

## CITY OF BAY VILLAGE

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

June 3, 2013

Paul A. Koomar, President of Council, presiding

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

Others

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

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, Mr. Koomar advised that at 8 p.m. Jim Kettren Manager of BayComm, and Tricia Granfors, of the Westshore Regional CERT (Community Emergency Response Team) will address Council and the audience regarding their work in preparation of responding to emergency events.

Law Director Ebert advised Council that Colin Dean of McGowan Insurance Agency has recommended that OneBeacon Insurance Group has presented a proposal to provide property and casualty insurance to the City of Bay Village for a period of one year, with an increase of only \$3,000 over last year's premium. Mr. Ebert has received high recommendations of OneBeacon Insurance Group. He noted that the existing provider, Travelers Insurance Company, has offered a proposal that would increase the premium by \$70,000. Councilman Lee added that Mr. Dean has informed Mr. Ebert that the coverage offered by OneBeacon Insurance Group is apples-to-apples comparable to the coverage by Travelers. Mr. Lee noted that the deductible clause for vehicles is lower, and the premium for vehicles is so low that by adjusting the deductible up there would be no additional savings. Mr. Lee stated that Mr. Dean has asked for a current list of vehicles. He noted as well that the only downside to accepting the offer of OneBeacon Insurance Group is that it is unlikely that Travelers would come back to Bay Village in the future. Considering the high bid of Travelers, this is not considered a negative factor.

A special meeting will follow the committee session on June 10, 2013, to award the contract to OneBeacon Insurance Group for property and casualty insurance for the City of Bay Village for a period of one year.

Mr. Clark asked why OneBeacon Insurance Group had never offered a proposal in the past. Mr. Ebert stated that this is the first time they have been in the Ohio market. Argonaut Insurance, who covers the City of Westlake, did not offer a proposal to the City of Bay Village. Mr. Lee noted that OneBeacon Insurance Group has been in business for at least 100 years and has been in the municipal market for six or seven of those years.

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Mayor Sutherland advised that the Westshore Enforcement Bureau annual report is available for review. Mrs. Lieske asked if copies could be provided to Council in their weekly packet. Mayor Sutherland will provide those copies to Council.

Commenting on Ordinance No. 13-17 enacting new Codified Ordinance Chapter 721, Peddlers, Solicitors and Canvassers, Law Director Ebert advised that a current copy of the ordinance provided separates the peddlers and solicitors from the canvassers. Canvassers can canvass between the hours of 9 a.m. and 8 p.m., Monday through Saturday, and between the hours of 12 Noon and 5 p.m. on Sundays. They shall not canvass on legal state or federal holidays. Solicitors will be subject to the hours of 9 a.m. to 7 p.m., Monday through Saturday only. There shall be no peddling on Sundays or legal state or federal holidays. Canvassers shall notify the Division of Police before seeking to obtain or influence the opinions of residents. Canvassers shall provide the Police Department with his or her name, address, name and address of the organization they represent, respective dates, times and specific locations of where the canvassing will be performed. The notification provision was recommended by the Ohio Citizens Action Group. The ordinance will be placed on second reading, as amended, at the regular meeting of Council this evening.

A Do-Not-Knock rule will be implemented but will only apply to peddlers and solicitors. The Do-Not-Knock registration will be available on the city's web site when the proper language is prepared for on-line registration. Councilman Lee noted that the draft as amended does not restrict the canvassers by the Do-Not-Knock list, similar to how the FCC Do-Not-Call Program works. That program does not restrict political calls or other organizations not selling. This is consistent with that program which has been around for a number of years.

Mr. Koomar reviewed the past process of offering a public hearing for the tax budget prior to the Council meeting at which the budget will be introduced. This process will be repeated this year.

Mr. Miller advised that a Public Improvements, Streets, Sewers and Drainage Committee meeting will be held on Thursday, June 6, 2013, at 5:30 p.m. to discuss the presentations and potential selection of one of the two firms that presented on May 15 regarding Sunset area improvements. The four representatives of the neighborhood have been notified of the meeting.

Mr. Lee advised that on May 18 he and Clerk of Council Kemper attended a Public Officials Training Seminar which was a partnership of the Cuyahoga County Council and the Cleveland State College of Urban Affairs. The topics covered that day were the Economic Work Force Development, Public Finance, Public Transparency and Communications, Ethics and Integrity, and Governance Roles and Responsibilities. Materials are available for anyone's use in the Clerk's office. Ms. Kemper also can provide the materials electronically. Mr. Lee stated that it was an excellent program.

Mrs. Lieske advised that she will schedule a Recreation and Parks Improvements Committee meeting in the next few weeks to continue the discussion that the committee had after the tour of the Community Gym. Mrs. Lieske had requested information from Rocky River, Westlake, and

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Avon Lake, in terms of their offerings. Mrs. Lieske stated that membership in the Rocky River Recreation Center is available for non-residents. Membership includes the indoor pools and the cardiovascular equipment and facility. The cost for non-residents is \$31.66 per month for the first adult in the family. Mayor Sutherland noted that this is subsidized by a great deal of tax dollars. Mrs. Lieske stated that if we are looking at things in terms of making information available for Bay residents as we go forward, especially with the closing of Five Seasons which included many Bay residents in their membership, this is a good offering for Bay people without the need for anyone to sponsor their membership. There are also facilities in Avon and Westlake. Mrs. Lieske stated that the purpose of gathering this information was to see what is out there for Bay residents since she has been receiving inquiries from residents about the Community Gym and other recreational amenities. She noted that there could be partnering opportunities possibly, with something Bay would have to offer.

Mr. Miller asked Director of Public Service Galli for an update on the top sealing of the Dover Center Road Tennis Courts.

Mr. Galli stated that the firm doing the work hoped to get out here today or tomorrow, but the temperatures are too cold. They have said that possibly the end of the week or the beginning of next they would be out. There are 5 days of work time plus one day to cure needed. Mr. Koomar asked if they will be out Wednesday or Thursday of this week, if there is no rain, and as the temperatures go back up. Mr. Koomar asked if they work on weekends, and Mr. Galli will check with them in that regard.

Mr. Miller asked if the delays have been solely due to weather. Mr. Galli stated that they are still not even to a 30-day window from the second surface application. There is a 14 to 30 day curing time required. Mr. Koomar stated that originally both surface applications were to be done last fall. Mr. Galli stated that if they would have had it done then it would have cured through the winter. Mr. Koomar asked if it was the weather last fall that precluded the laying of the second course of asphalt. Mr. Galli stated that the weather did preclude the laying of the last coat in the fall.

Mr. Lee asked for an update on the engineering for the Cahoon Road sewer and the Lake Road repaving projects.

Mr. Galli stated that the Cahoon Road Sewer Project was originally scheduled to open bids on Friday, May 31. Due to a number of questions and the holiday, the bid opening was extended to Wednesday, June 5. The Lake Road Repaving Project plans are completed and have been submitted to the Ohio Department of Transportation (ODOT) for review. Council will be asked to approve a motion to go out to bid for the project. It is expected that in the next two weeks those plans will be ready to go out to bid.

President of Council Koomar called the meeting to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Michael Young, Vice President of Council, and Councilman of Ward 4.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held May 20, 2013. Mr. Young **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0. Mr. Koomar called for a reading of the Minutes of the Meeting of the Cahoon Memorial Park Trustees held May 20, 2013. Mr. Young **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried. 7 yeas and 1 abstention (Mayor Sutherland).

## **ANNOUNCEMENTS**

**Mayor Sutherland** thanked Council for passing the resolution in opposition to House Bill 5. The Mayor stated that they have been working very hard with the state legislature on trying to come up with something that is good for businesses but not at the expense of the citizens. They have made tremendous progress. The Mayor will be back in Columbus on Monday and she is part of a leadership team meeting with the editorial board of *The Plain Dealer* on Tuesday, June 4.

The Mayor stated that the Cahoon Memorial Park Trustees received a nice letter from Cynthia Eakin, President of the Historical Society. The Service Department and Assistant Service Director Jim Sears were gratefully acknowledged by the Mayor for the work that they did at the Rose Hill Museum for damage that occurred over the winter. The Mayor noted that "Jim and the Service guys can just do anything."

Mayor Sutherland stated that she received a quick report from Howard Hanna regarding real estate in the Westshore communities for 2011 and 2012. Bay Village had a 37% increase in property sales during that time period. In comparison, Rocky River was at 34%, Westlake was at 9%. North Olmsted was at 44%; however, their average sale is about \$100,000 less than the average sale in Bay Village.

The Mayor further announced that Bay Village was rated No. 5 in Cleveland Magazine this year. What is interesting to note is that of the top five, four of the communities were Westshore communities.

May is a huge Bike-to-School month. The Mayor stated that she has participated in that event from the beginning. The representatives from Raleigh Bicycle come in every year. They presented the City of Bay Village a \$2,000 grant for anything they want to use for promoting bicycling. They also awarded \$1,000 to the schools. The Mayor expressed gratitude for the unexpected grant and will keep everyone posted as a plan is developed for the funds.

## **REPORTS**

**Law Director Ebert** stated that the work that the Service Department is doing on the pillars outside the entrance of city hall is remarkable. They are basically rebuilding city hall, section by section, and doing excellent work. The craftsmen that have been doing the work are to be complimented. Mayor Sutherland stated that this is the same in-house crew that did the renovation of the SAFEbuilt headquarters.

**Finance Director Mahoney** had no report this evening.

**Recreation Director Enovitch** announced that the Family Aquatic Center officially opened on Saturday, June 1, and will be open this week from 3 to 7 p.m., and on Friday, June 7 until 9 p.m. Normal hours will begin Saturday, June 8, 2013.

**Director of Public Service and Buildings Galli** advised that roofing contractors will be on site at city hall beginning Wednesday, June 5, and will be working through the weekend. Mayor Sutherland noted that the clock in the tower of city hall has been fixed. Operations Manager Landers found a company in Indianapolis that had replacement parts. The company has suggested updating the clock.

**Building Director Galli and Chief Building Official Cheatham** had no report this evening.

**Community Services Director** advised that a Fathers' Day Luncheon will be held on Wednesday, June 5 at the Dwyer Memorial Center. One does not have to be a father to attend, as long as one had a father. Registration is available with Ms. Bock.

**Police Chief Wright** had no report this evening.

**Fire Chief** reported that fire hydrant inspection testing season is officially over. Due to the efficient work of the firefighters this work has been accomplished more quickly than it has been in recent memory. There are hydrants that need work and a list of these hydrants has been sent to the Cleveland Water Department for consideration. Chief Lyons will provide the number of non-working hydrants to President of Council Koomar.

Chief Lyons further reported that the paramedics of the Bay Village Fire Department were able to save the life of another sudden heart attack victim last week.

## COMMUNICATIONS

The following communications were received and are on file in the Clerk of Council office for public inspection:

Letter dated May 24, 2013 from Cynthia Eakin, President, Bay Village Historical Society, thanking the Cahoon Memorial Park Trustees, Mr. Jim Sears, and the Bay Village Service Department, for accomplishing needed repairs to the Rose Hill Museum recently.

Notice from the League of Women Voters regarding a forum to be held Wednesday, June 19, at 7 p.m. at the Fairview Park Branch of the Cuyahoga County Library focusing on the factors involved in a merger of fire departments.

## AUDIENCE

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The following members of the audience signed in this evening: Jerrie Barnett, Marty Mace, Denny Wendell, Chrissy Morscher, Bob and Vicki Sprague, Michael Kraft, Dick Majewski, Jan Henderson, Carole Zeiders, Tricia Granfors, Eileen and Dennis Wilk, Deborah A. Chervenak, Bill Dague, Jeff Gallatin, Bruce Geiselman, Nancy Brown, Sue Fink.

Nancy Brown expressed congratulations on the \$2,000 grant that the city received. Ms. Brown asked if Council will be passing an ordinance to accept that grant.

A motion will be entertained to accept that grant at the next meeting of Council.

Ms. Brown stated that the Westshore Council of Governments was awarded a \$100,000 grant to be used for a continuous study for a fire district. Mayor Sutherland stated that this is correct, but she has only heard that from the media. They have not yet been formally informed from the State of Ohio.

Ms. Brown stated that in Executive Session this evening an item listed is Mayor Sutherland's compensation. Ms. Brown stated that in previous minutes, Mr. Koomar, Mr. Young and Mr. Tadych, discussed the Mayor's compensation in public, and asked why it is being discussed in Executive Session this evening. The Mayor and Council are not members of a union, and this should be a public matter.

Mr. Koomar stated that as a personnel matter of the Mayor and Council it was slated for Executive Session, but it will be discussed in public as well on June 10, 2013.

Mr. Ebert stated that this issue is brought up every four years because in order for compensation for the Mayor and/or Council to be increased it has to be done prior to the filing deadline for the Council and the Mayor, which is June 12, 2013. If any changes are to be made, they must be made prior to the filing deadline. It will be discussed publicly. The City of Rocky River and other cities have addressed the issue, and the City of Bay Village has to follow suit if they are going to do anything, or even nothing.

Chrissy Morscher, 27902 West Oakland, read a letter on behalf of her neighbor, Conda Boyd, 27896 West Oakland, who was unable to be present this evening. Ms. Boyd's letter stated that she was stressed to learn that consideration was being given to expand the Community Gym Weight/Cardio Facility, and noting that the local market is saturated with better work-out options. It would be throwing good money after bad to ramp up our poorly utilized facility in the hope of accommodating just a few citizens. Ms. Boyd's letter expressed further distress at the cost of the expansion as well as the cost of storing the athletic equipment that would be displaced from the balcony. In 2009, the school district wanted to build a shed at the Middle School's southwest corner because they were running out of room to store athletic equipment. The Planning Commission rightly ruled that the proposed framed structure would blight the façade of the \$22 million school building. The school district abandoned the plan and the equipment is stored in the community gym balcony. Ms. Boyd will hold the Council accountable for recognizing that if they expand the exercise facility the taxpayers will foot a second bill to store

the equipment. Council will also be held responsible for making sure there is enough money allocated for the storage so that the city is not faced with an eyesore.

## **COMMITTEE OF THE WHOLE**

Mr. Koomar advised that he invited Tricia Granfors to speak about the Westshore Regional Community Emergency Response Team (CERT). This is an opportunity for residents to get involved. Tricia recommended that when her presentation is complete, Mr. Jim Kettren, Operations Manager of the BayComm, will present an update on the Neighborhood Ambassador Program.

Tricia Granfors advised that she works for the City of North Olmsted and as Coordinator for the Westshore Regional CERT she works under Mayor Sutherland and the Westshore Council of Governments. The CERT program started in southern California. With all their natural disasters they found that residents were often left alone or cut-off from emergency services for a long period of time. The point was to teach them to prepare for disasters common in their area, how to respond to them, and how to respond to other situations that may occur during that time. This allows the professional responders to be on the front lines while the CERT volunteers take care of social and community issues on the backlines, helping communities recover that much quicker. The Office of Federal Emergency Management (FEMA) thought this program was a great idea, and the CERT program is now nationwide.

Training for the CERT program covers 20 hours for disaster preparedness, fire safety, medical modules, disaster psychology, light search and rescue, damage assessment, first aid, documentation, communications, shelter management, security, life safety, incident stabilization, and property conservation, with the objective of doing the greatest good for the greatest number of people. Training is open to all Westshore residents, comprising the Cities of Bay Village, Fairview Park, Lakewood, North Olmsted, Rocky River, and Westlake. It is not necessary to join the team to take the training. The training is free. There are two classes per year. The next class will be in the month of October and the first Saturday of November, on Saturday mornings from 8 a.m. to 12:30 p.m. There are over 280 people on the Westshore Team, but more than 600 people have been trained.

A copy of the Westshore Regional Community Emergency Response Team Annual Report for the Year 2012 is attached to the original copy of these minutes.

Mayor Sutherland thanked Tricia Granfors and Jim Kettren for their participation on the Emergency Communications Task Force. The Mayor noted that they are working very diligently on implementing most of the suggestions.

Mr. Koomar asked if there is on-going training after the October training previously mentioned. Ms. Granfors stated that additional training for members will be held for five week periods, two modules per day, on Saturday mornings. Team members must be over 18 years of age, pass a back-ground check, and complete the 20 hours of training. Team members range in age from 18

to 80-somethings. Meetings are held every other month; training is included in the meetings. Members are able to work with professional responders as volunteer victims.

Mayor Sutherland noted that the Emergency Response Booklet has been updated and is posted on the City of Bay Village website. The website posting includes links to CERT, information from FEMA, and links to other organizations that provide valuable information. The CERT website can be accessed at [www.westshorecert.org](http://www.westshorecert.org). Tricia Granfors can be reached at 440-716-4135, or [granforst@north-olmsted.com](mailto:granforst@north-olmsted.com).

Nancy Brown asked Tricia Granfors to explain how CERT is activated. Ms. Granfors stated that it is great news by Cuyahoga County that they have a county-wide Reverse 9-1-1 system, and it is hoped that all responder groups will be on that system eventually. Ms. Granfors and all of the Police Chiefs and dispatch centers can go to any phone and activate the team. They put a message on the phone which goes out to all members with activation details.

**Jim Kettren, BayComm Operations Manager**, advised that he has been a resident of the City of Bay Village for the last 27 years. He began the BayComm group approximately one year ago. BayComm is a disaster preparedness radio group made up of residents of the Westshore suburbs. Mr. Kettren advised of his experience in the field of law enforcement for the last 40 years, as well as his degrees in Criminal Justice and Business Management. He noted that he is passionate about security and communications. Mr. Kettren has been a CB radio operator since 1970, and a HAM radio operator for the past 17 years. He explained the three types of radios available to private citizens. The CB radio has a ten mile range, does not require a license and has been chosen as the mode of communications for the group. BayComm is a group of people from all walks of life, and of all ages. They bring unique skills to the group and it forms a network of communications amongst residents and allows families to be able to communicate with one another in a time of emergency. They operate on one very closely guarded frequency, and have various plans in place on how and where to meet during an emergency. Many of the BayComm members have become CERT members, and vice-versa.

The Neighborhood Ambassador Program concept includes putting out a call to each street or neighborhood for an individual to act as an ambassador for that particular watch area. A Neighborhood Ambassador would be the person on the street that everybody turns to because that person knows everybody and is always willing to help. The people that would be part of his group would be called on to support the efforts of a Neighborhood Ambassador. The Ambassador would be signed up in the program, and put in the data base which would be maintained by the Ambassadors' group, first responders, and city officials. Neighborhood Ambassadors will be required to purchase a radio, in the area of \$150 to \$400. The members of the particular group could take up a collection to raise the funds for the purchase. The Neighborhood Ambassador would be given a specific identification number. They would be asked to practice communications with BayComm on a weekly basis, would attend monthly meetings, and encouraged to take certain training. During an emergency, they would check on neighbors, report the needs to BayComm members and the city safety force, and set up communal groups to provide assistance to one another.

Mr. Kettren recommended that a Town Hall meeting be held inviting interested residents to attend. To have full coverage in the entire City of Bay Village would require 200 Neighborhood Ambassadors. This will be an all-volunteer organization, with no cost to the city except for the time that city employees choose to put in to support the program. Mr. Kettren suggested that the organization be started immediately. Mr. Kettren can be reached at Jim.kettren@hyland.com.

Mr. Koomar thanked Mr. Kettren and Ms. Granfors for their time and presentations.

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

**Mr. Clark read Ordinance No. 13-17, amending by reading,** enacting new Codified Ordinance Chapter 721, Peddlers, Solicitors, and Canvassers, and declaring an emergency. The following are the amendments by reading:

Section 721.03 (f) “Any canvasser shall notify the Division of Police before obtaining or seeking to obtain or influencing the opinions of the residents of the City. Any canvasser shall provide the Division of Police in writing with his or her name and address, the name and address of organization represented and the dates, times and particular locations where canvassing is to be performed. No fee shall be charged for the notification of any canvasser. Any notification hereunder shall be valid for not more than one year.”

Section 721.05 (a) “Canvassers subject to the provisions of this Chapter may canvass only between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between the hours of 12:00 p.m. and 5:00 p.m. on Sunday; no such person shall canvass on any legal State or Federal Holiday.”

Section 721.05(b) “Solicitors or Peddlers subject to the provisions of this Chapter may solicit or peddle only between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday respectively; no such person shall peddle or solicit on Sunday or any legal State or Federal Holiday.”

Section 721.08 “DO NOT KNOCK REGISTRY” Mr. Ebert advised that this is new to the original ordinance and applies to peddlers and solicitors only; it does not apply to canvassers.

**Ordinance No. 13-17, as amended, is moved to Second Reading.**

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

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

#### **FINANCE & CLAIMS COMMITTEE**

**Mr. Young** announced that a meeting of the Finance and Claims Committee will be held at 7:30 a.m. on Monday, June 10, 2013, in the conference room of city hall. The 2014 Tax Budget will be on the agenda that morning.

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

**Mr. Lee** announced that a meeting of the Planning, Zoning, Public Grounds and Buildings Committee will be held Monday, June 10 at 6 p.m. in the city hall conference room.

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

**Mrs. Lieske** stated that a meeting of the Recreation and Parks Improvements Committee will be set prior to Council's summer recess. In the Council Caucus session earlier this evening, Mr. Galli provided clarification about the remaining work to be done on the Dover Center Road Tennis Courts.

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

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

#### **MISCELLANEOUS**

**Motion by Young** to recess regular meetings of Council for the months of July and August in accordance with Section 2.10 of the Bay Village City Charter subject to special meetings being called as necessary.

**Motion passed 7-0.**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Young **MOVED to** convene to Executive Session regarding labor contracts (Police, Fire, Service, and Admin.), Personnel (Mayor and Council compensation) and litigation (Ohio Citizens Action Group, Inglefield).

**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, Finance Director Mahoney.

Council reconvened in an open meeting at 9:25 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.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council