

August 5, 2016

A Special Meeting of the Bay Village City Council will be held on **Monday, August 8, 2016 at 6:00 p.m.** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call; Pledge of Allegiance led by David L. Tadych, Councilman, Ward 1
2. Announcements/Audience/Miscellaneous
3. **Motion** to approve the minutes of the Special Meeting of Council held July 11, 2016. ***Clark***
4. **Motion** to acknowledge receipt of the July, 2016 Financial Reports of the City of Bay Village prepared by Finance Director Renee Mahoney. ***Clark***
5. **Motion** to grant the Planning Commission an additional sixty days, from September 4, 2016, to November 3, 2016, to review the plans for the project of Leonard and Jeffrey Strnad to remodel and add 628 square feet to the property at 27205 Wolf Road for conversion to retail use as Vivid Jewelers, consistent with current Retail Business District Zoning. ***Lieske***
6. **Ordinance** authorizing the Mayor to execute a fishing agreement with the Ohio Department of Natural Resources, Division of Wildlife, and declaring an emergency. ***Mace***
7. **Motion** to approve the Ovarian Cancer Research Benefit, sponsored by Greg Gogul entitled “Run for Jess” on Saturday, September 17, 2016, from 9 a.m. to 3 p.m., and acknowledging receipt of insurance. ***Mace***
8. Adjournment

Charter Reference 2.11

Paul A. Koomar, President of Council

Agenda
Special Meeting of Council
August 8, 2016

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.

Agenda, **Cahoon Memorial Park Trustees**
Council Chambers
Paul A. Koomar, President of Council, Presiding

August 8, 2016
6:00 p.m.

CAHOON MEMORIAL PARK TRUSTEES

Motion by Mace, to permit Greg Gogul to use Cahoon Memorial Park property for an Ovarian Cancer Research Benefit, entitled “Run for Jess” on Saturday, September 17, 2016 from 9 a.m. to 3 p.m., and acknowledging receipt of insurance.

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 7:30 a.m.
President of Council Paul A. Koomar, presiding

July 11, 2016

Present: Clark, Henderson, Koomar, Mace, Tadych, Vincent, Acting Mayor Ebert

Excused: Mrs. Lieske

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Public Safety/Service Thomas, Director of Operations Landers, Fleet Manager White, Chief Building Official Jeff Grassi.

AUDIENCE

The following audience members signed in this evening: Richard Fink.

President of Council Koomar called the meeting to order at 7:30 a.m. with roll call and the Pledge of Allegiance, led by Councilman-at-large Marty Mace.

ANNOUNCEMENTS

Acting Mayor Ebert

Appointment of Julie A. Bauman, LNHA, to the Community Services Advisory Board for a three-year term expiring July 11, 2019.

Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held June 27, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Special Meeting of Council held June 27, 2016 as prepared and distributed. **Motion passed 6-0.**

Motion by **Tadych** confirming the appointment by Mayor Sutherland of Julie A. Bauman, LNHA, to the Community Services Advisory Board for a three-year term expiring July 11, 2019. **Motion passed 6-0.**

Mr. Vincent read **Ordinance No. 16-50** amending Codified Ordinance 521.12 regarding garbage or rubbish deposit and collection, and declaring an emergency, and moved for adoption. (First Reading 6-20-16) (Second Reading 6-27-16).

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-50.

Roll Call on Use of the Emergency Clause:

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

Nays -None

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Roll Call on Adoption:

Yeas—Clark, Henderson, Koomar, Mace, Tadych, Vincent

Nays—None.

Mr. Koomar announced adoption of Ordinance No. 16-50, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced and read Ordinance 16-53 amending Codified Ordinance Section 1373.01, Storage in Front of Building Line; Exceptions, 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 Ordinance No. 16-53.

Roll Call on Suspension of the Charter Rules:

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

Nays – None.

Roll Call on Suspension of Council Rules:

Yeas – Koomar, Mace, Tadych, Vincent, Clark, Henderson

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

Yeas—Koomar, Mace, Tadych, Vincent, Clark, Henderson

Nays—None.

Mr. Koomar announced adoption of Ordinance No. 16-53, an emergency measure, by a vote of 6-0.

In regard to the next item on the agenda, a Resolution authorizing the purchase of a 2017 Ford F-450 Chassis from Middletown Ford Fleet Department, Mr. Tadych stated that the truck is being divided in two packages. The first package is \$32,000 and the overall amount appropriated is \$60,000. Mr. Tadych asked if the second package will be \$28,000. An email was received from the Finance Director stating that this is replacing Truck No. 60. In actuality, it is replacing Truck No. 21. Mrs. Mahoney stated that the second package will be \$28,000.

Mr. Tadych introduced and read **Resolution No. 16-54** authorizing the purchase of a 2017 Ford F-450 Chassis from Middletown Ford Fleet Department, and declaring an emergency, and moved for adoption.

Mr. Mace asked Safety/Service Director Scott if these are equal units because in reviewing the bids there is quite a bit of detail from Mike Bass Ford as compared to Middletown Ford. Mr. Scott White, Fleet Manager, stated that Mike Bass Ford information was copied, pasted and sent over from the Mike Bass Ford website by a fairly new Mike Bass Ford employee. The salesman at Middletown Ford has been around for quite some time and knew exactly what information to

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send. The truck is basically the same truck you would find on state bid, but this truck was not awarded on the state contract for 2016. This will be a 2017 state award truck, but that contract will not come out until November or later.

Mr. Clark verified that Exhibit B in the appropriation ordinance does show “Truck No. 21.”

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-54.

Roll Call on Suspension of the Charter Rules:

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

Nays – None.

Roll Call on Suspension of Council Rules:

Yeas – Koomar, Mace, Tadych, Vincent, Clark, Henderson

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

Yeas– Koomar, Mace, Tadych, Vincent, Clark, Henderson

Nays–None.

Mr. Koomar announced adoption of Resolution No. 16-54, an emergency measure, by a vote of 6-0.

Mr. Clark introduced and read **Ordinance 16-55**, amending by reading, to amend appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2016, as previously appropriated in Annual Appropriation No. 16-09, and amended by Ordinances Nos. 16-13 and 16-46, and moved for adoption.

Mr. Clark stated that this ordinance includes an appropriation for the City’s new telephone system, which has been discussed for several years now. The amount of \$45,000 was appropriated for the telephone system in 2012. A joint Finance Committee/Services, Utilities and Equipment Committee meeting was held several weeks ago to review the process of choosing a new telephone system with consultant Jeff Hartman and Finance Director Mahoney, her administration team, and various units of the City to basically create an RFP and seek bids on a system. From that, there is still work to be done but there is a need to move forward with the acquisition of the system and the appropriation ordinance will provide the funding to do so. When the final system is identified, a specific ordinance will be brought to Council for approval. A short list of three vendors will bring their hardware and software in for testing by the City to see what is best for our needs, and all of this should be done within the next 60 to 90 days.

Mr. Tadych stated that basically the City is pretty well cell-phoned, and he is questioning whether some of these stations we are talking about in the Service Department might be necessarily dropped by using the cell-phones. Mr. Tadych stated that he does not know how expensive the cell-phones are to the City, but maybe that should be looked at very closely. This

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was not brought up at the joint Finance Committee/Services, Utilities and Equipment Committee meeting, but it is a question as to whether all of those stations are needed at the Service Department. At the meeting it was mentioned that the cell-phones are just about as important as the regular stations.

Mrs. Mahoney stated that this is true at the pool, and the other one thought about is whether a station is needed in the weight room. Mr. White noted that the weight room phone is needed in the event of an emergency.

Mr. Vincent asked the name of the vendors bidding for the phone system. Mr. Clark stated that the consultant is just working with the first round of bids and feels that the final prices will come in at three to five percent under the first quotes. The good news is that the prices will be trimmed down. The project has taken longer than we had hoped, but the technology has improved while prices have gone down. We will find that out in the final bid.

Director Mahoney stated that once we do have a new phone system, Mr. Hartman, the telephone consultant, stated that we can probably eliminate most of the AT&T cost, which is about \$3,000 per month. Mr. Tadych stated that the savings might be offset by internet costs.

Mr. Clark stated that after the new system is installed, perhaps six months down the line we can see the savings by reviewing actual bills.

Mr. Clark asked Director Mahoney for an overview of the proposed amended appropriation ordinance.

Mrs. Mahoney stated that her thought is to place the entire telephone system cost under Equipment Replacement for easier future reference. The money will be transferred from Municipal Building Improvements (\$88,000) to the Equipment Replacement Fund. Exhibit B should show \$133,000 for the Phone System instead of \$45,000, with the total for Equipment Replacement to be \$888,320. Mr. Clark asked Mrs. Mahoney to show this change in the next packet sent to Council.

Mrs. Mahoney stated that part of that cost is related to the phone system by way of the purchase of network switches in the amount of \$50,000, and \$24,000 for the consultant fee.

Mr. Vincent asked if the cable for the Service Garage can be tied in to this new system. Mrs. Mahoney stated that if we did not have that new cable we would not have been able to incorporate a new telephone system.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-55.

Roll Call on Suspension of the Charter Rules:

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

Nays- None.

Roll Call on Suspension of Council Rules:

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Yeas -Mace, Tadych, Vincent, Clark, Henderson, Koomar
Nays - None.

Roll Call on Use of the Emergency Clause:

Yeas- Mace, Tadych, Vincent, Clark, Henderson, Koomar
Nays -None

Roll Call on Adoption:

Yeas- Mace, Tadych, Vincent, Clark, Henderson, Koomar
Nays-None.

Mr. Koomar announced adoption of Ordinance No. 16-55, an emergency measure, by a vote of 6-0.

Motion by **Clark** to acknowledge receipt of the June, 2016 Financial Reports of the City of Bay Village prepared by Finance Director Renee Mahoney. Mrs. Mahoney stated that she is pleased with the Municipal Income Tax receipts trending positively. **Motion passed 6-0.**

There being no further business to discuss, the meeting adjourned at 8:02 a.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO EXECUTE A FISHING AGREEMENT WITH THE
OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE,
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Bay Village and the City of Avon Lake wish to improve recreational fishing at Walker Road Park, jointly owned by the City of Bay Village and the City of Avon Lake; and

WHEREAS, the Ohio Department of Natural Resources, Division of Wildlife, has proposed a Fishing Agreement to provide a fisheries management program to improve recreational fishing at Walker Road Park;

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 execute a Fishing Agreement with the Ohio Department of Natural Resources, Division of Wildlife.

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, the emergency being the necessity of executing the Agreement during the summer months to have the pond managed and assessed by the Division of Wildlife to protect the environment and ensure a safe fishing area for visitors to the Walker Road Park, thus the public, 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

8-5-16 LL

BY: Mr. James

TEMP NO: 10723

ORDINANCE NO. 106-2016

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FISHING AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake and the City of Bay Village wish to improve recreational fishing at Walker Road Park, jointly owned by the City of Avon Lake and the City of Bay Village, and

WHEREAS, the Ohio Department of Natural Resources, Division of Wildlife, has proposed a Fishing Agreement to provide a fisheries management program to improve recreational fishing at Walker Road Park, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the Mayor is hereby authorized to execute a Fishing Agreement with the Ohio Department of Natural Resources, Division of Wildlife.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of executing the Agreement during the summer months to have the pond managed and assessed by the Division of Wildlife to protect the environment and ensure a safe fishing area for visitors to Walker Road Park, thus for the preservation of the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor.

PASSED: 7/11/16

Maarten O'Donnell
President of Council

POSTED: 7/15/16

7/12/16
Approved

ATTEST: Barbara Dopp
Clerk of Council

Guguz J. Zilka
Mayor

Division of Wildlife
Ohio Department of Natural Resources

FISHING AGREEMENT

Agreement No.

In consideration of the mutual benefits this agreement is entered into by the State of Ohio, Department of Natural Resources, Division of Wildlife, hereinafter known as the Division and _____, hereinafter known as the Owner, this _____ day of _____, 20____, and expiring on the _____ day of _____, 20____; a period of _____ years.

It is the intent of this agreement to provide free public fishing in the body of water commonly known as _____ which is located in _____ Township, _____ County and more completely described in a deed to the Owner filed in deed book number _____, page _____, of the _____ County Recorder's Office consisting of _____ acres more or less of land and water.

It is mutually agreed between the Division and the Owner as follows:

1. The State shall provide a fisheries management program including the enforcement of fish and wildlife laws and all orders of the Division of Wildlife.
2. The State and the Owner shall enforce the provisions of Section 1533.32 and 3767.32 of the Revised Code.
3. The Owner shall permit free public fishing ~~and reasonable access at all times.~~ *during park hours.*
4. ~~Free public fishing shall include, but not be limited to, fishing from watercraft with horsepower limits agreeable to both parties.~~
5. The State shall have the right to remove all of its property or improvements at any time.
6. Obligations of the State are subject to the provisions of Section 126.07 of the Revised Code.
7. The State or its designee will be permitted to use gasoline-powered outboard motors on boats used to perform routine duties including surveys, research, and law enforcement.
8. The Owner will permit fishing upon the Owner's shoreline and water to responsible and respectful persons without regard to their race, color, national origin, sex, age, or handicap. If the Owner unduly restricts fishing access the Division may terminate this agreement immediately.

In witness, the parties hereafter have caused this instrument to be executed this day and year above written.

Witness to Owner

Owner

Witness to Owner

STATE OF OHIO

_____ County, ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named _____ who acknowledged that _____ he _____ did sign the foregoing instrument and that the same is _____ free act and deed. IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at _____, this _____ day of _____, 20_____.

Notary Public

State of Ohio, Department of Natural Resources, Division of Wildlife

By: _____

Chief, Division of Wildlife

APPROVED:

Director, Department of Natural Resources