

CITY OF BAY VILLAGE

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

January 5, 2015

Paul A. Koomar, President of Council, presiding

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

Not Present: Mr. Henderson

Also Present: Law Director Ebert, Recreation Director Enovitch, Police Chief Spaetzel, Fire Chief Lyons, Service/Safety Director Thomas, Community Services Director Selig

Council and members of the administration had assembled at 7:30 p.m. in the Conference Room to review agenda items; this was open to the public.

During the review, Mayor Sutherland advised, weather permitting, she will be going with other area Mayors to Columbus, Ohio, on Friday, January 9, 2015 to meet with the Director and Deputy Director of the Ohio Department of Natural Resources (ODNR) to discuss deer management. The Mayor is not optimistic that anything will be heard that is very different from what was heard from Goeff Westerfield from the ODNR when he visited the City.

Mrs. Lieske stated that this goes a long way for the residents. Mrs. Lieske noted that she received another email over the weekend asking about the deer issue. Making the good faith effort to meet with whomever we can meet with and stay on top of it goes a long way into trying to be proactive. The Mayor added that she hasn't heard any details yet about a group of cities contracting with a helicopter pilot who could come in and do a survey through the winter. It is not in our budget, but depending on the number, the more who participate, the cheaper it will be.

Mr. Lee asked if when conducting this census they actually provide information detailing where the deer are concentrated in the City of Bay Village. The Mayor stated that they do fly over, have infrared equipment and will plot the concentrations.

Ordinance 14-115 regarding outside legal services will be placed on second reading this evening. The ordinance provides a greater definition in terms of the scope of work that is being done by the firm of Seeley, Savidge, Ebert, and Gourash.

Mr. Lee stated that the ordinance includes a reduction in the hourly rates of outside legal services from 2014, and expressed appreciation to Mr. Ebert.

A motion to remove the 2015 Budget Process on the list of Matters Pending before Council Committee will be presented by Mr. Clark this evening, since the 2015 budget was passed on December 15, 2014.

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Mr. Tadych commented that he will remove the Saddler Beach Easement Storm Water System Improvements from the Matters Pending before Council Committee list, under the category of Public Improvements, Streets, Sewers and Drainage Committee. Mr. Tadych advised that statistics have been received from CT Consultants and Service Director Thomas that the finalization of the problems has been completed.

Mr. Clark noted that this leaves one item pending under the Public Improvements, Streets, Sewers and Drainage Committee: the Sunset Area Improvements. Mr. Clark noted that Council is attempting to address the project this year. Money has been put aside in terms of design and engineering for the Sunset project. Director Thomas stated that they are awaiting the finalization from CT Consultants. The amount of \$136,000 has been budgeted for the engineering.

Mr. Clark explained that a budget placeholder was set for some work on either Wolf Road or Lake Road, pending funds from outside sources. This did not come to fruition this year, so the thought was to slot in the engineering for the Sunset project.

Mr. Lee asked Mr. Thomas what work was done at Saddler Beach. Mr. Thomas stated that there was review of the area and it was found that there was nothing further the City could do. Mr. Tadych asked if the pipes were revamped. Mr. Scott stated that the pipes were revamped. Mr. Lee noted that there was some work done on Bassett Road as well.

Mrs. Lieske advised receiving an email today from the Assistant to the Law Director, Lorree Lewis, regarding proposed changes to the building code sections covering Fees for Building Permits and Inspection of Plans. Mrs. Lieske will schedule a Planning, Zoning, Public Buildings and Grounds Committee to review these proposed changes recommended by Chief Building Official John Cheatham.

Mr. Vincent will request that Ordinance 14-115 in regard to Natural Gas Aggregation be placed on second reading this evening. The deadline for filing with the Board of Elections is February 4, 2015. Mr. Clark stated that there will be no cost to the City for the election charges.

Mr. Koomar called the Regular Meeting of Council to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Councilman-at-large Steve Lee.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held December 29, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 5-0 with one abstention by Mr. Tadych.

REPORTS

Mayor Sutherland had no further report this evening.

Law Director Ebert had no report this evening.

Recreation Director Enovitch had no report this evening.

Service/Safety Director Thomas had no report this evening.

Community Services Director Selig had no report this evening.

Police Chief Spaetzel advised that the two new police officers will graduate from the Police Academy this week and will begin their FTO program. They will be on road patrol by May 1, 2015.

Fire Chief Lyons acknowledged the fine service of Firefighter Guy Snodgrass who served his last day on Christmas after 21 years of service with the City of Bay Village Fire Department. Firefighter Snodgrass retired early with military time credit and due to nagging injuries. Firefighter Neal Perko has been hired as his replacement who began his orientation period on December 29, 2014.

Chief Lyons related that in 2015 the City will transition from the Nixle Emergency Notification System to the Ready/Notify Notification System. Chief Lyons noted that it is a good time for the transition since Nixle has been purchased by a larger company which will mean that their prices will be going up. The Nixle contract ends in March. Mr. Tadych asked if the programs will run parallel prior to the closure of the Nixle Notification System. Mr. Tadych was informed that they have been running parallel and will continue to do so until the contract with Nixle is completed.

AUDIENCE

The following audience members signed in this evening: Conda Boyd, Lydia DeGeorge, Pam Cottam, Tara Wendell, Denny Wendell, Jeff Gallatin, Dick Majewski, Marty Mace, Larry and Peggy Ludwig, Richard Fink, Barb Galbincea.

Mr. Koomar called for comments from the audience.

Conda Boyd, West Oakland Road, asked about the Police Dispatcher process that has been under discussion. Mr. Lee responded that the topic of Civilian Police Dispatch is still in the Environment, Safety and Community Services Committee, with review continuing. Follow-up information is being pulled together by Police Chief Spaetzel. It is hoped to reconvene the committee in the next few weeks, continue the discussions, and refer the matter to the Council of the Whole before the end of January, or early February.

Lawrence Ludwig, Ruth Street, requested that Council not approve the motion to remove the Saddle Beach Association Easement and Storm Water System Improvements from Matters Pending before Council's Committee List, for the following reasons. The City has not produced a recorded easement for the two city-installed storm pipes on the Association's property. Secondly, the City's engineering report indicates that the west storm pipe is blocked, to the point

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that a camera cannot be passed through. Considering that this pipe is shown on the City's Storm Water Evaluation Survey or SSES Plan, as prepared by Michael Benza and Associates as part of the City's Storm Water System, this blockage issue should be addressed and corrected. In addition, both pipes currently on the Association property are incorrectly shown. Thank you for considering this request.

Law Director Ebert noted that there has been a lot of investigation with the engineering consultant, CT Consultants, at the site. Service Director Thomas stated that the Engineering Department of the City feels that the issue has been addressed, and is not something that the City needs to look at further. A letter has been received from CT Consultants, the City Engineer in this regard. A copy of the letter will be forwarded to Mr. Ludwig.

Mr. Ebert stated that there is an easement partial way into that storm sewer that predates the actual maps. At one point in time it was just a drainage area there off of Lake Road. Dirt was added when the house was demolished directly west. It is now more of a direct slope than it used to be. The actual easement goes halfway through the property and stops. The question came up as to why the City ever got an easement. Mr. Ebert stated that it predates his work with the City. The previous Service Director assumed that it actually drained there and was part of Lake Road drainage before the road was improved. The one pipe is still operating; it still actually discharges water. It is draining water from the ground. From a legal standpoint, there is no easement from one section to the lake, but it is draining something that is pertinent to the drainage of the whole area.

Mrs. Lieske asked, in terms of protocol, when a committee meeting is held to review all the information prior to a motion to remove something from the Matters Pending before Council Committee List. Mr. Koomar stated that when a committee is finished with their work, the motion would come from the Chair of the Committee. In this case, it is Mr. Tadych. The work from our Consulting Engineer had gone out to everyone on Council, and to the residents with their opinion on the current status. Based on that information, Mr. Tadych and Mr. Koomar decided to remove the matter from the pending list.

Mr. Tadych stated that if the easement is necessary it is more of a legal matter than it is a committee matter. The committee can't go forward with it if the City wishes to aggressively pursue an easement on the property. That would be up to the Legal Department.

Mr. Koomar asked Mr. Ludwig if he had a question regarding the consulting engineer's report. Mr. Ludwig stated that the west pipe is blocked and is shown by camera to be blocked. With that blockage, typically if that is part of the City's storm water system, the blockage should be removed. In this case, the camera couldn't go through which means that the pipe is almost completely blocked. With that in mind, it was thought it would be prudent to remove the blockage. Since it is in a pipe and will discharge on concrete, there is very little chance for erosion.

Mr. Koomar asked Director Thomas to connect with Mr. Ludwig with a copy of the engineering report.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Lee had no report this evening.

FINANCE AND CLAIMS

Mr. Clark read, by title only, Ordinance 14-115 establishing fees for outside legal services, and declaring an emergency. (Second Reading) (First Reading 12-29-14)

Ordinance No. 14-115 was placed on second reading.

Motion by Clark to remove 2015 Budget Process from the Matters Pending before Council Committee List. The budget was finalized on December 15, 2014.

Motion carried 6-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Motion by Tadych to remove Saddler Beach Easement and Storm Water System Improvements from the Matters Pending before Council Committee List. Information has been received from CT Consultants saying that the City has gone as far as they believe the City should go. Service Director Thomas has looked at the area and made a few changes, and there was discussion on the matter earlier this evening.

Motion carried 6-0.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

There was no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent read, by title only, **Ordinance No. 14-114** authorizing all actions necessary to effect an Opt-Out Natural Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code, directing the County Board of Elections to submit a Ballot Question to the Electors, and declaring an emergency. (Second Reading) (First Reading December 15, 2014)

Ordinance No. 14-114 was placed second reading.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to convene to Executive Session at 8:09 p.m. regarding contracts: Cleveland Water Agreement.

Roll Call Vote: Yeas-Clark, Koomar, Lee, Lieske, Tadych, Vincent. Nays – None. Motion passed 6-0.

Also present in Executive Session were Mayor Sutherland, Law Director Ebert, Mr. Bob Kelley, Safety/Service Director Scott Thomas, Fire Chief Lyons.

Council reconvened in an open meeting at 10:13 p.m. Present were: Clark, Koomar, Lee, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 10:14 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council