

## Revised Agenda

**Agenda, Bay Village City Council**  
Regular Meeting, Council Chambers

**May 16, 2016**  
**8:00 p.m.**

Committee Meeting 7:30 p.m. Conference Room  
(Public Welcome)

Paul Koomar, President of Council, Presiding

Pledge of Allegiance/Councilman

Roll Call/Pledge of Allegiance led by Councilman at-large Dwight Clark.

Reading of Minutes – Special Meeting of Council held May 9, 2016

Cahoon Memorial Park Trustees Meeting held May 9 2016

### ANNOUNCEMENTS

### REPORTS

Mayor Sutherland

Director of Law Ebert

Director of Finance Mahoney

Director of Recreation Enovitch

Director of Public Service/Safety Thomas

Director of Community Services Selig

Police Chief Spaetzel

Fire Chief Lyons

### COMMUNICATIONS

### AUDIENCE

### COMMITTEE OF THE WHOLE

McKeon Education Group Report to Council and Administration

### ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

**Ordinance** authorizing the Mayor to enter into an agreement with American Fireworks Company for the 2016 July 4<sup>th</sup> Fireworks Display, and declaring an emergency.

**Ordinance** authorizing the Mayor to enter into an agreement with Hamburg Fireworks Company for the 2016 July 4<sup>th</sup> Fireworks Display, and declaring an emergency.

### FINANCE AND CLAIMS-Mr. Clark

**Ordinance 16-32** approving certain Capital Expenditures and Personal Services Contracts previously approved by budget that exceed Twenty Thousand Dollars (\$20,000), and declaring an emergency. **Second Reading** (First Reading 5-9-16)

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**Ordinance** authorizing the Mayor to renew the Lease Agreement with SAFEbuilt, Inc. for the real estate located on the lower level at Bay Village City Hall, and declaring an emergency.

**Motion** to acknowledge receipt of April, 2016 Financial Reports prepared and submitted by Renee Mahoney, Director of Finance

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske**

**PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Henderson**

**RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace**

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych**

**Motion** authorizing the Director of Finance to advertise for bids for electricity supply to City of Bay Village Municipal Buildings.

**Resolution** authorizing participation in the Ohio Department of Transportation Winter Contract (018-17) for Road Salt, and declaring an emergency.

**MISCELLANEOUS**

**CAHOON MEMORIAL PARK TRUSTEES**

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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.

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. 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, Special Meeting  
Council Chambers 8:00 p.m.  
President of Council Paul A. Koomar, presiding

May 9, 2016

Present: Clark, Koomar, Lieske, Mace, Tadych, Vincent, Mayor Sutherland

Excused: Mr. Henderson

Also Present: Finance Director Mahoney, Director of Public Safety/Service Thomas, Recreation Director Enovitch, Director of Community Services Selig, Police Chief Spaetzel, Operations Manager Landers.

## AUDIENCE

The following audience members signed in this evening: Dick Majewski, Lydia DeGeorge, Denny Wendell, Claire Banasiak.

President of Council Koomar called the meeting to order at 8:00 p.m. with roll call and the Pledge of Allegiance, led by Police Sergeant Eric Tuisku and Police Lieutenant Mark Palmer.

## ANNOUNCEMENTS

**Mayor Sutherland** administered the Ceremonial Oath of Office to Sergeant Eric Tuisku and Lieutenant Mark Palmer, with their family members present for the occasion. Refreshments were served following the ceremony.

Mayor Sutherland announced a series of kudos, stating that she received a complimentary phone call about John Cheatham of SAFEbuilt, Inc., concerning a situation that was occurring on Nantucket Row and he was able to work things out regarding a project making those residents very happy.

Kudo's were also given to Councilman Henderson by Mayor Sutherland for his Public Improvements, Streets, Sewers and Drainage Committee meeting last week. The Mayor stated that the presentation was really outstanding, walking everyone through two major projects in an easy to understand, informative manner.

A very well known, long-term resident who lives on Roberta Drive was absolutely delighted with the service she received from the Emergency Medical Squad at the Fire Department.

There was a slight issue at the swimming pool trying to get ready for the pool opening. All of the problem solvers: Donny Landers, Al Stier, Jon Liskovic and Dale Greenwald fixed the cabling and did a wonderful job.

On Friday, May 6, the City celebrated the ten-year anniversary of moving into the new Police

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Station.

A new drive-up, drop-off box has been installed for sewer payments in the driveway leaving the City Hall building. Eventually, the mail box will be relocated to the same area. Mrs. Lieske asked if the suggestion initially came from a resident. Mayor Sutherland stated that they have been watching the situation with seniors having to get out of their cars to drop in their sewer payments. Service Director Scott Thomas came up with this solution.

Mayor Sutherland read a letter from Mayor Deborah L. Sutherland to Bay Village City Council into the record of this Council meeting as follows:

“May 9, 2016

Dear Council:

It is unfortunate that I had to cancel my trip to Columbus for Monday and Tuesday due the inclusion of Item #13 on tonight’s council agenda when I had been assured that no further discussion would take place until I could be present. The purpose of my trip was to continue to work with our state legislators to potentially bring back millions of dollars to local communities across Ohio that were cut by the state during the recession. As a reminder, the City of Bay Village lost \$350,000 in Local Government Funds and \$1.2 million in estate taxes annually.

The inclusion and, indeed, the formulation of Item # 13 is a prime example of minutia getting in the way of the big picture. In 2015, with our total budget of \$27 million in expenditures, we issued 1,705 Purchase Orders. Twenty-five (1.4%) of those PO’s were between \$20k and \$50k for a total of \$711,911 or a mere 2.6% of the total Budget. **All** were included in the Budget passed by Council.

It has come to my attention indirectly that the Council President disagreed with my decision to sign a \$33k contract with our Consulting Engineer for 2016. This expenditure was also included in the Budget that was passed by Council and represents a miniscule 0.12% of the total Budget. As written, Mr. Koomar’s ordinance will cause work delays should additional engineering be required for unforeseen conditions—a common occurrence on construction projects. Work stoppages can be expensive due to delay-of-project and re-mobilization costs that will be incurred while a Council meeting is set to approve any amount in excess of \$20k—even \$1. How will Council explain to your constituents the reason for 10 to 15% increases in project costs due to delays?

I would strongly suggest that rather than writing an ordinance for 1 item that will interfere with the smooth implementation of City projects, that Council work with the Administration to formulate a *policy* that we can all live with. The Administration cannot live with the current ordinance and, therefore, I intend to veto this foolhardy legislation.

Feel free to call me with any questions.

Sincerely,

Mayor Deborah Sutherland”

Mr. Koomar asked Mayor Sutherland to comment on the meeting to be held at 6 p.m. Monday at the Police Department Community Room regarding Cahoon Memorial Park.

Mayor Sutherland stated that the first Stakeholder Meeting on the Cahoon Park Connectivity Study will be held on Monday, May 16 at 6 p.m. at the Police Department Community Room. Funding was received from the Northeast Ohio Areawide Coordinating Agency (NOACA) in the amount of \$50,000 for technical assistance to achieve connectivity between the east and west sides of Cahoon Park. On May 18, at 10 a.m., the implementation meetings will begin for the new Master Plan. The meeting on May 18 will be held in the conference room of Bay Village City Hall.

Mr. Vincent commended Police Officer Borque on his positive interaction with a resident recently. A friend of Mr. Vincent’s was at a garage sale with his two-year old child. Office Borque stopped by and let the child sit in his police car and turn on the lights. Mr. Vincent was impressed with the time spent by Officer Borque making friends with the children in the community.

There being no further announcements, Mr. Koomar called for a reading of the minutes of the Regular Meeting of City Council held May 2, 2016. **MOTION** by Clark to dispense with the reading of the minutes of the Regular Meeting of City Council held May 2, 2016 and accept the minutes as prepared and distributed.

**Motion passed 6-0.**

#### **AUDIENCE COMMENTS**

There were no comments from the audience this evening.

Mr. Clark announced that the next item on the agenda this evening, an ordinance authorizing the Mayor to renew the lease agreement with SAFEbuilt, Inc., will be removed from the agenda this evening pending contract modifications, and placed on the agenda for the Regular Meeting of Council to be held May 16, 2016.

**Mr. Clark** read, by title only, **Ordinance No. 16-24** providing for the issuance and sale of \$33,800 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring office equipment for use in performing the administrative functions of the City, and declaring an emergency, and moved for adoption. (First Reading 5-2-16).

Mr. Clark noted that in each of these ordinances to be acted upon this evening, what is common is that the payment of the debt will be made to Huntington National Bank as trustee. The City has utilized the services of Squire, Patton Boggs as bond counsel. This is the standard bonding program of the City of Bay Village.

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There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-24.

- Roll Call on Suspension of the Charter Rules:
  - Yeas- Clark, Koomar, Lieske, Tadych, Vincent
  - Abstained - Mace
  - Nays -None
- Roll Call on Suspension of the Council Rules:
  - Yeas – Clark, Koomar, Lieske, Tadych, Vincent
  - Abstained - Mace
  - Nays – None.
- Roll Call on Use of the Emergency Clause:
  - Yeas- Clark, Koomar, Lieske, Tadych, Vincent
  - Abstained - Mace
  - Nays -None
- Roll Call on Adoption:
  - Yeas– Clark, Koomar, Lieske, Tadych, Vincent
  - Abstained - Mace
  - Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-24 an emergency measure, by a vote of 5-0, with one abstention.

Mr. Clark read, by title only, **Ordinance No. 16-25** providing for the issuance and sale of \$691,580 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council and declaring an emergency, and moved for adoption. (First Reading 5-2-16)

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-25.

- Roll Call on Suspension of the Charter Rules:
  - Yeas- Koomar, Lieske, Tadych, Vincent, Clark
  - Abstained - Mace
  - Nays -None
- Roll Call on Suspension of the Council Rules:
  - Yeas – Koomar, Lieske, Tadych, Vincent, Clark
  - Abstained - Mace
  - Nays – None.
- Roll Call on Use of the Emergency Clause:
  - Yeas- Koomar, Lieske, Tadych, Vincent, Clark
  - Abstained - Mace
  - Nays -None
- Roll Call on Adoption:
  - Yeas–Koomar, Lieske, Tadych, Vincent, Clark

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Abstained - Mace  
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-25 an emergency measure, by a vote of 5-0, with one abstention.

Mr. Clark read, by title only, **Ordinance No. 16-26** providing for the issuance and sale of \$43,500 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of constructing improvements to facilities used in performing the functions of the City’s Department of Community Services, and declaring an emergency, and moved for adoption. (First Reading 5-2-16.)

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-26.

Roll Call on Suspension of the Charter Rules:

Yeas- Lieske, Tadych, Vincent, Clark, Koomar  
Abstained - Mace  
Nays -None

Roll Call on Suspension of the Council Rules:

Yeas –Lieske, Tadych, Vincent, Clark, Koomar  
Abstained - Mace  
Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Lieske, Tadych, Vincent, Clark, Koomar  
Abstained - Mace  
Nays -None

Roll Call on Adoption:

Yeas–Lieske, Tadych, Vincent, Clark, Koomar  
Abstained - Mace  
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-26 an emergency measure, by a vote of 5-0, with one abstention.

Mr. Clark read, by title only, **Ordinance No. 16-27** providing for the issuance and sale of \$15,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring equipment for use in performing the functions of the City’s Fire Department, and declaring an emergency, and moved for adoption. (First Reading 5-2-16).

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-27.

Roll Call on Suspension of the Charter Rules:

Yeas-Tadych, Vincent, Clark, Koomar, Lieske  
Abstained - Mace

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Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Tadych, Vincent, Clark, Koomar, Lieske

Abstained - Mace

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Tadych, Vincent, Clark, Koomar, Lieske

Abstained - Mace

Nays -None

Roll Call on Adoption:

Yeas–Tadych, Vincent, Clark, Koomar, Lieske

Abstained - Mace

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-27 an emergency measure, by a vote of 5-0, with one abstention.

Mr. Clark read, by title only, **Ordinance No. 16-28** providing for the issuance and sale of \$129,195 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring motor vehicles and equipment for use in performing the functions of the City's Police Department, and declaring an emergency, and moved for adoption. (First Reading 5-2-16)

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-28.

Roll Call on Suspension of the Charter Rules:

Yeas- Vincent, Clark, Koomar, Lieske, Tadych

Abstained - Mace

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Vincent, Clark, Koomar, Lieske, Tadych

Abstained - Mace

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Vincent, Clark, Koomar, Lieske, Tadych

Abstained - Mace

Nays -None

Roll Call on Adoption:

Yeas– Vincent, Clark, Koomar, Lieske, Tadych

Abstained - Mace

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-28 an emergency measure, by a vote of 5-0, with one abstention.

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Mr. Clark read, by title only, **Ordinance No. 16-29** providing for the issuance and sale of \$381,525 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City's Department of Public Services and Properties and declaring an emergency, and moved for adoption. (First Reading 5-2-16)

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-29.

Roll Call on Suspension of the Charter Rules:

Yeas- Clark, Koomar, Lieske, Tadych, Vincent

Abstained - Mace

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Clark, Koomar, Lieske, Tadych, Vincent

Abstained - Mace

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Clark, Koomar, Lieske, Tadych, Vincent

Abstained - Mace

Nays -None

Roll Call on Adoption:

Yeas– Clark, Koomar, Lieske, Tadych, Vincent

Abstained - Mace

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-29 an emergency measure, by a vote of 5-0, with one abstention.

Mr. Clark read, by title only, **Ordinance No. 16-30** providing for the issuance and sale of \$2,538,400 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by council, (ii) improving the city's parks and recreational facilities by improving basketball and tennis courts, aquatic and related facilities and their sites and constructing and improving lighting facilities at Hartman Field, (iii) acquiring motor vehicles and equipment and acquiring and installing a work order system for use in performing the functions of the city's department of public services and properties, (iv) acquiring motor vehicles and equipment for use in performing the functions of the city's police department, (v) acquiring office equipment for use in performing the administrative functions of the city, (vi) acquiring a bus for use in performing the functions of the city's department of community services, (vii) acquiring a motor vehicle and equipment for use in performing the functions of the city's fire department, (viii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the city's department of public services and properties, (ix) improving the city's sanitary sewerage system by constructing sewer lines, (x) resurfacing and making other improvements to city surface parking areas and (xi)

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acquiring a motor vehicle and equipment for use in performing the functions of the city's police department, and declaring an emergency, and moved for adoption. (First Reading 5-2-16).

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-30.

Roll Call on Suspension of the Charter Rules:

Yeas- Koomar, Lieske, Tadych, Vincent, Clark

Abstained - Mace

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Koomar, Lieske, Tadych, Vincent, Clark

Abstained - Mace

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Koomar, Lieske, Tadych, Vincent, Clark

Abstained - Mace

Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lieske, Tadych, Vincent, Clark

Abstained - Mace

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-30 an emergency measure, by a vote of 5-0, with one abstention.

Mr. Clark read, by title only, **Ordinance No. 16-31** providing for the issuance and sale of \$80,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the city's sanitary sewerage system by constructing sewer lines and acquiring and improving sanitary facilities, and declaring an emergency, and moved for adoption. (First Reading 5-2-16).

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-31.

Roll Call on Suspension of the Charter Rules:

Yeas- Lieske, Tadych, Vincent, Clark, Koomar

Abstained - Mace

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Lieske, Tadych, Vincent, Clark, Koomar

Abstained - Mace

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Lieske, Tadych, Vincent, Clark, Koomar

Abstained - Mace

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Nays -None  
Roll Call on Adoption:  
Yeas– Lieske, Tadych, Vincent, Clark, Koomar  
Abstained - Mace  
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-31 an emergency measure, by a vote of 5-0, with one abstention.

Mr. Clark introduced **Ordinance No. 16-32** approving certain Capital Expenditures and Personal Services Contracts previously approved by budget that exceed Twenty Thousand Dollars (\$20,000), and declaring an emergency. (First Reading).

Mr. Clark commented that this ordinance has been talked about for at least several months right now, and is thoroughly appreciative for the Mayor’s comments that she read into the minutes of the meeting tonight as well. This legislation was put into the appropriation’s budget for 2016, and it was agreed that it would be taken out and put into a separate ordinance. Putting this legislation together involved a significant amount of time from both the administration, Finance Committee, as well as the Law Department. Mr. Clark requested that Ordinance No. 16-32 be placed on first reading.

Mr. Koomar announced that Ordinance No. 16-32 is placed on first reading.

**Mr. Tadych** introduced and read **Resolution No. 16-33** authorizing the Mayor to enter into a Cooperative Purchasing Program with the Ohio Department of Transportation, and declaring an emergency, and moved for adoption.

Mr. Koomar stated that Mr. Tadych has done a lot of work with the Finance Director and Police Chief of getting additional information that Mr. Tadych would have preferred would have been in the budget process this fall. Having received that information, Mr. Koomar is pleased to accept the motion for adoption this evening.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-33.

Roll Call on Suspension of the Charter Rules:  
Yeas- Lieske, Mace, Tadych, Vincent, Clark, Koomar  
Nays -None  
Roll Call on Suspension of the Council Rules:  
Yeas –Lieske, Mace, Tadych, Vincent, Clark, Koomar  
Nays – None.  
Roll Call on Use of the Emergency Clause:  
Yeas- Lieske, Mace, Tadych, Vincent, Clark, Koomar  
Nays -None  
Roll Call on Adoption:  
Yeas–Lieske, Mace, Tadych, Vincent, Clark, Koomar

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Nays--None.

Mr. Koomar announced adoption of Resolution No. 16-33 an emergency measure, by a vote of 6-0.

Mr. Tadych introduced and read Resolution No. 16-34 authorizing the purchase of vehicles under Cooperative Purchasing Programs 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. 16-34.

Roll Call on Suspension of the Charter Rules:

Yeas- Mace, Tadych, Vincent, Clark, Koomar, Clark

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas --Mace, Tadych, Vincent, Clark, Koomar, Clark

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Mace, Tadych, Vincent, Clark, Koomar, Clark

Nays -None

Roll Call on Adoption:

Yeas--Mace, Tadych, Vincent, Clark, Koomar, Clark

Nays--None.

Mr. Koomar announced adoption of Resolution No. 16-34 an emergency measure, by a vote of 6-0.

Following up on Agenda Item No. 13, Mr. Koomar commented that historically professional services in excess of \$15,000 have been approved during his time on Council. The Mayor chose to set \$50,000 using the state limit, deviating from past practice. In conversations with members of Council, they weren't comfortable with a level of \$50,000 for professional services. Hence, that is why Council leadership started discussions with the Finance Director, Assistant Finance Director, Mayor when she was in town, and the Law Director. This is the compromise we reached with the Finance Director and Assistant Finance Director. Our agreement was not to pass this tonight, but to put it on first reading for public comment.

Mr. Vincent stated that up until September 28, 2012, public bid was \$25,000. We functioned for many years requiring going to public bid at \$25,000 so having to come to Council for \$20,000 would not cause any stress. Mrs. Mahoney stated that professional services does not require bidding. Mr. Vincent agreed, but noted that everything else does require public bidding.

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council

## CITY OF BAY VILLAGE

### CAHOON MEMORIAL PARK TRUSTEES

May 9, 2016

Vice President of Council Clark called the meeting to order at 7:50 p.m. in the conference room of Bay Village City Hall.

Present: Clark, Lieske, Mace, Tadych, Vincent, Mayor Sutherland

Excused: Mr. Koomar (will be present for the Special Meeting to be held at 8 p.m. this evening), Mr. Henderson

Also Present: Finance Director Mahoney, Director of Public Safety/Service Thomas, Recreation Director Enovitch, Director of Community Services Selig, Fire Chief Lyons, Police Chief Spaetzel, Operations Manager Landers.

The following audience members signed in this evening: Dick Majewski, Lydia DeGeorge, Denny Wendell, Claire Banasiak.

**Motion** by **Mace** to grant permission to the Village Project to use the Cahoon Memorial Park for their Project Pedal on Saturday, June 18, 2016 from 9 a.m. to 1 p.m., pending receipt of insurance.

**Motion carried 6-0.**

There being no further business to discuss, the meeting adjourned at 7:52 p.m.

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Dwight Clark, Vice President of Council

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Joan Kemper, Clerk of Council

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH  
AMERICAN FIREWORKS COMPANY FOR THE 2016 JULY 4<sup>TH</sup> FIREWORKS  
DISPLAY, 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 American Fireworks Company for the 2016 July 4<sup>th</sup> fireworks display which will be held in Cahoon Park. Said work is to be performed under contract at a cost not to exceed Eleven Thousand Dollars (\$11,000.00). Payment shall be made from the General Fund/General Administration Other (100.119.54900).

**SECTION 2.** The Fire Chief is hereby authorized to permit pyrotechnical display of fireworks as part of the July 4 celebration upon Applicant obtaining a permit, paying any associated permit fee and providing an indemnity bond or proof on insurance coverage as required by ORC 3743.54 and as further approved by the City and the Law Director.

**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 award said contract to ensure the fireworks display takes place in a timely manner during the Fourth of July celebration, 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

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH  
HAMBURG FIREWORKS COMPANY FOR THE 2016 JULY 4<sup>TH</sup> FIREWORKS  
DISPLAY, 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 Hamburg Fireworks Company for the 2016 July 4<sup>th</sup> fireworks display which will be held in Cahoon Park. Said work is to be performed under contract at a cost not to exceed Eleven Thousand Dollars (\$11,000.00). Payment shall be made from the General Fund/General Administration Other (100.119.54900).

**SECTION 2.** The Fire Chief is hereby authorized to permit pyrotechnical display of fireworks as part of the July 4 celebration upon Applicant obtaining a permit, paying any associated permit fee and providing an indemnity bond or proof on insurance coverage as required by ORC 3743.54 and as further approved by the City and the Law Director.

**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 award said contract to ensure the fireworks display takes place in a timely manner during the Fourth of July celebration, 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

ORDINANCE NO. 16-32  
INTRODUCED BY: Mr. Clark

First Reading 5-9-16

**AN ORDINANCE**  
**APPROVING CERTAIN CAPITAL EXPENDITURES AND PERSONAL SERVICES CONTRACTS PREVIOUSLY APPROVED BY BUDGET THAT EXCEED TWENTY THOUSAND DOLLARS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Bay Village annually provides a budget which is approved by Council and is subject to certain State bidding limitations; and

**WHEREAS**, the Finance Director may approve expenditures submitted by the department directors or as directed by Council within amounts appropriated by Council; and

**WHEREAS**, Council shall approve capital equipment, vehicles, public improvement projects and personal services contracts that are in excess of Twenty Thousand Dollars (\$20,000.00) provided that the funds have been appropriated by Council;

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

**SECTION 1.** The Finance Director may approve expenditures provided that the amounts have been appropriated by Council.

**SECTION 2.** Any single item capital expenditure that exceeds Twenty Thousand Dollars (\$20,000.00) and previously appropriated shall be submitted to Council for specific approval.

**SECTION 3.** Any personal services contracts that exceed Twenty Thousand Dollars (\$20,000.00) in the aggregate in a single year to the same vendor and previously appropriated shall be submitted to Council for specific approval.

**SECTION 3.** Expenditures for Cahoon Memorial Park which are not subject to bid limitations shall be in accordance with the Cahoon Will and the authority granted to the Trustees under the jurisdiction of the Cuyahoga County Probate Court.

**SECTION 4.** 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 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, 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

4/26/16 ll

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO RENEW THE LEASE AGREEMENT  
WITH SAFEbuILT INC., FOR THE REAL ESTATE LOCATED  
ON THE LOWER LEVEL AT BAY VILLAGE CITY HALL,  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City entered into a professional services agreement for a term of three years with SAFEbuilt authorized by Ordinance 13-14 passed March 11, 2013; and

**WHEREAS**, the current Lease Agreement expires on April 1, 2016; and

**WHEREAS**, SAFEbuilt is operating out of and leasing approximately 1,220 square feet of vacant space located on the lower lever at City Hall; and

**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 renew the Lease Agreement on behalf of the City with SAFEbuilt, Inc., Safe Built Colorado, Inc., 3755 Precision Drive, St. 140, Loveland, Colorado, 80538 for the use of approximately 1,220 square feet of real estate located in the lower level at City Hall. Term of said Lease Agreement renewal shall be for two (2) years (in a form approved by the Law Director).

**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 immediately necessary to execute said Lease Agreement, 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

3/11/16 ll

**RESOLUTION NO.**  
**INTRODUCED BY:**

**RESOLUTION AUTHORIZING PARTICIPATION  
IN THE ODOT WINTER CONTRACT (018-17) FOR ROAD SALT**

**WHEREAS**, the **CITY OF BAY VILLAGE, OHIO** (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-17) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

**NOW, THEREFORE**, be it ordained by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the terms and conditions regarding participation on the ODOT winter salt contract as follows:

Section 1. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

Section 2.. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

Section 3. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and

Section 4. The Political Subdivision hereby requests through this participation agreement a total of 1,500 (ONE THOUSAND FIVE HUNDRED) tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

Section 5. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period of October 1, 2016 through March 31, 2017; and

Section 6. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and

Section 7. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Wednesday, June 1, 2016. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

Section 8. 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 9. 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 insure adequate road salt coverage during the winter seasons of 2017 and 2018, 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

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE WINTER SALT PARTICIPATION WEBSITE  
BY NO LATER THAN FRIDAY, MAY 27, 2016.**

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.