as a pilot program. This is not a pilot program and the cost per unit might be lower. Mayor Sutherland noted that they need snow cover and they use feed to attract the hungry deer. Mr. Koomar stated that the time frame they mentioned was early December through March.

Mr. Henderson asked the Mayor if notifications to the residents in Ward 4 could be hand delivered. The Mayor stated that they will hand deliver the notifications. She suggested that Mr. Henderson get the word out in a Ward 4 meeting as well.

A motion will be placed on the agenda for the June 22, 2015 Special Meeting of Council to authorize the Mayor to enter into an agreement with the City of Avon Lake.

Swim Training for Fire Department Personnel

Mayor Sutherland advised that she has been asked by Fire Chief Lyons to mention that the Fire Department is now doing swim and dive rescue training at the swimming pool for Fire Department personnel.

Parking Lot Project

Mayor Sutherland stated that bids for the City Hall Parking Lot project will be ready for review and approval in July. A special meeting of Council will need to be held the week of July 20, 2015.

Service Department Retirement

Gordon Evans will be retiring from the Service Department on October 3, 2015. There will be reconfiguration and rebalancing of wages in the department resulting in an administrative compensation ordinance at the Special Meeting in July, 2015. Safety/Service Director Scott Thomas will begin interviewing for the position.

Council Compensation

Mr. Clark stated that Law Director Ebert has provided information to Council regarding the next steps to proceed with the review of Council compensation. Discussion followed concerning the defeat of Ordinance No. 15-44, and the necessity of a motion to reconsider brought forth by the prevailing side. In addition, Mr. Henderson had brought forth a vote to amend the ordinance, reducing the increase from 2% to 1.5%, prior to a call for a vote on the adoption of the ordinance. The motion to amend received a vote of 2 yeas and 2 nays. The motion to adopt the ordinance received three affirmative votes, which is not a quorum of the total members of Council. Four affirmative votes would have been required for passage of the ordinance.

Mr. Henderson stated that he understands the Charter requirement (Section 2.13) that an ordinance or resolution must have the affirmative vote of a majority of the total members elected to Council

for passage. He asked what part of the Charter requires that four of the seven, rather than a majority of the quorum is necessary to pass an amendment by motion. Mr. Ebert stated it is the same issue. A motion to amend an ordinance takes four affirmative votes. Mr. Henderson stated his motion was not to pass an ordinance; it was a motion to amend. Mr. Ebert stated that the language in the Charter does not say anything about a motion. When a motion is introduced to Council, a vote is anticipated on the motion. We have always interpreted a motion to amend an ordinance is to go with the ordinance.

Mr. Henderson stated that since Law Director Ebert mentioned Parliamentary Procedure, if something is not addressed in the Charter, do we roll back to a certain version of Roberts Rules of Order. Mr. Ebert stated that the reference would be to the most recent version of Roberts Rules of Order, a copy of which he has in his office.

Mr. Ebert stated that if Council desires a motion to reconsider the ordinance it must be brought up this evening. The ordinance would then be voted on at the next meeting of Council. The issue is who would offer the motion since there was no prevailing side since the ordinance did not receive a majority vote, on either side, of the members elected to Council.

Mr. Ebert discussed further the filing deadline for the primary election. When the Charter amendment (Section 11.3) was made for a primary election, the section concerning the filing deadline was not addressed. Mr. Ebert has taken the position that although there is a conflict in the Charter, the salaries to be established for the upcoming election had to be done before the filing deadline, which is now August 5, 2015 since there will not be a primary election in Bay Village this year. If there were to be a primary election, the date of June 10 would have prevailed for the necessity to pass an ordinance for the Council salaries.

Mrs. Lieske stated that there is no filing deadline for August. Mr. Ebert stated the date is based on the regular municipal election.

Mr. Tadych asked the procedure for abstention, and if you are allowed to not vote without leaving the room. Mr. Ebert stated that an abstention goes with the prevailing side. Mr. Ebert stated that former Councilman Joseph Santone used to leave the Council Chambers if he wished not to vote.

Mr. Tadych addressed the existing Ordinance No. 13-44 which includes salaries for the Ward Councilmen through 2016 and 2017. Even though a new ordinance was not passed, the Ward Councilmen are still getting their 2% increases by the last ordinance. The President of Council did not receive an increase at that time because it was mid-term for that office. Mr. Tadych stated that the only vote for a salary should be for the President of Council, and not the idea that the Ward Councilmen are receiving an increase. That was settled in 2013. Mr. Koomar noted that the one position for Council-at-large also needs to be addressed for the upcoming full term for that office.

Mrs. Mahoney asked if the filing deadline for the primary election has passed and Council votes on a salary increase now, would they be voting themselves a raise. Mr. Ebert stated that the Charter Section 2.5 states that the salary increase shall be established 75 days before the regular municipal election.

Council agreed that in the future these issues should be addressed earlier in the year, perhaps at the time of the budget, to avoid tight deadlines and to have three readings of the ordinances. Mr. Lee added that this would give time to consider if a previously approved raise should be reduced because of economic changes. Mr. Lee noted that the difference between 2% and 1.5% salary for Council is \$40.00 per year. Multiplied by 7 it is \$280 per year. Mr. Ebert noted that this Council meets more than most, if not all, Westshore communities and gets paid substantially less. Mrs. Lieske stated that this is why she would like to see a salary study with suburbs comparable to Bay Village. Mrs. Lieske stated that Mr. Tadych and she talked about that two years ago. Mr. Tadych noted that this is why Mrs. Lieske and he voted no two years ago.

Primitive Campsite Proposal

Law Director Ebert stated that he has provided Council with historical information concerning Cahoon Memorial Park. The material provided included a map of the Historic District, and a memorandum distributed to Council in 2010 concerning filings associated with Cahoon Memorial Park and the various investigations and Court actions over the years.

Fireworks Rain Date

Mrs. Lieske stated that she raised the question last week about the rain date for the fireworks this year being listed on the contract as Sunday, July 5, 2015. The Kiwanis has it posted for Monday, July 6, 2015, which Mr. Ebert noted is the day approved by the trustees for the rain date.

Mayor Sutherland stated that they are trying to work around that and it was just a glitch with the contract. However, the Mayor wants Council to be thinking about the fact that the administration does not want to continue the practice of having a rain date. They have never had to cancel the fireworks; nobody else does rain dates. It will cost \$3,000 just for the Service Department. The biggest problem is scheduling people to work. The date for the fireworks requires a heavy police presence and it is planned out months in advance. When you go to a rain date you cannot get the same people to come back the next night or two nights later. When we had 140 people working for the City maybe it wasn't as big of an issue, but now that we have 92 or 93 it is really problematic, especially being so shorthanded right now in the Police Department.

Mr. Henderson stated that in Bay Village some of the funding for the fireworks is from private donations. Mr. Ebert stated that the Kiwanis and organizations that sponsor Bay Day always get the most carnival traffic on fireworks day. This year there is nothing going on for Bay Days on Monday, July 6. Mayor Sutherland stated that if the fireworks are cancelled because of weather, the funds will be flipped into the following year. Mr. Vincent asked how the contract addresses the issue. The Mayor stated that there is a 50% fee but you put that against overtime and the fact that we don't have the personnel. Mr. Ebert noted that there is no prohibition in the Cahoon Will about fireworks on Sundays. Mayor Sutherland stated that they will get back to Council. The contract says that the rain date is Sunday, and she doesn't even know if they are available on Monday.

The meeting adjourned at 8:25 p.m.

Committee Meeting of Council
June 15, 2015

Joan Kemper, President of Council

Joan Kemper, Clerk of Council

Joan Kemper

From: Jackie Moore
Sent: Tuesday, June 16, 2015 1:47 PM
To: Joan Kemper
Subject: 2015 sidewalk mailing list
Attachments: 2015 Sidewalk mailing list.xlsx; 2015 sidewalk letter.docx; AGENDA REQUEST FOR COUNCIL - Sidewalks.docx

Attached are the addresses for mailing. All letters go to service address—there are no mailing addresses different that where the sidewalk is located. I will also forward you the letter to send—it will be a different letter than we have used in the past. The letter has places that you will have to fill in the information. If you have any questions, please contact me. Thanks. If you need any help—let me know.

Jackie Moore, Secretary
Bay Village Service Department
Phone: 440 899-3419
Service Disptach: 440 871-1221
jmoore@cityofbayvillage.com

CITY OF BAY VILLAGE AGENDA REQUEST JUNE 22, 2015

OVERVIEW

1. Action Requested

Implement 2015 Sidewalk Correction Program. Cost to residents will be \$5.00 per square foot. Estimated cost for average 5 ft. x 5 ft. block (25 sq. ft.) is \$125.00.

2. Previous Action

Yearly program

3. Background/Justification for Current Action

Yearly program

4. Financial Impact

None to City – Residents are invoiced for sidewalk replacement

5. Affected Parties

Residents in 2015 Sidewalk Correction Program area with non-compliant sidewalk blocks: Walmar (Jonathan-Wolf) Marvis, Roberta, Kimerly, Kimerly Ct., Aldrich, Lane, Tuttle, Pellett, Wolf (31095-31131), Clarewood, Powell, Bradley – west side (Naigle to Wolf), Clinton, Brooke Lane

6. Implementation Plan

September 2015

7. High-Level Timeline/Schedule

September 2015.

APPROVAL AND AUTHORITY TO PROCEED

We approve the project as described above, and authorize the team to proceed.

Name	Title	Date
<i>D. Shepherd</i>	<i>Mayor</i>	<i>6.16.15</i>

Approved for _____ Date _____
Agenda

Date

Resident Name

Address

City, State ZIP

Re: (Address and Parcel Number)

Dear Resident:

The Bay Village Service Department recently completed an inspection of sidewalks in your neighborhood and found portions of the sidewalk (marked with an orange "X") in non-compliance with the criteria set for the City's Sidewalk Correction Program.

By order of the Council of the City of Bay Village, Ohio, I hereby give you official notice that on _____, 2015, City Council duly adopted Resolution Number 15-__ ordering the repair of the public sidewalk at your property located at the above address and permanent parcel number.

You may arrange to have this work done on your own within thirty (30) days from receipt of this notice, after which time you relinquish all rights to perform said work and the City will make the necessary repair. After the work has been completed by the City, an invoice will be sent stating the square footage and dollars due. You will then have sixty (60) days in which to pay the bill or, if so desired, it can be put on the tax duplicate with 10 percent interest (but not less than \$25.00) collectable on your final two tax bills.

If the work is completed by the City, the cost for sidewalk replacement will be \$5.00 per square foot.

Over the years many residents have chosen to have their sidewalk blocks leveled or professionally ground flat, eliminating the hazard and still maintaining the existing concrete block.

The City is not recommending one option over the other. We just want to make sure that all residents are aware that they have several options to bring their sidewalk violation into compliance. Each option has its advantages regarding price, longevity, and lack of ground disturbance.

Enclosed is a sidewalk information sheet that outlines all of the acceptable types of repair methods and the specifications that must be adhered to.

The Building Department can provide an updated list of registered concrete contractors, as well as those contractors that level and grind. You can also contact the Service Department to obtain the name and numbers for contractors who have completed the grinding in the past.

*Please note: If you choose to fix your own sidewalk, you are responsible for notifying the Service Department at 440-899-3419. We will re-inspect and, if compliant, your address will be removed from the list. If you have made arrangements to have your sidewalks replaced by your contractor and the work will not be completed within the 30 days, then you must contact the Service Department, which will give you one year from the date notified to complete the repair.

Since you are repairing existing sidewalk violations in the selected target area, you do not need to secure a building permit since the Service Department will be providing inspection. You do need to notify the Service Department of your intentions to complete the repairs on your own so that we do not schedule the repair. If you fail to notify us, we will move forward on making the necessary correction and you will be invoiced accordingly.

All work, whether completed by a contractor or property owner, must be in compliance with the criteria and specifications detailed in the attached Sidewalk Information Sheet.

If you wish additional information, please contact the Service Department at 440-899-3419.

Sincerely,

Joan T. Kemper
Clerk of Council

Enclosure

SIDEWALK INFORMATION SHEET

The City of Bay Village has operated a Sidewalk Correction Program since 1972. The intention of the program is to inspect all public sidewalks throughout the community to insure that sidewalks are in repair and free from nuisance and obstruction.

The City has established certain criteria for requiring property owners, by notice, to improve and repair portions or all of the sidewalk in front, or to the side, of their properties

1. Uneven by one inch (1") or more
2. Pushed up due to tree roots one inch (1") or more
3. Slumped due to settling one inch (1") or more
4. Broken in five pieces or more, shattered, or severely spalled

Residents who intend to repair or hire their own contractor to make repairs must meet the following criteria:

REPLACEMENT

1. All replacement work shall conform to City standards under provisions of Chapter 903 and 1343 of the Codified Ordinance.
2. Contractors must be registered and licensed through the City's Building Department.
3. The property owner must contact the Service Department in order to be removed from our replacement list.
4. The City must inspect forms and sub-base prior to placing concrete, and then re-inspect all finished work.

LEVELING

1. Sidewalk blocks may be leveled as long as they are in one whole piece.
2. Blocks broken during leveling must be replaced.
3. All leveling contractors must be registered and licensed through the City's Building Department.
4. No building permit is required for leveling; however, all sidewalks leveled will be inspected by the Service Department.

GRINDING

1. Sidewalks may be ground utilizing a concrete grinder provided that no edges are beveled or ramped. The contractor shall grind back a minimum of 18 inches (18") and a maximum necessary so that the transition from one block to the other is level and flat.
2. No more than 2 inches (2") of concrete is to be ground off from any sidewalk.
3. All sidewalks shall be ground smooth, no cutting or chipping permitted.
4. No building permit is required for grinding; however, all sidewalks ground will be inspected by the Service Department
5. Contractors who provide grinding services must be registered through the City's Building Department.

Replacement, leveling, and grinding, as described above, are the only acceptable methods of sidewalk repair. Patching and ramping with any type of material is not acceptable. Residents are encouraged to caulk and seal sidewalk joints for sidewalks that have been leveled, ground, or replaced.

For property owners who do not wish to complete the repairs themselves or with their own contractor, the City will perform the work and will invoice the property owner based on the contract cost per square foot.

If you have any questions or need additional information, please contact the Service Department at (440) 899-3419.

June 19, 2015

A Special Meeting of the Bay Village City Council will be held on **Monday, June 22, 2015**, immediately following the Committee session at 7:30 p.m., in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Pledge of Allegiance to the Flag/David L. Tadych, Councilman, Ward 1
2. Roll Call
3. Announcements/Audience/Miscellaneous

Mayor Sutherland

Announcement of the following re-appointments:

Jennifer Lesny Fleming to the Planning Commission for a 5-year term ending August 17, 2020;

Stewart Watterson to the Parks and Recreation Commission for a four year term ending June 30, 2019;

Diane Pavan to the Community Services Advisory Board for a three year term ending June 30, 2018.

4. Motion to approve the minutes of the Regular Meeting of Council held June 15, 2015***Lee***

5. Motion to approve the minutes of the Cahoon Memorial Park Trustees held June 15, 2015.***Lee***

6. 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***Vincent*** (Third Reading and Adoption) (Second Reading 6-15-15) (First Reading 6-1-15)

7. 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.)***Vincent*** (Third Reading and Adoption) (Second Reading 6-15-15) (First Reading 6-1-15)

8. 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.***Vincent***(Third Reading and Adoption) (Second Reading 6-15-15) (First Reading 6-1-15)

9. Ordinance 15-43 amending the Traffic Control Map and File of the City by enacting new handicap parking space, and declaring an emergency. ***Lieske*** (Second Reading) (First Reading 5-18-15)

Agenda
Special Meeting of Council
June 22, 2015

10. Ordinance amending Codified Ordinance Section 129.02 regarding Division of Police; Members, and declaring an emergency ***Tadych*** (First Reading)

11. Ordinance No. 15-51 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. ***Tadych***(Second Reading) (First Reading 6-15-15)

12. Resolution ordering the repair of the public sidewalks abutting certain premises in the City of Bay Village, and declaring an emergency***Tadych*** (First Reading and Adoption).

13. Motion authorizing the Mayor to enter into an agreement with the City of Avon Lake for the culling of deer in Walker Road Park in accordance with a permit to be issued by the Ohio Department of Natural Resources. ***Henderson***

14. Motion confirming the reappointment by Mayor Sutherland of Jennifer Lesny Fleming to the Planning Commission for a 5-year term ending August 17, 2020. ***Lieske***

15. Motion confirming the reappointment by Mayor Sutherland of Stewart Watterson to the Parks and Recreation Commission for a four year term ending June 30, 2019. ***Henderson***

16. Motion confirming the reappointment by Mayor Sutherland of Diane Pavan to the Community Services Advisory Board for a three year term ending June 30, 2018. ***Lee***

17. Adjournment

Charter Reference 2.11

Paul A. Koomar, President of Council

Agenda
Special Meeting of Council
June 22, 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 clause:

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

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

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

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:30 p.m.

June 15, 2015

Paul Koomar, President of Council, presiding

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel
Catherine Timko, Executive Director, Lake Erie Nature and Science Center

AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Conda Boyd, Charles Ramer of Northeast Ohio Public Energy Council (NOPEC), Randy Risch, Patrick McGannon, David Madigan, Susan Murnane, Claire Banasiak.

Mr. Koomar called the Regular Meeting of Council to order at 8:30 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Steve Lee, Councilman-at-large.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held June 8, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of June 8, 2015 as prepared and distributed. Motion carried 6-0 and 1 abstention by Mr. Vincent.

ANNOUNCEMENTS

Mayor Sutherland referred to a grant application to Northeast Ohio Areawide Coordinating Agency (NOACA) that was filed to improve accessibility of the east side of Cahoon Memorial Park to the west side of Cahoon Memorial Park. The grant, in the amount of \$40,000, was not received, but \$50,000 was received for technical assistance. There is no match to the grant, and the work will be done by NOACA in house in a 90-day period.

Also, they are still working on the Master Plan process, which will be good for a grant opportunity later this summer. Finance Director Mahoney and the Mayor, after discussing this with the Cuyahoga County Planning Commission would like to go forward on a community survey which would be an important component of setting the stage, at a cost of \$16,000 for printing and postage. The funding will be from monies saved on the renewal of the City's property damage and liability insurance. When the grant is available in August an application will be filed.

Mrs. Lieske asked if the community survey is something that will be happening, or is being discussed. Mayor Sutherland stated that it will happen, but they will work with the folks at the Cuyahoga County Planning Commission to develop that instrument. Mrs. Lieske noted that there is a meeting of the Planning Commission this Wednesday evening. The members of the Planning Commission have been very interested in a community survey, and Mrs. Lieske would

like to report back the timeline for conducting the survey. Mayor Sutherland stated that they will work on getting it all organized and in place this summer, to meld with the August grant application. They will reach out to the Planning Commission to see if there are specific questions they would like to include.

Mr. Tadych asked if the last survey done was for cable television. Mayor Sutherland stated that there was a survey done approximately three years ago, as well as a survey done in conjunction with the last Master Plan.

Mayor Sutherland announced that the City of Bay Village received third place ranking for safety from *The Cleveland Magazine*, which is a great tribute to Police Chief Spaetzel's leadership and his great staff. No. 12 ranking was received for Education, and No. 10 ranking for the City of Bay Village overall.

In relation to the technical assistance for Cahoon Memorial Park, Mr. Koomar stated that several years back it was necessary to remove the bridge. Mr. Koomar frequently receives many comments about the connection, due to the location of the pool. Mayor Sutherland stated that it will be part of the grant application to identify access points and connectivity to the lakefront under the Lake Road Bridge.

Catherine Timko – Lake Erie Nature and Science Center Presentation

President of Council Koomar introduced Catherine Timko, Executive Director of the Lake Erie Nature and Science Center.

Ms. Timko thanked the Mayor and Council for the opportunity to provide some updates about the Lake Erie Nature and Science Center. The Lake Erie Nature and Science Center is celebrating 70 years of being an institution, founded to educate children about nature and science. In addition to Bay Village, the Lake Erie Nature and Science Center is also serving ten communities in the area. They are open seven days a week, with free admission, due to an endowment and generous benefactors. While they are in Huntington Reservation, they do try to make sure people are aware that they are non-profit. They are independently funded and more than 50% of their budget is raised with grants and contributions. Another portion is with program fees and classes, and a grant from Cuyahoga Arts and Cultures. With all of this, they are able to provide services for 132,000 children and school students. They are the only facility in Cuyahoga County that provides wildlife rehabilitation.

In business for seventy years, the Lake Erie Nature and Science Center is in the middle of their largest transformations in three phases. They have undertaken capital renovations and endowment building as a result of a \$4 million campaign. In 2012 they updated and improved their Wildlife Rehabilitation Facility, which is the basement of the center. They receive about 4000 telephone calls and admit over 1300 animals every year for care, with the goal to release them. The main point is to educate people about wildlife.

Minutes of Regular Meeting
Bay Village City Council
June 15, 2015

In the second phase of their renovations, they completely transformed their planetarium, completed in 2014. They have been able to triple their program offering at the planetarium, ranging from \$3.00 to \$5.00 per person, a well-loved program by children of all ages. The program brings all of the abstract ideas of space to a reality that children can understand.

The third phase will begin with the Board approving a budget this month to improve the Geo-thermal system which is 17 years old, and upgrade some of the public areas. They partnership with Bay Village Schools as well, who also have a Geo-thermal system. The school system has been very integral to helping with development of the programs presented to the public, making sure that they reach all of the high standards the schools require. The third phase will be completed by the end of June of 2016, with new carpet, wall furnishings, and an improved public area for visitors to enjoy.

Pre-school programs are also held at the Lake Erie Nature and Science Center. Wonderful access to Lake Erie is provided through the Cahoon Memorial Park, providing the children a good understanding of how the entire Eco System operates. This is made possible through field trips, Scout programs, and the pre-school programs. Consultation with Clint Keener, Superintendent of Schools, has led to the formation of a partnership with Cuyahoga Community College. For the first time the Lake Erie Nature and Science Center has started offering college courses through the planetarium, through Astronomy 101, allowing high school students to get post-secondary education option credits.

The Lake Erie Nature and Science Center has 22 full time equivalent employees, many of whom are Bay Village residents. Ms. Timko encouraged everyone to visit the Center.

Mr. Koomar asked Ms. Timko to speak further on their basement facilities and how the injured animals taken in are cared for and rehabilitated. Ms. Timko stated that their Wildlife Rehabilitation Facility is the only one in Cuyahoga County. They encourage calls from residents who have questions about wildlife. Their primary goal is to provide information about wildlife, receiving about 4,000 telephone calls a year. In the facility they care for ill or injured wildlife. They encourage people to call if they see an injured animal that may need help. They want to make sure the person remains safe while they are trying to help the animal. They do not go out and rescue animals and are thankful that local municipalities will refer calls to them. Special permits have been obtained through the U.S. Fish and Wildlife Department, the Ohio Department of Natural Resources, the Cuyahoga County Board of Health, and the United States Department of Agriculture to allow them to rehabilitate wildlife. The staff is certified through the International Wildlife Rehabilitation Council. Animals that cannot be released become ambassadors through part of the exhibits and educational programs for school children. They also share the animals that cannot be released with the Museum of Natural History, the Cleveland Zoo, and other facilities.

Mr. Koomar asked Ms. Timko to highlight the planetarium and the technological improvements that have been made. Ms. Timko stated that one year ago this week they reopened the planetarium. It was originally built in 1968 and the transformation installed an all-new production system, with two projectors. One is called an optical-mechanical, displaying the stars

on a dome. The new digital projector displays moving, three dimensional images on a full dome. They can literally take people to see the space station, to roam on Mars, and all the way through the galaxy. They teach a range of space science, astronomy and physics courses with the new planetarium with field trips from all over the region as well as many other counties. The planetarium offers shows daily, with programs from preschooler age through to adults who have a deeper interest in space. There are only 13 organizations in the country that have both kind of projectors.

Ms. Timko was thanked for her presentation this evening.

Law Director Ebert stated that the Village Bicycle Co-op Lease Extension will be held pending discussion regarding the amount of space being used. The lease continues month-to-month until Council decides what to do. Mayor Sutherland stated that the administration had decided that they are going to take a look at the Community House and look at how some of the groups are using it and how they are storing club things there. They have a letter that they are getting ready to send out to let them know that they will be inspecting the building. They will get back to Council to report their findings.

Finance Director Mahoney had no report this evening.

On behalf of **Community Services Director Selig**, Mayor Sutherland reported that the 90 years and older luncheon was held on Friday, June 12, 2015 at the Dwyer Memorial Center. There were 27 in attendance with the oldest participant 97 years old.

Police Chief Spaetzel stated that Benjamin Kitchen will be sworn in as a Bay Village Police Officer on June 22, 2015 and subsequently begin the field training program. It will take approximately five months before he is on the road. Mr. Kitchen has received his Ohio Police Officers Training Academy (OPOTA) certification and is currently a part-time police officer in Vermillion, Ohio.

Nancy Brown, Wolf Road, addressed the Mayor and Council to advise that the Friends of the Bay Village Kennel spent 18 man-hours on Saturday, June 13, 2015 cleaning and sanitizing the Bay Village Kennel. They scrubbed, sanitized, and power-washed the walls on the inside. It is now available and functional for emergencies. The six people that accomplished this task worked with Mr. Landers, and the Police Department. The Fire Department donated a smoke fire alarm which is now up and running. They tragically had to dispose of many items that were nasty from the rodents that were in the building. However, they had multiple businesses, residents and their benefactor provide them with things for replacement and replenishment. Since the kennel was in such poor condition from their last visit a year ago, they have suggested to Chief Spaetzel that they would like to clean it again in October, and do the cleaning on a six-month cycle. Don Landers will look at the door to put a larger plate on the door to save the door and eliminate access for the rodents.

Mr. Koomar thanked the Friends of the Kennel for their hard work, and asked if there is anything that was donated of a sizeable nature of which the Council should be aware. Ms. Brown stated

Minutes of Regular Meeting
Bay Village City Council
June 15, 2015

that they had to dispose of the refrigerator, at the directive of the Fire Department. Rodents had nested in it and eaten the insulation and started to eat the electrical cords. They will put the need out and hopefully it will be replaced.

Conda Boyd, East Oakland, stated that she appreciates the fact that the administration is doing due diligence on the microphone project. They appreciate the administration sharing the formal request for proposal with the League of Women Voters who have promised to fund the majority of the project. Ms. Boyd asked if the administration has a written Request for Proposals. Mrs. Mahoney and Mayor Sutherland stated that they do not. Ms. Boyd asked how they are comparing apples to apples.

Mrs. Mahoney stated that they have one quote and will go out for a couple of other companies. You can pretty much tell what the product is going to be in the end, and she does not know if you need an RFP.

Ms. Boyd stated that since the League is the major donor they would like to understand the scope of the project. Is it including the upstairs room and the Council Chambers? The Mayor stated that the conference room is not being microphoned. The Council Chambers is, and they also had them take a look at the Dwyer Memorial Center which is over and above the scope of whatever was discussed with the League.

Mr. Koomar stated that when the microphone project was discussed in the conference room the Mayor was agreeable to it as long as the microphone could be removed or turned off. Mr. Koomar stated that he understands that the Mayor does not want the microphone during the week, but he thinks there is an option there for that. The Mayor stated that there may be.

Ms. Boyd stated that the League of Women Voters, when they initially talked about the donation, the understanding was that the scope of the project would include the committee room upstairs and this Council Chambers, and it would include the software and the capability for Joan, or whoever is the next Clerk of Council, to do the transcription of the minutes. Those things need to be included in the scope.

Mr. Koomar stated that the conference room is used during the week for other meetings and we had to make sure what could be plugged in to pick up committee minutes and commission minutes could be removed for internal meetings of sensitive matters. That is very important.

Mrs. Mahoney asked if the goal of the league is to get a clear audio recording on the web site. What is the end goal? Ms. Boyd stated that the end goal is transparency for the public and involvement of the public by putting it on the web site. If I can't make a meeting I can listen to it. A piece of that is Joan does wonderful minutes, she is unparalleled in creating minutes. She will not live forever, nor will I, nor will Steve Lee, but we want to have something in place that will allow the next person to create the excellent minutes Joan does. The software and the capability to turn those recordings into minutes is equally important. Ms. Boyd stated that if Dwyer Memorial Center is included, the League would certainly be interested to have that ability

to use recordings for candidate night. The League would be interested in holding Candidate Night there and also use the recordings.

Ms. Boyd stated that all know how near and dear the Planning Commission is to her heart, and she is thrilled to hear that Cuyahoga County might help us with a Master Plan. She is ecstatic to think we might have a new survey done. That data is just critical to understanding what the future of the City is. The County people are well qualified to help put a survey together. It is important for members of the Planning Commission to review that survey and to have input into that survey before it goes out.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Lee had no further report this evening.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark introduced **Resolution No. 15-50** 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, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 15-45.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Clark, 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. 15-50, an emergency measure, by a vote of 7-0.

Mr. Clark introduced and read **Ordinance No. 15-51** 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. Mr. Clark commented that this ordinance was discussed in the Committee meeting of Council this evening. The concept of

civilian dispatch has been discussed for about 18 months. The thought is to implement this in a relatively cost neutral situation to the City.

Ordinance No. 15-51 was placed on First Reading.

Mr. Clark introduced and read **Ordinance No. 15-52** 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, and moved for adoption. Mr. Clark noted that none of these amendments to the appropriation ordinance will be an additional cost to the City.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 15-52

Roll Call on Suspension of the Charter Rules:

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

Roll Call on Suspension of the 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. 15-52, an emergency measure, by a vote of 7-0.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske introduced and read **Ordinance No. 15-53** extending the moratorium on the development under Chapter 1158 Attached Residences in the City of Bay Village, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 15-53.

Roll Call on Suspension of the Charter Rules:

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

Roll Call on Suspension of the Council Rules:

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

Roll Call on Use of the Emergency Clause:

Minutes of Regular Meeting
Bay Village City Council
June 15, 2015

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. 15-53, an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson had no further report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent read, by title only, **Ordinance No. 15-47**, amending by reading a minor typographical error in two places in Section 2, 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.

Ordinance No. 15-47 was placed on second reading.

Mr. Vincent read, by title only, **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.

Ordinance No. 15-48 was placed on second reading.

Mr. Vincent read **Ordinance No. 15-49**, by title only, 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.

Ordinance No. 15-49 was placed on second reading.

MISCELLANEOUS

There being no further business to discuss, the meeting adjourned at 9:15 p.m.

Minutes of Regular Meeting
Bay Village City Council
June 15, 2015

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

June 15, 2015

President of Council Koomar called the meeting to order at 9:15 p.m. in the Council Chambers of Bay Village City Hall.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel

AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Charles Ramer of Northeast Ohio Public Energy Council (NOPEC), Randy Risch, Patrick McGannon, David Madigan, Conda Boyd, Susan Murnane, Claire Banasiak.

Primitive Camp Site Proposal for Cahoon Memorial Park

Mr. Henderson advised that on May 18, 2015, an idea was sent to the Cahoon Memorial Park Trustees, followed by documentation handed out at that time, proposing that there be primitive tent-only sites in the valley of Cahoon Creek, one fire ring, stakes to mark locations, perhaps include permits, recommending that there be no trash cans, boy scouts to keep the sites clean, the Cahoon Soccer Field bathrooms be used, and water to be obtained from the soccer fields. Bay Village residents would use these sites, as well as guests sponsored by any resident or organization. The recommended that brochures to highlight Bay businesses be included. They also gave the trustees several maps with the recommended locations and other materials to consider. Subsequently, Law Director Ebert provided Council with quite a bit of information that he will introduce this evening.

Mr. Ebert noted the challenges faced with requests for the use of Cahoon Memorial Park such as the one being presented. Many of those challenges are presented by residents who are concerned with the historical nature of this area of Cahoon Memorial Park. Mr. Ebert indicated in a memorandum of May, 2015, that in 1975 the area that is under consideration was designated an historical area by ordinance. That area was expanded upon when the Skate Park proposal came forward. There was a potential challenge by Joseph Diemert and Associates about the construction of the Skate Park in the area. A rough draft of the settlement of that case was provided by Mr. Ebert to the trustees. The trustees paid \$4,500 for a survey to encompass the area that was of concern, the Rose Hill Museum, the Community House, the cabin below that area, and to take out areas such as the RTA turn-around that was there. A copy of a map designating the historical area was provided to the trustees. The historical area is to be passive in nature.

Minutes of a Meeting of
Cahoon Memorial Park Trustees
June 15, 2015

Mr. Ebert also indicated that the proposal for the camping pertains to an area that would encompass the historical area. The Police Chief has advised that vehicles could not get down to the area in the event of an emergency. Additionally, the area would not be visible from the roadway. A proposal for a picnic table in that area was turned down by the trustees previously to prevent accumulation of food and debris that would attract rodents.

There is also the question of whether the use for primitive camping would be an insurable interest with our insurer. Users of the park for all the occasions mentioned cannot be identified to make sure of insurable interest. Our insurance company would need to provide an opinion as to this use.

For all those reasons, it is the recommendation of the Law Director not to grant this use based on the insurance requirements, the type of facilities in the valley, the Police and Fire Departments having problems getting access to the area in the event there is an issue and the safety of the people using the valley since it is hidden below the grade of the roadway.

Mr. Koomar called for any questions from the trustees. Mr. Koomar noted that when the Skate Park was constructed, it was the clear intent to make the area in question this evening an historical area, passive in nature. Discussion followed about the difficulty to keep the bathrooms near the soccer fields open in the evening, subjecting them to potential vandalism.

Mr. Vincent asked how long it takes to find out about the insurable interest. Mr. Ebert stated that it would not take that long, but it is just one of many challenges.

Mr. Ebert noted that the intent of Cahoon Memorial Park is for Bay residents or friends. When there are organized activities, such as those sponsored by the Bay Soccer Club, the use is by invitation only by the Soccer Club. Other activities that are attended by non-residents are by invitation of residents. Mr. Ebert noted that he has received opinions of the Attorney General regarding use of the park. Mr. Vincent asked if Mr. Ebert would provide that Attorney General's opinion to the trustees.

Mr. Henderson asked how the disc golf activity that was recently added to the area of the park differs as a permitted activity considering the fact that it is conducted in this historical area of the park. Mr. Ebert stated that the disc golf activity is passive in nature. He noted that he was concerned also about permitting the disc golf activity in that area. Mr. Koomar stated that it was the concept of open green space being used by young people for this type of sport in an unorganized fashion.

Mr. Tadych asked if the map distributed by Mr. Ebert from 1982 is the current historical section of Cahoon Memorial Park. Mr. Ebert responded affirmatively. The map of 1975 did not identify the historical area.

Mr. Henderson stated that in his mind this proposal has two halves. There is the proposal for the Boy Scouts to use the area, and the other is the guests of the Village Bicycle Cooperative. Mr. Henderson stated he is curious whether the issuance of permits would address the concern of the second set of users. Mr. Ebert questioned how permits would be issued for those riding through

Minutes of a Meeting of
Cahoon Memorial Park Trustees
June 15, 2015

the City from various locations. Mr. Henderson asked if there is a process if the Boy Scouts wanted to obtain a permit for a singular one-time use for camping. Mr. Koomar stated it would be the same type of permission that is granted for the Girl Scouts when they use the Community House. It is limited use for one night, supervised, with insurance.

Mr. Koomar noted that in reviewing the proposal there is enough room for 18 people to camp. If they were to stay all night on a Saturday night into a Sunday, it might cause others to ask for Sunday use of the park as well for an organized activity.

Mr. Tadych stated that the alcohol issue is another issue that was not discussed.

Mr. Ebert reiterated his previous recommendation that this proposal for primitive camping not be approved by the trustees, in consideration of the potential risks.

Mr. Henderson asked Mr. Koomar if he would like to refer this to a subcommittee of Council, noting that he would be willing to work on the issue further. Mr. Koomar stated that it is more of a trustee issue than a subcommittee issue. He would like to allow the trustees another week to ponder the information presented this evening.

Mr. Lee asked Mr. McGannon if they have approached the MetroParks for the use of Huntington Beach for this activity. He noted that it may be a more appropriate location.

Mr. Clark stated that the nature of the activity with over-night hours may present challenges that are inhibitors to granting this activity. He noted the importance of the insurance factor. He stated that the four or five elements might be curative, but adding the entirety of the context it seems to put the City at risk legally.

Mrs. Lieske asked Mr. Ebert if there have been specific requests from the Boy Scouts for a singular camping event in Cahoon Memorial Park. Mr. Ebert stated that he has not received a request recently.

The information will be reviewed further by the trustees and discussed again on June 22, 2015.

There being no further business to discuss, the meeting adjourned at 9:30 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO. 15-47
INTRODUCED BY: Mr. Vincent

First Reading June 1, 2015
Second Reading June 15, 2015

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 are 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 June 1, 2015
Second Reading June 15, 2015

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

ORDINANCE NO. 15-49
INTRODUCED BY: Mr. Vincent

First Reading – June 1, 2015
Second Reading – June 15, 2015

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

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 129.02 REGARDING
DIVISION OF POLICE; MEMBERS,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Section 129.02 which presently reads as follows:

129.02 MEMBERS.

- (a) The Division of Police shall consist of:
- (1) One Chief of Police;
 - (2) Not more than three Lieutenants of Police, reduced to not more than two Lieutenants of Police as of October 1, 2015;
 - (3) Not more than four Sergeants of Police;
 - (4) Not more than sixteen police officers;
 - (5) Not more than seven deputy police officers.

(b) A police officer shall, during his first two years of employment as such, be designated "police officer-second class", and shall, upon expiration of such two years, become and be designated "police officer-first class".

(c) A part-time section of the Division of Police shall consist of not more than seven deputy police officers. (Ord. 85-23. Passed 12-2-85.)

(d) The Chief of Police may appoint not more than three members from the ranks to act as Detectives of Police. (Ord. 99-32. Passed 4-19-99.)

(e) Whenever an anticipated vacancy or vacancies occur in the ranks of Chief of Police, Lieutenants or Sergeants of Police or police officers, the authorized number of members designated in subsection (a) hereof shall be increased by the number of such anticipated vacancies for only so long as such vacancy or vacancies continue. It is the intent of this subsection to provide for a temporary increase in complement of the Division in order that a new member begin training in anticipation of a vacancy in the Division, at which time the complement shall revert back to the number provided for under subsection (a) hereof. (Ord. 88-49. Passed 4-18-88.)

be and the same is amended to read:

129.02 MEMBERS.

- (a) The Division of Police shall consist of:
- (1) One Chief of Police;
 - (2) Not more than two Lieutenants of Police,**
 - (3) Not more than four Sergeants of Police;
 - (4) Not more than sixteen police officers;
 - (5) Not more than seven deputy police officers;

MAYOR

6-18-15 11

ORDINANCE NO.:
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 129.02 REGARDING
DIVISION OF POLICE; MEMBERS,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Section 129.02 which presently reads as follows:

129.02 MEMBERS.

- (a) The Division of Police shall consist of:
- (1) One Chief of Police;
 - (2) Not more than three Lieutenants of Police, reduced to not more than two Lieutenants of Police as of October 1, 2015;
 - (3) Not more than four Sergeants of Police;
 - (4) Not more than sixteen police officers;
 - (5) Not more than seven deputy police officers.

(b) A police officer shall, during his first two years of employment as such, be designated "police officer-second class", and shall, upon expiration of such two years, become and be designated "police officer-first class".

(c) A part-time section of the Division of Police shall consist of not more than seven deputy police officers. (Ord. 85-23. Passed 12-2-85.)

(d) The Chief of Police may appoint not more than three members from the ranks to act as Detectives of Police. (Ord. 99-32. Passed 4-19-99.)

(e) Whenever an anticipated vacancy or vacancies occur in the ranks of Chief of Police, Lieutenants or Sergeants of Police or police officers, the authorized number of members designated in subsection (a) hereof shall be increased by the number of such anticipated vacancies for only so long as such vacancy or vacancies continue. It is the intent of this subsection to provide for a temporary increase in complement of the Division in order that a new member begin training in anticipation of a vacancy in the Division, at which time the complement shall revert back to the number provided for under subsection (a) hereof. (Ord. 88-49. Passed 4-18-88.)

be and the same is amended to read:

129.02 MEMBERS.

- (a) The Division of Police shall consist of:
- (1) One Chief of Police;
 - (2) **Not more than two Lieutenants of Police,**
 - (3) Not more than four Sergeants of Police;
 - (4) Not more than sixteen police officers;
 - (5) Not more than seven deputy police officers;

- (6) Not more than two full-time and nine part-time dispatchers;
- (7) The hiring of the twenty-third police officer shall be contingent upon Council's prior approval by motion of the funding thereof.

(b) The Chief of Police may appoint not more than three members from the ranks to act as Detectives of Police. (Ord. 99-32. Passed 4-19-99.)

(c) Whenever an anticipated vacancy or vacancies occur in the ranks of Chief of Police, Lieutenants or Sergeants of Police or police officers, the authorized number of members designated in subsection (a) hereof shall be increased by the number of such anticipated vacancies for only so long as such vacancy or vacancies continue. It is the intent of this subsection to provide for a temporary increase in complement of the Division in order that a new member begin training in anticipation of a vacancy in the Division, at which time the complement shall revert back to the number provided for under subsection (a) hereof. (Ord. 88-49. Passed 4-18-88.)

and present Section 129.02 is hereby repealed.

SECTION 2. 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 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 for the daily operation of the Finance Department, 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

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
---------------------	---------	---------

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

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ORDERING THE REPAIR OF THE PUBLIC SIDEWALKS
ABUTTING CERTAIN PREMISES IN THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY.

WHEREAS, an inspection of certain sidewalks in the City of Bay Village has shown that those sidewalks are in need of repair and are an obstruction to pedestrian traffic;

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

SECTION 1. That the public sidewalks abutting certain premises are listed below are determined to be in need of repair and to be an obstruction and hazard to safe pedestrian traffic:

<u>ADDRESS</u>	<u>STREET</u>	<u>PARCEL NO.</u>
468	Bradley Road	201-22-004
514	Bradley Road	201-22-005
558	Bradley Road	201-24-011
562	Bradley Road	201-24-006
576	Bradley Road	201-26-001
bridge	Bradley Road	
600	Bradley Road	201-26-060
606	Bradley Road	201-26-011
618	Bradley Road	201-26-013
30850	Perry Drive	201-24-013
30900	Clinton Drive	201-24-016
30901	Clinton Drive	201-24-040
31000	Clinton Drive	201-24-022
577	Brooke Lane	201-26-047
579	Brooke Lane	201-26-017
603	Brooke Lane	201-26-018
608	Brooke Lane	201-26-026
622	Brooke Lane	201-26-027
623	Brooke Lane	201-26-021
626	Brooke Lane	201-26-015
627	Brooke Lane	201-26-022
636	Brooke Lane	201-26-056
633	Walmar Drive	201-26-036

625	Walmar Drive	201-26-035
624	Walmar Drive	201-26-044
621	Walmar Drive	201-26-034
620	Walmar Drive	201-26-043
577	Walmar Drive	201-26-031
565	Walmar Drive	201-24-034
515	Walmar Drive	201-24-025
505	Walmar Drive	201-24-026
497	Walmar Drive	201-22-021
31301	Aldrich Drive	201-23-049
485	Walmar Drive	201-22-018
31301	Tuttle Drive	201-23-026
31200	Marvis Drive	201-24-027
31300	Marvis Drive	201-25-009
31343	Marvis Drive	201-25-033
31350	Marvis Drive	201-25-012
31355	Marvis Drive	20125032
31360	Marvis Drive	201-25-013
543	Marvis Drive	201-25-030
564	Marvis Drive	201-25-026
31182	Roberta Drive	201-26-038
31183	Roberta Drive	201-26-041
31211	Roberta Drive	201-27-011
31230	Roberta Drive	201-27-003
31250	Roberta Drive	201-27-004
31251	Roberta Drive	201-27-013
31414	Roberta Drive	201-27-008
31415	Roberta Drive	201-27-017
31477	Roberta Drive	201-27-019
31551	Roberta Drive	201-27-023
31150	Kimerly Drive	201-24-030
31155	Kimerly Drive	201-24-033
31185	Kimerly Drive	201-24-032
31205	Kimerly Drive	201-25-004
31240	Kimerly Drive	201-25-037
31245	Kimerly Drive	201-25-049
31260	Kimerly Drive	201-25-038
31265	Kimerly Drive	201-25-048
31285	Kimerly Drive	201-25-047
31300	Kimerly Drive	201-25-040

31325	Kimerly Drive	201-25-046
31350	Kimerly Drive	201-25-042
31401	Marvis Drive	201-25-031
508	Kimerly Ct.	201-25-014
540	Kimerly Ct.	201-25-018
542	Kimerly Ct.	201-25-019
31304	Aldrich Drive	201-23-028
31308	Aldrich Drive	201-23-047
31323	Aldrich Drive	201-23-045
31409	Aldrich Drive	201-23-043
31509	Aldrich Drive	201-23-040
31414	Aldrich Drive	201-23-034
472	Lane Drive	201-23-014
481	Lane Drive	201-23-036
488	Lane Drive	201-23-038
31406	Tuttle Drive	201-23-007
31095	Wolf Road	201-22-026
31109	Wolf Road	201-22-028
31131	Wolf Road	201-22-009
373	Pellett Drive	201-18-029
394	Pellett Drive	201-18-018
419	Pellett Drive	201-20-009
424	Pellett Drive	201-20-024
432	Pellett Drive	201-20-022
443	Pellett Drive	201-20-015
31022	Clarewood Drive	201-18-039
380	Powell Drive	201-18-035
386	Powell Drive	201-18-024
423	Powell Drive	201-20-027
427	Powell Drive	201-20-028
431	Powell Drive	201-21-029
436	Powell Drive	201-20-039
447	Powell Drive	201-20-032
451	Powell Drive	201-20-033

SECTION 2. That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, the Clerk of Council is hereby directed to serve notice by certified mail upon the owner of said premises ordering the repair of said sidewalk and the removal of said obstruction and hazard.

SECTION 3. That if the owner of said premises fails to comply with such notice to repair the sidewalk within 30 days of the delivery of said notice, the Director of Public Service and Properties shall cause the sidewalk to be repaired and the expenses and labor costs incurred in the making of repair will be entered upon the tax duplicate as a lien upon such land pursuant to C.O. Section 543.01.

SECTION 4. 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 5. 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 have said sidewalk repaired to protect pedestrian traffic, 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

6/17/15 II