

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:21 p.m.

May 4, 2015

Paul A. Koomar, President of Council, presiding

Present: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Acting Mayor Ebert

Not Present: Mayor Sutherland

Also Present: Finance Director Mahoney, Safety/Service Director Thomas, Recreation Director Enovitch, Director of Community Services Selig

Mr. Koomar called the Regular Meeting of Council to order at 8:21 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Tom Henderson, Councilman Ward 4

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held April 27, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of April 27, 2015 as prepared and distributed. Motion carried 6-0, with 1 abstention by Mr. Henderson. Mr. Koomar called for a reading of the minutes of the Meeting of the Cahoon Memorial Park Trustees held April 27, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the meeting of the Cahoon Memorial Park Trustees held April 27, 2015 as prepared and distributed. Motion carried 6-0, with 1 abstention by Mr. Henderson.

ANNOUNCEMENTS

Acting Mayor Ebert announced that the Natural Gas Aggregation Ballot Issue will be decided tomorrow, May 5, 2015 at the Special Election to be held in Bay Village. Residents may opt out of the aggregation program if it passes the ballot. The Natural Gas Aggregation Issue is the only issue on the ballot on May 5, 2015 in Bay Village.

Mr. Vincent asked Mr. Ebert if public hearings will be held if the aggregation issue passes the ballot. Mr. Ebert stated that NOPEC will have public hearings with explanations of how the aggregation program will work.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch reported that the Family Aquatic Center will open on June 1, 2015 for after school hours. The full schedule of hours will begin June 5, 2015. The early bird special for purchasing season passes ends May 13, 2015.

Mr. Koomar confirmed with Recreation Director Enovitch that the toddler area is open during swimming lessons. Mr. Enovitch stated that the toddler area does open at 10 a.m. during swimming lessons. Mr. Koomar stated that this is a great feature for parents with young children who have older children in the swimming lessons.

Director of Public Service/Director of Public Safety Thomas advised that the new fueling station for city vehicles is up and running. All of the vehicles now have a key fob and in that key fob each individual employee has their own identification number. All of the information is entered with the key fob when fueling. Fuel consumption and user information comes back to Finance Director Mahoney through the computer. It will be a great asset to the City and enables the City to get away from the method of recording information on small pieces of paper which many times might have been forgotten.

Director Thomas advised that the 2015 Road Resurfacing Program has begun. Lincolnshire and Humiston have been started. A cul-de-sac on Lincolnshire is being torn out. The cul-de-sac has been problematic for the residents and the City. Mr. Thomas met with the residents last week and they were excited that it will finally be gone. Pulverizing for the concrete section of Walmar Road began today, and the first layer of asphalt was installed last week. They will be proceeding with curb replacement at this time, which will probably take three weeks before paving can begin. Certain parts of Wolf Road were repaved with the \$20,000 received from Cuyahoga County.

Mr. Henderson asked Mr. Thomas the timeframe of the Walmar Road Project, and the anticipated date for completion. Mr. Thomas stated that it will be finished in three or four weeks from today.

Mr. Henderson thanked Mr. Thomas for looking into the issue at Bradley Road and Lake Road and asked him to speak regarding that issue. Mr. Thomas stated that there is a gas line project coming up which will start at Huntington Woods and move north on Bradley Road. There will be boring underneath so there will be no interruptions with anything on Bradley Road. However, they will turn westbound on Lake Road for approximately 2000 feet, on the south side of the road. They will be tearing up the sidewalk area, probably the aprons that are located between that point, and will replace all of that when completed. It is necessary to do this because they are increasing the pipe four inches so it is a major change to supply more gas into that area. That project will begin as soon as possible. They are currently in their final stages of engineering.

Mr. Koomar asked if these are the lines that they have been doing to residents' homes, or just the distribution lines. Mr. Thomas stated that this is just the distribution, and is totally different than the lines to homes. They are putting down approximately 2500 feet of pipe for specific residents that need that more natural gas distribution to their homes.

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Mr. Henderson asked if the gas company will take care of repairing aprons, sidewalks, and tree lawns, and if the City will go back and inspect to make sure that work is done well. Mr. Thomas stated that everything will be replaced by the gas company, and inspections will be made.

Mr. Lee asked if it is the same crews that did the Infrasource work. Mr. Thomas stated that Infrasource will be part of that and other subcontractors will be involved.

Mr. Koomar stated that the restoration of the lawns in terms of seeding was forgotten in the area where he lives and along Cahoon and Osborn. The performance was average at best, and asked Director Thomas to follow this new project with that in mind.

Director of Community Services Selig stated that she has been asked to give an update on the activities at the Dwyer Memorial Center. Mrs. Selig stated that the primary goal when she began her work with Bay Village was to get more people in the building for more hours of the day, and to make sure there were enough programs from an overall wellness standpoint to keep the retired folks happy, healthy and independent.

The first thing that was done was to change the newsletter to a monthly publication. It had been done every other month in the past for budgetary reasons because it went to an outside printer. Now, it is done in-house monthly which has added a lot of scheduling flexibility. Exercise programs have been a struggle in the past but after filing an application they have finally achieved Silver Sneakers status. The Silver Sneakers designation allows those on Medicare Advantage to attend all Silver Sneakers programs free of charge at any Silver Sneakers designated facility. The Dwyer Center scheduling includes two yoga classes, and a Zumba Gold class, with ten to fifteen people attending each one. The numbers were significantly smaller previous to the Silver Sneakers designation. A General Fitness Class for strength and balance will begin in June, meeting twice per week. Tai Chi classes will follow after that. Mrs. Selig noted the “piggy-back” effect; once people are in the door they get involved in other activities. The center is trying to do more with interactive entertainment, bringing in Music Bingo, and Ballroom Dance lessons.

Educational programs have increased following a survey in the fall which indicated an interest in that area. The focus is on various topics for health maintenance, with the programs being held every week and drawing twenty to thirty participants to each program, doubling the previous enrollment. The Dwyer Center is partnering with Crossroads Hospice for a grief counselling group and St. John’s Medical Center for wellness programs. A walking club is beginning with a challenge to the Avon Senior Center as an incentive. Assistant Director of Community Services Connie Lupica has begun an intergenerational program with the West Shore Young Leaders, building a vegetable garden to enforce healthy eating. Fifteen seniors and fifteen middle-to-high school age students are working together with grow lights to plant vegetables with a garden to be installed behind the Dwyer Center to transplant and continue the growth this summer. The Bridge Players continue to enjoy their time at the Dwyer Center as well.

COMMUNICATIONS

Invitation from the United Labor Agency, Inc., 1020 Bolivar Road, Cleveland, Ohio to attend the United Labor Agency's Annual Meeting on Thursday, June 4, 2015 at 6 p.m. Reservations may be made by contacting Jenna Murray, Executive Assistant, at 216-664-3446, or jenna.murray@ulagency.org. by May 28, 2015. The letter stated that they agency is committed to providing excellent job placement services to not only the unemployed/underemployed workers, but business that are in need of help. A copy of the letter is on file in the office of the Clerk of Council.

AUDIENCE

The following members of the audience signed in this evening: Lydia DeGeorge, Dick Majewski, Suzanne Graham, Jerrie Barnett, Susan Murnane, Pam Cottam, Dennis Driscoll, Warren Remain, Jeff Gallatin, Tara Wendell.

Mr. Koomar called for comments from the audience.

Lydia DeGeorge, West Oakland Road, thanked Mr. Henderson for his attention to the ordinances in the committee session of Council held this evening. She stated that Mr. Henderson was speaking for the public and expressing public sentiment. When the process of getting an ordinance started it is sometimes forgotten that there is a lot of other public opinion that should be taken into consideration. Ms. DeGeorge also stated that she appreciated the comments of Mr. Clark and Mr. Ebert because all of that cannot always be included in the ordinance because it is procedural in nature. Ms. DeGeorge asked why we would even amend, change or create a new ordinance based on two complaints. She is sure that many people may have had their snow blowers torn up, but two complaints to start the process, readings, and paper work that we have to pay for to change the ordinances; who are those two people that complained that are so powerful that we are going to flip this ordinance around?

Susan Murnane strongly argued in favor of the ordinance for shoveling sidewalks. There may not be more complaints because some of us get tired of complaining every time the snow flows. If Mr. Henderson wants me to call him every snowfall I will make a note of it. Many people in the neighborhood consistently have their driveways commercially cleared, but do not shovel their sidewalks. Ms. Murnane strongly commended the Law Director for endorsing a snow clearing ordinance, noting it is crucial when there are snowfalls that the snow be cleaned up immediately. Otherwise, it freezes, gets ruts, people walk over it and then you have a dangerous and impassable sidewalk for the rest of the winter. This past winter for the first time in the twenty years I have lived in Bay Village the walkway over the bridge on Ashton Lane did not get promptly shoveled. Ms. Murnane stated that she walks two dogs every day and really feels strongly if we are going to consider ourselves a green city that encourages people to be healthy by walking outdoors and not driving unnecessarily that this is an important ordinance.

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Jerrie Barnett, Bay View Road, asked for an update on the process to be used for the recycling green bags supplied by the City. Service Director Thomas stated that the green bags can be used for recycling textiles and can be placed next to the trash barrels on any trash pick-up day.

Dave Semier, 26764 Russell Road, asked for an update on what is going on with the storm sewers in the Russell Road area. Mr. Koomar stated that Ordinance 15-26 is pending before Council creating Chapter 916 which will affect the Bruce/Russell/Douglas, and part of Lake Road area for the disconnection of foundation drains. Based on initial residential feedback, the ordinance is on hold and the administration is doing some additional research. Council will not take any action in the foreseeable future. Mr. Koomar asked Service/Safety Director Thomas for his comments and an update.

Service Director Thomas stated that he has a conference call this Wednesday, May 6, 2015 with the U.S. Environmental Protection Agency. The City will be asking for additional time as we look for possible options in addition to the options that have been looked at previously.

Mr. Semier asked what options have been looked at in the past. Service Director Thomas stated that the biggest one, obviously, is how to get the clear water out of the system. Technology changes as to how we can go about doing that, so those are some of the things we will be looking at to see if they would be appropriate for all areas of our City.

Mr. Semier stated that there is a pump station installed on Lake Road that is undersized. Mr. Thomas stated that it is not appropriate for what is needed. Mr. Semier asked who did those calculations at the time that was installed. Mr. Koomar stated that it was the former consulting engineer, Michael Benza and Associates. Mr. Semier asked if the pump station can be upsized. Mr. Thomas stated that there is only so much room there; if you upsize it too much it will be so over cost-wise and there might not be the space to increase it to that size. If you compare that lift station to the Longbeach/Huntington lift station it is a massive area. It is another thing we will be talking about with the U.S. EPA.

Mr. Semier stated that in regard to the pumping he saw the suggestion about sump pumps outside homes. He has never heard of that in a climate like this. Mr. Thomas stated that it happens a lot. Mr. Semier stated that he will not have a sump pump installed in his yard because you have to put a manhole in for access. The cost mentioned of \$1,500 will not cover that cost. The cost of a manhole is \$3,000. Mr. Thomas stated that it is not a manhole. It is a plastic enforcement.

Mr. Semier asked if the residents can just disconnect their downspouts. Mr. Thomas stated that is not the downspouts that is the issue; it is the foundation that is the issue. The foundation collects water from the surrounding area. The soil brings water to the foundation.

Mr. Semier stated that his home was built in 1926. The foundation drain ties into the sanitary sewer which was designed that way originally. To get the water to the storm sewer will require lifts and is a little bit more involved than what is being talked about. Mr. Thomas stated that this is one of the things they will discuss with the EPA.

Mr. Semier stated that he read something in the old minutes about \$2.5 million dollars being appropriated to the Sunset area. Mr. Koomar stated that is another project under consideration. We have reserve funds in the City for capital projects. Mr. Semier stated that the Sunset area is a private home community. Do they have City services? Mr. Ebert stated that the park property in the Sunset area is an association. The roads and right-of-ways are public.

Mr. Semier noted that as a person in construction and real estate development for thirty years he understands and agrees with what the EPA is doing, but he does not agree with the methodology of the City.

Pam Cottam, East Oakland Road, stated that there is an urgency that has been imparted to us in these meetings about the sewer situation. At the Town Hall Meeting it was stated that we first got wind that there were going to be changes in 2009. I have been attending Council meetings for probably 18 months and the first time I heard of this was this fall. I am posing a question about the disconnect between the time in 2009 when we first heard about it and this past fall of 2014.

Mr. Thomas stated that in 2009 the EPA recognized a number of sanitary sewer overflows in the City of Bay Village. The U.S. EPA mandated that these sanitary sewer overflows be taken care of. One of the largest was Cahoon. There were two overflows in that area. At that time, engineering started and moved forward. As you remember, Cahoon Road was closed for a year and a half. That was because an all new sanitary sewer system was installed there. That project took years to actually come to fruition. That brings you forward to this time. The EPA gives you a certain amount of time to finish projects. When you finish one, you must move on.

Ms. Cottam asked if homeowners of all the areas in Bay were apprised of the situation. Mr. Thomas stated that he was not here then, but it probably was advertised. Mr. Koomar stated that the Cahoon Road overflows were part of that sanitary sewer project. Some of the testing that was done in the Russell, Bruce, Douglas area has been going on for the last three years of trying to understand the nature of it and what can be done. We are at the point now of looking at it with trying to be creative with the solution. Mr. Koomar noted that his home was built in 1961 and when he has had clean-outs dug down it is not the stone fill they do today, it is pure clay which takes a while to drain down. Trying to determine what that threshold is and what our options are is probably what we are going to be investigating. You see residents who have additions that go over the footer drains and you want to factor all that in.

A resident asked if the order from the Environmental Protection Agency has been posted on the City's website. Mr. Thomas stated that it is on the City's website in the subsection of the sewer section. Mr. Vincent asked about the possibility of putting the letter on the front page of the web site. Mr. Koomar noted that residents have called and said they don't see it.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Lee introduced and read **Ordinance No. 15-37** Ordinance amending Codified Ordinance Chapter 527 regarding Littering.

Mr. Henderson commented that in Section B the term “residential area” is capitalized as though it is a defined term, and asked if that is intentional. Mr. Ebert stated it is not intentional and will be corrected.

Ordinance No. 15-37 was placed on First Reading.

Mr. Lee introduced and read **Ordinance No. 15-38** amending Codified Ordinance Section 543.11 regarding sidewalks to be cleaned of ice and snow, and declaring an emergency. Mr. Lee noted a typographical error which will be corrected.

Mr. Henderson asked Mr. Thomas to email him a copy of the Notice of Violation policy and procedure.

Mr. Lee questioned the use of the emergency clause, noting that if the ordinance goes into effect this summer it will be well in advance of the snow season.

Ordinance No. 15-38 was placed on First Reading.

FINANCE AND CLAIMS COMMITTEE

Motion to acknowledge receipt of April, 2015 financial reports of the City of Bay Village prepared by Director of Finance Renee Mahoney.

Motion carried 7-0.

Mr. Clark read Ordinance No. 15-29 providing for the issuance and sale of \$120,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of resurfacing and making other improvements to City surface parking areas, and declaring an emergency.

Ordinance No. 15-29 was placed on Second Reading.

Mr. Clark read Ordinance No. 15-30 providing for the issuance and sale of \$26,000 of notes, in anticipation of the issuance of bonds, for the purpose of acquiring office equipment for use in performing the administrative functions of the City, and declaring an emergency.

Ordinance No. 15-30 was placed on Second Reading.

Mr. Clark read Ordinance No. 15-31 providing for the issuance and sale of \$1,806,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of (I) Improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, (II) Improving the City’s parks and recreational facilities by improving basketball and tennis courts, aquatic and related facilities and their sites and constructing and improving lighting facilities at Hartman Field, (III) Acquiring motor vehicles and equipment and acquiring and installing a work order system for use in performing the functions of the city’s

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department of public services and properties, (IV) Acquiring motor vehicles and equipment for use in performing the functions of the City's Police Department, (V) Acquiring office equipment for use in performing the administrative functions of the City, (VI) Acquiring a bus for use in performing the functions of the City's Department of Community Services and (VII) Acquiring a motor vehicle and equipment for use in performing the functions of the City's Fire Department, and declaring an emergency.

Ordinance No. 15-31 was placed on Second Reading.

Mr. Clark read Ordinance No. 15-32 providing for the issuance and sale of \$90,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring a motor vehicle and equipment for use in performing the functions of the City's Fire Department, and declaring an emergency.

Ordinance No. 15-32 was placed on Second Reading.

Mr. Clark read Ordinance No. 15-33 providing for the issuance and sale of \$405,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City's Department of Public Services and Properties, and declaring an emergency.

Ordinance No. 15-33 was placed on Second Reading.

Mr. Clark read Ordinance No. 15-34 providing for the issuance and sale of \$622,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency

Ordinance No. 15-34 was placed on Second Reading.

Mr. Clark read Ordinance No. 15-35 providing for the issuance and sale of \$166,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the City's Sanitary Sewerage System by constructing sewer lines, and declaring an emergency.

Ordinance No. 15-35 was placed on Second Reading.

Mr. Clark read Ordinance No. 15-36 providing for the issuance and sale of \$76,000 of notes, in anticipation of the first issuance of bonds, for the purpose of paying costs of acquiring a motor vehicle and equipment for use in performing the functions of the City's Police Department, and declaring an emergency.

Ordinance No. 15-36 was placed on Second Reading.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Tadych had no report this evening.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to convene to Executive Session at 8:58 p.m. to discuss Litigation, specifically, Olson-Pavicic, Alice O'Donnell, and Tasse

Roll Call Vote: Yeas- Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent. Nays – None. Motion passed 7-0.

Also present in Executive Session were Law Director/Acting Mayor Ebert and Finance Director Mahoney

Council reconvened in an open meeting at 9:09 p.m. Present were: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 9:10 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council