

City of Bay Village

Council Minutes, Committee Session
Conference Room
Dwight Clark, Vice President of Council, Presiding

June 1, 2015
7:30 p.m.

Present: Clark, Henderson, Lieske, Tadych, Vincent, Mayor Sutherland

Not Present: Mr. Koomar, Mr. Lee (attending Bay High School Commencement 2015)

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Public Safety and Service Thomas, Recreation Director Enovitch, Police Chief Spaetzle, Fire Chief Lyons, Director of Operation Landers, SAFEbuilt Chief Building Official Cheatham

AUDIENCE

The following members of the audience signed in this evening: Dick Majewski, Marty Mace, Pam Cottam, Lydia DeGeorge, Suzanne Graham, Richard Fink, Russell Thompson, Jerrie Barnett, Jeff Gallatin, Tara Wendell, Conda Boyd, Charles Ramer of Northeast Ohio Public Energy Council (NOPEC).

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Village Bicycle Cooperative – Lease expired March 31, 2015

During the audience comment portion, Conda Boyd asked why the Council is two months behind on renewing the lease for the Village Bicycle Cooperative's space at the Community House. Law Director Ebert stated that the expiration date passed without being caught. The lease has actually been changed since entering the agreement. The Village Bicycle Cooperative is using more space at the former Friendship Center site. Service Director Thomas will measure the space being used to determine the actual square footage of what is being used. The ordinance renewing the lease will be removed from tonight's agenda until further information is compiled.

Mr. Clark noted that the Village Bicycle Cooperative is giving a great service to the City. Procedurally, if Council has a copy of the lease and it is correct, the ordinance will be adopted with one reading. Mr. Ebert assured Ms. Boyd that the next time the lease is considered for renewal it will be noted in a timely manner so as to be subject to three readings. Mr. Clark stated that historically the Village Bicycle Cooperative has paid a prorated share of the overall utilities of the Community House, and asked if that is the anticipation going forward. Finance Director Mahoney responded affirmatively. Mr. Tadych confirmed with Mr. Ebert that the lease will be based on the space that is being used currently, rather than the space formerly used by the woodshop, and utilities are to be gas and electric. Mr. Henderson asked if there is a cost per square footage for the lease. Mrs. Mahoney stated that they do not base the rental on a square footage. A copy of the lease and the details, including the amount paid this past year as requested

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by Mrs. Lieske, will be included in the Council packets the weekend of June 5, 2015, and the ordinance will be introduced on Monday, June 8, 2015 at a Special Meeting of Council.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Memorandum of Understanding – Cuyahoga Soil and Water Conservation District

Mr. Tadych stated that there was nothing in the Council packets concerning the Memorandum of Understanding, and asked who would like to address the matter.

Service Director Thomas stated that the Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District (CSWCD) has been done annually for a number of years. The agreement is to insure that our storm water, creeks, and outflows into Lake Erie are being supervised with their technical assistance. The CSWCD provides reports to the Environmental Protection Agency as well. Their sample project list for this year includes the Bay Village/Avon Lake Shared Basin, Bay Village High School, Bay Village Police Department, the Service Center, St. Raphael's Catholic Church, the Bradley Bay Nursing Home, and the Crestview extension. The CSWCD has been sending out people consistently to check on these projects and to provide technical assistance. The Memorandum of Understanding (MOU) is very common in Cuyahoga County.

The renewal of the MOU for the Cuyahoga Soil and Water Conservation District will be addressed at a Special Meeting of Council on June 15, 2015. Information will be included in the Council packets.

FINANCE & CLAIMS COMMITTEE

American Fireworks Company Agreement

Mr. Tadych advised that the American Fireworks Company agreement for the July 4 fireworks display will be considered by Council this evening. The cost is \$11,000, which has been standard since 2010. The cost is offset by the efforts of the Fireworks Committee. Mayor Sutherland stated that her assistant, Sue Kohl, has raised \$3,600 in profits for the Fireworks Fund from the T-shirt project.

Mr. Ebert noted that Section 2 of the ordinance approving the fireworks has been added to the ordinance to be in compliance with Ohio Revised Code Section 3743.54.

Mrs. Lieske asked how the rain date for the fireworks can be scheduled for Sunday, July 5, 2015. Mr. Ebert stated that there is no prohibition in the Cahoon Will about having fireworks on a Sunday in Cahoon Memorial Park. He noted that many times the Kiwanis would rather have the fireworks on a Monday because that is the busiest day for Bay Days, and Bay Days cannot be held on a Sunday.

Mr. Henderson asked if this contract has been put out to bid to attract multiple vendors. Mayor Sutherland stated that they reached out to a couple of vendors and also had people call. The Fire

Chief asked that the vendors be in touch with him in December, because a decision is usually made in the beginning of January or February to insure a contract. It was the Mayor's understanding that a couple of people never responded and one got back to the Fire Chief in March, which was too late. Chief Lyons stated that they need to reserve the fireworks company in January since companies are booked up for the Fourth of July early in the year.

The ordinance approving the contract for the fireworks display will be considered by Council for adoption at the Regular Meeting of Council to be held this evening.

Property Damage and Liability Insurance – Review of Bids

Mr. Tadych reported that the second lowest bid for renewal of property damage and liability insurance for the City of Bay Village includes a fireworks insurance that the lowest bid does not include. The second lowest bid of \$144,533 will be considered for acceptance for the 2015-2016 year.

Finance Director Mahoney stated that the first three bids are all bid through McGowan Insurance Company. The fourth bid was through the Jackson-Deiken Insurance Company. McGowan Insurance Agency has been with the City of Bay Village for a number of years. It is not recommended to move to another carrier for less than \$1,000. The premium has been reduced by \$50,000 due to additional bidders, and because the claim experience has dropped off during the past five years. Mrs. Mahoney stated that she dealt with Argonaut Insurance, the successful bidding company, in Shaker Heights where she worked previously and recommended their services.

The ordinance approving the contract will be introduced for first reading this evening, with final adoption at a Special Meeting of Council on June 8, 2015. The Finance Committee members agreed.

Tax Budget – 2016

Mr. Tadych stated that Inside Millage is provided by the Constitution of the State of Ohio, and the Outside Millage is voted millage, such as the Recreation Millage, Paramedic Millage, and expenses for the General Operations of the City of Bay Village. We do not use all of the Outside Millage. Inside Millage of 3.89 is used. Millage has not increased since the 1980's, when Paramedic Millage was implemented in 1986. Mr. Clark noted that there is unencumbered but voted Millage that can be spent, but Finance Director Mahoney has recommended that with the present revenue flows an increase is not needed at this time. Mrs. Mahoney commented that resident property taxes are calculated by taking 35% of the fair market value of property and multiplying that by the millage of the City. Most of those funds go to the schools. The number that is realized through that calculation is adjusted for roll backs and credits from the state. That figure is multiplied by .8750 which gives a rough estimate of an individual's property tax. Mr. Henderson stated that an easy way of estimating tax this year is multiplying the fair market value by 2.9%.

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The Resolution adopting the Tax Budget for 2016 is included in the agenda of the Regular Meeting of Council scheduled for June 15, 2015.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Handicap Parking Spot for U.S. Post Office

Mrs. Lieske stated that it is her understanding that consideration of the provision of a handicap parking spot on East Oviatt to serve the customers of the United States Post Office is to be referred by motion of Council this evening to the Planning Commission for their approval. The Planning Commission agenda of June 17, 2015 will include this referral.

Jerrie Barnett asked about parking for the new Panorama Deli and Restaurant that will open on Dover Center Road. Mr. Ebert stated that there is a City parking lot next to the building that will house the restaurant. After post office hours, the post office parking lot can also be used for restaurant customers. Mr. Ebert stated that in order to provide retail and commercial establishments in Bay Village, the Planning Commission considers all available nearby parking when approving an application.

Mrs. Barnett asked if the former post office site in the Dover Junction shopping center is empty. Mr. Cheatham of SAFEbuilt replied that the site is occupied by a leather shop and a tailor.

Mr. Vincent asked when the handicap parking spot would be available for use. Mr. Ebert recommended that the ordinance to provide for the handicap parking spot be adopted after the Planning Commission consideration. Mr. Ebert stated that the spot will be prepared immediately after adoption of the ordinance.

Chapter 1158 – Moratorium expires June 23, 2015

Mrs. Lieske stated that the moratorium for development under Chapter 1158, Attached Housing, expires June 23, 2015. Mrs. Lieske asked Mayor Sutherland if there is any update from the professional planner that was contracted to review the chapter.

Mayor Sutherland stated that together with the Law Director she had a conference call with the planner last week. He did a very good job on the first draft. There was a little bit of tweaking necessary and Mr. Ebert is researching a question on private streets and the requirements thereof. The Mayor stated that she would expect another follow-up with the planner in another week or so and then they would be able to forward the revised chapter in ordinance form to Council.

Law Director Ebert stated that there is no need for the moratorium. As long as Chapter 1158 is the way it is and until it is modified nothing will be done.

Mr. Vincent stated that we have had the moratorium in place for so long, he would be in favor of extending it again. Mr. Tadych agreed. Mr. Ebert will prepare an ordinance to extend the moratorium an additional 90 days for inclusion on the Council agenda at the Regular Meeting of Council to be held June 15, 2015.

Ms. Boyd asked how long the moratorium has been in existence, and is there an idea of the time line and the process. Law Director Ebert stated that the draft of Chapter 1158 as prepared by the planner will be submitted to the Planning, Zoning, Public Buildings and Grounds Committee for review and recommendation to Council. The Planning Commission has declined to take action and referred it back to City Council.

Ms. Boyd asked if 90 days will be adequate for an extension of the moratorium. Mr. Ebert stated that Council can again extend the moratorium if they feel it necessary. It is hoped to see the review of the draft occur before Council recess at the end of June.

Mr. Ebert stated that he thought the moratorium was originally established in 2013.

RECREATION & PARK IMPROVEMENT COMMITTEE

Mr. Henderson advised that the Committee of the Whole two weeks ago received a primitive camp site proposal from Mr. Kuh and Mr. McGannon. President of Council Koomar has indicated that this may be taken up for discussion next week. Mr. Ebert stated that he has prepared a memorandum based on research including one court opinion. The memorandum will be provided to Council in their packets of June 5, 2015.

Mr. Henderson thanked Mr. Ebert for his attention to this matter.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent stated appreciation to Mayor Sutherland, Finance Director Mahoney and Clerk of Council Kemper for their working together to provide initial Council meeting recordings on the City's web site. Mr. Vincent will ask each member of Council to listen to the recordings and report back on their impression of the sound. While you can certainly hear the voices it is hoped to improve on the sound. The City's technology provider found Copy.com where the recordings can be placed without charge, at least temporarily. Mr. Vincent stated that he has heard from a few residents saying they appreciate this work.

Mayor Sutherland suggested that podium in Council Chambers be moved forward to insure that voices from the audience are heard and that if there are comments from the audience the speaker move to the podium.

MISCELLANEOUS

Mr. Clark announced that Destination Bay will be held on June 13, 2015 and encouraged participation. Activities will be held throughout the City, including in Cahoon Memorial Park, BAYarts, the Lake Erie Nature and Science Center, and the Bay Village Fire Station from early morning to late afternoon. Project Pedal is part of the day's activities, and shuttles will be moving from one activity to another. Maps and further information are available at City Hall and throughout the City.

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Mr. Tadych advised that he and **Councilwoman Lieske** walked through Walker Road Park on Saturday, May 30, 2015, looking for the borders of the park, in anticipation of the plans of Avon Lake next December in the park for the culling of deer. Mr. Tadych stated it was difficult trying to understand where the property started and ended to determine how close it is to the nearby residences, and the location of the tree stand on the south side of the park. Mr. Tadych asked if someone could take Council on a tour of the park to look at the borders. Mayor Sutherland will make the necessary arrangements.

The meeting adjourned at 8:05 p.m.

Dwight Clark, Vice President of Council

Joan Kemper, Clerk of Council