

City of Bay Village

Council Minutes, Committee Session
Conference Room

April 22, 2013
7:30 p.m.

Paul Koomar, President of Council, presiding

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

Excused: Mr. Young, Mr. Miller

Others

Present: Law Director Ebert, Finance Director Mahoney, Community Services Director Bock, Service Director Galli, Operations Manager Landers, Recreation Director Enovitch, Police Chief Wright, Fire Chief Lyons

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

ANNOUNCEMENTS

AUDIENCE

The following were present: Jerrie Barnett, Sue Fink, Russell Thompson, Mike O'Boyle, Jeff Gallatin, Bruce Geiselman, Tom Henderson, Dave Sima, Nancy Brown

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

FINANCE & CLAIMS COMMITTEE

Issuance of Bond Anticipation Notes:

City Hall Improvements	\$ 50,000
Community House Improvements	\$ 20,000
Recreational Facilities	\$ 390,000
Service Garage Improvements	\$ 25,000
Street Maintenance	\$ 765,000
Total	\$1,250,000

Mr. Clark advised that these are the five different components of the note issue which will be brought to market soon. The ordinances to be presented this evening contain all of the information particular to each issuance. The hope is to basically tie the maturity of the note issue to the other permanent bonds that might be needed for sewer projects. This note issuance will allow the city to borrow short term at a rate less than 1%.

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Mr. Lee asked about the 4% rate written in the note ordinance. Mr. Clark explained that this is the number that will be included in the bonds that will ultimately be done. It is always set at a much higher number than the market rate.

Mr. Tadych advised that there is a 9-month call on the notes which might play a hand if the rates go up. Mr. Tadych asked the cost to issue the notes and bonds. Mr. Clark stated that this is to be determined. They are working on that now with the Finance Director, the Underwriter, and the Bond Counsel.

Mr. Clark will introduce the ordinances for note issuance for city hall improvements, recreational facilities, and street improvements. Mr. Tadych will introduce the legislation for Community House improvements and City Service Garage improvements.

Mr. Clark stated that the \$765,000 for street improvements is comprised of the overlay program approved for \$575,000 and also includes improvements on Wolf Road, engineering work for Lake Road, and the 15% share of the Lake Road Resurfacing Project for resurfacing from the Avon Lake Border to Longbeach Parkway. Mr. Tadych commented that this bond issuance for street improvements is making many residents in Ward 1 very happy.

The City Hall Improvements Note of \$50,000 includes \$30,000 for the renovation of the former police headquarters on the first floor of City Hall, \$15,000 for exterior improvements, and \$5,000 for city signs.

Mr. Koomar mentioned that the Council was informed that the contract with SAFEbuilt was going to pick up a fair amount of the cost of renovation of the first floor of City Hall. Mayor Sutherland stated that reimbursement will be received from SAFEbuilt for some of the cost of the renovation.

Mrs. Lieske asked if the clock in the City Hall Tower will be repaired. Mr. Galli stated that this is a maintenance item. They are having a hard time getting a part for the clock but it is in the process of getting fixed. Mayor Sutherland stated that the clock was another victim of Hurricane Sandy. Mrs. Lieske asked if there is a place to obtain the motor. Mr. Galli stated that the part is on order. It is not a shelf item and takes some time to get the part. Mr. Galli will look into the matter further and report back at the next Council meeting.

Mr. Clark asked if the SAFEbuilt reimbursement for the build out of the first floor of city hall will come in portions or at one point in time. Mayor Sutherland stated that she would assume it would come all at one time. They haven't quite worked that out yet, but when they get everything done they will sit down with SAFEbuilt. There are a couple of other items that SAFEbuilt added on for which they will pay 100%. Mr. Clark suggested tracking the reimbursement from SAFEbuilt in a separate account. Mrs. Mahoney stated that Operations Manager Landers is maintaining a file. Mr. Tadych asked if the notes will be paid down at the end of one year, or bonded out for "x" number of years when the notes combined. Mr. Clark stated that the thought was to take whatever the corpus was of that \$1,250,000 out when we bond out the balance of the projects that we need to for the sewers. By law, they have to be

outstanding for at least nine months. In essence, the plan would be to couple that amount with those incremental borrowings for the sewer projects into one bond issue.

Mr. Tadych stated that he is concerned about the building that is going on at city hall. Are we paying bonds on the portion that is being reimbursed? Mayor Sutherland stated that the cost for the downstairs rebuild is going to come in at about \$30,000. SAFEbuilt is going to pay half of that. Mr. Clark stated that we don't want to bond out for 15 or 20 years improvements that will be reimbursed. We will pick and choose what the life is for those when making those decisions. Mrs. Mahoney stated that the principal can be paid down.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mr. Lee advised that a meeting of the Planning, Zoning, Public Grounds and Buildings Committee scheduled for 6:30 p.m. will be re-scheduled to accommodate the unexpected events which occurred in the schedules of committee members Mr. Miller and Mr. Young.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Repair of Sidewalks at 366 Canterbury Road

Mr. Clark will introduce a resolution at the special meeting of Council this evening ordering the repair of sidewalks at this Canterbury Road address. The elevated sidewalks to be repaired are marked in orange.

Ordinance 13-17 which remains on First Reading, regarding peddlers, solicitors and canvassers

Mr. Ebert stated that the ordinance has been amended to add the No-Knock Registry on Page 6. There are not a lot of cities that have this registry and there have been some complaints and contesting on No-Knock Registries stating that this aspect is going too far. It was included as a recommendation from City Council. The list will be given out to solicitors. The Police Department does not update the list. This is why there are questions as to how up-to-date the list is when it is received. It may be an additional challenge when submitted to the court. Mr. Ebert stated that he would like to receive input from Council as to the pros and cons of the amendments. It is hoped to put the new, amended ordinance on second reading on May 6, 2013.

A page-by-page review of the amended ordinance followed. There were no changes on Pages 4 and 5 from the ordinance previously introduced. Mr. Lee pointed out that clarification is needed on the length of time licenses are valid. Chief Wright commented that licenses are good for a period of one year. Mr. Ebert stated that not-for-profit solicitors do not need a license, but have agreed to register and follow registration procedure. Their permission is only granted for a shorter period of time. All other licenses are good for a period of one year.

Mr. Clark noted that residents can sign up for the No Knock Registry on the city's web site by providing their address. Names need not be included.

Mr. Ebert cautioned that even though residents are on the No Knock Registry they may still be bothered with solicitors. The ordinance calls for a warning on the first violation. Chief Wright noted that solicitors are generally transient, and most of the people are gone after once through the city. The next time they have a whole new cadre of solicitors. Violations are issued to the individual solicitor, and not the organization. The most common is for soliciting without a permit.

Mr. Koomar asked if all groups that solicit are required to come to the police station to register. Chief Wright stated that only those people that are going door-to-door are required to register. Resident Jerry Barnett asked if that includes religious groups. He stated that religious groups typically are not-for-profit. Mr. Ebert stated that it is still required to notify how many people are going to be in the area, what times they are going to be in the area, and the ability of the Police Department to run background checks. However, the not-for-profits do not need a license and do not pay a fee. They are still supposed to notify the Police Department so that the Police know they are in a certain area at a certain time.

Mr. Lee noted that solicitors' hours are included in 721.05 (a) as between the hours of 9:00 a.m. and 8:00 p.m., or sunset, whichever occurs later. In 721.07 (b) it states between the hours of 9:00 a.m. and 8:00 a.m., or sunset, whichever is earlier. Section 721.05 (a) will be changed to be consistent with 721.07 (b). Page 8, Item C will be changed to "The date the form was completed." A five-year expiration is included for the No Knock Registry.

Mr. Koomar stated that the Cities of Parma and Avon include in their legislation the ability for the residents to register on-line by address for a five-year period, as stated by Mr. Ebert. The list is available on line for anyone to see the complete list. Individual groups can be routed to the website for the information as to those registered. The Police Chief stated that hard copies of the registry will also be provided by the Police Department. Mr. Koomar noted that it was the hope of Council that the department would not have to maintain a manual list that was cumbersome from a work-load standpoint.

Mr. Ebert will send out a revised draft by mid-week, and asked that any responses to the draft be sent to him by Friday, April 26, 2013.

MISCELLANEOUS

House Bill 5 regarding Municipal Income Tax

Mayor Sutherland commented that a draft resolution that was provided to Council is one of the tools to put pressure on the State Legislature to do the right thing and take the time to really consider the changes to House Bill 5. Mayor Sutherland stated that she has been in very close communication with State Representative Nan Baker, but it never hurts to pass a resolution and send it on to Columbus. Many other communities are doing it and the timing is perfect now because they are beginning to hear proponent testimony on House Bill 5.

Mr. Koomar asked Mayor Sutherland the current form of House Bill 5. Mayor Sutherland stated that it still is as introduced. The way the process runs is that there will be proponent testimony and

then there will be opponent testimony. They may decide to have interested party testimony, which would be the wrap-up. During that process, any of the members of the committee can offer an amendment. So far they have not done that. The Mayors Association has been working very closely with Tom Zano, the tax attorney who is writing the legislation. In the new law there are basically 48 provisions. They have talked through all of the issues and have gotten to the point where there are 8 that the municipalities cannot live with. There are some that just need language clean-up and some tweaking. The Mayors Association continues to work with them and hopefully that when they do introduce an amendment it is going to incorporate the language as they have been working on, including the Central Collection Agency (CCA) and Regional Income Tax Agency (RITA) at the table. There have also been attempts to slide a very negative provision out of the tax code into the budget bill and that was blocked last week. It would have cost the City of Bay Village \$200,000 over the next couple of years, and would have impacted Cleveland about \$1 million per year. The time frame will be proponent testimony this week, with opponent testimony to follow. The bill should get to the floor by mid –to-end of May for a vote. Should it go through the House and get passed, it has to then go through the Senate. The Senate has a very different perspective on this. They really don't want to have anything to do with it. Should it make it to the Senate, there are still a lot of possibilities there that it could be stopped.

Mr. Lee stated that the draft resolution has a line item for how much the HB5 is estimated to cost the city in revenue. Mr. Lee asked the Mayor if we have any idea right now of what that will be for the City of Bay Village. Mayor Sutherland stated that it is about \$285,000. Details for the resolution will be provided by Mayor Sutherland.

Norfolk and Southern Train Reports

Mr. Ebert commented that train reports will be provided electronically beginning in May, 2013.

Westlake Commercial Expansion

Mr. Ebert advised that a meeting will be held at the Westlake City Hall on Monday, April 29, 2013, at 7:30 p.m. to address business development by Ganley Motors at 24609 Sperry Road. Residents backing up to the property being developed have received notification of the meeting. Mr. Ebert stated that the lighting of the proposed development may be a concern to nearby residents.

Mr. Tadych asked if the city received notification of the meeting. Mr. Ebert stated that only the abutting residents received notification.

Legal Opinion Regarding Lakefront Properties

Mr. Ebert advised that he provided Council with a legal opinion regarding construction of playground equipment that would block the view of the lake by neighbors. In trying a long-standing case, the Court of Common Pleas has upheld that the view of the property goes to the property line. If one desires to look over their property to the neighbor's property, a prescriptive easement would be needed with payment for the right.

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CAHOON MEMORIAL PARK TRUSTEES

Garden Club Donation – Landscaping at Gazebo

Mr. Lee advised that the Bay Village Garden Club, as part of the annual spring clean-up and beautification work that they do around the gazebo, would like to replace the worn edging along the flower beds and sidewalks. The club has worked with Service Department landscape expert Jon Liskovec and achieved a resolution as to how it would be completed. The project will have a value of about \$800 and will be a nice improvement.

Mr. Koomar stated that Assistant Service Director Jim Sears is involved in the project as well and when it is finished the city will accept the donation.

The Committee Meeting of Council adjourned at 7:57 p.m. Mr. Koomar advised that there will not be a Council meeting on Monday, April 29, 2013, the fifth Monday of the month.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council