AGENDA

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

Date: January 9, 2017
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITEE OF THE WHOLE

Vacancy – President of Council

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Local Government Safety Capital Grant Program
Heritage Home Loan Program

FINANCE & CLAIMS COMMITTEE – Clark

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

RECREATION & PARKS IMPROVEMENT COMMITTEE-Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Request of Fred Drenkhan on behalf of the Bay Village Foundation for the use of the north side of Cahoon Memorial Park on Memorial Day, Monday, May 29, 2016, for their annual commemorative services.
City of Bay Village

Council Minutes, Committee Session
Dwight Clark, Vice President of Council, presiding
January 3, 2017
Conference Room 7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community Services Director Selig.

AUDIENCE

The following audience members signed in this evening: Lydia DeGeorge, Suzanne Graham, Scott Pohlkamp, Denny Wendell, Tara Wendell, R. Tuneberg, Sam Gmetro, Jerrie Barnett, Jeff Gallatin, Dick Majewski, Bill Selong, Patrick and Gayatry Mosier.

ANNOUNCEMENTS

Vice President of Council Clark welcomed everyone to the first meeting of Council in the year 2017. Mr. Clark welcomed new Mayor Paul A. Koomar, and thanked Law Director Ebert for the very credible job he did in the 90 days he served as interim Mayor. Mr. Clark noted that Mayor Koomar has the most leadership time of this body of Council, in the legislative branch of City government.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Municode Codification Services

Councilman Paul Vincent stated that a meeting is being arranged by the Mayor’s Administrative Assistant, Sue Kohl, with the officers of Municode to arrange for the 2017 contract fulfillment of codification updates. Mr. Ebert, his assistant, and Mr. Vincent will be in attendance at that meeting. More information will be presented next week regarding the cost of Municode’s service.

Mr. Clark noted that there is a significant amount of elements of finance in the quotation provided by Municode. He asked the incremental cost of moving to the digital platform. Mr. Vincent stated that in comparing the cost to the Walter Drane Company for the 2016 codification services, Municode appears to be approximately $1,500 less. Municode is more expensive for the hosting of the codification on the Internet, but there is a package of services included that will be valuable to the City of Bay Village in research on a national basis for legislation.

Mrs. Lieske stated that there was a demonstration of Municode services at an Environment, Safety and Community Services meeting two years ago. Mrs. Lieske stated that access to
nationwide ordinances is impressive. Mr. Vincent noted that the offerings of Municode would have been most helpful with the recent dog issues and seeking information from cities throughout the country.

Mr. Vincent will update Council after the meeting is held with the Law Department, Mr. Vincent and Municode representatives. He noted that Municode will send a pdf file of the codes for use on phones or I-pads. The printed books are less expensive than Drane’s with either leather bound books or binders available. It was noted that the hard copies of the code are important to many of the members of the Boards and Commissions and the Police Department.

Mr. Henderson asked the genesis of the inquiry into the services of Municode. Mr. Vincent stated that the current system is not user friendly when researching the code electronically. Municode is the largest codification service in the country. They were willing to come out and demonstrate their service to the Environment, Safety and Community Services Committee. Telephone demonstrations were also held. Municode serves 4000 municipalities nationwide, and are new to the northeast Ohio area.

Mr. Henderson asked if we would lose access to the codes of neighboring communities who are still with Walter Drane if Bay Village switched to Municode. Mr. Vincent stated that the Walter Drane codes are hosted on neighboring cities websites and can be accessed by just visiting those websites.

Mr. Ebert stated that Municode was featured at a Municipal Attorney’s Conference recently. He noted that Municode is the code service of the future, especially with the growth of the use of computers, laptops and I-pads.

Mr. Clark stated that thinking back on the success that the City of Bay Village has had with SAFEbuilt, Inc. and how SAFEbuilt, Inc. used Bay Village as a springboard, it may be possible to get a licensing agreement with Municode so that if someone else defers we get some kind of a royalty because there is no other Municode contract in Northeast Ohio.

Mr. Clark thanked Mr. Vincent for his work with researching the services of Municode.

FINANCE & CLAIMS COMMITTEE – Clark

Administrative Compensation Ordinance

Mr. Henderson will present Ordinance No. 16-91, the Administrative Compensation Ordinance for second reading this evening. Increases for employees included in the ordinance is 2 ¼% across the board. There have been discussions previously about implementing a method of compensation adjustments tied to performance, but with the changes in administration recently this is not the right year to try to do that. It is still a good idea to move towards going forward.

Mr. Clark stated that the ordinance is to be amended by reading this evening to have a range of salary for the Director of Public Service and Properties. The ordinance has been adjusted to show
a range of pay from $88,000 to $95,000 per annum for the Director of Public Service and Properties.

Mr. Vincent asked how that particular range was chosen. Mr. Clark stated that the thought was that had Director Thomas stayed here his salary would have gone up to about $93,000 to $94,400 annually. Someone new might start at a little lower range with the leeway to increase to the former Service Director’s salary and perhaps slightly more.

Mr. Tadych stated that there were emails circulated that talked about a lower range of $85,000 to $95,000 so that it would be a $10,000 range. Mr. Tadych expressed that he thought that would be a good solution. The new employee could always be started higher, but a lower range would be an incentive for the person coming in to say that they are not at the low range, but somewhere in the middle.

Mr. Vincent asked if we have looked at other similarly sized cities. Mrs. Mahoney stated that Fairview Park has a range of $68,000 to $102,000. Most of the other cities are in the $90,000 plus range, with Avon Lake being at $115,000. Westlake’s range is $90,000 to $126,200 annually.

Mr. Henderson asked when a range is in place, what is the procedure for making a job offer. How are a person’s skills and prior experience taken into account, when making an offer within the range? Mr. Ebert stated that after interviewing and taking into account the experience and skills, a recommendation would be made to Council for an amount within the range.

Mr. Tadych stated that a problem he has with setting a range for this position is that there are not ranges on all of the salaries, although it is something we should begin to do.

Mayor Koomar stated that it is similar to the Animal Control Officer hiring situation. There has been a job description written that encompasses everything needed, and rather wait until all the job descriptions are done, we lead with that.

Mr. Tadych stated that he is ok with a range for the position of Director of Public Service and Properties, but he would like to see the beginning point lowered.

Mr. Vincent asked if the other cities listed on the survey of salaries in neighboring communities includes the same job with a different job title. Mr. Clark stated that every city has a unique structure.

Mr. Mace asked if there is an intent to look at the job description of the Public Service Director and amend that to include some of the things discussed by Council, e.g., being a liaison between the Building Department and the City.

Mayor Koomar stated that when the position is posted it will include a new job description.

Mr. Clark stated that the salary range for the position of Director of Public Service and Properties will be listed as $85,000 to $95,000 and Ordinance 16-91 amended by reading this
evening as it is placed on second reading. Mr. Henderson agreed, noting that the administration can then take into consideration the qualifications and experience of the candidates. Mr. Clark stated that Council will have to sign off on the hiring, based on the administration’s recommendations. Mr. Tadych stated that Council should also have the resume of the candidate to review.

Mrs. Lieske stated that Council should continue with their effort to start standardizing things and this can be the first position with a range. As we look at new job descriptions, they won’t look like they have been copied and pasted from the Internet, but look very professionally created.

Remove 2017 Budget from the Matters Pending before Council Committee

Mr. Henderson will move the remove the 2017 Budget from the Matters Pending before Council Committee list at the Regular Meeting of Council to be held this evening.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske will move to remove Chapter 1158 of the Codified Ordinances from the Matters Pending before Council Committee at the Regular Meeting of Council to be held this evening. Mrs. Lieske stated that she would like to share that at the last meeting of Council on December 19, 2016, she raised the issue of bringing the vote to adopt Chapter 1158 before Council for reconsideration, and asked for clarification as to which version of Chapter 1158 would apply to the former Shell property. Mrs. Lieske noted that she gives Council updates as part of her Council representation to the Planning Commission. She mentioned that Chapter 1158 had passed, and Planning Commission member Jeff Foster asked which version of Chapter 1158 would apply for the former Shell property. Mrs. Lieske noted that this was not just a question that she had raised, it also came from one of the Planning Commission members.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

Mr. Henderson commented that the Sunset Area Project and the Bruce/Russell/Douglas Project are still pending on the list of Matters Pending before Council Committee as we move into 2017. With the new administration, it is expected that those projects will be addressed this year.

Mayor Koomar stated that they are in the process today of reaching out to CT Consultants to schedule a meeting for next week to specifically talk about the Sunset Project.

Mr. Tadych stated that he had a communication today asking what is being done about the Sunset Area. He informed the inquirer that it is going to move forward in this year and he is sorry it couldn’t have moved forward in 2016, including whether we have to float bonds which is not included in the budget.
Mr. Vincent asked if there is any update on the Lakewood Sump Pump Project. Mayor Koomar stated that he will include this in his discussions with CT Consultants as well, and speak with Mayor Summers of Lakewood to see the current status of that project.

Mr. Clark stated that we would not want to miss the momentum that Mr. Henderson’s committee has built on this as well. Having Mr. Jim Sears, (former Service Director and now Special Projects Coordinator for the City of Bay Village) and Mr. Bob Greytak of CT Consultants and the whole team here together it is hoped we can move this forward. There is a general feeling that we all want to support it at the right number and the right distribution of what the residents and the City will pay. It is a project that is long overdue.

Mr. Henderson agreed, noting that those are the two or three key main points. You have to have the right total cost, the right distribution of costs between the City and the people that live in the area, and the right engineering to get the problem solved.

Mr. Tadych stated that the other part of the problem is that the Sunset Area is a severe problem now. It used to be a lesser problem and it has really moved up. If you drive through there, it is terrible.

RECREATION & PARKS IMPROVEMENT COMMITTEE-Mace

Mr. Mace stated that for pending matters this year for the Recreation and Parks Improvement Committee they will be doing some evaluation of the Community Gym and utilization of that in our recreational programs.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

Mr. Tadych stated that as he sits here he does not see the new phones and he is wondering how this project is moving along.

Finance Director Mahoney stated that the order was placed last week. It will take another month to get them programmed and start to put them on the desks.

Mr. Tadych stated that he thought there would be training sessions. Mrs. Mahoney stated that they had the person from Teletronics coming out to talk to each of the departments on how they actually use the phone and how they need to be programmed.

Mr. Tadych asked if it is expected to have them installed by the end of the month. Mrs. Mahoney stated that she would say the middle of February.

Mr. Clark asked if from a cost standpoint everything is in line with what was budgeted for the project. Mrs. Mahoney responded affirmatively.

AUDIENCE
Committee Meeting of Council  
January 3, 2017

Suzanne Graham, Lake Road resident, stated that she is really glad to hear Mr. Henderson talking about the streets and sewers. Mrs. Graham stated that she has thought for quite a while now since Hurricane Sandy and the major flooding incidents that we had in the City and how there was discussion about how outdated the infrastructure of our City is, it would be a great idea for Council to consider a master plan or a long-term plan on how we are going to address the City as a whole. Obviously we are addressing the worst sections right now, but really much of the City requires major renovation in terms of its infrastructure. Mrs. Graham stated she would like to see that put on the agenda for review.

Mr. Clark stated that Mrs. Graham’s point is well taken.

Mrs. Graham noted that every time it is discussed the point is made that it is a lot of money – millions, tens of millions, but it gets more expensive every day that we don’t begin to look at it.

Mr. Clark stated that to identify what you are going to do and how much you are going to pay for it is a function of designing a master plan that revolves around water, storm and sanitary. We have tasked the folks in that department to start doing that as well. One of the things we tried to do when we budgeted $30,000 for some of the Huntington and Long Beach Pump Station improvements was that we were concerned about breaks downs on the sanitary side. That was the first time that City Council really heard that, about six weeks ago. We shouldn’t really have to wait that long. There is going to be a better process, better protocol to identifying these issues. It is true of a master plan for our road improvements, for our municipal buildings and things like that to pull all those together.

Mrs. Graham stated that she is excited to see some of these things being addressed. Mr. Ebert bringing that forward about the pump station is fantastic because none of those residents want a disaster that is going to again take their basements.

Mayor Koomar stated that we walked those pump stations in December, and money was appropriated for some of the panels and switching between the stations. The equipment is going to start to be installed in the next fourteen days. We are in the process of getting a quotation on one of the larger pumps because currently we do not have a replacement (the back-up). They should have that estimate within the next three weeks. It is something that is not in the budget, but something that I talked with Mr. Clark and the rest of Council about finding a way to fund it.

Mr. Tadych stated that there was a discussion of a five year plan for sewers and streets and everything else, beginning last year for lack of a better time. He asked if that has even started to go forward.

Mayor Koomar stated that some of the things we are funding now with the back-up pump need to be part of that. It was a good framework to start but we need to go back and review and work with CT Consultants to highlight the most important things and make sure it is complete, so that from a funding standpoint when we bring it to Council for the right approach to get it purchased, we can do so.
Mr. Henderson stated that it will be interesting to see the distinction between engineering spending and modeling spending versus project spending. We have had some proposals in the past that were very heavy on engineering, but we want to see what direction we want to all move as far as that balance.

Mr. Clark stated that what also plays into this discussion is the City of Cleveland water and the Rocky River Wastewater Treatment Plant. Mr. Ebert noted that the Director of the Rocky River Wastewater Treatment Plant, Carrieanne Rosemark, will be at the Planning Session on January 7. Mr. Ebert has asked that any questions for Ms. Rosemark be sent prior to the meeting in order for Ms. Rosemark to prepare information for the meeting.

Mr. Tadych stated that the water, sewer, and things of that nature are going to crop up as a unit when we look at the Sunset Project. That is going to be the beginning of what we are going to be dealing with as far as the Cleveland Water Department and that will be very interesting to get it started in the right direction.

Mayor Koomar noted that it is hoped that the new testing protocol will provide some relief from our portion of the Rocky River Wastewater Treatment Plant. Mr. Ebert stated that this will be discussed at the Planning Session on January 7, 2017.

MISCELLANEOUS

Mr. Clark stated that Moody’s Investor Service sent an updated comment on the City’s finances dated December 9, 2016. Mr. Clark asked Mrs. Mahoney to comment on Moody’s evaluation.

Mrs. Mahoney stated that Moody had sent it out to her earlier to review and she is happy to say that they are giving the City of Bay Village a very good rating. The rating hasn’t changed, and they provided a description of the City and we are showing increasing fund balance and income. Mayor Koomar added that liquidity was also highlighted. Mr. Clark noted that we have a very low debt burden, which is good so we have the ability to borrow money for projects.

Mr. Clark stated that the report talked about the potential pension burden that Bay Village bears alone with every other municipality in the State of Ohio. We fully fund all of our pension obligations each year, but not everybody does. You project the actual value of pension benefits and how much value you have on hand, and there is a gap there. We are apportioned a part of that gap with all the other towns, municipalities and cities in Ohio. This needs looking at because the Government Accounting Standards Board has implemented that this last year.

Mr. Henderson stated that the liability for any underfunding of the pension rests at the state level, at the Ohio Public Employees Retirement System (OPERS), and not the city level. Mr. Clark stated that somebody felt it important for us to show some kind of accrued pension liability, and he just mentions it because that is the first time it was brought up in this report.

Mrs. Mahoney stated that other states have different funding mechanisms. We are lucky to have a fairly strong pension system and it was mainly going towards those other states. But, we have to report it as well.
President of Council Vacancy

Mr. Clark stated that with the appointment of Paul Koomar as Mayor, there is a vacancy in the Council Presidency. Mr. Clark called upon Law Director Ebert to discuss this further and have a dialogue of how that position is to be filled.

Mr. Ebert stated that Section 2.4 and Section 2.8 of the Bay Village City Charter directs how the vacancy is to be filled. But, then he recalled that in 2005 we had the very same situation with the vacancy of the President of Council. He stated that he pulled the minutes out from 2005. The minutes referred to the situation as Interim Council Leadership. At that time, Councilwoman Nancy Stainbrook asked for a legal opinion.

From the minutes of the Committee Meeting of Council held September 12, 2005:

“Mrs. Stainbrook stated that her question related to what the charter says concerning the vacancy. She initially contacted Law Director Ebert because the charter is very clear as to “shall appoint” as opposed to “may appoint.” Mr. Ebert did respond with a written opinion via memorandum dated August 26, noting that the word “shall” is imperative or mandatory, but in Black’s Legal Dictionary as long as there is not undue benefit or undue harm shown with legislative intent that can also be construed as permissive or directory. Mrs. Stainbrook stated that in her opinion, assuming that Council agrees with the information provided by the Law Director, there is leeway in terms of the definition of the word ‘shall’.

Mr. Tadych expressed agreement with Mrs. Stainbrook and Mrs. Stainbrook stated that it would be very complicated to try to appoint a Council President and then appoint the vacancies associated by that appointment for a limited amount of time.”

Mr. Ebert, continued, noting that at that time Mr. Cruse made the following statement.

From the minutes of the Special Meeting of Council held August 8, 2005:

“Councilman Brian Cruse asked to address the Council with the following statement:

“Hopefully after tonight other than our ceremonial meeting next week we will recess again until September. When we return from that recess we obviously will have a vacancy in the Council President’s seat, with Mr. Martin’s retirement. We will also be deep into a campaign season with several contested races, including that of Council President. With that backdrop, I would like to suggest to Council that we consider when we come back in September foregoing our right to appoint a successor until after the election on November 8. And since it appears that two City Council members will be the only candidates for that seat, fairness to our electors dictates that we make no appointment and allow the election process to run its course without undue influence from this body. We can allow the Vice President of Council to assume that position and appoint the successful candidate after the election.”
Committee Meeting of Council
January 3, 2017

I believe this course of action will keep all of Council above reproach during the campaign season and allow us as a body to focus on the business of the city this fall. I hope that upon reflection, Mr. Tadych will join me in this suggestion and the rest of you will agree as well. There has been enough uneasiness amongst all of us recently, and this is one issue I think we can take out of the mix this fall. I am not asking for any comment tonight, just asking you to think about it and we can pick it back up when it comes up in September.

Thanks.”

Mr. Ebert stated that he issued a legal opinion on August 24, 2005 as to what was done in 2005 and why it was done. The legal opinion was distributed to Council in their packets on December 30, 2016 and is available to anyone who requests a copy.

Mr. Ebert stated that the City of Bay Village Administrative Code in Chapter 111.03, Officers of Council, states that “The Vice President shall have the powers, duties, functions and right of any other member of Council. In addition, shall, in the absence of the President, preside at all meetings of the Council.”

Mr. Ebert noted that Section 2.4 of the City Charter states that if the Council does not appoint within thirty days, the Mayor shall appoint. In 2005, Mayor Deborah Sutherland agreed not to appoint after thirty days, but leave the position open until the office was filled by the electorate in November.

Mr. Ebert concluded that there are two issues. Historically, what was done in 2005 and whether Council wants to follow that or not, and the Charter provision stating that Council has the right to fill a vacancy left by Council President Paul Koomar assuming the position of Mayor. Or, Section 2.8 of the Charter states that the Vice President of Council serves in the absence of the Council President.

Mr. Tadych stated that 2005 was a totally different angle because Brian Cruse and Mr. Tadych were both on Council and had announced candidacy for President of Council. They both felt it was fair to each of them not to go any further. That was the whole entity on that, to let the voters decide because they only had two and one-half months before the election.

Mr. Ebert stated that the administrative code states that without a Council President the Vice President of Council serves in that position until such time as Council does or does not appoint, or the Mayor appoints after thirty days, or the Mayor waives that right.

Mr. Tadych stated that part of the agreement was that the Mayor would sign a letter not to appoint.

Mr. Henderson stated that the situation is different this year because it is happening so early in the year. Council has the option of taking no action and Mr. Clark would remain Vice President and serve as President pro tem until action is taken. Or, we have the option of appointing among the six Council, a President, and, if we did that, whoever was in that new President position would create a vacancy in Council. Whoever is appointed would have to run next November for
the election. Mr. Henderson asked if someone was to become President now, would Council then appoint a new person from now until December 31, 2017.

Mr. Tadych stated that if we assume that Mr. Clark would take that over, your term is up at that point. Mayor Koomar stated that Marty Mace is the only one not up for election this fall.

Mayor Koomar stated that, with that one exception in 2005, he thinks that in the past Council has appointed the Vice President of Council to the position of President of Council which is why he put the motion on the agenda as a placeholder.

Mr. Ebert noted that the Charter states:

“SECTION 2.4 VACANCIES.

Any vacancy in Council shall be filled by appointment by a majority vote of the remaining members of Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment within thirty (30) days of expiration of Council’s time period for appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified. A successor shall be elected at the next regular municipal election provided that:

(1) Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
(2) The vacancy occurs more than seventy-five (75) days prior to such election. (Ord. 2-96; Approved by voters 11-5-02)”

Mr. Clark stated that this same situation happened when Scott Pohlkamp stepped down with about three years remaining in his term of office. Council appointed Steve Lee at that time, after interviewing a number of candidates.

Mr. Mace noted that if the Council does not act within thirty days, Mayor Koomar has the right to appoint a President of Council.

Mr. Tadych suggested holding off on the motion for a week or so.

Mr. Henderson stated that six members of Council is obviously doable, but it presents one small risk that we would have split votes, a three-three vote. Whereas, running with seven we won’t get into that situation. That is one advantage to having seven people.

Mr. Ebert stated that he has the original voting box in his office. Mr. Tadych noted that it was used for an anonymous vote.

Mr. Vincent stated that he thinks Council is better with seven members.

Mr. Henderson stated that it makes sense for Council to take action. If anyone is interested in the President of Council position they should let Council know and Council can debate who to elect.
Committee Meeting of Council
January 3, 2017

Mr. Mace asked if the appointment has to occur at a Regular Meeting of Council. Mr. Ebert stated that it could also occur at a Special Meeting of Council. Mr. Tadych noted that Council can call for a meeting.

Mrs. Lieske suggested pulling the motion this evening and either having a Special Meeting to discuss it or putting it on the agenda for the next meeting, having had Mr. Ebert’s explanation added to what we have already read and hearing the comments from our colleagues.

Mr. Tadych agreed with Mrs. Lieske, stating her idea is good.

Mr. Vincent stated that he would like to fill all vacancies.

Mr. Henderson agreed with Mrs. Lieske and Mr. Vincent. He suggested removing the motion from the agenda tonight, placing it on a subsequent agenda, and having discussion around it in-between. If anybody else would like to have their name put in for consideration they should let Council know that and then Council can make a decision. If Mr. Clark is the only one that wants it, then we will go with that.

Mr. Mace stated that he agrees with Mr. Henderson.

Mr. Clark stated that the motion will be pulled from the agenda this evening.

Mr. Henderson noted that the committee assignments are also affected by vacancies and appointments.

Mr. Vincent suggested that the motion be placed on the January 9, 2017 meeting of Council so that action is not withheld until close to the thirty-day expiration.

Mrs. Lieske stated that she appreciates the thoughtful discussion and Mr. Ebert’s advice.

There being no further discussion, the meeting adjourned at 8:12 p.m.

Dwight Clark, Vice President of Council
Joan Kemper, Clerk of Council
January 6, 2017

A Special Meeting of the Bay Village City Council will be held on **Monday, January 9, 2017** 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 January 3, 2017. *Tadych*

4. **Motion** to approve minutes of Cahoon Memorial Park Trustees meeting held January 3, 2017.*Tadych*

5. **Ordinance 16-91** amending Section 1 of Ordinance No. 16-48 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 2017 and thereafter, and declaring an emergency. (Second Reading 1-3-17) (First Reading 12-19-16) Third Reading and Adoption*Henderson*

6. **Resolution** authorizing the filing of an application and authorizing the Mayor to enter into an agreement with the State of Ohio for the purpose of acquiring funds through Round 2 of the 2017 Local Government Safety Capital Grant Program, and declaring an emergency.*Vincent*

7. **Motion** to convene to Executive Session – President of Council.

8. **Motion** to appoint President of Council pursuant to Bay Village City Charter Section 2.4 “Vacancies.”


    Dwight Clark, Vice President of Council

Charter Reference 2.11
Agenda
Special Meeting of Council
January 9, 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 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                         January 3, 2017
Council Chambers 8:14 p.m.

Dwight Clark, Vice President of Council, presiding

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

Also Present:    Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community
Services Director Selig.

AUDIENCE

The following audience members signed in this evening: Lydia DeGeorge, Suzanne Graham, Scott Pohlkamp, Denny Wendell, Tara Wendell, R. Tuneberg, Sam Gmetro, Jerrie Barnett, Jeff Gallatin, Dick Majewski, Bill Selong, Patrick and Gayatry Mosier

Mr. Clark called the Regular Meeting of Council to order at 8:14 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Karen Lieske, Councilwoman of Ward 3.

Following the roll call, Mr. Clark called for a reading of the minutes of the Regular Meeting of Council held December 19, 2016. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Regular Meeting of Council held December 19, 2016 as prepared and distributed. Motion carried 6-0. Mr. Clark called for a reading of the minutes of the Cahoon Memorial Park Trustees meeting held December 19, 2016. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the meeting of the Cahoon Memorial Park Trustees held December 19, 2016, as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Vice President of Council Clark welcomed Mayor Paul A. Koomar who was sworn into office on January 1, 2017, as the Chief Executive Officer of the City of Bay Village, working with the Legislative branch of the City. Mr. Clark equally commended the work of Law Director Gary Ebert as the interim Mayor of the City of Bay Village from September 30, 2016 to December 31, 2016. Mr. Clark stated that Mr. Ebert worked diligently to move the City forward after the resignation of the former Mayor. Both Mr. Ebert and Mayor Koomar were thanked for their work and Mr. Clark stated that all are looking forward as we begin 2017.

Mayor Koomar thanked Mr. Clark for his kind words. Mayor Koomar stated that everyone got off to a great start early this morning. The Mayor had multiple conversations with department directors which will continue through the week. There are many good things on the horizon for 2017, and we are looking forward to their implementation.

COMMUNICATIONS
The following communications were received and are on file in the Clerk of Council office for public inspection:

Letter dated December 22, 2016 from Gary A. Ebert advising of resignation of position as Mayor of the City of Bay Village, effective December 31, 2016

Letter from Paul A. Koomar, dated December 27, 2016 stating that Mr. Koomar is resigning the position as President of Council of the City of Bay Village, Ohio, effective December 31, 2016, and accepting the position of the Office of the Mayor, as designated by the Bay Village City Charter, Section 3.9 “Successor to the Mayor” effective January 1, 2017

REPORTS

Law Director Ebert stated that on Saturday, January 7, 2017, a Planning Session of the City of Bay Village will be held from 9 a.m. to 3 p.m. at the LaCentre Conference Center in Westlake, Ohio. The public is welcome to attend. These planning sessions had been held in the past with the presence of the department directors to report on the plans of their departments for the upcoming year. Carrieanne Rosemark, the Director of the Rocky River Wastewater Treatment Plant will be on hand to explain the operations of the Rocky River Wastewater Treatment Plant, including the procedure for the new testing of flow from the participating communities. City of Bay Village Boards and Commissions Chairmen will be present to talk about their commissions and boards and what the City can do to help their commissions and boards run more smoothly.

Finance Director Mahoney had no report this evening.

Operation Manager Landers had no report this evening. Mr. Clark complimented the Service Department employees for the great job they are doing with the leaf collection and recent snow removal.

Director of Community Services Selig had no report this evening.

Fire Chief Lyons reported that he has submitted the 2016 Mutual Aid statistics to Mayor Koomar and Councilman Vincent today. Chief Lyons stated that the numbers have been holding steady for the past five years.

Fire Chief Lyons followed up on recent work to find sheltering for residents in times of emergency. The Chief has had conversations with the Bay Superintendent of Schools Clint Keener and Mr. O’Toole, the Regional Director for the Red Cross and a retired Cleveland Fire Chief. The talks went well and the schools basically have a plan in place to allow the use of the Bay High School gymnasium during emergency events. The Middle School is not an option because it does not have generator power at this time. Chief Lyons will have a report put together to submit to Council in the terms of recommending an agreement, hopefully by the end of January. The agreement will include the supply of food, cots and other necessary items by the Red Cross, and the use of the gymnasium for shelter by the schools.
Fire Chief Lyons advised that he will be applying for the Local Government Safety Capital Grant, which are funds set aside by the State of Ohio to update communications with West Com Dispatch Center from the use of radio signals to internet technology. There will not be a match required from the City of Bay Village for the grant. Chief Lyons will request a resolution for consideration by Council for the grant application.

Mr. Clark asked the Fire Chief to articulate the public buildings, schools and city, that actually have generator back-up at this time. Chief Lyons stated that generator power is currently available at Bay Village City Hall, the Bay Village Fire Department and the Bay Village Police Station. The Community Room at the Police Station has been used thus far for emergencies. At the last three-day power outage in the City, one resident only took advantage of the shelter at the Police Station Community Room. The Bay Village High School also has generator back-up, and the School Board is looking at options for providing back-up power for the Middle School. One option is to contract with a third party to bring a generator on site if needed. This, however, could result in a delay of four to six hours during an emergency need. The schools are also looking at the option of having a generator on-site permanently at the Middle School. There is a possibility that the Schools may wish to discuss with the City a joint venture in purchasing this generator.

Mr. Clark noted that there is an application recently submitted for a grant to purchase a generator for the Dwyer Memorial Center.

Mr. Vincent suggested that if the School Board approves the use of the Bay High School for shelter during emergencies, the information regarding the shelter be broadcast to the public. Mr. Vincent noted also that if people know that there is a place provided for them during outages or emergencies, it will ease the stress of these situations. Chief Lyons stated that the Schools have already talked with the Red Cross and they have a good solid working agreement in place. Some of the things that weren’t covered in the agreement are still being worked through, including the provision of cots in the event of an extended stay.

Mr. Vincent stated that if Ready/Notify notification is sent out many people will take advantage of the shelter. Mr. Clark added that the lesson learned from Superstorm Sandy is how we improve the situation. The City had a bit of an Achilles’ heel at that point in time, and it is hoped that we don’t have issues like that again and there is a place for people to stay during that type of event.

Mrs. Lieske stated that in terms of getting Ready/Notify messages out more frequently, it would be helpful to continue to pursue getting people to sign up to Ready/Notify. We have heard that the numbers are rather low. It is just a small number of residents who are subscribing, and getting the word out regarding resources and places for shelter touches just a few. Any source of communication to the public such as sign boards or publications by the City is a multi-faceted way to get more people signed up for Ready/Notify.
Minutes of Regular Meeting  
Bay Village City Council  
January 3, 2017  

Mr. Tadych asked if residents sign up for Ready/Notify with the Fire Department or Police Department. Chief Lyons stated that both departments are available for registration. Residents may also register at the Dwyer Memorial Center. Representatives from the County are on site at the Fire Department open house and the annual Touch-a-Truck Event. The Fire Department and the Community Services Department are planning a joint event at the Dwyer Memorial Center this year with County representatives on hand to register seniors.

Mr. Tadych noted that registering for Ready/Notify is very important. There are many people that don’t even know the service exists. Mr. Ebert stated that the newsletter of the Mayor will again promote the Ready/Notify service, and the City of Bay Village website will highlight the registration link.

Mayor Koomar stated that he is working on a new resident form of communication for all real estate transfers in the City. He noted that many new residents do not understand the nuances of trash pickup and other City services. The Mayor is working with his assistant, Sue Kohl, on this pro-active communication to make new residents aware of the Ready/Notify service and directing them to the City website to learn of the many resources available and information concerning various city regulations.

Mr. Vincent asked if the administration has ever considered having its own Facebook page, as the Bay Village Police Department does now. Mayor Koomar stated that he believes the City does have a Facebook page, but he does not believe it is actively used.

Mayor Koomar stated that a meeting has been set up with the contractor for trash collection with the City to finalize resident communications concerning yard-waste pick-up.

Mr. Tadych noted that a new sign across the street from the Bay Middle School would help immensely with many of these projects.

Mr. Mace added that the recent edition of what was previously called “minor things” in the City coming across on Ready/Notify has been a welcome addition to the notifications offered by the City administration.

**Mayor Koomar announced** a vacancy on the Tree Commission, and a vacancy on the Board of Zoning Appeals. Any interested residents that would like to apply should send their information to the Mayor’s office. Mr. Tadych stated that the Chairman of the Tree Commission will submit information concerning an interested applicant for the Tree Commission to the Mayor.

Mayor Koomar stated that there has also been one recommendation for the Board of Zoning Appeals. Any others that are interested are encouraged to apply for the vacancies.

**AUDIENCE COMMENTS**

There were no comments from the audience this evening.
COMMITTEE OF THE WHOLE

The Motion to appoint Dwight Clark as President of Council pursuant to Bay Village City Charter Section 2.4 “Vacancies” appearing on the agenda this evening will be delayed. Mr. Clark stated that it would be helpful if those interested in applying for the President of Council position submit their name to the Law Director by Friday, January 6, 2017.

FINANCE AND CLAIMS - Mr. Clark

Mr. Henderson read, by title only, Ordinance 16-91, amending by reading Item No. 8 so that the range of pay for the Director of Public Service effective January 1, 2017 and thereafter reads $85,000 to $95,000, amending Section 1 of Ordinance No. 16-48 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 2017 and thereafter, and declaring an emergency. (Second Reading) (First Reading 12-19-16).

Ordinance No. 16-91 was moved to second reading.

Mr. Henderson moved to remove the 2017 Budget from Matters Pending before Council Committee.

Motion carried 7-0.

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

Mrs. Lieske moved to remove Section 1158 of the Codified Ordinances – Attached Residence District from the Matters Pending before Council Committee.

Motion carried 7-0.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Mr. Tadych requested an equipment scheduling of the implementation of the new municipal telephone system. Finance Director Mahoney agreed to provide the implementation schedule.

There being no further business to discuss, the meeting adjourned at 8:41 p.m.

________________________________               ______________________
Dwight Clark, Vice President of Council   Joan Kemper, Clerk of Council
CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

January 3, 2017

Vice President of Council Clark called the meeting to order at 8:13 p.m. in the Conference Room of Bay Village City Hall.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community Services Director Selig.

AUDIENCE

The following audience members signed in this evening: Lydia DeGeorge, Suzanne Graham, Scott Pohlkamp, Denny Wendell, Tara Wendell, R. Tuneberg, Sam Gmetro, Jerrie Barnett, Jeff Gallatin, Dick Majewski, Bill Selong, Patrick and Gayatry Mosier.

Motion by Mace, to grant the request of the Bay Village Foundation to hold the annual Bay Village Heritage Run in Cahoon Memorial Park on October 21, 2017 from 7 a.m. to 11 a.m. including time the day before for set-up if necessary, and pending receipt of insurance.

Motion carried 5-0 with two abstentions (Mr. Henderson and Mr. Tadych).

There being no further business to discuss, the meeting adjourned at 8:14 p.m.

Dwight A. Clark, Vice President of Council  Joan Kemper, Clerk of Council
AN ORDINANCE
AMENDING SECTION 1 OF ORDINANCE 16-48 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 2017 AND THEREAFTER, AND DECLARING AN EMERGENCY.

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

SECTION 1. That January 1, 2017 compensation to be paid to the officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

<table>
<thead>
<tr>
<th>Position</th>
<th>January 1, 2016 and Thereafter</th>
<th>January 1, 2017 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Director of Finance</td>
<td>$95,254</td>
<td>$97,397</td>
</tr>
<tr>
<td>2. Assistant Finance Director</td>
<td>$69,067</td>
<td>$70,621</td>
</tr>
<tr>
<td>3. Accounts Payable Coordinator</td>
<td>$17.92 – $20.52 per hour</td>
<td>$18.32 – $20.98 per hour</td>
</tr>
<tr>
<td>4. Part-time Human Resources Administrator</td>
<td>28.56 per hour</td>
<td>29.20 per hour</td>
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<tr>
<td>5. Part-time Clerical</td>
<td>$11.91 – $16.23 per hour</td>
<td>$12.18 – $16.60 per hour</td>
</tr>
<tr>
<td>6. Director of Law</td>
<td>$73,742</td>
<td>$75,401</td>
</tr>
<tr>
<td>7. Prosecutor</td>
<td>$34,600</td>
<td>$35,379</td>
</tr>
<tr>
<td>8. Dir. Public Service &amp; Properties</td>
<td>$92,325</td>
<td>$85,000-$95,000</td>
</tr>
<tr>
<td>10. Public Works Supervisor</td>
<td>$71,400</td>
<td>$73,007</td>
</tr>
<tr>
<td>11. Sewer Maintenance Supervisor</td>
<td>$62,383</td>
<td>$62,787</td>
</tr>
<tr>
<td>12. Infrastructure Manager</td>
<td>$65,545</td>
<td>$67,020</td>
</tr>
<tr>
<td>Position</td>
<td>Base Salary</td>
<td>Position</td>
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<tr>
<td>----------------------------------------------</td>
<td>-------------</td>
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</tr>
<tr>
<td>13. Property Maintenance Inspector</td>
<td>$60,343</td>
<td>14. Projects Coordinator</td>
</tr>
<tr>
<td>15. Part-time</td>
<td>$8.10 – $17.56 per hour</td>
<td>16. Seasonal</td>
</tr>
<tr>
<td>17. Director of Recreation</td>
<td>$73,361</td>
<td>18. Asst. Recreation Director</td>
</tr>
<tr>
<td>19. Assistant to Mayor</td>
<td>$46,419</td>
<td>20. Clerk of Council</td>
</tr>
<tr>
<td>21. Fire Chief</td>
<td>$102,881</td>
<td>22. Police Chief</td>
</tr>
<tr>
<td>23. Deputy Police Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start</td>
<td>$23.34 per hour $24.89 per hour</td>
<td>After 2080 hours</td>
</tr>
<tr>
<td>After 4160 hours</td>
<td>$29.40 per hour $30.06 per hour</td>
<td>After 6240 hours</td>
</tr>
<tr>
<td>26. Jailer/Matron</td>
<td>$14.45 per hour $14.78 per hour</td>
<td>27. Full time Dispatch</td>
</tr>
<tr>
<td>28. Part time Dispatch</td>
<td>$15.75-19.80 per hour $16.10-20.25 per hour</td>
<td>29. Director of Community Services</td>
</tr>
</tbody>
</table>
30. Assistant Director of Community Services  $36,414  $37,233

31. Senior Van Driver  $8.94 – $12.80 per hour  $9.14 – $13.09 per hour

32. Safety Director  $5,000  $5,000

The individual who may serve pro-tem as Secretary to Council or as Secretary to Planning Commission, Board of Zoning Appeals, Recreation Commission, Civil Service Commission, Architectural Board of Review, Tree Commission or Charter Review Committee shall be paid fifty dollars ($50.00) for the first two hours of attendance and his or her hourly rate thereafter per regular or special meeting attended in lieu of wages.”

and present Section 1 of Ordinance 16-48 is hereby repealed.

SECTION 2. That it is found and determined that all formal actions concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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 welfare, and for the further reason that it is necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City’s needs, 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

10-25-16 LL
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE FILING OF AN APPLICATION AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH ROUND 2 OF THE 2017 LOCAL GOVERNMENT SAFETY CAPITAL GRANT PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the purpose of the 2017 Local Government Safety Capital Grant Program is to award grants to political subdivisions to be used for the purchase of vehicles, equipment, facilities, or systems needed to enhance public safety; and

WHEREAS, the funds received through this grant will be used to purchase a Zetron Internet Protocol Fire Station Alerting System and related Equipment for use by Westcom Regional Dispatch and the Fire Departments of the Westcom Cities; and

WHEREAS, funding for the purchase of this equipment is available through the State of Ohio Local Government Innovation Council with no required municipal cost share and a total project cost not to exceed $128,807.54; and

WHEREAS, the deadline for the 2017 application for said grant is January 6, 2017;

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

SECTION 1. That Council hereby authorizes the filing of an application for and, if awarded, to enter into an agreement with the State of Ohio to administer Round 2 of the 2017 Local Government Safety Capital Grant, and that the Mayor is authorized to sign said agreement.

SECTION 2. That the Mayor hereby requests the State of Ohio Local Government Innovation Council to consider and fund its application project.

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 committees 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 peace, health, safety and welfare, and for the further reason that it is immediately necessary to file 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
Resolution No. 2017 Local Government Safety Capital Grant -2

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

jc