September 20, 2019

A Special Meeting of the Bay Village City Council will be held on Monday, September 23, 2019 at 8:00 p.m., following the Committee Meeting 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 Lydia DeGeorge, Councilwoman, Ward 2.

2. Motion to approve the Minutes of the Regular Meeting of Council held September 16, 2019. *Tadych*

3. Ordinance authorizing the Mayor to enter into an agreement with Bailey Communications for network support, and declaring an emergency. *Tadych* (First Reading)

4. Motion to remove the matter of Front-in Parking from the Matters Pending before Council Committee list. *Maier*

5. Motion to grant an extension of 60 days, to December 5, 2019, for the Planning Commission to review plans of the Cuyahoga County Library for a new Bay Village Branch Library. *Maier*

6. Motion to grant an extension of 60 days, to December 5, 2019, for the Planning Commission to review plans of the Cahoon Memorial Park Multi-Purpose Facility. *Maier*

7. Motion to grant an extension of 60 days, to December 19, 2019 for the Planning Commission to review plans for the Fire Department’s Water Rescue Boat Storage Facility. *Maier*

8. Ordinance authorizing the Mayor to execute a change order with Carron Asphalt Paving, Inc. contract for the Reese Park Tennis/Pickleball Court Renovation, and declaring an emergency. *Winzig*

9. Resolution authorizing the purchase of replacement lighting for the Aquatic Center, and declaring an emergency. *Winzig*

10. Announcements/ Audience/Miscellaneous

11. Motion to convene to Executive Session regarding Contracts – Bailey Communications.

12. Adjournment

Charter Reference 2.11

Dwight A. Clark
President of Council
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                     September 16, 2019
Council Chambers 8:55 p.m.

Dwight A. Clark, President of Council, presiding

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

Also Present:     Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Police Chief Spaetzel, Recreation Director Enovitch, Community Services Director Selig, Engineer Bierut, Building Director Tuck-Macalla.

AUDIENCE

The audience consisted solely of the department directors listed above.

Mr. Clark called the Regular Meeting of Council to order at 8:55 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by David L. Tadych, Councilman, Ward 1, and Vice President of Council.

Mr. Clark called for a reading of the minutes of the Regular Meeting of Council held September 3, 2019. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Regular Meeting of Council held September 3, 2019, as prepared and distributed.

Motion carried 6-0-1 abstention (Mr. Mace).

REPORTS

Law Director Barbour had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch advised that the swimming pool has been drained and the Family Aquatic Center is being winterized. The fall programs have begun, with football kicked off last week at Hartman Field and at Bay High School this week. The Youth Volleyball program will begin this Saturday at the Community Gym.

Director of Public Service and Properties Liskovec announced that hiring has begun for leaf collection. Information about this temporary job is posted on the City’s website.

Director of Community Services Selig reported that the Dwyer Center is working on a project known as a Kindness Initiative, which will begin in October. The second project is called “Making Bay Village an Age Friendly Community” for folks who want to age in grace.
Minutes of Regular Meeting  
Bay Village City Council  
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**Police Chief Spaetzel** reminded residents that the deer survey is available through October 2. They look forward to informing residents of what is currently being done and the explanation of why the population of deer has increased.

**Building Director Tuck-Macalla** had no report this evening.

**Mayor Koomar** thanked the members of the Police, Fire and Service Departments for another successful, highly attended Touch-a-Truck and Fire Department Open House events held on the safety campus on Saturday, September 14, 2019.

**President of Council Clark** announced that just recently the rating of the 608 school districts in the State of Ohio resulted in the Bay Village School District ranking No. 10. Mr. Clark noted that this is a real tribute to the administration, the Board of Education, the teachers, support staff, students and parents. A shout-out to the entire group for their performance!

**ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace**

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

**FINANCE AND CLAIMS-Mr. Tadych**

**Mr. Tadych** thanked Finance Director Renee Mahoney for the outstanding results of the 2018 state audit. Mr. Tadych stated that he is quite proud of Mrs. Mahoney and her work.

**Motion by Tadych** to acknowledge receipt of the August 2019 Financial Reports of the City of Bay Village as prepared by Finance Director Renee Mahoney.

**Motion carried 7-0.**

**PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE-Ms. Maier**

**Ms. Maier** had no report this evening.

**PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mrs. Stainbrook**

**Mrs. Stainbrook** introduced and read **Resolution No. 19-83** 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 Final Clarifier Rehabilitation 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 **Resolution No. 19-83**.
Minutes of Regular Meeting
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Roll Call on Suspension of the Charter Rules:
  Yeas- Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
  Nays- None.

Roll Call on Suspension of the Council Rules:
  Yeas –Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
  Nays –None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas –Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
  Nays – None.

Roll Call on Adoption:
  Yeas– Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
  Nays –None.

Mr. Barbour announced adoption of Resolution No. 19-83, an emergency measure, by a vote of 7-0.

Mrs. Stainbrook introduced and read **Ordinance No. 19-84** authorizing the Mayor to enter into an agreement with Pavement Technology, Inc. for street resurfacing material and services, 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 **Resolution No. 19-84**.

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

Roll Call on Suspension of the Council Rules:
  Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
  Nays –None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
  Nays – None.

Roll Call on Adoption:
  Yeas– DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
  Nays –None.

Mr. Barbour announced adoption of Ordinance No. 19-84, an emergency measure, by a vote of 7-0.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig**

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

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Ms. DeGeorge**
Ms. DeGeorge had no report this evening.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session at 9:55 p.m. regarding Pending Litigation Update; Purchase and Sale of Property Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge. Nays – None.

Motion carried 7-0.

Also in attendance in Executive Session were Mayor Koomar, Law Director Barbour, Finance Director Mahoney, City Engineer Bierut, Service Director Liskovec.

Council reconvened in an open meeting at 10:02 p.m. Present were: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, and Winzig.

ADJOURNMENT

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 10:04 p.m.

____________________________________               __________________________
Dwight A. Clark, President of Council   Joan Kemper, Clerk of Council
CUSTOMER: CITY OF BAY VILLAGE  
350 DOVER CENTER RD. 
BAY VILLAGE, OH 44140

THREE YEAR COST: $99,000.00  
ANNUAL COST: $33,000.00

Scope of this custom agreement: Bailey Communications will provide City of Bay Village with an on-site Engineer every Tuesday and every other Thursday, 4 hours per on-site day, for a total of 360 hours annually. The 360 hours includes built-in for Emergency Support and Projects.

Onsite Engineer will provide desktop, server, network storage, network, wireless, firewall, cabling and other misc. support.

Maintenance of the city Cisco Network Switches is included under this contract with a Service Level Agreement of 24x7x4hr response time. Any failed Cisco Network Switch will be repaired or replaced upon failure with 24x7x4hr response time to ensure network\phone system uptime and reliability. Backend equipment and service to provide this response time costs $7,000 annually. The Cisco Network Switches will have their configurations backed up, health\stats monitored and their authentication activity will be logged by Bailey Communications central monitoring system.

Bailey Communications primary contact in the City of Bay Village will be the Finance Department. All on-site service will have to be requested through Finance Department. Fire, Police and Service Departments have access to 24x7 emergency system outage support.

Any equipment purchases will have to be approved by the City of Bay Village and Bailey Communications before they can be purchased.

IMPORTANT INSTRUCTIONS FOR PLACING A NETWORK DOWN SERVICE CALL

During normal business hours, please call our office at 440-327-1813 where our network dispatcher will take your call. If you call after normal business hours, please leave a detailed message in our emergency mailbox, Extension 9. One of our technicians will be paged.

By signing below we agree to the terms and conditions of this maintenance agreement.

CITY OF BAY VILLAGE

Name:_________________________
Signature:_____________________
Title:_________________________
Date:_________________________

BAILEY COMMUNICATIONS, INC.

Name: Kristoffer Oswald
Signature:_____________________
Title: CEO
Date: 5/23/2019
1. **TERM OF AGREEMENT** – This Agreement shall commence on the Effective Date and shall remain in effect for an initial period of thirty-six (36) months. This Agreement shall automatically renew for additional period(s) of twelve (12) months, unless either party notifies the other in writing of their intent not to renew. Notification of intent not to renew must be given prior to the thirty (30) days before the renewal date.

2. **SERVICE AGREEMENT SELECTION** – This Agreement will cover Customer selection of one of the following BAILEY COMMUNICATIONS service levels:

   **FULL SERVICE** – Coverage is Monday through Friday, 8:00 A.M. to 5:00 P.M., eight (8) hour response time, and nationally recognized holidays excluded. Service includes parts, labor, and travel.

   **24-HOUR REPLACEMENT** – Notification to occur Monday through Friday, 8:00 A.M. to 5:00 P.M., nationally recognized holidays excluded. Upon notification, BAILEY COMMUNICATIONS will ship like or similar replacement equipment to arrive within 24 Hours. Customer has ten (10) days to return the replaced equipment.

   **CUSTOM AGREEMENT** – Special coverage of days, hours, locations or other service requirements as agreed to on the cover of this maintenance agreement.

3. **EXCLUSION FROM BAILEY COMMUNICATIONS SERVICE** – This Agreement does not cover service calls or repair charges on Equipment arising from:

   A. Damage due to all forces external to the Equipment such as acts of God or third parties.
   B. Damage due to any external cause adversely affecting operability which shall include, but not be limited to environmental conditions, such as fire, water, wind, lightning, electrical interruption, or operation with temperature or electrical power outside of manufacturer’s specifications.
   C. Damage due to neglect, misuse, or operation outside of manufacturer’s recommended conditions.
   D. Requests for reconfiguring, relocating, or re-testing of equipment.

4. **ADDITIONAL SERVICE AVAILABLE TO CUSTOMER** – Upon Customer’s or User’s request, the rendition of parts and labor repair services outside this Agreement, will be within the discretion of BAILEY COMMUNICATIONS and, if performed, will be at the applicable BAILEY COMMUNICATIONS per call service rates and terms then in effect. Upon Customer or User request and BAILEY COMMUNICATIONS approval, BAILEY COMMUNICATIONS will provide parts and/or labor repair service, whether or not the Equipment is in the Buyer warranty or Extended Buyer warranty period.

5. **DISCLAIMER** – BAILEY COMMUNICATIONS OBLIGATIONS UNDER THIS AGREEMENT ARE IN LIEU OF ALL WARRANTIES EXPRESSED OR IMPLIED. BAILEY COMMUNICATIONS WILL NOT BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR THE SERVICE PERFORMED HEREUNDER.

6. **CONTINGENCIES** – BAILEY COMMUNICATIONS shall not be responsible for failure to perform due to unforeseen circumstances or causes beyond reasonable control. Examples of such causes are natural disaster, war, riot, fire, flood, accident, strike, shortage of transportation, power, labor or material, or any other act or condition, beyond the reasonable control of BAILEY COMMUNICATIONS.

7. **CUSTOMER’S AND USER’S RESPONSIBILITIES** – It is the responsibility of the customer or user to ensure that all of its files are adequately duplicated and documented. BAILEY COMMUNICATIONS will not be responsible for customer’s or user’s failure to do so, nor for the cost of reconstructing data lost during the course or performance of repair service.

8. **EQUIPMENT ADDITIONS OR DELETIONS** – Equipment additions or deletions to this Agreement must be in writing and signed by all parties.

9. **CHARGES** – Payment for services contracted for under this Agreement will be made within thirty days after the date of Invoice. Charges for a partial month’s service contract will be prorated on the basis of a thirty (30) day month.

10. **GENERAL** – BAILEY COMMUNICATIONS reserves the right to adjust the rate of charges if the Equipment specifications, attachments or features of any item of Equipment are changed after the Effective Date of this Agreement.
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH CARRON ASPHALT PAVING, INC. CONTRACT FOR THE REESE PARK TENNIS/Pickle BALL COURT RENOVATION, AND DECLARING AN EMERGENCY

WHEREAS, the City had an original Agreement with Carron Asphalt Paving, Inc. 7615 Bond Street, Solon, Ohio 44139 in the amount of Ninety-Seven Thousand, Two Hundred Fifty-Eight Dollars ($97,258.00) as authorized by Ordinance No. 19-73 passed on July 8, 2019; and

WHEREAS, Carron Asphalt Paving, Inc. submitted Change Order #1 for approval by the City recommending changes to the scope of work to cover the additional cost to remediate and improve existing poor base conditions and provide an extension of the substantial completion date from September 30, 2019 to May 15, 2020; and

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

SECTION 1. That the Mayor is hereby authorized to execute Change Order #1 for Carron Asphalt Paving, Inc. 7615 Bond Street, Solon, Ohio 44139, increasing the amount of $49,692.00 to the total of said Contract amount and bringing the Final Contract Price to $146,950.00.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to accept this change to properly complete the project, 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
09.20.19
RESOLUTION NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE PURCHASE OF REPLACEMENT LIGHTING FOR THE AQUATIC CENTER, AND DECLARING AN EMERGENCY

WHEREAS, the City of Bay Village is eligible for funds from NOPEC by way of the Energized Communities program, and a rebate from First Energy for converting existing lights to LED; and

WHEREAS, the current Aquatic Center lighting is inadequate and needs to be replaced for the public welfare and safety of its users;

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

SECTION 1. That the Director of Public Services and Properties is hereby authorized and directed to submit a purchase order to Graybar Services, Inc., 6161 Halle Drive, Valley View, OH 44125-4613 to replace the existing lighting at the Aquatic Center, including electrical supplies and installation at a price not to exceed $33,780.00.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

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 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

_____________________________
CLERK OF COUNCIL

APPROVED:

_____________________________
MAYOR

09.20.19 jt