

# City of Bay Village

Council Minutes, Committee Session  
Council Chambers  
Paul Koomar, President of Council, Presiding

June 29, 2015  
7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel,  
Operation Manager Landers

## AUDIENCE

The following audience members signed in this evening: Penny Dolski, David Hulligan, Ernie Minichello, A. Paulus, Walt Van Tilburg, Pam Cottam, Dick Majewski, Jerrie Barnett, Marty Mace, Conda Boyd, Mark Harms, Julie Lipka, Ned and Sharon Topping, Susan Murnane, Tom Gorgas, Michelle Haas, Don Rudden, Bob Dvoroznak, Joe and Jenny Knapp, Lydia DeGeorge, Denny and Tara Wendell.

President of Council Koomar called the Committee Meeting of Council to order at 7:30 p.m.

## ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

**Mr. Lee** advised that at the Special Meeting of Council this evening he will read Ordinance 15-54, providing for the hiring of the civilian dispatchers. The transition to civilian dispatchers was discussed at length both in the sub-committee sessions as well as the full Council meetings. Mr. Lee thanked Police Chief Spaetzel for his leadership in bringing this forward. The ordinance will be moved for adoption this evening, and upon its passage Chief Spaetzel will begin the process of advertising for and hiring the civilian dispatchers.

Mrs. Lieske asked the time frame for job descriptions for the position. Chief Spaetzel stated that they are currently in the process of completing their task analysis. The next step will be turning those task analysis into specific job description items. Chief Spaetzel is working with Human Resource Manager Jennifer Demaline to complete those job descriptions. It is hoped to have the job descriptions ready by mid-July. Mrs. Lieske asked if the selection process will begin in the fall. Chief Spaetzel stated that they are still working through the Civil Service process to determine if that will be part of the hiring of the full time dispatchers. When the job descriptions are completed, they will formulate an advertisement for hiring.

Mrs. Lieske stated that she would have preferred to think about this over the weekend in terms of the job descriptions city-wide to see the job descriptions before going ahead with the compensation. Law Director Ebert stated that he was at the Civil Service Meeting with Chief Spaetzel when this was discussed. There is much to be discussed as far as the job descriptions; whether it is going to be Civil Service or not Civil Service. Mr. Ebert recommended not holding this up because this discussion will take some time. Mr. Koomar stated that we know the ranges

are comparable. He asked Chief Spaetzel to send the job descriptions to Council when they are prepared.

Mr. Tadych asked when the testing for the dispatchers will take place. Chief Spaetzel stated that it has not been determined yet whether the positions will be Civil Service. Testing would be up to the Civil Service Commission.

Mr. Vincent asked what the thoughts are behind deciding whether or not these positions will be Civil Service. Mayor Sutherland stated that Chief Spaetzel already did a lot of research on that particular position and what other communities do. A majority are not Civil Service because there are some very special training requirements and background requirements that don't necessarily come out in a testing process. Chief Spaetzel explained that the Civil Service Commission has the opportunity to take any classified position and put it under their control. The Civil Service Commission is considering the two full time positions for Civil Service. The part time position of Police Dispatcher would not be under Civil Service, but the two full time could be. That is up to the three-member Civil Service Commission. The basic job description of Police Dispatcher is well set, with some tweaking yet to be done.

Mr. Tadych asked if the Civil Service Commission will have another public meeting to discuss this further. Chief Spaetzel stated that there will be a meeting at a date to be announced.

Request for D1 and D2 Liquor Permit – Dover Bay Enterprises, Inc., dba Panorama Deli & Restaurant, 583 Dover Center Road

Mr. Lee stated that a motion will be introduced at the Special Meeting of Council this evening to not request a public hearing for the request for a D1 and D2 Liquor Permit for the Panorama Deli and Restaurant.

Mr. Tadych asked when opening of the restaurant is anticipated. Mr. Vincent stated that an Architectural Board of Review meeting is scheduled for Wednesday, July 8 to discuss modifications to the front of the building. Mr. Ebert stated that normally for a liquor permit request if an objection is filed it is filed by another restaurant or from the church or nearby school. Mr. Ebert stated that the plan is for the restaurant to be a family restaurant, rather than a bar. The application is for beer and wine consumption on premises only. Mr. Tadych noted that the application is dated June 19, 2015. It was received Certified Mail in the office of the Clerk in the middle of the week of June 22, 2015 and placed on the agenda for this evening.

Mrs. Lieske asked if there was any process that St. Raphael Parish would have been informed or would it just be minutes from this meeting. The restaurant is close to the St. Raphael School. Mr. Ebert stated that it was public as to the type of facility it was going to be. It is being opened by the former owners of the Panorama Restaurant in Westlake.

Mr. Lee stated that the procedure is the City must file notice with the Ohio Division of Liquor Control that it would request a public hearing. That notice must be filed before July 20, 2015. The public hearing is held in Columbus, Ohio, at the office of the Division of Liquor Control.

Mr. Tadych asked if there are any regulations within the City as to how close a permit holder can be to a church or a school. Mr. Ebert stated that there are no City regulations. Mrs. Lieske asked if there are any other regulations with the State of Ohio about the distance of these establishments. Mr. Ebert stated that he will review.

Mr. Lee stated that the motion is not for approval; it is just whether the City would request a public hearing. It is the Ohio Division of Liquor Control that determines the suitability of the applicants and issues the permits. Mrs. Lieske asked if anyone did have a question or concern they could file it with the Ohio Division of Liquor Control, even if the City does not request a public hearing. Mr. Ebert responded affirmatively. Mr. Koomar added that if a member of the public has a question on the application at the 8:00 p.m. meeting this evening it can be addressed at that time as well.

### **PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE**

**Mr. Tadych** had no report this evening.

At the Special Meeting of Council this evening, Mr. Tadych will present a motion to authorize the Director of Public Service to advertise for bids for the City Hall parking lot project.

### **FINANCE & CLAIMS COMMITTEE**

**Mr. Clark** stated that he will bring an ordinance to provide compensation for the Police Dispatchers to third reading and adoption this evening.

Mr. Clark will introduce an ordinance fixing the compensation for City Council members which has been discussed at length by Council. The ordinance will be moved for adoption this evening.

Mr. Koomar addressed Mr. Henderson about his previous comments about the number of votes necessary to adopt a motion of Council. Mr. Koomar stated that the Boards and Commission have always followed the protocol of requiring a majority vote of the total membership of the Board or Commission where the motion is presented. Mr. Koomar suggested that it might be a topic for the next Charter Review Commission to discuss clarification regarding the rule of the requirement of a majority vote of the members of Council, rather than the number present at the meeting when the motion is presented.

Mr. Henderson stated that his interpretation of state law is that it is not silent on that topic and he understands that our Charter is silent. Mr. Henderson appreciates the point about our local tradition or past precedent and agrees that referring it to the Charter Commission would be an advisable move regarding the procedure.

Mr. Henderson stated that with regard to the actual compensation ordinance, Council did speak at length about it and he expressed his displeasure at the actual number of 2% for an increase. The proximity to inflation makes him think that it is meant to be an inflator and we haven't had any inflation in the past year. We are not expecting any inflation going forward. Mr. Henderson stated that he does appreciate the additional information provided and also appreciates the

additional information Steve Lee provided via email. If we vote against this, we are causing a contraction in the spread between the compensation of President and the rest of Council, which he also would not want to see. Mr. Henderson stated further that he is left to choose between two things that he doesn't particularly like.

Mr. Koomar stated that the position held by Mr. Lee as Councilman-at-large was unique when the ward representatives received the 2% increase, because he was running when Mr. Pohlkamp had resigned. Normally, he would not have been in that position which allowed him to receive an increase. Going forward, he would be in the same situation of not receiving something two years out, then you have the disparity of members of Council at-large and ward position.

Mr. Henderson stated that this is a great example of why we shouldn't push things to the limit on our time lines and always need the emergency clause on legislation. If we could have begun this conversation even just one or two weeks earlier, we probably would not have had the situation that we did.

Mr. Tadych stated that it is interesting to him that when we talk about the ward Council salaries, those were approved two years ago, and those increases were put in for 2016 and 2017. The issue is not about the ward salaries.

#### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

**Mrs. Lieske** had no report this evening.

#### **RECREATION & PARK IMPROVEMENT COMMITTEE**

**Mr. Henderson** reiterated his previous report advising that in November of last year City Council and the Cahoon Memorial Park Trustees approved the installation of fitness equipment outdoors along the walking trail at Cahoon Memorial Park pending private funding for the entire project. To date, verbal commitments have been made that result in total funding of the project. Once that cash has moved, it will be funded. Mr. Henderson has been working with Finance Director Mahoney to work out the details of that process.

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

##### SAFEbuilt, Inc. Update

**Mr. Vincent** advised that the contract with SAFEbuilt, Inc. was formalized prior to the time he took his seat on Council. He asked Mayor Sutherland if she could provide an update as far as their benchmarks. Mr. Vincent stated that he understands that when SAFEbuilt, Inc. expands to other cities, the cost to Bay Village will go down.

Mayor Sutherland stated that the contract does specifically say that once SAFEbuilt, Inc. has \$1 million in revenue in this area, the percentage to SAFEbuilt, Inc. goes from 85% down to 80% for them. Bay Village would then go from 15% to 20% for receipts from building permit fees. The

Mayor will be glad to follow up and send Council an email. Mr. Ebert will send Mr. Vincent a copy of the SAFEbuilt, Inc. contract.

Mr. Lee asked the term of the contract and when it will be up for renewal. Mayor Sutherland advised that we are in the third year of a three-year contract. The contract will expire in May of 2016. The Mayor stated that SAFEbuilt, Inc. has expanded. They are in Olmsted Falls, Sheffield, and doing work in Berea. The City of Shaker Heights is also looking at a contract with them.

Mr. Vincent asked if Mr. Cheatham is the Chief Building Official only in Bay Village, or is he also the Chief Building Official in other cities. Mr. Ebert stated that he is also the Chief Building Official in Olmsted Falls. Mayor Sutherland stated that she is not sure about Sheffield. Mr. Tadych asked if that is affecting any of SAFEbuilt, Inc. staff in the Bay Village City Hall building. Mayor Sutherland stated that we are home base, which is a good thing. It is not affecting adversely our inspections or our work load at all, but they are housed here. Mr. Tadych stated that the staff working in other cities is still housed here. Mayor Sutherland stated that is correct, unless they are full time and she does not think anyone is full time in other cities, other than Mr. Cheatham.

## **MISCELLANEOUS**

A motion will be added to the Special Meeting agenda for this evening to accept a donation from the Fireworks Committee for the annual Fourth of July Fireworks.

Mayor Sutherland distributed to City Council a brochure entitled, "Dense by Design; A Compact Guide to Compact Development" published by the Mid-Ohio Regional Planning Commission. The Mayor stated that it is hoped to have a draft version of Codified Ordinance Chapter 1158 very soon, within the next couple of weeks. The Mayor stated that when she was at the Northeast Ohio Areawide Coordinating Agency (NOACA) meeting a couple of weeks ago, the sister organization in the Columbus area had done a very nice report on density that she thought Council might want to review. The Mayor stated that they used Cuyahoga County as a bad example. Mr. Tadych noted that density is the key to Chapter 1158.

Mr. Vincent addressed the problem of landscapers parking on the streets in Bay Village, especially in the morning and in the afternoon rush hours, creating an unsafe situation. Mr. Vincent stated that there is an ordinance in the City of Bay Village that they are not permitted to park on the streets. Mr. Ebert stated that this has been brought up several times over the last several years.

Chief Spaetzel stated that they try to accommodate both the landscapers and the residents. The policy is that if they are at a home that is adjacent to an intersection of a side street off Lake Road, it is preferred they park on the side street. If there is a "U" driveway, they are requested to park in that drive. The problem is that the landscapers with trailers are asked not to park in drives which necessitates them backing out on Lake Road. The police try to limit the amount of stopping. If the landscaper is stopped on Lake Road where none of these options are available, they must cone the area and get in and out as soon as possible. The Police Department tries to compromise with the landscapers and the homeowners who need their service done.

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Mr. Vincent suggested that if we could at least limit it to just the mornings on the north/south streets. The current practice is very dangerous.

**CAHOON MEMORIAL PARK TRUSTEES**

**AUDIENCE**

There were no comments from the audience at this time.

The meeting adjourned at 8:00 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council