

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:00 p.m.

January 28, 2013

Paul Koomar, President of Council, Presiding

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

Others

Present: Law Director Ebert, Finance Director Mahoney, Police Chief Wright, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers

Council and members of the administration assembled at 7:30 p.m. in the Conference Room to review agenda items; this was open to the public.

During the review, Councilman Miller reported that Ordinance 12-111, establishing regulations for Electric Stand-By Generators, is ready for adoption this evening. Mr. Miller will summarize the final changes, noting amendment by reading, at this evening's special meeting of Council.

A resolution for a submerged land lease at 27238 Lake Road, will be introduced by Mr. Clark this evening. Mayor Sutherland stated that the city has no use for the property.

Service Director Galli reported that five bids have been received for a fire alarm system for the Community House. After review of the bids, it is recommended to proceed with Digital Security Systems for \$17,157.85. The system can be blended into future improvements to the Community House for longer term usage.

Mr. Young noted that there will be one change to the resolution authorizing the monthly transfer of funds to be introduced this evening. Last year the tax budget allocations were changed. The amount to be transferred for Police and Fire Pensions of \$31,875.00 is to be removed from the resolution, amending by reading.

Mr. Young will introduce a temporary appropriation ordinance this evening for February, 2013 expenditures of the city, pending adoption of an annual appropriation. The ordinance represents one-twelfth of the 2012 budget.

President of Council Koomar called the Special Meeting of Council to order at 8:00 p.m. in the Council Chambers with the Pledge of Allegiance led by Steven Lee, Councilman-at-large, and roll call.

Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held January 14, 2013. Mr. Clark MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mayor Sutherland stated that she would like to do a “shout-out” to the Service Department. A leak was sprung in a sanitary sewer last week that caused quite a bit of heartburn Thursday and Friday. The Service Department, under the direction of Gordon Evans, Donny Landers, and their crew did a fantastic job and were very creative and got it all done and repaired by Friday at the close of business. The Mayor stated that it was an outstanding effort and thanked everyone.

The Mayor stated that because of the events in Connecticut in December there has been a lot of renewed focus on school safety. Mayor Sutherland stated that she just wanted to mention that the Bay Village Police Department has been working very, very closely with our school districts since March 8, 2012. She stated that there has always been a very good relationship with them but really focused much more on it in March and they have been doing everything from reviewing lockdown procedures and crisis response protocols. They have been doing individual lockdown drills at the various schools, training with the teachers, threat assessments, threat management, crisis planning, and crisis response training. The Mayor stated that she just thinks they have done a fantastic job and extended “hats-off” to Chief Wright and Patrolman Anthony Fuchs, who has been particularly involved, and Detective Krolkosky, who specializes with the schools and the kids. The Mayor stated it has been an excellent response in sometimes very tense situations and she really appreciates the presence.

AUDIENCE

The following members of the audience signed in this evening: Jim Potter, Kent Silverberg, Russell Thompson, Dick Majewski, Jennifer Smillie, Jerrie Barnett, Denny Wendell, Bruce Geiselman, Jeff Gallatin, Sally Irwin Price, Mike O’Boyle, Nancy Brown.

Kent Silverberg, 24425 East Oakland, stated that he attended the previous committee meeting held this evening when the Mayor made her presentation which sounded really good. Mr. Silverberg would like to find out more about that survey. He stated that he knows the Mayor is posting it on the web site but he would like to know how the Mayor derived the sample set that she selected from, and how representative of Bay Village she really thinks that is.

Mayor Sutherland asked Mr. Silverberg if she could talk to him after the meeting.

James Potter, speaking on behalf of **Bay Village Kiwanis**, presented the following address concerning the Bay Kiwanis.

“The Bay Village Kiwanis Club was established on January 3, 1950. We are one of over 6,000 Kiwanis clubs in the United States. We have 42 members, of which five are women. Recently two of our Past Presidents, Bill Walsh, a member for over 50 years, and John Solomon, an active member for 10 plus years, passed away.

We sponsor three youth groups, the two Builders Clubs, one at the Bay Middle School and one at St. Raphael School. Additionally, we sponsor a Key Club at Bay High School. The goals of each club are to involve individual members in projects that benefit the school and

the community. At the same time they promote leadership and fellowship.

Our mission statement says: 'Kiwanis is a global organization of volunteers dedicated to changing the world one child, one community at a time.' Our motto is 'Serving the children of the world.'

We raise about \$25,000 a year from our community projects including Bay Days, Christmas tree sales, curly fry booth, and two pancake breakfasts. These funds are used in the community as follows:

\$6,500 to the Village Food Project for general use and for special food containers. We were one of the first supporters of the project and have continued our support directly and have encouraged our members to individually support it.

\$2,000 toward the building of the Bay Bike and Skate Park in Cahoon Park.

\$1,000 to Bay's Caring and Sharing project. Bay Community Services Director, Debbie Bock, has spoken to our club on a couple of occasions and detailed how the recent economic environment has impacted some of our citizens and the need for financial support.

\$1,000 to for Providence House, a facility for children caught in the middle of a violent abusive atmosphere.

\$500 for the B.A.Y. Matters, an anti-drug and alcohol program. We covered all of the printing costs for their recent community forum and participated in the organizational meeting.

\$700 for a new I-pad for the Fire Department's EMS unit to assist in recording data about victims' special needs and providing a camera to transmit the actual photograph of a victim to the hospital's trauma team prior to arriving at the hospital.

\$500 toward special equipment at Reese Park for physically challenged youths.

These activities are in addition to the five to six \$2000 scholarships and six \$500 department scholarships we award at the high school year.

We sponsor a team in the Bay Men's Club baseball league, a Bay High Girl in the American Legion's Buckeye Girls' State Program and Students for the Young Leader and Hugh O'Brian Youth Projects.

We donated to the Red Cross disaster project for victims of superstorm Sandy.

Over the years, we have assisted Bay Arts and the Lake Erie Nature and Science facilities with building, cleaning, and painting projects.

Last week we hosted the police chief, Sergeant Leisure and 12 school crossing guards for

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dinner and a service award program for providing safety to our kids on the walk to school and return home.

This month we are co-sponsoring with Bay Dairy Queen free banana splits for all who donate blood on February 15 during a project sponsored by a group called Rachel's Angels located at the Bay Middle School.

In May we will join with the Daughters of the American Revolution in donating and installing American flags for our senior citizens that want to fly a flag on Memorial Day.

Our international project is to participate in the Kiwanis International and UNISEF project ELIMINATE. This is to inoculate 100 million expectant mothers who might be exposing themselves and their unborn child to neo-natal tetanus disease. This project hopes to raise \$110 million dollars. We plan to donate \$5,000 to this effort.

All in all, we believe that we serve our community well and wish to thank the city administration and council, including current and former Kiwanians, for their continuing support.

We have openings for both men and women that have an interest in improving their community and serving the needs of others."

The Kiwanis Club of Bay Village meets every Tuesday night at 6:30 p.m. at the Bay United Methodist Church.

Mr. Koomar advised that the funeral services for John Solomon will be Tuesday, January 29, at 4 p.m. at the Bay Presbyterian Church.

Mr. Miller presented **ORDINANCE NO. 12-111, amending by reading, ENACTING NEW CODIFIED ORDINANCE CHAPTER 1370, ENTITLED "ELECTRICAL STAND-BY POWER GENERATOR SYSTEMS," AND DECLARING AN EMERGENCY,** and moved for adoption. Mr. Miller advised that the ordinance was brought to first reading on December 17, 2012. From that time there have been three readings and revisions, and highlighted the revisions that changed from early on, which are included in the final draft which is amended by reading this evening. The use of the word "District" has been changed to "Use" which better expresses where the generators will be used rather than a reading that might be ambiguous based on the zone of the area. For example, there are homes that are in a business area, even though they are a residence. Mr. Lee provided feedback about disparity between requirements for residential and non-residential. Those have been corrected and made balanced. Mr. Miller asked if there is any other input to be noted for amendment by reading this evening.

Mr. Tadych stated that he has one problem and he has spoken about it in the past. There are probably eight percent of the homes that simply don't have the backyard to put a generator in and would cause them to have to come before the committee to get permission to put the generator in the side yard. Mr. Tadych would like some kind of waiver situation for those homes and wording that the Building Department could decide, or they could come to the necessary

committee, but not pay the fee.

Mr. Ebert stated that the problem is that air conditioning units must have a special permit for side yard installation. He stated that he could see a waiver for seniors.

Mr. Tadych stated that it doesn't really matter who you talk about, there are homes in Bay, probably about 7 or 8% that cannot put a generator in their back yard.

Mr. Ebert stated that the fee is insignificant. If you can afford a generator, you can afford the fee. Generators cost over \$1,000.

Mr. Tadych stated that this is beside the point. We are allowing people to place them in their back yard because that's where they want to place them. Mr. Ebert stated that if you place it in the side yard that is where the bedrooms of the neighbors are and that is why there is a special permit process.

Mr. Tadych stated that he understands that, but in some cases, such as at his house, he has to pay \$100 to come to the city and say there is no place to put the generator except on the side of the house.

Mr. Miller stated that Section 1370.05 of the proposed ordinance is the "Residential Use Location Requirements." Part a) does talk about the location in the rear yard. Part b) is the exception to (a) and does give some alternatives for a sideyard placement. In the event where you might not want to put the generator on the north side of the home, maybe it is on the south side of the home, that section would apply. There was recognition when drafting the ordinance that not all properties are the same so it was thought that if there was some ability to place the generator on the sideyard then there could be an appeal to the Building Department. If you fall outside of that, then you would have to go to the Board of Zoning Appeals for a variance.

Mr. Ebert stated that if the sideyard requirements are met, a permit will be granted without having to go to the Board of Zoning Appeals. If the application falls outside of the requirements, an applicant would have to go to the Board of Zoning Appeals.

Mr. Ebert noted that, using Mr. Tadych's house for an example, he would fall within the category of having a location that wouldn't have to go to the Board of Zoning Appeals for a special permit.

Mr. Tadych stated that it is important that people recognize that fact. He is not just speaking for his home. He has had other residents call and ask.

Mr. Ebert stated that it is similar to air conditioning units. If you meet the criteria of the ordinance, which is trying to be as liberal as possible, then the applicant would not have to go to the Board of Zoning Appeals.

Mr. Miller stated that this is a reflection of reviewing a number of applications over the years and some that received variances for sideyards. Those were some of the criteria that were developed.

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It was very applicable, especially in Bay Village, whether it is a home with a patio across the entire rear of the home, or other circumstances.

Mr. Clark commented that the drafting of this ordinance was a painstaking process undertaken by Clete Miller and his committee, as well as the Board of Zoning Appeals members. This is a way of streamlining variances going forward. Mr. Clark expressed appreciation to Mr. Miller and his committee for the work they went through, noting that there was a lot of detail in preparing this legislation.

Mr. Young agreed with the statement of Mr. Clark, and thanked Mr. Miller.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance 12-111.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays -None

Roll Call on Adoption:

Yeas–Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 12-111, as amended**, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **RESOLUTION NO. 13-5**, APPROVING USE BY JEFFREY L. & PAMELA A. BARKER, 27238 LAKE ROAD, OF SUBMERGED LANDS OF LAKE ERIE FOR SHORELINE IMPROVEMENTS, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution 13-5.

Roll Call on Suspension of Charter Rules:

Yeas- Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

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Nays -None

Roll Call on Adoption:

Yeas– Koomar, Lee, Lieske, Miller, Tadych, Young, Clark

Nays–None.

Mr. Koomar announced adoption of **Resolution No. 13-5**, an emergency measure, by a vote of 7-0.

Mr. Miller introduced **ORDINANCE NO. 13-6** AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH DIGITAL SECURITY SYSTEMS FOR THE NEW FIRE ALARM SYSTEM AT CAHOON MEMORIAL PARK COMMUNITY HOUSE, AND DECLARING AN EMERGENCY, and moved for adoption.

Mr. Tadych asked if existing wire will be used. Mr. Galli responded that existing wire will be used if possible. The wire will be tested for continuity. If acceptable, it will be kept. New boxes and everything else will be new as well.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-6.

Roll Call on Suspension of Charter Rules:

Yeas- Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays-None

Roll Call on Suspension of Council Rules:

Yeas – Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays -None

Roll Call on Adoption:

Yeas– Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-6**, an emergency measure, by a vote of 7-0.

Mr. Young introduced **RESOLUTION No. 13-7, amending by reading**, to strike the pension transfers for police and fire since the tax budget has been changed to include those transfers, AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER MONTHLY OPERATING FUNDS, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 13-7.

Roll Call on Suspension of Charter Rules:

Yeas-Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

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Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

Nays -None

Roll Call on Adoption:

Yeas– Lieske, Miller, Tadych, Young, Clark, Koomar, Lee

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-7, as amended**, an emergency measure, by a vote of 7-0.

Mr. Young introduced **ORDINANCE NO. 13-8, MAKING TEMPORARY 2013 APPROPRIATIONS FOR THE CURRENT AND ORDINARY EXPENDITURES OF THE CITY OF BAY VILLAGE, OHIO, PENDING RECEIPT OF THE AMENDED OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES DURING PART OF THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY**, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-8.

Roll Call on Suspension of Charter Rules:

Yeas- Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays -None

Roll Call on Adoption:

Yeas– Miller, Tadych, Young, Clark, Koomar, Lee, Lieske

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-8**, an emergency measure, by a vote of 7-0.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Young **MOVED** to adjourn to Executive Session regarding labor contracts, contracts, personnel, and litigation, at 8:32 p.m.

Roll Call Vote: Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych, Young. Nays – None.
Motion passed 7-0. Also present in Executive Session were Mayor Sutherland, Law Director Ebert, and Finance Director Mahoney.

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Council reconvened in an open meeting at 9:27 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:28 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council