

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 9:05 p.m.

June 20, 2016

Paul A. Koomar, President of Council, presiding

Present: Henderson, Koomar, Mace, Tadych, Vincent, Mayor Sutherland

Excused: Mr. Clark, Mrs. Lieske

Also Present: Law Director, Ebert, Finance Director Mahoney, Director of Community Services Selig, Director of Public Safety/Service Thomas, Police Chief Spaetzel, Fire Chief Lyons, Chief Building Official of SAFEbuilt, Inc., John Cheatham, Director of Operations Landers.

Mr. Koomar called the Regular Meeting of Council to order at 9:05 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Councilman Tom Henderson, Ward 4.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held June 13, 2016. Mr. Tadych **MOVED** to dispense with the reading and accept the minutes of the Special Meeting of Council held June 13, 2016 as prepared and distributed. Motion carried 5-0. Mr. Koomar called for a reading of the Minutes of the Meeting of the Cahoon Memorial Park Trustees held June 13, 2016. Mr. Tadych **MOVED** to dispense with the reading and accept the minutes of the Cahoon Memorial Park Trustees as prepared and distributed. Motion carried 6-0.

ANNOUNCEMENTS

Mayor Sutherland reminded everyone that there is a Master Plan Visioning Committee Meeting on Tuesday, June 28, 2016 at 7 p.m. at the Dwyer Memorial Center.

The Mayor announced that First Energy has sent notification that they are going to conduct a planned electrical outage on Wednesday, June 22 for need worked on Lincoln, Marygate, Lindford, Welshire, Debbington and Buchanen Drives from approximately 8 a.m. to 2 p.m. In the event of inclement weather, the planned outage will be rescheduled for Thursday, June 23, 2016. The Illuminating Company thanks everyone for their patience and understanding while they perform this work to improve electric service and reliability. Residents are being notified by telephone by First Energy.

Mr. Koomar asked Mayor Sutherland if the survey regarding the Cahoon Memorial Park Connectivity Study will be sent out to residents via email blast by the Mayor's office. Mayor Sutherland stated that she will check with her assistant who may have sent them out last week.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Public Safety/Service Director Thomas had no report this evening.

Director of Community Services Selig had no report this evening.

Police Chief Spaetzel had no report this evening.

Fire Chief Lyons reported that the Annual Open House for the Fire Department was held Saturday, June 18, 2016, and expressed appreciation to the Destination Bay Team, the Service Department who assisted in getting the Fire Station ready, and the members of the Fire Department, both on-duty and off-duty. Chief Lyons thanked the community for supporting this event.

Mr. Koomar stated that the Annual Fire Department Open House was very well attended and the Fire Department did a very nice job making a lot of children happy.

Mr. Vincent stated that he visited the Fire Department Annual Open House with his daughter who loved the event. Mr. Vincent noted that it just keeps getting better every year.

AUDIENCE

The following audience members signed in this evening: Lydia DeGeorge, Dick Majewski, Suzanne Graham, Tara Wendell, Emily Taylor, Claire Banasiak.

There were no comments from the audience this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Vincent had no report this evening.

FINANCE AND CLAIMS

Mr. Tadych read, by title only, **Resolution No. 16-39** adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2017, submitting same to the County Fiscal Officer, and declaring an emergency (Second Reading 6-13-16) (First Reading 6-6-16), and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-39.

Minutes of Regular Meeting
Bay Village City Council
June 20, 2016

Roll Call on Use of the Emergency Clause:

Yeas- Henderson, Koomar, Mace, Tadych, Vincent

Nays -None

Roll Call on Adoption:

Yeas- Henderson, Koomar, Mace, Tadych, Vincent

Nays-None.

Mr. Koomar announced adoption of Resolution No. 16-39, an emergency measure, by a vote of 5-0.

Mr. Tadych read, by title only, **Resolution No. 16-40** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading 6-13-16) (First Reading 6-6-16), and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-40.

Roll Call on Use of the Emergency Clause:

Yeas-Koomar, Mace, Tadych, Vincent, Henderson

Nays -None

Roll Call on Adoption:

Yeas-Koomar, Mace, Tadych, Vincent, Henderson

Nays-None.

Mr. Koomar announced adoption of Resolution No. 16-40, an emergency measure, by a vote of 5-0.

Mr. Tadych read, by title only, **Resolution No. 16-41** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading 6-13-16) (First Reading 6-6-16), and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-41.

Roll Call on Use of the Emergency Clause:

Yeas- Mace, Tadych, Vincent, Henderson, Koomar

Nays -None

Roll Call on Adoption:

Yeas-Mace, Tadych, Vincent, Henderson, Koomar

Nays-None.

Mr. Koomar announced adoption of Resolution No. 16-41, an emergency measure, by a vote of 5-0.

Minutes of Regular Meeting
Bay Village City Council
June 20, 2016

Mr. Tadych read, by title only, **Resolution No. 16-42** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading 6-13-16) (First Reading 6-6-16), and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-42.

Roll Call on Use of the Emergency Clause:

Yeas- Tadych, Vincent, Henderson, Koomar, Mace

Nays -None

Roll Call on Adoption:

Yeas–Tadych, Vincent, Henderson, Koomar, Mace

Nays–None.

Mr. Koomar announced adoption of Resolution No. 16-42, an emergency measure, by a vote of 5-0.

Mr. Tadych read, by title only, **Resolution No. 16-43** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading 6-13-16) (First Reading 6-6-16), and moved for adoption.

Mr. Tadych asked the cost for the residents to add these charges to their tax duplicate. Finance Director Mahoney stated that Cuyahoga County charges one percent of the charge being certified.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-43.

Roll Call on Use of the Emergency Clause:

Yeas- Vincent, Henderson, Koomar, Mace, Tadych

Nays -None

Roll Call on Adoption:

Yeas–Vincent, Henderson, Koomar, Mace, Tadych

Nays–None.

Mr. Koomar announced adoption of Resolution No. 16-43, an emergency measure, by a vote of 5-0.

Mr. Tadych read, by title only, **Ordinance No. 16-44** enacting revised Codified Ordinance Chapter 151 entitled Employment Provisions. (Second Reading 6-13-16) (First Reading 6-6-16), and moved for adoption.

Mr. Henderson commented that there is a typographical error in Section 151.18 Drug Free Workplace, with an unnecessary notation of “40.01.”

Mr. Tadych stated that the ordinance is amended by reading.

Mr. Henderson reiterated his comments made during the Council Committee Meeting held earlier this evening. He would like to refer to the Mayor to update the City's Drug Free Workplace Program and Policy to not permit the use, possession, or distribution of Medical Marijuana by a City of Bay Village employee. The Mayor stated that it will be done.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-44.

Roll Call on Use of the Emergency Clause:

Yeas- Henderson, Koomar, Mace, Tadych, Vincent

Nays -None

Roll Call on Adoption:

Yeas- Henderson, Koomar, Mace, Tadych, Vincent

Nays-None.

Mr. Koomar announced adoption of Ordinance No. 16-44, as amended, an emergency measure, by a vote of 5-0.

Mr. Tadych read, by title only, **Ordinance 16-48** amending Section 1 of Ordinance 15-64 regarding rates of compensation for the officers and employees of the General Administration Department and those employees of the City not covered by separate labor contract for the Calendar Year 2016 and thereafter, and declaring an emergency. (First Reading 6-13-16)

Mr. Koomar announced that Ordinance No. 16-48 is placed on second reading.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Mr. Vincent read, by title only, **Ordinance 16-49** amending Chapter 1351 "Determination of Grade Lines. (Second Reading) (First Reading 6-13-16)

Mr. Koomar announced that Ordinance No. 16-49 is placed on second reading.

Mr. Vincent read, by title only, **Ordinance No. 15-79** amending Codified Ordinance Section 1158 regarding Attached Residence District, and declaring an emergency. (Second Reading) (First Reading 11-16-15).

Mr. Koomar announced that Ordinance No. 15-79 is placed on second reading.

Ordinance amending Codified Ordinance 1373.01 regarding storage in front of building line; exceptions, and declaring an emergency was held pending modifications.

Mr. Vincent introduced and read, by title only, **Ordinance 16-50** amending Codified Ordinance 521.12 regarding garbage or rubbish deposit and collection, and declaring an emergency (First Reading)

Mr. Koomar announced that Ordinance No. 16-50 is placed on first reading.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Henderson introduced and read **Resolution 16-51** ordering the repair of the Public Sidewalks abutting certain premises in the City of Bay Village, and declaring an emergency. Mr. Henderson reiterated his comments at the Committee meeting this evening regarding his suggestion that the word “interest” be changed to “fee” and it is his opinion that ten percent is too high. Mr. Henderson’s recommendation is that the administration consider lowering that to at least five percent. Mr. Henderson **MOVED** for adoption of Resolution No. 16-51.

Mr. Mace asked that Council be informed as to the decrease in the amount of the ten percent “interest” or “fee” as suggested by Mr. Henderson. Mr. Ebert stated that an email communication will be sent to Council prior to the letter being sent to the residents so that everyone is in agreement. Mr. Henderson stated that this is acceptable to him because the fee is not referenced in the resolution. It is a letter that the administration sends out.

Roll Call on Suspension of the Charter Rules:

Yeas- Koomar, Mace, Tadych, Vincent, Henderson

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Koomar, Mace, Tadych, Vincent, Henderson

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Koomar, Mace, Tadych, Vincent, Henderson

Nays -None

Roll Call on Adoption:

Yeas–Koomar, Mace, Tadych, Vincent, Henderson

Nays–None.

Mr. Koomar announced adoption of Resolution No. 16-51, as amended, an emergency measure, by a vote of 5-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Mace had no report this evening.

SERVICES, UTILITIES AND EQUIPMENT COMMITTEE

Minutes of Regular Meeting
Bay Village City Council
June 20, 2016

Mr. Tadych reminded everyone of the joint Finance Committee-Services Utilities and Equipment Committee meeting to be held Thursday, June 30, 2016 at 6:30 p.m. in the conference room of Bay Village City Hall.

MISCELLANEOUS

Motion by **Mr. Tadych** to adjourn regular meetings of Bay Village City Council for the months of July and August in accordance with Bay Village City Charter Provision No. 2.10. Special Meetings will be called as necessary.

Motion carried 5-0.

Mr. Tadych further **MOVED** not to convene to Executive Session this evening.

Motion carried 5-0.

There being no further business to discuss, the meeting adjourned at 9:32 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council