

City of Bay Village

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

February 23, 2015

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, Police Chief Spaetzel, Fire Chief Lyons, Safety/Service Director Thomas, Recreation Director Enovitch, Director of Community Services Selig, Director of Operations Landers, Chief Building Official Cheatham

President of Council Koomar called the meeting to order at 8:00 p.m. with a roll call and Pledge of Allegiance led by Ward 4 Councilman Tom Henderson.

ANNOUNCEMENTS

Mayor Sutherland advised that a new, automated sign has been installed in front of the Bay Village City Hall. A lot of people who wanted faster turn-over on information will be very pleased with the results. Mr. Koomar noted that several pieces of information can be scrolled simultaneously which will be of great help in getting information out. The Mayor added that the sign will be utilized during emergencies much faster. The City Hall has generator back-up so in the event of a power-outage the sign will still be operative.

Mayor Sutherland thanked the safety forces for their work in regard to the unfortunate incident that occurred in Cahoon Memorial Park on February 14, 2014. The weather was very bad resulting in the police and fire being on the lake with huge drifts of snow to make a rescue and recovery.

The Mayor advised that Councilman Lee, Councilman Clark, and the Mayor's executive team met with Mayor Frank Jackson of Cleveland and his team today in Cleveland City Hall to talk about the water agreement.

Mr. Koomar called for a reading of the minutes of the Special Meeting of Council held February 9, 2015. **Motion** by **Clark** to dispense with the reading of the minutes and approve the minutes of the Special Meeting of Council held February 9, 2015 as prepared and distributed.

Motion passed 7-0.

Motion by **Lee** to not request a public hearing for the Liquor Permit Application (renewal), C1 and C2 Carry-Out Beer and Wine, for Walgreens Drug Store, 27251 Wolf Road. Mr. Lee commented that this is a new application but it is substituting for the existing license. The scope of the products to be sold is not changing.

Motion passed 7-0.

AUDIENCE

The following were in attendance: Mary Kilpatrick, Dick Majewski, Lydia DeGeorge, Suzanne Graham, Sue and Rob Nelson, Rick and Mary Wise, Russell Thompson, Jeff Gallatin, Tara Wendell, Matt Clever, Warren Remein.

Mr. Rob Nelson submitted a "Recommendation for Council Action" written by Rob and Sue Nelson, 25007 Sunset Drive, and Don and Cindy Zimmerman, 24744 Lake Road, focusing on the fact that their neighborhood, the Sunset Area, needs some roads, sewer, and water improvement. Mr. Nelson stated that it is incumbent upon Council to be responsive to their request. The neighborhood residents have gone quite some time without a solution, and urge the Council to take advantage of the \$1.2 million that the City of Cleveland has placed on the table to use to help achieve the mutual goals for Bay Village. The residents encourage Council to pull together as a team to take advantage of that opportunity, noting that they are concerned that if they do so, what portion of the \$1.2 million will actually be focused on the needed improvements in their neighborhood. Jeff Foster is the current president of the Sunset Area Association and calls his home the "water feature" of the neighborhood. The neighbors encourage Council to accept the document presented this evening, closing with the question: "If the Council does not move forward with the Cleveland Water proposal, and chooses not to accept the \$1.2 million from the City of Cleveland, how will they cope with the fact that the Sunset area needs infrastructure improvements with the limited Bay Village capital?" Mr. Nelson thanked Law Director Ebert for his work with Council for many years juggling all the issues, and thanked the Council members for the opportunity to speak out this evening.

Mr. Koomar noted that Scott Thomas is the Safety/Service Director for the City of Bay Village. He asked Mr. Thomas if there is any update on the testing that was done at the end of last year on the sewers in the Sunset area, and Mr. Thomas' work with Bob Greytak, the City's consulting engineer from CT Consultants.

Mr. Thomas advised that the testing has verified that the sanitary sewers in the Sunset area need upgrades. The information has been forwarded to Engineer Bob Greytak. The water lines are among the older ones in the city and will require further inspection. All of the information has been forwarded and the City is waiting at this time for the next direction. It is hoped to have engineering done by the end of 2015, and then move forward with construction. Mr. Thomas noted that we want to have in place how we will deal with the water lines before moving forward.

Mr. Tadych asked if the scope is engineering and design. Mr. Thomas stated that it is engineering and design.

Mr. Clark stated that money has been approved in the 2015 budget for engineering and design of the Sunset area improvements of \$136,000.

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Tom Vickers, Sunset Drive, stated that several residents of the Sunset area are present tonight, and are also signing the statement provided. Mr. Vickers added that they are very thankful that the City has been looking into repair of the streets and sewer and water systems. The average assessment was reported as between \$20,000 and \$50,000 per home, which has been unheard of in the past. This might be the solution to the problem. If this money can be used to help the Sunset residents, it would be appreciated.

Mr. Lee stated that there may be some clarity needed on this money. This \$1.2 million would only pay for water line replacement, not the sewer and the street project, which was the original scope of the numbers that were shared in past meetings. This would be in addition to the work that was already discussed. If water lines were replaced, the funding from the City of Cleveland Water System might be one of the options for the solution for funding the water line replacement.

Mr. Vickers asked if it is fair to say that some of the construction costs would be overlapping if doing those projects together. Mayor Sutherland responded affirmatively. Mr. Vickers stated that it is a wonderful coincidence that this opportunity would strike at a time when it is needed most.

Mayor Sutherland stated that it is much more efficient to make use of that funding while we have the road open while we are going to be doing those other improvements. It makes no sense to putting in new sewers and then putting a roadway over a 100-year old water line.

Mr. Koomar asked Councilman-at-large Dwight Clark, as Chairman of the Finance and Claims Committee who does the annual budgeting with the administration, both on the operations side and the capital side, if he had any comments. Mr. Clark stated that the City would want to look at a couple of different options, including Cleveland Water Department, existing resources, or the ability to bond out the project. It would be important to vet the most optimal way for the City while at the same time understanding that the cost to the residents would not be too punitive.

Matt Clever, 430 Canterbury Road, stated that his family owns property on Lakeview Drive in the Sunset neighborhood. They have been dealing with the roads for years and would like to see the project move forward. He encouraged Council to finalize the deal with the City of Cleveland because the \$1.2 million would go toward the project. Mr. Clever further noted that he would hate to see the City of Bay Village get into a situation similar to that of the City of Westlake involving litigation and potentially punitive separation fees, which is a reality of changing a water system, particularly when the City of Westlake is looking to go to a water system that has some issues over the last couple of winters.

In addition to the submission by Rob and Sue Nelson, and Don and Cindy Zimmerman, the following individuals affixed their signature to the letter dated February 23, 2015:

Tom Vickers, 25025 Sunset Drive; Jeff Foster, 325 Kenmore; Seth Maurer, 24810 Sunset; David and Karen Brill, 24901 Lakeview; Suzanne Bagnall, 25001 Sunset; Rick and Mary Wise, 336 Kenmore; Kristin Kellerman, 25021 Sunset; David Coury, 25024 Sunset, and Martha Krebs,

24805 Lakeview.

Mrs. Lieske introduced **Ordinance 15-05** amending Codified Ordinance 1305.02 regarding Fees for Building Permits, and declaring an emergency. This ordinance would increase the deposit for construction of new homes from \$800.00 to \$1,000 for review of site improvement topographic and or landscaping plans. The Planning, Zoning, Public Buildings and Grounds Committee of Council has reviewed the proposed ordinance. The increase in deposit would prevent the City from having to seek additional deposit funds and put them in a better position to refund money when the work is completed. Chief Building Official John Cheatham has recommended the increase as a representation of the true, current cost.

Ordinance No. 15-05 was placed on first reading.

Mrs. Lieske introduced **Ordinance 15-06** amending Codified Ordinance 1307.02 regarding Fees for Inspection of Plans and Specifications Governed by the Residential Code of Ohio, and declaring an emergency. This ordinance separates the HVAC and Plumbing category charges.

Ordinance No. 15-06 was placed on first reading.

Mrs. Lieske introduced **Resolution No. 05-07** approving, for record purposes, southern extension of Crestview Drive, and declaring an emergency. Mrs. Lieske noted that the minutes of the Planning, Zoning, Public Buildings and Grounds Committee meeting of February 9, 2015, stipulated that this resolution would specify some of the conditions being sought, in terms of title guarantee and easement being completed prior to passage of the resolution of acceptance by Council. Law Director Ebert will include this in the Resolution, amending for second reading on March 2, 2015.

Resolution No. 15-07 was placed on first reading.

Mrs. Lieske introduced Ordinance No. 15-08 Ordinance extending the Moratorium on the Development under Chapters 1158, Attached Residences in the City of Bay Village, and declaring an emergency, and moved for adoption. This legislation was discussed in the Planning, Zoning, Public Buildings and Grounds Committee meeting earlier this evening. The Committee members agreed to recommend that this ordinance be adopted, and the moratorium extended for 120 more days.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-08.

Roll Call on Suspension of Charter Rules:

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

Nays – None

Roll Call on Suspension of Council Rules:

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

Nays - None

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 15-08, an emergency measure, by a vote of 7-0.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to convene to Executive Session at 8:14 p.m. regarding contracts: Cleveland Water Agreement.

Roll Call Vote: Yeas- Henderson, Koomar, Lee, Lieske, Vincent, Clark. Nays – Tadych. Motion passed 6-1.

Also present in Executive Session were Mayor Sutherland, Law Director Ebert, Finance Director Mahoney, Safety/Service Director Thomas, Fire Chief Lyons.

Council reconvened in an open meeting at 9:22 p.m. Present were: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 9:25 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council