

October 21, 2016

A Special Meeting of the Bay Village City Council will be held on **Monday, October 24, 2016 at 8:00 p.m., following the Committee Meeting of Council at 7:30 p.m.** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call; Pledge of Allegiance led by Councilman Paul Vincent, Ward 2.

2. Announcements/Audience/Miscellaneous

3. Motion to approve minutes of Regular Meeting of Council held October 17, 2016. ***Clark***

4. Resolution authorizing the filing of a Community Development Municipal Grant Application, and declaring an emergency ***Vincent***

5. Ordinance authorizing the Mayor to enter into a contract with Concord Road Equipment Mfg., Inc. for the purchase of a truck body, and declaring an emergency. ***Tadych***.

6. Adjournment

Charter Reference 2.11

Paul A. Koomar
President of Council

Agenda
Special Meeting of Council
October 24, 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.

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:00 p.m.

October 17, 2016

Paul A. Koomar, President of Council, presiding

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

Also Present: Finance Director Mahoney, Recreation Director Enovitch, Community Services Director Selig, Police Chief Spaetzle, Fire Chief Lyons, Operations Manager Landers.

AUDIENCE

The following audience members signed in this evening: Brandon Dimacchia and family, Amanda Luckay, Kayla Somerville, Claire Banasiak, Jeff Gallatin, Lydia DeGeorge

Mr. Koomar called the Regular Meeting of Council to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Councilman-at-large Dwight Clark.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held October 10, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Special Meeting of Council held October 10, 2016 as prepared and distributed. Motion carried 7-0. Mr. Koomar called for a reading of the Minutes of the Meeting of the Cahoon Memorial Park Trustees held October 10, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Cahoon Memorial Park Trustees held October 10, 2016 as prepared and distributed. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Ebert called upon Fire Chief Lyons to introduce the members of the Bay Village Fire Department who will participate in the Ceremonial Oath of Office this evening.

Fire Chief Lyons acknowledged to City Council the outstanding work of the Bay Village Civil Service Commission. Chief Lyons stated that working with Mr. James R. Potter, Chairman, Mrs. Martha Krebs, and Dr. Dennis Lekan, Commissioners has been an outstanding opportunity and just a joy. They are a pleasure to work with. Chief Lyons stated that he admires what they do; they enable the Fire Department not only to hire but to promote the best candidates east of the Mississippi.

Chief Lyons introduced the following candidates for the Ceremonial Oath of Office:

Eric Bartinelli

Eric Bartinelli is being sworn in this evening as a Firefighter/Paramedic for the City of Bay Village. Eric actually started with the City of Bay Village on July 25, 2016. Firefighter Bartinelli is 22 years old and comes to the City of Bay Village with several years' prior experience as a Firefighter/Paramedic with the cities of Valley View and Brunswick Hills. Eric's father, Joe Bartinelli, is a career Firefighter/Paramedic with the City of North Royalton, where he currently serves as Lieutenant. Eric's mother, Maureen, is a speech pathologist with the Brunswick City Schools. Eric was on the verge of being hired as a Firefighter by our neighbor to the south, but by acting quickly they were able to snatch him from the evil clutches of Westlake. Eric has already completed his initial training period as well as an advanced course in Rope Rescue, and the Bay Village Fire Department is very happy to have him on Board.

Mayor Ebert performed the Ceremonial Oath of Office for Firefighter/Paramedic Eric Bartinelli.

Lieutenant Brandon Dimacchia

Brandon started with the Bay Village Fire Department on June 25, 2001. He is eminently qualified to receive this promotion to Lieutenant, having not only scored highest on the promotional examination, but bringing with him a wealth of knowledge and experience to his new role. During the last fifteen years of service, Brandon Dimacchia filled some of the following roles. He is a Rescue Swim Instructor, he is a Hazardous Materials and Technical Rescue Team Member, he is the local Mobile Radio expert, and he is also a Fire Instructor and Trainer, teaching many of the courses for the Fire Department members. With this promotion, Lieutenant Dimacchia is assigned as the Public Safety Education Officer. He will be out and about in the community spreading peace, goodwill and joy. Brandon is also a volunteer firefighter with the Amherst Fire Department, where he serves as Assistant Chief. Brandon is the proud husband to Wendy, and father to Alec, Macey and Kelly.

Mayor Ebert performed the Ceremonial Oath of Office for Fire Lieutenant Brandon Dimacchia.

Refreshments were served to family members and friends present for this evening's ceremony.

REPORTS

Mayor Ebert reported that last week Council asked about having signs posted for the leash law in various parks in Bay Village. The signs are being prepared and will be posted at Columbia Park, Bradley Park, and Cahoon Memorial Park.

The leaf collection program began today and the City of Bay Village website will post and update every Monday morning the schedule of where the leaf pick up is occurring in the City. The posting will also indicate whether the pick-up is behind based on the weather. The website posting for leaves will be in the corner of the home page under "Leaves."

Councilman Vincent thanked Mr. Ebert for his quick turn-around in providing the leash law posting in the parks, and the leaf pick-up information on the website. Mr. Vincent commented that this is quite different than what has been experienced in the past.

Finance Director Mahoney advised that staff members have been invited to dress down on Indians play-off game days and contribute \$1.00 each day to the Holiday Caring and Sharing Program.

Recreation Director Enovitch had no report this evening.

Police Chief Spaetzle advised of continuing community policing efforts. This summer the Police Department was able to get their bicycles on patrol a little bit more with some great feedback from the community. The bicycle helmets program continues to work well. The second annual Touch-a-Truck was again very well attended and continues to be very popular. The Police Department sends a representative to all of the neighborhood block parties in the City. A program has begun at the Dwyer Memorial Center where the Police Chief visits once a month for the “Coffee with a Cop” program sitting down with the seniors and addressing their concerns, issues and questions. A reading program has begun at the Normandy Schools to read and connect with the children on a more personal level. In 2017 they will re-start the very popular Citizens Police Academy. With all the current and sometimes negative perception of police procedures this is an opportunity to explain why and how the Police Department functions. The program is conducted once a week for eight weeks.

Community Services Director Selig had no report this evening.

Director of Operations Landers had no report this evening.

President of Council Koomar announced that he has tasked three former Councilmen in resurrecting the project of Community House renovation. Scott Pohlkamp, Clete Miller, and Mike Young will begin by studying engineering reports. Mr. Miller is an architect and is well versed in building renovation. While the City is experiencing the vacancy of a Service Director it is felt that this is a good opportunity for former Cahoon Memorial Park Trustees to give back in a different capacity. The process will start moving and the Bay Village Historical Society will give their feedback. This is considered a good opportunity to begin laying the ground work as to where to proceed with some of the improvements. Top on the list is handicap access to the Community House. An automated lift was installed a number of years ago which has been problematic at best. It is hoped that some type of ramp will be installed to provide access. The outside windows will be evaluated for security and weather worthiness. The inside of the Community House will be evaluated for improvements as well.

Mr. Vincent asked if there will be public meetings regarding this renovation program. Mr. Koomar stated that there will be opportunity for public input.

Mr. Tadych commented on the need for improvement to the kitchen, having experienced this through his association with the Bay Village Historical Society. Mr. Koomar stated that the kitchen improvements will be evaluated while considering the types of groups that use the building.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Vincent introduced and read **Ordinance 16-74** authorizing the Mayor to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District to provide Public Health Services for the City of Bay Village during the Calendar Year 2017, 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. 16-74.

Roll Call on Suspension of the Charter Rules:

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

Roll Call on Suspension of the Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 16-74, an emergency measure, by a vote of 7-0.

Mr. Vincent read **Ordinance 16-65** amending Chapter 513 of the Codified Ordinances by enacting Sections 513.15 and 513.16 prohibiting the establishment and operation of Medical Marijuana dispensaries, the indoor and outdoor cultivation of Medical Marijuana, and the delivery of Marijuana, and declaring an emergency, and moved for adoption. (First Reading 9-19-16) (Second Reading 10-10-16).

Mr. Vincent advised that there has been considerable discussion of this matter in both in Council Committee meetings and by the Environment, Safety and Community Services Committee. Mr. Vincent noted that from his point of view this isn't a judgement on Medical Marijuana. If it is effective for those who need it for medication it is positive. Twenty-six other states have various versions of Medical Marijuana laws and providing for various ways of dispensing. Mr. Vincent asked that this ordinance be adopted because he would like to prohibit something that we don't know yet until the state establishes regulations which should occur in September of 2018.

Mr. Mace made the following statement “I want to make it perfectly clear that I am totally not in favor of the cultivation and processing of Medical Marijuana in Bay Village. These activities run counter to anything that is our City’s character. I am, however, currently not in favor of wholly prohibiting the dispensing of Medical Marijuana within the City. The topic is very controversial and many people have their own opinion as to the use of Medical Marijuana. A lot of that is based upon personal bias. My own bias lies from having spent most of my life as a health care provider. Within the law there are fifteen to twenty devastating diseases that they feel may have some effect from the use of Medical Marijuana. The administrative process that is currently going on in Columbus, I have been involved in. There are people there that have been appointed to determine goals for providing Medical Marijuana in the state. Members of the committees have their own agendas in the process as well. The Board of Pharmacy controls the dispensing aspect of the legislation and there probably won’t be any movement to any Medical Marijuana shops, although that remains to be seen as within the rules. Basically, what I would be against is the access to Medical Marijuana for patients that are under law allowed to use it. The Board of Pharmacy will be adopting rules that will provide the patient and caregiver access to Medical Marijuana and this legislation interferes with this access. For that reason, I will be voting against the legislation enacting Section 513.15 and 513.16.”

Mr. Tadych made the following comment: “I feel very strongly. I have no opinion on Marijuana. This is not about Marijuana, this is about placing legislation over legislation. And, I don’t think it’s right. Thank you.”

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance 16-65.

Roll Call on Use of the Emergency Clause:

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

Nays -Tadych

Roll Call on Adoption:

Yeas– Henderson, Koomar, Lieske, Vincent, Clark

Nays–Mace, Tadych

Mr. Koomar announced adoption of Ordinance No. 16-65, an emergency measure, by a vote of 5-2.

Mr. Vincent read, by title only, **Ordinance 16-66** amending Codified Ordinance 513.01 regarding Drug Abuse Control/Definitions, and declaring an emergency, and moved for adoption. (First Reading 9-19-16) (Second Reading 10-10-16).

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance 16-65.

Roll Call on Use of the Emergency Clause:

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

Nays – None.

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 16-66, an emergency measure, by a vote of 7-0.

FINANCE AND CLAIMS

Motion by Clark to acknowledge receipt of the September, 2016 Financial Reports of the City of Bay Village as prepared by Finance Director Renee Mahoney.

Motion passed 7-0.

Mr. Clark introduced and read **Ordinance No. 16-75** 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 Ordinance No. 16-09 and amended by Ordinance 16-23, 16-46, 16-55, 16-57, and 16-67, 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. 16-75.

Roll Call on Suspension of the Charter Rules:

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

Roll Call on Suspension of the Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 16-75, an emergency measure, by a vote of 7-0.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Henderson had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Mace announced that a meeting of the Recreation and Parks Improvement Committee will be held Monday, October 24, 2016 at 6:30 p.m. in the conference room of Bay Village City Hall.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Tadych had no report this evening.

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

There being no further business to discuss, the meeting adjourned at 8:28 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE FILING OF A COMMUNITY
DEVELOPMENT MUNICIPAL GRANT APPLICATION,
AND DECLARING AN EMERGENCY.**

WHEREAS, Cuyahoga County is offering a Community Development Municipal Grant up to \$150,000 which would benefit the seniors in the community by facilitating the renovation of the Dwyer Kitchen; and

WHEREAS, CT Consultants has prepared the application for submission with Cuyahoga County;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio;

SECTION 1. That this Council hereby authorizes the application and acceptance of a Community Development Grant to facilitate the renovation of the Dwyer Kitchen.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution 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 resolution 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 authorize the filing of said application in a timely manner, wherefore this resolution 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

10/20/16 LL

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH CONCORD ROAD EQUIPMENT MFG., INC.
FOR THE PURCHASE OF A TRUCK BODY,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Concord Road Equipment Mfg., Inc., 348 Chester Street, Painesville, Ohio 44077, for the purchasing of a truck body for the amount not to exceed Twenty Eight Thousand Eight Hundred Thirty Four Dollars and Sixty Nine Cents (\$28,834.69). The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

SECTION 2. That the Director of Finance be and she is hereby authorized and directed to issue a purchase order for said equipment to the supplier listed in Section 1 above in an amount not to exceed the sum Twenty Eight Thousand Eight Hundred Thirty Four Dollars and Sixty Nine Cents (\$28,834.69).

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 necessarily 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:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

10/20/16 LL