

CITY OF BAY VILLAGE

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

October 21, 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, Recreation Director Enovitch,
Interim Police Chief Holliday, Fire Chief Lyons, Chief Building Official
Cheatham, Operations Manager Landers

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. Clark advised that he will introduce a motion to confirm Mayor Sutherland's re-appointment of Nancy Girardot to the Community Services Advisory Board for a three-year term expiring June 30, 2016. Mr. Clark advised that he attended a Community Services Advisory Board meeting last Friday, October 18, 2013. At that meeting, Community Services Director Debbie Bock gave an update of all of the good things going on at the Dwyer Memorial Center for the senior citizens.

Mr. Clark further advised that an Environment, Safety and Community Services Committee meeting will be held on Monday, October 28, 2013, at 6:00 p.m.

Mr. Miller commented that this evening he will introduce a resolution that is requesting the City of Rocky River to apply for financial assistance from the Ohio Public Works Commission. Rocky River had made an application earlier this year for approximately \$ 5.6 million, and received \$800,000. There is another application period they would like to take advantage of but they need the subscribing cities to the sewer district to pass a resolution to apply for this financial aid. The resolution before Council this evening will support that request.

Mr. Young stated that he will introduce an ordinance this evening for health care coverage for non-bargaining unit employees of the city. Mr. Young called upon Finance Director Renee Mahoney to explain the reference to the COBRA rate in the ordinance. Mrs. Mahoney stated that because the city is self-insured a premium is not paid per plan, family or single, technically to Medical Mutual. The city pays a \$200 administration fee and stop loss fee. We are insured up to a certain point and then Medical Mutual takes over. In order to budget, or to come up with a rate, Medical Mutual tells us the COBRA rate for the year and that's usually comes pretty close to the actual cost. This is what is used to base the contribution rate per employee. If an employee leaves, the same COBRA rate is charged plus 2% for administration.

Mrs. Lieske commented that she knew of the part of the COBRA from the past, the Medical Mutual and being self-insured. Frequently Council receives a memorandum outlining what Mrs. Mahoney has related. Mrs. Lieske thanked Mrs. Mahoney for her explanation this evening.

Minutes of Regular Meeting
Bay Village City Council
October 21, 2013

Mr. Lee stated that he will present Ordinance No. 13-88 this evening which was placed on First Reading on October 7, 2013 placing a moratorium on the development of attached residence district. There is one change to the ordinance this evening. In Section 1 the language excluding the retail business district pursuant to C.O. 1173 from the moratorium will be added.

Mrs. Lieske advised that at the recent Homecoming Parade, Mr. Koomar asked Mrs. Lieske to do some research about a banner for future parades, and do some checking with the school district on the banner they use. After a couple of exchanges, the schools have advised that their banner is so old that they are trying to dig through the archives to see what they could find. They suggested the names of a couple of places to provide a banner. The Bay Village Sailboat Logo will be considered for the banner.

Mrs. Lieske further reported that the Parks and Recreation Commission composed of private citizens and herself as the representative member of Council will meet this Thursday evening at 7:00 p.m. at the Bayway Cabin.

Mr. Tadych reported that at the Cahoon Memorial Park Trustees meeting this evening he will present a motion for approval of the placement of the fire station sign on the east side of the drive going into the fire station, which is Cahoon Memorial Park property. He stated that Law Director Ebert asked him to present this to the Architectural Board of Review for approval. The Architectural Board of Review, after considerable discussion, recommended a double-sided lighted sign on the east side of the driveway, with an effort during the installation process to save as many trees as possible. Mr. Ebert noted that there is not a lot of vehicular traffic through that drive. Chief Lyons noted that there is pedestrian traffic in the area due to the adjacent walking trail.

Mr. Young suggested that Council check the lighting on the recently installed police station sign. He noted that there is not a full wash of lighting on the sign.

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 Clete Miller, Councilman of Ward 2.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held October 7, 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 Cahoon Memorial Park Trustees held October 7, 2013. Mr. Young **MOVED** to dispense with the reading and accept the minutes as prepared and distributed with correction to the date of the minutes. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Sutherland announced the reappointment of Nancy Girardot to the Community Services Advisory Board for a three year term expiring June 30, 2016. The Mayor stated that Nancy has

been a member of the Board for several years and comes to the city with extensive background. The Mayor noted that the city is happy to have her serving on the Board.

Mayor Sutherland advised that she was notified that the National Bike Challenge Organization pitted Cleveland against Pittsburg this summer, from May 1 to September 30, 2013. This competition was called the Rust Belt Battle of the Bikes. Bay Village won the competition with 27 riders who collectively rode 27,685 miles. Bay Village resident Pete Accorti rode 8,284 miles and Pat McGannon rode 2,915 miles between May and September.

Mayor Sutherland acknowledged the work of City Arborist Mike Polinski who took it upon himself to apply for a grant with the state. As a result the city received a \$16,000 grant to remove Ash trees, which have been hit very hard with the Emerald Ash Borer Disease and must be taken down. The Mayor noted that Mr. Polinski showed a lot of creativity and initiative in his work.

The Mayor introduced Miss Caitlin Wochna, resident, representing Bay Village in the 2014 Miss Ohio USA Pageant November 8, and 9, 2013. Miss Wochna was wished the best of luck in the pageant.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch announced that the Recreation Department football season opens this weekend at the Bay High School with games starting at 2:30 p.m. All interested participants are encouraged to register for the Basketball Program. The registration deadline is Friday, October 25, 2013.

Chief Building Official Cheatham had no report this evening.

Operation Manager Landers reported that the fall leaf season pick-up has begun and the Service Department has collected 849 yards of leaves in this year's third round of collection. The Lake Road repaving project has been completed, with lines being painted today. Mr. Clark stated that the work on Lake Road has been excellent.

Councilwoman Lieske reiterated the city policy about not putting leaves in the street. Leaves for pick-up are to be raked to the tree lawns. Mrs. Lieske noted the safety concerns expressed by residents of the possibility of fires when leaves are put in the street.

Interim Police Chief Holliday reported that the police station sign has been installed in front of the police station, and complimented the Service Department on their work to create and install the sign.

Chief Holliday stated further that he would like to use this time to recognize Joan Kemper. He stated that the last four months he has attended a lot of meetings and has seen a lot of paper work generated by this lady. Quiet grace, efficiency, she always has a sunny disposition. In my view point she's so good at what she does she gets taken for granted. Nobody knows the kind of paper work that gets generated out of that office, and I would just like to give a shout out to Joan Kemper for a job well done.

Mr. Koomar stated that he would concur. Mrs. Kemper is very professional, very pleasant, and makes us all look good up here.

Mrs. Kemper expressed appreciation to Interim Chief Holliday and Mr. Koomar for their comments.

Fire Chief Lyons reported that the Fire Department has been training recently on driving safety and have been doing some extrication training. There was a significant event in Bay Village yesterday and Chief Lyons recognized both the Police Department and Service Department in their cooperation and getting that taken care of efficiently.

COMMUNICATIONS

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

Email communication from Tom Carey dated October 15, 2013, regarding the animal fencing ordinance and what measures Mr. Carey might be able to take to protect his yard from deer.

Open letter to community leaders in municipal aggregation communities from the Utility Workers Union of America with a public service publication from their organization.

Norfolk and Southern Train Report No. 181 advising an average of 1.4 trains per day through Bay Village during the month of September, 2013.

AUDIENCE

The following members of the audience signed in this evening: Bob Hawthorne, Tom Henderson, Eric DiLisi, Dick Majewski, Marty Mace, Andrew Arko, Ginger Doll, Jerrie Barnett, Tom Carey, Sue Fink.

Jerrie Barnett, Bayview Road, ask Law Director Ebert to explain the difference of a bi-partisan election and a non-partisan election.

Law Director Ebert stated that Bay Village does not designate Democrat, Republican or Independent in our primary or general elections. Some cities have Democratic or Republican primaries. We do not; we do not designate. It is a non-partisan election in Bay Village.

Minutes of Regular Meeting
Bay Village City Council
October 21, 2013

Mrs. Barnett stated that then it doesn't matter if the candidate is Democrat or Republican; they could still be elected Mayor. And there won't be phone calls going out to the seniors this year like there were four years ago stating the political party of the candidates.

Mr. Ebert stated that is fair game. A Republican, or Democrat, or Independent, or a Tea Party person could call and say they are a member of the Tea Party, or a member of the Democratic Party or a member of the Republican Party and ask for your vote in November. We can't prevent that.

Mrs. Barnett stated that she hopes it will not be something contentious like it was four years ago.

Tom Carey, 31011 Lake Road, stated that he had the opportunity to put into full force this year the seasonal fencing ordinance in an attempt to protect his new garden. He would like to report the complete and absolute utter failure that the fence was this year. The assault on the property continues and that is why he has asked for some time by the Council to consider revising our fencing ordinance or adopting some other pro-active measures in town. We pay \$14,000 a year in property taxes and for that we should be able to plant something in our backyard and protect it. Mr. Carey further stated that he has photographed his experiment in great detail to share with Council and the administration. The fence is an 8 foot fence, black poles, removable and it comes down on November 15. A bunch of things were planted in the garden and he would appreciate the opportunity to address the deer population issue, like they are addressing it everywhere else in Northeast Ohio. Today they just shut down some roads in the Metroparks because they were culling herds. It is not a problem that is mine, and mine alone, although I do seem to be the most vocal person about it. I would like the opportunity to take it up with you.

Mr. Clark stated that he would be happy to take this up under his committee.

Mr. Ebert sympathized with Mr. Carey, noting that he had 12 sitting on his property Saturday morning.

Richard Majewski, Bassett Road, stated that he heard that the moratorium ordinance on the agenda this evening was a compromise. Mr. Majewski asked who the parties were that compromised. He noted that at one of the last meetings, Mr. Lustris referred to it as a compromise.

Mr. Koomar stated that the only conversations he has had are with Council, Mr. Lee and the Planning, Zoning, Public Buildings and Grounds Committee. I cannot speak to any outside influence on that.

Mr. Lee stated that it was actually discussed several weeks ago at a meeting. He stated he is not sure who described it as a compromise. That term wasn't necessarily used by the members of Council. It was an attempt to recognize that we heard from the voters that they would like Council to review and act on Chapter 1158. We referred that to the Planning Commission. The Planning Commission is currently looking at that and has a 60-day time period to review that and report back. The idea is that there wouldn't be any development of attached residences in a

Minutes of Regular Meeting
Bay Village City Council
October 21, 2013

residential district in the city until that process has run its course and we've gotten the input from the Planning Commission and then Council has acted on those recommendations and either we revise Chapter 1158, or re-write it, or whatever is going to come. The idea was to recognize that we've heard feedback from residents that they would like us to let the process run its course. That was the intent.

Mrs. Fink, Wolf Road, asked how Bay Village fared with the metering of the cities to the Rocky River Wastewater Treatment Plant this year. Are our sewer rates going up? Do we have more water going through the plant compared to other cities? Secondly, there was an issue with the tennis courts and how the final court was laid down. There were supposed to be some changes in half, and then the other half, of the courts. What is the status of that as well?

Mr. Koomar responded that the sewer flow metering this year showed an increase percentage of Bay Village in the amount of 8%. My understanding is that Bay Village is going to go for another remetering. We did that a few years back when there was an issue with Wischmeyer Creek and we are going to continue to move forward with that remetering.

Mr. Miller stated that CT Consultants is reviewing that study to provide a summary of what action should be taken. Until then, we aren't going to do a remetering. CT Consultants will make a recommendation for a period of time to possibly do that remetering. Mr. Koomar confirmed with Mr. Miller that this information came from a conversation with Service Director Dan Galli.

Mayor Sutherland asked Council to keep in mind that the other members of the Rocky River Wastewater Treatment Plant have to agree to the remetering. There was a specific issue a few years back when that remetering was done for Bay Village. There was a broken pipe that was in the bottom of the creek. This increase in flow can be looked at from the standpoint that by cleaning the Lake Road sewer we increased our capacity so we have more flow going to the Rocky River Wastewater Treatment Plant and less flow going into basements.

Mr. Koomar stated that he will let the Mayor and Mr. Galli sort that out and get back to Mrs. Fink as to whether or not there will be a remetering.

In regard to Mrs. Fink's question concerning the tennis courts, Mr. Ebert responded that last Thursday or Friday after the rainfall Mr. Galli met on the courts with the contractor. The contractor is supposed to put something in writing as to what he can or can't do. There is something coming in writing. The Mayor stated that payment to the contractor is being withheld.

A member of the audience commented that he had a problem with squirrels climbing his Oak trees and then they would chew on the barks between the trunks and the branch, and then eventually the branches would die. Also, the same situation applies to the deer. There is nothing practical that can be done about the trees. A unique way has been discovered to keep the deer away. If you put down a sizeable amount of fertilizer, particularly with the weed control as most people do, in the areas that you don't want the squirrels and deer, they tend to stay away from

that. The fertilizer does not taste good to them and they find someplace else to go. If you want to attract the deer, keep the grass longer.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Motion by **Clark** to confirm the reappointment of Nancy Girardot to the Community Services Advisory Board for a three year term expiring June 30, 2016.

Motion passed 7-0.

Mr. Koomar announced adoption of **Resolution No. 13-85** an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS /STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Miller introduced **Resolution No. 13-90** REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM FOR FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT 2014-2017 CAPITAL IMPROVEMENT PROJECTS, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 13-90.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays -None

Roll Call on Adoption:

Yeas–Clark, Koomar, Lee, Lieske, Miller, Tadych, Young

Nays–None.

Mr. Koomar announced adoption Resolution No. 13-90, an emergency measure, by a vote of 7-0.

FINANCE & CLAIMS COMMITTEE

Mr. Young introduced **ORDINANCE NO. 13-91** AMENDING CODIFIED ORDINANCE SUBSECTION 151.071 REGARDING HOSPITALIZATION ELIGIBILITY AND DECLARING AN EMERGENCY, and moved for adoption. Mr. Young clarified with Finance Director Mahoney that for each year listed in the ordinance a new COBRA rate will be identified by the insurer.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-91.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of **Ordinance No. 13-91**, an emergency measure, by a vote of 7-0.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE - Mr. Lee

Mr. Lee read **ORDINANCE NO. 13-88** DECLARING A SIX-MONTH MORATORIUM ON DEVELOPMENT OF FIVE (5) PERMANENT PARCELS OF LAND KNOWN AS CAHOON WEST, AND DECLARING AN EMERGENCY, amending by reading to add the following language to Section 1 of the ordinance “other than in the Retail Business District in accordance with Chapter 1173” when referencing the land to be affected by the moratorium, and moved for adoption. Mr. Lee noted that the language to be added to Section 1 was already in the Whereas Clause above, but was not included in Section 1.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-88. .

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

Yeas –Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas – Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays -None

Roll Call on Adoption:

Yeas–Lee, Lieske, Miller, Tadych, Young, Clark, Koomar

Nays–None.

Mr. Koomar announced adoption of **Ordinance No. 13-88** an emergency measure, by a vote of 7-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mrs. Lieske

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Mr. Tadych had no report this evening.

MISCELLANEOUS

Mr. Koomar advised that there are a couple of committees of Council that would like to meet on Monday, October 28. It will be considered to cancel the Committee of the Whole meeting for Monday, October 28 and allow the Environment, Safety, and Community Services Committee, the Planning, Zoning, Public Buildings and Grounds Committee, and the Finance Committee to meet on Monday evening, October 28.

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council