A Special Meeting of the Bay Village City Council will be held on Monday, September 11, 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 4 Councilman Tom Henderson.

2. Motion to approve Minutes of Special Meeting of Council held August 29, 2017.*Tadych*

3. Announcements/Audience/Miscellaneous

   Mayor Koomar
   Award of Certificates of Achievement to Bay Rockets Travel Baseball Team

   Mayor Koomar
   Presentation of Proclamation to Bay Men’s Club commemorating the Centennial Anniversary of the founding of the Bay Men’s Club in Bay Village, Ohio

4. Motion to acknowledge receipt of August 2017 Financial Reports of the City of Bay Village prepared by Finance Director Renee Mahoney.*Tadych*

5. Resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies and certifying them to the County Fiscal Officer, and declaring an emergency.*Tadych*

6. Resolution authorizing the Director of Finance to request tax advancements before settlement dates for Fiscal Year 2018, and declaring an emergency.*Tadych*

7. Resolution approving use by Steven & Laura Sozio of submerged lands of Lake Erie for shoreline improvements, and declaring an emergency.*Lieske*

8. Motion to approve the request of Paul Demyan, owner of Marco’s Pizza, 25523 Eaton Way, Bay Village, to install temporary, banner type signs for a period of thirty days, from September 12, 2017 to October 12, 2017 for promotion of his new pizza business, per Codified Ordinance Section 1179.09(B)(4).*Lieske*

9. 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 2018-2021 Capital Improvements Project, and declaring an emergency.*Henderson*
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10. Motion to convene to Executive Session regarding Personnel: HR performance evaluation system, all departments.*Tadych*

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  
Council Chambers 5:30 p.m.  
President of Council Dwight Clark, presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney.

AUDIENCE

Jerrie Barnett, Jeff Vidmar, Lydia DeGeorge, Bill Selong, Rick Timm, Alex Dade, Cheryll McCarty, Claire Banasiak.

President of Council Clark called the meeting to order at 5:30 p.m. with roll call, and the Pledge of Allegiance by Karen Lieske, Councilwoman of Ward 3. Mrs. Stainbrook arrived at 5:36 p.m.

Motion by Tadych to approve the minutes of the Special Meeting of Council held Monday, August 7, 2017 as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Finance Director Mahoney announced that she has received notice from the Auditor of State that once again, the fourth year in a row, the City of Bay Village has received the Auditor of State Award for Excellence in Financial Reporting. Mrs. Mahoney credited her staff, including the receptionists, payroll, and accounts payable personnel for their assistance in achieving this award.

Councilman Henderson advised that the Public Improvements Committee will have a Public Improvements, Streets, Sewers and Drainage Committee meeting on Wednesday, September 6 at 6 p.m. in the Conference Room of Bay Village City Hall.

AUDIENCE

Mrs. Jerrie Barnett, Bayview Road, reported that the public newspaper and magazine recycling bins at various properties are full. The representatives at the Metroparks will be notified.

MISCELLANEOUS

Councilwoman Karen Lieske extended compliments to the Fire Department/Paramedic Staff for their work in assisting a resident on Saturday, August 26, who fell and hit his head. Mrs. Lieske was walking down the street when the incident occurred and reported the fall. She noted that she was able to see the medics in action and they were just phenomenal. In terms of being there as a resident and seeing how they treated this gentleman, Mrs. Lieske stated that she was proud to say that is our Fire Department, this is Bay Village, and this is how they represent us.
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out in the community.

Mr. Tadych asked Finance Director Mahoney to explain the Amended Appropriation Ordinance on the agenda of the meeting this evening.

Mrs. Mahoney stated that there are three items under consideration in this ordinance. The first item is the appropriation of the money received for the Ohio Criminal Justice Services Grant received by the Police Department. The grant application and receipt were previously approved by Council on June 6, 2017 by virtue of Resolution No. 17-43. This is the second grant received to continue the investigation into the Amy Mihaljevic abduction and murder, with the investigation being active and ongoing. The financial impact to the City of Bay Village is the amount of $7,500 (25%) in matching funds from the General Fund.

The second item is the transfer of money from Local Law Enforcement to the Equitable Sharing (Federal Forfeiture) for the Ohio Criminal Justice Services Grant. It was the City’s understanding that Federal Forfeiture Funds could be used for the City’s portion of the grant last year. The audit revealed that the funds must be used from the Local Law Enforcement Funds and Mrs. Mahoney is asking to transfer money from the Local Law Enforcement Funds to the Equitable Sharing (Federal Forfeiture) Funds.

The third item is that a grant from the Local Government Safety Capital Grant Program has been received for purchase of equipment for the Westcom Dispatch. Total grant funds are $115,908.00 with matching funds required in the amount of $12,900.00. Mrs. Mahoney stated that this is technically a Westcom Dispatch grant award, but because the grant has the name of the City of Bay Village, Mrs. Mahoney is asking to appropriate the matching funds from the Emergency Paramedic Unit Fund and will receive reimbursement from the City of Westlake. The asset will be transferred to Westcom.

Mr. Tadych noted that the original Resolution for the grant, Resolution 17-1, was adopted on January 9, 2017. He stated that the resolution was adopted to apply for the grant, and the grant has now been received.

Mr. Henderson noted that the grant awarded by Ohio Criminal Justice Services is in the amount of $22,500, and the City will spend the amount of $7,500 in matching funds.

Mr. Henderson stated that he has a question related to the White Creek corrections on the Appropriation Ordinance. He stated that it is his position that since we are going to be adopting the ordinance this evening for the White Creek corrections in the amount of $44,293.00, Exhibit B should be amended to incorporate that amount and not the $43,000 amount.

Mrs. Mahoney stated that if Council prefers to do that, it is fine, but the way Mrs. Mahoney approaches it, and the legal level, is by total Capital projects. What she intended was at the end of the year to provide Council with a list of the projects, listing the ones going over a slight bit of what was originally appropriated, knowing that the Huntington-Long Beach Pump Station will be under budget. Mrs. Mahoney stated that she did not want Council to think that they were asking for another $1,292 additional to finish the project.
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Mayor Koomar stated that historically Mr. Henderson is correct. When Mayor Koomar was on Council they would always appropriate the higher level. We had some savings in other Capital projects so we do not really need that appropriation, but the Mayor is fine with amending the ordinance by reading. Mr. Henderson stated that the ordinance should be amended because this would be consistent with past practice which was established by Mayor Koomar, and Mayor Koomar even pushed forward for increased transparency. If any expenditure is over $25,000 it requires a specific ordinance. The reason we have Exhibit B with the Amended Appropriation Ordinance is to document the expenditures. Mr. Henderson acknowledged that from a legal level, we do have control of the fund and expenditure level, but we have had Exhibit B for a long time and we tend to list it appropriately. To be consistent, we should amend the ordinance. It will reflect $44,293 for the White Creek Corrections in Exhibit B and Fund 494 in the primary body of the document.

Mrs. Mahoney stated that she does not want Fund 494 to show that we are appropriating more funds. She would suggest decreasing the monies in the Huntington Long Beach Pump Station by the same amount, so that there is a zero effect in Fund 494. Mr. Henderson asked the correct number for the Huntington Long Beach Pump Station. Mr. Henderson stated that if Mrs. Mahoney thinks that project will come in less to let the Council know what it is going to come in at because the goal here is not a net zero.

Mr. Henderson asked Mrs. Mahoney the reason that she is uncomfortable changing the total amount. Mrs. Mahoney stated that if someone looked at Fund 494 they would say we are spending more money. Whereas, we have managed other things within that group of projects and we are not spending more money. We have a small over-cost on White Creek which is negated by underspending in another project.

Mr. Henderson stated that based on the precedent when projects go over budget we tend to invoke the amended appropriations.

Mr. Clark stated that he conversed with Mrs. Mahoney on the Porter Creek Repair noted at $37,600. He has asked Mrs. Mahoney to footnote at the bottom of Exhibit B that Council had approved $15,000 for this project in the 2016 budget that was never spent because the project was approved but never undertaken.

Mr. Henderson noted that Fund 494 of the Capital Budget is $423,893.00.

Mr. Tadych introduced and read Ordinance 17-64, amending by reading of Exhibit B to amend the White Creek Corrections amount to $44,293, amending Ordinance No. 17-60 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 16-84 and amended in Ordinances 17-10, 17-19, 17-26, 17-42, 17-49, 17-53 and 17-60, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-64.
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Roll Call on Suspension of the Charter Rules:
  Yeas- Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
  Nays -None

Roll Call on Suspension of the Council Rules:
  Yeas – Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
  Nays – None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas – Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
  Nays – None.

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

Mr. Clark announced adoption of Ordinance No. 17-64, as amended by reading, an emergency measure, by a vote of 7-0.

Mr. Tadych referred to the agenda item of an ordinance amending Section 151.05 of the Codified Ordinances of the City of Bay Village regarding vacations, and declaring an emergency.

Mr. Tadych stated that he discussed this ordinance with the Mayor earlier this week. Mr. Tadych thinks that the amendment should include “with the approval of Council” to the phrase in the ordinance that states that the “Mayor shall have discretion concerning amount of vacation hours based on prior years of experience.” Mr. Tadych stated that the members of Council are the money keepers and those words should be included.

Mayor Koomar stated that the administration is updating all of the job descriptions. The goal is to have Section 151 ready this fall for Council to review and approve before the end of the year so that a system is in place for 2018. One of the things that they came across is some retirements and resignations in the Finance area that they were not anticipating. There is a pending offer they would like to make. One candidate that they have is very experienced, with state auditor experience which would replace what was lost with the former employee. Looking at Section 151, it was realized that some of the positions in the non-bargaining unit are a straight two-week vacation. We can't consider certain levels of past service experience. In this day and age, all he is looking for is a little latitude to go between two and four weeks’ vacation time in order to make this offer to actually seal the deal and get a really good candidate who has the state audit experience and will start to learn the Finance Director's job as a back-up for the position. This is something that would have been uncovered later this fall. Section 151 currently caps the vacation time for any employee coming into the City, with the inability to offer more vacation time based on past experience. Section 151 caps vacation time for any employee coming into the City at four weeks. The Mayor is not looking at changing that but looking at latitude to potentially start with an offer of three weeks, and potentially four weeks based on their experience. The Mayor plans to bring Section 151 back with everything else later this fall; it is really just looking at this one position at this time.
Mrs. Lieske asked how many years' experience the candidate has as a state auditor. Mrs. Mahoney stated that the candidate has 24 years' experience as a state auditor. Mrs. Lieske stated that she would feel more comfortable looking at the section that refers to being employed by another political subdivision to include the state captured under political subdivision. Mayor Koomar stated that he reads the ordinance as being only two weeks. He stated that he doesn't really have a preference right now where we would place it, he would just like that latitude because we have been down a person in Finance. As we move toward year end with an audit in the future, it is important to get them on board.

Mrs. Lieske stated that if the state is included as a political subdivision we do not have to make an exception for a new employee and what else we might want to offer for someone else.

Mr. Henderson stated that it is not just the issue that it is a new employee. It is the issue that the employee is to be hired into the Finance Specialist position, a newly created position.

Mrs. Mahoney stated that if this was just simply replacing the Assistant Finance Director position, there would be no issue and the person would be able to be brought in with four weeks’ vacation. It is the semantics of the title of the position: Finance Specialist versus Assistant Director. The job description states that the person is the back-up to the Finance Director.

Mr. Ebert stated that the job description does say that. Going back into history, the whole point of this was not the title, but the experience of the people.

Mayor Koomar stated that in the future if there is a vacancy in a position and someone is found with many years of experience that does not necessarily come from a political subdivision, he would want as an employer to offer competitive benefits.

Mrs. Stainbrook stated there is a lot of discussion around now in general compensation portability. So many companies now are getting away from the benefits that are tied to the company and want to make employees more portable, things like not having a defined benefit pension program and 401K's. Employees are, with so many job changes now, averaging eleven job changes; they are expecting that when they come to a new position that they can bring many years of comprehensive experience and not interested in starting at two weeks’ vacation. This flexibility is good, temporary flexibility is fine, with looking forward in the fall to moving toward a comprehensive system that is going to move everything HR related in the right direction. There are a lot of changes that have occurred in the last five years or so that make employees very portable and companies are making their systems more so also.

Mr. Tadych stated that the key word here is discretion for the Mayor, and he thinks that he should have the right, and Council has the right, to approve the Mayor's action. We are only talking about outside entities. We are not talking about what is defined earlier in the ordinance. It is an exceptional situation and it should be allowed.

Mr. Henderson addressed Mrs. Stainbrook regarding her term "temporary flexibility." It is a nice term. He sees it a little differently; putting the cart before the horse. What we are talking about doing here is amending an HR policy specifically to fit the demands or potential demands
of one potential candidate which is not the proper order. Mr. Henderson stated that he looks forward to the discussions this fall around compensation benefits and the whole approach. He is just not comfortable with doing this as a one-off change because of the existence of one employee. Mr. Henderson addressed Mrs. Mahoney, noting that he recalls discussions last spring when she decided to recommend this new structure for the Finance Department to have two Finance Specialists rather than one Assistant Director. Mrs. Mahoney was very clear, she said that she wanted to have someone with a relatively low number of experience years to fill this position. She wanted two people to help, wanted both positions to be relatively interchangeable and cross trained. This is a change in goal for this position.

Mrs. Mahoney stated that she does not remember that she said....she said the salary range would be targeting less experienced people, not that this was her goal.

Mr. Henderson stated that he believes Mrs. Mahoney said her goal was to hire someone who is young. Mrs. Mahoney stated that she thought with the salary range she would not get an experienced person. So, this candidate that we are thinking about would fit fantasticly, offsetting her skill set. Mrs. Mahoney can do the daily department things, she is very skilled at that, whereas this person would bring the opposite side, audit side, they will be able to work off each other, and it would be a fantastic working relationship.

Mayor Koomar stated that from his perspective this is one of the first hires he has made. He did not realize that these types of positions were limited at two weeks’ vacation or he would have brought that up when we brought up the Finance Specialist position. In his former work at the Clinic, when you brought someone in that had experience they received a certain amount of vacation based on discussion with HR. The Finance Specialist for this particular person is the proper classification. If we had the Assistant Finance Director on the books right now, Finance Specialist is still the proper classification. We are still going to net about $25,000 to $30,000 in savings, which was Renee’s intent in bringing someone with less experience in, which they are, relative to Ms. Popovich. Had we not had a resignation that he did not expect, we would have worked through the HR process and taken care of this. It is because of that situation we actually have to react to that. To get a candidate that has a lot of experience with the state auditor, that experience is going to be very good. They have not had the operational side, so they are young in terms of that experience. That is what they are going to learn over the next several years. That is why it is the right classification as Finance Specialist.

Mrs. Mahoney stated that offering two to four weeks’ vacation is not costing the City any more money. It costs time off in the office, but that can be managed. To be able to have the City to have the experience of this candidate is fantastic.

Mayor Koomar stated that the candidate lives close by and that is part of the interest in the candidate is that the quality of life would be very good.

Mrs. Stainbrook stated that in the ideal world we want everything laid out correctly from an HR policy standpoint. The reality is that HR is a science of people, which is an oxymoron. When you have someone walk through the door that has the skill set that is a significant value to add,
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you want to try to be as flexible as you can within reason without throwing your benefit system out of whack. The skill set offered is a potential value to both the person and the City.

Mayor Koomar stated that they would like to offer the position on Wednesday, August 30, 2017.

Mr. Tadych stated that it is a difficult scenario because it is all happening now.

Mr. Clark stated that could have been staring at a situation where the Mayor made the offer and then begged for approval. He gives the Mayor credit for being forthright. Mr. Clark stated that he does not want to over manage this. The Finance Position is critical to the City; we all understand that. It isn’t the perfect solution, but there are times we have to move. Not often do you get a person who appears to have this experience – two dozen years at the Auditor’s Office – and Mr. Clark would like to be supportive of what is being done.

Mrs. Mahoney stated that we are still saving $30,000 from the old structure of the Finance Department to the new structure, and if the same title would have been kept there would not be a need for the Mayor’s discretion because this person’s title would be Assistant Director of Finance and could be brought in at four weeks’ vacation.

Mr. Vincent stated that he sees this as the Mayor’s decision and if we can get someone at a premium with the right experience, pitching another week or two vacation time is an easy decision of which he is supportive.

Mr. Clark stated that this will be granted under the presumption that Section 151 will be revisited this fall as the Mayor promised, and if not, we have issues.

Mr. Mace stated that he does not think it is necessary for the change at this time with this candidate. Seeing it at the right time in the fall when we can discuss how we want to look at the entire package, and how the administration can look at best handling hires through the HR Department would be time well spent.

Mr. Vincent asked if this potential hire is not going to be a candidate for the position if he is not given the extra vacation time. Mayor Koomar stated that he does not know the answer. He does know that the quality of life time is very important to people.

Mayor Koomar stated that he had a conversation with Councilwoman Stainbrook whose work is the HR world and he values her opinion. It is very rare that you see two weeks’ vacation anywhere. Mrs. Stainbrook stated that it is the marketplace. Things have changed. People value their work/life balance. We are all tied to our phones and our email. Our work overlaps.

Mr. Vincent stated that this is an administrative employee. Like all administrative employees, he will serve at the pleasure of the Mayor.

Mrs. Stainbrook stated that she can say from experience that once the work that you are being interviewed for is something that is interesting to you and is the work you want to do, the second most important is salary range within the price point the employee is seeking, the next two most
important things are vacation and location. People are not looking any more to drive an hour each way to work because of work/life balance and they are not willing to settle for starting over again with experience with an offer of two weeks’ vacation.

Mayor Koomar stated that if the unexpected retirement would not have happened we would be working through this process and he would have brought this to Council. Human Resource Manager Demaline was working on this yesterday, setting up the game plan with the consultants that assist with this and working with diligence on it, but we do need this person with the year-end coming up. The financials of the City are very important for our debt rating and those types of things. We have settled on the compensation which is in the range that Council has approved. This is a benefit. The individual has to get his work done and will be evaluated accordingly.

Mrs. Lieske stated that the concern she has is that when the Council packets were received they received the draft ordinance. There wasn’t a memorandum accompanying it about the rationale, who it was for, why are we considering one small part. Then, it resorted to Mrs. Lieske sending an email, people got it yesterday, about what is the rationale, who is this for, why are we considering one small part, why aren’t we looking at all of this. To just receive this information without that makes it really difficult to consider the whole picture.

Mayor Koomar apologized, noting that there were several candidates and he had planned to send a note out and just overlooked doing so.

Mrs. Lieske stated that it concerns her taking something piece meal. She understands that the Mayor is looking at Section 151 and all of this for the fall, but the second finance specialist, what might that requirement be and in terms of the whole concept. Mr. Clark noted that the second Finance Specialist is in place.

Mr. Tadych stated that this would open it up for any other employee if we should hire someone before the final suggestions to Council are made for changes.

Mayor Koomar stated that he give his word; he has been straight forward. There was a discussion last week with Mr. Ebert about the duties, and the Mayor stated that he brings these things to Council as he sees them and tries to be straightforward with everyone and let everyone know how he stands and how we want to move forward. Going forward, when we bring Section 151 back, there has to be latitude in that two to four week range. It is the marketplace and our HR Consultant has not been asked about that, but given Mrs. Stainbrook’s background we talked extensively and that is what needs to be done to attract people. If we are going to bring people in with fifteen to twenty years’ experience, that is an important piece these days.

Mrs. Stainbrook stated that one of her goals is to always be as proactive as possible. So, it doesn’t matter what topic we are talking about, anytime we can get information, a memo or summary of what the status of whatever the topic is, it is really helpful because it saves on conversation and asking questions. Mrs. Stainbrook stated that she is all about being proactive as opposed to reactive.
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Mr. Clark stated this proposal is not perfect, it has some imperfections to it, but he would like to give the discretion to the Mayor to grow and expand the team as he sees fit. There is a savings to this, which is an important consideration. There is no guarantee that this person is going to accept the job. We have to have some license to offer this because it is a Councilmanic action, so it must be voted on tonight.

Mr. Tadych stated that he just heard the Mayor say that he guarantees this would be the only case. We are talking about his discretion in this document and he is willing to go forward.

Mayor Koomar stated that if there were any others that, right now as we sit here tonight, we are not thinking of, he would also bring this to Council first. Again, it would be based on years of experience. Mr. Tadych stated that he would be a no vote in the future if not changed appropriately.

Mrs. Mahoney stated that we are talking about six people in the City that this affects.

Mr. Tadych introduced and read Ordinance 17-65 amending Section 151.05 of the Codified Ordinances of the City of Bay Village regarding vacations, 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. 17-65. Mr. Tadych noted that the ordinance does not contain the emergency clause.

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

Roll Call on Suspension of the Council Rules:
Yeas – Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas – Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
Nays – None.

Roll Call on Adoption:
Yeas– Mace, Stainbrook, Tadych, Vincent, Clark
Nays–Henderson, Lieske

Mr. Clark announced adoption of Ordinance No. 17-65, by a vote of 5-2.

Mr. Henderson referred to the ordinance on the agenda authorizing the Mayor to enter into an agreement with K.M.U. Trucking & Excavating, Inc. for the Osborn Road Storm Sewer Replacement Project, and declaring an emergency.

Mr. Henderson noted that this is the second lowest bid. It is his understanding, in talking with Interim Director Liskovic and Infrastructure Manager Curtis Krakowski, that they have more comfort with K.M.U. Trucking & Excavating, Inc. as far as their ability to meet the lowest and best bid concept, even though they are not the lowest bidder in terms of dollars. Mr. Liskovic
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mentioned that this is for Osborn Road to Douglas and Glen Park, about 300 feet long. It is for placement of the storm sewer. Homeowners in the area have been notified and Mr. Vincent is planning on coordinating a communication with the property owners. The project will be undertaken on September 18, 2017 and completed around October 6, 2017.

Mayor Koomar added that the project does include repaving that section of Osborn Road that was pulled out of the 2017 Paving Program. Mr. Liskovic is working with the sewer crew to look at the sections that will be completed in Ward 4 this fall and the goal is to get far enough ahead of the testing so that if we would run into this situation next year we will know about it in the fall and stage that as part of the spring repaving. The sewer team will be pulled off to make sure they complete that inspection ahead of time so that if we would have to make a repair we will get it done in advance. Mr. Henderson stated that he supports that effort.

Mr. Clark stated that he has one comment. There is one contract but the entire project is coming out of Fund 580 Sewer. Mr. Henderson stated that he believes the Infrastructure Fund 494 is the correct fund. Is there a reason why we wouldn’t strip out their sewer part and use the Fund 270 for the overlay component?

Mrs. Mahoney stated that what Council is being asked to approve is the agreement with the vendor.

Mr. Clark stated that for the benefit of understanding we would take the storm sewer component out of Fund 494, and take the Street Improvement out of Fund 270. When reading the ordinance it is appropriate to amend by reading. Mr. Henderson noted that this would be different than the Appropriation Ordinance. Mr. Clark stated that he is o.k. with taking it all out of the Infrastructure Fund if that is the categorized in Exhibit B in the Appropriation Ordinance.

Mr. Henderson introduced and read Ordinance No. 17-66, amending the reading to note that payment is to be taken from the Infrastructure Improvement Fund, Fund 494, authorizing the Mayor to enter into an agreement with K.M.U. Trucking & Excavating, Inc. for the Osborn Road Storm Sewer Replacement Project, 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. 17-66.

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

Roll Call on Suspension of the Council Rules:
   Yeas – Lieske, Mace, Stainbrook, Tadych, Vincent, Clark, Henderson
   Nays – None.

Roll Call on Inclusion of the Emergency Clause:
   Yeas –Lieske, Mace, Stainbrook, Tadych, Vincent, Clark, Henderson
   Nays – None.

Roll Call on Adoption:
   Yeas– Lieske, Mace, Stainbrook, Tadych, Vincent, Clark, Henderson
Mr. Clark announced adoption of Ordinance No. 17-66, an emergency measure, by a vote of 7-0.

Mr. Henderson referred to the ordinance on the agenda this evening authorizing Change Order 2F to the agreement with Nerone & Sons, Inc. for the White Creek Sewer Improvement Project.

Mr. Henderson noted that the cost of the project is changing from $43,000 to $44,292.98. Mr. Henderson spoke with Interim Director of Public Service and Properties Liskovic about this change and that in the undertaking of this sink hole project the privately owned storm sewer lateral was disturbed and damaged during the project that the City was executing. Although this particular lateral sewer is on private property, it is a replacement of something that the City had damaged in the process. Although it is uncommon to do this, in this case it is appropriate.

Mr. Clark noted that the overall feedback from the residents has been positive. Mayor Koomar stated that the residents are very happy to have the corrections completed.

Mr. Henderson introduced and read Ordinance No. 17-67, amending by reading to change the fund listed for payment to Fund 494, Infrastructure Improvement Fund, and authorizing Change Order 2F to the agreement with Nerone & Sons, Inc. for the White Creek Sewer Improvement Project, and declaring an emergency, and moved for adoption.

Mr. Clark asked that Council receive copies of all the ordinances that were amended by reading this evening.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-67.

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

Roll Call on Suspension of the Council Rules:
  Yeas – Mace, Stainbrook, Tadych, Vincent, Clark, Henderson, Lieske
  Nays – None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas – Mace, Stainbrook, Tadych, Vincent, Clark, Henderson, Lieske
  Nays – None.

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

Mr. Clark announced adoption of Ordinance No. 17-67, an emergency measure, by a vote of 7-0.
Mr. Tadych introduced and read Ordinance No. 17-68 authorizing the Mayor to enter into an agreement with B&C Communications for the purchase and installation of equipment for the Westcom System, and declaring an emergency, and moved for adoption.

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

Roll Call on Suspension of the Council Rules:
   Yeas – Stainbrook, Tadych, Vincent, Clark, Henderson, Lieske, Mace
   Nays – None.

Roll Call on Inclusion of the Emergency Clause:
   Yeas – Stainbrook, Tadych, Vincent, Clark, Henderson, Lieske, Mace
   Nays – None.

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

Mr. Clark announced adoption of Ordinance No. 17-68, an emergency measure, by a vote of 7-0.

Motion by Mace to add Renovations to Bradley Road Park Playground Equipment to Matters Pending before Council Committee of the Recreation and Parks Improvement Committee.

Mr. Mace stated that Mr. Henderson has worked diligently with a group in the Ward 4 area, and since Mr. Henderson will not be serving the Ward 4 constituents after this election he wants to make sure that the playground equipment and all the matters he has worked on with them and Recreation Director Enovitch is placed on the Recreation and Parks Improvement Committee agenda as matters pending.

Mr. Henderson stated that he appreciates this greatly. Mr. and Mrs. Drumm, residents of Ward 4, have done a nice job of developing support and he looks forward to this advancing through the City’s processes.

Mr. Clark asked if we can expect to see any advancement on this before Mr. Henderson steps down. Mr. Henderson stated that he would check with Recreation Director Enovitch.

Mr. Vincent noted that he spoke with the Drumms recently regarding this project. Mr. Mace commented that Recreation Director Enovitch had a meeting with the Drumms also and were speaking of specific equipment and where the fund raising effort stands at this point.

Motion carried 7-0.

MISCELLANEOUS

Mr. Tadych asked if all of the restrooms in the parks are converted now, and is the automatic locking of the Reese Park restrooms functioning.
Special Meeting of Council  
August 29, 2017

Mayor Koomar stated that the automatic locking of the Reese Park restrooms is functioning to his knowledge and updating the interior of the restroom in Bradley Road Park is planned to be done in the fall. The same type of improvements will be done as the improvements done in Reese Park, including the automatic locking mechanisms.

Mr. Tadych stated that he has not heard any negative things about the locking. Mayor Koomar noted that you cannot get locked in the restrooms.

Mr. Tadych asked about the restrooms in Cahoon Memorial Park. Mayor Koomar stated that the washrooms in Cahoon Memorial Park will be the last ones to be updated. They are talking with the Soccer Club about what that might look like. It is unique in its location and has larger scale usage. We want to step back and make sure it is sized accordingly.

Mrs. Lieske asked when Mr. Clark anticipates the next Council meeting.

Mr. Clark stated that one of the reasons Council is meeting this evening is to administer business that has to be done before September 1, and he appreciates everyone taking the time out of their summer schedules. Council will resume their schedule on Monday, September 11, unless there is an expressed need to meet the day after Labor Day.

Mr. Henderson noted that this schedule works for him. The Public Improvements Committee will have a meeting before then and can give a report to the Committee of the Whole on September 11, 2017.

Mr. Clark thanked everyone for their presence this evening. There being no further business to discuss, the meeting adjourned at 6:30 p.m.

Dwight Clark, President of Council  
Joan Kemper, Clerk of Council
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER,
AND DECLARING AN EMERGENCY.

WHEREAS, this Council, in accordance with the provisions of law, has
previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1,
2018; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its
action thereon to this Council together with an estimate by the County Fiscal Officer of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part
within the ten mill tax limitation;

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

SECTION 1. That the amounts and rates as determined by the Budget
Commission in its certification be and the same are hereby accepted, and that there be and is
hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied inside
and outside the ten mill limitation as follows:

OUTSIDE THE 10 MILL LIMITATION:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>6.88</td>
</tr>
<tr>
<td>Recreation Fund</td>
<td>.50</td>
</tr>
<tr>
<td>Police Pension Fund</td>
<td>.69</td>
</tr>
<tr>
<td>Fire Pension Fund</td>
<td>.69</td>
</tr>
<tr>
<td>Paramedic Fund</td>
<td>2.25</td>
</tr>
<tr>
<td></td>
<td>11.01</td>
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</tbody>
</table>

INSIDE THE 10 MILL LIMITATION

<table>
<thead>
<tr>
<th>Fund</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Bond Retirement Fund</td>
<td>3.89</td>
</tr>
</tbody>
</table>

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of
this Resolution to the Fiscal Officer of said County.

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 reason that it is immediately necessary to adopt and certify to the County Fiscal Officer the City’s acceptance of the levies of taxes to be made in 2018 for collection in 2018 in order to comply with statutes of the State with respect to fiscal matters and to provide sources of revenue for municipal operation during 2018, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

8-22-17
jk
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE DIRECTOR OF FINANCE TO REQUEST TAX ADVANCEMENTS BEFORE SETTLEMENT DATES FOR FISCAL YEAR 2018, AND DECLARING AN EMERGENCY

SECTION 1. That the Director of Finance is hereby authorized to request the Cuyahoga County Auditor to issue an order to the Treasurer of said County to pay to the City of Bay Village such funds as may be available from time to time for disbursement by said County Treasurer, in advance of regular semi-annual settlements with said County Treasurer.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to request said tax advancements in order that the City may obtain funds for the daily operations of its departments, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

8-22-17 jh
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
APPROVING USE BY STEVEN AND LAURA SOZIO OF
SUBMERGED LANDS OF LAKE ERIE FOR SHORELINE IMPROVEMENTS,
AND DECLARING AN EMERGENCY.

WHEREAS, Steven and Laura Sozio, 28900 Lake Road, Bay Village, Ohio 44140, will
be in need of a lease with the Ohio Department of Natural Resources for use of submerged lands
to construct 4-6 ton armor stone revetment W/6-8 ton toe stone along the existing shoreline; and

WHEREAS, said improvements will take place in submerged lands of Lake Erie, which
is under the jurisdiction of the State of Ohio and Cuyahoga County, Ohio; and

WHEREAS, it is determined by the Council of the City of Bay Village, Ohio, pursuant to
ORC §1506.11 (B) that the City of Bay Village has no need for said designated parcel of
submerged lands for any planned use such as ports or docks, nor any other contemplated use for
such submerged lands; and further has no objection to said use and does hereby approve said use
of the submerged lands for the purpose herein stated;

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

SECTION 1. That Scott and Laura Sozio be permitted to proceed with such construction
as requested on said submerged lands, subject to any other necessary approvals, and pursuant to a
lease to be executed for and in consideration as will be hereinafter determined by the State of Ohio.

SECTION 2. The Council of the City of Bay Village through its action on the submerged
land lease resolution, 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 submerged land lease 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.
ORDINANCE 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 2018-2021 CAPITAL IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvements Program under the Ohio Public Works Commission (“OPWC”) provides 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 2018-2021 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 WWTP 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 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 October 5, 2017.

NOW THEREFORE, BE IT ORDAINED by the 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 improvements 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 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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety and for the further reason that services referred to above must be expedited due to deteriorating conditions of the WWTP and NPDES requirements, 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

9-7-17 LL