

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:15 p.m.

July 15, 2013

Paul A. Koomar, President of Council, Presiding

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

Absent: Mayor Sutherland, Mr. Young

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Galli, Operations Manager Landers

Prior to calling the meeting to order, Mr. Koomar reviewed the agenda with Council. During the review, Mr. Lee advised that Ordinance No. 13-56 and Ordinance No. 13-57 are listed for second reading on the agenda this evening. Modified versions have been provided to Council in their packets, adding a fifth parcel. Mr. Ebert stated that Council must decide if they wish to add this fifth parcel to the ordinance, amending by reading. Mr. Koomar asked Mr. Ebert to provide Council with an update on the proposed addition of this fifth parcel.

Mr. Ebert stated that Der Tung and An Shyh Yuan, 495 Cahoon Road, owners of Permanent Parcel No. 203-09-021 have requested their parcel to be included in the rezoning. A map of the parcel was included in the information provided to Council. The issue is to whether Council wants to include this in the proposed rezoning.

Mr. Koomar stated that technically Council could amend the ordinance by reading. It was intended to be a discussion item prior to amendment. Mr. Ebert stated that the Ordinance 13-56 could be moved to second reading as amended. Mr. Koomar stated that the parcel is long and narrow, and doesn't seem like it would add much to any proposed development. Mr. Ebert stated that it adds to the development of the property, according to a conversation with John Cheatham of SAFEbuilt, and to Mr. Galli, Director of Public Service and Properties. The property should be included to make the development more attractive for economic development. Mr. Tadych stated that there is a safety issue that could be involved in that as well. Mr. Ebert stated that this proposal to include the fifth parcel came late Thursday, July 11, 2013. Mr. Young received the original call. Verification from the county regarding the parcel did not arrive until Friday, July 12. Mr. Ebert suggested moving the ordinance to Second Reading, as amended. Mr. Clark stated that he would concur only because of the entirety of the piece of the property, which is a relatively small parcel. If there could be buffering and safety issues that could be beneficial, there is nothing adverse to adding the parcel.

Mrs. Fink, from the audience, asked if the property owner to the south of Parcel No. 203-09-021 has been notified of the inclusion of the parcel in the rezoning measure. Mr. Miller stated that if the property owner had not requested to be a part of this rezoning offering, they would have had the rezoned property next to them. If next week we get a phone call from the next property and

Special Meeting of Council
July 15, 2013

they want to be part of the rezoning, it is completely up to the property owner to make that decision for their property. Mr. Koomar stated that we would absolutely notify the adjoining property owner to the south of the additional parcel and let them know that there will be a meeting next Monday, July 22, 2013. When the Middle School was built the Community Gym was added and a second notification was sent to the residents. We will do the same here. Mr. Koomar asked the Law Department to notify the adjoining property owner to the south of Parcel No. 203-09-021.

Mr. Clark reviewed the amended appropriation ordinance he will introduce at the meeting this evening. He noted that there will be minor changes made to the appropriations with this amendment. The total sum difference will be adding \$745. The other changes are transfers which are net zero against accounts. The ordinance was discussed in Finance Committee meeting last week.

A motion will be introduced this evening authorizing Service Director Galli to submit an application for a grant to the Ohio Department of Natural Resources Division of Forestry for the abatement of Emerald Ash Borer infested trees. Service Director Galli stated that the city arborists have found this opportunity for a 50/50 grant. The city can use their in-kind service for the 50% portion. A decision of the Division of Forestry will be made by September as to the grant award. There are a number of Ash Trees on public property that need to be addressed. Mr. Galli will submit a report on the number of trees and location to Council. Mr. Tadych asked if Mr. Galli is referencing removal of the trees by using the term "abatement." Mr. Galli stated that this would be removal of the trees. There are many trees that are dying. Some have already been taken down. The trees removed will be replaced with something appropriate.

Mr. Koomar called the Special Meeting of Council to order at 8:15 p.m. in the Council Chambers with the Pledge of Allegiance led by Ward 3 Councilwoman Karen Lieske, and roll call.

Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held July 8, 2013. Mr. Clark MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 5-0, with one abstention (Mrs. Lieske). Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees held July 8, 2013. Mr. Clark MOVED to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 5-0, with one abstention (Mrs. Lieske).

Mr. Lee read **ORDINANCE No. 13-56**, amending by reading, REZONING CERTAIN LANDS LOCATED ON CAHOON ROAD, PERMANENT PARCELS NO. 203-09- 017, 203-09-018, 203-09-019, 203-09-020, **and amending by reading by adding 203-09-021** CONTAINING 2.349 ACRES, FROM THIRD RESIDENCE DISTRICT TO ATTACHED RESIDENCE DISTRICT, AND DECLARING AN EMERGENCY."

The Law Department will provide notice to the neighboring property owner of Parcel No. 203-09-021 of the amended ordinance.

Ordinance No. 13-56, as amended, was placed on **Second Reading**.

Mr. Lee introduced **ORDINANCE NO. 13-57** amending by reading from four to five (5) permanent parcel numbers, the fifth parcel number being Permanent Parcel No. 203-09-021, ENACTING NEW CODIFIED ORDINANCE CHAPTER 1158B ENTITLED CAHOON WEST ATTACHED RESIDENCE DISTRICT, AND DECLARING AN EMERGENCY.

Ordinance No. 13-57, as amended, was placed on **Second Reading**.

Mr. Clark introduced ORDINANCE NO. 13-59, amending by reading to add an additional \$500 to the Walker Road Park Fund (Fund No. 480), TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR 2013, AS PREVIOUSLY APPROPRIATED IN ORDINANCES NOS. 13-15, 13-34, AND 13-47, 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. 13-59

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych,
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych
Nays -None

Roll Call on Adoption:

Yeas–Clark, Koomar, Lee, Lieske, Miller, Tadych
Nays–None

Mr. Koomar announced adoption of **Ordinance No. 13-59, as amended**, an emergency measure, by a vote of 6-0.

Motion by **Clark** to submit an application for a grant to the Ohio Department of Natural Resources, Division of Forestry, for the abatement of Emerald Ash Borer infested trees.

Motion passed 6-0.

ANNOUNCEMENTS/MISCELLANEOUS

Mr. Ebert introduced Katie Donnelly from Belfast Ireland, visiting her uncle who resides on Lake Road in Bay Village. Council warmly welcomed Ms. Donnelly.

AUDIENCE

The following were present: Marty Mace, Nancy Brown, Susan Fink, Denny Wendell, Jeff

Special Meeting of Council
July 15, 2013

Gallatin, Bruce Geiselman, Bill Selong.

Nancy Brown asked what hours of the day lawn mowing is permitted. Mr. Koomar stated that the hours permitted are 8:00 a.m. to 9:00 p.m.

Ms. Brown asked if the Service Department is working on call if they are working on the weekends, or is someone physically scheduled to work on weekend hours.

Mr. Galli stated that workers are scheduled if there is a scheduled event. Ms. Brown stated that for the record she observed that on Sunday morning, July 14, at 6:30 a.m., an individual was driving through the city in a Service Department truck hauling a riding mower.

Operation Manager Landers stated that the equipment was not a riding mower, it was a piece of equipment used for dragging the baseball fields. Ms. Brown asked if the city is paying someone to drag the fields at 6:30 a.m. on Sunday morning. Mr. Landers stated that it is necessary when there are games scheduled on Sundays.

Mr. Koomar stated that a few years ago there was a push for the Service Department to do as much of that work on their normal shift as possible and to do some things at the end of the shift. They incorporated that on the weekends but it is difficult if there have been games re-scheduled. There was some discussion of revenue from teams to offset those costs, and there may be further information in that regard that Mr. Koomar does not have available to provide at this time.

There being no further business to discuss, the meeting adjourned at 8:45 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council