

AGENDA

Agenda, Bay Village City Council
Committee Meeting
Conference Room
Paul A. Koomar, President of Council, Presiding

Date: November 7, 2016
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Annual Updating of Codified Ordinances

FINANCE & CLAIMS COMMITTEE – Clark

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

Rocky River Wastewater Treatment Plant – Application for Financial Assistance from the Ohio Public Works Commission’s State Capital Improvement Program.

RECREATION & PARKS IMPROVEMENT COMMITTEE-Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Bay Village Kiwanis - Bay Days 2017

Set up for Bay Days, Wednesday, June 28, 2017

Set up for Bay Days, Thursday, June 29, 2017

Bay Days Friday, June 30, 2017

Bay Days Saturday, July 1, 2017

Bay Days Monday, July 3, 2017

Bay Days Tuesday, July 4, 2017

Fireworks Tuesday, July 4, 2017

Agenda, Bay Village City Council
Regular Meeting, Council Chambers

November 7, 2016
8:00 p.m.
Committee 7:30 p.m. Conference Room
(Public Welcome)

Paul Koomar, President of Council, Presiding
Roll Call/Pledge of Allegiance led by Karen Lieske, Councilwoman, Ward 3
Reading of Minutes – Special Meeting of Council held October 24, 2016

ANNOUNCEMENTS

REPORTS

Mayor Ebert	Director of Community Services Selig
Director of Law Ebert	Police Chief Spaetzel
Director of Finance Mahoney	Fire Chief Lyons
Director of Recreation Enovitch	Chief Building Official Jeff Grassi
Director of Public Safety/Service	

COMMUNICATIONS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

Ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Bay Village, Ohio, to approve, adopt and enact new matter in the Traffic, General Offenses and Fire Codes, and declaring an emergency.

FINANCE AND CLAIMS- Mr. Clark

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

Ordinance establishing the effective date for the Refuse Collection Fee, and declaring an emergency. (First Reading).

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

November 7, 2016
Agenda
Regular Meeting of Council

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

Resolution requesting that the City of Rocky River apply for financial assistance from the Ohio Public Works Commission's State Capital Improvement Program for the funding of the Rocky River Wastewater Treatment Plant 2017-2020 Capital Improvement Project, and declaring an emergency (First Reading)

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

MISCELLANEOUS

Motion to convene to Executive Session for Contracts: Healthcare, Rocky River Wastewater Treatment Plant Contract; Litigation: Cahoon Memorial Park Trustees; Personnel: Service Department, Police Department.

CAHOON MEMORIAL PARK TRUSTEES

Motion to approve the Bay Village Kiwanis - Bay Days 2017, in accordance with the following schedule and pending receipt of insurance.

Set up for Bay Days, Wednesday, June 28, 2017
Set up for Bay Days, Thursday, June 29, 2017
Bay Days Friday, June 30, 2017 – 12 Noon to 10:30 p.m.
Bay Days Saturday, July 1, 2017 – 12 Noon to 10:30 p.m.
Bay Days Monday, July 3, 2017 – 12 Noon to 10:30 p.m.
Bay Days Tuesday, July 4, 2017 - 12 Noon to 10:30 p.m.
Fireworks Tuesday, July 4, 2017

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

October 24, 2016

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

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

AUDIENCE

The following audience members signed in this evening: Denny Wendell, Bob Tuneburg, Clare Banasiak, Lydia DeGeorge, Jeff Gallatin, Warren Remein.

President of Council Koomar called the meeting to order at 8:00 p.m. with roll call and the Pledge of Allegiance led by Paul Vincent, Councilman, Ward 2.

ANNOUNCEMENTS

Mayor Ebert stated that the signs have started to be installed in City parks advising dog owners that their dogs must be leashed. The signs have been installed at Bradley Road Park, and the remainder of the City parks will have the installation complete by the end of the week.

Council has asked that the weeds and trees blocking the view of the lake along the T. Richard Martin Walking Trail on Lake Road be cleared. Mayor Ebert stated that President of Council Koomar and he met with the Service Department there last week and the Service Department crews have accomplished quite a bit of cleaning up on the side of the fence. Because of safety reasons and the sloping of the hill behind the fence, the City of Avon Lake is sending over their equipment designed to safely cut the area on the sloping section. Everything should be done within the next week or ten days. When the City of Bay Village new bucket truck is delivered, additional tree and bush pruning in the area will be done.

Mayor Ebert advised that there was vandalism in the City Hall parking lot over this past weekend. He stated that there are security cameras located in the parking lot that were installed two years ago. If someone is notified of the presence of those cameras by reading these minutes or listening to the Council tape, and they want to make amends by replacing the cost of the sign, call Mr. Ebert within 72 hours. Otherwise, he will look at the tape to see if there can be an identification of whoever vandalized the sign in the parking lot.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held October 17, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Regular Meeting of Council held October 17, 2016 as prepared and distributed. Motion passed 7-0.

Mr. Vincent introduced and read **Resolution No. 16-76** authorizing the filing of a Community

Special Meeting of Council
October 24, 2016

Development Municipal Grant Application, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of 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 Resolution No. 16-76, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced and read **Ordinance 16-77** 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, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-77.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 16-77, an emergency measure, by a vote of 7-0.

Special Meeting of Council
October 24, 2016

There being no further business to discuss, the meeting adjourned at 8:10 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO.
INTRODUCED BY

AN ORDINANCE

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE, OHIO, TO APPROVE, ADOPT AND ENACT NEW MATTER IN THE TRAFFIC, GENERAL OFFENSES AND FIRE CODES AND DECLARING AN EMERGENCY.

WHEREAS, Bay Village Charter Section 2.13 authorizes Council to adopt codification ordinances, codifying, revising and rearranging the ordinances or any portion thereof; and

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the City of Bay Village, Ohio;

WHEREAS, Council wishes to adopt the 2016 Replacement Pages to the Traffic and General Offenses Codes to conform and comply with current State law; and

WHEREAS, it has authorized the Walter H. Drane Company to prepare and publish such Replacement Pages; and

WHEREAS, publication of the new Replacement Pages has been completed and such Replacement Pages are presently before Council for adoption:

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

SECTION 1. That the editing, arrangement and numbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City of Bay Village, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
15-72	11-2-15	182.01 to 182.26, 182.99
15-77	11-23-15	148.01 to 148.04
15-78	12-7-15	923.01
15-82	12-14-15	377.05
16-01	1-25-16	125.54
16-14	3-21-16	125.08
16-15	3-21-16	125.55
16-16	3-21-16	125.56
16-44	6-20-16	151.01 to 151.22
16-49	6-27-16	1351.01 to 1351.08, 1351.99
16-50	7-11-16	521.12
16-53	7-11-16	1373.01

SECTION 2. That the following sections are new matter in the Traffic and General Offenses Codes and are hereby approved, adopted and enacted:

Traffic Code

335.021	Ohio Driver's License Required for In State Residents. (Added)
335.111	Registration Within Thirty Days of Residency. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)

General Offenses Code

505.071	Cruelty to Companion Animals. (Amended)
513.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
525.15	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
537.051	Menacing by Stalking. (Amended)
537.10	Telecommunications Harassment. (Amended)

SECTION 3. That a copy of such ordinances or parts of ordinances as edited, arranged and numbered or renumbered as parts of the Codified Ordinances and the complete text of the Traffic and General Offenses Code sections listed above are attached to this ordinance in the form of 2016 Replacement Pages to the Codified Ordinances.

SECTION 4. That Council mandates that this Ordinance be posted in full at the five (5) posting places for a minimum of fifteen (15) days, with notice to all residents and the public that the adopted 2016 Replacement Pages are available for viewing and examination at the office of the Clerk of Council during regular City Hall business hours.

SECTION 5. 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 committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 6. 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 update the Codified Ordinances, 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
ESTABLISHING THE EFFECTIVE DATE FOR THE REFUSE
COLLECTION FEE, AND DECLARING AN EMERGENCY.

WHEREAS, the effective date for the refuse fee was re-established through December 31, 2016 by Ordinance 15-78 passed December 15, 2015; and

WHEREAS, it is the desire of Council and the Administration of the City of Bay Village to continue the refuse collection fee through 2017;

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

SECTION 1. That Section 2 of Ordinance 15-78 passed December 15, 2015 is hereby repealed.

SECTION 2. The fee established in Section 923.01 shall be effective through December 31, 2017.

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 make this fee adjustment, 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

APPROVED:

MAYOR

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR
FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS
COMMISSION'S STATE CAPITAL IMPROVEMENT PROGRAM FOR
THE FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT
2017-2020 CAPITAL IMPROVEMENT PROJECT,
AND DECLARING AN EMERGENCY**

WHEREAS, the State Capital Improvements Program under the Ohio Public Works Commission ("OPWC") provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Rocky River is planning to make capital improvements via the project known as the WWTP 2017-2020 Capital Improvements Project which will replace/repair aging equipment and structures within the Rocky River WWTP; and

WHEREAS, it has been determined by the six (6) year WWPT capital plan submitted with the annual WWTP budget that it is necessary for the City of Rocky River to submit applications for financial assistance for the management of the Rocky River Wastewater Treatment Plant on behalf of all member cities, including Rocky River, Bay Village, Fairview Park and Westlake; and

WHEREAS, the infrastructure improvements described herein are considered to be an environmental priority need for the City of Rocky River Wastewater Treatment Plant and is a qualified Project under the OPWC Programs; and

WHEREAS, the application for said infrastructure improvements must be submitted by September 23, 2016.

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

SECTION 1: That the City of Rocky River is hereby requested to apply to the Ohio Public Works Commission's State Capital Improvement Program for financial assistance for capital infrastructure improvement projects for the management of the Rocky River Wastewater Treatment Plant on behalf of the City of Bay Village.

SECTION 2: That the Mayor is further authorized to enter into any Agreements as may be necessary and appropriate for the City of Rocky River to obtain this financial assistance in a form approved by the Director of Law.

SECTION 3: 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 4: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that services referred to above must be expedited due to deteriorating conditions of the WWTP and NPDES requirements, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

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