

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.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council