

City of Bay Village

Council Minutes, Committee Session
Conference Room
Paul Koomar, President of Council, Presiding

April 13, 2015
7:30 p.m.

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

Also Present: Finance Director Mahoney, Safety/Service Director Thomas, Property Maintenance Inspector Lyons

AUDIENCE

The following audience members signed in this evening: Pam, Cottam, Lydia DeGeorge, Dick Majewski, Jerrie Barnett, Richard Fink, Jeff Gallatin, Tara Wendell, Denny Wendell.

ANNOUNCEMENTS

Be-Fit-in-Bay Program presentation by Marilyn Gesing and Jennifer Evans, Program Managers, Community Outreach for the Cleveland Clinic.

Mayor Sutherland introduced Marilyn Gesing and Jennifer Evans, Program Managers, Community Outreach for the Cleveland Clinic addressed City Council, the administration, and the audience regarding the second session of the Be-Fit-in-Bay Program. The first program held in the fall was very successful, and this second program will involve a competition with the City of Rocky River. Mayor Sutherland thanked Marilyn and Jennifer for all the work they have done with this program.

Marilyn Gesing thanked Mayor Sutherland, President of Council Koomar, and the members of Council for the opportunity to be present this evening. Ms. Gesing and Ms. Evans have been working out in the community as part of the Government and Community Relations Team from the Cleveland Clinic. The program experienced in Bay Village is their Signature Community Outreach Program, called Healthy Community Initiative. Each community has been able to adopt their own name. Bay Village's program name is "Be-Fit-in Bay." Ms. Gesing stated that the Cleveland Clinic has been pleased to work with a community that is so committed to the program. The Cleveland Clinic is doing this because they have done a community health needs assessment across Greater Cleveland in the broader communities and have identified the health needs in those communities. The Clinic has dedicated themselves to getting out into those communities to address those needs, working with the city governments via the individual cities, knowing that each city has its own individual personality. The Clinic wants to work with the members in the community, where they are now, before they end up at the door of one of their hospitals. The Cleveland Clinic is dedicated to keeping communities healthy. The community health needs assessment has indicated many chronic diseases, i.e. heart disease, hypertension, high cholesterol, diabetes, and many things that can be prevented if addressed early. The focus in the program has been exercise,

nutrition, tobacco cessation, and lifestyle management. Be-Fit-in-Bay has been embraced by the community and the folks at the Cleveland Clinic have been very encouraged by that enthusiasm.

Jennifer Evans spoke of the second phase of the Be-Fit-in-Bay program, stating that they are here this evening to recruit new participants. The program will be kicked-off this Saturday, April 18, 2015, with registrations filling up both in Rocky River and Bay Village. A Starting Assessment and Health Fair will be held at the Rocky River Recreation Center on April 18, from 8 a.m. to 12 Noon and weekly programming will begin on April 21 and will be held every Tuesday evening at 6:30 p.m., alternating between the Dwyer Memorial Center in Bay Village, and the Memorial Hall in Rocky River. Clinical professionals will address the group through a Walk-and-Talk and a moving question and answer period. The Rocky River Memorial Hall has an indoor track for and the Bay Village walks will be scheduled to enjoy the outdoors.

Ms. Evans concluded by noting that there is a \$10.00 cost for the Health Fair and Assessment. Flyers are available in many locations throughout the City. Sign up by calling 440-356-4362.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Improvement Target Area PowerPoint Presentation – Mayor Sutherland

Mayor Sutherland stated that this is a critical issue for the City Council and for the future of Bay Village going forward. Improvement Target Areas can consist of residential and commercial properties. Every ten years, Cuyahoga County sends out their Development Office and they will update their schedule of these properties. They literally come out to every single property, county-wide, and what they evaluate on the exterior of buildings are things like chimneys, roofing shingles falling off, condition of gutters and downspouts, the look of the exterior walls, condition of the windows and doors, porches, steps, foundations, garages, driveways, private walkways, and general grounds.

The Mayor displayed the previous Target Area Map that included Parkside, Kenilworth, Oakmoor, and Knickerbocker up to Dover. Other areas included some of Forestview, Upland, and areas on the east end of town. The new Target Area Map was displayed that came into effect on January 1, 2015 and has grown to now include East Oviatt, another area doubled in size, and there is a brand new area. The Mayor stated that having an Improvement Target Area (ITA) is not a good thing. One of the major reasons for the expansion has to do with the recession, but it cannot be allowed to spread. Another view displayed had individual houses shown in yellow. The Mayor stated that for the purpose of this she is targeting the residential properties, but there are commercial areas that need attention as well. Those areas are the areas around Clague, Knickerbocker, and one on Dover that will be getting attention.

Mayor Sutherland stated that there are several short term solutions for addressing this. One of the things that they have already started is property owner education. They have already done a targeted mailing that is highlighting the county programs that are available, including the Heritage Home Program. A Home Improvement Workshop will be held on Monday, April 20, at 7 p.m. at the Dwyer Memorial Center. The targeted mailing went specifically to those properties shown in yellow on the target area map, whether it is an owner occupied home or a rental home.

When the Home Improvement Workshop is held next week, there will be representatives there from the county, from the Cleveland Restoration Society which runs the Heritage Home Loan Program, and John Cheatham, Chief Building Official who will inform residents how to navigate the permitting system and how to get the most value from home improvement projects.

Mayor Sutherland stated that with the help of the county they have identified the condition of some of these homes that are not in good condition. Bob Lyons, Property Maintenance Inspector for the City of Bay Village, will be going back to look at those homes this year to verify the conditions noted by the county so the City can begin working with the property owners to have those properties updated.

Mr. Lee asked if the county provided details on each property, and what caused it to be graded the way it was graded. Mayor Sutherland stated that they have specific information on every single property. Mrs. Lieske asked if the homes in yellow are the only properties for which there is detailed information. Mayor Sutherland stated that the others would still be listed but there is no score. Mr. Koomar asked how many total properties need work. Mayor Sutherland stated that there are 350 or 360 homes. But, the 350 or 360 homes are all clustered in these areas, which is not good. If they were spread out it wouldn't be as noticeable.

The Mayor continued, stating that there are also mid-term solutions. On the map, the farthest area to the east also qualifies now for Community Development Block Grant (CDBG) Funding. This is based on needs testing, so it is now low-moderate income. In the history of Bay Village, we have never had a census block that qualified for CDBG funding. That only applies to the Fordham, East Oakland, Knickerbocker, Forestview area that was on the map. The issue with CDBG funding is that it is competitive funding which means that the City of Bay Village has to compete with communities such as East Cleveland. There are some communities that because of their demographics and population, get a direct CDBG revenue stream from General Government. Lakewood, Euclid, Parma, City of Cleveland are the largest. The rest must compete for those dollars. Those dollars can be used for infrastructure improvements, so this is one of the things that the consulting engineer, CT Consultants, will go back out and look at roads and sidewalks. Are there some things that the City can invest in and potentially try to get some outside funding?

Mayor Sutherland stated that another thing that will be a very important piece of this whole solution is the Master Plan. In conversations with Glenn Coyne, the Executive Director of the Cuyahoga County Planning Commission, he agreed that the City should be very concerned about preventing the area from getting blighted. The Mayor stated that this is important because if the property values in those areas go down and it begins to spread out it affects everybody else's property values, property tax revenues, and makes it harder for the City to provide the services that we need to for our citizens. Mayor Sutherland stated she is awaiting a proposal for a Master Plan and it will be necessary to focus on how we beat this back. In 2003, when a new map came out there was actually an area over by Ruth Street and the City made some investment in those areas, concentrating on working with residents to upgrade the properties and the area came off the Improvement Target Area (ITA) the next round. It can be done but it will require significant attention.

The other thing that can be done is a capital investment. The engineer will review to see if we can make some infrastructure improvements and beautification efforts such as street trees or pocket parks if there is vacant land. The City will be looking at those kinds of things in a two to four year time frame.

The Mayor continued, noting that there are also long-term solutions. In some areas, the City may want to look at property acquisition, land banking of properties that may be obsolete, acquiring those properties, land banking them, demolishing them if necessary, and then preparing that property for redevelopment. Anytime a developer comes into a mature community like Bay Village, there are good things and bad things about developing that environment. They like it because it is a mature community and all of the systems and services are established, but the land acquisition costs make it very untenable for someone to come in and buy up properties. It requires partnership with the municipality. It is something to think about. It is early in the discussion and it is hoped that as we go through the Master Plan process that will be flushed out. We definitely need to have that tool in the tool box.

Mayor Sutherland stated that the City may want to look at down the road, some type of revolving home maintenance loan fund for some of those low-moderate income property owners that have substandard properties because much of this may have occurred because of the recession. While there are plenty of programs available through the county, most of them require some type of interaction with the bank. It is some type of low-interest loan, but they have to qualify. A lot of those people do not have the revenue streams to be able to qualify and the City may have to look at some type of payment plan that would eventually go on the tax duplicate for the homeowners. There used to be a program called the Exterior Maintenance Program and it was funded by CDBG funding. The Mayor is waiting to find out what the county is doing; they are in transition with the new leadership. If that can be done it would be helpful because it is basically a grant for homeowners to do some of those exterior maintenance projects.

Mrs. Lieske asked if anyone has mapped out how many of the properties are owner-occupied and how many are rental. The Mayor stated that they do have it listed on a spreadsheet and color coded.

The Mayor concluded, stating that the growth of the ITA is a significant threat to the adjoining neighborhoods, it affects the entire City's revenue streams, and it will be necessary to look at strategic, targeted investment that will be required over the next five to ten years.

Mr. Lee asked if it is too early to say dollar amounts on potential investments. Mayor Sutherland stated that in order to try to significantly shrink it, probably, utilizing all of those tools, from property acquisition to capital improvements in those areas, \$3 million to \$5 million over time. She noted that you can get a sense of what is happening when you walk those streets, but having somebody like the county look at this in total brings it into sharp focus. That is one of the reasons they do this.

Mr. Henderson asked if it is a trend across the County that other suburbs also have expanded Improvement Target Areas. Mayor Sutherland stated that she would imagine that Bay Village's expanded ITA's were a lot smaller than others. There were some communities, like Garfield

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Heights, that had a 35% drop in their property values over the course of the recession. Bay Village's is probably not severe in comparison to other communities, but it is severe for Bay Village. Other cities may get direct funding under CDBG. We have to compete for grants because of our demographics.

Pam Cottam asked if there is a direct number for how much the property values have gone down in Bay Village. Mayor Sutherland stated they went down, over the course of the recession, just about 2%, which was the fifth best in the county. A re-evaluation will be done next year, and it is expected that values will go up.

Mr. Vincent asked if we know what the City's employment rate is. Is there a way to keep track of that? Mayor Sutherland stated that she would have to go back to the census figures. Our income tax has been stable. Even with the property values, we came out well in comparison with everyone else. In relation to all the other decisions and projects going on, the Mayor stated she would like Council to remember this large project presented this evening.

Mr. Tadych stated that most of the property tax goes to the school system. Have the schools opened their arms to helping the City in any way to try to get a handle on this? Mayor Sutherland stated that the property tax is stable. Mr. Tadych noted that this will affect the property tax revenue. The Mayor stated that it could, down the road.

Mrs. Lieske stated that with some of the programs with the schools, the number of children with lunch assistance program has gone up and that is even a bigger problem. There are many families that are too proud that qualify and will not participate, but for the schools for low and moderate income families there could be other kinds of services that would go along with that.

Mayor Sutherland stated that it is not a small problem or a City government problem; it is a community-wide issue that needs to be addressed. The Mayor stated that she just wanted to bring this to Council's attention so that it can help to inform the decisions to be made going forward and shows the priority. As a bedroom community, we depend on our property values and we need to make sure we are doing everything we can to maintain and help our residents maintain homes. Mayor Sutherland stated that she will keep Council posted as we move forward. Mr. Bob Lyons, Property Maintenance Inspector, will be sent out to those neighborhoods and when the proposal on the Master Plan is received from the county that will be the next phase.

Mr. Bob Lyons, Property Maintenance Inspector, stated that what he looks for is what the county looks for: minimum property standards. He looks at the exterior of the homes.

Bob Lyons, Property Maintenance Inspector, stated that he came to Bay Village in 1998 to work the inspection program. They have always tried to maintain it as a friendly program, rather than an aggressive program. If people don't have the money to do everything that needs to be done all at once, as long as they are making progress they are happy to work with them. Mr. Lyons will be looking at the target area as indicated. He stated that he has samples of letters that he sent out for the program which he can share without anyone interested. He encouraged anyone with issues to call him and he will explain the program further. Mr. Lyons invited anyone who is

interested to accompany him through the area to walk the streets to see what they are looking at in the area. Mr. Tadych accepted Mr. Lyons invitation since the area is in Ward 1, which Mr. Tadych represents.

Mrs. Lieske asked if Mr. Lyons department is the correct contact for constituents complaining about broken sidewalks or deteriorating conditions on adjoining properties. Mr. Lyons stated that he would be the correct person to contact.

The general time frame allowed for corrections is usually 60 days unless it is just a minor clean-up issue for which 30 days' time is permitted. Mr. Lyons noted further that letters are accepted from homeowners indicating that major improvement projects will be done within the next year.

Pam Cottam asked if the issues are such that constitute a danger to someone, or just aesthetically unappealing according to someone's opinion. Mr. Lyons stated that steps might be in poor condition; occasionally there might be electrical violations.

Mrs. Cottam stated that she takes umbrage at the way this is being described. She happens to live in that ward and is probably one of those 350 houses. She just had her house painted and does not like the term "blight" being used. She stated that she walks that street every day and sees the things that people are doing to improve their homes. There are a few eyesores, no doubt about it, and some houses that are run down. But, to refer to that area that I live in is blighted really is upsetting.

The Mayor stated that she did say she did not want to call it "blighted."

Mrs. Cottam stated it is being termed as "low to moderate income people." When Mrs. Cottam and her husband moved to Bay Village they didn't know anything about Cleveland, Bay Village, Ohio, or anything else. They happened to choose a house in an area that had a good school system because they had a very smart child and moved here from Philadelphia. They chose that house. Mrs. Cottam stated that for her, to have the area where they live referred to as the east side of town, or the poor section of town, she finds all of this extremely offensive. They know a lot of people there that take such pride in their home, do what they can, and she is sitting here listening to it being described as a CDBG area and if you walked around you would see what terrible shape it is in. Mrs. Cottam stated that there are a few houses that are not in great shape, but there are many more with people working hard to maintain their homes, many on fixed incomes, because they take pride in their home.

Mayor Sutherland stated that the City does not make the designation as far as the Community Development Block Grant (CDBG) eligibility or whether it is low/moderate income. That is done through census records and it is done through the county.

Mrs. Cottam stated that she does not want to see anything from Bay Village or anything on any website about any hint of a low to moderate income area, because Mrs. Cottam and her husband are not low to moderate income. They stay there because they choose to, and they don't want to see anyone pick up some paper or newsletter or read on the website about tonight's meeting and

see it being referred to as it really got hit hard during the recession and these people are really struggling and it is the bad part of Bay, and the part that we really have to concentrate on.

Kent Silverberg asked if Mr. Lyons plans on covering the entire city in his walking inspections. Mr. Lyons stated that he does plan on covering the entire city in time. He is starting with the particular area described this evening.

Mr. Lyons stated that it is important for people to know that they are more than willing to work with them. Mr. Koomar stated that when he represented Ward 2 he asked for his area to be inspected so that he could understand the program firsthand. He noted the improvements that were made and overall the appearance of the neighborhood looked nicer and folks took more pride in their homes. Mr. Koomar noted that the approach of being willing to work with homeowners long term is well accepted.

Mr. Lee asked Mr. Lyons if all of the items he is inspecting for and can potentially identify as an area requiring improvement have to be in violation of an ordinance. Mr. Lyons responded affirmatively, noting that they have adopted the International Property Maintenance Code. Chapter 1344 is the maintenance chapter of this code.

Mr. Lee asked how windows would be identified as in violation – if the glass is broken out, or there is no paint on the frames. Mr. Lyons stated that all of the above would be in violation. He looked at one today where the window was actually coming apart. Mr. Lee asked if it would be a violation if the window was actually functioning but the design was just not energy efficient. Mr. Lyons stated that energy efficiency would not be a matter of violation.

Amendment to Chapter 527 regarding Littering (Residential Delivery of Printed or Other Materials)

Mr. Lee stated that this is in regard to leaving unsolicited publications on driveways and sidewalks. The ordinance is to be redrafted to cover only unsolicited items, and will be brought before Council again on April 27, 2015.

Amendment to Codified Ordinance Section 543.11 regarding sidewalks to be cleaned of ice and snow

Mr. Lee stated this ordinance is a proposed amendment to Codified Ordinance Section 543.11. Mayor Sutherland stated that this was a request due to some of the difficulties experienced this winter. The City does not have the ability to perform this service on private property and then charge the homeowner, as is done for grass cutting or tree removal when it is necessary. This year the failure to remove snow from sidewalks by property owners created a hazardous situation, particularly around the schools. The process is to report the area to Mr. Lyons, the Property Maintenance Inspector, who will leave a notice and if it is not done within 24 hours a police officer will be sent to the home to try to make contact with the individual. Normally they would issue a warning, and if still isn't done a ticket would be issued. This amendment to the ordinance would allow the City, after going through the initial process, to hire a contractor to come out and clear the sidewalk. The Mayor noted that many of the snowbirds contract to have their driveways cleared while they are gone, but do not include the sidewalks. Before everyone

leaves in the fall, the word will be sent out that to make sure that when they are contracting this year for snow removal sidewalks should be included.

Mr. Vincent asked if other cities have enforcement problems. The Mayor stated that it has always been complaint driven in Bay Village. The Mayor stated that most of the problems are on the main streets and the corners. The Mayor stated that different cities enforce in different ways. We think this will work for us.

Mrs. Lieske stated that the problem of not clearing the sidewalks also contributes to people who walk and jog in the streets, many times without reflective clothing.

Mr. Henderson asked how much it would cost the homeowner if the City came out and cleared their sidewalk. The Mayor stated that the charge is \$100 for grass cutting so the charge would be similar for snow removal.

Mr. Lee asked how soon someone would have the potential of having someone come out to clear their driveway and be charged. The Mayor stated that the ordinance now requires snow removal within 24 hours after a “snow event.” Snow events can last for more than one day. Once Mr. Lyons goes out and issues the first letter until a contractor is called would probably be around 72 hours. The Mayor stated that they can work with the ill or elderly.

Mr. Henderson questioned whether \$100 is the actual “cost” to be passed on to the homeowners. The market rate is not \$100. Mr. Tadych noted that there is an administrative cost as well.

Mr. Henderson asked if proposals for the snow removal work are sought to obtain the best price. Mr. Thomas stated that he does seek proposals. Finance Director Mahoney stated that she feels this is a consistency price across all cities.

Kent Silverberg suggested outsourcing this work to a student program, or some type of community group. Mayor Sutherland stated that the Community Services Department will assist with helping homeowners find assistance for snow removal.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Drain Disconnection Codified Ordinance Chapter 916 – Foundation

Mr. Tadych stated that there have been several conversations and meetings of the Public Improvements, Streets, Sewers and Drainage Committee about Chapter 916, most recently at a meeting of the committee on April 6, 2015. Some rather meaningful changes were made to the chapter by the committee. Basic changes about the payment option program were made, which, in Mr. Tadych’s opinion, will be very beneficial. The time was changed to 24 months of steady payments of a minimum of \$50.00 per month, and they also increased the amount available for the payment option program. The ordinance is ready for first reading tonight, amending by reading Section 1 to read “Chapter 916” instead of “Chapter 915.” A district map of all 18 districts that are being represented, plus a map of the district that is being reviewed for the

legislation as it is passed is to be attached to the ordinance. Mr. Tadych stated that it is a nice piece of legislation that will help the people and help the City as well.

RECREATION & PARK IMPROVEMENT COMMITTEE

Award of Contract for Water Slide and Diving Tower Steel Restoration Project

Mr. Henderson will introduce an ordinance this evening awarding a contract for the Water Slide and Diving Tower Steel Restoration Project at the Family Aquatic Center.

Mr. Koomar stated that he spoke with Recreation Director Enovitch today about the product that will be used, noting that it is formulated to withstand the test of time in a swimming pool chemical environment.

FINANCE & CLAIMS COMMITTEE

In **Mr. Clark's** absence this evening, Mr. Tadych will move to acknowledge receipt of the City of Bay Village March Financial Reports as prepared and submitted by Director of Finance Renee Mahoney.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent reported that a Services, Utilities and Equipment Committee meeting was held on Wednesday, April 8, 2015 with a demonstration of the Municode codification service. Mr. Vincent suggested that anyone with an I-phone or mobile device check out the on-line codified ordinances of Municode. Mr. James Bonneville of Municode flew in from Minneapolis to present to the committee the services of Municode.

Mr. Henderson asked for an explanation of the services provided by Municode. Mr. Vincent explained that the \$9,500 paid last year to Walter Drane Company for codification included the printing of 50 sets of amendments to the code that occurred during 2013 and 2014. Another portion of the cost, from \$300 to \$500, includes the on-line publication of the code. Municode provides a search of 4,000 cities to see their codes, made very accessible on smart phones and mobile devices.

Mr. Lee referred to the apples-to-apples comparison of Municode for the codification services provided last year, and asked about a cost-savings benefit. Mr. Vincent stated that as compared to the cost of Walter Drane Company last year of \$9,500, Municode would have charged \$8,080. The cost varies dependent on the number of changes made within the subject year. Walter Drane charges \$75.00 per book, and Municode charges \$57.00 per book. Mr. Tadych commented that the representative of Municode was amazed at the number of legislative changes made last year in Bay Village; Mr. Lee noted the Building Code changes requested by SAFEbuilt, Inc. last year. He suggested that if there is a way to control those expenses that would be favorable. Mr. Tadych noted the importance of having all the information available, in both a printed and internet format. Mr. Vincent added that Municode also provides a legislative history service with their contract.

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The Services, Utilities and Equipment Committee concluded their April 8, 2015 meeting with a discussion of various ideas concerning economic development.

MISCELLANEOUS

There being no further discussion, the meeting adjourned at 8:28 p.m. The Council convened to a Special Meeting of Council in the Council Chambers.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council