

AGENDA

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

October 12, 2015
7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Mutual Aid Statistics

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

FINANCE & CLAIMS COMMITTEE – Clark

2016 Budget Discussion

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Request for approval of 2016 Bay Days:

Set up – Tuesday, June 28, Wednesday, June 29

Event - Thursday, June 30, Friday, July 1, Saturday, July 2, Monday, July 4

Fireworks: Monday, July 4 Rain Date for Fireworks: Tuesday, July 5

October 9, 2015

A Special Meeting of the Bay Village City Council will be held on **Monday, October 12, 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/Councilwoman Karen Lieske, Ward 3
2. Roll Call
3. Announcements/Audience/Miscellaneous
4. **Motion** to approve the minutes of the Regular Meeting of Council held October 5, 2015.***Clark***
5. **Motion** to approve the minutes of the Cahoon Memorial Park Trustees meeting held October 5, 2015.***Clark***
6. **Motion** to convene to Executive Session regarding Personnel: Labor Contracts for all Bay Village Bargaining Units.***Clark***
7. Adjournment

Fire Department

Aid Responses by Department (Summary)

Alarm Date Between {01/01/2015} And {08/31/2015}

Type of Aid	Count	Type of Aid	Count
D Avon Fire Department			
Mutual aid received	1	WFD Westlake Fire	
		Mutual aid received	15
	1	Mutual aid given	34
			<u>49</u>
FD Avon Lake Fire Department			
Mutual aid received	4		
Mutual aid given	13		
	<u>17</u>		
GUS Rocky River PD			
Mutual aid received	1		
	<u>1</u>		
PF Bay Village Police Department			
Mutual aid received	1		
	<u>1</u>		
FD Fairview Park Fire Department			
Mutual aid received	2		
Mutual aid given	1		
	<u>3</u>		
D Lakewood Fire Department			
Mutual aid given	2		
	<u>2</u>		
FD North Olmsted Fire Department			
Mutual aid given	3		
	<u>3</u>		
FD Rocky River Fire Department			
Mutual aid received	4		
Mutual aid given	12		
	<u>16</u>		
B Westshore Enforcement Bureau			
Mutual aid given	4		
	<u>4</u>		

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

October 5, 2015

President of Council Koomar called the meeting to order at 7:50 p.m. in the Conference Room of Bay Village City Hall.

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

Also Present: Finance Director Mahoney

AUDIENCE

The following members of the audience signed in this evening: Conda Boyd, Jerrie Barnett, Melissa Henderson, Lydia DeGeorge, Pam Cottam, Marty Mace.

Request for approval of 2016 Bay Days:

Set up – Tuesday, June 28, Wednesday, June 29

Event - Thursday, June 30, Friday, July 1, Saturday, July 2, Monday, July 4

Fireworks: Monday, July 4 Rain Date for Fireworks: Tuesday, July 5

Mr. Koomar stated that the dates have been forwarded to the Cahoon Memorial Park Trustees for the 2016 Bay Days. Mr. Koomar opened the topic for conversation.

Mayor Sutherland stated that it is difficult for the City to get together personnel for a rain date for the Bay Days.

Mr. Henderson asked what happens to the expenditure for the fireworks if it rains and we don't have a rain date. The Mayor stated that either way, we have to pay. We pay half if there is no rain date and we have to cancel. However, the probability in history is on our side. Once in the history there has been rain. Mr. Vincent asked what time the cancellation is called. Mayor Sutherland stated that she and the two Chiefs make the decision. Mr. Vincent asked if there are staff people on hand for that. Are they overtime people? The Mayor said they are overtime and they have all of their auxiliaries volunteering, from 6 p.m. until all the traffic is cleared. Two years ago we had storms coming in all around. We went a little early to get it in. Mr. Vincent asked the ratio of auxiliary to police. Mayor Sutherland stated there is a total of about 30 auxiliaries, and we put as many bodies there as available. Mr. Vincent asked how many police work the event. Mayor Sutherland stated that they have a regular staffing with probably another five on overtime. Mrs. Lieske asked if some positions are not permitted to take vacation on July 4, given the staffing issue. The Mayor responded affirmatively. It is planned around because the whole period of time is heavy usage and you can only work people a certain amount of time consecutive days. Mr. Koomar stated that the auxiliaries could work the Fourth and the Fifth of July, if requested. Mayor Sutherland stated they could but it would require more effort to coordinate schedules.

Mr. Henderson stated that some of the money for fireworks is put together by fund raising and that is a point of concern as far as if we don't have a rain date and those funds collected by the people would be for fireworks. We understand that it is rain dependent, of course, but it would be unfortunate. Mayor Sutherland stated that you could run into the same thing if you had a stretch of

Minutes of a Meeting of
Cahoon Memorial Park Trustees
October 5, 2015

a couple of days when it was raining and you had to cancel because you didn't have the rain date on the third day. You could still run into that situation.

Mr. Lee stated that if you have a rain date you diminish the chances of not having it at all when you have a back-up date. Mr. Henderson stated that he would like to see a rain date. Mr. Koomar asked the Mayor if it would probably add another five regular officers on duty. Mayor Sutherland responded affirmatively, stating that besides the fireworks they are also very busy in the carnival area. Usually if there are fights or arrests it is around that time.

Mr. Koomar suggested taking the matter under advisement for a week or two. Mr. Clark stated that he understands both sides in terms of personnel complement. One of the nice things we've done over the last couple of years is have the citizens do the fundraising for the fireworks. It is the one event a year the citizens get to enjoy. I would like to know the overtime costs and the total cost of staffing. Mr. Lee asked Mrs. Mahoney to break the cost down of staffing for just the fireworks.

AUDIENCE

Jerrie Barnett asked why electricity was lost in the west end of Bay Village for three hours on Saturday morning. There wasn't any wind blowing or anything.

Mayor Sutherland stated that there was wind blowing. There was actually a ground fault at the Bradley substation, and they fixed it. Four trees came down over the weekend.

Mrs. Lieske asked if that was the reason for the power outage on Friday.

Mr. Richard Fink stated that on Saturdays now at the post office it is just jammed with the restaurant being opened. With Bay Diner going in over there it could create further parking problems. Mr. Fink was informed that Bay Diner will not be moving to that location.

Conda Boyd asked if the fireworks were postponed and not held in a given year, the money that is raised by the community goes into the general City hawkers. Mrs. Mahoney stated that it would not be spent on anything but the fireworks. Mr. Koomar stated that the sale of t-shirts, a portion of the ride wristband sales, and funds raised by the Fireworks Committee accounts for almost 80% of the cost. If it were cancelled, and we would lose half of it, some of that would be lost.

Mr. Lee asked if the contracts with the fireworks company is if you don't have the event because of the weather you are responsible for half of the cost. Mayor Sutherland responded affirmatively, noting that it is because they have already purchased all of the fireworks. The other half would go for fireworks next year.

There being no further business to discuss, the meeting adjourned at 8:00 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

City of Bay Village

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

October 5, 2015
7:30 p.m.

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

Also Present: Finance Director Mahoney

AUDIENCE

The following members of the audience signed in this evening: Conda Boyd, Jerrie Barnett, Melissa Henderson, Lydia DeGeorge, Pam Cottam, Marty Mace.

President of Council Koomar called the meeting to order at 7:30 p.m.

ANNOUNCEMENT

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Lee will move to remove two pending ordinances at the regular meeting of Council this evening at 8 p.m. He commented that the snow related ordinances will be removed from the agenda this evening. These ordinances were brought forth at the request of the administration. The most recent request is to withdraw the ordinances. It would be beneficial to learn from our neighboring communities to see if they have a program that is working in their communities that is equitable and not go forward with something that people are not comfortable with at this point.

FINANCE & CLAIMS COMMITTEE – Clark

Establishment of Chapter 182 of the Codified Ordinances of the City of Bay Village regarding Municipal Income Tax

Mr. Clark will introduce an ordinance to enact Chapter 182 this evening to accommodate the new Ohio Revised Code regulations concerning Municipal Income Tax, as a result of the passage of House Bill No. 5. The ordinance will be placed on first reading this evening with the plan to finalize this in November. Everything relating to Bay Village is very much the same. The City will plan to allocate 98% to the General Fund, and 2% to the Accrued Benefits Fund of Municipal Income Tax receipts in 2016.

Mrs. Lieske asked if most of this is a boiler plate ordinance with the possible exception of Section 182 that allows the allocation of Bay Village Municipal Income Tax collections 98% to the General Fund, and 2% to the Accrued Benefits Fund. Mayor Sutherland stated that the state

wanted to take over the collection of municipal income tax. They got involved very quickly to make sure that did not happen. Then they wanted to standardized it, and they had to work for two years to try to make sure it was neutral, although for some cities it is not. For example, the City of Columbus is impacted differently than the cities of Northeast Ohio. This was passed at state level and it is a boiler plate that has to be passed by November 15, 2015 to be sent to the Regional Income Tax Agency (RITA). Mrs. Lieske asked the Mayor if given her involvement she feels this is the best we can do. The Mayor replied that the best was cut as they could and they tried to keep it neutral. Mr. Clark noted that this is a standard template off which many others are working.

Mr. Lee asked if there is anything from our current Chapter 182 that is unique to Bay Village that will be lost. Finance Director Mahoney thanked the Mayor and committee for their work. She stated that it is beneficial to Bay Village. The City has always allowed carry forward losses. From 2018 to 2022, only 50% of the losses will be allowed. In essence, Bay will be the benefactors of that change.

Mr. Koomar noted that there is a change that gambling winnings are taxable. The City previously exempted gambling winnings. Mr. Henderson stated that he appreciates Mr. Ebert's email back regarding the taxation of gambling winnings after asking for information from RITA's Chief Legal Counsel. That is not something that can be changed. The State does mandate the taxation of gambling winnings. Mr. Ebert's statement is consistent with the statement of the Mayor, Renee Mahoney, and the Chief Legal Counsel of RITA. Mr. Henderson noted that even if he doesn't like it that is the way it is.

Mr. Lee asked if the new Chapter 182 changes the taxability for income from those under 18 years of age. Mrs. Mahoney stated that was one thing that had the choice of changing or keeping the same. Bay Village will not tax those under 18 years of age.

Under the new ordinance tax returns are due April 15 of each year. They were formerly due April 30 of each year.

Mrs. Mahoney will include information in the end-of-the-year sewer bill regarding the changes in the tax code.

Mr. Lee asked if there will be an increase in the cost that RITA charges to collect the tax. Mrs. Mahoney stated that there will be no change. Additionally, taxpayers do not have to file on a RITA tax form as long as their filing includes all the needed information. Any standardized form can be used.

Amended Appropriation Ordinance

Mr. Clark will introduce an amended appropriation ordinance this evening, which includes an appropriation in the amount of \$6,000 to allow for the testing for police patrol officers and police dispatchers. The cost of the test fees that are collected from the candidates should cover all the costs.

Committee Meeting of Council
October 5, 2015

In Fund 270, Street Maintenance and Repair, the County has reimbursed the City \$20,300 for materials in repairing roadways. In order to properly account for actual expenditures, the budget needs to be increased for Road Capital Improvements by the same amount.

In Fund 245, Private Property Maintenance, the Sidewalk Maintenance Program had an original budget which was under estimated in the event the Service Department employees could not complete all anticipated replacements. The budget will be increased by \$25,000 to cover costs. These costs are billed to homeowners and will be recovered as invoices are paid.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych will introduce two ordinances at the Regular Meeting of Council this evening. The first ordinance amends Codified Ordinance Section 913.08 regarding downspouts, roof and yard drains. The second is an ordinance amending Codified Ordinance Section 913.11 regarding Corrective Order and Expenses was discussed by the Public Improvements, Streets, Sewers and Drainage Committee on September 28, 2015.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Vincent had no report this evening.

RECREATION & PARK IMPROVEMENT COMMITTEE

Mr. Henderson had no report this evening.

MISCELLANEOUS

There being no further discussion, the meeting adjourned at 7:50 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

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

October 5, 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: Russ Bauknecht, Kelly O'Hara, Jeff and Rosie Johnson, Mandy Singh, Amanda and David Price, Jerrie Barnett, Conda Boyd, Lydia DeGeorge, Pam Cottam, Joe Hochman, Marty Mace, Melissa Henderson, Al Paulus.

Mr. Koomar called the Regular Meeting of Council to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Paul W. Vincent, Councilman of Ward 2.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held September 21, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of September 21, 2015 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 21, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of September 21, 2015 as prepared and distributed. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Sutherland stated that the City Hall parking lot project will be beginning on Tuesday, October 6, 2015. The north side of the parking lot will be closed. The entrance to the parking lot will be detoured to the Play-in-Bay driveway, with a circle around to the south side of the parking lot. It is hoped that the project will be completed in four to six weeks. Barricades and temporary signage will be erected.

Oath of Office – Patrolman Benjamin Kitchen, Bay Village Police Department

Mayor Sutherland administered the oath of office to Patrolman Benjamin Kitchen. A reception was held for Patrolman Kitchen and his family immediately following the swearing-in ceremony.

REPORTS

Mr. Koomar advised that **Finance Director Mahoney** and the Council Finance Committee, headed by Councilman Clark, are working toward the presentation of the 2016 Budget. Mrs. Mahoney will have the first draft prepared by Friday, October 9, 2015.

AUDIENCE COMMENTS

There were no comments from the audience this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Thank you to Benefactors who provided the donations to purchase and install Fitness Trail Equipment for Cahoon Memorial Park

Councilman Henderson stated that this evening he will present a Resolution of Council accepting the donations to purchase and install Fitness Trail Equipment for Cahoon Memorial Park. All of the people that were involved in the project were invited to the meeting this evening for recognition.

Mr. Henderson stated that this project involved installing of pieces of outdoor exercise equipment along the T. Richard Martin Walking Trail of Cahoon Memorial Park. There will be three stations with three pieces of equipment at each station. The idea was brought forward over two years ago by Barry Tyo, and Clete Miller, who dedicated time and effort over these past two years, to work with Council, various committees, and the Cahoon Memorial Park Trustees to bring this to reality.

Mr. Henderson invited all the sponsors to come forward.

Mandy Singh and David Price, Perfect Fit Health Club

Jeff and Rosie Johnson, Arthur's Shoe Tree

Kelly O'Hara, Highland Consulting Associates

Russ Bauknecht, Bay Village Kiwanis

Al Paulus, Bay Village Foundation. The Bay Village Foundation also served as the financial intermediary for the project.

O'Neill Healthcare

Mr. Henderson also expressed appreciation to Dan Enovitch, and the Parks and Recreation Commission for working through details on the project. They selected individual pieces and decided exactly where they should go. Appreciation was also expressed to Scott Thomas, Director of Public Service and the Service Department for installing the equipment once it is procured. The Cahoon Memorial Park Trustees were also recognized for their good insight for selecting specific locations and making sure the details were aligned with the desires of the park on a long-term basis.

Mr. Henderson introduced and read **Resolution 15-71** accepting a donation of funds for the purchase and installation of outdoor fitness trail exercise equipment to the City of Bay Village Parks and Recreation Department and the Cahoon Memorial Park Trustees, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-71.

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. 15-71, an emergency measure, by a vote of 7-0.

Mr. Koomar expressed appreciation to all for their support, and to Barry Tyo and Clete Miller for bringing the idea forward in the beginning and to champion the project through. It will be a wonderful addition to the park and walking trail, and another great example of collaboration in the City. Mr. Clark also thanked Mr. Tyo and Mr. Miller for staying with it and staying patient through the project.

Mr. Henderson thanked everyone for their hard work, support, and attendance this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Motion by **Lee** to remove Ordinance 15-38 amending Codified Ordinance Section 543.11 regarding sidewalks to be cleaned of ice and snow.

Motion carried 7-0.

Motion by **Lee** to remove Ordinance No. 15-37 amending Chapter 527 regarding littering.

Motion carried 7-0.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark introduced and read **Ordinance No. 15-72** to establish Chapter 182 of the Codified Ordinances of the City of Bay Village regarding Municipal Income Tax, and requested placing the ordinance on first reading.

Mr. Koomar announced that Ordinance No. 15-72 is placed on first reading.

Mr. Clark introduced and read **Ordinance No. 15-73** to amend appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2015 as previously appropriated in Annual Appropriation 14-107, and amended by Ordinances 15-15, 15-52 and 15-61, and declaring an emergency. There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-73.

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 Resolution No. 15-73, an emergency measure, by a vote of 7-0.

Motion by Clark, to acknowledge receipt of September 2015 City of Bay Village Financial Statements prepared by Finance Director Renee T. Mahoney.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych introduced and read **Ordinance No. 15-74** amending Codified Ordinance Section 913.08 regarding downspouts, roof and yard drains, and requested that the ordinance be placed on first reading.

Mr. Koomar announced that Ordinance No. 15-74 is placed on first reading.

Mr. Tadych introduced and read **Ordinance No. 15-75** amending Codified Ordinance Section 913.11 regarding Corrective Order and Expenses Therefor, and requested that the ordinance be placed on first reading.

Mr. Koomar announced that Ordinance No. 15-75 is placed on first reading.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

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There being no further business to discuss, the meeting adjourned at 8:15 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council