February 23, 2017

A Special Meeting of the Bay Village City Council will be held on Monday, February 27, 2017 at 8:00 p.m., following the 7:30 p.m. Committee Meeting of Council, 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 Ward 3 Councilwoman Karen Lieske

2. Announcements/Audience/Miscellaneous
   Presentation by State Representative Dave Greenspan of Proclamation to 2016 Citizen of the Year Evelyn Allen.

3. **Motion** to approve minutes of Special Meeting of Council held February 13, 2017. *Tadych*

4. **Motion** to approve minutes of Cahoon Memorial Park Trustees Meeting of February 13, 2017.*Tadych*

5. **Motion** to appoint Leslie Brown, 30327 Provincetown Lane, Bay Village, Ohio to the Tree Commission for a period of three years expiring February 27, 2020.*Tadych*

6. **Motion** to appoint Carolyn A. Young, 29039 Lake Rd., Bay Village, Ohio, to the Board of Zoning Appeals for a five year term expiring January 1, 2022.*Lieske*

6. **Motion** to appoint Dan Gess, 31500 Tuttle Drive, Bay Village, Ohio, to the Board of Zoning Appeals to fill the unexpired term of Tony Dostal, expiring January 1, 2021.*Lieske*

7. **Resolution** approving the construction of a Wischmeyer Creek Erosion Control Structure for the residence of Michael Sathre, and declaring an emergency.*Lieske*

8. **Motion** to convene to Executive Session – Council-at-large vacancy.*Vincent*

9. **Motion** to appoint Councilman-at-large pursuant to Bay Village City Charter Section 2.4 “Vacancies.”*Tadych*

10. **Oath of Office** administered to Councilman-at-large by Mayor Paul A. Koomar.

11. **Adjournment**

    Dwight Clark, President of Council

Charter Reference 2.11
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, Special Meeting                      February 13, 2017
Council Chambers 8:15 p.m.
President of Council Dwight Clark, presiding

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

Also Present:  Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel, Recreation Director Enovitch, Operations Manager Landers.

AUDIENCE

Lydia DeGeorge, Tara and Denny Wendell, Alex Dade, Jeff Gallatin, Tom Kelly, Jenny Hartzell, Nancy Stainbrook, Bill Selong, Jerrie Barnett.

President of Council Clark called the meeting to order at 8:15 p.m. with roll call by the Clerk of Council and the Pledge of Allegiance led by Councilman Paul Vincent, Ward 2.

ANNOUNCEMENTS/AUDIENCE/MISCELLANEOUS

Councilman Henderson stated that on Monday, February 6, 2017, following the Council meeting, the Henderson’s had a medical emergency at their home involving their daughter, who is one month old today. They had to call 9-1-1, because it was a severe emergency, and Mr. Henderson would like to extend his appreciation to both the Police Department and the Fire Department for their rapid, effective response. Mr. Henderson’s daughter was safely transported to the Emergency Department and spent a couple of days in the hospital until Thursday, February 9. She is doing well, and Mr. Henderson very much appreciates the rapid and effective response from the Bay Village Police Department and the Bay Village Fire Department.

Mr. Clark added to the sentiment, noting that the consistency, continuity, and professionalism that the Bay Village Police, Fire Departments, and Emergency Paramedics Unit utilize in every situation certainly needs to be applauded.

Law Director Ebert advised that flyers for the “Back to Bay’s Future” event to be held April 29, 2017 at 6 p.m. are available in the chambers this evening. He encouraged audience members to take the flyers and pass them out to their friends. The event is being held to create a fund for Bay’s Historical District, with the proceeds from the April 29, 2017 event going toward renovations for the Community House.

Mr. Clark called for a reading of the minutes of the Regular Meeting of Council held February 6, 2017. Motion by Henderson to dispense with the reading and approve the minutes of the Regular Meeting of Council held February 6, 2017, as prepared and distributed.

Motion carried 6-0.
Mr. Clark called for a reading of the minutes of the Cahoon Memorial Park Trustees Meeting of February 6, 2017. Motion by Henderson to dispense with the reading and approve the minutes of the Cahoon Memorial Park Trustees meeting of February 6, 2017, as prepared and distributed.

Motion carried 7-0.

Mr. Tadych read Ordinance No. 17-7 authorizing the Mayor to enter into an agreement with CT Consultants, Inc. as the Engineering Consultant for the City of Bay Village for the year 2017, and declaring an emergency, and moved for adoption. (Third Reading and Adoption)

Mr. Clark stated that this ordinance represents a reduction in the fee paid to CT Consultants as compared to 2016, and the due diligence from the administration in terms of the costs that have incurred and paid to CT Consultants over the past couple of years.

Mrs. Lieske asked Finance Director Mahoney if the report provided by Mrs. Mahoney to Council concerning invoices paid to CT Consultants was a summary of what was provided as the purpose of the expenditure, or was it the actual purpose. For example, Sunset Engineering is listed as services provided. Mrs. Mahoney stated that they are limited to the amount of the space they can put in their financial system. When the purchase order is entered, the purpose notation allows just a very brief summary. Mayor Koomar stated that the data is available in the files for each invoice for work approved by Council.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-7

Roll Call on Use of the Emergency Clause:
Yea s- Clark, Henderson, Lieske, Mace, Tadych, Vincent
Nays -None

Roll Call on Adoption:
Yeas– Clark, Henderson, Lieske, Mace, Tadych, Vincent
Nays–None.

Mr. Clark announced adoption of Ordinance No. 17-7, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced and read Resolution No. 17-9 amending Resolution 17-8 authorizing the purchase of two law enforcement vehicles under Cooperative Purchasing Program, with the State of Ohio, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-9.

Roll Call on Suspension of the Charter Rules:
Yeas-Henderson, Lieske, Mace, Tadych, Vincent, Clark
Nays -None

Roll Call on Suspension of the Council Rules:
Yeas -Henderson, Lieske, Mace, Tadych, Vincent, Clark
Mr. Clark announced adoption of Ordinance No. 17-9, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced and read **Ordinance No. 17-10** to make appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2017, as previously appropriated in Annual Appropriation No. 16-84, and moved for adoption. Mr. Tadych noted that this ordinance adds a financial impact of about $43,000 from the Infrastructure Improvement Fund for White Creek in Ward 1, and $7,000 for the General Fund for the amendment to the agreement for residential yard waste. A third entry, which is a zero entry, is for the efforts in regard to the deer population. Money is being taken from the animal control officer, which is not in place yet but included in the budget, and applying that to the deer management program.

Mr. Henderson addressed the Chief of Police, asking how the person to do the count of deer during the fly-over is found, and how is that person determined to be qualified for that work. Chief Spaetzel stated that the City of Avon Lake has their Service Department worker do the fly-over count, and he will have further conversations with them to see what is needed and what the job entails.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-10.

Mr. Clark announced adoption of Ordinance No. 17-10, an emergency measure, by a vote of 6-0.

**Motion** by Tadych to amend the agreement with Browning-Ferris Industries of Ohio, Inc. for Solid Waste Collection and Disposal, Yard Waste, and Recycling Materials Collection and Processing, to add yard waste pick-up commencing on April 11, 2017. The addition of the date
of April 11, 2017 for yard waste pick-up to the contract is at a cost of $6,750.

**Motion carried 6-0.**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych moved to convene to Executive Session regarding Cahoon Memorial Park – Library Contract.

Roll Call Vote: Yeas- Mace, Tadych, Vincent, Clark, Henderson, Lieske. Nays – None. Motion passed 6-0.

Also present in Executive Session were Mayor Koomar, Finance Director Mahoney, and Law Director Ebert.

Council reconvened in an open meeting at 9:07 p.m. Present were: Clark, Henderson, Lieske, Mace, Tadych, Vincent, Mayor Koomar and Law Director Ebert.

After discussion concerning the selection process for the vacant Council-at-large position, it was determined that interviews will be held with fourteen of the sixteen candidates that filed their resumes and letters of interest on Wednesday, February 15, 2017, beginning at 6:00 p.m. The two candidates that will be unavailable that evening will be interviewed by telephone or in person by Council President Clark during the daytime hours of Wednesday, February 15.

Mr. Clark thanked everyone for their presence this evening. There being no further business to discuss, the meeting adjourned at 9:18 p.m.

__________________________________   ____________________________
Dwight Clark, President of Council    Joan Kemper, Clerk of Council
President of Council Clark called the meeting to order at 8:13 p.m. in the Council Chambers of Bay Village City Hall.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel, Recreation Director Enovitch, Operations Manager Landers.

AUDIENCE

Lydia DeGeorge, Tara and Denny Wendell, Alex Dade, Jeff Gallatin, Tom Kelly, Jenny Hartzell, Nancy Stainbrook, Bill Selong, Jerrie Barnett.

Motion by Mace to approve the request of the Bay Village Historical Society to use Cahoon Memorial Park on Saturday, June 17, 2017 from 9 a.m. to 4 p.m. for its 49th annual fundraiser, now called “Cahoon in June,” including preliminary set-up on Friday, June 16, 2017, pending receipt of insurance.

Motion carried 7-0

Meeting adjourned at 8:15 p.m.
RESOLUTION NO.  
INTRODUCED BY:

A RESOLUTION  
APPROVING THE CONSTRUCTION OF A WISCHMEYER CREEK EROSION CONTROL STRUCTURE FOR THE RESIDENCE OF MICHAEL SATHRE, AND DECLARING AN EMERGENCY.

WHEREAS, Michael Sathre, 310 Glen Park Drive, Bay Village, Ohio 44140 will be in need of a lease permit from the Ohio Department of Natural Resources for the construction of an erosion control structure; and

WHEREAS, said improvements will take place near/in Wischmeyer Creek, which is under the jurisdiction of the City of Bay Village; and

WHEREAS, it is determined by the Council of the City of Bay Village, Ohio, that the City of Bay Village has no need for said designated parcel of lands for any future improvements such as piers or docks, and further has no objection to said use for the purpose herein stated;

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

SECTION 1. That Michael Sathre be permitted to proceed with such construction as requested near/in Wischmeyer Creek, subject to any other necessary approvals.

SECTION 2. The Council of the City of Bay Village has considered only the needs of the City for the future use of the land and water involved in the request and has not reviewed the impact of said lease on the landowners which adjoin or abut the property involved in the lease application. This impact should be expressed to the Ohio Department of Natural Resources or through the public hearing process held by that office on the application.

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 peace, health, safety and welfare, and for the further reasons stated in the preamble hereof; wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL
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)