

CITY OF BAY VILLAGE

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

May 18, 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

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 Jack Nageotte and Ryan Duffy, Boy Scout Troop No. 729, present for their Citizenship in Community Merit Badge.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held May 11, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of May 11, 2015 as prepared and distributed. Motion carried 7-0. Mr. Koomar called for a reading of the minutes of the Meeting of the Cahoon Memorial Park Trustees held May 11, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the meeting of the Cahoon Memorial Park Trustees held May 11, 2015 as prepared and distributed. Motion carried 8-0.

REPORTS

Mayor Sutherland reported that Fire Chief Lyons has received the Ohio Fire Chiefs' Associations Credentials Certification. The designation seeks to provide independent verification and certification of fire chiefs in the state. Each applicant is measured against a predetermined set of standards, designed to measure all facets of a fire chief's career, including experience, education, training and professional development. The application is reviewed by a panel of the chief's peers statewide. If the applicant meets the standards of the review, the credential is bestowed upon the officer by vote of the Board of Directors of the Association. Of the 1200 fire chiefs in Ohio, Chief Lyons is only one of 24 who have earned this distinction.

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

AUDIENCE

The following members of the audience signed in this evening: Patrick McGannon, Lydia DeGeorge, David Madigan, Conda Boyd, Pam Cottam, Karen and Alex Dade, Randy Risch, Russell Thompson, Suzanne Graham, Lawrence Kuh, Walt Van Tilburg, Dick Majewski, Marty Mace, William and Jack Nageotte, Ryan Duffy, Resident of 420 Parkside Drive, Mark Chernisky, Jerrie Barnett, Suzanne Graham, Dennis Moore.

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Lydia DeGeorge, West Oakland Road, stated that she needs to be clear on this microphone issue. Mrs. DeGeorge addressed Mayor Sutherland, stating that she has known about this for quite a while but it was only two weeks ago that the residents heard there was some concern on her part. Mrs. DeGeorge asked what took so long to be concerned about a microphone being in the committee room when this is one of the things that Councilman Vincent is so passionate about.

Mayor Sutherland stated that part of the reason is that there was a piece of information that was missing. The Mayor did not get the letter from the League of Women Voters and it is not that they don't want to go forward with it, they just want to make sure they have the latest and greatest technology. There is also another side of this. If we are going to post this on the website, none of this has been figured into it. It is an evolving project. We want to work on it this summer. We'll get it done but we just want to make sure we do our due diligence. The Finance Director doesn't think that has been done to her satisfaction. We are going to do our due diligence.

Mr. Koomar stated that since that is a Council project he will be working with the Mayor.

Mrs. DeGeorge stated that another of her concerns is that it is being worked on in the summer and Council is on recess.

Mr. Koomar stated that they will work on it. He would like to go back to the current vendor with a couple of questions, and if needs to be farmed out he can help Mrs. Mahoney with that aspect. From a timing standpoint had we accepted the donation tonight we might have had it installed for one of the last meetings in June. Being on recess we are not losing much from a meeting standpoint but to the Mayor's point we do want to keep it moving so we are up and running when we come back in September.

Mayor Sutherland stated that she would actually prefer to do video and audio in the Council Chambers. Mrs. DeGeorge asked why the Committee room would not be included. Mayor Sutherland stated that the Committee room is utilized by the City for a lot of other things than just the Committee meetings, and Council can come to the Chambers for their committee meetings.

Mrs. DeGeorge stated that this has been discussed in the past and the Mayor did not raise her concerns then. They are being raised now, and Mrs. DeGeorge stated that she is also concerned while they are looking into it this summer there is going to be another roadblock that may be uncovered and thrown at this opportunity. The Committee room is the room where the magic happens, and that is where the residents learn what is going on.

Mr. Koomar stated that this was a concern of Council and to the Mayor's point of its being used for other uses, he understands that, and what they talked about today was some type of microphone that can be removed so that during the week she doesn't have the concerns. Mr. Koomar expressed confidence that Council can work through this and the goal would be to accept the donation at a special meeting or some time when it is appropriate so this can be up and running and functioning in September.

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Pam Cottam, East Oakland Road, asked if it is possible as this is discussed in the summer that the discussions are made public.

Mrs. Mahoney stated that historically when she has any kind of project we do our due diligence, and then she brings it to Council and present the options. Nothing is going to be done without Council's approval.

Mr. Koomar stated that we always have a few special meetings and any work with any other vendors would be on the Committee session for discussion before moving forward. Mr. Koomar added that he has no problem with any new ideas as we move forward to make sure that the League is kept current.

Mrs. Cottam stated that she just wants to make sure that they are privy to the discussions in the summer, because it affects them as well.

Conda Boyd, stated that she was chair of the League of Women Voters Bay Village Chapter during the time that this initially came up and was in all of the meetings and present for all of the discussions from the very first. Recordings on the website were discussed consistently throughout every meeting that they had on this topic, and she just wants to correct the record, and asked Mr. Koomar if he agreed. Mr. Koomar stated that there has been lots of discussion, but at this point this is where we are. Ms. Boyd stated that it where we are but she wants the record to show that, at least from the League's point of view, and if we were to go back and look at the minutes, posting the recordings to the website has been there from the very beginning, as has the discussion about having the recording equipment in both rooms. I understand the concern about being able to remove the equipment during the week for meetings that are not public, but public meetings should be public and it is a service to the citizens of Bay Village to have the recordings available. It will get people more interested in city government; it will keep people more informed about city government. Mr. Henderson can listen to the podcasts as he makes his way around the exercise equipment at Cahoon Memorial Park.

Mayor Sutherland stated that these meetings are all recorded. Anybody who wants to listen to a tape you can just contact Joan and listen to the tape. We just have to figure out how to do the uploading piece. I don't think we have enough space on our website. We have to work through all those technical issues. We'll get it done.

Lawrence Kuh, West Oviatt, stated that he is present this evening as a representative of the Bay Village Bike Cooperative as well as Boy Scouts of America. The purpose tonight to talk to Council is to present a primitive campsite project here in Bay Village and refer it to the Recreation Committee of Council. Pat McGannon distributed a copy of the proposal. Mr. Kuh noted that the proposal came out this last year through the Bike Cooperative and certain ideas of Mr. Kuh's. They collaborated with the Boy Scouts and Girl Scouts who are interested in making a collaborative effort in having three primitive campsites in Cahoon Memorial Park. The proposal includes a map location of where those locations are with one shared fire ring, and a permit fee that would offset any costs, such as insurance, that the City would have. The campsite

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would be a pack-in, pack-out mentality and the directive of the Scouts is to have each of the troops being in charge of one month. They would twice a month monitor the location, check it for cleanliness and make sure things are being handled appropriately. One of the other things is that they want to make sure this process is done correctly so they have met with Recreation Director Enovitch and he said that the reservation system they have proposed fits into their existing reservation system. They have met with the Police and Fire Chief who have expressed support of the concept. Permits would be accessible through the Police Department so that they are aware of anyone using the sites. There is an additional \$5.00 per car fee to minimize the use of cars in the area. They have also spoken with the Building Director about the fire ring and he was enthusiastic about the project as well, and gave recommendations of approved fire circles that could be recommended to Council. They also met with Mayor Sutherland and Mr. Ebert at the onset of the proposal to make sure they were following the necessary procedures. It is hoped that the project will promote the area businesses.

Randy Risch, Scout Master from Troop 41, resident of Osborn Road, stated that the Boy Scouts, Troop 41, Troop 159, Troop 235, Troop 729 and Girl Scouts of the City, have looked at this as a project that would be for the youth of the City, not just members of the Scouts. The concept is "leave no trace" which means you walk in with everything and you take it away. Picnic tables are not used. The groups would be limited to two tents per site for 6 people from individual families or small youth groups. There are various points for the Recreation Committee to consider, such as the number of nights for the campsites. In the packet is an illustration of the Cuyahoga Valley National Park Conservancy five sites and fire ring located behind the Stanford House in the Boston Mills Area. Campers are not allowed unless they are registered and a guard house is provided for check in. Many of the procedures outlined in the Cuyahoga Valley Conservancy have been used to model the Bay Village proposal. An information board for Disc Golf would be used for the information board for the campsites. Individual sites would have small camping stoves, with one fire ring for the collective sites. The campsites would be used by Bay Village residents and their guests only.

Mr. Ebert stated that the project coordinators would have to acquire their own insurance, because it is not part of the Recreation Program of the City. Mr. Kuh expressed hope that this would be referred to the Recreation and Parks Improvement Committee to work out more details.

Mr. Koomar asked what the plans are for use of restrooms since the Bay Village restrooms are locked at night. Mr. Kuh stated that the restrooms at the soccer shed were open 24/7 at one point. Mr. Koomar stated that they were locked due to vandalism.

Mr. Koomar asked if they have approached the Metroparks who have restrooms open 24/7. Mr. Pat McGannon stated that since the activity is for Bay Village residents and guests they had hoped to use the Bay Village parks.

Mr. Henderson asked Mr. McGannon to explain the tie-in to a certain bicycle route. Mr. McGannon stated that there is a national bike route that goes through Bay Village from Maine to Washington State. Probably around 200 people from all around the world bike through Bay Village throughout the summer. Generally the people who do this are well-to-do as it requires

taking several months off of work. The idea is that they would be able to use the site and benefit the residents of Bay Village with this exposure. Mr. Lee noted that there are also a lot of bike riders circling Lake Erie.

Mr. Tadych asked how the insurance arrangements would work for these people passing through the City. Would that be done through the Bike Cooperative? Mr. Ebert will study the Cahoon Will and other aspects of the proposal further.

Mrs. Lieske asked Mr. Ebert to look at the Cahoon Will in terms of someone wanting to stay on a Saturday night, or Sunday night. A reservation might indicate some type of organized activity.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Lee had no report this evening.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark reported that there is an accumulation of unpaid charges for sewer rental, refuse collection, grass cutting, tree removal and sidewalk repair for the 2015 year. The following ordinances will place these unpaid charges on the tax duplicate of each property owner who has not paid for these charges. For the year 2014, there is about \$223,000 in total for unpaid sewer rental and trash collection. Mr. Clark noted that these are treated as special assessments and are collected to the total dollar amount. If the fees were treated as property tax, the City would only get 17 cents to the dollar.

Mr. Clark introduced **Resolution No. 15-39** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

Mr. Henderson stated that he is surprised by the 1016 households in the City of Bay Village who have not paid their charges. Mrs. Mahoney has mentioned this it is not dissimilar to previous years. Mr. Henderson asked what percentage of these people pay their sewer bills when they are sent to the County. Mrs. Mahoney stated that in 2013 the City assessed about \$180,000 and collected \$189,000 in the following year, realizing that in 2014 you are also collecting for the prior years. Mr. Clark noted that the numbers track very closely to the budgeted numbers.

Mr. Tadych asked if most of the collections are for an entire year's sewer bills. Mrs. Mahoney referred to Mr. Koomar's comment of about \$200.00 per parcel. An entire year is about \$400. A \$10.00 per quarter late fee is added to the unpaid charges certified. For sidewalk, grass, sidewalks, and tree removal there is an administrative fee added of 6%. The County also adds another 1%.

Mr. Koomar asked what the ordinance states to be added to the bill. Mrs. Mahoney stated that it is 6% for the City and 1% for the County, except for the sewer.

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Mr. Henderson asked if there is any thought as to why the residents are not paying their charges prior to them being sent to the County Auditor for collection. Mrs. Mahoney stated that they probably incorrectly add that amount of their property tax on their income tax filing. They may believe they are getting a credit.

Mr. Lee asked if the residents receive some notice if they don't pay it by a certain date they are subject to the additional 6% charge. Mrs. Mahoney stated it is so noted on the bill.

Mrs. Lieske asked if the list of the certifications is available in Mrs. Mahoney's office. Mrs. Mahoney stated that the list is parcel numbers and the dollar amounts.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-39.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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 Resolution No. 15-39, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **Resolution No. 15-40** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-40.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

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Nays -None
Roll Call on Adoption:
Yeas– Henderson Koomar, Lee, Lieske, Tadych, Vincent, Clark
Nays–None.

Mr. Koomar announced adoption of Resolution No. 15-40, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **Resolution No. 15-41** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-41.

Roll Call on Suspension of the Charter Rules:
Yeas- Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson
Nays -None
Roll Call on Suspension of the Council Rules:
Yeas – Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson
Nays – None.
Roll Call on Use of the Emergency Clause:
Yeas- Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson
Nays -None
Roll Call on Adoption:
Yeas– Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson
Nays–None.

Mr. Koomar announced adoption of Resolution No. 15-41, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **Resolution No. 15-42** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-42.

Roll Call on Suspension of the Charter Rules:
Yeas- Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar
Nays -None
Roll Call on Suspension of the Council Rules:
Yeas –Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar
Nays – None.
Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Resolution No. 15-42, an emergency measure, by a vote of 7-0.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no further report this evening.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Koomar advised that he received a letter from a Bruce/Russell/Douglas area resident whose property had been tested but he had not received a letter from the Service Department. Mayor Sutherland stated that there was a letter that was dropped in the mail Friday afternoon. If it was not delivered on Saturday it should have been delivered today. The letter explains in essence that there has been a bit of an engineering epiphany so the City has dropped back. They are doing some additional testing and hope to be back to the residents in about a month with a couple of new ideas. While it may not be applicable to every single piece of property, there may be some significant savings and the City would like to finish their due diligence before they move forward.

Mr. Koomar stated that he had asked Service Director Thomas for the courtesy of having Council copied on these letters, and requested that the Mayor reinforce that to Director Thomas. Mr. Koomar asked if there would be an update mid-June, or in July if necessary so the City can finish their work. Mayor Sutherland stated that they are hoping they can get it done so they can lay out the revised plan. Mr. Koomar stated that he had a chance to talk with Mr. Thomas and City Engineer Bob Greytak about programs in Boston that are on their website regarding storm sewer disconnects. He would like to incorporate these suggestions and other questions from residents when they come back to Council.

Mr. Tadych introduced **Ordinance No. 15-43** amending the Traffic Control Map and File of the City by enacting new handicap parking space, and declaring an emergency. Mr. Tadych stated that this is a great thing and will help people.

Ordinance No. 15-43 was placed on First Reading.

Mr. Koomar stated that as part of the earlier discussion, Mr. Ebert will also follow up with any requirements of the Planning Commission that will be either needed or not needed.

Mr. Henderson asked if the emergency clause is necessary for the ordinance.

Mayor Sutherland stated that they would like to move forward as quickly as possible because there are seniors that are very much inconvenienced by having to park in the parking lot and it is difficult for them to walk across the street. The only other handicap space is back in the parking lot, which is even farther to walk.

Mr. Vincent stated that he would like to add for the benefit of all the citizens, that when a resident has a question they should reach out to a member of Council. Mr. Vincent received the request for this parking space from a resident. Mr. Vincent subsequently reached out to Law Director Ebert and Service Director Thomas who arranged for the parking spot immediately. He urged those who see concerns around the City to reach out to a member of Council.

Mayor Sutherland stated that she sees no reason to hold up the marking of the spot as handicap any longer.

Mr. Lee noted that it is an existing parking spot on the street; it is just going to be assigned and marked as handicap.

Mr. Henderson stated that the only reason he is asking is that the parking spot has been there forever without being designated as handicap and he is curious why it is important that it be made handicap within the 40 days. Mayor Sutherland responded that when it is a simple fix, why wait.

Mr. Koomar stated that there was an issue in Bay Square Shopping Center a number of years ago when a women who was disabled did not have access to a handicap parking spot near a video store. In working with the property owner, they were asked for one spot since the woman was a frequent visitor and it was a hardship for her. They were nice enough to accommodate those needs very quickly.

Mr. Henderson thanked all for their explanations.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson had no further report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no further report this evening.

MISCELLANEOUS

Motion by Clark to adjourn regular meetings of City Council for the months of July and August, in accordance with Section 2.10 of the Bay Village City Charter, with special meetings called as necessary.

Motion passed 7-0.

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The motion to convene to Executive Session for the discussion of insurance contracts was removed from tonight's agenda.

There being no further business to discuss, the meeting adjourned at 8:44 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council