A Special Meeting of the Bay Village City Council will be held on Monday, October 8, 2018 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 Ward 4 Councilman Peter J. Winzig.

2. Motion to approve the Minutes of Special Meeting of Council held September 24, 2018.*Tadych*

3. Motion to acknowledge receipt of September 2018 City of Bay Village Financial Reports submitted by Renee Mahoney, Director of Finance.*Tadych*

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

5. Resolution accepting a donation of water bottle filling stations to the City of Bay Village, and declaring an emergency.*Mace*

6. Resolution authorizing the Mayor to enter into an agreement with the Ohio Department of Natural Resources to accept a Coastal Management Assistance Grant, and declaring an emergency.*Mace*

7. Ordinance authorizing the Mayor to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District to provide Public Health Services for the City of Bay Village during the calendar years 2019 and 2020, and declaring an emergency. (First Reading)*DeGeorge*
Agenda
Special Meeting of Council
October 8, 2018

8. Announcements/Audience/Miscellaneous

9. Motion to convene to Executive Session – Personnel: Service Department; Labor Negotiations, and Contracts: Jefferson Health.*Tadych*

10. Adjournment

Dwight A. Clark
President of Council

Charter Reference 2.11
Agenda
Special Meeting of Council
October 8, 2018

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  September 24, 2018
Council Chambers 8:25 p.m.
President of Council Dwight A. Clark, presiding

Present:           Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Mayor Koomar

Excused: Mr. Winzig

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Community Services Director Selig, Building Official Vogel.

AUDIENCE

The following members of the audience signed in this evening: Jeff Gallatin, Talie Young.

President of Council Clark called the meeting to order at 8:25 p.m. with roll call, and the Pledge of Allegiance led by Ward 3 Councilwoman Sara Byrnes Maier.

Motion by Tadych to dispense with the reading of the minutes of the meeting of the Regular Meeting of Council held September 17, 2018, and approve the minutes as prepared and distributed.

Motion passed 6-0.

Motion by Tadych to dispense with the reading of the minutes of the meeting of the Cahoon Memorial Park Trustees held September 17, 2018, and approve the minutes as prepared and distributed.

Motion passed 7-0.

Mr. Tadych introduced and read Ordinance 18-80 to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2018 as previously appropriated in Annual Appropriations 17-96, 18-5, 18-25, 18-30, 18-49, 18-57, 18-66, and 18-79 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. 18-80.

Roll Call on Suspension of the Charter Rules:
  Yeas- Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych.
  Nays- None.

Roll Call on Suspension of the Council Rules:
  Yeas –Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych.
Mr. Barbour announced adoption of Ordinance No. 18-80, an emergency measure, with a vote of 6-0.

Mrs. Stainbrook introduced and read Resolution No. 18-81 authorizing appropriation of a Fee Simple Title and Temporary Easement on Queenswood Drive, and declaring an emergency, and moved for adoption.

Mrs. Stainbrook stated that this is a necessary part of this process as it stands now, and there may be further negotiations as we proceed.

Mr. Clark commented that this is a significant Capital Improvement Project that has been discussed for the past two and one-half years. He thanked the administration, the Mayor, the Finance Director, Service Director, Law Director, Public Improvements Committee, members of Council and Osborn Engineering for assisting the process.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 18-81.

Mr. Barbour announced adoption of Resolution No. 18-81, an emergency measure, with a vote of 6-0.

AUDIENCE/MISCELLANEOUS

Mr. Talie Young, 29039 Lake Road, stated that he is resurfacing an item that has been addressed before. The Young’s have owned the property jointly with the City north of the
cemetery. Mr. Young distributed a photograph of property owned by Terry Hearn, just west of the cemetery. There appears to be some sort of erosion of the neighboring property. The Young’s are growingly concerned about the escalated erosion that is happening to the hillside and want to remind Council that this is a problem, with winter soon coming upon us. Mr. Young would like to see if some sort of next steps could be identified to escalate addressing the issue. It looks as though it is going to get exponentially worse.

Mayor Koomar stated that in ongoing discussions with Mrs. Young, it was noted that this erosion shown on the photograph is on a neighbor’s property, not on the property north of the cemetery. That may be part of it, or it may not be part of it. The Mayor stated that he did view that erosion this afternoon. The City has reached out to the Army Corps of Engineers who could not help but put us in contact with an engineering firm that does a lot of erosion work. They gave one example of an improvement that could be made. Mayor Koomar has reached out to Ohio State Representatives Matt Dolan and Dave Greenspan, and met in Washington with Congresswoman Marcy Kaptur in June, looking for guidance and assistance for funding on this project. It is important to maintain the shoreline at the cemetery because the Cahoon Memorial Park Trustees are required to maintain the cemetery. Mr. and Mrs. Young own some of the lakefront property, and the City owns lakefront property, and, for a point of clarification, do not jointly own the property with the Young’s, but are in this erosion situation together. Based on discussions, the Ohio Department of Natural Resources, Dr. Scudder Mackey, Chief of Coastal Management, and some of his staff came out and looked at the property. Mayor Koomar has put an email out to them looking for an update on their ideas and funding options. He has not yet heard back but will follow up this week. Mr. Jim Parks, Coastal Engineer of the ODNR Office of Coastal Management, had a different view of the erosion measure that could be taken that he thought may be more cost effective. They did look at Gabion baskets, the lake level is going down now and that bodes well for Gabion baskets in the very short term. They have been active in looking at options.

Mr. Tadych asked if the property in the photograph distributed by Mr. Young is to the west of the cemetery, further west than the path. Mr. Young stated that Mr. Tadych’s description of the site of the property in the photograph is correct. Mayor Koomar added that it is hard to tell from the photograph, but to the left of that is the lake, and that property owner has a retaining wall that runs along south bound and this erosion is inside of that wall. Their boat house in that area had significant damage. The doors were knocked off in the high water this winter and spring. Mr. Young stated that other than the metal walls torn off the bunker, he does not think there was any other damage. Mr. Young stated that his concern is that they have a neighbor several properties to the east who had a similar issue of erosion. His concern is that the two are related and his problem is going to get worse as they struggle for a solution.

Mr. Young thanked Mayor Koomar for his efforts and added that anything they can do further to help to please keep them in the conversation.

The Mayor stated that there is settling of the hill that they are all concerned about. Mr. Parks advised that the Gabion baskets are still holding it intact and over time a plan should be formulated. His suggestion was to add some compaction to the property to the left that is sloping down which is different than the recommendation from the Army Corps of Engineers. This is
Special Meeting of Council
September 24, 2018

why the Mayor is looking to the Ohio Department of Natural Resources for a plan they would recommend and for the City to work with their consulting engineer, and also get funding.

The Mayor stated that a lot of the property owners on the lake have contacted him when the water level is high. In a lot of cases water is coming over the breakwall and causing erosion. He is not sure if that was the case here or not, but farther down in several cases people have lost a lot of property even though their breakwalls are in great condition. In many cases it goes over and pulls back out, suctioning out property because of the high lake level.

There being no further business to discuss, the meeting adjourned at 8:42 p.m.

______________________________  ____________________
Dwight A. Clark, President of Council  Joan Kemper, Clerk of Council
AN ORDINANCE
ESTABLISHING THE EFFECTIVE DATE FOR THE REFUSE COLLECTION FEE, AND DECLARING AN EMERGENCY.

WHEREAS, the effective date for the refuse fee was re-established through December 31, 2018 by Ordinance 17-97 passed December 4, 2017; and

WHEREAS, it is the desire of Council and the Administration of the City of Bay Village to continue the refuse collection fee through 2019;

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

SECTION 1. That Section 2 of Ordinance 17-97 passed December 4, 2017 is hereby repealed.

SECTION 2. Section 923.01(b) is hereby amended and restated as follows:

(b) The fee established in this section shall be effective through December 31, 2019.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

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

PASSED:

_____________________________
PRESIDENT OF COUNCIL

_____________________________
CLERK

APPROVED:

_____________________________
MAYOR

100118 kek
RESOLUTION NO.
INTRODUCED BY: 

A RESOLUTION
ACCEPTING A DONATION OF WATER BOTTLE FILLING STATIONS TO THE CITY OF BAY VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, a donation of two water bottle filling stations valued in excess of $100.00 have been offered to the City of Bay Village by the Bay Village Green Team; and

WHEREAS, Codified Ordinance Section 103.05 specifies conditions and procedures regulating the acceptance of property and/or services by the City; and

WHEREAS, in compliance with said Section, Patrick McGannon, member of the Bay Village Green Team board of advisors, has provided Council with satisfactory assurance that the donation is being made free and clear of any restrictions, and that there are no encumbrances thereon;

NOW, THEREFORE, be it resolved by the Council of the City of Bay Village, Ohio:

SECTION 1. That Council hereby accepts the donation of two water bottle filling stations, one indoor station and one outdoor multi-station, valued in excess of $100.00 which have been offered to the City of Bay Village by the Bay Village Green Team.

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 comply with provisions of C.O. 103.05 in order that the donations may be accepted by the City, 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

100118 kek
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION  
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT  
WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES  
TO ACCEPT A COASTAL MANAGEMENT ASSISTANCE GRANT,  
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village has been awarded a grant by the Ohio Department of Natural Resources (ODNR) under the Coast Management Assistance Grants (CMAG) Program for the construction of a multi-purpose trail north of Lake Road adjacent to Cahoon Creek and crosswalks on Lake Road at Cahoon and Columbia Roads; and

WHEREAS, the Council of the City of Bay Village previously resolved under Resolution 17-101 to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the CMAG Program;

NOW, THEREFORE, be it resolved by the Council of the City of Bay Village, Ohio;

SECTION 1. That the Mayor is hereby authorized and directed to execute an agreement with ODNR to accept the grant and provide all information and documentation required to accept the funding assistance and complete the project.

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 necessary to execute the agreement 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

___________________________
CLERK OF COUNCIL

APPROVED:

___________________________
MAYOR
100418 kek
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE DISTRICT ADVISORY COUNCIL OF THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT TO PROVIDE PUBLIC HEALTH SERVICES FOR THE CITY OF BAY VILLAGE DURING THE CALENDAR YEARS 2019 AND 2020, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District for providing public health services to the City of Bay Village for and during the calendar year 2019 at a cost to the City of Seventy Four Thousand One Hundred Eighty Six Dollars ($74,186.00) and during the calendar year 2020 at a cost to the City of Eighty Five Thousand Two Hundred Ninety Eight Dollars ($85,298.00). This sum the City hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the District Health Fund of Cuyahoga County, and the Fiscal Officer of Cuyahoga County is hereby authorized to deduct said sums in equal semi-annual installments of Thirty Seven Thousand Ninety Three Dollars ($37,093.00) from the regular tax settlement to be made for said City for the year 2019 and Forty Two Thousand Six Hundred Forty Nine Dollars ($42,649.00) from the regular tax settlement to be made for said City for the year 2020.

SECTION 2. That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Cuyahoga County Fiscal Officer.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide for public health services effective January 1, 2019, in order to continue an uninterrupted public health program for the City, 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

100218 KEK