

## **AGENDA**

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

November 23, 2015  
**7:30 p.m.**

### **ANNOUNCEMENTS**

### **COMMITTEE OF THE WHOLE**

### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske**

Chapter 1158 – Attached Residence District

### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee**

Review of Codified Ordinance Chapter 377, Bicycles (1-13-14)

### **PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych**

Russell/Bruce/Douglas/Lake Road Updates

### **FINANCE & CLAIMS COMMITTEE – Clark**

Temporary Appropriation Ordinance for 2016

### **RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson**

### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent**

### **AUDIENCE**

### **MISCELLANEOUS**

### **CAHOON MEMORIAL PARK TRUSTEES**



# City of Bay Village

350 DOVER CENTER ROAD  
BAY VILLAGE, OHIO 44140-2299

## OFFICE OF THE COUNCIL

**Paul A. Koomar**  
President of Council

**Joan T. Kemper**  
Clerk of Council

**Dwight A. Clark**  
Council - At - Large/  
Vice President of Council

November 19, 2015

Phone 440-899-3406  
Fax 440-871-5751

**Steven C. Lee**  
Council - At - Large

**David L. Tadych**  
Ward 1

**Paul Vincent**  
Ward 2

**Karen Lieske**  
Ward 3

**Thomas E. Henderson**  
Ward 4

A Special Meeting of the Bay Village City Council will be held on **Monday, November 23, 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
4. **Motion** to approve the minutes of the Regular Meeting of Council held November 16, 2015.\***Clark\***
5. **Ordinance 15-77** amending Codified Ordinance Chapter 148 regarding Records Commission, and declaring an emergency.\***Clark\*(Third Reading and Adoption)** (First Reading 11-2-15) (Second Reading 11-16-15)
6. **Ordinance 15-78** establishing the effective date for the Refuse Collection Fee, and declaring an emergency.\***Clark\* (Second Reading)** (First Reading 11-16-15)
7. **Ordinance 15-80** authorizing the Mayor to enter into an agreement with Browning-Ferris Industries of Ohio, Incorporated, for solid waste collection and disposal, yard waste, and recycling materials collection and processing, and declaring an emergency.\***Vincent\*(Second Reading)** (First Reading 11-16-15)
8. **Ordinance** authorizing the Mayor to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District to provide Public Health Services for the City of Bay Village during the Calendar Year 2016, and declaring an emergency\***Lee\*(First Reading and Adoption)**
9. **Motion** to convene to Executive Session regarding Personnel: Labor Contracts for all Bay Village Bargaining Units.\***Clark\***
10. Adjournment

Charter Reference 2.11

Paul A. Koomar, President of Council

Agenda  
Special Meeting of Council  
November 23, 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.**

ORDINANCE NO. 15-77  
INTRODUCED BY: Mr. Clark

First Reading 11-2-15  
amended by reading

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE CHAPTER 148**  
**REGARDING RECORDS COMMISSION,**  
**AND DECLARING AN EMERGENCY**

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

**SECTION 1.** That Codified Ordinance Section 148 which presently reads as follows:

CHAPTER 148  
Records Commission

- 148.01 Establishment of Commission.
- 148.02 Functions of Commission.
- 148.03 Disposal of records.
- 148.04 Records and archives defined.

CROSS REFERENCE

- Privacy Act Rules - see ADM. 151.12
- State law provisions - see Ohio R.C. 149.39 et seq.

148.01 ESTABLISHMENT OF COMMISSION.

There is hereby created and established in the City a Records Commission composed of the Mayor as chairman, and three officers or citizens named by the Mayor. The Commission shall appoint a secretary who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. Commission members shall serve at the pleasure of the Mayor. (Ord. 77-119. Passed 11-7-77.)

148.02 FUNCTIONS OF COMMISSION.

The functions of the City Records Commission shall be to review records disposal lists submitted by municipal offices. Disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the City or to its citizens. Such records may be disposed of by the Commission pursuant to Section 148.03. (Ord. 77-119. Passed 11-7-77.)

148.03 DISPOSAL OF RECORDS.

When municipal records have been approved for disposal, a list or description thereof shall be published in a newspaper of general circulation in Cuyahoga County, Ohio, on the same day of the week for two consecutive weeks, and a copy of such records list shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves of the action by the municipal Records Commission, in whole or in part, it shall so

inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continuing historical value.

(Ord. 77-119. Passed 11-7-77.)

#### 148.04 RECORDS AND ARCHIVES DEFINED.

Any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the City which serves to document the organization, functions, policies, decisions, procedure, operations or other activities of the office, is a record within the meaning of this chapter.

Any public record which is transferred to an archival institution pursuant to this chapter because of the historical information contained therein shall be deemed to be an archive within the meaning of this chapter.

(Ord. 77-119. Passed 11-7-77.)

**be and the same is amended to read:**

### CHAPTER 148 Records Commission

- 148.01 Establishment of Commission.
- 148.02 Functions of Commission.
- 148.03 Disposal of records.
- 148.04 Records and archives defined.

#### CROSS REFERENCE

Privacy Act Rules - see ADM. 151.12

State law provisions - see Ohio R.C. 149.39 et seq.

#### 148.01 ESTABLISHMENT OF COMMISSION.

There is hereby created and established in the City a Records Commission composed of the Mayor or their designee as chairman, and ~~three officers~~ the Director of Finance, the Director of Law, and a ~~or~~ citizens named by the Mayor. The Commission shall appoint a secretary who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. ~~Commission members shall serve at the pleasure of the Mayor. The Commission shall meet at least once every six months and upon the call of the Chairperson.~~

(Ord. 77-119. Passed 11-7-77.)

#### 148.02 FUNCTIONS OF THE COMMISSION

##### ~~148.02 FUNCTIONS OF COMMISSION.~~

~~—The functions of the commission shall be to provide rules for retention and disposal of records of the municipal corporation, and to review applications for one-time disposal of~~

~~obsolete records and to review schedules of records retention and disposition submitted by municipal offices. The commission may dispose of records pursuant to the procedure outlined in section 149.381 of the Revised Code. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section. The functions of the City Records Commission shall be to review records disposal lists submitted by municipal offices. Disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the City or to its citizens. Such records may be disposed of by the Commission pursuant to Section 148.03.~~

~~(Ord. 77-119. Passed 11-7-77.)~~

#### 148.03 DISPOSAL OF RECORDS.

~~Records shall be disposed of per the regulations provided in ORC 149.381. When municipal records have been approved for disposal, a list or description thereof shall be published in a newspaper of general circulation in Cuyahoga County, Ohio, on the same day of the week for two consecutive weeks, and a copy of such records list shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves of the action by the municipal Records Commission, in whole or in part, it shall so inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continuing historical value.~~

~~(Ord. 77-119. Passed 11-7-77.)~~

#### 148.04 RECORDS AND ARCHIVES DEFINED.

Any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the City which serves to document the organization, functions, policies, decisions, procedure, operations or other activities of the office, is a record within the meaning of this chapter.

Any public record which is transferred to an archival institution pursuant to this chapter because of the historical information contained therein shall be deemed to be an archive within the meaning of this chapter.

(Ord. 77-119. Passed 11-7-77.)

**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 to ensure that said records retention schedules and disposal of records are handled in accordance with the procedures of the Ohio Revised Code Section 149.381, 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

9/28/15 II

As amended 11-2-15

To add space between “a” and “citizen” in Section 148.01

And “to review” before the word “schedules” in third line of next paragraph in Section 148.01.

ORDINANCE NO. 15-78  
INTRODUCED BY: Mr. Clark

First Reading 11-16-15

**AN ORDINANCE**  
**ESTABLISHING THE EFFECTIVE DATE FOR THE REFUSE**  
**COLLECTION FEE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the effective date for the refuse fee was re-established through December 31, 2015 by Ordinance 14-105 passed December 16, 2014; and

**WHEREAS**, it is the desire of Council and the Administration of the City of Bay Village to continue the refuse collection fee through 2016;

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

**SECTION 1.** That Section 2 of Ordinance 14-105 passed December 16, 2014 is hereby repealed.

**SECTION 2.** The fee established in Section 923.01 shall be effective through December 31, 2016.

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

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to make this fee adjustment, 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

APPROVED:

\_\_\_\_\_  
MAYOR

ORDINANCE NO. 15-80  
INTRODUCED BY: Mr. Vincent

First Reading 11-16-15  
Amending by Reading

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO ENTER INTO AN**  
**AGREEMENT WITH BROWNING-FERRIS INDUSTRIES OF OHIO, INC.,**  
**FOR SOLID WASTE COLLECTION AND DISPOSAL, YARD WASTE, AND**  
**RECYCLING MATERIALS COLLECTION AND PROCESSING, AND DECLARING**  
**AN EMERGENCY.**

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

**SECTION 1.** That the Mayor is hereby authorized to enter into an agreement with Browning-Ferris Industries of Ohio, Inc. to provide for the collection and disposal of solid waste collection and disposal, and recyclable materials collection and processing including yard waste in the City of Bay Village, it being hereby determined that the bid of said company is the lowest and best bid received after advertising according to law.

**SECTION 2.** That in accordance with said agreement, Browning-Ferris Industries of Ohio, Inc. agrees to the following rate structures:

YEAR 1: April 1, 2015 to March 31, 2016 the rate per household will be \$14.82 per month.  
YEAR 2: April 1, 2016 to March 31, 2017 the rate per household will be \$15.26 per month.  
YEAR 3: April 1, 2017 to March 31, 2018 the rate per household will be \$15.80 per month.  
YEAR 4: April 1, 2018 to March 31, 2019 the rate per household will be \$16.35 per month.  
YEAR 5: April 1, 2019 to March 31, 2020 the rate per household will be \$16.92 per month.

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

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide uninterrupted garbage/rubbish collection and recycling within the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

11-13-15 ll

\*Amended by reading 11-16-15 to include  
dates of years of contracts

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH  
THE DISTRICT ADVISORY COUNCIL OF THE CUYAHOGA COUNTY  
GENERAL HEALTH DISTRICT TO PROVIDE PUBLIC HEALTH SERVICES  
FOR THE CITY OF BAY VILLAGE DURING THE CALENDAR YEAR 2016,  
AND DECLARING AN EMERGENCY.**

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

**SECTION 1.** That the Mayor be and she is hereby authorized to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District for providing public health services to the City of Bay Village for and during the calendar year 2016 at a cost to the City of \$61,352.00. This sum the City hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the District Health Fund of Cuyahoga County, and the Fiscal Officer of Cuyahoga County is hereby authorized to deduct said sum of \$61,352.00 in equal semi-annual installments of \$30,676.00 from the regular tax settlement to be made for said City for the year 2016.

**SECTION 2.** That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Cuyahoga County Fiscal Officer.

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

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide for public health services effective January 1, 2015, in order to continue an uninterrupted public health program for the City, 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

## CITY OF BAY VILLAGE

Council Minutes, Regular Meeting  
Council Chambers 8:45 p.m.

November 16, 2015

Paul Koomar, President of Council, presiding

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

Also Present: Law Director Ebert, Councilman-elect Marty Mace, Finance Director Mahoney, Recreation Director Enovitch.

### AUDIENCE

The following audience members signed in this evening: Jeff Gallatin, Denny and Tara Wendell, Jerrie Barnett, Pat McGannon, Nancy Brown, Nancy Trainer, Claire Banasiak, Alex Dade, Laura Lennerin, Mary Jo Massolini, Janet Kauker, Ernie Minichello.

Mr. Koomar called the Regular Meeting of Council to order at 8:45 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 Regular Meeting of Council held November 9, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of November 9, 2015 as prepared and distributed. Motion carried 6-0 and 1 abstention by Mr. Lee.

### ANNOUNCEMENTS

**Mayor Sutherland** reported that leaf collection continues. Last week ten trucks worked 9 hours per day, and also worked on Saturday. There are 30 employees picking up leaves and that will continue until leaf pick-up is completed. The Mayor projected that the leaf pick-up will probably end a little early, due to the nice weather which enabled everyone to rake their leaves to the curbs.

### REPORTS

**Law Director Ebert** had no report this evening.

**Finance Director Mahoney** had no report this evening.

**Recreation Director Enovitch** announced that the new feature at Play-in-Bay was installed recently. The project was fully funded by the Bay Village Foundation.

## AUDIENCE COMMENTS

Nancy Brown, Wolf Road, asked Mr. Koomar to state for the audience why he is recommending, removing the Bay Village Kennel from Matters Pending before Council Committee, as listed on this evening's Council agenda.

Mr. Koomar stated that he received a request from Mr. Lee, Chairman of the Environment, Safety and Community Services Committee, saying that he has not had any action on this item over the last several years. Over that time period, Mr. Koomar stated, he has had multiple conversations with Ms. Brown and Police Chief Spaetzel and they continue to make good progress on improving the existing kennel. Mr. Koomar is told when it is cleaned and when there are heating or air conditioning issues. Chief Spaetzel has informed Mr. Koomar that his relationship with the Friends of the Bay Village Kennel is working well and they have been working together on a collaborative basis. Council's job is to appropriate and legislate and so from Council's end, the operational issues seem to be going well and there is nothing for Mr. Lee's committee to address.

Ms. Brown thanked Mr. Koomar for confirming the operational side, and the compliments he extended to the Friends of the Bay Village Kennel. Ms. Brown noted that they have worked very hard. Mr. Koomar stated that the Friends of the Bay Village Kennel have worked great and the Police Chief has been very pleased because his department is stretched thin. To have folks who really care about the animals and can point some things out and make sure it is a safe environment for them is a wonderful thing.

Ms. Brown stated that she speaks to all of the Council and administration this evening regarding the possibility of a new kennel. Ms. Brown stated that she has new information in regard to the structure. The Friends of the Bay Village Kennel and others in the community have said they would like to see it on the agenda. They do have a family in Bay Village that, in 2011, offered to build the City a brand new kennel. Their offer is still on the table. The Friends of the Bay Village Kennel have been advocating since 2011 to have this matter placed as an agenda item so that there could be an open public forum allowing citywide input. Ms. Brown continued, stating that recently, Mr. Koomar asked Mr. Lee to have an off-line telephone conversation with her which finally allowed some of the members of the Friends of the Bay Village Kennel to meet with Chief Spaetzel and Mr. Thomas, Director of Public Safety/Service. The purpose of that meeting was to put names with faces and to get updated on the Chief's goals for animal care and control. Also, to allow the Friends of the Bay Village Kennel the ability to clean and replenish the current structure known as "The Kennel" which was previously a cable building, along with taking some of the suggestions to make it a bit safer for visitors and employees. The current structure is 25 years old. The Friends of the Bay Village Kennel have advocated for a part time animal control officer or police liaison that could be there for all of the domesticated animals

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should they need safe harbor in our town, and be a qualified and compassionate Bay Village employee. In August of 2015, Governor Kasich signed into law a state budget that includes language mandating that all peace officers in the State of Ohio be trained appropriately to handle companion animal encounters. Ms. Brown stated that means that each and every Ohio police officer will now be trained to, among other things, respond safely and humanely to all animal related calls. Officers will also receive training in use of non-lethal methods of handling dog related encounters. For the first time in our state's history, our officers will learn how to peacefully respond to the animals they meet every day on their job. The Friends of the Bay Village Animal Kennel call this a win-win because some of the discussions they had at Council or Committee meetings, or privately on the phone, the budget does not allow for the animal control officer anymore, or even a part time animal control officer. Governor Kasich says that all police officers will be trained. That mitigates the issue the Friends of the Bay Village Kennel had with a part time animal control officer.

Ms. Brown continued, stating that the members of Council were all sent this document from Ms. Brown in August, via the Clerk. It is also posted on the website of the Friends of the Bay Village Kennel website. She stated that the Friends of the Bay Village Kennel support and believe, as does the benefactor, that Mayor Sutherland's recommendation to have a kennel of similar size attached to the back of the police garage is clearly the best idea. Perhaps, even a green kennel. The Friends of the Bay Village Kennel have had their credentialed experts visit the location and review all of the documents that pertain to the landfill and the current police station and the garage. An annex similar in size with proper containment is legal, safe, and possible. The only concern came from Chief Spaetzel about potential injuries from a dog bite. They are pretty sure many injuries happen in the parks every day that outnumber the likelihood of an incident of a dog bite happening in that area. Furthermore, Ms. Brown stated, a review of the animal police log which she has forwarded to Council monthly, and which are also posted on the Friends of the Bay Village Kennel website, shows the current police directive given when one finds a dog which could lead to a higher of injury and/or dog bite. The directives from the Police Department are when a resident calls with a lost dog are (and this is documented) 1) Just let the dog go; 2) You can hang on to that dog and if we get a call from an owner or resident that matches the description, we will be sure to connect you. (There have been some success stories with that). 3) You, Mr. or Mrs. Bay Village, you can put that dog in your car and bring it to the kennel and we will meet you there when and if we have an officer available. Our police are very compassionate to the animals, but they are also very busy and shorthanded. In closing, Ms. Brown acknowledged and thanked Mr. Landers, Mr. Thomas, and Chief Spaetzel for all the band aids and small upgrades that have been done to the current facility to make it a lot safer for our employees and for anybody who visits the kennel. The Friends of the Bay Village Kennel are happy to assist the Bay Village Police Department and/or residents in some animal issues and replenish and clean the kennel as needed. They ask this evening that the kennel not be removed from the list of pending matters and to give the project the due diligence it deserves. For the safety of our employees and community, let's move forward, let's do this now, and let's do it right. The offer from the benefactor is still on the table. Thank you.

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Mr. Koomar stated that he needs to defer this matter to Chief Spaetzel and the Mayor for their comments. Mr. Koomar added that he did not see a new kennel proposal in any of the Capital budget items over the last several years. We can bring this up to Chief Spaetzel next week and get clarification whether that is something they want to consider.

Ms. Brown stated that the current structure is 25 years old. It was not meant to be a kennel but that is what former Chief Wright negotiated at the time. Mr. Koomar stated that his understanding from Chief Spaetzel is that things were working well and he is very happy working with the group. Mr. Koomar stated that he is not seeing any complaints, or hearing requests for a new kennel. He will follow up with Chief Spaetzel next week when he is here so the Chief can answer those questions or answer anything relative to the directive Governor Kasich has given the police. Ms. Brown stated that she would guess that Law Director Ebert and/or Finance Director Mahoney would be able to follow up on Governor Kasich's bill and what is involved. Mr. Koomar stated that this will be brought up next week for clarification with the police.

Mary Jo Mazzolini, Osborn Road, stated that she would like to support the comments of Ms. Brown. She would love to hear from people, and isn't it a good idea that this person offered \$50,000 for something that would be so wonderful to show other communities that we are willing to do this for animals. Ms. Mazzolini said she has gone to other kennels, the Westlake one is better than ours, and she has adopted rescues from the Bay Village Kennel. She stated it would be the passionate thing to do, and she is baffled why there wasn't a lot of discussion.

Mr. Koomar stated that he heard from Ms. Brown that there might be a donor out there. From his perspective, he was not in the loop on some of those issues. We will wait to discuss this with the Chief and if he feels there is a need for a new kennel that may be a different discussion, but the understanding is that things were working well with the existing structure.

Mrs. Mazzolini stated that there is a need for additional deer signs. People speed down her street and there was a deer accident last week.

Mrs. Lieske stated that Mrs. Mazzolini emailed her regarding the deer signs. Mrs. Lieske immediately emailed Scott Thomas and he got back to her right away. Last December, Mrs. Lieske had made a request for deer signs in the area in question and that email was forwarded to Mr. Thomas. Mr. Thomas said he would get back to Mrs. Lieske soon.

Mr. Koomar stated that he would post signs at every entrance in Bay Village saying "Beware" if it were up to him. Mr. Koomar lives on Bruce and the deer walk in the middle of the street and in his backyard. They are everywhere in the City. This is a safety/service issue and an operational issue for the Mayor. There may not be an easy answer.

Mayor Sutherland stated that they could post signs everywhere. Right now it is mating season so they are running wild. The Chief will take a look at it. Initially people may slow down when they see the signs but they get immune to it.

Mr. Koomar noted that deer were standing in various spots on Walker Road between Lear in Avon Lake and Bradley last evening. It is difficult to know where to put the signs. Mr. Koomar stated that he appreciates Mrs. Mazzolini's comments.

Mrs. Mazzolini questioned whether the speed limits on some of the roads can be changed. Mayor Sutherland stated that there are state laws that mandate the speed limits. There was actually a court case in Westlake when Canterbury used to be 25 mph, changing that to 35 mph.

Mrs. Mazzolini asked if she would be able to create and install her own deer sign. Mayor Sutherland stated that they would take a look at the Osborn area to see if anything further can be done.

Karen Dearden, Bruce Road, stated that she has been here before on the same issue. She feels that the Friends of the Bay Village Kennel work very hard and they work hard in ways that they shouldn't have to. It should be the responsibility of the community. You come to this meeting and you are all worried about a microphone, or people's bicycles, but when it comes to being good shepherds of the animals you just turn your heads and hope everyone goes away, and sit their quiet and fold your hands across your chest.

Mr. Koomar stated that the Chief will be back next week. It is Mr. Koomar's understanding when talking to the Chief that the kennel was working very well. He could be in error on that, but that is the feedback he has been getting.

Ms. Dearden stated that we are a fortunate community with a family in Bay Village that wishes to be a benefactor. Mr. Koomar noted that if the Chief and Mr. Thomas think the facility needs to be approved and there is funding available that can be a separate discussion.

#### **COMMITTEE OF THE WHOLE**

Mr. Clark read **Ordinance No. 15-77** amending Codified Ordinance Chapter 148 regarding Records Commission, and declaring an emergency.

Mr. Koomar announced that **Ordinance No. 15-77** is placed on second reading.

#### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE**

**Motion** by **Lee** to remove the Animal Kennel from the Matters Pending before Council Committee List.

**Motion carried 7-0.**

Mr. Koomar stated that if something comes up when the Friends of the Bay Village Animal Kennel speak with Chief Spaetzle next week, it will be reviewed further. If there is a budgetary request, Council's job is to find the money for it and approve it. If Chief Spaetzle comes to Council and has funding for it and wants to move forward, that's great.

Mr. Lee read **Ordinance 15-76** amending the Traffic Control Map and File of the City by enacting new No Turn on Red Regulations, and declaring an emergency. (**Third Reading and Adoption**) (First Reading 10-19-15) (Second Reading 11-2-15).

Mr. Lee recommended adoption of Ordinance 15-76, with the understanding that additional study will be done of the Wolf and Bassett Road intersection before the new signage goes up at that intersection.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 15-76.

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. 15-76, an emergency measure.

**FINANCE AND CLAIMS COMMITTEE**

**Mr. Clark** introduced and read **Ordinance 15-78** establishing the effective date for the Refuse Collection Fee, and declaring an emergency. (**First Reading**)

Mr. Clark explained that this ordinance will set the rate for the fee for refuse collection for the year 2016, which is unchanged from what is currently charged.

Mr. Koomar announced that **Ordinance No. 15-78** is placed on first reading.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

**Mrs. Lieske** introduced **Ordinance No. 15-79** amending Chapter 1158, Attached Residence District in the City of Bay Village. (**First Reading**).

**Mrs. Lieske** commented that the reason to introduce this ordinance is so the residents can see what is being discussed. The Planning, Zoning, Public Buildings and Grounds Committee will

be meeting on Monday, November 23, 2015 at 6:30 p.m. to review again the Section 1158.02 which looks at the applicability and will have some further information to share with everyone. This will be reviewed at future Council Committee sessions as well. This is a good opportunity for the public to see a lot of the information in the proposed ordinance. It is very positive that it was put together by the consultant, Paul LeBlanc, especially when you look at some of the things connected with the buffering and landscaping requirements. These were questions we had heard previously.

Mrs. Lieske stated that there is nothing in Section 1158.03, Permitted Buildings and Structures about air conditioning units or generators. Mrs. Lieske asked Law Director Ebert if that needs to be included in the section. Mr. Koomar said that those are covered in a separate code. Mrs. Lieske noted that air conditioning units and generators were previously in Section 1158.03. Mr. Koomar stated that when that was reviewed with John Cheatham, Chief Building Official of SAFEbuilt, Inc., his interpretation of the wording was that it was for large, industrial applications, not a residential unit. There were several pieces of language that referenced things that we would not want in Bay Village. Anything else in the code relative to Section 1129, Approval Process, and needing a variance for an air conditioning unit would fall under the other codes.

**Ordinance No. 15-79** was placed on first reading.

#### **PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE**

**Mr. Tadych** had no report this evening.

#### **RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mr. Henderson** had no report this evening.

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

**Mr. Vincent** introduced and read **Ordinance 15-80** authorizing the Mayor to enter into an agreement with Browning-Ferris Industries of Ohio, Incorporated, for solid waste collection and disposal, yard waste, and recycling materials collection and processing, and declaring an emergency. **(First Reading)**

Mr. Henderson suggested previously in the meeting that the actual dates for each year that the contract covers be listed in the ordinance. Mr. Lee expressed agreement with Mr. Henderson's comment that this would provide clarification. The ordinance will be amended by reading.

Mr. Koomar announced that **Ordinance No. 15-80, as amended**, is placed on first reading.

Minutes of Regular Meeting  
Bay Village City Council  
November 16, 2015

**MISCELLANEOUS**

The executive session scheduled for this evening has been cancelled.

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

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council