

City of Bay Village

Council Minutes, Committee Session
Conference Room

November 10, 2014
7:30 p.m.

Paul A. Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Recreation Director Enovitch, Community Services Director Selig, Police Chief Spaetzel, Fire Chief Lyons, Service/Safety Director Thomas, Operations Manager Landers.

ANNOUNCEMENTS

AUDIENCE

The following audience members signed in this evening: Conda Boyd, Jerrie Barnett, Jane Hoffman, Carol Zeiders.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Cuyahoga County General Health District, District Advisory Council- Renewal of Agreement for Health Services for 2015.

Mr. Lee stated that this renewal for health services is at the same per capita rate as 2014, which is \$3.92 per person. Mayor Sutherland commented that the County Health District performs a wide variety of health related services for the City, including water testing at Huntington Beach, inspecting all of the restaurants in the city, and West Nile Virus control measures. The ordinance accepting the renewal will be introduced at the November 17, 2014 meeting of Council.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych had no report this evening.

FINANCE & CLAIMS COMMITTEE

Mr. Clark reported that this evening he will introduce a motion to adopt an administrative compensation ordinance for the hiring of an Assistant Community Services Director. The ordinance was placed on first reading at the regular meeting of Council held November 3, 2014.

A second administrative compensation ordinance for the hiring of a Human Resource Manager will be placed on first reading this evening.

Mr. Clark will also introduce an ordinance authorizing the Finance Director to enter into an agreement for a commercial credit card with the Huntington Bank. Finance Director stated that the City has used American Express Card in the past. The Huntington Bank card is more user friendly and provides a cash back return to the City's account.

Mrs. Lieske asked the rationale for adopting the ordinance as an emergency measure. Mrs. Mahoney stated that the absence of the emergency clause would require a 40-day waiting period for the ordinance to go into effect. This commercial card is tied to the Tax Identification Number instead of the individual's Social Security Numbers. The balance is paid monthly, and the card is used for payment of the trash contract. Effective in January, Medical Mutual will also accept the commercial credit card for payment of the City's contract. Mr. Tadych asked if the State Auditor's Office has a problem with this use. Mrs. Mahoney stated that the Auditor's Office has a problem with people using their own personal credit cards, but not corporate cards.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Extension of 45 days for the Planning Commission to review the application of Bradley Center Limited for the southerly extension of Crestview Drive and the Crestwood Drive Subdivision, from January 3, 2015 to February 17, 2015.

Mrs. Lieske stated that the application submitted by Bradley Center Limited was incorrect in that it stated that preliminary approval had been received from the Planning Commission on June 4, 2014, and they were seeking final approval at the November 5 meeting. The Planning Commission minutes for the June 4, 2014 meeting reflect that there was not final approval given. There was a request for written reports to be received from Police, Fire and Service. None of these reports had been received, and final approval could not be given prior to the expiration of the previous extension granted.

Mr. Henderson asked if this project has any correlation at all to the project ongoing right now which is the Alzheimer's Extension Unit. He was informed that this project is for the Crestview Drive Extension and Crestview Subdivision.

Mr. Tadych asked if Bradley Center Limited is different from the Bradley Bay Healthcare Center. Mr. Ebert stated that he would assume it is a separate holding company applying for the extension of Crestview Drive. Mr. Clark commented that under the Medicare/Medicaid reimbursement rules for Bradley Bay Health Care Center, he would think that they would be two separate entities.

MISCELLANEOUS

Mayor Sutherland stated that the City Directors and the Mayor were trained in the techniques of Lean Ohio this past early summer. One of the issues that came up subsequent to their training was that users navigating through the Planning Commission application review process was difficult. The Mayor thought it would be a good idea to review the process with the objective of streamlining the process. They put together a committee consisting of the Chairs of the Planning Commission, the Board of Zoning Appeals and the Architectural Board of Review, the Law Director, John

Cheatham of SAFEbuilt, Joan Kemper, Secretary to the Boards and Commissions, Ruth Popovich as an outside third party that could ask questions that might be missed, and the Mayor. They spent the fall remapping the current process and developing a new process which reduces the steps by 58%. The Mayor invited the Council to view the work done which is on display in the former Building Director's office. The right wall as you enter the room is the former process; the front facing wall displays the new process. Mr. Ebert is preparing amendments to ordinances for presentation to Council. The former schedule of meetings of each Board and Commission held twice per month will be reinstated as part of the new process.

Mr. Tadych asked how this new process compares to what other cities are doing. Mayor Sutherland stated that the new process will be much more reflective of what other cities do.

Mr. Lee asked if this will all be consistent with the City Charter. Mr. Ebert stated that all changes are from the administrative code, and not the City Charter.

Mr. Tadych asked if there were any comments written during these meetings for the Council to review. The Mayor suggested looking at the display in the former Building Director's office.

Mr. Lee suggested that when the modified ordinances are presented to Council it would be helpful to have the Chairs of the Boards and Commissions present. The Mayor stated that they would most probably be happy to attend the Council review, noting that this was a consensus type of exercise.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

RECREATION & PARK IMPROVEMENT COMMITTEE

Exercise Stations along Walking Trail in Cahoon Memorial Park

Mr. Henderson included information in the Council packets this weekend concerning the proposal to install exercise stations along the Walking Trail in Cahoon Memorial Park. The locations for stations 2, and 3 were moved, as indicated by Mr. Henderson in his memorandum dated November 10, 2014 to Council as follows:

Location 1 noted on the October 27 documentation has been removed from the proposal. The site previously referred to as "Location 1A" on that documentation has been renamed simply "Location 1."

Station 2 (the "middle" station) was moved East relative to the documents provided. This places it behind a set of large trees, materially reducing the impact of the equipment on the vista since the trees (and a park table) are already in this location.

Station 3 (on the Eastern side of the park) was moved from within the walking trail "loop" to beyond the Eastern edge of the walking trail. This completely eliminates Station 3's impact on

the view of the open space within the walking trail “loop” for any person who is walking along the trail.

Mr. Henderson addressed the question relative to equipment similar in nature being removed from the Bay High School. Mr. Koomar contacted Mr. Bill Selong, and Mr. Clint Keener, of the Bay Board of Education. Mr. Keener indicated that the equipment had been removed prior to the time he had come into the school system and he did not have any recollection about the equipment. Mr. Selong stated that no one recalls the reason the stations were removed, however, it was very likely that the wood construction or degradation of the metal parts over time were the likely reasons for removal. There was not a recollection that the reason they were removed was a specific safety issue. Mr. Keener did mention that he had recently seen two new projects in another state that used all metal construction.

It is further recommended that Site No. 2, the pull-up bars, not be oriented 90 degrees to give the opportunity for those using the pull-up bars to view the lake while performing their exercises. It is important that the equipment is enjoyable for the users.

Mr. Henderson recommended that discussion be concluded this evening and consider a motion on November 17 to accept or reject the proposal. It is the consensus of the Recreation and Park Improvement Committee that the project has been evaluated to an extent that the sub-committee felt it is a reasonable proposal to be brought to the Committee of the Whole, and eventually the Cahoon Memorial Park Trustees, for consideration. Locations are documented, changes have been considered, and the length, height and width of each of the stations, integral parts and areas have been documented as well.

Mr. Lee asked if this proposal will need to be processed through any of the other City boards. Mr. Koomar stated that Chief Building Official John Cheatham will be the gatekeeper on the proposal.

Mrs. Lieske stated that she has only heard from residents who do not want this at Cahoon Memorial Park. As much merit as there might be in this type of project, it is too soon for it to move forward for Cahoon Memorial Park. The park needs to be reviewed with an eye for what is desired at the park both by Council and the residents rather than just proposals coming forth one by one, such as the Disc Golf and changes to the Skate and Bike Park. Mrs. Lieske noted the possibility of a survey either through the new Master Plan or with the help of the *Westlake/Bay Village Observer*. Until something is seen from the residents that they strongly want something like this, or where they would want it, Mrs. Lieske stated she will not support the effort.

Mr. Koomar noted that the Recreation and Parks Commission also reviewed this proposal with input from residents and while he has heard feedback on both sides of the issues, he has heard from many that in the spirit of fitness for Bay Village this is a minor addition that adds value and gives flexibility within the trails.

Mrs. Lieske noted that the Planning Commission offers an opportunity for public hearings. These other commissions are not publicized as public hearings for the whole community to attend. Mr. Henderson noted that there were many public meetings where the proposal was discussed as well as a newspaper article in *The Sun News* regarding the proposal. Subsequent to that article being

published, an anonymous \$500 donation was offered to Messrs. Tyo and Miller for funding of the project.

Mr. Henderson stated that he has had an opportunity to go to the park and talk to people about the proposed project. He visited the park, and spoke to six people; five people liked the proposal, one person was ambivalent. One of the people that liked it also mentioned that they were very excited about the proposal because they had previously been using park benches and tables to do step-up types of exercises. However, Conda Boyd notified Mr. Henderson by email that she had spoken with four people and three were not in favor of the proposal. They discussed this and both Mr. Henderson and Ms. Boyd agreed that there is the opportunity for observer expectancy effect in this kind of situation. If Mr. Henderson speaks to someone and has a tendency to support it, that may come across in the way he presents it. If Ms. Boyd or someone else who doesn't support it talks to someone, they may communicate things facially or through gestures that leads someone to have a negative reaction. This is the reason people do double blind studies at drug research. It is impossible to actually conclude there is statistical level of information on which to make a conclusion. It is up to the trustees of the park to use their judgment as elected officials to do that for them.

Mrs. Lieske stated that this is why she has been asking for a survey; that would be statistically reliable and valid so we know what the residents really want. Mr. Henderson stated that he still strongly supports the aspect of the survey. He understood that was something we were going to be getting to this year; in fact, this fall. Mr. Henderson stated that it is his understanding that this has been potentially delayed because of making it part of broader projects. It will not be done as an independent study like Westlake is currently conducting their survey right now. There is a timing consideration as well.

Mr. Koomar called for comments from other trustees.

Mr. Vincent stated that his concern is that it is not going to get used very much. He was using the trail this past weekend because the weather was favorable. There was only one person walking. Going forward, from maybe this past weekend until well into spring, it is going to be almost too cold for many people. There has been a really good job done with the design and placement so that it will not be seen much except when you are right next to the stations. Mr. Vincent stated he has done a lot of running and goes past these sort of things pretty often and they don't look very used. If we do move forward, we should have some sort of valuation in the future as to whether it is really being used, and even worth having.

Mr. Lee stated he would be more inclined to agree with Mr. Vincent if there were a capital expenditure on behalf of the city to build these, and an on-going operating expense. So, if they weren't getting used why would we continue to pay future expense? Mr. Lee stated that to him it is a way to add an amenity in the park at no cost to the city. This is one of the great things about Bay Village. There are people like Mr. Tyo who come forward and are willing to raise the funds and put together the effort to make this a nice addition to the park for the residency.

Mayor Sutherland stated that she is one of those people that works out on the bench as she is walking around. Since there is no cost to us, why not try it? It is fairly unobtrusive, it is not a big deal. Mr. Lee noted that even the cost to remove it would not be significant.

Mr. Tadych stated it would be very unfair to remove it in two years after community involvement has raised the money to put it there. Mr. Koomar stated that removing it would not be the intent, but if there were an issue we have not boxed ourselves in. Mr. Tadych stated that it would have to be a big issue to bend on the involvement of the contributors.

Mr. Clark stated that there has been close to two years spent vetting this topic. There have been at least three Parks and Recreation meetings that preceded Councilman Henderson. We owe it to the folks that presented the proposal a chance to bring it to a vote. People will speak their conscience. Effort has gone into repositioning the sites so they are not obtrusive to the lake and that is one of the major concerns. If we were spending a lot of money on capital to the points made around the table, and operations, there would be a concern. But, we talk about being fit, we talk about exercise, and at no cost to the City it seems to be an easy decision.

Mr. Koomar stated that the matter will be put to a vote on November 17 and trustees should vote their conscience. Mr. Henderson asked that the audience be given an opportunity to speak at that time as well.

AUDIENCE COMMENTS

Conda Boyd asked when we are likely to know about funding for the Master Plan. Ms. Boyd stated that Councilwoman Lieske has a very good point about having a real statistically significant survey done. If that will be done as part of the Master Plan, does it not make sense? Mayor Sutherland stated that it would be done as part of the Master Plan, but it costs money to do one. Ms. Boyd stated that if we will know about the Master Plan in December, would it make sense to delay the vote?

Mr. Koomar stated that the Master Plan could take years. We have an opportunity for this amenity at no cost. Mr. Koomar expressed agreement with Mr. Henderson that he is a trustee and needs to use judgment and do research prior to making a decision. Mr. Henderson stated that this is why he has tried to take this through a very transparent and open process, and definitely appreciates everyone's input.

Jane Hoffman, resident, stated that she has done her own personal survey. She presented layouts and pictures, stopped people walking, and asked if they had heard about the proposal. One person said they did not care, but that person lived in Westlake. Four other people were asked, and nobody was thrilled. In talking about the influence of who presents it, Mrs. Hoffman tried not to say anything one way or another. The persons interviewed were not that happy about it, but maybe it just happened that day there weren't any of the type of people out that would use that equipment. Mrs. Hoffman stated that it sounds like there is compromise. Her compromise, is yes, go ahead and have them, but not in that park.

Carol Zeiders, resident, stated that when you talk about Bay Village paying out of City funds versus funding, you should consider the fact that any funded money that is raised is money that maybe could be used for something else. Something that other people might say they wanted. Mrs. Zeiders stated that from what she has heard, she does not know who wants this.

Mr. Henderson stated that the two people that have brought this project forward over the past couple of years have stepped forward and they are the ones that will be running the process of developing the funds for it, in conjunction with The Village Foundation. The Village Foundation has agreed to act as the financial intermediary for this collection process. Those residents will be running that process for a project they would like to see.

Mrs. Zeiders stated that maybe there are other projects that could be brought up that they would like to see more. That is why she would agree with Councilwoman Lieske that it should be looked into further and see if there are other projects that might be better.

Mr. Tadych stated that when Mr. Henderson started doing this he had two locations in mind. What happened to the other location, and how did it get pushed aside? (Bradley Road Park) Mr. Henderson stated that he had a discussion with Messrs. Miller and Tyo about that possible recommendation. The primary component of their response is that they think this is the right place for these assets. They think that the utilization of the walking trail is relatively heavy; they think that will lead to utilization of the equipment. It is not their opinion that it will lead to a change in the make-up of the use of the park. People are not likely to substitute these pieces of equipment for a gym membership, or weight lifting. The primary motivation is that they think this would be the place where it would get the most use. A secondary consideration is that Mr. Miller's firm has developed the renderings in the three-dimensional software that allowed everyone to understand the proposal before it is voted upon. They proved to be valuable since Mr. Vincent asked for additional renderings which were prepared at his request. However, that does require time and expense that is done on a pro bono basis by employees at Mr. Miller's firm. In order to render the entire alternative site simply for consideration when it is not a proposal that they plan to fund or recommend, there would be several pro bono hour expense required to do that.

Mr. Tadych asked the reason why the site of the T. Richard Martin Walking Trail was selected. The drawings could be moved to any location given the same twenty foot square footprint. Mr. Koomar stated that the site was presented because they thought the usage would be the highest, and residents seem to congregate in Cahoon Memorial Park for other uses and will often come over and walk or jog, taking advantage of a nearby soccer game or practice, to get their exercise in. You see families multi-task within this area and it is centrally located in Bay Village, accessible for the greatest number of residents and having the highest chance of usage.

Mrs. Lieske stated that a week ago Sunday, when the site stakes had already been installed, parking was not an issue but the wind was howling off the lake. But, two weeks prior to that on a Sunday afternoon there were people walking and it was difficult to find a parking space. Mrs. Lieske expressed a safety concern because if that little parking lot is full you must cross Lake Road. At Bradley Road Park, where Mrs. Lieske visited the same day, there are at least three places to park: the church, the Bay Lodge, and the lot off Bradley Road Park. Would there not have to be some

kind of mulch? What would that mean for the Service Department in terms of maintenance? It is not totally free once it's up.

Mr. Henderson stated that Mrs. Lieske's comments about parking is a counter point to Mr. Vincent's point about potential under-usage of the asset. He added that it is not his opinion that the presence of these assets will materially increase the utilization of the park. The people already using the park may choose to use them. It may draw a small number of people to the park that hadn't been there before, but it won't be materially different than it is today. If overflowing the parking lot creates a safety concern, then that is a problem we already have that we should address. It is not germane to this particular discussion. Regarding the mulch, there was a time frame within the last 12 months, when mulch was a component of the plan. However, that was removed from the plan because the intent was to eliminate the potential on-going operating expense. These gentlemen are raising funds for a capital expenditure; we don't want the unfunded liability of property expense on the city's books by having that installed and requiring mulch replacement. It is the view of the two people promoting this that the grass is heavily utilized in that area by people who are playing sports with cleats and the grass seems to be ok. Under those conditions it will continue to be ok as people walk around the equipment.

There being no further discussion, the meeting adjourned at 8:15 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council