

## **AGENDA**

Agenda, Bay Village City Council  
Committee Meeting  
Conference Room  
Dwight Clark, Vice President of Council, Presiding

Date: November 14, 2016  
Time: 7:30 p.m.

### **ANNOUNCEMENTS**

#### **COMMITTEE OF THE WHOLE**

#### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent**

#### **FINANCE & CLAIMS COMMITTEE – Clark**

Jefferson Health Care Contract

#### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske**

#### **PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson**

Rocky River Wastewater Treatment Plant

#### **RECREATION & PARKS IMPROVEMENT COMMITTEE-Mace**

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych**

Bailey Communications Contract Renewal

### **AUDIENCE**

### **MISCELLANEOUS**

#### **CAHOON MEMORIAL PARK TRUSTEES**



# City of Bay Village

350 DOVER CENTER ROAD  
BAY VILLAGE, OHIO 44140-2299

## OFFICE OF THE COUNCIL

**Paul A. Koomar**  
President of Council

**Dwight A. Clark**  
Council - At - Large/  
Vice President of Council

**Marty Mace**  
Council - At - Large

**David L. Tadych**  
Ward 1

**Paul Vincent**  
Ward 2

**Karen Lieske**  
Ward 3

**Thomas E. Henderson**  
Ward 4

**Joan T. Kemper**  
Clerk of Council

Phone 440-899-3406  
Fax 440-871-5751

November 8, 2016

A Special Meeting of the Bay Village City Council will be held on **Monday, November 14, 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 Tom Henderson, Ward 4
2. Announcements/Audience/Miscellaneous
3. **Motion** to approve minutes of Regular Meeting of Council held November 7, 2016. **\*Tadych\***
4. **Ordinance** authorizing the Mayor to enter into a one-year contract with the Jefferson Group to provide administrative services for the City's Health and Hospitalization Plan, and declaring an emergency. **\*Tadych\***
5. **Resolution** amending the Rocky River Wastewater Treatment Plant Operating Agreement for the Flow and Strength Study for its operation and allocation of costs, and declaring an emergency. **\*Henderson\***
6. **Ordinance** authorizing the Mayor to enter into an agreement with Bailey Communications for network support, and declaring an emergency. **\*Tadych\*** (First Reading)
7. **Motion** to convene to Executive Session regarding Leases: Bike Co-op and SafeBuilt, Inc.; Contracts: CT Consultants; and Cahoon Park Trustees Litigation. **\*Tadych\***
8. Adjournment

Charter Reference 2.11

Paul A. Koomar  
President of Council

Agenda  
Special Meeting of Council  
November 14, 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.

November 7, 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, Human Resource Manager Demaline, Community Services Director Selig, Police Chief Spaetzel, Fire Chief Lyons, Operations Manager Landers.

### AUDIENCE

The following audience members signed in this evening: Jeff Gallatin, Lydia DeGeorge, Tara Wendell, Jerrie Barnett, Denny Wendell, John Benevento.

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 Ward 3 Councilwoman Karen Lieske.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held October 24, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Special Meeting of Council held October 24, 2016 as prepared and distributed. Motion carried 7-0.

### ANNOUNCEMENTS

**Mayor Ebert** reported that the 9-1-1 system was down for approximately thirty minutes on Sunday, November 6, 2016. If this should occur in the future, the Ready/Notify system will advise those who are signed up for communications through Ready/Notify. The next City newsletter will advise residents that in the event of a 9-1-1 system outage, residents should call the Police Department Emergency Line, 440-871-1234 to report any police related incidents or emergencies.

Mayor Ebert reported that the clearing work at the T. Richard Martin Walking Trail on Lake Road has been completed with the exception of the trimming of a few tall trees which will be done at a later date. The view to the lake is much improved for those who use the walking path.

Mayor Ebert reported that the Village Bicycle Cooperative lease at the Community House will be extended. Painting and carpet removal has begun.

Mayor Ebert reported that fire hydrant repainting is underway. The fire hydrants on Dover Center Road from Lake Road to the railroad tracks have been painted blue and white. The hydrants in the City were all blue and white in the past, following the model of Avon Lake

whose hydrants are yellow and white, and Westlake using green and white, each City choosing the official colors of their community. All of Bay Village hydrants will eventually become blue and white.

Leaf signs have been installed.

Mr. Ebert and President of Council Koomar have met with the Ohio Department of Transportation regarding plans for the Columbia Lake intersection in conjunction with the replacement of the Lake Road Bridge in 2019. It is hoped to have a traffic light placed at Columbia and Lake for safety purposes for pedestrians crossing to the park. The light will be needed to reroute traffic during construction of the bridge replacement and would serve both purposes if installed earlier and allowed to remain. The state is conducting a traffic study at the intersection. Further information will be presented as it is received.

Mr. Tadych noted that there will be major work done on the access ramps to I-90 in the City of Westlake portion of Columbia Road sometime next year. This construction will be south of Interstate-90.

Mr. Clark asked Mr. Ebert to provide an update on the Queenswood Bridge Replacement Project in the near future.

## **REPORTS**

**Finance Director Mahoney** reported that the 2015 City of Bay Village Audit Conference was held this evening at 6 p.m. by the auditing firm of Julian and Grube. Mrs. Mahoney stated that for the third year in a row the City of Bay Village has received a clean audit. Mrs. Mahoney expressed appreciation to Assistant Finance Director Ruth Popovich who provides on-going reports to the auditors. Accounts Payable Clerk Anette Oster, Finance Department Clerks Heather Vogel, Robin Munoz, Tami Furlong, Payroll Clerk Melissa Haburjak, and Human Resource Manager Jennifer Demaline were also recognized for their outstanding work by Mrs. Mahoney.

**Recreation Director Enovitch** announced the beginning of the Bay Village Recreation Department Basketball Program for all age levels beginning as early as three years of age, to high school students. Participation is encouraged.

**Community Services Director Selig** announced the Annual Leaf Rake-Out to assist seniors in the community by providing volunteer yard clean up. The Leaf Rake-Out will be held this year on Friday, November 18 and Saturday, November 19.

**Fire Chief Lyons** announced the opportunity to apply for Federal Emergency Management Act grants for Self-Contained Breathing Apparatus for all members of the Bay Village Fire Department. When the application process begins, Chief Lyons will request a resolution of Council.

**Director of Operations Landers** reported that the last day for yard waste pick up by the refuse collection company is December 6, 2016. However, the City will continue to provide yard waste pick-up as needed.

## **ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE**

**Mr. Vincent** introduced and read **Ordinance 16-78** 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, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-78

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. 16-78, an emergency measure, by a vote of 7-0.

## **FINANCE AND CLAIMS**

**Motion by Clark** to acknowledge receipt of the October, 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. 16-79** establishing the effective date for the Refuse Collection Fee, and declaring an emergency. Mr. Clark commented that each year the Council adopts an ordinance for a fee for refuse collection, which expires at the end of each year. The plan is to extend the fee into 2017 at the same rate it has been for the last three or four years. Mr. Clark noted that next year is the second year of the City's contract with Republic Waste Removal. The contract does contain a small increase per month, per household. The City will bear the cost of that increase and keep the residents' cost the same.

Mr. Koomar announced that **Ordinance No. 16-79** is placed on first reading.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

**Mrs. Lieske** had no report this evening.

**PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE**

**Mr. Henderson** introduced and read **Resolution No. 16-80** 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, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 16-80.

Roll Call on Suspension of the Charter Rules:

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

Roll Call on Suspension of the 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 Resolution No. 16-80, an emergency measure, by a vote of 7-0.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mr. Mace** had no report this evening.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

**Mr. Tadych** urged everyone to vote tomorrow, November 8, 2016, Election Day, and expressed appreciation to the poll workers.

**MISCELLANEOUS**

In compliance with Section 121.22 of the Ohio Revised Code, **Mr. Clark** moved to convene to Executive Session regarding Contracts: Healthcare, Rocky River Wastewater Treatment Plant

Minutes of Regular Meeting  
Bay Village City Council  
November 7, 2016

Contract; Litigation: Cahoon Memorial Park Trustees; Personnel: Service Department, Police Department.

Roll Call Vote: Yeas- Koomar, Lieske, Mace, Tadych, Vincent, Clark, Henderson. Nays – None. Motion passed 7-0.

Also present in Executive Session were Finance Director Mahoney, Human Resource Manager Jennifer Demaline, Mayor Ebert, and Police Chief Spaetzel.

Council reconvened in an open meeting at 8:54 p.m. Present were: Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 8:55 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO ENTER INTO A ONE YEAR CONTRACT  
WITH THE JEFFERSON GROUP TO PROVIDE ADMINISTRATIVE  
SERVICES FOR THE CITY'S HEALTH AND HOSPITALIZATION PLAN,  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, the current agreement between the City of Bay Village and Jefferson Health Plan to provide services as a third party administrator for the City's self-funded health and hospitalization plan expires December 31, 2016;

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

**SECTION 1.** The City of Bay Village hereby agrees to enter into a one year contract with The Jefferson Group and agrees to pay premiums monthly for aggregate stop-loss insurance to be provided by The Jefferson Group.

**SECTION 2.** The City of Bay Village agrees to pay an administrative charge to The Jefferson Group per covered employee per month.

**SECTION 3.** The Jefferson Group shall provide specific stop-loss coverage in the amount of \$75,000.00 for each person covered by the City's health insurance plan.

**SECTION 4.** 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 5.** 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 continue to provide for medical and hospitalization coverage for City employees in conformance with labor agreements, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

11-9-16 LL

RESOLUTION NO.  
INTRODUCED BY:

**A RESOLUTION**  
**AMENDING THE ROCKY RIVER WASTE WATER TREATMENT  
PLANT OPERATING AGREEMENT FOR THE FLOW AND STRENGTH STUDY  
FOR ITS OPERATION AND ALLOCATION OF COSTS,  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Rocky River Wastewater Treatment Plant provides treatment of all wastewater from Bay Village; and

**WHEREAS**, Bay Village is charged a prorated portion of the cost of operating and maintaining the Rocky River Wastewater Treatment Plant; and

**WHEREAS**, the prorated portion of the cost is adjusted from time to time based on a Flow and Strength Study commissioned by the Rocky River Wastewater Treatment Plant; and

**WHEREAS**, the strength of the wastewater is used to apportion the cost of solids treatment/handling at the Rocky River Wastewater Treatment Plant and the cost of solids treatment/handling constitutes roughly 60% of the operation and maintenance budget; and

**WHEREAS**, the strength of the wastewater is calculate from representative sampling of the contents from each community's sewer system; and

**WHEREAS**, recent trial sampling by the Rocky River Wastewater Treatment Plant indicates the sampling yields erratic results and appears to confirm probable erratic sampling data from previous Flow and Strength studies; and

**WHEREAS**, the erratic results are expected to continue due to inherent challenges in obtaining representative and accurate strength samples; and

**WHEREAS**, such erratic results could cause the cost of treating solids apportioned to each community served by the Rocky River Wastewater Treatment Plant to be miscalculated and such charges remain in place until another Flow and Strength study is commissioned; and

**WHEREAS**, each community produces domestic strength wastewater and such strength should be consistent with the population contributing wastewater for treatment; and

**WHEREAS**, the next Flow and Strength Study is scheduled to commence in 2017;

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

**SECTION 1.** That Council urges the Management Committee of the Rocky River Wastewater Treatment Plant to prescribe each community's population as the basis for establishing the sewage strength and that the prorated cost of solids treatment be calculated by dividing each community's population by the total population of the service area.

**SECTION 2.** That the population used for the strength calculations be based on the United States Census Bureau estimate for the year the Flow and Strength study is conducted excepting those portions of each community not served by the Rocky River Wastewater Treatment Plant.

**SECTION 3.** That the Rocky River Wastewater Treatment Plant Operating Agreement be amended and submitted to the City Councils of the member communities for ratification.

**SECTION 4.** 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 5.** That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

11-9-16 LL

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT**  
**WITH BAILEY COMMUNICATIONS FOR NETWORK SUPPORT,**  
**AND DECLARING AN EMERGENCY.**

**WHEREAS,** Bailey Communications has provided network support for the City's data network under a three-year contract which expires December 31, 2016, as authorized by Ordinance 13-121 passed December 16, 2013;

**NOW, THEREFORE, 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 Bailey Communications, 33360 Liberty Parkway, North Ridgeville, Ohio, 44039, for Information Technology Services. Total cost for a three year proposal for full service on-site maintenance every Tuesday and every other Thursday, 4 hours per on-site day, for a period commencing January 1, 2017 and ending December 31, 2019 is \$33,000 annually, for a total three year cost of Ninety-Nine Thousand Dollars (\$99,000.00). Payment shall be made from the General Fund/Network Operation (100.119.53266).

**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 for the preservation of the public peace, health, safety, and for the further reason that it is immediately necessary for the efficient operation of the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR