

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 9:08 p.m.

May 19, 2014

Paul A. Koomar, President of Council, presiding

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

Absent: Mr. Clark

Also Present: Finance Director Mahoney, Service Director Scott Thomas, 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.

Mr. Koomar called the meeting to order at 9:08 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 2 Councilman Paul W. Vincent.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held May 5, 2014. Mr. Lee noted that after the circulation of the minutes to the members of Council, a change has come forward. On Page 8 of the Regular Meeting minutes, the last sentence should be changed to read: "Mr. Ebert asked Mr. Thomas if this was fair that they would get back to Mr. Majewski within two weeks, and Mr. Thomas stated that is a fair statement." Mr. Koomar noted that originally some of the comments were attributed to Mr. Majewski, instead of Mr. Thomas. Mr. Lee **MOVED** to dispense with the reading and accept the minutes as prepared and amended. Motion carried 6-0. Mr. Koomar called for a reading of the Minutes of the Meeting of the Cahoon Memorial Park Trustees held April 14, 2014. Mr. Lee **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mayor Sutherland expanded on her comments from last week about what a great job the Safety forces did on Monday May 5. On Friday, there was another incident at Bay High School with the case of a high school girl being chased by a very intoxicated 35-year-old individual. The individual was arrested quickly by the Police Department.

Mayor Sutherland commented further that after the terrible storm of Monday, May 12, 2014 the City of Bay Village only had 22 flooding calls. Thanks to the new software system the Mayor is able to immediately find information regarding the individual issues and she is very pleased with the Service Department since most of the issues were resolved by Wednesday, May 14. All of them were private property issues with tree roots in lines and they took care of it most efficiently. Kudos to Police, Fire, and Service for last week's efforts.

Mr. Koomar added that he did his every-several-years clean-out of his storm and sanitary lines and, going back to the discussion on clean-outs, he discovered that there is a crack in his sanitary sewer which is not totally difficult to repair. Without doing that maintenance and having that clean-out there he would not have known there was a problem until there was a bigger problem. The comments in today's committee meeting about what is being done with the sewer connection fees, coming up with that long term strategy and being proactive is all part of resolving these issues.

Mr. Koomar announced the Spring Green Garden Show to be held at the Community Garden at the former Forestview School site. The show will be held Saturday, May 24 at the Community Garden from 10 a.m. to 2 p.m. The public is encouraged to participate, tour the community garden, enjoy the many exhibits and visit with their neighbors.

REPORTS

Mayor Sutherland had no further report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch advised that Hartman Field lights should be installed by Friday, May 23, 2014. The project was delayed due to wet ground. Painting at the Aquatic Center is completed for the swim features, and painting of the slide has begun. The pool will be filled beginning Thursday, May 22, 2014. Opening day of the pool is Monday, June 2, 2014. Senior splash will be held in the afternoon with public opening at 3 p.m.

Service Director Thomas stated that tentatively a meeting is scheduled for Wednesday, June 11, 2014 at 7 p.m. in the Bay Village City Council Chambers for the Bruce/Douglas area residents regarding dye testing of sewer lines. A letter will be sent to the homeowners inviting them to the meeting.

Community Services Director Bock advised of the opportunity for a free national hearing test that is being offered. By using a land-line telephone and calling 1-866-223-7575, the test can be conducted on each ear with results for each ear given and the participant informed whether they will need to pursue further help from an audiologist.

Police Chief Spaetzel was not present this evening but asked Mayor Sutherland to report of the Community Safety Fair to be held Thursday, May 22, 2014, from 6:30 p.m. to 8:30 p.m. at the Dwyer Memorial Center.

The Police Department is working in conjunction with Subway and Dairy Queen to "catch" kids wearing helmets. Each officer will be getting coupons from both businesses to hand out to kids who are observed wearing bike helmets. The coupons will entitle the bearer to a free cookie at Subway, or a free kid's cone at Dairy Queen. The program is providing a tremendous opportunity for the officers to interact with the youth of the community while encouraging bike safety. The Mayor sent out a big thank you to Subway and Dairy Queen for their participation.

COMMUNICATIONS

The following communications were acknowledged by the Clerk of Council:

Thank you note from Jessica Breslin, the Manager of the Bay Village Branch of the Cuyahoga County Library thanking everyone for the opportunity to address Council on May 12, 2014.

The Annual Report of the Lake Erie Nature and Science Center has been received in the office of the Clerk of Council.

AUDIENCE

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

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Lee had no report this evening.

FINANCE AND CLAIMS COMMITTEE

Mr. Henderson read **RESOLUTION NO. 14-52** ADOPTING A BUDGET FOR THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015, SUBMITTING SAME TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

Resolution No. 14-52 was placed on Second Reading.

Mr. Tadych introduced **Resolution No. 14-55** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, 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. 14-55.

Roll Call on Suspension of Charter Rules:

Yeas- Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays -None

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Roll Call on Adoption:

Yeas– Henderson, Koomar, Lee, Lieske, Tadych, Vincent
Nays–None.

Mr. Koomar announced adoption Resolution No. 14-55, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Resolution No. 14-56** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, 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. 14-56.

Roll Call on Suspension of Charter Rules:

Yeas-Koomar, Lee, Lieske, Tadych, Vincent, Henderson
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Koomar, Lee, Lieske, Tadych, Vincent, Henderson.
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Koomar, Lee, Lieske, Tadych, Vincent, Henderson
Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lee, Lieske, Tadych, Vincent, Henderson
Nays–None.

Mr. Koomar announced adoption Resolution No. 14-56, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Resolution No. 14-57** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, 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. 14-57.

Roll Call on Suspension of Charter Rules:

Yeas- Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays -None

Roll Call on Adoption:

Yeas–Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays–None.

Mr. Koomar announced adoption Resolution No. 14-57, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Resolution No. 14-58** certifying sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, 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. 14-58.

Roll Call on Suspension of Charter Rules:

Yeas- Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays-None

Roll Call on Suspension of Council Rules:

Yeas – Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays -None

Roll Call on Adoption:

Yeas– Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays–None.

Mr. Koomar announced adoption Resolution No. 14-58, an emergency measure, by a vote of 6-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Motion by **Tadych** authorizing the Director of Public Service to advertise for bids for the exterior painting of the Rose Hill Museum.

Motion passed 6-0.

Mr. Tadych introduced **Ordinance No. 14-59** authorizing the Mayor to enter into an agreement with Nerone & Sons, Inc. for the Walker-Nantucket Pump Station Improvements, 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 14-59.

Roll Call on Suspension of Charter Rules:

Yeas- Tadych, Vincent, Koomar, Henderson, Lee, Lieske
Nays-None

Roll Call on Suspension of Council Rules:

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Yeas –Tadych, Vincent, Koomar, Henderson, Lee, Lieske
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Tadych, Vincent, Koomar, Henderson, Lee, Lieske
Nays -None

Roll Call on Adoption:

Yeas– Tadych, Vincent, Koomar, Henderson, Lee, Lieske
Nays–None.

Mr. Koomar announced adoption Ordinance No. 14-59, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Ordinance No. 14-60** amending Codified Ordinance Chapter 913 Regarding Connections to Sewers and declaring an emergency.

Mr. Tadych explained that Section 913.05 is the tap-in fee charge relative to the initial tap-in connection to City’s sanitary sewer system or for an increase in sanitary flow charged by expansion or change and shall be as follows:

- (a) Residential \$1,000 per dwelling unit
- (b) Restaurant \$2,250 less than 2000 square feet; each additional square foot is 50 Cents
- (c) Office Buildings/ Retail, Commercial and all others:
\$1,000 less than 2000 square feet; each additional square foot is 25 Cents

Ordinance No. 14-60 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-61** amending Codified Ordinance 912.03 Regarding Limitations of Connection and declaring an emergency.

Ordinance No. 14-61 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-62** amending Codified Ordinance Chapter 921 Regarding Sewer Rental and declaring an emergency.

Ordinance No. 14-62 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-63** amending Codified Ordinance 901 Regarding Streets and Sidewalks, and declaring an emergency.

Ordinance No. 14-63 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-64** amending Codified Ordinance Section 1305.02 Regarding Permit and Inspection Fees, and declaring an emergency.

Ordinance No. 14-64 is placed on First Reading.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Motion by **Lieske** to refer Bay Skate and Bike Park proposed addition to the City Planning Commission.

Motion passed 6-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

MISCELLANEOUS

The Council meeting of May 26, 2014 will not be held due to the Memorial Day Holiday. The parade begins at Huntington Beach at 8:45 a.m.

Mr. Koomar addressed Mayor Sutherland regarding the Nixle alert sent out by the Mayor on Monday, May 12, 2014. He stated that no one on Council who signed up for the Nixle communication received the alert. He asked if a test has been run of that system recently.

Mr. Koomar asked Mayor Sutherland if the land line phone alert system is also alerted when a text alert is sent out. Mayor Sutherland responded that the land line phone system is not necessarily implemented with the text message. It has to be a separate item actuated. Chief Lyons and Mayor Sutherland decided not to do so on Monday, May 12 because after watching the television reports and seeing where the storm was we were not in imminent danger. It is the same reason the City of Lakewood didn't activate their sirens. The storm was all going south of us.

Mr. Koomar stated that the question he would have is if a resident signs up to be alerted they may not realize that a senior that signed up for land phone only is not getting an alert that someone with a mobile phone is getting. He asked that this be discussed further. If the schools call off school, Mr. Koomar stated he gets a text alert and a phone call because he signed up for both. Many times if something happens during the day, the text alert comes first, and is followed later by the phone call. There is some redundancy there. There was some confusion on Council as to when those alerts go out because a resident should not be thinking they will be getting a communication if we are only selectively using one of the systems. Mr. Koomar stated that how someone signs up shouldn't affect the amount of notification. Monday we chose to send out an alert via Nixle to cell phones. At that time, Chief Lyons informed Mr. Koomar that the

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remainder of the Council meeting should be cancelled because at that time we should seek shelter. A tornado warning for Bay Village should warrant that communication.

Mayor Sutherland stated that they went back in, looked at the TV, and could see that the storms were all going south. Bay Village did not appear to be in imminent danger. Bay Village had little damage compared to other communities. There were no trees down and we did not lose power.

Mr. Koomar stated that he is concerned if a resident has not signed up for the Nixle via a cell phone text, and has only the dial up service. He does not want them not getting proper communication.

Mayor Sutherland stated that they are trying to use as different modes as they can but it also depends on the severity and exactly what is going on. A lot of seniors watch television and probably had their programming preempted because the weather is all they were broadcasting Monday evening.

Mr. Vincent stated that over-communicating is probably a good idea.

Mr. Koomar asked if there is a way we can test the Nixle system. It is hard to believe that seven Council people on different cell phone providers didn't get the alert. He would like to be sure there is not an issue there.

Mr. Lee asked if there have been any Nixle messages sent out by the City since January 6, 2014. That is the last message Mr. Lee received.

Mayor Sutherland stated that there is a complete record of every single one she has sent out. Mr. Lee noted that he did not receive the message sent last Monday evening to the cell phones.

Mr. Vincent questioned the possibility that sending many out at one time may have caused an issue. Mayor Sutherland stated that there is always the possibility that there is an issue with the carriers.

Mr. Henderson stated that the last message he received was in January. The Mayor will double-check to see when the messages were sent.

Mr. Lee asked if there is a protocol that says tornado warning we would send, or tornado warning and we have to verify from the radar that Bay Village is in the path of a cell. Mayor Sutherland stated that there are requirements and restrictions by Nixle. There are three categories. You can do a community notification which we tend not to use because we don't want people to become immune to messages. We use the Mayor's email blast for community events. The advisory would be anything from a major water break to a tree falling across the road. A weather advisory or gas main issue might be one where we would use the alert, where there is imminent danger. There is a bit of a judgment call too, but we also have some

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restrictions that we have to work with Nixle where they require very specific information before they will allow the actual alert to go out.

Mr. Koomar stated he watched two different television channels on Monday evening after the Council meeting and both identified Bay Village as an area where it was necessary to seek shelter. Mr. Lee noted that tornado warnings historically have been few and far between. Tornado watches are more common but warnings are infrequent. The last notification I received on January 6, 2014 was “Stay indoors because it is extremely cold.” It is difficult to determine which of the two - extreme cold or tornado warnings – is more worthy of an alert. The feedback I’ve gotten is in a tornado warning scenario we would like to have the Nixle messages. We have to figure out why some of us didn’t get it and make sure people are getting it. I did get a fair amount of feedback that said nothing was heard.

Mr. Koomar said if people aren’t watching television – it was a rainy night but the first 11 days of May were rain, and it was not unbelievably windy. If you didn’t have your television on to be warned, the weather didn’t necessarily lend itself to a tornado condition.

Mayor Sutherland noted that everyone did have power that evening.

There being no further business to discuss, the meeting adjourned at 9:45 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council