

CITY OF BAY VILLAGE

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

September 21, 2015

Paul Koomar, President of Council, presiding

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Public Safety/Service Director Thomas, Recreation Director Enovitch

AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Denny Wendell, Nancy Trainer, Lydia DeGeorge, Dick Majewski, Pam Cottam, Michelle Kraft, Carol Gonzalez, Charles Ramer, Bernadette Novy Enochian, Don and Denise Zwilling, Joe Hochman, Warren Remein.

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 David L. Tadych, Councilman of Ward 1.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held September 14, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of September 14, as prepared and distributed. Motion carried 7-0. Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees meeting of September 14, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of September 14, as prepared and distributed. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Sutherland gave kudos to the Police Department, Don Landers of the Service Department, First Energy Corporation, and John Cheatham of SAFEbuilt, Inc. There was a power outage on Saturday, September 19, 2015, due to a tree that came down. Everyone worked together beautifully and at 6 p.m. there was one family that was still without power. First Energy could not bring them back up until an inspection was performed. Don Landers called John Cheatham, and John Cheatham came in specifically on Saturday night to make sure those people didn't have to be without power all weekend.

Mayor Sutherland further announced that Service Director Scott Thomas and Bob Greytak, Consulting Engineer, will be hosting a neighborhood meeting for the Bruce/Russell/Douglas area on Thursday evening, September 24, 2015, at 7 p.m. at the Dwyer Memorial Center to update residents about what is going on with that project, and talk about the results of modeling. Mr. Koomar verified that this meeting will include the Lake Road residents from Glen Park to Cahoon Creek.

Mayor Sutherland stated that the microphone project will include wiring of the conference room. There will be two microphones in the room that will come in and out with the Clerk of Council.

Everything else is set up with the vendor, JAVS, and the City is prepared to go ahead. Councilman Vincent is happy with the solution. Mr. Tadych asked if the microphones can also be used for Committee meetings. The Mayor stated that they can be used but they will travel with the Clerk of Council.

Mr. Charles Ramer, Northeast Ohio Public Energy Council (NOPEC)

Natural Gas Aggregation – Explanation of Process and Questions and Answers

Mr. Ramer stated that the work prepared by the City of Bay Village for natural gas aggregation with NOPEC has been filed with the Public Utilities Commission of Ohio. Two weeks ago, 4,200 opt-out letters were mailed to City of Bay Village residents. This represents 70% of the households in the City. If an opt-out letter was not received from NOPEC, it was because of one of three reasons: they already had a contract with an existing supplier; or, they may have been delinquent on their account; or, they are in a percentage of income program. NOPEC has been able to negotiate the price of 39.9 cents, which is good until the end of the year. In comparison to all of the other offers available on the PUCO website, this offer is better than all of four. Those four may be introductory prices which ratchet up over time. An additional option listed in the opt-out letter is the variable price, which is .2 cents off from what you would get from the utility directly.

On September 29, 2015, the deadline will be reached for the opportunity to opt-out. If residents want to participate in the NOPEC action all that is necessary is that they take no action. They will automatically be enrolled in the NOPEC gas aggregation program. A confirmation will be sent by Columbia Gas Company the first week of October to remind residents that they are in the program, with another opportunity to opt-out.

Mr. Ramer stated that the fixed price, for which no action is needed to be in the program, is about 6% less than the standard choice price on the market. Although small, it is a savings to the residents and they are assured that the price will always be competitive. There will be no need to worry about other offers that may come in the mail. Mr. Koomar noted that many people are going door-to-door from providers offering introductory offers working off of gas bills to demonstrate savings. What a resident should do if they want to consider some other type of introductory offer is compare that to NOPEC's .39 cent price.

Mr. Ramer noted that the NOPEC program has no fees associated with termination.

Mr. Tadych stated that a resident called and asked how to switch from an existing aggregation program to the NOPEC program. Mr. Ramer stated that the resident can call him directly, or the service number on the NOPEC letter. The resident will be instructed to cancel their existing contract by calling the phone number on their bill. Once they cancel that contract they will automatically become part of standard choice. The next month they will receive a letter from

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NOPEC and be automatically entered into the NOPEC program, unless they choose to opt out. This procedure can be followed at any time.

Mr. Ramer stated that the average cost of natural gas for a Bay Village home is about \$800 per year. The savings by being part of the NOPEC program will be approximately \$50.00 per year.

Glen Bender, Clague Road, asked if budget customers will be in the NOPEC program. Mr. Ramer stated that budget customers will still have the same relationship with Columbia Gas. The budget billing still remains.

Mike Paladino, Lake Forest Drive, asked if services with Columbia Gas will be the same. Mr. Ramer stated that all services remain the same. NOPEC delivers the gas to the city gate. Columbia Gas distributes it to the homes. Seventy-five percent of the natural gas is obtained from within Ohio.

Mr. Lee stated that he believes it is a great program, eliminating some of the abuses he has seen occur with some of the other suppliers, especially taking advantage of some of the senior citizens. He noted that Option 1 states that it continues until March of 2016. Mr. Ramer stated that they are obligated by the Public Utilities Commission of Ohio (PUCO) every two years to mail a letter to all 300,000 customers to remind them that they are participating in a NOPEC natural gas aggregation program. In March of 2016, another letter will be sent to customers, stating the price and the options. Every two years thereafter, another letter will be received in the mail.

Mr. Lee asked for details concerning the My NOPEC program. Mr. Ramer stated that on their website, NOPEC.org, there is something called My NOPEC. My NOPEC is where you can get on line and compare your natural gas consumption to your neighbors to determine whether or not you are leading an energy efficient lifestyle. You can also shop at the online store for energy savings products such as programmable thermostats. Smart Phone programming will also be available for turning on and off lights, and syncing with security systems.

A resident asked if there will be sales tax added to the price quoted. Mr. Ramer stated that the price quoted is the total price for consumption. That is one portion of the bill; the other part is distribution which will have sales tax. During the summer the consumption is a small portion of the total bill; during the winter it is 80%.

Mr. Ramer was thanked for his appearance this evening.

Director of Law Ebert had no report this evening.

Finance Director Mahoney reported that property owners have until September 30, 2015 to file an appeal to either increase or decrease the new assessed value of their property.

Recreation Director Enovitch stated that the Recreation Department has closed the swimming pool and transitioned to the fall programs. The football season for Bay Recreation kicks off this Saturday morning, September 26 at 10 a.m. with the third and fourth grade teams playing at Bay High School.

Director of Public Service and Safety Thomas had no report this evening.

In regard to the **Community Services Department**, Mayor Sutherland advised that long-time employee Ann Orin will be retiring at the end of November.

COMMUNICATIONS

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

The Annual Report for the City of Bay Village Tree Commission for the year ending December 31, 2014.

Notice dated September 10, 2015 from the Cuyahoga County Board of Elections regarding legislative changes recently enacted by the Ohio General Assembly.

Emails from Greg Ernst, Chairman of the Architectural Board of Review, and Jeff Foster of the Planning Commission, regarding Chapter 1158 were passed on to Councilwoman Lieske for her committee's review.

AUDIENCE COMMENTS

Lydia DeGeorge, West Oakland Road, stated that she was at last week's meeting and listened to the recording three times. What was said this evening about the sculpture and what was said last week are different stories. Ms. DeGeorge said she is upset by this because it is indicative of how we get around things. She does not know which version is true, but certainly hopes because in either version procedure was bypassed Council holds somebody accountable for what happens with that sculpture.

Joe Hochman, Glen Park Drive, stated that he talked to Council last week regarding an issue with his property. He has put everything in writing and submitted a copy to Council to be incorporated into the minutes. (Copy of letter from Joe Hochman to Bay Village City Council dated September 21, 2015 attached, as if fully rewritten herein.)

Mr. Koomar asked Service/Safety Director Thomas to share this letter with Mr. Bob Greytak, consulting engineer, from CT Consultants. Mr. Koomar will also make the copy of this letter

available to any other interested party. He stated that the engineer will guide the Council on this matter.

Pam Cottam stated that someone actually put the sculpture in and put the concrete around it. She asked if someone has talked to those gentleman. Service Director Thomas stated he has had a short conversation and is still backtracking to see exactly how that happened, and how, more importantly, the Mayor and he did not know about it. Once he finds that answer he will give it to Mrs. Cottam.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-

Mr. Vincent introduced and read **ORDINANCE NO. 15-67** approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Bay Village, Ohio, to approve, adopt and enact new matter in the Traffic, General Offenses, and Fire Codes, 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. 15-67, an emergency measure, by a vote of 7-0.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Lee read **Ordinance 15-63**, as amended by reading to correct a typographical error changing the word “side” to “sign” in Section 1, amending The Traffic Control Map and File of the City by enacting Two “No Parking” signs, 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. 15-63.

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. 15-63, an emergency measure, by a vote of 7-0.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark introduced and read **Ordinance No. 15-64**, as amended to sunset Line 9 on October 31, 2015, amending Section 1 of Ordinance No. 15-51 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, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 15-64.

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:

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. 15-64, an emergency measure, by a vote of 7-0.

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Mr. Clark introduced and read **Resolution No. 15-68** authorizing the Director of Finance to request tax advancements before settlement dates for the Fiscal Year 2016, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-68.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Resolution No. 15-68, an emergency measure, by a vote of 7-0.

Mr. Clark introduced and read **Ordinance No. 15-69**, amending by reading to correct zip code to 44140, authorizing the Mayor to enter into an extension of the lease agreement with Village Bicycle Cooperative for the real estate located at 303 Cahoon Road and declaring an emergency, and moved for adoption. Mr. Clark welcomed the participants and volunteers from the Village Bike Co-op present at the Council meeting this evening, and thanked them for the excellent work that they do at the Bike Co-op.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 15-69.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-69, an emergency measure, by a vote of 7-0.

Mr. Clark introduced and read **Resolution No. 15-70** accepting donation for the City of Bay Village Recreation Department, and declaring an emergency. Mr. Clark stated that subject to the Service Department making sure that the installation of the sculpture is appropriate and doesn't risk any public harm, he moved for adoption. Mr. Koomar confirmed with Service/Safety Director Thomas that he would get back with Council regarding the process.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-70.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

Yeas–Tadych, Vincent, Clark, Koomar, Lee

Nays–Henderson, Lieske

Mr. Koomar announced adoption of Resolution No. 15-60, an emergency measure, by a vote of 5-2.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

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.

There being no further business to discuss, the meeting adjourned at 9:10 p.m.

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Paul Koomar, President of Council

Joan Kemper, Clerk of Council