

# City of Bay Village

Council Minutes, Committee Session  
Conference Room

May 13, 2013  
7:30 p.m.

Paul Koomar, President of Council, presiding

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

Not Present: Mr. Young

Others

Present: Law Director Ebert, Finance Director Mahoney, 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**

**President of Council Koomar** announced that the Spring Green Garden Show will be held at the Community Garden on Saturday, May 18 from 11 a.m. to 3 p.m. Mr. Koomar urged everyone to attend.

## **AUDIENCE**

The following were present: Jerrie Barnett, Sue Fink, Russell Thompson, Mike O'Boyle, Jeff Gallatin, Bruce Geiselman, John Suter, Brenda O'Reilly, Lawrence Kuh, Marty Mace, Dick Majewski, Jennifer Smillie, Denny Wendell

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

**Mr. Clark** advised that he will be scheduling an Environment, Safety and Community Services Committee meeting for Monday, May 20, at either 6 p.m. or 6:30 p.m. The committee would like to extend the good work of the Emergency Communications Task Force with an open discussion on the next steps.

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

**Mr. Miller** reported that a Public Improvements, Streets, Sewers, and Drainage Committee meeting will be held on Wednesday, May 15, 2013, from 6 p.m. to 9 p.m. to interview three firms for street and sewer improvements in the Sunset Area. Mr. Miller noted that all are welcome to attend this public meeting.

## **FINANCE & CLAIMS COMMITTEE**

### **Final Change Orders to Close Contracts for Bradley/Naigle Road Intersection Project (Karvo Paving Company, Norfolk/Southern Railroad, CT Consultants)**

Service Director Dan Galli commented on the Bradley/Naigle Road Final Project Summary and Change Order information that he distributed to Council at the onset of tonight's meeting. Mr. Galli stated that the final loan amount will be \$144,317.32 for each city, Bay Village and Westlake. To formalize the closing of the project, ordinances authorizing the change orders will be brought to Council on May 20, 2013. The contracts with Karvo Paving Company, Norfolk Southern, and CT Consultants will be closed.

Mr. Clark asked if the City of Bay Village is the billing agent for the entire loan with Westlake reimbursing Bay Village for their share. Mr. Galli stated that Mr. Clark is correct; Westlake will reimburse the City of Bay Village for their share of the zero percent loan.

Mr. Koomar asked if there are any other monies to be reimbursed to Bay Village. Mr. Galli stated that after all final payments are made, a final pay application will be submitted to the Ohio Public Works Commission for reimbursement. Finance Director Mahoney stated that the total cost of the project was \$1,542,498.00. The City of Bay Village has received \$1,030,000, which leaves approximately \$511,000 to be received from the Ohio Public Works Commission.

Mr. Tadych asked if the City of Bay Village will bill the City of Westlake for reimbursement of their portion. Mrs. Mahoney stated that she will talk to the Finance Director of Westlake to see if he would like a bill or will just send his payment. He may choose to pay the whole amount of reimbursement due in one payment, or yearly in installments. The loan agreement is for a period of ten years and payment does not start until six months after the project is officially closed.

Mr. Clark confirmed with Mrs. Mahoney that the \$511,000 being billed to the Ohio Public Works Commission will close out the contract, and the advances can be reimbursed back to the Infrastructure Improvement Fund.

### **Report of Municipal Income Tax Collections and Report of Health Care Costs**

**Mr. Clark** advised that Finance Director Mahoney has distributed the report of Municipal Income Tax Collections and Report of Health Care Costs as of the end of April, 2013.

Mrs. Mahoney stated that municipal income tax collections are up by 12%, but health care costs are also up 12%. Mr. Clark noted that this is the most favorable April the city has ever experienced in municipal income tax collections.

Mr. Koomar stated that at the recent Finance Committee meeting there was discussion concerning the calculation of dollars relative to the overtime bank for safety forces. Mrs. Mahoney stated that this work is still in progress.

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

**Extension of 60 days for Planning Commission review of St. Raphael's Catholic Church application for Phase 2 of expansion of facilities- Application will expire June 1, 2013.**

**Mr. Lee** advised that the application for planning review of St. Raphael's Phase 2 project for the expansion of worship space and building a new community room will expire on June 1, 2013. A public hearing was held on May 1 and the matter has been referred to the Board of Zoning Appeals for a height variance, and to the Architectural Board of Review for recommendations.

The Planning, Zoning, Public Grounds and Buildings Committee met on April 25, 2013. The committee discussed the three oldest items on the Matters Pending before Council Committee list for the Planning and Zoning Committee: Amendment of the Thoroughfare Plan, the Cahoon Memorial Park Information Sign, and Section 1158 Attached Residence District.

Regarding the Amendment to the Thoroughfare Plan, looking back at minutes it appears that this matter has been on the list since the Master Plan was updated in 1999 and there has not been activity by a Committee of the Whole or the Planning and Zoning Committee for many years on the issue. The Planning Commission did review the Thoroughfare Plan in 2004 and 2005, but there has not been activity since then. Mr. Lee will propose a motion to remove the Amendment of the Thoroughfare Plan from the Matters Pending before Council list. If something specific comes up in the future, it can always be put back on the list.

With respect to the Cahoon Memorial Park Information Sign, the committee agreed to gather some proposed designs and cost estimates to bring back to the Council. If consensus is available on a design, funds can be appropriated in the 2014 budget for that project.

In regard to Section 1158, there has been a lot of discussion on that section over the years. The section has not been modified since 1974, but there have been many committee meetings and discussions regarding modifications. Mr. Lee will work with Law Director Ebert to get a mark-up of the revisions of the section for the committee review and discuss modifications going forward.

The Community House Restoration Budget and Fact Finding matter that was put on the Matters Pending before Council in March of 2012 was also discussed. The committee would like to pull together all of the studies that have been done on the Community House over the last several years and see if the project can be moved forward in 2013, putting together plans and cost estimates for renovations to that facility.

Mr. Koomar noted that he attended the public hearing relative to the expansion of St. Raphael's Church. The question of many residents was the parking analysis. The applicant has documented compliance with the parking requirements but at that time there was not confirmation by anyone from the city or the Planning Commission whether that work has been done on the city side. It is assumed that the numbers will match. Mr. Koomar asked Mr. Galli if that parking analysis has been done by the city yet. Mr. Galli stated that he was waiting for SAFEbuilt to come in and get involved in the project. Mr. Galli will meet with SAFEbuilt to conduct that analysis. Mr. Koomar stated that if the project is going to the Board of Zoning Appeals for variances, it would be appreciated if that work could be accomplished by SAFEbuilt to be sure that all is in order.

## **RECREATION & PARK IMPROVEMENT COMMITTEE-Lieske**

### **Disc Golf Installation in Cahoon Memorial Park**

Mrs. Lieske stated that she is delighted that the Disc Golf Installation in Cahoon Memorial Park is on the agenda this evening for the trustees as a motion. The Recreation and Parks Improvement Committee heard last week from Mr. Kuh that the group has raised in excess of the amount they needed to purchase the materials. They have received \$3,500 in donations and that is in excess of the \$3,100.45 they need. There seems to be a lot of enthusiasm, interest, and support to move this forward. The recommendation of the committee is to move forward with the Disc Golf program.

Mr. Lee asked if there is maintenance required for the baskets and the launching pad areas. Mr. Kuh stated that the baskets are made out of galvanized steel, and the longevity is significant. Mr. Kuh has not directly asked the company how long they last before replacement, but it is not a heavy wear activity. There is a plastic disc hitting the steel. Even with heavy use, it would be expected that the basket would last. The only maintenance would be if they needed to be removed by the Service Department for landscaping work. Removable baskets are being purchased so that would be possible. The tees are a four-by-four in the ground with a sign in the front and a four-by-four in the ground with a line. In the future, there may be a request to put in a four-by-eight cement tee area with a cement pad. That could potentially need something for the concrete. At this point, the expectation is to put a railroad tie at the line and mulch. There is no special mowing or annual painting required. The layout does not hinder the sledding hill in the winter months, and does not interfere with track or cross country runners.

### **Green Team donation of bicycle rack for placement by Dover Center Road Tennis Courts**

**Mrs. Lieske** asked if this bicycle rack donation needs to go forward with some other type of review given the fact that it is in the park and to be consistent with signage in the park.

Mr. Galli stated that the Green Team came to him with a source for bicycle racks that is more of an art form and they would like to install a rack near the tennis courts. Mr. Galli stated that he has no objection to the proposal, and thinks it would be very interesting. Mrs. Lieske noted that the rack is designed to go along with the sport of tennis. Mr. Galli stated that there never has been a bicycle rack at the courts, and there is always a group of bicycles at the southwest corner.

Mr. Pat McGannon stated that this effort is a collaboration of the Green Team, the Village Bicycle Cooperative, and the Bay Bike and Skate Park Foundation. Rustbelt Welding is well known in the area for making artistic bike racks. An example of their creative bike racks are in use in the Ohio City area. They include the spelling out of the words "Ohio City" in script, and the word "bike" in metal plates next to the West Side Market. The team thought it made sense, from a sustainability standpoint, to use a local manufacturer rather than having a bike rack purchased outside of our area.

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Mr. Clark asked how many bicycles will be able to be affixed to the bike rack. Mr. McGannon stated that on the “bouncing ball” model, six bicycles can be attached. Mr. Clark questioned whether there might be a need for a second rack. Mr. Galli stated that on the west side of the courts there is a concrete pad for bleachers. A storage barn will be put up at the northwest end of the courts. There would be enough room for three of the bike racks. The chain link fence around the tennis courts will be black. Mr. Kuh stated that initial plans are for a stainless steel, powder coated rack. There is the ability to have a color applied. Mr. McGannon stated that the tennis racket handle of one design and the tennis ball on the other design will be painted. Mr. McGannon stated that they prefer the rack with the bouncing ball design. Mr. Kuh noted that people using the bicycle racks always find creative ways to attach bicycles beyond the design capacity.

Mr. Koomar asked Mr. Enovitch if there is adequate space between the proposed area of installation and the ballfield. Mr. Enovitch stated that there is plenty of space.

Mr. John Suter stated that since this is as much a sculpture as a functional item, should it not go to the Architectural Board of Review? Mr. Ebert stated that he does not believe a bike rack should go to the Architectural Board of Review. The Architectural Board of Review is supposed to entertain signage, not something like a bike rack. Mr. Galli and Mr. Enovitch will confer regarding placement as this moves forward. Mr. Galli stated that the colors of the tennis courts are going to be the new United States Tennis Association colors: dark blue and darker green.

Mr. Lee asked if there will be any cost to the city for the bike rack with this design. Mr. Galli stated that they have entertained that, because there is money in the budget that can be contributed. Mrs. Lieske stated that if the Green Team is offering the donation of a bicycle rack, why would the city need to contribute any money in the budget for that purpose. Mr. Koomar stated that there is need for a cement base and additional costs for installation. The cost of the bike rack being donated is \$1,300.

Mr. Koomar stated that what he is hearing from the Council and Trustees is that conceptually this is an interesting idea and the next step may be to come back with something in terms of color scheme and more detail for a harder look. Mr. Kuh stated that another alternative would be making sure the color scheme works within the colors of the United States Tennis Association. Mayor Sutherland expressed favor with moving ahead. Mr. Clark stated that it is a great collaboration and every confidence must be placed in the group to match up the colors and move ahead. Mr. Tadych expressed agreement to move ahead. Mr. Lee asked where the bike rack will sit in relation to the tennis courts. Mr. Galli stated that it will be placed on the west side of the courts. There will be an area on the south side of the tennis courts that will accommodate a walkway off of Dover Center. Mr. Tadych stated that it would be fun if the rack would be out in the open, just because of how it is going to look. Mr. Koomar summarized that the donation will be accepted, installation will be a collaboration of Mr. Galli and Mr. Enovitch, colors are to coincide with the United States Tennis Association colors, and the city will agree to install the base and the rack.

### **Contract with Soft Drink Company**

**Recreation Director Enovitch** reported that two proposals have been received, one from Pepsi Cola Company and one from Coca Cola Company. The Coca Cola Company proposal is the more lucrative of the two proposals. The amount of \$2,000 per year will be paid to the city, as well as a \$4.00 rebate on each case that is sold, and 30% commission on the gross sales through the vending machines. Five hundred fifty to six hundred cases are typically sold. The soft drink company stocks the machines, free of charge. Vending machines will be located at Reese Park, Hartman Field, Cahoon Memorial Park, and the Bradley Road Park.

This will be a five year contract. A five year contract with Coca Cola has just been completed. In initial discussion with both companies, Mr. Enovitch asked about a shorter agreement. Neither company offers that option.

Mr. John Suter asked where the funds from the vending machines are deposited. He was informed that the funds are allocated to the Parks and Recreation Fund.

Mr. Tadych asked Finance Director Mahoney to advise how much money was received last year from the vending machines.

Mr. Clark stated that his question is that the Coca Cola Company is entitled to a four percent increase each year but our sponsorship level remains the same. Is there any chance that the \$2,000 received by the city could go up by four percent, or some percentage, each year? Mr. Clark noted that four percent is not a small number; it doubles the cost of inflation and unless you ask the question on sponsorship dollars.... \$2,000 is nice but it sticks for five years. He would suggest it would be a nice trade-off of instead of going three years to go five years and get something from that.

Mayor Sutherland asked if there would ever be a point of being able to offer healthy alternatives. Mr. Enovitch stated that there will be healthy alternatives. That is why these contracts are not as lucrative as they have been in the past, because of the trend of going to a healthier beverage.

Mrs. Lieske stated that she emailed Clint Keener, Superintendent of Schools, today to ask about their beverage agreement. The schools also use Coca Cola, but it is different when selling things in the schools compared to here. Picking up on what the Mayor said regarding an alternative beverage, they do have some things like that spelled out. They receive \$5,000 per year sponsorship. Mrs. Lieske was curious about the quantity because the city has a pool where a lot more would be sold, and it did not seem that \$2,000 was very much.

Mr. Enovitch stated that he is sure the school's volume of beverage sales is much greater than the city's. Recreation is doing a twelve-week concession stand versus a nine-month facility. The Mayor noted that there are sales by the schools during all of the sporting events. Mr. Clark noted that the Coca Cola money was used to pay for the sign board at the Board of Education building.

Mr. John Suter asked Mr. Ebert if there is anything that would prevent the city from combining with the school system for a better contract. Mr. Ebert said there is not anything that would

prevent that, as long as the schools would be willing to share their more lucrative contract. Mr. Suter asked if anyone has approached the schools. Mrs. Lieske stated that she just asked for the contract today. The schools contract provides for \$5,000 per year and a small difference in the rebate for the cases. The contract does spell out the alternatives. Much of the wording is identical.

Mr. Enovitch stated that he did talk to the schools about their contract with Coca Cola. They are one year into their contract.

Mr. Lee asked their case volume annually.

Mr. Tadych asked how this contract differs from the last contract with Coca Cola. Mr. Enovitch stated that in 2008 we were at 3000 cases per year, but with no rebate on the cases sold. The commission of 30% on vending machine sales is the same.

Mr. Koomar asked Mr. Enovitch to follow up on the questions posed by Councilwoman Lieske this evening concerning the contracts. He noted that with the schools' contract being one year in place at this time, it might be difficult to join with them, but from a timing standpoint we may be able to set the stage for a future renewal. Mr. Clark noted that we may be able to have a four-year contract at this time that would end at the same time as the schools' contract.

Mr. Clark asked Mr. Enovitch his deadline for execution of a beverage contract. Mr. Enovitch stated that it should be done as soon as possible in order to make the purchases for the pool concession stand. The pool opens June 1. A copy of the schools' contract will be forwarded to City Council.

Mrs. Lieske asked if it would be possible to receive a copy of the Pepsi Cola Company proposal. Mr. Enovitch will send that copy to the Recreation and Parks Improvement Committee. Mr. Clark noted the need to work actively since the pool will open in two weeks.

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

### **Cooperative Purchasing Agreement with the Ohio Department of Transportation (ODOT)**

Mr. Tadych stated that this is a renewal of the Cooperative Purchasing Agreement with ODOT. The last contract was introduced by Mr. Koomar two years ago. It is a standard agreement, which benefits the city in many ways, especially in the cost of vehicles and equipment. The resolution for renewal will be placed on the Council Regular Meeting agenda of March 20, 2013.

## **MISCELLANEOUS**

### **Dover Center Road Tennis Courts**

Mr. Koomar stated that he did see a low spot or two in the tennis courts. He asked if this will be rectified in the final coating. Mr. Galli stated that this has been addressed. Fencing installation will begin this week. When completed, fabric will begin to be installed. By the week of May

20, the fencing and net post installation will be completed. The temporary sidewalk will be pulled out and cleaned, and the tree lawn cleaned.

### **Section 1158 (continued)**

Mr. Tadych addressed Mr. Lee and volunteered to assist him with reviewing any discussion that was held by Mr. Tadych and his committee regarding Section 1158 during the years it was before his committee. Mr. Ebert stated that this would be very beneficial. Mr. Tadych noted that hours and hours were spent by many people. There were also public meetings involved. Mr. Koomar asked Mr. Tadych to give Mr. Lee some guidance, along with Mr. Ebert, to decide how he would like it presented. Mr. Ebert noted that the last motion by Council was to agree to disagree and move on.

### **Yard Waste Collection**

Mr. Clark asked the Mayor if there is an update on the request to move yard waste collection to begin April 1, rather than April 15. Mayor Sutherland stated that the agreement has been achieved to begin yard waste collection on April 1 each year.

The Mayor noted that there was also an announcement in today's email blast of the expansion of recycling materials. BFI will now take Plastics 1 through 7. Sorting is not required.

Mr. Tadych asked if something can be done to instruct residents not to put out their garbage too far ahead of time. The first time that garbage can be placed out for next day collection is 5 p.m. Complaints are being received that neighbors are putting out their trash as early as morning hours the day prior to collection.

Mr. Lee asked if Styrofoam is included in recycling collections. It is not included.

Mrs. Fink stated that she has been informed that St. Raphael's is no longer taking cardboard. She asked where large pieces of cardboard can be recycled. Mr. Pat McGannon stated that St. Barnabas has a recycling drop off for cardboard. Mr. Kuh noted that it can also be recycled at the Bay Middle School.

### **ANNOUNCEMENTS**

**Mayor Sutherland** stated that she got a very nice email from Brian Cruse regarding the huge success of the After Prom. The After Prom was held at the Bay Middle School this year, for the first time in place of the high school location. Mr. Cruse specifically expressed appreciation to Recreation Director Enovitch, Police Lieutenant Holliday, Service Director Galli, and John Cheatham from SAFEbuilt. Everyone was involved in inspecting the After Prom decorations to make sure they were all safe. Mr. Cruse also recognized Lieutenant Dave Stump from the Bay Village Fire Department. Mayor Sutherland stated it was a great team effort, everything worked out, and the kids loved it.

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The meeting adjourned temporarily for a meeting of the Cahoon Memorial Park Trustees at 8:12 p.m., and reconvened at 8:13 p.m.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to convene to Executive Session regarding contract (SAFEbuilt lease), labor contracts (Police, Fire, Service, Admin.) and litigation (Ohio Citizens Action Group).

Roll Call Vote: Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych. Nays- None. Motion passed 6-0.

The Executive Session was held after the following presentation:

## **COMMITTEE OF THE WHOLE**

### **Presentation by Andrew Brickman regarding proposed property development**

President of Council Koomar introduced Mr. Andrew Brickman and Justin Campbell of Abode, Modern Lifestyle Developers, who have recently developed property in Rocky River, Ohio. He stated that they have come to Council this evening to give a brief overview of some of their efforts.

Mr. Brickman gave a presentation of their company's history and what they hope to develop in Bay Village with the properties for which they are currently negotiating. A visual presentation was given of properties they have redeveloped in Lakewood, Rocky River, Cleveland Heights, and Little Italy.

From the City of Bay Village, they will ask for rezoning of the properties they are looking at now. They would like to develop between 20 and 25 high-end town homes, similar to the other projects they have developed. In order to be able to sell the homes, they will need the participation from the city in the form of tax abatement, or some other economic assistance.

Mr. Brickman explained a tax abatement that they received in the City of Lakewood. The tax abatement is only on the increased value in the new homes. The current tax base that was in place on the three homes that they tore down stays in place so there is no decrease or loss to the city at all in terms of the real estate taxes they are collecting. The future value, when the tax abatement expires, is about \$11 million on the project. The city will then be the beneficiary of the increased value, and during the time of the abatement they will basically be tax neutral, with the exception of the additional income taxes that they will be collecting from the 22 families that will be living there. He stated that this is the type of abatement they will be looking for from the City of Bay Village. Price points for the homes are from \$400,000 to \$700,000. With the tax abatement in place, a mortgage payment would be in the area of \$1,700 to \$2,500 per month.

Mr. Miller asked what it is about the architecture of the homes that specifies the value of the price points. Mr. Brickman stated that it is the clear span construction, no maintenance materials, and square footage of the homes.

Mr. Brickman gave a visual overview of the property they are considering in Bay Village. The small house on the corner of Cahoon and Wolf Roads may or may not be purchased. The property to the south of that, the Dino Lustri property will need to be rezoned. The property on the other side of the creek is owned by the Goodman's and does not need to be rezoned. They envision twelve town homes on the Lustri property, and on the Goodman property twelve to fourteen homes. The homes would be two bedrooms, with two-and-one-half baths, with an extra room, a roof top deck and patio. The homes would range in size from 1800 square feet to 3000 square feet. Price point with tax abatement would be in the low to mid \$300,000 range.

The property will be purchased after it is rezoned and there is a commitment from Bay Village for economic assistance.

Mr. Tadych asked if geo-thermal systems will be included in the homes. Mr. Brickman stated that they are looking at that possibility. Solar is too expensive and wind in this location will not generate anything. The geo-thermal system costs \$30,000 per unit. It is a large expense up front that is difficult to translate into a sales price.

Mr. Koomar asked the type of architecture envisioned for the Bay Village homes. Mr. Brickman stated that they would incorporate the clear span construction. Clear span means that none of the interior walls are load bearing so that floor plans can be designed to suit lifestyles. Something modern with a warmer, craftsman feel will work in Bay Village. There are no limitations as to what can be done on the inside. Interior decorators provide free interior design service. The company also has a charitable partners program. Anyone that buys in one of their communities and makes a charitable contribution to a non-profit will have their contribution matched up to a certain amount.

Mr. Suter asked if the rezoning of the west side of the project is unsuccessful, would the company still go ahead with the east side of the project. Mr. Brickman stated that they might, but it is just as much work to do a project of 10 to 15 as it is 25 to 30 homes. They are hoping for the rezoning.

Mr. Majewski asked if they are looking for rezoning to attached residence, or would these homes be stand-alone units. Mr. Brickman stated that some will be attached and some will be stand-alone.

Mr. Miller noted that properties reviewed this evening by Mr. Brickman are on an edge. He asked if there is a property they have developed that has a community aspect, more so than just an edge. Mr. Brickman stated that Clifton Point has a community garden and a community gazebo to establish the community aspect. At Eleven River they are docking a barge and filling it with sand and a swimming pool as a community asset.

Mr. Brickman and Mr. Campbell were thanked for their presentation this evening.

The Council then convened to Executive Session. Also present in Executive Session were Mayor Sutherland, Law Director Ebert and Finance Director Mahoney. Council reconvened in an open meeting at 9:46 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller, Tadych.

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There being no further business to discuss, the meeting adjourned at 9:47 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council