

City of Bay Village

Council Minutes, Committee Session
Conference Room

May 19, 2014
7:30 p.m.

Paul A. Koomar, President of Council, Presiding

Present: Henderson, Koomar, Lee, Lieske, Tadych, Mayor Sutherland

Absent: Mr. Clark

Also Present: Finance Director Mahoney, Service Director Scott Thomas, Projects Coordinator Sears, Community Services Director Bock, Recreation Director Enovitch, Operations Manager Landers. Building Official Cheatham, Consulting Engineer Greytak, CT Consultants, Planning Commission Chairman Bela Persanyi, Planning Commission Member Dick Majewski

AUDIENCE

The following audience members signed in this evening: Marty Mace, Russell Thompson, Tara Wendell, Conda Boyd, Jerrie Barnett, Mike O'Boyle, Lydia DeGeorge.

Jerrie Barnett asked about trash collection during Memorial Day Week. Trash Collection will be on Wednesday, May 28 and will include bulk pick-ups.

COMMITTEE OF THE WHOLE

Discussion regarding Write-In Candidates for Elections

Mr. Koomar explained that during the last election period in 2013, an individual applied as a write-in candidate. He ultimately withdrew, but there was discussion and concern on how that might affect the charter amendment for a primary election passed in 2007. The goal for that amendment was to have two candidates moving forward to the general election, with one candidate getting more than 50% of the vote. There has been discussion by the Ad Hoc Committee formed to deliberate this matter, and discussion by members of Council. Mr. Koomar opened the floor for further discussion on the matter of Write-In Candidates for Elections, reiterating the goal to have two candidates for the general election. He suggested that Council of the Whole consider if they ought to take action at some point in time to at least put that on the ballot for residents. The discussion has come down to what is the most appropriate time for that submission. Should we wait until the next Charter Review Commission and submit it to the commission for their consideration, and if they come forward with that issue or any other amendments put it on the ballot as the Charter states, on a ten-year review cycle. The idea of keeping it as simple as possible makes sense. If Council puts it on the ballot when they are in office, some have said that it looks self-serving to try to limit candidates in some form or fashion. Others have said that the chance of a write-in candidate actually affecting an election is slim, while still others have said if the cost is low it is something we ought to consider putting on the ballot.

Mr. Lee noted that the last charter review was in 2012.

Mr. Tadych stated that he has no problem in waiting, as he has said before. I just don't think it is a big issue. We should wait until the Charter Review Commission and let those citizens decide.

Mr. Henderson stated that he favors not having a write-in candidate for the General Election. As far as putting it up on the ballot by itself, I worry that it might come across as self-serving to the incumbents, or be perceived as taking away the right people have to be a write-in candidate. I see the arguments on both sides.

Mrs. Lieske stated that she can see both sides too. She stated that she was on the ballot nine years ago and there were five candidates for Mayor. The Mayor was elected and there was no-run off so we were faced with a situation where you didn't have to have 50% to win. That was the determining factor. I look at the things that the others have said and being a Political Science undergrad, going back and forth with the whole thing about the democratic process and the ability for people to be a write-in, I don't really see it as being as much of an issue going forth. I still think we need to put it on the ballot at some time to clarify it, but my question is the timing and the cost.

Mr. Vincent stated that we have spoken about the fact that it is very slim that you would win as a write-in. The only people that could potentially win as a write-in are those that are already here. Since we are on Council people may know our names already. We are the people that would probably have the most chance to win. If you are an incumbent it looks self-serving, but the other side of it is if you leave it on there we may actually have the best chance to win because we are already out there.

Mayor Sutherland stated that the individual who potentially was the write-in candidate had no intention of going forward. It was an educational exercise that cropped up for either a class or a Cub Scout troop.

Mr. Koomar stated that early discussions were if a candidate went in and someone didn't have a clear majority then what would that do with costs if there were legal maneuvering. For a write-in candidate to get a majority of the votes their name would to be written in properly and that downsizes the potential that it would cause someone not to get 50% of the vote.

Mr. Lee stated that 64% of the voters approved the idea of a primary election in 2007. Allowing a write-in in a general election circumvents that whole intent. I would like to see it addressed, but I don't think we should spend a lot of money on it because it is a fairly remote issue. If it can be solved with a small cost to the city it makes sense to do it. Putting it on the ballot when there are not a lot of other things on the ballot so there is no confusion sends a clearer message. By charter provision, proponents of the measure could certainly petition and get it on the ballot that way as well. I personally would only be opposed to write-ins for the general election. Having write-ins for the primary elections doesn't thwart the intent of the primary. It doesn't end up with more than two candidates on the ballot for the general election.

Mr. Koomar stated that this would go back to simplicity for the voters because it would be troublesome if you had multiple items for voters to approve and then for them to approve one

portion and not the other because of confusion goes back to the Ad Hoc Committee suggestion of keeping it simple.

Mr. Lee stated that to the point that the incumbents somehow are putting up barricades, I obviously see that potential argument. That is not the intention or hopefully not the message communicated, but that also plays into the idea that it would be good to do it an off-year when you don't otherwise have individuals on the ballot. Next year the ward councilmen, Council President, and one Council-at-large position will be on the ballot so it almost makes more sense to do it in an even calendar year when there is no one personally on the ballot. If it can be done at a small cost to the city, I would like to see it done because it is consistent with the intention of the primary that was put in place in 2007. The cost was estimated at approximately \$2,000. I would not want to spend much more than that, but if you waited until the charter review and there were other items on the ballot it could be folded into the cost of that. It seems inconsistent, and maybe something that should have been addressed in 2007. If we don't do anything with it there is a potential that we could end up with litigation down the road. It is remote, but it is something that has to be considered.

Mr. Koomar stated that if it were to go forward the League of Women Voters has said they would promote the cost. Getting the word out as to why it deserves voter consideration is an important piece. If there is agreement to put it on the ballot it would have to be unanimous because it has to rise to a certain level that it needs to be addressed now and can't wait. Having a split vote of 4-3 or 5-2 sends a signal to the voters that even among Council we can't get a consensus. That waters down the argument of moving forward now. There are a lot of things Council can disagree on and still pass; this is one that is going out to the voters to say that we are putting this on because we think there is some real harm that can come to the city, maybe in the next election. If we vote 7-0, or 6-1 to do it, that's a different matter, but I am not hearing that tonight.

Mr. Henderson asked Mr. Lee to comment further on the downside of taking no action and the potential exposure to liability. Mr. Lee stated that when the individual filed as a write-in candidate the Law Director provided an opinion to the Board of Elections. The individual withdrew their application before the Board of Elections or the County had to rule on the issue as to whether write-ins are permitted still under our charter when the primary was instituted in 2007. Our charter is silent and other cities' charters specifically state that no write-in are permitted.

Mr. Koomar added that even if the Law Director submitted an opinion and the Board of Elections weighed very heavily the opinion of the Law Director and the Board of Elections agreed with the Law Directors opinion was that the intent was not to allow write-ins, it doesn't stop that candidate from some type of legal action, which causes the city to defend itself, incurring costs. This goes back to Mr. Lee's argument that if we can do this for a minimal cost then we put out that possibility.

Mayor Sutherland stated that if it should go that far and the Board of Elections and the County Prosecutor, which is the legal counsel for the Board, agrees with the Law Director, they are really the controlling agency.

Mr. Lee stated that if the party wants to be on the ballot and the Board of Elections declines their right to be on the ballot, that individual could go to the Court of Common Pleas and seek a Writ of Mandamus to be allowed to be on the ballot. That court would then look at our charter, look at the

Law Director's opinion, and who knows which way they would rule. Mr. Lee stated that he is trying to talk through the possibilities and how this could potentially cost the city money later on.

Mr. Tadych asked Mr. Lee how he thinks a write-in candidate would affect the election over-all against an incumbent or something of that nature. Mr. Tadych expressed that he thinks the write-in candidate would fall by the wayside. Mr. Lee stated that historically that's probably true. Mr. Henderson noted previously that if social media is used it is possible that write-in candidates might have a better opportunity to be successful. If we incurred the cost of a primary, which we found out this past year is not insignificant, and we can still have a third candidate running for the position with the ability to have their name written on the ballot, have we accomplished anything?

Mr. Vincent asked the cost of having an extra-page on the ballot. The Mayor stated that because the Board of Elections is required under findings and orders by the Department of Justice that everything has to be submitted in Spanish makes the ballot twice as long under any circumstances.

Mr. Koomar stated that the variable is depending on what's on the ballot and whether it pushes to another piece of paper.

Conda Boyd stated that she does not think anybody envisions that a write-in candidate would be able to win. The question is whether a write-in candidate might disrupt the election and cause that less than 50% vote. I don't think anybody envisions a win by a write-in. I am interested in what Mr. Lee is saying about allowing write-ins for the primary election but not the general election. When we talked about it in the Ad-Hoc Committee we said that it might cause multiple amendments and it might be more complicated. Looking at the actual article, it seems like it might be simple to disallow write-ins on the general election. If it happens that Council feels they do not want to put it on the ballot at this time we would be interested in hearing how others feel about putting on a blanket prohibition against write-ins or just a prohibition in the general election.

Mr. Koomar stated that Council needs to come to a decision as to whether they think something should go on a ballot. At that point there would be the secondary discussion of primary versus general election.

Ms. Boyd stated that she is thinking in terms of direction for the Charter Review Commission. Mr. Koomar stated that he would think it would go on their list of items for them to do their due diligence. It could be that chances are that nobody at this table would be around at that time. It is more important that the concept is out there, that we make note of it for the next Charter Review Commission, or if something happens in the next year or two or three, and we feel we should pick up again and potentially review it at that time. That does not limit us, if we take no action at this point from looking at it prior to the next Charter Review Commission in eight or nine years.

The matter of Write-in Candidates for Elections was tabled at this time.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

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The Do-Not-Knock Registry is up and running. Hopefully residents have been able to place their residence on that registry, thanks to Police Chief Mark Spaetzle, the Mayor's Assistant Sue Kohl and others who were involved.

The Community Safety Fair will be held this Thursday evening, May 22, 2014 from 6:30 p.m. to 8:30 p.m. at the Dwyer Memorial Center. Mr. Koomar advised that he reached out to the FBI and did secure child identification kits which include a variety of steps such as fingerprinting, DNA samples, pictures, and other items to have on file to be proactive. They will be available at the event and extra kits were secured to have on hand for the future.

Fire Inspections

Chief Lyons is going to provide an update on fire inspections for either the June 2 or June 9 meeting of Council. The matter will be placed temporarily on the agenda for June 2, 2014.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Rose Hill Museum Exterior Painting

Mr. Tadych will make a motion at this evening's Regular Council Meeting to authorize the Service Director to advertise for bids for painting the exterior of the Rose Hill Museum. Mr. Tadych asked Service Director Thomas for an estimate of the cost of the painting. For preparation and painting, the cost is expected to be between \$25,000 and \$30,000.

Award of Contract for refurbishing the Walker/Nantucket Pump Station.

Mr. Tadych noted that the amount of \$100,000 was budgeted for the refurbishing of the Walker/Nantucket Pump Station. The actual cost of the contract to be presented to Council this evening for approval is \$105,600. Mr. Bob Greytak of CT Consultants stated that two bidders submitted proposals, and the low bidder was Nerone and Sons at 7.8% over the engineer's estimate. Part of that is their concern about maintaining a temporary pump station. Mr. Henderson asked why there was such a large difference in the two bids for this item on the bid specifications; one was \$12,150 and the other \$3,000. Mr. Greytak stated that it is difficult to explain why the contractors bid differently.

Mr. Lee asked if this contractor has done work for the city in the past. He asked if they will be able to perform this work with a minimal disruption to traffic. Mr. Greytak stated that one lane at a time of Walker Road will have to be shut down to put in the force main.

Sewer Connection Fees

Mr. Tadych will introduce five ordinances this evening regarding fees for sewer connections. The ordinance amending Chapter 913 addresses the idea of tap-in fees and has not been reviewed or changed for quite some time. Mr. Tadych stated that he and Projects Coordinator Jim Sears have discussed this for some time and noted that they have an opinion on tap-in fees and whether what is stated in the ordinance is where it should be or whether a little higher might be more beneficial.

Mr. Sears stated that this issue came up during budget work by the Finance Committee. Former Councilman Mike Young, who was chairman of the Finance Committee at that time, brought up sewers and sewer line connection fees. When looking at that particular ordinance, it appeared the City was way under what they should be charging. Mr. Sears began reviewing the ordinances and looked at what it would cost to provide the tap-in, from the curb, and from the center line, etc. That prompted checking neighboring communities and it was found that two of the neighboring communities do tap-ins and sewer lines with a fee schedule, and two of the neighboring communities do not. All four do get something for the tap-ins. Rocky River and Fairview Park do not participate. The contractors do the tap-ins and the service line. In discussion with Service Director Thomas, he wanted to follow those communities that do not have it as their responsibility, especially with more and more demolitions and lot splits. To do that it was broken into two ways. One, where the fees will be set and how does that fit with the other cities. Two, all the changes that need to take place to take the city out of that responsibility. There is also one piece that was missing. Before SAFEbuilt, Inc., our Building Department would do the inspections of the new homes or any lateral sewer replacement. SAFEbuilt only inspects up to 30 inches of the house. That inspection of that sewer lateral falls over to the Service Department. There are currently no provisions to get any kind of fee for that inspection. The changes in Section 1305.02 and the changes on all the deposits have had inspection fees added. Previously, the deposits were only to fix or replace right-of-way or streets that were torn up. Now, it includes inspection fees. Inspection fees have been placed in all the necessary spots in the legislation. You can tell by the changes that we've set the contractors' responsibility. There is still a window on one ordinance to allow the Service Department to go in and do the work with a set fee. Mr. Sears stated that he tried to keep those deposit fees under Section 1305.02 and not refer to them so that they can be changed at a later date under that section only. The only fee set by ordinance is the sewer tap. The only place that the City of Bay Village was receiving a fee for a tap-in was under Section 921.07 which was an ordinance that was passed in 1959. Mr. Sears noted that after reading this numerous times, he still struggles with how you charge a lot that comes up today. It talks about improvements that were done after 1959, the charge would be one-half of what it would cost if the improvements were made at the time of the ordinance, and goes on. You can tell by looking at the ordinance, that in 1991 someone moved it to \$1500. Mr. Sears stated he is assuming, based on that, the way the Building Department must have been interpreting that was back in 1959 to today's costs. With a new tap, we were getting \$1500 at that time, from what former Building Department employee Sue Kohl remembers.

Mr. Sears continued, stating that he liked the Rocky River's legislation for a simple tap-in fee. Westlake's also is like Bay Village's, talking about when the lot showed up on the assessment and tax map. The cities of Rocky River and Fairview Park had simple legislation, just an "x" amount for a tap-in fee. They have a chart addressing various structures, such as single-family dwellings and commercial establishments. He stated that he used their fees, and they are getting \$750 for a single-family dwelling. The City of Bay Village's was set by Mr. Sears at \$1000. In the past, we were getting \$1500 under what they call a Sewer Maintenance Defer Charge. In reading the minutes from 1959, Mr. Sears is sure the reason that came up is because the city was doing a lot of assessing for roads and possibly sewers, and someone came up with the idea of trying to recover some of the monies spent maintaining the sewers when a lot was split. Mr. Sears would like to see it repealed and go with the simple tap-in fee as the main source. In any cases where a lot is split or a

new lot is developed, or a development comes in that fee is collected for any tap-ins. The language, taken from Rocky River, accommodates for additional sanitary flow through expansion or change of use. That would come into play in a situation where a restaurant comes in and takes over a formerly non-restaurant spot, generating a lot more grease and different waste than the former occupant. The fee would offset the maintenance that comes with that additional waste. They will pay a sewer bill like any other commercial buildings, but they are coming into the system engineered and maintained by the city.

Mr. Sears stated that if Council wants to keep the \$1500 tap-in fee the ordinance can be amended by reading. For a restaurant, it is recommended not to exceed \$2500 and leave the 50 cents per square foot over 2000 square feet. Mr. Sears noted that Bay Village does not have large office buildings. He wants to make sure that the ordinance reflects the businesses and commercial enterprises that exist in Bay Village.

Mr. Tadych stated that he and Mr. Sears have had many discussions regarding this issue. They talked about the residential and the possibility of keeping the residential at \$1000 for the tap-in fee and if the house or residence exceeded 2500 square feet increasing it to a larger tap-in fee. The flat fee of either \$1000 or \$1500 is probably where it should be. He noted that he has two opinions, and each one varies from the other.

Mr. Henderson asked about the cost for a tap-in. Mr. Sears stated that it depends on how the community is set up. In a city like Bay Village that is built out, if there is a home demolished and then a lot split, we are adding more to our system. Most communities are collecting for a tap-in. Avon Lake and Westlake also have ordinances charging for tap-ins and sewer service lines. Westlake charges \$1000 for providing the sewer connection between the sewer main line in the street to the property owner's property line, and a \$35.00 per foot charge. Mr. Sears did some calculations on what they were getting for a 50 ft. wide lot, or a 100 ft. wide lot, and it was in line with what we are going to charge. Digging across a road, if the main is on the other side, the restoration is expensive. Every community is getting something for allowing a sewer tap-in. In this case we would be looking at it as the contractor's responsibility and then we would pull from the deposit our hourly rate for inspection and road restoration.

Mr. Lee asked if we historically have had the contractors doing the tap-in in Bay Village, or would this be a change. Mr. Sears stated that it would be a change. If the Service Director feels more comfortable with the city doing it, he would have that option.

Mr. Lee asked if there is a concern about the quality of the contractors tapping in and how that could affect the sewer system, or is it something that is straight forward and the contractors will be able to do it correctly and the city will supervise to make sure there are no problems.

Service Director Thomas stated that if the area of a tap-in is a concern then the city would perform the work. If it is an area that does not cause concern, then most contractors are very capable of doing the tap-in with supervision and inspection by the city.

Mr. Lee asked how many of these tap-ins occur within a one-year period of time typically in Bay Village. Mr. Cheatham stated that there are usually about 8 to 10 tap-ins in a one-year period. Mr.

Sears stated that a demolition and rebuild would go into the same connection. If there is a lot split, there is an additional connection.

Mr. Tadych stated that the ordinance amending Section 913.15 includes a new paragraph about clean-outs required. At one time, clean-outs were not required to be done.

Mr. Lee stated that he was confused about the use of the word “heretofore” in that paragraph. It sounds as though this refers to things constructed in the past. Mr. Sears stated that the reason is that it is probably as much a concern for the Service Department that the clean-outs are brought up to grade. Most homes have clean-outs. There are homes in the community where the clean-outs have never been entered. Years ago they left the clean-outs down 4 to 5 feet. Having the paragraph in the ordinance requires the clean-outs be brought up to grade.

Mr. Sears stated that the paragraph will help people realize they have the clean-outs and need to bring them up to grade, and if they don’t have one put one in. If the Service Department is called out they can help by looking at the clean-out to determine where the blockage is.

Mr. Tadych will ask that the ordinances be placed on first reading this evening.

Mr. Sears summarized the content of the ordinances as follows:

The amendment to Section 901 is basically an older ordinance that was written years ago where the Service Department used to issue the permits to do work in the public right-of-way. The Service Director used to issue a Street Opening Permit. The language has been changed to require that people see that a permit is required. The only thing that a contractor would dig up the street for is for the sewers. Anything else is public utility. All those fees are set, and Section 901.02 basically explains the deposit and refers back to Section 1305.02 for the amount and the use of the deposit for inspection and other fees. Section 901.04, Liability for Damages, has been added.

The amendment to Section 912.03 has language changed to direct it more towards a sewer tap-in, and also talks about a licensed sewer contractor, city inspections, and inspection fees being taken out of the deposit.

The amendment to Section 913 is the section where the tap-in fee is included, and addresses the service line in Section 913.04.

Mr. Henderson asked for an explanation of Section 913.06, Tap-in Fee in Lieu of Assessment. Mr. Sears explained that if a lot is split after there have been assessments on a street, the person building on the lot would have to pay the assessment for that particular lot if it had not been paid previously. Mr. Tadych noted that if a street is extended, the tap-in fee would be required to be paid by the builder.

The amendment to Section 921 is basically repealing Sections 921.07, “Sewer Maintenance Deferred Charge” and 921.08, “Connection Charges; Properties Improved Prior to March 16, 1959.

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Mr. Tadych noted that the amendment to Section 921 will need to be corrected to reflect the most recent sewer rental rates that went into effect on January 1, 2014.

The ordinance amending Section 1305.02 reflects the rates put into effect in February of 2014.

The ordinances will be placed on first reading this evening and amended on second reading to reflect the new rates.

FINANCE & CLAIMS COMMITTEE – Clark

Mr. Henderson will read Resolution No. 14-52 this evening, in the absence of Mr. Clark, adopting a budget for the Fiscal Year beginning January 1, 2015.

Mr. Tadych noted that a Finance Committee meeting will be held Monday, June 9, 2014 at 6:30 p.m.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Addition to Bay Skate and Bike Park

Mr. Lawrence Kuh addressed Council and advised that the dimensions for the addition are 14 ½ feet by 13 feet, and 3 feet and height. Mr. Kuh distributed photographs of the exact location for the addition. He has been working with Service Director Thomas regarding this addition. Mr. Kuh stated that no trees will be lost as a result of this project.

Mr. Lee asked if the new area will require any additional maintenance from the city. Mr. Kuh stated it will not require additional maintenance. Mr. Tadych asked if the concrete will be the same thickness as the other areas of the park. Mr. Kuh stated that it will be the same. The same specifications from the original build will be used. An individual from the original construction crew will be in charge of the addition. Mr. Koomar noted that it was a nicely finished job in the beginning and it will be nice to have the two blend together.

A motion will be introduced this evening to refer this project to the City Planning Commission.

Report of Committee regarding Chapter 1158, Attached Residence District

Mrs. Lieske thanked the Planning Commission members and the leadership of Bela Persanyi, Chairman, and Dick Majewski, Vice Chairman, in attendance this evening for leading the discussion in such a timely fashion enabling the discussion this evening of this matter by the Council. Mrs. Lieske acknowledged the help of Councilmen Steve Lee and Paul Vincent, and Building Official John Cheatham.

Mrs. Lieske stated that Chapter 1158 goes back to 1974 and the last time Council reviewed it was in 2009 by the Planning and Zoning Committee, chaired by Councilman Tadych, and including former Councilman Mark Barbour who is now a member of the Planning Commission, and former Councilman Scott Pohlkamp. After reviewing their recommendations which included lowering the

current five acre minimum to three acres, Council decided not to make any changes. Since then we have had a one acre minimum allowed in the commercial area and nothing has come forth in terms of a development proposal yet. An interest a year ago by a developer for the Cahoon property went to the voters, passed city-wide but not in Ward 2, which made us think that residents are in favor of attached residences, but not necessarily in “their own backyard.”

There was also discussion at the Planning Commission meeting about trying to promote a development first in the commercial area thinking that if residents liked it there could be positive support to present something city-wide. Looking at this in conjunction with the development moratorium being extended we also aren’t responding to any specific developer’s proposal. If we wanted to put something up for further review, this is the right time to do so. The Planning Commission was very mindful of the timing in case we wanted to put a development proposal on the ballot, and the Council Committee colleagues were also very mindful of the time crunch.

Chief Building Official John Cheatham provided initial talking points and recommendations reflecting discussion by the Planning Commission members. Revisions were made according to the discussions of the Planning Commission.

The current five acre minimum would be reduced to make some of these types of developments possible. The area of the commercial business district would remain at one acre, and it would extend up to three acres for the Residence District 1 or Residence District 3, which was also the recommendation of the Planning and Zoning Committee in 2009. The density per acre differs slightly from the recommendations in 2009, in that there are some that would be 6 units per acre and allow up to 10 per acre. The 2009 recommendation was 8 per acre.

If you look at the percentages for minimum open space, maximum lot coverage, and pervious area, they really provide a large safety net in terms of what type of development we would see and how much green space there would be in a development.

The maximum height provision took into consideration keeping the height in terms of what exists in the neighborhood, so the provision will be left to the Planning Commission to review the percentage of the height of the adjoining properties and how many parcels that would include.

Mrs. Lieske noted that the Chapter 1158 refers to attached housing and we are really looking at townhouses, which means homes from top to bottom or bottom to top as opposed to apartment-type buildings. There is also a minimum for the square footage. If there are four or more residences we have to look at the Ohio Building Code, which could have an impact on the developer in terms of the ADA type requirements and modifications that would be necessary.

Mr. Koomar clarified that this would just be an ordinance changing Chapter 1158. If a developer wanted to develop property for attached residence district and consider rezoning, that would be totally separate from this work and would be submitted to the electorate for rezoning.

Chief Building Official Cheatham stated that he looked at all of the adjacent communities and what they had for attached residence regulations. He also picked like communities around the country and state for review. Mr. Cheatham stated that he tried to look at the culture of Bay Village and

how it has been so clear across the years that it wanted to be a residential community. He tried to customize his recommendations for Bay Village and came up with different models for different areas of the city. That was the initial approach. When review came before Planning Commission, he took their comments back and tweaked as necessary to include the local flavor they brought to the table. Mr. Cheatham stated that he basically feels the recommendations are very consistent with the philosophy of Bay Village and is realistically capable of pulling in developers with safety-nets for the community included. Any actual development would have to go to the voters for rezoning.

Setbacks and densities are a bit more conservative than surrounding cities, reflecting the character of Bay Village. A lot of other cities have densities of 12 per acre. Mr. Cheatham tried to recommend more green space but lesser density that would be attractive to a builder but still look like Bay Village. The percentage of height as compared to adjoining properties would result in an additional two to three feet at the most in an area that has two stories. The Planning Commission would look at an area of 500 feet radius to see if they would feel the height would be proper to blend in with all of the development areas shown in the four models.

Mr. Lee noted that the first recommendation of Mr. Cheatham was two models and based on the work of the Planning Commission and the Planning and Zoning Committee two additional models were added. When looking back at the memorandum that came from the Cuyahoga County Planning Commission in 2008, which had not been seen by Mr. Cheatham when he did his work, there were a lot of similarities in the original proposal of two models, one for Residence District 1 and one for Residence District 3.

Mr. Henderson noted that up and down Bradley Road, single family homes are being torn down, sometimes splitting the lots, and building new single family homes. There seems to be a strong demand for that type of home in Bay Village. He asked the reason of wanting this change to happen.

Mrs. Lieske stated that one reason is that the current ordinance has been in place since 1974, and to revisit the acreage requirement. In researching other communities, the minimum acreage for development of three acres seems to still preserve the character of Bay Village but still allow someone who wanted to come together with a proposal to put together enough property to meet that minimum acreage requirement.

Mr. Koomar noted that over the years there have been requests by residents for an opportunity to move to a maintenance-free property in Bay Village. The current five acre minimum is very large. You do not want to change the character of Bay Village and large scale developments could do that. The impetus was to provide a developer a more economically feasible opportunity to provide this type of housing alternative in Bay Village.

Mayor Sutherland stated that a community visioning project was done some years ago collaborating with Kent State Urban Design, which reenacted the entire center of town and a very significant piece of that vision was adding some type of maintenance free attached housing. It serves dual purpose, not only satisfying the need for low maintenance housing, but when building into the commercial district it helps to shore up those businesses, attract better businesses, creating a more vibrant community. The five acre minimum is the largest as compared to other communities and

five acres can have a large impact on a community. Rocky River has been very successful at doing small scale attached housing while being very sensitive to the surrounding community. We have a very diverse housing stock, but that's where we are short.

Mrs. Lieske noted that Mr. Majewski of the Planning Commission found that Rocky River had certain areas of the city where this is allowed which reflects the Mayor's comments about the commercial business district. Mr. Majewski also provided an article from *The Planners Web*, which defined what people want in terms of being able to walk to places in their neighborhoods. Mrs. Lieske noted further that in reviewing Chapter 1158, we do not have to tackle everything at one time. We can look at some of the things, make some changes, and continue down the road with further review.

Mr. Cheatham stated that while giving testimony to a State Sub-Committee, one gentleman asked him where he was from. When Mr. Cheatham told him he was from Bay Village, the gentleman said he and his wife lived most of their life there but now live in Westlake because there was no housing for downsizing in Bay Village such as the condominium they chose in Westlake. Mr. Cheatham stated that it brought it home to him that there is just not a good stock of these type of places for people that are ready to quit mowing their grass and take life a little bit easy.

Mr. Henderson stated that a lot of people that are younger might want a townhome as they transition from an apartment to a house. He asked for a further explanation of Mr. Cheatham's recommendations that stated that Model B, which is Residence District 1, is 9 lots. Mr. Cheatham explained that the square footage required for development in Model B is the equivalent of nine normal lots in Residence District 1. To get the minimum acreage for development, a developer would have to acquire nine lots of 14,700 square feet lots, which is the standard lot size in District 1.

Mr. Tadych noted that would be the same size as the proposed single-family development at the end of Crestview Drive.

Mayor Sutherland noted that attached housing development requires rezoning approved by the voters. The Mayor noted that at the Town Hall meeting held March 31, there were rumors swirling around about the Crestview property, but at that point the city had not received anything. The Mayor stated that she was actually handed a plot plan for the Crestview property last week at the State of the City address for single family homes showing a cul-de-sac with nine lots. Mr. Cheatham advised that this will be on the Planning Commission agenda of June 4, 2014.

Mr. Persanyi commented that a gentleman brought up at one of the recent Planning and Zoning Committee meetings a hypothetical situation where a proposed attached development plan is presented to the city which is acceptable to the community. It is approved by the voters for a change in zoning, and the developer sells his options to someone else who has an entirely different plan. Mr. Persanyi asked what protection the community would have in this situation.

Mayor Sutherland stated that the development would still have to go through the planning process and the Planning Commission has the power to say yea or nay.

Mrs. Lieske stated that the committee was thinking in terms of building materials when there was that discussion when that potential situation was raised.

Mr. Koomar stated that the world is not perfect but if you have a solid, stable developer that comes in and presents a plan with the right intent that is the best you can hope for. There is no safeguard that makes it 100% foolproof. In talking with the Council President in Rocky River and other communities, if you have a good working relationship with a developer with a good track record, they want a solid working relationship and hopefully that occurs.

Mayor Sutherland stated that there are probably more challenges in that regard when it comes to residential development. We do not have a requirement here in Bay Village that residential properties go through the Architectural Board of Review and the review process. There is actually much more control over attached housing or cluster development.

Mr. Lee noted that one example would be the 15% percentage of adjoining properties height requirement in the attached residence proposal. In single family homes you could build up to 35 feet even if your whole neighborhood is ranch style homes.

Conda Boyd stated that early-on Mr. Ebert stated that an overlay district would not be legal in Bay Village because it contradicted the need to take zoning to the voters. At the last Planning and Zoning Committee meeting there was discussion about taking that paragraph about the overlay district out of Mr. Cheatham's recommendations. Mr. Cheatham stated that he unintentionally left the paragraph in his most recent memorandum. He will present a revision which will not include the overlay district.

Mr. Koomar stated that the recommendations of Mr. Cheatham will be put in ordinance form to take it from a concept to actual verbiage. Mr. Tadych stated that before it is put in ordinance form he would like to see it spelled out specifically by type of recommendations. Mr. Koomar stated that they will work with Mr. Cheatham and the Law Director.

The next step will be to put Mr. Cheatham's latest recommendations which reflect the work of the Planning Commission and the Planning, Zoning, Public Buildings and Grounds Committee in ordinance form for further discussion.

Ms. Boyd asked the timetable for review of a proposed ordinance. Mr. Koomar stated that it would go through the three-reading process. Mr. Lee noted that there is not a ballot deadline concerned with this ordinance. The desire is to get it done sooner rather than later. There is a moratorium with the clock ticking on that, but we could also have a development come forward after that moratorium expires and seek to present a development. Mr. Koomar stated that the biggest concern is doing this now while there is no proposal because then it is taking the good work that has been done to update the ordinance.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Vincent had no report this evening.

MISCELLANEOUS

In the absence of Mr. Clark, Mr. Henderson will introduce this evening at the Regular Council Meeting the resolutions certifying unpaid tree removal, grass cutting, sewer/refuse charges, and sidewalk repair and reconstruction charges to the County Fiscal Officer. Finance Director Mahoney explained that this is an annual procedure to place unpaid charges on residents' tax bills. Residents have until the beginning of September to pay for these charges, if they have not already done so, before the certification procedure takes place.

Mr. Henderson asked if it is appropriate for him to make a motion at the Cahoon Memorial Park Trustees meeting this evening approving the use of Cahoon Memorial Park on Memorial Day, May 26, 2014 by the Village Foundation for their ceremony, since he is on the Board of the Village Foundation. Mr. Koomar stated that it is proper for Mr. Henderson to make that motion because it is simply the use of the park to present an award.

The Memorial Day Parade will be held Monday, May 26, 2014, stepping off from Huntington Beach Park at 8:45 a.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council