

City of Bay Village

Council Minutes, Committee Session
Council Chambers

September 9, 2013
8:15 p.m.

Paul A. Koomar, President of Council, Presiding

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

Not Present: Mr. Clark, Mayor Sutherland

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Galli, Asst. Service Director Sears, Recreation Director Enovitch, Chief Building Official Cheatham

AUDIENCE:

The following audience members signed in this evening: M. J. Ruff, Doris M. Kasik, Jerrie Barnett, Russell Thompson, Margaret Ludwig, Susan Murnane, Marty Mace, Gerry Schreibman, Tom Henderson, Clare Banasiak, Jeff Gallatin, Denny Wendell, John Suter

Jerrie Barnett, Bayview Drive, asked the cost of housing for the SAFEbuilt people that have taken over the Building Department of the City.

Finance Director Mahoney stated that SAFEbuilt collects all of the Building Department Permit fees. They keep 85% of the fees and return 15% of the fees to the city. Technically to the city there is no cost.

Mr. Ebert stated that SAFEbuilt paid \$16,000 to renovate the space that they use. After that is paid off there will be a lease, which has not yet been finalized, for the use of the space in the city hall. They will pay the rent for that space in addition to the 15% of the permit fees collected.

Mrs. Barnett asked if the roof of the city hall has been completed, including the conference room roof. Mrs. Barnett was informed that the roof of city hall has been completed; however, the conference room roof was not part of the insurance claim. The Service Department is working on getting that roof repaired.

Susan Murnane, 30509 Willoway Lane, asked where and when the Fire Study Committee meets. She asked how she can get notice of the meetings, agendas, and copies of the minutes of those meetings. Mr. Ebert stated that there has not been a fire study meeting since last year. Mr. Ebert will supply Mrs. Murnane with copies of the previous meeting minutes.

Gerry Schreibman, 26527 Normandy Road asked Mr. Koomar if he could review the emergency meeting that was held on August 7, 2013 for the purpose of ballot language for the rezoning issue. In reading the minutes it seemed like a rather hastily called meeting. I don't know if

notices of that meeting were posted anywhere, and I don't know how an emergency meeting ties in with any of the city ordinances relative to announcements and posting of notices in advance. It didn't appear that anyone from the press was even there; certainly I don't think anyone from the public was there given that it was put together at 2 p.m. in the afternoon. I am looking for a review of how emergency meetings are called, what notification goes out to whom, and why does something like that occur for something as important as the ballot language for this issue in November.

Mr. Koomar asked the Clerk if notices are posted for meetings. Mrs. Kemper stated that notices are sent to the press, the library, posted on the web site, and hung in the lobby of city hall. There was no deviation from the process for that emergency meeting. Twenty-four hours notice was given for that emergency meeting.

Mrs. Schreibman stated that it would seem from reading the minutes of that meeting that the question arose in the morning and the meeting occurred in the afternoon. Mr. Ebert stated that the legislation was mandated by the Board of Elections. They had a closing deadline that afternoon. Mrs. Schreibman asked when we were notified of this mandate. Is this something we received notice of the day after the original legislation was passed on a Monday. Did we not know that in advance so the language could be prepared? What is the protocol for notifying the public of a meeting like that, because when I read the minutes it seemed like this all came about on Wednesday morning and the meeting occurred Wednesday afternoon.

Mr. Young stated that he was contacted and asked if he could attend 36 hours prior to the meeting. It was around 30 hours from that time that the day and time were actually set. I know that it was at least 24 hours in advance, and Joan Kemper stated that she posted it as she does normally.

Mr. Koomar stated that any meeting held when Council is on recess is considered a special meeting.

Mr. Ebert read the code for emergency meetings stating that "Emergency meetings: In the event of an emergency meeting, the persons calling such meeting, or any one or more of such persons, or the Clerk or secretary on their behalf, shall immediately give notice of such emergency meeting to the news media which have requested notice of time, place and purpose of the emergency meeting."

(Ord. 75-178. Passed 12-29-75.)

Mrs. Schreibman stated that she would also like to go on record as a property tax payer that she is amazed that we find out in that kind of short notice that we have to have ballot language for an issue. "I just feel like the timing of all of that could have been handled a little bit better."

COMMITTEE OF THE WHOLE

Board of Elections – Legal Opinion concerning Write-in Candidate

Mr. Koomar stated that there was a write-in candidate for the position of Mayor for the November, 2013 ballot. After subsequent research, it was learned that the candidate did not meet the deadline for filing, and the candidate withdrew. Mr. Koomar noted that the Bay Village City Charter is silent to write-in candidates, when the primary election procedure was adopted for the two top vote getters. While we do have a legal opinion, and the Board of Elections has reviewed this as well, it is something that Council may want to review for clarification in the future.

Law Director Ebert referred to his legal opinion dated August 29, 2013, which was submitted to the Board of Elections. The individual withdrew the day following receipt of the legal opinion. The individual was attempting to avoid the primary election and be a write-in candidate for the general election which would then prompt more than two candidates.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Appointment of Polly Clemo to the Community Services Advisory Board for a three year term expiring September 16, 2016

Mr. Steve Lee stated that Polly Clemo is an excellent volunteer for many organizations and has contributed greatly, both in Bay Village and greater Cleveland. The official appointment and confirmation of Council will be placed on the agenda for September 16, 2013.

Update on Fire Study/Grant

This item will be placed on the September 23, 2013 agenda of City Council.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Selection of Engineering Firm for Sunset Area Improvements

Mr. Miller advised that earlier today a Public Improvements, Streets, Sewers and Drainage Committee Meeting was held. The selection of an engineering firm for the Sunset Area Improvement Project was discussed. In the early part of this year updated proposals were requested from the three firms that had submitted proposals in 2009. Of the three firms, two submitted proposals and did come forward for a public meeting of the project. From that, proposals were requested for a design fee. CT Consultants met the criteria that was requested, and for the least amount of money. The committee is recommending that the proposal of CT Consultants in the amount of \$34,200 be supported so that they can move forward in the design process. Part of the meeting today was for discussion of that design process. The committee thinks that as early as next week they can move forward with a resolution authorizing a contract, and then start discussing the contract negotiation. Part of that would be agreeing to a process for resolving a design, and developing potential costs for the design and construction. The process will engage the neighborhood in the area. There will be charettes that will involve getting out pens, papers, and markers and coming up with ideas, using the designer's knowledge of these types of streetscapes. Hopefully, by the beginning of December, there will be real numbers to

come back to the Finance Committee with an idea of what the project will require. The 2014 budget will be looked at to support the construction part of the process.

Mr. Koomar asked if the engineering costs of \$34,000 are included in the Finance Department's budget process this year. Mr. Miller stated that they had earmarked about \$50,000 for that purpose. Mr. Galli stated that there are some dollars for engineering that haven't been utilized at this point. Mr. Miller stated that they would like to see that engineering occur this year. The construction documents will define what the contractor will build and construction should occur probably the later part of April through the early part of September of next year.

Mr. Young stated that they are considering calling a Finance Committee meeting on Monday, September 16 in which they will review budgeting for this process.

Rocky River Wastewater Treatment Plant Update

The committee is still trying to gather more facts. Last week the Mayor discussed that the cost is increasing by approximately 8%. Right now they believe it is directly related to the fact that the pipes are cleaner and more material is getting to the plant. They would like a little more time to learn exactly why the costs are higher; if there is a re-metering necessary or some other facts and figures they are not aware of. The item will be placed on the committee meeting agenda for the second committee meeting in the month of October, 2013.

Lake Road Pump Station Update – EPA discussions

Service Director Galli stated that a meeting was held August 9, 2013 with a representative of the United States Environmental Protection Agency (USEPA). The thought process coming out of the findings and orders of the EPA was to rebuild the Lake Road Pump Station. Phase 1 was to do some flow study and then do some work in the Bruce/Russell area. That was completed, and CT Consultants came up with a deviation. They wished to approach the EPA with the request that the pump station not be rebuilt at this point, and they be given the opportunity to look at some infiltration and inflow, which ties into what is going on at the Rocky River Wastewater Treatment Plant. A new time line was established through 2017, with many things to work out between now and then. CT Consultants put together a memorandum dated August 16, 2013, which Mr. Galli has sent to the USEPA (August 30, 2013), and the USEPA is in agreement with the city's request.

Mr. John Suter asked the location of the Lake Road Pump Station. Mr. Galli stated that the station is just west of Glen Park, on the north side of Lake Road.

Mr. Koomar commented that as a city we want to step back and look to see what we can do to minimize the storm water, look at the connections, and look at what we can do in certain areas where there have been discussions of residents being proactive with rain barrels. Mr. Koomar noted that in his home he has a downspout that will not flood his neighbor's yard and it would make sense to look at that. Those are the types of things, along with planting more trees and things of that nature which would be proactive measures to absorb as much water as possible,

keeping it out of the system and raising the threshold for basement flooding occurrences in the future.

Mr. Galli stated that besides the inflow and infiltration, what the city is trying to do is eliminate four sanitary sewer overflows, two on Lake Road, and two on Cahoon Road.

Mr. Koomar stated that part of looking at that is if we don't go back and look at how the rest of the system is functioning and make sure it is functioning properly, then we have to build a pump station that is much larger than what we truly need and it is going to cost the taxpayers more than what we should need. Mr. Galli has done a great job of bringing the EPA in and partnering with them. These two sanitary sewer overflows on Cahoon Road, and the two sanitary sewer overflows along Lake Road will be the two last mandated EPA projects. We will be ahead of the curve compared to many other cities.

Cahoon Road Sanitary Sewer Replacement Project- Trax Construction Company Contract

Mr. Miller referred to a memorandum dated September 5, 2013 from Director of Public Service and Properties Daniel M. Galli summarizing that Trax Construction Company was the low bid for this project in the amount of \$1,555,619.00. Through some discussions with First Energy and CEI, there were some costs that were associated with that project that were eliminated. Utility poles that were originally thought to be moved will stay in place while the project goes on around them. This resulted in a revised contract amount of \$1,420,719.00.

Cahoon Road Sanitary Sewer Replacement Project- CT Consultants Contract for engineering and contract administration

The inspection portion of the project is recommended to be awarded to CT Consultants in the amount of \$111,500.00.

Ordinances to approve these contracts will be presented to Council on September 16, 2013. Mr. Galli noted that additional funding will be available through the Ohio Department of Public Works (DOPWIC) program in the amount of \$178,000 in zero percent loan funding. Initially, the city was awarded a \$600,000 zero percent loan. As a result of the additional funding, the total loan amount for the project has been increased to \$780,000.

Finance Director Mahoney stated that funds will be appropriated for the project. A pre-award meeting for the contracts will be held on Thursday, September 12, 2013. Temporary easements will be sought from property owners. A public informational meeting will be held in late September or early October. Work is scheduled to begin in late October or early November. Depending on weather conditioners, the project should be completed by late summer, 2014. Traffic will be maintained on Cahoon Road during the project. Mr. Galli met with the schools this date, and representatives of the schools will be present at the pre-award meeting on September 12, 2013. The Fire Department and utility companies will also be present at that meeting. Individual meetings will be scheduled as well.

FINANCE & CLAIMS COMMITTEE

Consultant for Bay Village Water Lines/System – Requests for Qualifications/Proposals for water lines

Mr. Young advised that the City of Westlake is looking to break off from the Cleveland Water Department and move to being supplied from the City of Avon Lake. In doing so, what would happen is the north and south pipe lines that go through the major streets that border the City of Westlake would be cut. In that regard, Bay Village would like to know what that would do to water pressure and water quality in the City of Bay Village, and would there be any cost associated with that change.

Mr. Young asked Mr. Galli to provide electronic forms of maps of the city's water lines.

Additionally, Mr. Young stated that if the City of Westlake is anticipating that it is a good financial move for them to join with Avon Lake, Bay Village should certainly do their due diligence to see if that would be an option as well, and what that would look like as far as cutting the lines with the City of Cleveland.

A motion to request qualifications (RFQ) will be included in the Council agenda for the regular meeting to be held September 16, 2013.

Mr. John Suter asked the timeline if Westlake does change their water supply purchase to the City of Avon Lake. Mr. Young stated that the earliest would be two and one-half years.

Mr. Miller asked if the county or state offers the service of providing the electronic water line mapping. Mr. Galli stated that they get a lot of information from the county, free of charge.

Ordinance repealing Ordinance No. 12-67 authorizing a contract with Automatic Data Processing, Inc. (ADP)

Finance Director Mahoney stated that there was a change in personnel of both the Finance Director and the Payroll Clerk. The payroll clerk has made improvements using the same system that the city has been using. For example, direct deposit stubs are emailed to employees rather than being printed. Next week a meeting will be held with the current software provider to prepare to be part of their newest payroll system which would mean that the departments would be able to enter their payroll and we would be able to more easily tie into time keeping systems. It is hoping that will save us money through more up-to-date technology. Director Mahoney would also like to look at going to the cloud instead of the server. Mrs. Mahoney noted that her background is that she implemented a new financial and payroll system in the city of Shaker Heights, and is experienced in this regard.

Mrs. Lieske excused herself from the meeting for a few moments because her contact lenses were bothering her eyes.

Resolution authorizing continuation of Police and Fire Pension Pick-Up Plan

Finance Director Mahoney stated that in July the employee pension contribution went from 10% to 10.75%. Next year it will increase to 11.5% and in 2015 it will be 12.25%. The employee has to contribute more to their pension plan. The reason there has to be a resolution is so the Ohio Police and Fire Pension can have it on file. It must also be declared that this is not taxable to the employee. A resolution has been prepared for the September 16, 2013 meeting of Council.

Resolution accepting the tax rates as determined by the Budget Commission of Cuyahoga County and authorizing the necessary tax levies for Fiscal Year 2014

Finance Director Mahoney stated that in order to levy the property taxes this resolution must be passed by Council and submitted to the County Fiscal Officer each year. Rates have not been changed. The rate as authorized by the voters for the Emergency Paramedic Unit is 2.50 mills; the city is collecting only 2.25 at this time.

Resolution authorizing the Director of Finance to request tax advancements before settlement dates for Fiscal Year 2014

Mrs. Mahoney stated that this is an annual procedure to enable receipt of tax collections from the county fiscal officer monthly rather than quarterly.

Mrs. Susan Fink asked how much money the city invested in Automatic Data Processing. Mrs. Mahoney stated that there was no financial investment. Finance Department manpower was all that was invested. The city does have their timekeeping systems and equipment which will be returned. Mrs. Mahoney stated that she has not been contacted by ADP since March.

Mr. Young stated that a Finance Committee meeting will be held on September 16, 2013. Through August, 2013, health insurance costs are up 19%. Fortunately, through August, municipal income tax receipts are up by 19%.

Mr. Young asked that the next meeting of Council include a discussion of the Human Resource Consultant process.

PLANNING, ZONING & PUBLIC GROUNDS AND BUILDINGS COMMITTEE

Update on Chapter 1158/Referral to Planning Commission

Mr. Lee stated that the Planning, Zoning, Public Grounds and Buildings Committee held a meeting on Thursday, September 5. Most of the meeting was held to discuss Chapter 1158 (Attached Residence District). The current chapters in effect in neighboring cities of Rocky River, Westlake, and Avon Lake were reviewed. Chief Building Officer John Cheatham looked at additional neighboring communities, namely Lakewood and Avon. Mr. Cheatham then compiled recommendations, with all being in agreement that what works in those communities might not necessarily fit Bay Village. Mr. Cheatham's memorandum of September 5, 2013 with proposed considerations for Chapter 1158 was distributed to Council for review.

Mr. Cheatham proposed two models of criteria for Attached Residence District. Model A would only be allowed in Residence District No. 3, and Model B would be allowed in either Residence District No.1 or No. 3. The numeric criteria for acreage, density, open space, lot coverage, impervious area, height, length, number of bedrooms, square footage, garages, and maximum residences per structure is included in the memorandum. The Planning and Zoning Committee would like to refer this proposal to the City Planning Commission as a next step in the process, to provide input as to whether it makes sense to have one set of rules that applies city-wide, or a set of rules that applies to different residence districts. Or, if it makes sense to have it apply to a district as an overlay approach that would perhaps follow the Master Plan and identify specific areas of the city as opposed to what we have today, which is a city-wide approach with the current Chapter 1158. The other element to be included would be whether it makes sense to have a separate set of rules that could apply to the retail district. We currently have added to the retail district as a permitted use attached residences with a density of eight, which was done in 2010. The collective thought was that this is something to refer to the Planning Commission for their input. The approach Mr. Cheatham took was very consistent with some of the input the Council had received from the Cuyahoga County Planning Commission back in 2008 when a member of the Planning Commission was asked to review the city's chapter and provide recommendations. The idea of different standards for different residence districts and for the commercial and retail business districts were identified in a 2008 memorandum from the Cuyahoga County Planning Commission.

Chief Building Official John Cheatham stated that after looking at approximately eight neighboring communities he decided that it was interesting, but it wasn't Bay Village. We needed something that was consistent with this city. Mr. Cheatham put together two models, and just prior to the meeting on the afternoon of September 5, Mr. Cheatham received a copy of the 2008 memorandum from the Cuyahoga County Planning Commission. He noted that it was interesting that there was a lot of correlation with their recommendations.

Mr. Young stated that when he lived in Ward 1 in the past there was concern with the 35 ft. height level in the area where there were many ranch style homes. The Cuyahoga County recommendation is that there only be a 10% difference as far as height. Mr. Cheatham's recommendation is very close at 15%.

Mr. Miller commented that the memorandum of Cuyahoga County also addressed the concept of an overlay district and how it could be beneficial across a broader area of the city without changing the underlying zoning. It also talks about the appropriateness and the wherewithal that the Master Plan says these are the appropriate locations and this is a document that a number of people have developed. It did not say that the city needs to update their Master Plan. The Master Plan was drafted in 1999 but the city has not changed so greatly that the areas are any different. The Planning Commission may also like to review that Master Plan, and the Kent State study that was taken on a few years back.

Mr. Young stated that the Master Plan looks at trends and the trends that they have projected haven't changed. What was predicted basically has happened and it fits with where we are now.

The question is what the trends are in the future and are we going to be addressing those. In looking at the Master Plan and Chapter 1158, it is still valid today. The question is will it be valid in ten years without more projections.

Mr. Tadych stated that the guidance of the Planning Commission will give Council more ideas than what we are proposing at this particular time.

Mr. Lee stated that at the last Council meeting Mr. Majewski raised the issue of the referral of the rezoning of the west side of Cahoon Creek. From the committee's perspective, there was never any intention to exclude the Planning Commission from that process. Mr. Lee requested that the rezoning be referred to the Planning Commission in conjunction with the referral of Chapter 1158.

Granting of additional time for the Planning Commission review of the application of Bob Gulla for a proposed restaurant at 27115 East Oviatt. Application expires September 27, 2013.

A motion will be presented for a 60-day extension of time at the Council meeting to be held September 16, 2013.

Granting of additional time for the construction signs at the Bay Village Schools, authorized by the Mayor on June 24, 2013 for a 90-day period of time.

Mr. Miller asked if the 90-day period of time reflects the actual construction period for the schools.

Mr. Lee stated that some of the construction process may be as long as 18 months.

Mr. Koomar stated that as long as the construction is taking place at each facility, we would extend the time until it is completed. He noted that the signs are a good way of communicating at each specific location of what is being done. Mr. Lee commented that the signs have been tastefully done, with the size minimized. The sign at the Middle School has been tucked in to the grounds in an aesthetically efficient manner.

A motion will be presented at the September 16 Council meeting.

RECREATION AND PARK IMPROVEMENT COMMITTEE

Dover Center Road Tennis Courts

Service Director Galli stated that the contractor has been notified that there are some deficiencies on the courts. He has met with the contractor twice and he has also met with the tennis instructor. The plan is to close two courts after next week, keeping two open. When additional work is completed to those two courts, the other courts will be given the necessary attention.

Mrs. Lieske asked if the problem is the drainage when it rains. Mr. Galli stated that the surface puddles.

Mr. Koomar asked if they will recoat the entire surface, as Mr. Koomar and Mr. Galli discussed.

Mr. Galli stated that they will recoat the courts.

Mrs. Lieske asked how much has not been paid to the contractor. Mr. Galli stated that between the retainer and bond, an excess of \$45,000 is being held. Mr. Galli is also going to ask them for an extended bond beyond the one-year maintenance bond. He will request a two to three year maintenance bond.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Expiration of Electric Government Aggregation

Mr. Koomar stated that he received a letter regarding the expiration of the electric government aggregation. Law Director stated that he will provide information to Council in their kits of September 13, 2013.

Mr. Tadych asked how long the program was initially. Mr. Ebert stated that the program began in 2010. The question is whether it terminates now or in 2014, and what are our options.

MISCELLANEOUS

Service Director Galli issued a reminder that paving work on Lake Road begins on September 11, 2013. A press release has been issued and Cleveland.com has also issued a notification. From start to finish the project will last three weeks. Traffic will be maintained. In the morning hours work will be conducted in the west bound lane, and the east bound lane in the afternoons. The recommendation is to avoid Lake Road during the construction. The schools have been notified.

Progress has been made on the resurfacing in the Russell/Bruce areas. Vineland, Forestview, and part of Electric will be finished with the first course of asphalt this week. Both projects are weather permitting.

Mr. Tadych noted that the work has been seamless. He has not received any complaints and the residents seem very happy with the project.

There being no further discussion, the meeting adjourned at 8:27 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council