

City of Bay Village

Council Minutes, Committee Session
Council Chambers

April 23, 2012
7:30 p.m.

Paul A. Koomar, President of Council, presiding

Present: Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Acting Mayor Ebert

Not Present: Mayor Sutherland

Others

Present: Finance Director Presley, Service Director Galli, Police Lieutenant John
Kirchner, Fire Chief Lyons, Community Services Director Bock,
Recreation Director Enovitch, Operations Manager Landers

President of Council Paul A. Koomar called the meeting to order at 7:30 p.m. in the Council Chambers of Bay Village City Hall and the meeting was open to the public.

AUDIENCE

The following members of the audience signed in this evening: Brian Cruse, Lawrence Kuh, Denny Wendell, John Suter, Eric & Cynthia Eakin, Russell Thompson, Jerrie Barnett, Tom Carey, John Suter

Mr. John Suter, 281 Parkside, addressed the item on the agenda this evening under the Planning, Zoning, Public Grounds & Buildings Committee, concerning the proposed lease agreement to Kiddie Kollege for Bayway Cabin. Mr. Suter asked Council to ponder the following questions:

- 1) "When the librarian house came up, as far as being able to fix it up for re-rental, City Council said they are not in that business. Now, all of a sudden, Bayway Cabin might be available as a rental property.
- 2) There is some sort of fencing that is supposed to go around the place, but no plans could be found for that.
- 3) As far as fixing, it up, and use of the building, it is a recreation facility. Are we out of the recreation business, and if we are then what happened to the city's good intentions as far as providing programs for the use of that building, the kids in the building."

Mr. Koomar advised Mr. Suter that some of those questions will be answered later this evening during the committee session when the subject of the lease agreement comes up.

Law Director Ebert stated this proposal has been discussed since last January. The reason the issue has come up as far as the amount of money the city is going to put into it, is that it needs a fire system, and has needed a fire system for several years. The Fire Chief can attest to the fact

Committee Meeting of Bay Village City Council
April 23, 2012

that the fire system needs to be improved if the city is going to maintain that building. That is the cost that the city is putting into it.

Mr. Ebert stated that the issue concerning the fencing area that would be used for the children hasn't been determined yet. It will be determined as far as the size and area, at some future date. The fire suppression system is something that the city has known about in the building, regardless of the situation, if the city is going to maintain the building as a public building. The Recreation Department is going to stay in the building for at least one year, before they relocate to the downstairs of the city hall where the police station was formerly housed.

Mr. Ebert stated that the cost of maintaining the youth center for the city became a budget issue. The providing of that service was actually for latch-key children after school. When that was eliminated, the Council considered what could be used for the building. The Kiddie Kollege approached the Mayor and said they were looking to expand their operation in Bay Village. The issue is what the cost would be for the city, what the rent would be, and the only thing that has come up right now is the fire system to make sure the building would be safe. The reason the lease agreement is on the agenda tonight is to make a decision about leasing the property so that Kiddie Kollege can make plans for registration for next year's enrollment.

Mr. Suter asked what caused the change in thinking as far as renting of property. Mr. Ebert stated that the librarian house needed major repairs. The cost for the repairs was estimated to be between \$70,000 to \$100,000. There was a great deal of discussion as to whether the city or the Historical Society should invest that amount of money. This situation with leasing the Bayway Cabin is different in that nothing needs to be done other than the fire system, which should be done, regardless, if the city is going to maintain the building for public use, which they had done in the past with the youth center.

Eric Eakin asked why the city does not put the matter out for bid, if it is going to be rented out. Mr. Ebert stated that the Kiddie Kollege proposal came to the city as an extension of a business that was already in the city. The Kiddie Kollege at Dover Center Junction is not large enough based on the need in Bay Village. The proposed lease is a fair rate of return. It is being discussed in an open session tonight.

Mr. Suter asked if there is anything that has to be done in the building to make it either age or ADA appropriate. Mr. Tadych noted that there is an issue with the bathroom that will need repair in the amount of \$1500 as listed on the April 3, 2012, Bayway Cost Analysis prepared by Service Director Galli and distributed to Council.

Mr. Ebert noted that the lease term must be voted on by the Cahoon Memorial Park Trustees. If it doesn't work out the trustees can terminate the lease.

Mr. Suter asked if there is any problem as far as fencing off part of Cahoon Memorial Park for a commercial enterprise. Mr. Ebert stated that the Sage House in Cahoon Memorial Park was rented out before that was taken down, the Zisko/librarian house was rented before it was taken out. The problem with being a landlord is it is difficult to maintain the cost. The city has put money into the Bayway Cabin over the years to maintain the facility.

Mr. Clark stated that as the city tried to keep the Bayway Cabin as an after school activity the number of children coming there was dwindling. A survey was done to ask the parents of the children if they would be willing to pay more. Even with an increase, it was still a losing proposition from the city's standpoint. The city was already subsidizing the after-school program, to a significant amount of money. We were also paying all of the utilities for it as well.

Mr. Ebert related that the tenant will pay the utilities. The only thing that is up for discussion are the real estate taxes, that now it becomes an income producing property. The value of the building has to be determined by the county since now it will no longer be used as a city function but for an independent, commercial purpose.

Mr. Suter stated that he has trouble accepting a commercial venture operating on Cahoon Memorial Park property. Mr. Ebert stated that the Church on the Rise operated out of the Dwyer Memorial Center and the Community House before building their facility in Westlake. There is still a church using the Community House at the present time for their Sunday service. It can be considered commercial because they pay rent.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Amendment to Codified Ordinance Chapter 505 regarding the removal of the classification of the breed of pit bull dogs as "vicious"

Mr. Clark advised that this issue came up in an Environment and Safety Committee meeting held approximately six weeks ago. There have been changes in the Ohio Revised Code removing pit bulls as "vicious" animals. In our current ordinance they are currently noted as vicious. The State of Ohio states that if a city is not in compliance by May 22, 2012, with the state code, there will be additional costs from the county for animal services.

Mr. Ebert stated that there will have to be legislation adopted changing the Bay Village codified ordinances. It is hoped to have sample legislation drafted this week to comply with House Bill 14, and submitted to Council for final approval. Reading of the legislation would begin in May.

Mr. Clark asked the financial cost to the city if this legislation is not adopted. Mr. Ebert stated that he will seek that information. The plan is to introduce the legislation at the May 7, 2012 Council meeting for first reading, with adoption on May 21, 2012.

Amendment to Codified Ordinance Chapter 505 regarding the feeding of wildlife to prohibit the feeding of deer

Mr. Clark stated that the Environment and Safety Committee also addressed the feeding of deer and learned that the City of Bay Village does not have a prohibition to the feeding of deer. A couple of residents have come forward to complain of their neighbors feeding deer. It is thought that it would be very helpful to amend our ordinances to include that language to mirror the regulations adopted by neighboring cities that have incorporated that prohibition in their ordinances.

Mr. Ebert noted that the Police Chief had some concerns about enforceability of this type of legislation. Police Lieutenant John Kirchner was in the audience and asked if this is going to be looked at regionally. He commented that the Police Department are not animal management people. He cited a possible incident where the police are called because someone's neighbor has a compost pile and the deer are going there to feed. Lieutenant Kirchner stated that he does not know what direction the city wants the police to go as far as enforcement. Some of the wording of the proposed legislation will need to be examined to determine enforcement. Lieutenant Kirchner noted that in order to enforce the legislation the police must witness the feeding.

Law Director Ebert replied that normally these ordinances are complaint driven. Mr. Clark commented that Bay Village is one of the few cities that does not have a regulation. We did not want to make it punitive from a cost standpoint. The first violation would be a warning, and a citation following that would be a first degree misdemeanor. Neighboring cities have a prohibition against feeding deer in their codified ordinances, and it was thought it would be appropriate to do so in Bay Village as well.

Application for a Submerged Land Lease for Laura Cancelliere, 23512 Lake Road

Service Director Galli advised that Submerged Land Leases are under the jurisdiction of the Ohio Department of Natural Resources, the Army Corp of Engineers, and the Ohio Environmental Protection Agency. The only requirement that the city is involved with is a resolution that the project does not impede on anything that the city may have in process. The City of Bay Village has no objection in this instance. Legislation will be presented at the special council meeting to be held this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Dover Center Road Tennis Courts Improvement Project

Mr. Pohlkamp stated that the Dover Center Road tennis court improvements have been discussed in the Public Improvements Committee and the Recreation and Parks Improvement Committee meetings. The condition of the courts, which, over the years there have been many attempts by the city to do everything possible to avoid replacement by sealing cracks, and removing light poles, has reached the point where other options need to be considered, including complete replacement of the courts. A motion to seek bids for the renovation of the tennis courts on Dover Center Road is on the agenda for the special meeting of council to be held this evening.

Amendment to Agreement with Dane Contractors, Inc., for the repair and reconstruction of the transfer building/salt shed at the Service Center

Mr. Pohlkamp stated that originally it was deemed that the salt shed could be repaired. However, it has been learned that the salt shed will need to be completely replaced. The ordinance on the agenda for tonight's special council meeting will reduce the contract to the amount of reimbursement for the work that has been done thus far.

Service Director Galli related that the city passed a contract last fall to actually do the replacement work. Since then, it was found that the building cannot be shored. At this point, the best option is to demolish the building. The transfer station and loading dock area will be kept. Finance Director Presley is completing negotiations on a final settlement with the insurance company.

Mr. Pohlkamp stated that the insurance will cover the demolition and reconstruction. He asked the timeline for reconstruction. Mr. Galli stated that as soon as the claim is settled, a committee will be asked to look at the needs, define those needs in a building, and then request proposals for a design to meet those needs.

The amended contract in the amount of \$51,000 with Dane Contractors covers the removal of salt, selective demolition to allow reinspection of the building, and shoring up the building on the exterior.

FINANCE & CLAIMS COMMITTEE

Bradley Road Park Basketball Courts

Mr. Young addressed the condition of the basketball courts at the Bradley Road Park. He stated that they appear to be in even worse shape than the tennis courts, as far as the cracks and heaving. He asked Service Director Galli if the reconstruction of those courts should be added to the replacement of the Dover Center Road Tennis Courts Project.

Service Director Galli stated that the projects would be better treated separately due to the locations of each facility. The basketball courts at Bradley Road Park can possibly be treated by milling off the surface, doing joint repair, and repaving with the hopes of not putting in new posts and backboards due to retaining the same height. After the resurfacing bid for the 2012 Road Resurfacing Project is completed, the contractor will be asked to consider these courts as a supplemental project with the financial cost reviewed by Council.

Removal of “Budget for Fiscal Year 2012” from Matters Pending Before Council List

Mr. Young will present a motion at the special meeting of Council this evening to remove “Budget for Fiscal Year 2012” from the Matters Pending before Council Committee.

Amendment to Agreement with Cleveland State University, Center for Public Management, for a review of the Administrative Operations of the City of Bay Village

Mr. Young stated that the original contract with Cleveland State University stated that there would be an allowance up to a certain dollar figure, but an exact dollar figure was not set for payment. The ordinance to be presented this evening sets an actual dollar figure for remuneration for the services provided by Cleveland State University. The amount is \$12,000 in total. The city has paid \$7,005, or 25% of the original amount of the contract. The final payment will be made to equal the total of the amended contract in the amount of \$12,000.

Assigned City Vehicle Use Policy

Mr. Young advised that the Assigned City Vehicle Use Policy was discussed in the Finance Committee meeting held this evening resulting in changes made to the proposed policy. The new proposed policy will be sent to Council for further review and discussion before implementing a final policy. Mr. Young noted that Mayor Sutherland is also working on formulating a policy, as well. It is hoped to have everything in place to proceed by the beginning of May.

PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE

Lease Agreement for Bayway Cabin

Law Director Ebert presented Brian Cruse, attorney on behalf of Kiddie Kollege. Mr. Ebert stated that the real estate taxes associated with the building are the issue, due to the valuation of the property when used commercially. Mr. Presley has had discussions with Cuyahoga County. Mr. Ebert has also discussed the fact that the city does not own the property; it is fee simple with a discounted value. The county also takes into consideration the square footage of the property, which is adjacent to a park. The tenant has agreed to pay a portion per month. Mr. Ebert stated that if it is Council's decision that the taxes be paid by the tenant, the lease can be passed this evening subject to approval by the Director of Law, and he will make sure that this is negotiated and made part of the agreement. If it would change in any way, he would get back to the trustees.

Mr. Presley stated that the Bayway Cabin building is part of the Cahoon Memorial Park. The county is going off of aerial photographs to establish the parcel that the building is on, being bordered on the west by the top of the hill of the ravine, to the south by the sidewalk, to the north by the front of the building and parking lot, and east twenty feet off the eastern most point of the building. The square footage is being based on 2500 square feet as the size of the building. Based on those criteria, the county would be looking at between \$5,500 and \$6,500 per year for real estate taxes.

Attorney Brian Cruse, 420 Walmar Drive, stated that he is present to address some of these questions. Mr. Cruse stated, for the record, that he has had the discussion with his client, Kiddie Kollege, and they will be in a position to agree to pay the real estate taxes as they are determined. What they would want included in the lease, in exchange for that, is language that says the City/Cahoon Memorial Park Trustees as the property owner, will cooperate with the tenant should the tenant desire to pursue a reduction or revaluation on those property taxes. Mr. Cruse stated that he certainly understands the information that Mr. Presley has been given by the county, but there are issues to work through with the county regarding the valuation of the property. The client understands the concept of a triple-net lease. When the first draft was put together there was a misconception on what the real estate tax situation would be. Understanding now that there are taxes, this was never intended to be a proposition of an ongoing financial commitment for the city. What the client, Kiddie Kollege, saw was a service that had great value in the city that, for very good reasons, the city decided not to continue. Kiddie Kollege is offering a way of privatizing a service that the city already had in the youth center. It is an after-school program; it is not going to

Committee Meeting of Bay Village City Council
April 23, 2012

be an all day, day care facility. Kiddie Kollege is jammed in their current facility with the influx of after-school age children and is offering them a safe alternative to going home to an empty house. The owner of Kiddie Kollege, Inc. believes this is a venture that can work. The term of the lease is limited to two years to see if it works for both parties and to make it a mutual option at that point, instead of the normal setting where the tenant would have the right to pick up an option and continue. It is a chance to try something and see if it works for both parties.

Regarding the fencing, Mr. Cruse stated that his client is looking at this as a venture that will work. That would mean that it is going to grow. That would possibly mean the addition of amenities to make the program work, i.e., the concept of a playground that would ultimately, probably be fenced in. There are a number of city boards and commissions, not to mention the Cahoon Memorial Park Trustees and Council, that all of this would have to go in front of before anything would happen. They are not suggesting that this process get circumvented. The language about the ability to look at putting a playground in, in the future, is what is being asked for now. Whether or not that happens is going to depend on a lot of approvals and more definitive drawings. With this lease, no one is getting locked in to anything like that, at this point. It is strictly a chance to try privatizing what used to be handled by the youth center and see if it works for both parties.

Mr. Ebert noted that he has expressed to the Mayor, Council, and Cahoon Memorial Park Trustees that he has a conflict of interest concerning Mr. Cruse's representation because he is now associated with Mr. Ebert's law firm.

Mr. Cruse stated that one of the reasons that Kiddie Kollege came forward with this proposal is location. They are located at Dover Junction currently and saw this as a solution to a couple of problems.

Mr. Clark stated that the two concerns he had were entering into a long-term lease transaction. This lease is for two years, with formal action of the trustees required for renewal of the commitment. The other concern was entering into an agreement where there was a contingency on how the real estate tax issue is going to be handled. Mr. Clark stated that he generally is very supportive of the project, and his premise is that at the end of two years, if the tenant walks away, we will at least deliver a building that has a functioning fire suppression system and made improvements that can provide an alternative use down the road if the lease is not renewed. Otherwise, the building could remain substantially uninhabited for the next 24 months.

Mr. Pohlkamp asked for confirmation that the Parks and Recreation Department, for at least a short term, will continue operating out of the Bayway cabin before moving back to city hall. Mr. Ebert stated that there are recreation programs that Recreation Director Enovitch will have to relocate in other buildings throughout the city that are already planned. Based on what happens this evening, that will have to be addressed administratively. Mr. Cruse noted that there is still time because Kiddie Kollege still has not secured approval from the appropriate state agencies to run a facility at that particular location. There are still at least one or two inspections to be done that haven't been scheduled because the lease has not been signed.

Councilwoman Lieske asked if the expenses shown on the sheet that the Council received dated April 3, 2012, titled, Bayway Cabin Cost Analysis, showing total repair modifications cost \$21,600,

Committee Meeting of Bay Village City Council
April 23, 2012

\$18,500 of which were for the new fire alarms, will be incurred by the city if the Council were to move forward with approving the lease. If approval of the lease does not move forward, would any of these improvements be done?

Mr. Ebert stated that the city would not move forward with the fire suppression system unless the city would decide to lease the building out. The building will be locked up and no one will be let in. The issue has been brought to the city's attention by the Fire Department.

Fire Chief Lyons stated that he would like to clear one misconception. The improvement is replacing the fire alarm system which is detection and an alarm system. The improvement is not a fire suppression system; those are sprinklers and would be a much more expensive project. Chief Lyons stated that, to his knowledge, sprinklers are not required if the building is leased out. The sprinklers are not required for the building as it is being used now. The \$18,500 is to update the fire detection system in the building's current use. It is operational now, but it has some problems, and as of 2009, needs to be replaced.

Mr. Tadych asked Mr. Cruse if his client has a requirement that a sprinkler system be in the building. Mr. Cruse stated that the requirement in the lease is that the building is up to code, and upgrading the fire protection system meets that requirement, in his understanding. It meets the client's requirements as far as licensing. A sprinkler system is unnecessary.

Mr. Miller asked what would occur if, in the event it is found that the real estate taxes are higher than what the first draft of the lease and a renegotiation of the rate is not concluded to a lesser value. Mr. Cruse stated that his client is willing to take responsibility for paying the real estate taxes. What they are looking for, in return, is a commitment in the lease that the property owner, the city and the trustees, will agree to cooperate with them, should the tenant seek a reduction in valuation. The tenant can't sign the complaint because they are not the property owner to challenge the tax valuation. What that valuation is, ultimately, and what the resulting tax bill is, ultimately, will be the responsibility of the tenant.

Mr. Tadych asked if commercial real estate taxes are offset for a period of six months for payment, as is the case with residential real estate taxes. Mr. Presley stated that there is a six month delay, and the first bill the city would receive would be due January 1, 2013. At the end of the two year period, an escrow account would be established to insure payment for the last six months of taxes.

Mr. Young stated that he has reviewed the contract, and the payback on the investment. Mr. Young stated that the Bayway Cabin has approximately \$24,000 in the Youth Activities Fund presently. This is the fund from which the \$18,500 would be drawn for upgrading the fire detection system. Mr. Young stated he would prefer to walk away from the proposal and just have the actual cash in hand in the account, having the actual Recreation Department move out and save on utilities by boarding up the building. Mr. Young stated that he can appreciate the offer and service, and can understand if looking at the longer view, that it be acceptable to the city.

Committee Meeting of Bay Village City Council
April 23, 2012

Mr. Koomar stated that the potential upside is that it fills a void that was created when the youth center closed down. The attendance had dwindled, and the rising costs necessitated closing it down. Here is an opportunity to provide that service to the residents of the City of Bay Village. For a two year lease, it is worthy of consideration.

Mr. Eakin asked the hours of operation. Mr. Cruse stated that it would probably be the 3 p.m. to 7 p.m. range, Monday through Friday, possibly expanding somewhat in the summer. Parents would pay Kiddie Kollege for participation.

Mrs. Lieske asked if the city is going to be incurring the expense of \$21,600 because of there being a void, and the city used to offer this type of program, and if we feel the need, is there a reason that it would be a private entity where a lease would be required, as opposed to seeing if there were a way of trying to offer this through the city? Mr. Ebert stated that the cost associated with the operation of the youth center became an issue with budgetary concerns. Mr. Cruse noted that at the very end of the operation by the city there was a nominal charge, but the program was basically offered for free. Mr. Ebert added that the city incurred the cost of the instructors, utilities, and all other costs for the program

Mrs. Lieske stated that Glenview Elementary is a school building and the day care operates from that building. If there is a need there, and people are going to be paying a private business to meet this need, should we consider incurring these expenses for a private entity, or consider charging some type of fee for the city to meet this need. Mr. Ebert stated that the city would have to be licensed, have the proper instructors who are licensed to operate a facility like that, which would result in the city incurring all of the costs and all of the risks. The leasing of the property is a triple net lease that all the costs associated are the responsibility of the tenant. The city is not in the business anymore and does not have to incur any of the costs associated, including the liability insurance.

Mr. Young stated that there is one positive. The first year the city is not making any money. The second year there would be a profit for the city. Especially, if the client will pay the taxes.

Mr. Koomar commented that especially if we are going to keep that building active and use it for another purpose or continue running programs there, we would, in good conscience, have to upgrade the fire system. That expense would be made, or we would shutter the building.

Mr. Tadych asked if the phone system would be independent of the city phones. Mr. Ebert stated that the lines would be changed. That can be done through the telephone company.

Mr. Eakin asked the ages of the children to be served. Mr. Cruse stated that it is geared towards the middle school age, after school crowd, just as the youth center was serving. He stated this is where his client sees the void. Mr. Cruse stated he does not know the arrangements with the schools now to transport the children to the Dover Junction facility. The transportation arrangements would probably be the same, or the children would be on their own to get there.

The occupancy of the Bayway Cabin is 225 individuals over the age of two-and-one-half.

Mrs. Lieske asked if this issue was discussed when the meeting was held between the city and the schools about this being a need with the school-age children. She asked if the schools brought this up and if they have any comments.

Mr. Koomar stated that there was just general discussion on programs that are currently shared by the city and the schools, or operated for the benefit of either of the parties. Mr. Cruse stated that his client sees the need. She knows the numbers that are being handled now at the Dover Junction facility and the limitations. With marketing, those numbers will grow.

Mrs. Lieske asked if this will serve all Bay school children. Mr. Cruse stated that at this point, it will.

Mr. Pohlkamp noted that the Kiddie Kollege originated in Bethesda Bay Lutheran Church and outgrew those facilities, and moved to Dover Junction.

Fence Regulations for Lakefront Yards C.O. 1163.05 (e) (f) (g) (h)

Law Director Ebert stated that fence regulations for lakefront yards came up at the Board of Zoning Appeals meeting of April 19, 2012. He stated that there is a discrepancy concerning lakefront yards and privacy screening. Mr. Ebert's contention is that privacy screening regulations should be universal, and lakefront lots should not be discriminated against to have that privacy.

The ordinance needs to be clarified Chapter 1163.05. This matter will be referred to the Planning, Zoning, Public Grounds and Buildings Committee for further review. Mr. Koomar asked if this screening refers to horizontal screening between homes or screening parallel to the lake. Mr. Ebert stated that the screening is horizontal screening between homes. Mr. Young asked if this refers to screening attached to the homes, or next to the homes. Mr. Ebert stated that the language states immediately adjacent to the exterior perimeter.

Community House Improvements

Mr. Miller stated that in September of this past year the Cleveland Restoration Society presented a report regarding the Community House. They specifically cited a number of elements of the structure that have either fallen into disrepair, are structurally unsound, no longer meet guidelines for accessibility, or no longer meet the needs of the community at large for those groups that use the facility.

Mr. Miller distributed a list of those items to be addressed, some more serious than others, all lending themselves to gradual deterioration of the structure and the inability to use it. The list then addresses future items that are thoughts and ideas about how the city may want to use the Community House for a broader range of user groups. These things will be discussed with the user groups as to if there would be an increase in usage if it met certain criteria, whether it is accessibility, or ability to use the kitchen area. The report includes a statistical cluster of frequency of use, the groups that have used it and the number of times they have used it throughout the year. The value of the rental of the different types of groups, whether profit or non-profit, is also shown. This document will be used as speaking points for further discussion with the Planning, zoning, Public Buildings and Grounds Committee, and Council of the Whole. The challenge is putting

together a strategic plan of how to appropriate for corrections to the structure. The Planning and Zoning Committee would like to present to the Council at large some ideas as to how to move forward with repairs to the structure,

Mr. Young asked if non-profit groups pay any cost of cleaning of the Community House after using the facility, noting that they are paying \$50.00 for that rental or \$100.00 for the whole day. Mr. Presley stated that since the housekeeping has been outsourced, the non-profit rates need to be reviewed for city buildings rented out to non-profit groups to offset the cost of cleaning. By eliminating the Bayway Cabin, for recreation programs, there will be a demand for additional facilities to be used for classes. The Community House will need to be considered.

Mr. Young suggested considering the cost of cleaning before determining the rental fee. Mr. Tadych noted that on many of the rental fees, the committee felt they were at the maximum for the for-profit groups.

Mr. Koomar stated that he would discuss the Community House with Mayor Sutherland upon her return from vacation. Many times, a committee has been put together on these projects.

RECREATION & PARKS IMPROVEMENT COMMITTEE-Lieske

Mrs. Lieske reported that the Recreation & Parks Improvement Committee met this evening and discussed the Dover Center Road tennis courts. The committee received projected enrollments for summer activities, what things are looking like for this year, compared to previous years. The committee discussed the storage capacity for recreation equipment. The next Recreation and Parks Advisory Commission composed of citizen members, Mrs. Lieske, and recreation staff, will be held on May 24, 2012. The commission has not met for sometime due to a member on leave.

The family aquatic center will open for the summer season on Monday, June 4, 2012 and will be open from 3 p.m. to 7 p.m. initially, with hours expanded after the schools close. Senior swim during the abbreviated hours is 12 Noon to 3 p.m.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

Mr. Tadych asked Mr. Cruse about the term “privatization” used five times this evening by Mr. Cruse in reference to the Bayway Cabin. He asked if this is truly a privatization effort. Mr. Cruse stated that the term was used probably more as a characterization on his part. He feels that the analogy fits.

Mr. Tadych had no further report this evening.

MISCELLANEOUS

Monday, April 30, 2012 – Fifth Monday – Discussion as to whether a Council meeting will be scheduled.

Mr. Koomar reported that the charter requirement for meetings this month has been met. He instructed the Clerk of Council to post a cancellation notice for Monday, April 30, 2012.

Monopole Construction in the City of Westlake, Ohio

Law Director Ebert reported that a monopole will be constructed at the Ranney Parkway Service Garage in Westlake, Ohio. The monopole will be 225 feet high, with a compound base of 25 feet by 100 feet. The City of Westlake has provided official notice to the City of Bay Village, dated April 16, 2012, that an application for a wireless telecommunications facility has been received from Pyramid Network Services, LLC, the City of Cleveland and Motorola. A copy of the application for a Conditional Use Permit and letter of intent to the City of Westlake is enclosed with the notification to Bay Village in accordance with Westlake Codified Ordinance Section 1224.04 (u). Mr. Koomar asked the distance from the Norfolk and Southern railroad tracks. Mr. Ebert estimated the distance between 500 to 1000 feet.

Mr. Ebert acknowledged receipt of a letter dated April 23, 2012 from resident Susan Murnane regarding the city vehicle use policy and tax implications. The Council was provided a copy of the letter. Finance Director Presley commented that he was in touch with Mrs. Murnane today to discuss her concerns and let her know that the City of Bay Village has been following the annualized lease value for those individuals who take home a city vehicle, and the lease value based on a percentage of personal use has been included on the individuals W2 tax forms.

Share the Road Program

Service Director Galli advised that Pat McGannon and Lawrence Kuh approached him in the recent past about the Share the Road Program. The program will include signage on tree lawns on Lake Road, or the other county roads in the city. The first thought was to contact the Ohio Department of Transportation and the Cuyahoga County Engineer, who both expressed approval. Mr. Galli also spoke with Police Chief Wright about the program, and he expressed approval as well.

Mr. Pat McGannon, and Mr. Lawrence Kuh distributed samples of the packet for the Share the Road Program. The program is a collaborative project with the Bay Skate and Bike Park Foundation, the Green Team, and a newly formed group called Village Bicycle as well as Bike to School Challenge. Mr. Kuh displayed the road signs that will be hung displaying a picture of a bicycle and the words "Share the Road." Mr. McGannon explained that the signs are from the Manual of Uniform Traffic Control Devices and approved federally as a warning sign. Signs have shown to produce increased safety for drivers of automobiles and bikers. Mr. Kuh noted that they spent time going around the city looking for key locations for the signs. There are 42 locations where the signs will be installed. The primary focus is Wolf Road and Lake Road. Lake Road will continue the bike lanes from Avon Lake, heading east. Wolf Road is really the primary thoroughfare for local usage and commuters. Every entrance to the city will have a sign.

Mr. Kuh stated that when he originally spoke to the Mayor about putting this together, Mayor Sutherland asked about the cost. Mr. Kuh stated that a combination of funds from the Green Team, Bay Skate and Bike Park Foundation and a series of private donors have all the funds raised to incur the cost of all the signs, excluding the posts. The posts will be provided by the

Committee Meeting of Bay Village City Council
April 23, 2012

city. Mr. McGannon noted that May is National Bike Month and they are hoping to have the signs ready.

On the map provided to Council a blue pin indicates the two signs to be used. The green pin indicates a smaller sign installed on the roads with 25 mph speed limits.

Mr. Koomar lauded the program for the awareness it provides for both motorists and bicyclists. Mr. Pohlkamp expressed agreement noting that his travels across the United States more and more people are biking. It is challenging to integrate the increased number of bicycle riders with the traffic. Mr. Kuh commented that Bay Village is becoming more and more progressive in becoming a bike friendly community. Mr. Kuh recently submitted, on behalf of the Bike to School Challenge and the city, the Safe Routes to School application. The Police Department and Service Department will coordinate the placement of the signs and the necessary inspection of the sites to be used.

Mr. Tadych stated that, although he has never been that close to signs, these particular signs seem large. Mr. McGannon stated that the sign is identical to the size of the cross walk signs. Mr. Tadych expressed that caution will be necessary in the placement of the signs so as not to block vision for the residents pulling out of their driveways and it is important to obtain approval of the Police Department for the location of the signs.

Following a brief pause for a meeting of the Cahoon Memorial Park Trustees, and in compliance with Section 121.22 of the Ohio Revised Code, Mr. Pohlkamp **MOVED**, second by Mr. Young, to adjourn to Executive Session at 8:57 p.m. regarding, contracts labor contracts, personnel, and litigation.

Roll Call Vote: Yeas- Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young. Nays – None.
Motion carried 7-0.

Council reconvened in an open meeting at 9:17 p.m. Present were: Clark, Koomar, Lieske, Pohlkamp, Miller Tadych, Young, Also present: Acting Mayor Ebert, Service Director Galli, Finance Director Presley.

There being no further business to discuss, the meeting adjourned at 9:18 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council