

# City of Bay Village

Council Minutes, Committee Session  
Council Chambers

September 24, 2012  
7:30 p.m.

Paul A. Koomar, President of Council, presiding

Present: Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Mayor Sutherland

Others

Present: Law Director Ebert, Finance Director Presley, Service Director Galli, Police Chief Wright, Fire Chief Lyons, Recreation Director Enovitch, Community Services Director Bock, 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: Denny Wendell, Bruce Geiselman, Jerrie Barnett, Lawrence Kuh, Warren Remein, Patrick McGannon, Ted Vovos, Jeff Gallatin, Susan Fink

## ANNOUNCEMENTS

**Mayor Sutherland** announced that they have been working very diligently on replacing the emergency notification system. The Reverse 911 System that the city had is over ten years old and is no longer supported as far as the software. About 1 ½ years ago the Mayor approached the school system for some ideas and was trying to use the same system they were using. Unfortunately, there was a glitch between AT&T and the system trying to get the telephone numbers uploaded. The city now has a new system, Nixle Community Information Service. Residents can sign up for the system and will get text messages and emails regarding emergencies. This is very similar to what is being done on college campuses and something that the city can use with multiple locations and multiple family members. Interested residents can also link on at the city's web site, [www.cityofbayvillage.com/safety-services.aspx](http://www.cityofbayvillage.com/safety-services.aspx).

Mrs. Lieske thanked the Mayor for the information and providing this service, noting that it is important for the residents.

Mr. Koomar asked who from the city can send out messages. The Mayor stated that the Safety/Services Departments with designated people from both fire and police, the Mayor, and the Mayor's Assistant, Sue Kohl. The system is for emergency notification only, including weather emergencies. Mr. Koomar asked if potentially there will be updates on utility outages and the Mayor responded affirmatively.

### **Cahoon Memorial Park Trustees visit to Bayway Cabin**

**Mr. Koomar** advised that earlier this evening the Cahoon Memorial Park Trustees visited the Bayway Cabin where Kiddie Kollege is leasing property and took a tour of the updated facilities. Mr. Koomar stated that he was very impressed with the improvements that have been made and the equipment brought in for the children.

The owner of Kiddie Kollege, Joanne Moell, advised that they had 16 to 18 children at the day care at Dover Commons Shopping Center, and since moving to Bayway Cabin they have 30 children and up to 49 during the holidays. Ms. Moell stated that they would have had a lot more but opened later than they hoped. They serve children ages 5 to 14. They have registrants from Normandy, Bay Middle School, Westerly School, and St. Raphael's. All of the children are Bay Village residents with the exception of one child from Westlake. The daycare is totally secure, no one can get in the building, and the doors are double locked with a code necessary for entrance. They pick up the Middle School children and take great care in making sure they get to the center safely and quickly.

Mayor Sutherland commented that this is a great example of a public/private partnership and is a win/win for everyone involved. A building that was under-utilized is now being used to serve a population of Bay kids and allows a Bay-based business to expand.

Mr. Koomar asked if all the improvements planned for this school year have been made. Ms. Moell stated that they have been made. Mr. Koomar asked Ms. Moell if there is anything in the future that is needed, or improvements to be made, Ms. Moell let Mr. Koomar know so he can place it on the agenda for the Cahoon Memorial Park Trustees for approval.

Mr. Pohlkamp stated that the Kiddie Kollege looks terrific and commended Ms. Moell for her work.

Ms. Moell asked permission for the facility to stay open until 7 p.m. in order for the children to be picked up. Mayor Sutherland stated that she does not know why it would be a problem because the pool is open until 9 p.m. in the summer. Mr. Koomar asked if this pertains to work days, Mondays through Fridays. Ms. Moell stated that it is Monday through Friday. Mr. Koomar stated that there is nothing in the lease that prohibits those hours.

### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE**

#### **Update on proposal of Village Bicycle Cooperative to lease the ground floor of the Community House**

**Mr. Clark** stated that several weeks ago the Council heard an update from the good friends of the Village Bicycle Cooperative on their plan and desire to lease the ground floor of the Community House.

Mayor Sutherland stated that they have talked to the Fire Chief and Service Director and do have an issue with the fire detection system, similar to what was experienced at the Bayway Cabin.

Fire Chief Lyons stated that if there is a change in the occupancy in any building in the city the Building Department has to issue a new Certificate of Occupancy. Before that is issued, any outstanding violations, either from the Fire Department, and/or from the Building Department have to be corrected. There are a few outstanding violations and the major one, from the Fire Department's perspective, is updating the fire detection system.

Mr. Koomar asked if there is any idea on the cost of updating the fire detection system in the Community House at this point in time. Mr. Lyons stated that they have a quotation that is two or three years old.

Service Director Galli stated that when they went out for proposals on the system at Bayway Cabin, they also updated the quotation for the Community House. It is about \$18,000. Mr. Ebert noted that the quotation for work to accommodate Kiddie Kollege at Bayway Cabin started out at \$22,000 and got down to \$11,000. He asked if the quotation for the Community House is the most accurate and recent. Mr. Galli stated that the quotation for the Community House started at \$22,000 and is now \$18,000.

Mr. Clark stated that the bigger picture is that there are plans to update the Community House. He asked if the money that is spent here would save some portion of other things to be done at the Community House. Mr. Galli stated that this is a concern. If the system is put in two or three years later a lot of that would be lost because of improvements that would be required.

Mayor Sutherland clarified, stating that the city does not really have improvements planned. What the city has is intentions, but does not have architectural plans.

Mr. Young asked if there were plans, with changes in the physical design of the interior of the building, and if a fire detection system is installed now at a cost of \$18,000, would that investment be lost when the changes in the building were made?

Fire Chief Lyons stated that there are systems that can be put in that would allow for additional devices to be added to the system later on. You could put in a system now that would cover the building as it is and panel additional devices necessary later on. It is an investment that wouldn't necessarily be lost when renovations are done.

Mr. Galli concurred with Fire Chief Lyons. The equipment won't be lost but a number of devices would have to be moved.

Mr. Pohlkamp asked if the equipment that is currently in place needs to be upgraded, and if so, when. Chief Lyons stated that it needs to be upgraded as soon as possible. Mr. Pohlkamp asked the life span of the fire detection system that is in place now. Chief Lyons stated that a majority of the detection system in the Community House presently is quite old. The panel itself went bad, and as a temporary back-up the alarm company found a similar panel and replaced it. By law, when you replace a panel, which is the brains of the system, the rest of the appurtenances are supposed to be upgraded to the current code. We were postponing that until the city decided where they wanted to proceed with the whole building.

Mr. Young asked if the heating system that is in the Community House at this time is operable. Mr. Galli stated that they haven't really looked at all the other systems. Mr. Young noted that when the Community House is rebuilt one of the things that is going to have to be purchased is new HVAC system. He remembers the old boiler system being in poor condition. It would be interesting to see if, even if the new fire detection system were put in, whether the plans would fall awry due to not being able to bring the boiler system back up and running.

Mrs. Lieske asked what this means in terms of further discussion about the use of the Community House, given this finding from this inspection.

Mr. Koomar asked Mr. Galli and Chief Lyons if they would be amenable to meeting with Mr. Pohlkamp on Public Improvements and Mr. Miller from the Planning Commission and taking the forced air issue under consideration as well as the fire detection system, and reporting back to Council with their thoughts. Mr. Koomar noted that this information would help to see if there is a short-term game plan that can be worked out. If improvements are going to be made over-all, and that investment cannot be recouped, that may be a concern. He stated further that they would like to see if we could make this happen, but, again, we want the building to be safe and heated and the restrooms functional for the Village Bicycle Cooperative members as well.

Mr. Pohlkamp stated that he is amenable to having a Public Improvements Committee meeting next week to discuss this.

Mr. Clark stated that Fire Chief Lyons mentioned another couple of code situations that could be treatable, and asked what they are and what the cost would be for those. Fire Chief Lyons stated that they are relatively minor, and certainly nothing as large as the fire detection system.

Mr. Tadych asked when the seniors moved out of the Friendship Center at the Community House. Director of Community Services Bock stated that she thought they moved at least six years ago. Mr. Tadych stated that the building was functional at that time, so it might not be an issue. After that, the Building Inspectors were housed there and that was during the winter. They just moved over to the city hall last March. Mr. Galli stated the area that was the woodshop has a separate forced air system. Mr. Tadych stated that the area the Building Inspectors were in, the western end had heating that worked. The bathrooms are in need. Mayor Sutherland stated that the short-term fix with the restrooms is to keep replacing the bathroom ceiling tiles, but the situation cannot be corrected fully until the whole back end is taken off. Mr. Tadych asked if the kitchen is going to be a problem. The Village Bicycle Cooperative mentioned using the kitchen in their letter. The Mayor stated that the kitchen is fine.

Mr. Pohlkamp commented that it is a worthy project which he hopes the city can make happen for the Village Bicycle Cooperative.

Mr. Koomar advised of the receipt of correspondence from resident John Suter, 281 Parkside, relative to the request of Village Bicycle Cooperative to lease space in the Community House. Mr. Suter has asked that his correspondence be included in the minutes of tonight's meeting. Mr. Koomar paraphrased the communication from Mr. Suter and invited anyone to visit the

city's website to read the entire letter to be included in the minutes of tonight's meeting, which will be posted on the website after approval.

### “Village Bicycle Cooperative

The desire to find a proper ‘home’ for the Village Bicycle Cooperative is certainly a noble one. The old shop area in the lower level of the Community House appears to be a good location for this type of activity. The large painted concrete floor area is clean and dry with a little office area adjacent for any privacy matters.

There are some areas of concern that Council should consider:

- 1) The operational status of the forced air heating system; has it been fully cleaned out and properly maintained since the shop moved? The chance for built up wood shavings is possible; also, how old is the heating system for needing extreme maintenance? With the casement windows and barn doors, can the heating system keep up with the demands of our winters?
- 2) There is extreme water damage to the restrooms. The ceiling has leaked over time, causing the drop ceiling tiles to collapse and rust out the hanger rails. An interior coating of waterproofing material on the concrete ceiling probably will not stop additional water to come through because the outside slab—which is the ceiling of the restrooms—was not properly joined to the building proper. There is no building-to-slab flashing and the joint where the slab was butted to the building can't be sealed and be expected to last for any period of time due to normal expansion and contraction over time. (The decking would also have to be removed next to the building to accomplish this.) Another consideration is that the ceiling slab of the restrooms was not insulated against winter weather further inviting condensation between the cold slab and the warmer interior.
- 3) The restroom floors should definitely be cleaned—the tile and grout cleaned and resealed.

Those of you who were around when the final move of senior activities occurred from this same area to the Dwyer Center will remember the overriding reason for the move was due to the problems listed above with the restrooms.

These are brought to your attention because someone will have to pay for any upgrades to the HVAC system and the restrooms. Is this in any city budget? Will it be handled the same as Kiddie Kollege with the repair cost coming out of any lease monies?

As is, the conditions of the restrooms do not warrant this to be a habitable let alone retable space to anyone.

John Suter  
281 Parkside Drive”

### **Cameras for School Busses**

**Mr. Clark** advised that this topic was first discussed at an Environment, Safety and Community Services meeting last spring. School busses that pick up some of the younger children in Bay Village on Lake Road are experiencing circumstances where the bus will be stopped and motorists are passing in violation of the law. Mr. Clark has had conversations with the Superintendent of Schools Clint Keener to look into stop-arm cameras that would be mounted outside the bus as a way to try to alleviate the situation. Chief Wright and the Police Department have been on patrol in the area and Mr. Clark asked the chief if there were any observations made in this regard.

Chief Wright stated that there have been no violations. They have also put the school bus drivers on notice, asking them to be especially vigilant in observing violations. There have been no violations up to this point.

Mr. Clark stated that there will be further consideration given to the purchase of the cameras.

Law Director Ebert asked if there were any violations in 2011. Chief Wright stated that the police department has begun putting together a graph of violation and ticket issuance activity for the past five years by location. It is hoped to have the graph finished by the end of this week.

Mr. Koomar stated that the idea is that most of the offenses have been on Lake Road. Although this is not a wholesale effort to mount cameras, it might be a specific use on one or two busses, depending on what is found. It may require the Council to pass legislation if such a camera exists for this purpose. Chief Wright stated that the cursory review of passed school bus indicates that violations are relatively rare. The Mayor stated that it has been one resident who has complained. Mr. Clark stated that it was brought up because they do not want to put anyone in peril, and make sure they are doing the right thing. Mr. Clark will continue to be in touch with concerned residents and keep everyone updated.

### **Amendment to Codified Ordinance Chapter 351 – Parking**

Mr. Clark stated that there has been discussion about increasing fines this last year, under Mr. Tadych's committee. There are some changes that will clear up some ambiguities in the current codified ordinance for parking violations, primarily for overnight parking and for parking in handicapped spots. The ordinance will be submitted for approval at the Council meeting to be held October 1, 2012.

### **Donation of a small piece of land adjacent to Reese Park to City of Bay Village by neighboring property owner.**

Service Director Galli stated that the administration was contacted by Audrey Forest, an attorney in Westlake regarding property owned by her parent, Virginia Popil, in Bay Village. The property is south of the Reese Park Tennis Courts and east of Kane's Service Center. The parcel is one-third of an acre, with a small area of green grass that has been maintained by the city, and

the remainder is wooded area taking in part of the creek. The owner would like to give this property to the city, with the city required to complete the legal work for acceptance. Mayor Sutherland noted that the property will come in handy in the event of the area being redeveloped.

**PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE**

**Mr. Pohlkamp** reported that the committee would like to bring in engineering consultant, CT Consultants, for a follow-up with the Committee of the Whole on CT Consultants' current projects in Bay Village relating to sewer improvements, including an update on the Lake Road Pump Station, and the planned work for Cahoon Road.

The meeting with CT Consultants will be scheduled as early as possible during the month of October at a committee session of Council.

**Rocky River Wastewater Treatment Plant Six Year Plan and Application to Ohio Public Works Commission for financial assistance**

Mr. Pohlkamp stated that in conjunction with Environmental Protection Agency findings, the Rocky River Waste Water Treatment Plant is facing \$5.8 million in improvements. Mayor Sutherland commented that a resolution to participate is something that has to be adopted and accepted by all of the members prior to requesting funding from DOPWIC, a committee which the Mayor also sits on as an alternate. The City of Bay Village has been a partner in the operation of the Rocky River Wastewater Treatment Plant since the early 1980's encompassing the sewer and sanitary sewer runoff of Bay Village, Westlake, Rocky River and Fairview Park. Every three years, the city goes through a correction period where the flow is monitored from the various cities and the percentage of participation gets adjusted according to the run off. This system accommodates a growing city like Westlake, with their percentage going up every year. It also tends to reflect whether the City of Bay Village has successfully completed any sewer projects that reduce the infiltration to the plant. The current percentage being charged to the City of Bay Village is 14.48%; it has been as low as 13.50% and as high as just over 21%. Because the plant is located in Rocky River, they are the lead agency and take care of the grant writing and application.

Mr. Young stated that the total construction and design proposed is \$5.84 million. A grant is mentioned of \$2.34 million. From these calculations, it would appear they are looking at actually spending \$3.5 million. Mr. Young asked if the City of Bay Village's percentage of that would be based on the 14%. Mayor Sutherland stated that usually there are some capital funds that already budgeted in. Mr. Young stated that it would be good to know before the end of the year, and for budget purposes, what is needed for additional monies that the City of Bay Village would have to include in their budget for coming years.

Mr. Pohlkamp stated that hopefully this will reduce the incidents where they have to release semi-treated waste into the lake. Mayor Sutherland stated that there was just one again over the weekend. This is something the EPA is focusing on and they want 100% compliance. The largest item on the six year capital plan for the Rocky River Wastewater Treatment Plant is the \$2.9 million redo on the digester building, which hasn't been upgraded since 1961.

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Mr. Koomar stated that some of the projects being done by the City of Bay Village with CT Consultants are actively addressing the flow within the city.

Mayor Sutherland stated that the City of Bay Village is very fortunate to have the Rocky River Wastewater Treatment Plant. The four cities that participate in the plant are not part of the larger Regional Sewer District because the cost the Regional Sewer District is occurring is monumental. The EPA was involved with some of that and the Regional Sewer District had some corruption issues. The Rocky River Wastewater Treatment Plant is a very small, well-run operation with a great superintendent.

## **FINANCE AND CLAIMS COMMITTEE**

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

## **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Miller**

### **Solar Energy Ordinance**

**Mr. Miller** reviewed the proposed solar energy ordinance, noting that for the past week there have been two Planning, Zoning, Public Grounds and Buildings Committee meetings to discuss some of the finer points of the ordinance. The committee has arrived at a final draft, which was included in the Council kits this past weekend.

The ordinance was formerly recognized as Chapter 1374, but has been changed to Chapter 1368, which will allow it to reside in Title Nine, under the Miscellaneous Local Provisions, which is more suitable than Title Eleven, which are trailers.

Mr. Miller reviewed changes being addressed recently, including ground mounting of solar panels in rear yards, prohibited in front and side yards, and what kind of restrictions for the rear yard placement, e.g., height, amount of yard allowed for placement within the setbacks. The committee looked at some of the retail units available on the market for small homes. The average is about 10 feet tall, and considering an angle for placement of about 45 degrees and placement slightly above ground, it is felt that 10 feet in height is a suitable limit. Maintaining the setbacks for neighbors is appropriate, so rather than having units built up against the property line, it is suggested that placement be located within the setbacks. Keeping a percentage of open space in the rear yard was also taken into consideration, with about 30% of the rear yard to house a ground mounted array suggested. It is still permitted to request a variance, if more space for ground mounting is required.

Evergreen buffering will be required around the units, as is required with every ancillary structure in the rear yard. Mr. Young noted that a property owner would be permitted to have both a roof mounted solar system, and a ground mounted system.

At this time, the Planning and Zoning Committee thought they would bring the question of whether solar panel mounting would be permitted on the front roof sections of homes to the Council of the Whole.

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Mr. Koomar noted that he has provided copies of articles from *The Wall Street Journal* depicting solar shingle panels on homes as current technology that is evolving. Mr. Koomar stated that he would not be in favor of permitting solar panels on the front section of roofs, noting that the front of his home faces south and he would even be prohibiting himself from installing a system based on his stand in this regard. Considering the features of Bay Village, and what people come to live here for, solar panel structure may look commercial or industrial, and may not fit in with the character of the city. Mr. Koomar feels that at sometime in the future the technology will provide something along the line of the solar shingle which would be perfectly acceptable. He asked the committee to be mindful of the future technology, because it will change.

Mr. Young outlined the three options considered by the committee. The first option was to not permit installation on the front roof section of homes. The second option was to permit front roof installation on certain primary streets only. The third option was to permit front roof construction on two-story homes, but not one one-story roof homes. Mr. Koomar asked about allowing front roof installation on certain roof pitches. Mr. Miller stated that the lowest pitch for a typical pitched roof home is 3/12, which would still permit visibility to some degree. The mounting is parallel to the roof's surface, and with a low pitched roof the panels could not be tipped up. Mr. Young stated that he has seen solar panels on roofs turned in a skew angle to the roof itself, which is older technology. This is something that the committee did not want to approve.

Mr. Clark asked if the current buffering requirements are 360 degrees, all the way around the system. Mr. Miller stated that the buffering is intended to address the view from the neighboring property. Eight feet of buffering all the way around a panel would defeat the purpose of a panel. From a property visibility standpoint it would be buffered by the evergreens, except for the functional side.

Mr. Koomar asked that Council be provided with a current copy of the city's buffering regulations.

Mr. Clark noted that as technology continues to evolve the solar energy ordinance can be amended.

Mr. Tadych noted that removal of old technology is a problem as well. The committee has addressed it well with the proposed ordinance.

Mrs. Lieske stated that in some of the minutes of the Planning and Zoning Committee there was a discussion that Mr. Ebert referred to when this ordinance was numbered differently, as Number 1374.04, where it talked about someone wanting to sell power back to the grid and how the city would become involved with that. In the current proposed ordinance that would be referenced in Section 1368.04. Mr. Miller stated that this section talks about arrays that are intended to sell power back to the grid. In that case, both the power utility has an application to be completed, and the city would also be involved in covering the permitting and final inspections. The power companies aren't involved if it is a stand-alone system to offset power usage in the home.

Mr. Miller stated that the committee also reached out to Fire Chief Lyons regarding some of the factors related to solar panel installation. They felt there were things to be addressed regarding restrictions, or code requirements from the National Fire Protection Agency (NFPA), which often writes many of the National Electric Codes (NEC). The NEC was referred to for much of the

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coding for placards and disconnects to aid the emergency service personnel when they come on site to quickly identify the disconnect points. Solar panels do not generate much power during the night but do produce power during the day and although it is difficult to stop that generation, they can at least disconnect the majority of the power that is being serviced into the home.

The committee chose not to talk about any color coded conduit, because color coding conduit can open a question in someone's mind as to whether they are servicing the right line. Fire alarm systems by code are all red. The committee did not want to choose a color that may not be consistent with the NEC.

Registration with emergency contacts would be similar to a lockbox procedure on a residential home, with information kept with the Fire Department. In this ordinance it is asked that the solar panel system be identified as part of the property make-up, so that when emergency response comes on site they are aware and have contact information for the person who is in charge of the system.

Severability and fees were also discussed. The committee talked about a base fee of \$60.00 with additional fees for plan review. The Building Department would direct the applicant to information concerning the additional fees they would encounter. If someone was to plan for an installation, they could obtain that information from the Building Department.

Chief Lyons addressed Council stating that a major concern of any fire department is isolation of the electrical system. Power is shut off to a home, in the event of a fire, for a number of reasons. Electrical current will become a source of additional energy for fire, and could cause electrocution to firefighters cutting through walls. A solar panel system may not have a way to be shut off, with the result that an electrical system in a home with a solar system that cannot be de-energized, is a concern for a fire department. Another item is that a lot of these systems may have the option of using batteries so there is an additional energy source. Other hazards include quantities of hazardous materials, the possibility of producing poisonous gasses, and explosion hazard if exposed to fire.

In regard to access in the event of fire, Chief Lyons stated that panels on a roof may restrict roof area that the fire department can use for ventilation. Chief Lyons cautioned residents that if they go with a solar panel system the fire department cannot cut through them and that may limit ventilation efforts which would hamper rescue and firefighting efforts. Chief Lyons stated that he knows of no way at this time to de-energize the wires coming from the panels.

Mr. Miller stated that there is language in the ordinance about a two-way switch so there is a medium between a set of batteries or some other storage unit for another electrical panel service that can be disconnected in case of an emergency. The power from the disconnect back to the PV panels would still be active to some degree.

Mr. Miller stated that like most applications that come to the city, those things are thoroughly vetted so that when you log the emergency contact information the ordinance does require a full plan that is executable so that they understand where the systems are going to be located. The Building Department can prescribe that a disconnect be located in one location or another so that it is conspicuous to the fire department or any other emergency service personnel.

Mr. Pat McGannon, representing The Green Team, stated that he would like to address the prohibitions on putting solar panels on the front of homes. The point of the ordinance is to make the city more sustainable, but putting these prohibitions in place makes the city even less sustainable. Prior to the ordinance as it is currently proposed, property owners were able to put solar in the front of homes. This can be seen in homes located on Lake Road and Clague Road. Prohibiting solar panels on front of homes will be locking out at least one-fourth of the homes in Bay Village from putting solar on their roofs because solar requires southern facing roof in order to generate an efficient amount of power, otherwise it is not worth spending the money for solar energy. Putting the prohibition in the ordinance is a step backwards.

Mr. McGannon further noted that we are talking about electricity, not about an accessory structure such as a storage barn. Electricity is a basic need in modern human life, and supplies lighting, heating, cooling, and cooking power. The grid can go down, as it has in the past in 2003 with the blackout on the East Coast that affected 55 million people. Prohibiting residents from having alternate, reliable and sustainable source of energy is a big mistake. We should be allowing that provision for families if the grid does go down in the future, which is always a possibility with a weather event, a terrorist attack, or a supply problem. We are talking about supplying basic needs to our residents and allowing them to make the choice to supply electricity to their family in possible downtimes of the grid.

Mr. Koomar noted that property values enter into this for many homeowners. There is a reason in Bay Village that above-ground pools are not permitted. A lot of things are different from other communities and that is what we are charged with. Mr. Koomar stated further that his hope would be that the technology moves forward. The Council will vote as a group of seven and see where it goes and what guidance they want to give Mr. Miller on putting this up and moving it forward.

Mr. McGannon suggested Council view the homes on Lake Road and Clague road that have solar panel installations.

Mr. Dan Overfield stated that his six year old daughter saw the panels and remarked how interesting they were. With emerging technology, a certain amount of the current technology must be applied to reach that point. An application of what you have now has to be used to make sure the future technology works. The panels do not look much different than a window.

Mr. Warren Remein stated that by adding significant changes that might affect the applicability of the National Electric Code (NEC) seems that Council is setting themselves up as knowing more than the several thousand licensed professional electrical engineers that participate in writing the National Electric Code every year. Mr. Remein stated that he participated as a professional in the code process and has always found that the National Electric Code is adequate. To take it a step further, a cross connected solar system that is connected to the grid needs to have a transfer switch and safety requirements built in as part of the National Electric Code. Before requiring placarding and color coding and disconnect switches, a consultant should be brought in.

Mr. Young stated that the committee did not actually add anything to the ordinance Under Section 6, on Page 3, the ordinance requires that placards be required denoting locations of disconnects as

“defined and directed by the National Electric Code.” Mr. Young noted that the years of individual cities having home rule as far as writing their own regulations and building codes are gone.

Mr. Miller stated that it is important to support the fire department and emergency personnel. The placarding is an additional safeguard and when they roll up on site they will have a placard that tells them exactly what they need to know. It is to further assist the emergency personnel. The requirement of color coded conduit was not dictated to avoid confusion.

Mr. Tadych stated that Section 1368.07 states in the last sentence that in the case of abandonment the city can go on the property and physically remove the system. Mr. Tadych asked Law Director Ebert if there are other city removal allowances in other ordinances. Mr. Ebert stated that we do not have the allowance in other ordinances for removals. He stated that the penalties issue has not been finalized as well. Mr. Galli is meeting with the Building Department to finalize that section. Mr. Galli stated that they decided they would go with what is in the penalty section now. Mr. Ebert stated that the penalties, along with the permit fees, might be different because of the amount of inspections that need to be done, due to the select specificity of the installations. Mr. Ebert stated that there is a question of the proper procedure to disconnect and remove an abandoned system, and the assessment of a homeowner for the cost of removal. The committee will need to discuss this further. He noted that anytime the city has to go on private property for safety issues, the cost is attached to the tax duplicate of the property if not paid directly to the city by the property owner. Mr. Ebert noted that in the case of a property beyond repair, an actual complaint for demolition must be filed. This is a separate proceeding.

Mr. Tadych stated that he would ask the Law Director to look a little more closely at the amount of time on the dates of abandonment. It is very difficult to determine how many days the system can be abandoned before the city can do something with it.

Mr. Clark stated he is in favor of the solar ordinance. What Council will have to do is try to marry the three elements. The first being how to increase the solar energy efficiency around the city and marry that with the site aesthetics and the same type appease the concern about fire safety.

Mr. Pohlkamp stated that he would be fine with putting the ordinance on first reading with the intention of going to three readings.

Mr. Koomar and Mr. Tadych stated that they would rather see the ordinance finalized prior to putting it on reading.

Mrs. Lieske stated that if the issues raised this evening can be addressed prior to the reading she would have no objection. She supports the concept; it is a great thing for us to be promoting, it is just working out the details.

Mr. Young stated that he would like to hear from all of Council about allowing solar panel installations on front roofs. At the last Planning and Zoning Committee meeting, with two members present, Mr. Young did not feel comfortable with a suggestion. He would like all of Council to direct an email to Mr. Miller as to their opinions. Mr. Young would also suggest looking at the two

houses noted with front roof solar panel installations, and hear from the entire Council individually before coming back with a recommendation.

Mr. Koomar stated that the issues facing Council with the ordinance are penalties, abandonment, front roof any other fire safety issues, and clarifications on buffering.

Mr. Young invited any member of the audience to send their comments to Mr. Miller. Mr. Koomar stated that this final rework can be done by discussing these items with the Fire Chief and Service Director, rather than having another committee meeting, in order to keep the ordinance draft moving. Mr. Miller noted that the goal is to have the ordinance ready for first reading on October 1.

### **Bay Village Schools – Placement of Temporary Signs in front of each school building listing proposed capital improvement projects for each building and school logo**

Mr. Miller advised that the schools asked if they could place temporary signs in front of each school listing the proposed capital improvement projects and the logo for each building. A sample of signage for the high school was distributed to Council.

Law Director Ebert stated that this is a political sign. The ordinance says that it cannot exceed 15 square feet, be installed not more than four feet above grade level, cannot be put out more than 40 days before the election and must be removed two days after. There is a school issue on the ballot and these signs relate to that issue. A political sign does not need Council's approval, but must comply with the current ordinance.

Mrs. Lieske stated that the School Board may come back and say the sign does not have the Treasurer's logo at the bottom of the sign. Mr. Ebert stated that would be an issue for someone opposed, but the city does not get involved in political signs.

Mrs. Lieske stated that proceeding cautiously and interpreting this as Mr. Ebert did makes sense.

### **RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mrs. Lieske** had no report this evening.

### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

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

### **MISCELLANEOUS**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Pohlkamp MOVED to adjourn to Executive Session regarding litigation and personnel at 8:45 p.m. Also in attendance at Executive Session were Mayor Sutherland and Law Director Ebert.

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

Committee Meeting of Bay Village City Council  
September 24, 2012

Council reconvened in an open meeting at 8:58 p.m. Present were: Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:00 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council