

City of Bay Village

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

October 19, 2015
7:30 p.m.

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

Excused: Mr. Clark

Also Present: Law Director Ebert, Director of Public Safety/Service Thomas, Finance Director Mahoney, Recreation Director Enovitch, Fire Chief Lyons, Police Chief Spaetzel

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Conda Boyd, Russell Thompson, Gayle Fisher, Pam Cottam, Jerrie Barnett, Lydia DeGeorge, Marty Mace, Chanda Neely, Richard Fink, Tara Wendell

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

ANNOUNCEMENT

Mayor Sutherland advised that leaf collection began today, going from the east end of the City to the west end of the City.

COMMITTEE OF THE WHOLE

Revisions to Chapter 148 – Records Commission

Finance Director Mahoney advised that the State of Ohio passed new rules in regard to records retention. It is not necessary to advertise for two weeks prior to destruction of City records. It is a more streamlined method of records disposal. Finance Director Mahoney would like Council to pass revisions to Chapter 148 to match the State rules. As an example, as long as you have a Records Retention Schedule after September 29, 2011, the records only have to be reviewed by the committee of the City, rather than sending them all to Columbus.

Mr. Lee asked if this deals with new technology and electronic records. Mrs. Mahoney stated that the Police Department has their own records retention schedule, and that is included on their schedule. Each department has their own retention schedule reflective of what they have to keep.

Mr. Tadych asked if the Records Retention Committee will continue to have public meetings. Mayor Sutherland stated that they will schedule the meetings to be held at least twice a year, which they are required to do. At that meeting each department will bring their retention

schedules to the meeting. The committee will review them to see if the schedule is consistent with what they have to keep and what they don't have to keep. The committee would then ok records for destruction.

Mr. Tadych asked if minutes of meetings are kept as they are with other committees. Mayor Sutherland stated that they are kept.

Mr. Koomar asked how often record retention schedules by department can be changed. Mrs. Mahoney stated that they can be changed as often as the director of the department sees fit. Once you update the retention schedule it goes to the committee, and then gets sent to Columbus. They approve or disapprove items on the schedule.

Mr. Vincent asked who maintains the Council retention schedule. Mr. Koomar stated that those would be reviewed by Council.

Mr. Lee stated that in connection with the microphone project there has been discussion about server space. Will we somehow create a cost moving forward to expand our server space? Has there been any research on that yet about how long we are going to keep those recordings available on the server versus in other medium for preservation.

Mr. Vincent stated that he has a call schedule with Jefferson Audio Video Systems (JAVS) on Wednesday, October 21, and will consult with them on what we can expect with storage for a certain period of time.

Mr. Lee stated that the question is are we ok with maintaining them for six months on the server, and then they would be available through the Clerk's office. Mr. Koomar noted that for listening to the audio version of the minutes it is usually a short schedule. There have been times when research is needed in Planning Commission records, etc., and that is where keeping them a little longer is helpful. Written minutes are kept forever.

The ordinance will be introduced at the first meeting of November.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Modification of City's Traffic Control Map:

No Turn on Red signs to be added at the following intersections:

Bassett/Wolf; Bradley/Wolf; Douglas/Wolf; Dover/Donald; Dover/W. Oviatt; Bassett/Ashton

No Turn on Red 7-9 a.m. and 2-4 p.m. on school days:

Dover/Wolf; Cahoon/Wolf; Saddler/Wolf

Mr. Lee advised that this evening there is a proposal from the Police Chief to modify our No-Right-Turn-on-Red signs throughout the City. This proposal came out of a study done recently

to observe school traffic at the beginning of the school year. There are some places in the City that actually have No-Right-Turn-on-Red signs the entire 24 hour day, other places we have No-Right-Turn-on-Red signs starting at 7:30 a.m. and ending at 4:30 p.m. The proposal now is to have the restriction start a little earlier but not have it run the whole school day.

Chief Spaetzel stated that they are attempting to standardize the signage throughout the City as well as offer an extra degree of safety for the kids going to school. Currently there are only No-Turn-on-Red signs at three intersections, Dover and Wolf, Cahoon and Wolf, and Saddler and Wolf. The idea is to extend those to where we currently have crossing guards. Crossing guards are crossing children and people are turning right on red causing problems. There have been complaints from school guards regarding near misses. Also, at the same time, there is really no rationale to having No-Turn-on-Red throughout the whole day. It is preferred to have it just during the times the kids are going to and from school, which is 7 a.m. to 9 a.m. and 2 p.m. to 4 p.m. This encompasses all the times the kids will be out walking to and from school.

After reviewing the study, it was learned that the kids that walk through the intersection of Dover Road and Wolf Road are going to the Middle School and go through the intersection before the No-Turn-on-Red even goes into effect. This legislation will correct all the deficiencies we currently have.

Mr. Lee asked the time line for getting these signs installed. Chief Spaetzel stated that there may be an issue for getting enough stock material to have the signs made. There could be a delay based on the budget for the signs. Service/Safety Director Thomas stated that the budget is basically zero at this time. The stock must be ordered so there will be a 30-day turnaround.

The ordinance will be introduced and placed on first reading this evening. All intersections named therein will be No-Turn-on-Red 7 a.m. to 9 a.m., and 2 p.m. to 4 p.m.

Mutual Aid Statistics

Mr. Koomar stated that one follow-up from last week's discussion about mutual aid is regarding the fact that mutual aid is a separate agreement. There is a lot of collaboration within the Council of Governments (COG), but mutual aid is its own separate agreement and there is a lot of manpower out there now that is at a deficit. We were discussing it last week as if it were a Westlake/Bay Village problem. That is not the case. Director Thomas would probably bring a unique perspective to this from the fact that he was formerly at North Olmsted. Is Westlake being pulled to North Olmsted, or to Rocky River, because their population is ageing? The two examples given to Council by Fire Chief Lyons were good examples but it still seems like that wouldn't offset the deficit. That is the feedback I am getting from several people.

Mr. Lee stated that this is consistent with what he has heard as well. He asked Director Thomas to take a look at it from his perspective again, having a unique perspective because of his similar role in North Olmsted. Mr. Lee asked if the mutual aid agreement will be circulated to Council. Mr. Ebert will send it on Tuesday, October 20, 2015.

Mr. Vincent asked responsibility if someone from our fire department gets injured while on a mutual aid call. Mr. Ebert stated that it would be a Workers' Compensation claim. The same thing goes for the other cities if they are responding to Bay Village calls.

Mayor Sutherland asked Council to keep in mind that the mutual aid agreement was actually the basis for spinning off into the COG. You cannot separate the two, even though they are two different documents and two different agreements. They are all meant to mesh together.

Mr. Vincent asked if they were negotiated at the same time. Mayor Sutherland said they are two separate agreements. We have had mutual aid for a long time and then the COG grew out of the mutual aid to formalize some of those other relationships and some of those activities we share. That is only one piece of the puzzle.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Pending Ordinance No. 15-74 amending Codified ordinance Section 913.08 regarding downspouts, roof and yard drains

Pending Ordinance No. 15-75 amending Codified Ordinance Section 913.11 regarding Corrective Order and Expenses Therefor

Mr. Tadych advised that Ordinance No. 15-74 is on first reading. There has been a change which states "The placement of rain barrels or other collection devices shall be screened and not placed where they are visible from the public right-of-way."

Mr. Koomar stated that this is consistent with the trash can ordinance. Based on discussions with Director Thomas and Director Ebert, Mr. Koomar wanted to incorporate this language and, after further discussion with Council, move the ordinance forward in November.

Mr. Henderson asked Law Director Ebert to elaborate on the word "screened." Mr. Ebert stated that screening could be hiding the rain barrels from view with a slat fence or landscaping. Mr. Koomar noted examples of his neighbors, one of whom planted evergreen type bushes to block cans on the side of their home. Another neighbor did a short, lattice fence that matched the trim on his house and planted small ground cover in front of it. The intent of this ordinance is for buffering, and not to require one or the other.

Mr. Vincent asked about the discharge flow onto adjoining properties. Should intentional language be included? Mr. Ebert stated that normally a neighbor would complain and the City inspector would look at it and recommend correction. Otherwise, it is intentional because it was placed there without realizing it is going to flow onto the neighbor's property. There are houses, based on the topography that water does flow onto neighbor's property without even having discharge.

Mr. Tadych stated that there has been some question about requiring immediate disconnection with 60 days to comply when the ordinance is passed. If the ordinance is passed now, and we

require some people that may have been notified, we are going into the winter months and that may be difficult for people to make the changes within the next 60 days.

Mr. Koomar stated that there are comments about this implementation because there are homes in the Lake/Russell/Douglas/Bruce area that have been tested. When we pass this we are technically telling them to go out by January 1, 2016 and disconnect. Mayor Sutherland stated that is only if so directed by the Director of Public Service and Properties. Mr. Tadych stated that we have already notified those people about the need to disconnect. Mr. Koomar stated that he is just trying to get the timing of this in order. If the downspouts have been tested and they know they are not in compliance, wouldn't this then be effective? Director Scott stated that they have been notified but not told that they had to do something different yet. That can be done at any point after the legislation is passed.

Mr. Ebert stated that we can tell the residents we will come back in the spring because we don't anticipate this can be done in the wintertime. In the spring they would have 60 days from the day the weather breaks to disconnect the downspouts. The City is very accommodating. Mr. Tadych stated that rather than throw people into discontent, would we notify them that they don't have to do anything. Mr. Koomar stated that this can be discussed further to avoid those folks reading anything into this that they should not be reading into it.

Mr. Henderson stated that the language regarding 60 days is already in the existing ordinance. This will not be changed? Mr. Koomar said since we have folks out there that have been notified this year they are now potentially subject to it. Mr. Henderson stated that they are already subject to the existing language. Mr. Koomar stated that he would like to understand what we are thinking of doing with that section, whether we are going to require anything before the end of the year or not. Mayor Sutherland stated that they are still doing a lot of work over there as far as getting a base line. We can't tell them to do anything. Basically they have been notified there is a problem, but we are in the process of trying to identify what the solutions are going to be. We can't order them to do anything because we don't know what to tell them.

Mr. Koomar asked if someone can disconnect their downspouts voluntarily. Mayor Sutherland responded affirmatively. They just have to make sure it is five feet from the foundation and it is not draining into the neighbor's property.

Mr. Henderson noted his preference to the redline modification of ordinances.

Rocky River Wastewater Treatment Plant

Mr. Koomar asked if there is any update on the Rocky River Wastewater Treatment Plant. Mayor Sutherland stated that Rocky River Mayor Bopst is out of town. November 18 is the next meeting of the Westshore Council of Governments.

FINANCE & CLAIMS COMMITTEE

Committee Meeting of Council
October 19, 2015

Mr. Tadych will read **Ordinance No. 15-72** at the Regular Meeting of Council this evening to establish Chapter 182 of the Codified Ordinances of the City of Bay Village regarding Municipal Income Tax and request that the ordinance be placed on second reading.

RECREATION & PARK IMPROVEMENT COMMITTEE

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

AUDIENCE

Mr. Marty Mace noted that the legislation regarding downspout disconnections states that the property owner cannot drain across the public sidewalk. Mr. Ebert stated that this is to protect the sidewalk from the formation of ice. Mr. Mace noted that on his property, and several other properties in his neighborhood, it is not possible to discharge to the side of the property due to the close distance between homes. Logistically, it makes sense to go out the driveway into the public street across the sidewalks so that the water drains into the catch basin that drains into the lake. Mr. Mace stated that he is unable to do that due to going across the sidewalk. Mayor Sutherland stated that Mr. Mace probably needs Sewer Supervisor Rick Kuznik to come out and offer suggestions.

Conda Boyd stated that she has never seen the mutual aid agreement. She asked what triggers the review of the agreement. We have all seen the construction going on at Crocker Park. Obviously there are more people living, working and shopping there. Fairview Park has a new nursing home and a large, new apartment complex. Nursing homes generate a lot of ambulance calls. Bay Village also has a new nursing home addition.

Mr. Koomar stated that this is why he has asked for a copy of the agreement.

Mr. Ebert suggested that Chief Spaetzel comment on the mutual aid that is conducted by the Police Department.

Chief Spaetzel stated that their mutual aid agreement has been in place for quite a long time. It is a boiler-plate document that provides for assistance when needed. There are really no specifics that they feel have to be reviewed at this point. It provides assistance when needed by another agency. For a review, you would look at specifics where there might be an issue or a problem to address and identify. From the police department perspective, it works quite well. There are no issues.

Ms. Boyd asked if Westlake is getting all of this extra activity, but not ramping up their staffing, there is nothing in that agreement that would allow us to put pressure on them? Chief Spaetzel stated that there is nothing in the agreement that enumerates changes due to volume. Each individual city would be responsible for their own staffing.

Mr. Ebert noted that Westlake would require assistance for a major fire, just as they assisted Bay Village when the Service Garage burned. Mutual aid from all neighboring departments was used.

Mr. Koomar stated that Chief Lyons said last week a majority of mutual aid is squad runs. Chief Lyons stated that he hasn't mapped it out but following the trend that would be correct. We have the authority to override mutual aid if we determine there is a problem or particular event and we need to protect our own citizens in our City, we could refuse to send assistance. The mutual aid agreement does provide that we are basically there to help each other when needed. Chief Spaetzle stated that they have at times declined mutual aid due to lack of resources. That is understood and they will check with another City. It works quite well, seamlessly. The departments are pretty efficient at making it work.

Mr. Koomar asked if the new system allows tracking of calls given and received. Chief Spaetzle stated that they have a category for that. It still won't catch everything because of the nature of mutual aid. But, it should track a little better.

MISCELLANEOUS

Mrs. Lieske asked Law Director Ebert for an update on the train agreement. Mr. Ebert stated that there have been communications with the railroad. There have been discussions as far as quiet zones. Quiet zones are not feasible in the west shore area because of the closeness of homes. They are looking at the types of whistles and how long they are activated at night time. There is a new contact due to a retirement in Columbus. The Washington contact is still in place and brought the new contact in to meet the Mayor and Mr. Ebert. The Westshore Mayors all have the same concerns about noise. The agreement has now expired, and what you see now is not more trains but longer trains. Mr. Ebert will keep Council posted.

Mr. Koomar asked if there are any updates on the Columbia Road railroad crossing. Mr. Thomas will follow up with the railroad.

Mr. Tadych asked if the hauler trucks can be advised to use Lake Road instead of Wolf Road. Mayor Sutherland agreed to so notify.

There being no further discussion, the meeting adjourned at 8:06 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council