

## **AGENDA**

Agenda, Bay Village City Council  
Committee Meeting  
Conference Room  
Paul Koomar, President of Council, Presiding

September 28, 2015  
7:30 p.m.

### **ANNOUNCEMENTS**

#### **COMMITTEE OF THE WHOLE**

##### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee**

Review of pending Ordinance 15-37 (first reading May 4, 2015) amending Chapter 527 regarding Littering and Unsolicited Publications

Review of pending Ordinance 15-38 (first reading May 4, 2015) regarding Sidewalks to be cleared of Ice and Snow.

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

Review of proposed Ordinance amending Codified Ordinance Section 913.08, regarding Downspouts, Roofs and Drains.

Review of proposed Ordinance Section 913.11 regarding Corrective Order and Expenses Therefor.

##### **FINANCE & CLAIMS COMMITTEE – Clark**

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

Review of Proposed Chapter 1158

##### **RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson**

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

##### **MISCELLANEOUS**

##### **AUDIENCE**

##### **CAHOON MEMORIAL PARK TRUSTEES**

# City of Bay Village

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

September 21, 2015  
7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Public Safety/Service Director Thomas, Recreation Director Enovitch

## **AUDIENCE**

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Denny Wendell, Nancy Trainer, Lydia DeGeorge, Dick Majewski, Pam Cottam, Michelle Kraft, Carol Gonzalez, Charles Ramer, Bernadette Novy Enochian, Don and Denise Zwilling, Joe Hochman, Warren Remein.

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

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

Presentation by Mr. Paul LeBlanc:  
Recommendations - Chapter 1158 – Attached Residence District

Mayor Sutherland introduced Mr. Paul LeBlanc, Professional Planner associated with the design firm, LSL Planning, which is a subsidiary of SAFEbuilt, Inc. The City contracted with Mr. LeBlanc to draft a new ordinance dealing with attached housing.

Mrs. Lieske stated that the Planning, Zoning, Public Grounds and Buildings Committee appreciates the opportunity of meeting with Mr. LeBlanc prior to this meeting this evening. It was clear in his presentation the deep understanding he has of Bay Village and the values of the community. The comments he made were thoughtful and some of the fears Mrs. Lieske has heard from residents in terms of discussions about Chapter 1158, Attached Residence District, and “not being in my backyard” but supporting it otherwise, are addressed by this new document. The reference to specific areas within the Bay Village Master Plan and Retail Improvement Strategy, will be helpful to frame the discussion for residents.

Mr. LeBlanc addressed the administration and Council, stating that LSL Planning has been with SAFEbuilt, Inc., for the past two years. LSL Planning has thirteen professional planners who work all over the county, working with communities rewriting major portions of existing zoning regulations or development regulations. In addition to that work, Mr. LeBlanc has served as an expert witness in over a dozen litigation matters, involved in one in federal court now on behalf of municipalities. They were asked to take a look at the efforts that were expended back to 2007 on Chapter 1158, initially to review the ordinance and provide comments as to its workability,

incentives, and how it related to the existing Master Plan. After doing that and submitting a letter with review comments, they were asked to see what they could do in terms of refining the ordinance to address the comments that were made. Mr. LeBlanc went back to the minutes of the committees that had been working on the matter since 2007, as well as Planning Commission minutes, to get a sense of what the discussions were, what some of the issues were, and what consensus there was regarding any element of the proposed ordinance. He found that there wasn't a lot of consensus. There were a lot of ideas thrown out and a great deal of debate regarding density, minimum lot sizes, whether one bed room units should be permitted within townhouses or not, and a lot of fear about the townhouse district in general. If you adopt it, where is it going to go in the community? Could a developer come in and acquire some property in the midst of one of our single family subdivisions and throw up townhouse units? That fear is probably unfounded for a lot of reasons, not the least of which a developer is not going to take that kind of location, and they would still need rezoning and it is doubtful the Council would approve rezoning in a location like that.

Mr. LeBlanc stated that one of the things important to him was to find where that district would be appropriate. A good starting point is to refer to the Master Plan. A good zoning ordinance is supposed to be the tool communities use to support the Master Plan recommendations. Bay Village has a Master Plan that is specific in terms of development of a town center downtown area, and it actually identifies the number of sites in and around the downtown for townhouse development, multi-family development, and higher density development. One of the provisions in the draft is to say that an R4 District should be established where the Master Plan specifically recommends that type of use. There may be other locations where that use would be an appropriate transition or buffer between the similar uses. For example, where you have commercial development adjoining single family neighborhoods with some land in between, townhouse development might make some sense as a transition or buffer between the commercial and single family residential. The way the ordinance is written it is not the intent to be standard, indiscriminately throughout the City of Bay Village.

One of the others is to recognize this is a built-out community. There isn't much of any vacant land left in Bay Village. It is not like many of the suburban communities LSL Planning works with where there are farm fields and wide open spaces, and developers knocking on the door to develop the vacant land. Bay Village is in the reverse situation and may be in a position of wanting to entice developers to come in and do some of the things recommended by the Master Plan, like higher density development in and around the downtown area. In order to do that, it is necessary to make sure the regulations fit the situation: redevelopment and infill. In looking at some of the minimum requirements in earlier drafts of the ordinance, they were clearly based on green field, suburban style development: minimum lot sizes, large setbacks, large open space requirements, things that probably can't happen in Bay Village without a great deal of expense and effort. It is likely that developers would not even want to go down that road. The idea would be to use more urban, infill standards than the broader standards.

The latest draft reviewed was based on an overlay system. This was in response to some of the concerns about establishing this development anywhere in the City, so there are actually three different sets of standards, depending on where the townhouse development might go. This is unnecessary because it is unlikely it is going to happen. If changing the focus to infill and

redevelopment near downtown you only need one set of regulations, which is what this draft proposes.

Density limits are a little higher than prior efforts of six units per acre. The draft proposes a minimum of eight units per acre in order to make this kind of development feasible. Mr. LeBlanc would urge looking at density and see what comfort there is in increasing that. Examples of projects were given where the density was much higher but if you walk past those projects you would never get the sense it is high density. Eight units is not extremely dense by any means.

One of the setbacks proposed for change is, for example, the proposed 35 foot setback is an example of a suburban standard. Most townhouse development is very close to the street, perhaps even at the sidewalk edge. LSL Planning proposes no setback requirement.

There was a lot of debate and complicated formulas about height limits. The City of Bay Village ordinance allows single family homes to be 35 feet tall. There is no reason to select a different standard for townhomes.

Minimum site size was proposed in the old draft of a minimum five acre development site. In this community it is unlikely you could find five acres of land available for this kind of use. It is unrealistic. LSL Planning proposes no minimum site size to allow it to go where it needs to go.

LSL Planning added a lot about open space, defining what legitimate open-space is and where it needs to be. When a developer shows a site plan there is all kinds of green on it but in reality it is just splotchy grass areas and un-usable pieces of property. What they have tried to do in the draft is define what really constitutes usable open space.

Definitions have been revised. At present there are three or four definitions that apply to two family dwellings. They are all different and mean something different. It is proposed to delete those definitions and come up with a new definition of two-family dwelling. This is standard language in most zoning ordinances.

Parking requirements – The proposed parking requirement is huge for this type of development: three spaces per unit. LSL Planning proposes two spaces per unit to be consistent with other residential development in the community, and have added a quarter space per unit to provide for overflow and visitor parking. Three spaces is more than necessary and adds more pavement and impervious surface and less landscaping to the site.

LSL Planning has also tried to be more specific about the building materials, the articulation of the building, roof pitches, etc. The prior draft had some very vague language about designing in conformance with but surrounding area, but that is a “know it when you see it” regulation. In being more specific, they still give the developer flexibility. That is key in any ordinance. You don’t want to be so rigid that a developer can’t adhere to your standards and declines building. Options were provided and allowance for the Planning Commission to make modifications to the regulations depending on the site plan.

Review procedures have been spelled out in the new draft. Most of the sites would likely have to be rezoned. There are one or two properties that are already zoned for townhomes. If those were developed, the applicant would just go through a site plan approval process with the Planning Commission. Otherwise, any rezoning would have to follow the same procedure as any other rezoning in the City.

Mr. LeBlanc distributed internet screenshots of townhouse developments in other communities, consistent with what the proposed regulations would permit.

Mr. Ebert noted that increased sewer capacity would not have to be included in Chapter 1158 because those considerations would be undertaken by the work of the Planning Commission who would turn down and approve plans. Mr. LeBlanc noted that the review standards in the new draft includes guidance for the Planning Commission review. The City also has the ability to attach conditions to any site plan to modify, add more landscaping, etc.

### Questions

Mrs. Lieske asked about the reference to “alleys.” She asked if that is something that should be kept in Chapter 1158, and outline responsibilities for snow removal and maintenance of the alleys.

Mr. LeBlanc suggested leaving it in as an option. It is not uncommon to have the garages in the back, forming an alley. In terms of maintenance and ownership, those are issues that would be defined with the site development.

Mr. Ebert stated that there was discussion in the committee meeting about area-wide development, and whether the Council, at that point in time, would look at those areas that would fit some type of attached housing and put them all on the ballot. When a developer came in you wouldn't go through that process every specific time. Everyone can identify various areas that are more conducive to attached housing. Narrow those out now and go through the process of a developer coming in with a plan, the Planning Commission review, and final City Council going through rather than going through every one. That was another alternative that was discussed with the committee.

Mrs. Lieske stated that there was discussion about how the development might look in terms of appearance. The Planning Commission has discussed not allowing long, monotonous types of structures. Landscaping considerations might alleviate some of the concerns people might have about how a development would look.

Mr. LeBlanc stated that they specify that every number of feet the building has to be articulated with different architectural features added, such as columns, arches, or canopies so that there is not a solid wall for the entire building. Mr. Lee noted the inclusion of the proposed maximum number of six units per building.

Mr. Lee asked Mr. LeBlanc to comment about attached garages and carports. That is one of the accessory buildings contemplated in Section 1158.03. Is that common with these types of developments?

Mr. LeBlanc stated that it is not uncommon. The tendency, especially in the higher-end developments, is to have attached garages or underground parking. In some, you will find detached garages behind units. Carports are not used as much for townhome development. The most common technique is to have attached garages.

Mr. Vincent stated that Mr. LeBlanc has referenced a development in East Grand Rapids, Michigan, called Crosswell News, with 12 units on two-thirds of an acre. Mr. Vincent stated that this is a nice example, available on the internet, of how you fit that type of development on that amount of property.

Mr. LeBlanc stated that in any development it comes down to the site plan: how it is laid out and what it looks like. That project is under construction now, and is going to look very nice and will blend in with the area which is both a business district and an older, single family neighborhood. The City has control over how these things are laid out and what they look like. You can have a higher density and be very pleased with the outcome.

Mrs. Lieske asked about the requirement that all improvements should be completed in 120 days for landscaping for common areas. If an occupancy permit would be given in September or early October that could be a problem when considering weather. Mr. LeBlanc stated that the number can be adjusted. If a project is completed in September or October, fall is really the best time to put in landscaping. It also says if the developer can't complete it, then the City can require a performance bond so that you are certain landscaping will be installed.

Mr. Vincent stated that Council has the option of over-ruling the Planning Commission by a vote of two-thirds of the members elected to Council. Would it be better to say by 5 members of Council, rather than two-thirds of the members elected to Council? Mr. Ebert stated that it is a specific requirement of the City Charter which states two-thirds of the members of Council.

Richard Fink, Wolf Road, asked if the townhouse allowance of 45% of the lot includes the building of the townhouse, or the ancillary structure, the garage, as well. Mr. LeBlanc stated that there is another figure in the table of impervious surface as 45%. The garage is a building so that will be included as part of the 45%.

Mr. Fink stated that if you put 10 structures on two-thirds of an acre, you would have to change that percentage of building allowance. You would have to increase the amount of lot coverage.

Mr. LeBlanc stated that is the developer's problem. If he wants to put ten units on that site, he has to demonstrate to the City that he can handle the storm water or he doesn't get approval.

Mr. Vincent asked how the drainage review is conducted when a developer submits a plan to the Planning Commission. Mayor Sutherland stated that the City's consulting engineer would receive those plans for review and approval.

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There being no further questions, Mr. LeBlanc was thanked for his work and review this evening.

Mr. Ebert suggested that once Mrs. Lieske's Planning, Zoning, Public Buildings and Grounds Committee is finished with their review of the proposed Chapter 1158 it can be submitted to Council for three readings.

Mr. Koomar suggested working with the Law Director on the changes. Currently in the buffering ordinance, there is an evergreen component which are the types of things we may want to include. Mr. Lee stated that the ordinance states that a third of the trees shall be evergreen trees.

Mr. Lee noted that this draft doesn't specifically state that any rezoning would have to be submitted to the voters for approval. That is required by the Charter, and is something we talked about adding to this ordinance so that this doesn't somehow supersede the Charter. Any rezoning will have to be approved city-wide and within the ward where that property is located.

Mayor Sutherland stated that they are working on updating the Master Plan. In talking with Mr. LeBlanc and the Executive Director of the Cuyahoga County Planning Commission, the Mayor stated that she asked them if the City should wait on Chapter 1158 until the Master Plan is completed. Both gentlemen said, no, it can always be tweaked if something comes up. The Master Plan is at least 18 months out from completion.

Mrs. Lieske requested that if anyone has any thoughts to please copy her on the emails sent.

Mark Barbour, said that it looks like the proposed Chapter 1158 doesn't require a public hearing if the property is already appropriately zoned. That seems to conflict with Chapter 1129, which requires a public hearing with every submission.

Mr. Cheatham stated that he wants to remind everyone that there is language in the proposed draft that if there is a conflict, the new ordinance supersedes.

Mr. LeBlanc stated that the non-requirement for a public hearing was done deliberately. It was not an oversight. For any rezoning, it has to go through the legal procedure of Planning Commission recommendation, public hearing, Council, and open to referendum by voters. For site plan review, typically, because it is an administrative procedure, zoning is in place at that point, if there are specific standards in the ordinance, they would recommend against a public hearing at the site plan review stage. Under the law, if the project meets all the standards in the ordinance it has to be approved. You can't object if you just don't like it. That is where the Law Director would come in. It is a matter of local preference, if your pattern has been to require public hearings for all site plan review that is a minor adjustment to the draft. My recommendation would be that it not be subject to public hearing because if you are following the ordinance and the law you are raising public expectations unnecessarily. The thought is if we pack the meeting room and oppose this thing they will turn it down. Legitimately you shouldn't be turning it down if it meets all of the ordinance requirements.

Mr. Koomar stated that the purpose of the public hearings are to provide information to the public in advance. Answering questions from the public has been a past practice.

Mr. Koomar addressed Mrs. Lieske regarding the submittal of the draft ordinance to the Planning Commission, noting it would be appropriate to do so after there is a final draft.

Dick Majewski, Bassett Road, stated that there is no reference to the Architectural Board of Review in the draft ordinance. Will that still be part of the review process for these particular developments?

Mr. Koomar stated that this would go back to the comments by Mr. Barbour as to reviewing in comparison to our current code. I see no reason why that would change, but we will have to look further at that.

**ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee**

Ordinance No. 15-63, regarding no parking signs on Westwood Drive, will be moved for adoption at the regular meeting of Council this evening.

**PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych**

**FINANCE & CLAIMS COMMITTEE – Clark**

Request for Tax Advancements before Settlement Dates – Fiscal Year 2016

Mr. Clark will introduce a resolution requesting tax advancements before settlement date in Fiscal Year 2016, which has been done in the past.

A Finance Committee meeting was held this evening and included a review of changes in the State of Ohio Municipal Income Tax Code as a result of House Bill No. 5. Mrs. Mahoney has prepared the changes and the ordinance will be placed on reading in early October for three full readings.

**RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson**

Mr. Henderson had no report this evening.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent**

Mr. Vincent called upon Mrs. Lieske for comments regarding the ordinance that will be moved for adoption this evening for no parking signs for Westwood Road. Mrs. Lieske stated that the residents reached out to Mrs. Lieske a couple of years ago with concerns about the parking. New signage was tried but it wasn't enforceable. The residents reached out again this summer because one of the residents was having trouble getting in and out of her driveway. The street is very narrow. The Police Chief met with Mrs. Lieske and the residents and came up with the recommendation for the wording for the signage which will be enforced by the Police Department.

## MISCELLANEOUS

### Sculpture Donated to the City

Mr. Vincent stated that when he looked at the sculpture it did not seem to be sturdy. He was actually able to cause it to move. He is concerned that it is secured. It does have kind of a tilt to it. Mr. Vincent asked Service Director Thomas if anything can be done to improve its stability. He asked if the City poured the concrete. Mr. Thomas responded affirmatively. Mr. Vincent suggested it be made sturdier.

Mayor Sutherland stated that they can take a look at it. She said that when this got installed, it was installed without her knowledge and without Service Director Thomas's knowledge. We are always trying to foster creativity and initiative down the ranks. I think somebody did that and they forgot the process we have at the top. It gives us an opportunity for a little training.

Mr. Tadych asked who picked the spot if you two didn't know about it. The Mayor responded that they do not know.

Mr. Vincent stated that if it is accepted can we decide a different location. The Mayor stated that they will do whatever the Council wishes.

Mrs. Lieske stated that she still has concerns about it. She heard from a couple of residents after the meeting last week when the word got out about the sculpture. The residents looked at it and expressed concern that it doesn't seem to have the Bay Village theme connected to it. One resident in particular discussed how we have been very particular about signage and the look of things around Cahoon Memorial Park. They were looking for a sail boat and something blue and white. My concern is the process and what happens if the next person comes, and another appears. We have been very protective of the park in our role as trustees. For instance, how much time we spent debating the fitness trail equipment and the signage connected with that. Going forth, I still have concerns about the process, but I also don't think the sculpture fits and I would have hoped there would have been a drawing of the proposed look for the sculpture before it appeared.

Mr. Koomar stated that we will have Director Thomas look at the installation. We can consider other options if you think we need them.

Mr. Tadych stated that in regard to the donation he really wants to stress that there are other parks in the City that could use donations. Everything seems to go toward Cahoon Memorial Park. We have parks on both sides of the City and the sculpture could be used in that venue also.

The meeting adjourned at 8:30 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council



## CITY OF BAY VILLAGE

Council Minutes, Regular Meeting  
Council Chambers 8:30 p.m.

September 21, 2015

Paul Koomar, President of Council, presiding

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Public Safety/Service Director Thomas, Recreation Director Enovitch

### AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Denny Wendell, Nancy Trainer, Lydia DeGeorge, Dick Majewski, Pam Cottam, Michelle Kraft, Carol Gonzalez, Charles Ramer, Bernadette Novy Enochian, Don and Denise Zwilling, Joe Hochman, Warren Remein.

Mr. Koomar called the Regular Meeting of Council to order at 8:30 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by David L. Tadych, Councilman of Ward 1.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held September 14, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of September 14, as prepared and distributed. Motion carried 7-0. Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees meeting of September 14, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of September 14, as prepared and distributed. Motion carried 8-0.

### ANNOUNCEMENTS

**Mayor Sutherland** gave kudos to the Police Department, Don Landers of the Service Department, First Energy Corporation, and John Cheatham of SAFEbuilt, Inc. There was a power outage on Saturday, September 19, 2015, due to a tree that came down. Everyone worked together beautifully and at 6 p.m. there was one family that was still without power. First Energy could not bring them back up until an inspection was performed. Don Landers called John Cheatham, and John Cheatham came in specifically on Saturday night to make sure those people didn't have to be without power all weekend.

Mayor Sutherland further announced that Service Director Scott Thomas and Bob Greytak, Consulting Engineer, will be hosting a neighborhood meeting for the Bruce/Russell/Douglas area on Thursday evening, September 24, 2015, at 7 p.m. at the Dwyer Memorial Center to update residents about what is going on with that project, and talk about the results of modeling. Mr. Koomar verified that this meeting will include the Lake Road residents from Glen Park to Cahoon Creek.

Mayor Sutherland stated that the microphone project will include wiring of the conference room. There will be two microphones in the room that will come in and out with the Clerk of Council.

Everything else is set up with the vendor, JAVS, and the City is prepared to go ahead. Councilman Vincent is happy with the solution. Mr. Tadych asked if the microphones can also be used for Committee meetings. The Mayor stated that they can be used but they will travel with the Clerk of Council.

**Mr. Charles Ramer, Northeast Ohio Public Energy Council (NOPEC)**

Natural Gas Aggregation – Explanation of Process and Questions and Answers

Mr. Ramer stated that the work prepared by the City of Bay Village for natural gas aggregation with NOPEC has been filed with the Public Utilities Commission of Ohio. Two weeks ago, 4,200 opt-out letters were mailed to City of Bay Village residents. This represents 70% of the households in the City. If an opt-out letter was not received from NOPEC, it was because of one of three reasons: they already had a contract with an existing supplier; or, they may have been delinquent on their account; or, they are in a percentage of income program. NOPEC has been able to negotiate the price of 39.9 cents, which is good until the end of the year. In comparison to all of the other offers available on the PUCO website, this offer is better than all of four. Those four may be introductory prices which ratchet up over time. An additional option listed in the opt-out letter is the variable price, which is .2 cents off from what you would get from the utility directly.

On September 29, 2015, the deadline will be reached for the opportunity to opt-out. If residents want to participate in the NOPEC action all that is necessary is that they take no action. They will automatically be enrolled in the NOPEC gas aggregation program. A confirmation will be sent by Columbia Gas Company the first week of October to remind residents that they are in the program, with another opportunity to opt-out.

Mr. Ramer stated that the fixed price, for which no action is needed to be in the program, is about 6% less than the standard choice price on the market. Although small, it is a savings to the residents and they are assured that the price will always be competitive. There will be no need to worry about other offers that may come in the mail. Mr. Koomar noted that many people are going door-to-door from providers offering introductory offers working off of gas bills to demonstrate savings. What a resident should do if they want to consider some other type of introductory offer is compare that to NOPEC's .39 cent price.

Mr. Ramer noted that the NOPEC program has no fees associated with termination.

Mr. Tadych stated that a resident called and asked how to switch from an existing aggregation program to the NOPEC program. Mr. Ramer stated that the resident can call him directly, or the service number on the NOPEC letter. The resident will be instructed to cancel their existing contract by calling the phone number on their bill. Once they cancel that contract they will automatically become part of standard choice. The next month they will receive a letter from

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NOPEC and be automatically entered into the NOPEC program, unless they choose to opt out. This procedure can be followed at any time.

Mr. Ramer stated that the average cost of natural gas for a Bay Village home is about \$800 per year. The savings by being part of the NOPEC program will be approximately \$50.00 per year.

Glen Bender, Clague Road, asked if budget customers will be in the NOPEC program. Mr. Ramer stated that budget customers will still have the same relationship with Columbia Gas. The budget billing still remains.

Mike Paladino, Lake Forest Drive, asked if services with Columbia Gas will be the same. Mr. Ramer stated that all services remain the same. NOPEC delivers the gas to the city gate. Columbia Gas distributes it to the homes. Seventy-five percent of the natural gas is obtained from within Ohio.

Mr. Lee stated that he believes it is a great program, eliminating some of the abuses he has seen occur with some of the other suppliers, especially taking advantage of some of the senior citizens. He noted that Option 1 states that it continues until March of 2016. Mr. Ramer stated that they are obligated by the Public Utilities Commission of Ohio (PUCO) every two years to mail a letter to all 300,000 customers to remind them that they are participating in a NOPEC natural gas aggregation program. In March of 2016, another letter will be sent to customers, stating the price and the options. Every two years thereafter, another letter will be received in the mail.

Mr. Lee asked for details concerning the My NOPEC program. Mr. Ramer stated that on their website, NOPEC.org, there is something called My NOPEC. My NOPEC is where you can get on line and compare your natural gas consumption to your neighbors to determine whether or not you are leading an energy efficient lifestyle. You can also shop at the online store for energy savings products such as programmable thermostats. Smart Phone programming will also be available for turning on and off lights, and syncing with security systems.

A resident asked if there will be sales tax added to the price quoted. Mr. Ramer stated that the price quoted is the total price for consumption. That is one portion of the bill; the other part is distribution which will have sales tax. During the summer the consumption is a small portion of the total bill; during the winter it is 80%.

Mr. Ramer was thanked for his appearance this evening.

**Director of Law Ebert** had no report this evening.

**Finance Director Mahoney** reported that property owners have until September 30, 2015 to file an appeal to either increase or decrease the new assessed value of their property.

**Recreation Director Enovitch** stated that the Recreation Department has closed the swimming pool and transitioned to the fall programs. The football season for Bay Recreation kicks off this Saturday morning, September 26 at 10 a.m. with the third and fourth grade teams playing at Bay High School.

**Director of Public Service and Safety Thomas** had no report this evening.

In regard to the **Community Services Department**, Mayor Sutherland advised that long-time employee Ann Orin will be retiring at the end of November.

## COMMUNICATIONS

The following communications were received and are on file in the Clerk of Council office for public inspection:

The Annual Report for the City of Bay Village Tree Commission for the year ending December 31, 2014.

Notice dated September 10, 2015 from the Cuyahoga County Board of Elections regarding legislative changes recently enacted by the Ohio General Assembly.

Emails from Greg Ernst, Chairman of the Architectural Board of Review, and Jeff Foster of the Planning Commission, regarding Chapter 1158 were passed on to Councilwoman Lieske for her committee's review.

## AUDIENCE COMMENTS

Lydia DeGeorge, West Oakland Road, stated that she was at last week's meeting and listened to the recording three times. What was said this evening about the sculpture and what was said last week are different stories. Ms. DeGeorge said she is upset by this because it is indicative of how we get around things. She does not know which version is true, but certainly hopes because in either version procedure was bypassed Council holds somebody accountable for what happens with that sculpture.

Joe Hochman, Glen Park Drive, stated that he talked to Council last week regarding an issue with his property. He has put everything in writing and submitted a copy to Council to be incorporated into the minutes. (Copy of letter from Joe Hochman to Bay Village City Council dated September 21, 2015 attached, as if fully rewritten herein.)

Mr. Koomar asked Service/Safety Director Thomas to share this letter with Mr. Bob Greytak, consulting engineer, from CT Consultants. Mr. Koomar will also make the copy of this letter

available to any other interested party. He stated that the engineer will guide the Council on this matter.

Pam Cottam stated that someone actually put the sculpture in and put the concrete around it. She asked if someone has talked to those gentleman. Service Director Thomas stated he has had a short conversation and is still backtracking to see exactly how that happened, and how, more importantly, the Mayor and he did not know about it. Once he finds that answer he will give it to Mrs. Cottam.

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

**Mr. Vincent** introduced and read **ORDINANCE NO. 15-67** approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Bay Village, Ohio, to approve, adopt and enact new matter in the Traffic, General Offenses, and Fire Codes, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 15-45.

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 Ordinance No. 15-67, an emergency measure, by a vote of 7-0.

### **ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE**

**Mr. Lee** read **Ordinance 15-63**, as amended by reading to correct a typographical error changing the word “side” to “sign” in Section 1, amending The Traffic Control Map and File of the City by enacting Two “No Parking” signs, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 15-63.

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  
Nays -None

Roll Call on Adoption:

Yeas– Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark  
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-63, an emergency measure, by a vote of 7-0.

#### **FINANCE AND CLAIMS COMMITTEE**

**Mr. Clark** introduced and read **Ordinance No. 15-64**, as amended to sunset Line 9 on October 31, 2015, amending Section 1 of Ordinance No. 15-51 regarding rates of compensation for the officers and employees of the General Administration Department and those employees of the City not covered by separate labor contract for the Calendar Year 2015 and thereafter, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 15-64.

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 Ordinance No. 15-64, an emergency measure, by a vote of 7-0.

Minutes of Regular Meeting  
Bay Village City Council  
September 21, 2015

Mr. Clark introduced and read **Resolution No. 15-68** authorizing the Director of Finance to request tax advancements before settlement dates for the Fiscal Year 2016, 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. 15-68.

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:

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. 15-68, an emergency measure, by a vote of 7-0.

Mr. Clark introduced and read **Ordinance No. 15-69**, amending by reading to correct zip code to 44140, authorizing the Mayor to enter into an extension of the lease agreement with Village Bicycle Cooperative for the real estate located at 303 Cahoon Road and declaring an emergency, and moved for adoption. Mr. Clark welcomed the participants and volunteers from the Village Bike Co-op present at the Council meeting this evening, and thanked them for the excellent work that they do at the Bike Co-op.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 15-69.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-69, an emergency measure, by a vote of 7-0.

**Mr. Clark** introduced and read **Resolution No. 15-70** accepting donation for the City of Bay Village Recreation Department, and declaring an emergency. Mr. Clark stated that subject to the Service Department making sure that the installation of the sculpture is appropriate and doesn't risk any public harm, he moved for adoption. Mr. Koomar confirmed with Service/Safety Director Thomas that he would get back with Council regarding the process.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Resolution No. 15-70.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

Yeas–Tadych, Vincent, Clark, Koomar, Lee

Nays–Henderson, Lieske

Mr. Koomar announced adoption of Resolution No. 15-60, an emergency measure, by a vote of 5-2.

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

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

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

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

#### **RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mr. Henderson** had no further report this evening.

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

Minutes of Regular Meeting  
Bay Village City Council  
September 21, 2015

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council

## CITY OF BAY VILLAGE

### CAHOON MEMORIAL PARK TRUSTEES

September 21, 2015

President of Council Koomar called the meeting to order at 9:10 p.m. in the Council Chambers of Bay Village City Hall.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Public Safety/Service Director Thomas, Recreation Director Enovitch

### AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Denny Wendell, Nancy Trainer, Lydia DeGeorge, Dick Majewski, Pam Cottam, Michelle Kraft, Carol Gonzalez, Charles Ramer, Bernadette Novy Enochian, Don and Denise Zwilling, Joe Hochman, Warren Remein.

### Sculpture Donation

Mr. Henderson deferred the motion to approve the acceptance of the sculpture to Mr. Clark.

**Motion** by Mr. Clark accepting the donation of the sculpture approved by City Council for the City of Bay Village Recreation Department. Mr. Vincent asked if the administration would be willing to see if there is a different spot for the sculpture. Mr. Koomar stated that the sculpture can be accepted this evening and a decision made later in time as to moving the sculpture. Mr. Tadych noted that if it would go elsewhere it would not need approval by the Cahoon Memorial Park Trustees. Mr. Koomar stated that it is there now, so we will accept as is. Mr. Lee noted that there are no restrictions on the City's ability to move or remove the sculpture.

### **Voice Vote Resulted:**

**Six Yeas – Clark, Koomar, Lee, Vincent, Tadych, Sutherland**

**Two Nays – Henderson, Lieske.**

### **Motion carried 6-2**

There being no further business to discuss, the meeting adjourned at 9:15 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council

ORDINANCE NO. 15-37  
INTRODUCED BY: Mr. Lee

First Reading May 4, 2015

**AN ORDINANCE**  
**AMENDING CHAPTER 527 REGARDING LITTERING**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Chapter 527 of the codified ordinances of the City of Bay Village is hereby amended by enacting new Section 527.05 which shall read as follows:

**“527.05 RESIDENTIAL DELIVERY OF PRINTED OR OTHER MATERIALS**

- (a) The delivery of any unsolicited printed or other materials of any kind, including, but not limited to, newspapers, advertisements, circulars, telephone directories or product samples shall be made at the door of the subject residence or in a receptacle provided for such deliveries.
- (b) The delivery of any printed or other materials of any kind as described in subsection (a) above shall not be made by placing the same onto the lawns or yard areas, driveways or sidewalks in Residential Areas.
- (c) Whoever violates this section is guilty of a minor misdemeanor.”

**SECTION 2.** That Chapter 527 of the codified ordinances of the City of Bay Village is hereby amended by enacting new Section 527.05.

**SECTION 3.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 4.** That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK



**CITY OF WESTLAKE, OHIO  
ORDINANCE NO. 2015-35:**

**AN ORDINANCE SUPPLEMENTING  
CHAPTER 521 "HEALTH, SAFETY  
AND SANITATION" OF THE  
CODIFIED ORDINANCES, AND  
DECLARING AN EMERGENCY.**

---

**WHEREAS**, Council desires upon the recommendation of the Mayor and Chief of Police to supplement Chapter 521 "Health, Safety and Sanitation" through the enactment of new Section 521.10 "Residential Delivery of Printed or Other Materials."

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

**Section 1:** That Chapter 521 "Health, Safety and Sanitation" be and the same is hereby supplemented with the enactment of new Section 521.10 "Residential Delivery of Printed or Other Materials" which as enacted shall read as follows:

**521.10 RESIDENTIAL DELIVERY OF PRINTED OR OTHER MATERIALS**

- (a) The delivery of any printed or other materials of any kind, including, but not limited to, newspapers, advertisements, circulars, telephone directories or product samples shall be made at the door of the subject residence or in a receptacle provided for such deliveries. Additionally, a property owner may designate an alternative site for delivery, which site shall not be as prohibited in subsection (b) below.
- (b) The delivery of any printed or other materials of any kind as described in subsection (a) above shall not be made by placing the same onto the lawns or yard areas, driveways or sidewalks in Residential Areas.
- (c) Whoever violates this section is guilty of a minor misdemeanor.

**Section 2:** That any Ordinance or parts of Ordinance in conflict herewith are hereby repealed.

**Section 3:** That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal

**CITY OF WESTLAKE, OHIO**  
**ORDINANCE NO. 2015-35**  
**PAGE 2**

action were in meetings open to the public in compliance with all legal requirements including Section 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

**Section 4:** That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to prevent safety hazards and unsightly buildup of garbage, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approved by the Mayor.

~~Passed:~~ Defeated 5/7/15

\_\_\_\_\_  
Michael F. Killeen  
President of Council

Presented to Mayor: \_\_\_\_\_

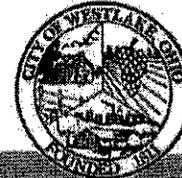
Approved: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Denise L. Rosenbaum, Clerk of Council

\_\_\_\_\_  
Dennis M. Clough, Mayor

I, Denise L. Rosenbaum, Clerk of Council of the City of Westlake do hereby certify that Ordinance/Resolution no. 2015-35 ~~adopted~~ defeated 5/7/15 was duly posted on 5/8/15 and remained posted for a period of 15 days thereafter in not less than 2 of the most public places in the City as determined by the Charter of said City.



**OFFICE OF THE CITY COUNCIL**

27700 Hilliard Blvd. Phone 440.871.3300  
Westlake, OH 44145 Fax 440.617.4089

**SAFETY/UTILITIES COMMITTEE MEETING MINUTES  
APRIL 21, 2015**

**Present:** Chairman Michael O'Donnell and committee members Lynda Appel and Nick Nunnari.

**Also present:** Mayor Dennis Clough, Council President Michael Killeen, Councilmembers Dennis Sullivan, Ken Brady, Mark Getsay, Director of Public Service Paul Quinn, Director of Purchasing Larry Surber, Police Chief Kevin Bielozer, Law Director John Wheeler, and special guest Geoff Westerfield from the Ohio Department of Natural Resources.

**Purpose:** The purpose of the meeting was to discuss the options available to the city for controlling the deer population; and take action on Ordinance 2015-35, the distribution of paper products to residents and Ordinance 2014-112, an increased speed limit on a portion of Crocker Road.

The meeting was called to order at 7:00 p.m.

Mr. Westerfield began the meeting with an explanation of the practices the ODNR has to control deer population in the state of Ohio. Mr. Westerfield walked the committee through four methods the ODNR uses for controlling deer populations.

The first was an electric "peanut butter" wire. The purpose was to attract the deer to the wire and have them experience a mild shock and communicate by behavior this is an area to avoid. With repeated touches to the wire, the behavior would change and the deer will stay away from the area and the wire can then be removed. The second method is to construct an 8 foot high fence around areas to be protected like gardens and patios. This is to deter deer from approaching a fence they can see and not attempt a standing jump to enter a garden or protected landscape. The third method is to permit culling on private property during the regular hunting season from November to February and regulate the permitting and authorization of culling with the state and the city. The last method is to permit a culling program at the city level throughout the year and institute a deer management program for areas where deer are damaging properties and creating a problem in the community.

Mr. Westerfield said that one of the primary reasons communities have a deer population problem is because cities do not adopt the ODNR recommendations for population control. Even if communities would adopt a lethal program, it would still take a few years to have an impact in the deer population.

Questions that were raised by the committee to have a culling program in public areas and with other adjacent communities would have a faster impact to population reduction, however Mr. Westerfield said both a private and public program would have the biggest impact. Mrs. Appel inquired about a culling program and how the deer would be addressed after culling. Mr. Westerfield said communities establish their own programs to address the deer meat, often taking it to a butcher, and then having the meat donated to a community food bank. Mr. Nunnari was concerned about residential safety with culling on private property whether with bows or firearms. Mr. Westerfield was insistent that bow hunting was safe and that he would not recommend firearms for residents.

Other council members asked questions about feeding, traffic accidents and growing numbers in the metroparks that we do not control. Mr. Westerfield shared that with a deer management program, feeding would become a non-issue, and he was willing to investigate high deer vehicle accident areas and even address residential calls pertaining to the ODNR programs.

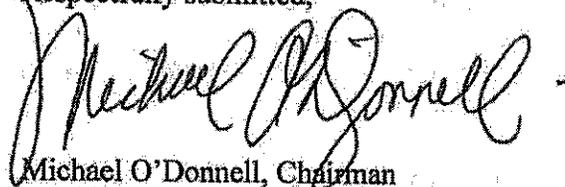
A motion was made by Mrs. Appel to recommend that the administration develop a deer management program considering the recommendations from the ODNR. Mr. Nunnari seconded the motion, and the motion passed 3-0.

The second item on the agenda was Ordinance 2015-35, home delivery of paper products. The committee had a brief discussion regarding the need to regulate the delivery of primarily newspapers for home delivery. After concerns about the ordinance and the use of city resources to enforce the ordinance, Mrs. Appel made a motion to recommend approval of Ordinance 2015-35, seconded by Mr. Nunnari, and the motion was defeated 3-0.

The third item on the agenda was to address Ordinance 2014-112, increase the speed limit on a portion of Crocker Road. The committee and council members discussed pros and cons for increasing the speed limit on Crocker Road, and Mayor Clough shared that Mayor Kennedy of North Olmsted was in favor of an increased speed limit. After feedback from Councilmembers Brady and Getsay, whose residents are directly affected by an increase in speed, a motion was made by Mrs. Appel and seconded by Mr. Nunnari to recommend approval of Ordinance 2014-112, and the motion was defeated 2-1.

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,



Michael O'Donnell, Chairman

See new draft attached dated 9-23-15

ORDINANCE NO. 15-38  
INTRODUCED BY: Mr. Lee

First Reading May 4, 2015

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 543.11**  
**REGARDING SIDEWALKS TO BE CLEANED OF ICE AND SNOW**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 543.11 which presently reads as follows:

**543.11 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.**

(a) No owner of any parcel of real estate in the City abutting upon any sidewalk shall fail to keep such sidewalk abutting his premises free and clear of snow and ice to a width of twenty-four inches, and to remove therefrom snow and ice accumulated thereon to a width of twenty-four inches within a reasonable time, which will not ordinarily exceed twenty-four hours after the abatement of any storm during which snow and ice may have accumulated.  
(Ord. 63-99. Passed 11-4-63.)

(b) Whoever violates this section shall be deemed guilty of a minor misdemeanor and shall be subject to the penalties set forth in Section 501.99, provided however, that any person who is cited for a violation under this section may appear at the police station within seventy-two hours of the time appearing on such citation and enter a plea of guilty and pay a waiver fine of five dollars (\$5.00). After the expiration of the seventy-two hour period, any person so cited may appear at the police station and enter a plea of guilty to such charge and pay a waiver fine of ten dollars (\$10.00), provided a summons has not been issued for such person or a warrant issued for the arrest of such person. In the event of the issuance of a summons or warrant, the matter shall be docketed in Rocky River Municipal Court and the penalties shall be as provided in Section 501.99.  
(Ord. 78-32. Passed 3-20-78.)

**be and the same is amended to read:**

**543.11 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.**

(a) No owner of any parcel of real estate in the City abutting upon any sidewalk shall fail to keep such sidewalk abutting his premises free and clear of snow and ice to a width of twenty-four inches, and to remove therefrom snow and ice accumulated thereon to a width of twenty-four inches within a reasonable time, which will not ordinarily exceed twenty-four hours after the abatement of any storm during which snow and ice may have accumulated.  
(Ord. 63-99. Passed 11-4-63.)

**(b) In the event such owner does not comply with the order to abate such nuisance as set forth in Section 543.11(a), within the time limit specified in Section**

**543.11(a), after proper “Notice of Violation” has been issued by the Service Director or his authorized agent, the Director or his authorized agent shall cause such snow and ice accumulation to be abated and may employ the necessary labor and equipment to perform such task, and collect for said services as provided in Codified Ordinance 521.10.**

(c) Whoever violates this section shall be deemed guilty of a minor misdemeanor and shall be subject to the penalties set forth in Section 501.99, provided however, that any person who is cited for a violation under this section may appear at the police station within seventy-two hours of the time appearing on such citation and enter a plea of guilty and pay a waiver fine of five dollars (\$5.00). After the expiration of the seventy-two hour period, any person so cited may appear at the police station and enter a plea of guilty to such charge and pay a waiver fine of ten dollars (\$10.00), provided a summons has not been issued for such person or a warrant issued for the arrest of such person. In the event of the issuance of a summons or warrant, the matter shall be docketed in Rocky River Municipal Court and the penalties shall be as provided in Section 501.99.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

5-6-15 ll

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 543.11**  
**REGARDING SIDEWALKS TO BE CLEANED OF ICE AND SNOW**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 543.11 which presently reads as follows:

**543.11 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.**

(a) No owner of any parcel of real estate in the City abutting upon any sidewalk shall fail to keep such sidewalk abutting his premises free and clear of snow and ice to a width of twenty-four inches, and to remove therefrom snow and ice accumulated thereon to a width of twenty-four inches within a reasonable time, which will not ordinarily exceed twenty-four hours after the abatement of any storm during which snow and ice may have accumulated.  
(Ord. 63-99. Passed 11-4-63.)

(b) Whoever violates this section shall be deemed guilty of a minor misdemeanor and shall be subject to the penalties set forth in Section 501.99, provided however, that any person who is cited for a violation under this section may appear at the police station within seventy-two hours of the time appearing on such citation and enter a plea of guilty and pay a waiver fine of five dollars (\$5.00). After the expiration of the seventy-two hour period, any person so cited may appear at the police station and enter a plea of guilty to such charge and pay a waiver fine of ten dollars (\$10.00), provided a summons has not been issued for such person or a warrant issued for the arrest of such person. In the event of the issuance of a summons or warrant, the matter shall be docketed in Rocky River Municipal Court and the penalties shall be as provided in Section 501.99.  
(Ord. 78-32. Passed 3-20-78.)

**be and the same is amended to read:**

**543.11 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.**

(a) No owner of any parcel of real estate in the City abutting upon any sidewalk shall fail to keep such sidewalk abutting his premises free and clear of snow and ice to a width of twenty-four inches, and to remove therefrom snow and ice accumulated thereon to a width of twenty-four inches within a reasonable time, which will not ordinarily exceed twenty-four hours after the abatement of any storm during which snow and ice may have accumulated.  
(Ord. 63-99. Passed 11-4-63.)

(b) **In the event such owner does not comply with the order to abate such nuisance as set forth in Section 543.11(a), within the time limit specified in Section 543.11(a), after proper “Notice of Violation” has been issued by the Service Director or his**

**authorized agent, the homeowner shall be fined \$50.00 for the first occurrence and \$100.00 for each occurrence thereafter.**

(c) Whoever violates this section shall be deemed guilty of a minor misdemeanor and shall be subject to the penalties set forth in Section 501.99, provided however, that any person who is cited for a violation under this section may appear at the police station within seventy-two hours of the time appearing on such citation and enter a plea of guilty and pay a waiver fine of five dollars (\$5.00). After the expiration of the seventy-two hour period, any person so cited may appear at the police station and enter a plea of guilty to such charge and pay a waiver fine of ten dollars (\$10.00), provided a summons has not been issued for such person or a warrant issued for the arrest of such person. In the event of the issuance of a summons or warrant, the matter shall be docketed in Rocky River Municipal Court and the penalties shall be as provided in Section 501.99.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

# NOTICE OF MEETING

## PUBLIC IMPROVEMENTS STREETS/SEWERS/DRAINAGE COMMITTEE

David L. Tadych, Chair  
Tom Henderson  
Steve Lee

Monday, September 28, 2015  
6:45 p.m.

Conference Room  
Bay Village City Hall

### Agenda

Review and Discussion of proposed Ordinance  
regarding Downspout Disconnection (C.O. Section 913.08)

Review and Discussion of proposed Ordinance  
amending Corrective Order and Expenses Therefor (C.O. Section 913.11)

Committee Members Questions, Comments

DRAFT FOR DAVE TADYCH

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 913.08**  
**REGARDING DOWNSPOUTS, ROOF AND YARD DRAINS**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 913.08 which presently reads as follows:

**913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.**

Downspouts, roof and yard drains shall not be connected to any sanitary sewer.  
(Ord. 14-60. Passed 6-9-14.)

**be and the same is amended to read:**

**913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.**

Downspouts, roof and yard drains shall not be connected to any sanitary sewer. The disconnection of downspouts for splash boxes, rain gardens, rain barrels or other devices may be permanent provided that no discharge flows onto adjoining properties or public sidewalks. Splashing of downspouts requires a minimum distance of five feet from the house, five feet from the adjoining property and shall be located on ground level.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

DRAFT FOR DAVE TADYCH

APPROVED:

---

MAYOR

9-23-15 ll

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 913.11**  
**REGARDING CORRECTIVE ORDER AND EXPENSES THEREFOR.**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 913.11 which presently reads as follows:

**913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.**

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks or current property. Inspection to be provided to assure proper connection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter. (Ord. 14-60. Passed 6-9-14.)

**be and the same is amended to read:**

**913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.**

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. All work shall be inspected by the Director of Public Service and Properties to assure proper connection or disconnection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

7-20-15 II

To: Council

From: Joan

Date: September 25, 2015

Re: Chapter 1158

I was asked to include a note in the packets stating that a new draft of Chapter 1158 is being prepared by the Law Department and will be sent to you when completed.

## **Notice of Meetings October, 2015**

**Monday, October 12 is Columbus Day. City Hall will be closed.  
There will not be a meeting of City Council that day.**

Board of Zoning Appeals	Council Chambers	7:30 p.m.	October 1
Regular Meeting of Council	Council Chambers Conference Room	8:00 p.m. 7:30 p.m. Caucus – Public Welcome	October 5
Planning Commission	Council Chambers	7:30 p.m.	October 7
Committee Meeting of Council	Conference Room	7:30 p.m.	October 12
Tree Commission	Conference Room	7:00 p.m.	October 13
Architectural Board of Review	Conference Room	7:30 p.m.	October 14
Board of Zoning Appeals	Council Chambers	7:30 p.m.	October 15
Regular Council Meeting	Council Chambers Conference Room	8:00 p.m. 7:30 p.m. Caucus – Public Welcome	October 19
Committee Meeting of City Council	Conference Room	7:30 p.m.	October 26

Regular Council Meetings are preceded by agenda review (caucus) in the conference room at  
7:30 p.m. The public is welcome to attend the review sessions.

The conference room and council chambers are located at Bay Village City Hall, 350 Dover Center Road.

*Meetings are also posted on the city web site [www.cityofbayvillage.com](http://www.cityofbayvillage.com)*

*Joan T. Kemper, Clerk of Council*

City of Bay Village  
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE  
September 21, 2015  
City Hall Conference Room 6:30 p.m.

Member Present: Councilwoman Karen Lieske, Chairman  
Councilman Steve Lee  
Councilman Paul Vincent

Also Present: Mr. Paul LeBlanc, LSL Planning

Others Present: Mayor Sutherland, President of Council Koomar, Law Director Ebert, John Cheatham, Chief Building Official SAFEbuilt, Inc., Councilman Tadych

Audience: Dick Majewski, Richard Fink, Lydia DeGeorge, Nancy Trainer, Bernadette Enochian, Dave Semler, Marty Mace, Warren Remein, Pam Cottam.

Councilwoman Lieske, Chair of the Committee, called the meeting to order at 6:30 p.m. in the Conference Room of Bay Village City Hall, and the meeting was open to the public.

Mrs. Lieske introduced Mr. Paul LeBlanc, present to make a formal presentation of his assignment to prepare a new draft of Chapter 1158, Attached Residence District, to the City Council at their Committee Meeting this evening, and to meet with the Planning, Zoning, Public Grounds and Buildings Committee to answer any questions they may have regarding his credentials and draft.

Mrs. Lieske thanked the members of the community for their presence this evening. Mrs. Lieske also thanked John Cheatham, Chief Building Official with SAFEbuilt, Inc., for his work in preparation for Mr. LeBlanc's review of Chapter 1158.

Mr. LeBlanc thanked the committee for asking him to present this evening. He stated that LSL Planning is the planning division of the SAFEbuilt Company. He received a call from John Cheatham stating that he needed assistance with the preparation of the draft recommending changes to Chapter 1158, Attached Residence District. Mayor Sutherland and Law Director Ebert then asked Mr. LeBlanc for his assistance.

LSL Planning works all over the country. Several projects have been completed within Ohio, specifically Hilliard, Yellow Springs, North Olmsted, and others. Mr. LeBlanc is rewriting zoning regulations in six different states. He stated that Bay Village is very similar to a suburb of East Grand Rapids, Michigan, an affluent community with similar homes, and a concentrated business district in the heart of the city.

Mrs. Lieske commented on the Mayor's efforts to have the City of Bay Village Master Plan updated. Mayor Sutherland stated that they are working with the Cuyahoga County Planning

Commission and just learned that at the end of August there is going to be grant money available for planning purposes. The deadline is October 30, 2015, and an application will be made for the grant. In discussing this particular Chapter 1158 project with Mr. LeBlanc, and Glen Coyne, the Director of the Cuyahoga County Planning Commission, it was recommended by both to take action now and come back for tweaking when there is a new Master Plan.

Mr. Lee asked Mr. LeBlanc about his work with other communities in regard to Attached Residence Districts and townhouses. Mr. LeBlanc stated that most of the communities worked with have some sort of townhouse district. East Grand Rapids, Michigan has had redevelopment projects in the last few years. Most often, the zoning districts aren't specific to townhouses. The typical case is multiple family district or mixed-use district that incorporates townhouse development.

Mr. Vincent stated that Bay Village is largely single family residential, but we are mindful that the City is transitioning and there is a need for certain types of housing. When looking to retire, most do not want a yard, or as much house, and providing something is fair and representative of what most residents would like. The draft presented is a thoughtful way of achieving this.

Mrs. Lieske stated that Section 1158.02, Applicability, talks about that this district may be established in locations specifically identified in the Bay Village Master Plan and Retail Improvement Strategy. Should we include where those areas are so that it is part of the same document?

Mr. LeBlanc stated that in the Master Plan locations have been identified for some specific townhouses, and others are called out as multiple family. The emphasis as he went through this was the relationship between the zoning regulation and the Master Plan. Even if the Master Plan is in need of updating, this language is still applicable, even to a new plan because a new plan is going to identify additional locations. Mr. LeBlanc noted that he looked back at minutes of committee meetings going back to 2007. Focusing on the Master Plan recommendations will put the community's mind at ease that these developments aren't going to spring up all over and it gives the officials a solid foundation as decision makers to say yes or no to a project.

Mr. Lee stated that the neighboring communities all have examples of small developments that fit in very nicely and very tastefully in different parts of their cities. That is something, in the right spot in Bay Village, that would be a nice addition.

Mr. Lee stated that the draft does not seem to reference the rezoning going to the voters as required by the Charter. Mr. LeBlanc stated that rather than repeating all that within the draft he just made reference to the Planning Commission.

Mr. Ebert stated that Council could decide to put areas they identify on the ballot for rezoning prior to a developer coming forward. Mr. Vincent stated that this would eliminate the fear of a developer producing plans and then losing at the ballot.

Mr. Lee stated that the challenge is that the voters are not interested in approving a plan unless they can see what would be developed.

Mr. Tadych asked if this plan is spot zoning. Mr. LeBlanc stated that by referencing the Master Plan, they get away from the spot zoning argument because the Master Plan identifies specific locations. Because they are identified in the Master Plan and would be subsequently rezoned, that is not spot zoning.

Mr. Vincent suggested including the fact that rezoning is required in the ordinance, in compliance with the Charter requirements.

Mr. Lee stated that the draft seems like it is dealing with townhouses and two family dwellings. Is a two family dwelling an up/down situation? The reference to Section 1121.48 requires that those dwellings be up/down and not side-by-side. Mr. LeBlanc stated that he has redefined the definition of two family dwelling on the last page of the code. The code would not apply to apartments.

Mr. LeBlanc noted that wherever there is a conflict with the existing code, this new chapter supersedes so that it will not be necessary to go back and amend dozens of provisions in other ordinances.

Mr. Lee asked the source of some of the requirements such as setbacks. Mr. LeBlanc stated that the source is experience, and what they have seen in other communities. Townhouses are typically built up to the street. The earlier versions indicated a 35 foot setback which is unrealistic.

In reviewing past minutes density was a big issue. Mr. LeBlanc has proposed 8 units per acre which is the minimum that makes a project feasible. He would certainly support going higher if the City has the appetite for that. The lower the density the higher the price point and the less likely you will find a developer for the project.

Mr. Vincent asked the minimum acreage requirement for development in East Grand Rapids, Michigan. Mr. LeBlanc stated that they do not have a minimum and he would recommend not having a minimum acreage requirement in Bay Village.

Due to a malfunction of the recording equipment, the transcription of the minutes of this meeting discontinued at 6:50 p.m. However, further discussion and review continued, both in this committee meeting and in the Committee Meeting of Council that followed at 7:30 p.m. Please see the minutes of the Committee Meeting of Council dated September 21, 2015 for more information concerning Mr. LeBlanc's presentation and review of his proposed draft of Chapter 1158, Attached Residence District. Meeting adjourned at 7:30 p.m.

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Karen Lieske, Chairman

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Joan Kemper, Secretary

*Prepared by the  
Cuyahoga County Planning Commission*

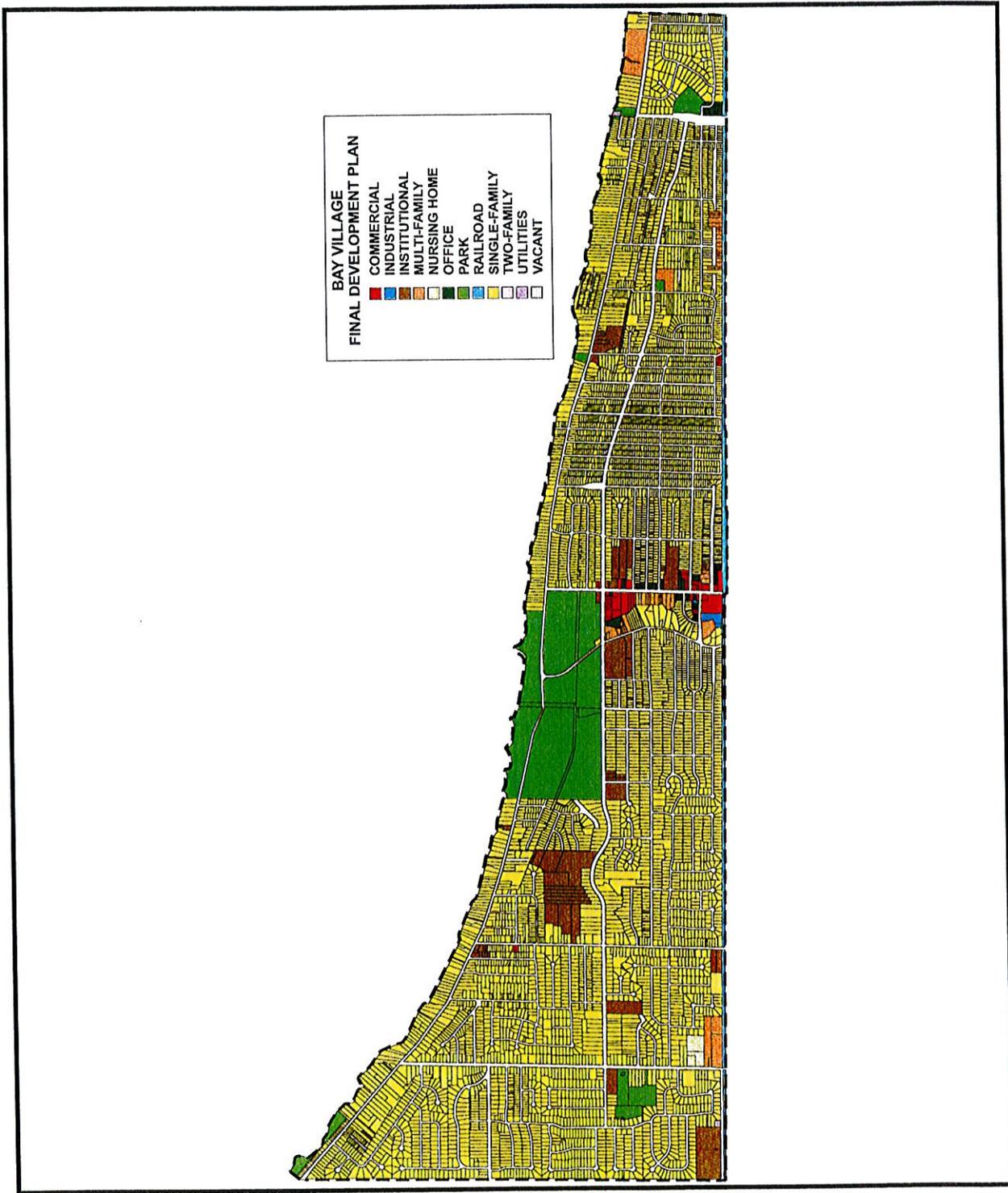
**City  
of  
Day  
Village**

A black and white photograph of a residential street in Day Village. The scene shows several houses with gabled roofs and multiple windows. Bare trees line the street, and a snow-covered path leads through the foreground. The overall atmosphere is quiet and wintry.

**MASTER PLAN**

**June, 1999**

Exhibit 8-8  
Proposed Land Use



# City of Bay Village

Exhibit 8-9  
Bay Village, Future Land Use

	Acres Future	% of Total Land Area	Acres 1998	Net Increase/ Decrease
<b>Use</b>				
Single-Family	1978.1		1959.5	18.6
Two-Family	2.2		3.1	-0.9
Multi-Family	47.6		17.4	30.2
Nursing Home	6.1		6.1	0.0
Total Residential	2034.0	70.2%	1986.1	47.9
Commercial	23.4	0.8%	26.2	-2.8
Office	9.9	0.3%	4.6	5.3
Industrial	3.5	0.1%	5.3	-1.8
Institutional	117.6	4.1%	122.5	-4.9
Recreation	217.0	7.5%	215.8	1.2
Utility	1.2	0.0%	1.2	0.0
Railroad	45.1		45.1	0.0
Roads	447.0		447.0	0.0
Total Right-of-Way	492.1	17.0%	492.1	0.0
<b>Total Land Area</b>	<b>2,899</b>	<b>100.0%</b>		