

# City of Bay Village

Council Minutes, Special Meeting  
Council Chambers 8:28 p.m.

March 10, 2014

Paul A. Koomar, President of Council, Presiding

Present: Clark, Henderson, Koomar, Lee, Vincent, Mayor Sutherland

Absent: Mr. Tadych, due to illness; Mrs. Lieske, vacation

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Thomas, Community Services Director Bock, Police Chief Spaetzle, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers

## AUDIENCE

The following audience members signed in this evening: Dick Majewski, Russell Thompson, Denny and Tara Wendell, Conda Boyd, Marty Mace, Ted Vovos, Carl Gonzalez, Ernie Minichello, Lawrence Kuh, Patrick McGannon, Peg Ludwig, Jerrie Barnett, Liese Nainiger, Kent Silverberg, Mike O'Boyle, Warren Remein, Susan Murnane

President of Council Koomar called the meeting to order at 8:28 p.m. with a roll call and Pledge of Allegiance led by Councilman-at-large Dwight Clark.

Mr. Patrick McGannon expressed appreciation to and acknowledged all those who came in support of the amendments to the bicycle legislation. Mr. McGannon stated that he will again address single-file riding, pointing out that the State of Ohio and the Northeast Ohio Area-wide Coordinating Agency (NOACO) create educational material that is used at the Village Bicycle Cooperative and also used around the county and the state. This material talks about the uniform rules of the road for bikes. Mr. McGannon would like to stress the importance of keeping things uniform and along those lines riding two abreast is permitted in the state guidelines. Mr. McGannon read into the record the following letter from Mr. Jacob VanSickle, Executive Director of Bike Cleveland dated March 10, 2014.

“TO: Bay Village City Council  
March 10, 2014  
RE: Bay Village Bike Ordinance Revisions  
Dear Bay Village City Council Members

Enclosed you will find a petition signed by over 222 area cyclists urging you to remove the provision requiring people on bikes to ride single-file on Lake Road in Bay Village's updated bike ordinances. The lanes on Lake Road are too narrow to share with a motor vehicle. Riding two abreast is allowed by state law and increases visibility of and communication among riders who choose to do so. Furthermore, having non-uniform road rules makes it confusing for road

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users. Local laws for operating a vehicle should not conflict with state laws.

A pedestrian and bicycle-friendly community provides people-to-people connections, instills in its citizens a sense of pride, belonging, and socialization, and has been shown to increase the overall residential health and economic vitality of the area.

Let's get these laws right, the safety of people who ride bikes in the community is at stake.

Sincerely,

Jacob VanSickle, Executive Director"

Mr. Warren Remein asked permission to read the following statement:

"I believe it is increasingly important to promote awareness of gasoline consumption in Bay Village. Bikes do not emit carbon dioxide. They are a healthier alternative for our air and lungs and go way beyond recreation, although they certainly contribute to well-being. Twenty years ago I saw Share the Road with Bike signs in Golden, Colorado. I am glad to finally see some signs in Bay Village. When I see the Share the Road signs it is a good reminder that bikes are welcome. Many cities in Ohio have bike friendly status that adds to the attractiveness of the city and attracts younger families and increases property values. As a resident I would like to see our city become a Bike Friendly City, but to do that we must recognize and be in conformity to common accepted standards. Bay is a special place but I am not sure it is so special if everything we have to do has to be different with special, additional regulations. I ask you to accept the changes that have been proposed without special regulations. I believe bikes must have full access to the road, and as I understand it that has been written into the regulations, and I appreciate that. Thank you. I hope that Bay can find the money to install Share Arrows at regular intervals for the entire length of Wolf and Lake Roads as a continuous reminder that we all share the roads. I believe this will improve safety much more than helmets or mirrors. I cannot use mirror on a helmet due to multiple lenses that will not focus on a mirror that's up here. I tried mirrors on my bike and to be honest they keep breaking. I always wear a helmet and wish everybody would, but you are going to have people that ride in from other cities that are not going to be wearing helmets. It would just be causing conflict asking for an ordinance which really should be enforced. We should all be on the same playing field because there are safe driving standards and bikes are equally as important as motor vehicles. I hope we clearly communicate this in our laws, enforcement and signage. I do want to thank the city legal staff and their consultants, the City Council members, Clerk, and also the Bike and Skate Group and the Village Bicycle Cooperative for the meetings and hours in making Bay a much better place to live."

Lawrence Kuh stated the importance of the Bike Friendly City Designation. Mr. Kuh wants everyone to be aware that they will certainly support whatever decision Council makes 100%, but it has been brought to their attention by the American League of Cyclists that if we don't have uniformity on the two-abreast on Lake Road we will not get the designation as a Bike Friendly Community. Mr. Kuh's concern as one of the primary leaders and one of the sponsor groups is that he is one that would really give a significant effort to pursue grant money for the

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city for the bicycling cause. Without that designation he is not certain but thinks we would decrease our chances for grant money. If we did open it to two-abreast on Lake Road it would add uniformity and potentially open us for potential grant money.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held March 3, 2014. It was **MOVED** by **Mr. Clark** to approve the minutes of March 3, 2014 as prepared and distributed. Motion carried 5-0.

**Mr. Clark** introduced **Ordinance No. 14-28** amending Codified Ordinance No. 921.02(a) Sewer Rental Rates, and Declaring an Emergency, amending by reading that the Single Family User Class will read \$335.00 rather than \$325.00.

Mr. Koomar announced that Ordinance No. 14-28 is placed on First Reading.

**Mr. Clark** introduced **Ordinance No. 14-29** Amending Section 1 Of Ordinance 14-06 Regarding Rates Of Compensation For The Officers And Employees Of The General Administration Department And Those Employees Of The City Not Covered By Separate Labor Contract For The Calendar Year 2014 And Thereafter, And Declaring An Emergency, and moved for adoption.

Mr. Koomar expressed appreciation to Service Director Thomas for reorganizing his team so that we are proactively focusing more on some of these issues, and that this will be a benefit to the city.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-29.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Henderson, Koomar, Lee, Vincent

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Henderson, Koomar, Lee, Vincent

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Henderson, Koomar, Lee, Vincent

Nays -None

Roll Call on Adoption:

Yeas–Clark, Henderson, Koomar, Lee, Vincent

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-29, an emergency measure, by a vote of 5-0.

**Mr. Lee** introduced **Ordinance No. 14-30** Authorizing the Mayor to Enter into an Agreement with Cuyahoga County Department of Public Works for Bridge Inspections, and declaring an emergency, and moved for adoption.

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There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-30.

Roll Call on Suspension of Charter Rules:  
Yeas- Henderson, Koomar, Lee, Vincent, Clark  
Nays-None  
Roll Call on Suspension of Council Rules:  
Yeas –Henderson, Koomar, Lee, Vincent, Clark  
Nays–None  
Roll Call on Use of the Emergency Clause:  
Yeas –Henderson, Koomar, Lee, Vincent, Clark  
Nays -None  
Roll Call on Adoption:  
Yeas–Henderson, Koomar, Lee, Vincent, Clark  
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-30, an emergency measure, by a vote of 5-0.

**Mr. Lee** read by title only **Ordinance No. 14-11** Authorizing The Adoption Of New Codified Ordinance Chapter No. 377 Concerning Bicycles For Increased Safety For Motor Vehicles And Bicyclists In The City Of Bay Village, And Declaring An Emergency\***Lee**\*. (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-11 is placed on Second Reading.

**Mr. Lee** read by title only **Ordinance No. 14-12** Amending Codified Ordinance 331.03 Regarding Vehicles Overtaking, Passing To Left; Drivers Duties, and Declaring an Emergency.\***Lee**\* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-12 is placed on Second Reading.

**Mr. Lee** read by title only **Ordinance No. 14-13** Amending Codified Ordinance 331.10 Regarding Vehicles Turning at Intersections, and Declaring an Emergency\***Lee**\* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-13 is placed on Second Reading.

**Mr. Lee** read by title only **Ordinance No. 14-14** Amending Codified Ordinance 301.04 Regarding “Bicycle; Motorized Bicycle” of the Traffic Code of the City of Bay Village, and Declaring an Emergency\***Lee**\*. (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-14 is placed on Second Reading.

**Mr. Lee** read by title only **Ordinance No. 14-15** Amending Codified Ordinance 301.51” “Vehicle” of the Traffic Code of the City of Bay Village, and Declaring an Emergency.\***Lee**\*

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(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-15 is placed on Second Reading.

**Mr. Lee** read by title only **Ordinance No. 14-16** Amending Codified Ordinance 351.08 “Opening Vehicle Door on Traffic Side” of the Traffic Code of the City of Bay Village, and Declaring an Emergency. \*Lee\* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-16 is placed on Second Reading.

Mr. Lee stated that since these ordinances were placed on first reading there has been feedback about requiring helmet usage as well as mandating the use of mirrors, on Lake Road in particular. At this point those items will not be incorporated but are suggestions that are valuable for discussion. Mr. Lee appreciates those suggestions coming forward.

**Mr. Clark** read **Ordinance No. 14-17** To Authorize the Mayor to enter Into An Extension Of The Lease Agreement With Kiddie Kollege, Inc., For The Real Estate Located At 27400 Wolf Road Referred To As “Bayway Cabin”, And declaring an emergency, and moved for adoption.

Mayor Sutherland stated that Kiddie Kollege has been very good tenants and it still is a win-win-win for the kids, for the city, and for the Kiddie Kollege.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-17.

Roll Call on Suspension of Charter Rules:

Yeas- Koomar, Lee, Vincent, Clark, Henderson

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Koomar, Lee, Vincent, Clark, Henderson

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Koomar, Lee, Vincent, Clark, Henderson

Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lee, Vincent, Clark, Henderson

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-17, an emergency measure, by a vote of 5-0.

**Mr. Clark** read by title only **Ordinance No. 14-20** Providing For The Issuance And Sale Of \$1,000,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of (I) Improving Streets By Resurfacing, Paving And Making Other Improvements As Designated In The Plans Approved Or To Be Approved By Council, (Ii) Improving The City’s Parks And Recreational Facilities By Improving Basketball And Tennis Courts, Aquatic And

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Related Facilities And Their Sites, (Iii) Renovating And Otherwise Improving City Hall, (Iv) Renovating And Otherwise Improving The City's Service Garage And (V) Improving The City's Community House By Installing A New Fire Alarm System, And Declaring An Emergency.\*Clark\*(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-20 is placed on Second Reading.

**Mr. Clark** read by title only **Ordinance No. 14-21** Providing For The Issuance And Sale Of \$525,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Improving Streets By Resurfacing, Paving And Making Other Improvements As Designated In The Plans Approved Or To Be Approved By Council, And Declaring An Emergency.\*Clark\*(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-21 is placed on Second Reading.

**Mr. Clark** read by title only **Ordinance No. 14-22** Providing For The Issuance And Sale Of \$340,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Motor Vehicles And Equipment And Acquiring And Installing A Work Order System For Use In Performing The Functions Of The City's Department Of Public Services And Properties, And Declaring An Emergency.\*Clark\* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-22 is placed on Second Reading.

**Mr. Clark** read by title only **Ordinance No. 14-23** Providing For The Issuance And Sale Of \$133,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Motor Vehicles And Equipment For Use In Performing The Functions Of The City's Police Department, And Declaring An Emergency.\*Clark\* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-23 is placed on Second Reading.

**Mr. Clark** read by title only **Ordinance No. 14-24** Providing For The Issuance And Sale Of \$129,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Improving The City's Parks And Recreational Facilities By Constructing And Improving Lighting Facilities At Hartman Field, And Declaring An Emergency.\*Clark\* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-24 is placed on Second Reading.

**Mr. Clark** read by title only **Ordinance No. 14-25** Providing For The Issuance And Sale Of \$90,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Office Equipment For Use In Performing The Administrative Functions Of The City, And Declaring An Emergency.\*Clark\* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-25 is placed on Second Reading.

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**Mr. Clark** read by title only **Ordinance No. 14-26** Providing For the Issuance and Sale Of \$60,000 Of Notes, In Anticipation of the Issuance of Bonds, For The Purpose Of Paying Costs of Acquiring a Bus for Use in Performing the Functions of the City's Department Of Community Services, And Declaring An Emergency. \***Clark**\* (First Reading March 3, 2014)  
Mr. Koomar announced that Ordinance No. 14-26 is placed on Second Reading.

**Mr. Clark** read by title only **Ordinance No. 14-27** Providing For The Issuance And Sale Of \$43,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring A Motor Vehicle And Equipment For Use In Performing The Functions Of The City's Fire Department, And Declaring An Emergency. \***Clark**\*(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-27 is placed on Second Reading.

Mr. Koomar noted that Ordinance No. 14-20 is the only item that is a reissuance of funding from 2013. Mr. Clark affirmed Mr. Koomar's statement, noting that the original financing was \$1,250,000. We will use available resources to pay down \$250,000 down to \$1,000,000. It will be treated as though it were a five-year financing for those capital assets. Both will be rolled into one new note and a good interest rate should be received based on the fine work that the administration is doing with the city finances.

**Mr. Vincent** read by title only **Ordinance No. 13-131** amending Codified Ordinance Chapter 1322 regarding Residential Code of Ohio for One-, Two- and Three-Family Dwellings (Second Reading March 3, 2014) (First Reading December 16, 2013), 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. 13-131.

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Vincent, Clark, Henderson, Koomar

Nays -None

Roll Call on Adoption:

Yeas–Lee, Vincent, Clark, Henderson, Koomar

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 13-131, an emergency measure, by a vote of 5-0.

**Motion by Vincent** to authorize the Service Director to advertise for bids for a Decanting Station at the Service Garage.

**Motion carried 5-0.**

**Motion by Vincent** to remove the Fence Regulations for Lakefront Yards from Matters Pending before Council Committee.

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**Motion carried 5-0.**

There being no further business to discuss, the meeting adjourned at 8:48 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council