

AGENDA

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

November 9, 2015
7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Deer Culling in Walker Road Park Update

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Chapter 1158, Attached Residence District

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

FINANCE & CLAIMS COMMITTEE – Clark

Refuse Fee Renewal Discussion

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Review of Bids and Proposed Contract for Refuse Removal

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Draft Ordinance (9/28/15 10/30/15) (11/4/15)
Chapter 1158 – R-4, Attached Residential District

1158.01 INTENT.

The R-4, Attached Residential District and its regulations are established to achieve the following purposes:

- (A) To provide alternative housing choices to accommodate current residents as they enter new life phases;
- ~~(B)~~ To support the goals and recommendations of the City's Master Plan and the Retail Improvement Strategy relative to housing options, redevelopment and infill;
- ~~(B)(C)~~ To protect the desirable characteristics of both existing and planned residential development, to maintain stability;
- ~~(C)(D)~~ To provide an appropriate transitional use between single family residential and non-residential uses;
- ~~(D)(E)~~ To enhance the vibrancy of the City's central core business district; and
- ~~(E)(F)~~ To offer a viable redevelopment option to ensure the City's continued sustainability.

1158.02 APPLICABILITY.

Consistent with the intent, this district may be established in locations specifically identified in the Bay Village 1999 Master Plan and the 2004 Retail Improvement Strategy as development, redevelopment or infill sites for townhouse, condominium or multiple family residential. In addition, other sites may be appropriate to provide a suitable buffer or transition between disparate uses. Properties located along arterial or collector streets in close proximity to retail and service uses may also lend themselves to the uses permitted in this district.

1158.03 PERMITTED BUILDINGS AND STRUCTURES.

- (A) Principal Uses: The principal uses in this district shall be limited to townhouses, as defined in Section 1121.47A and two-family dwellings, as defined in Section 1121.48.
- (B) Accessory Uses: Accessory buildings, structures and uses including, but not limited to, the following are permitted on any lot in the R-4, Attached Residential District:
 - (1) Recreation facilities, such as swimming pools (See Section 1349.01), clubhouses, sauna baths and tennis courts, for the exclusive use of residents and their guests.
 - (2) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
 - ~~(3) Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment, as permitted under this chapter.~~
 - ~~(4)~~(3) Detached garages ~~or carports~~.

1158.04 DEVELOPMENT REQUIREMENTS. The requirements of this section shall be the minimum standards for development within the R-4 District. If any requirement of this section conflicts with other provisions of the City of Bay Village Zoning Code, the provisions of this section shall apply.

- (A) Spatial Requirements: The following requirements, specified in Table 1158-4, shall apply to any development within the R-4 District:

TABLE 1158-4 Spatial Requirements				
		Townhouse	Two-family	
Minimum site area (sq. ft.)		0 ¹	11,000	
Minimum site width (feet)		100	80	
Density (units per gross acre)		<u>Maximum of 8-10</u>		
Minimum yard setback (feet)	Front yard ³	10 ²	25 ²	
	Rear yard ³	25	35	
	Side	Interior	20	10
		Street	30	25
	Min. separation between ends of buildings	25	N/A	
Maximum building height (feet)	Feet	35		
	Stories	2 ½		
Maximum lot coverage (percent)	Buildings	45	40	
	Pavement and buildings	50	45	
Maximum units per building		6	2	
Minimum finished livable floor area (square feet)	1 bedroom	900		
	2 bedroom	1,200		
	3 bedroom	1,400		
	Additional bedrooms	150/added bedroom		

¹ There is no required minimum area for a townhouse development; provided, the gross density shall not exceed the equivalent of 8-10 units per gross acre. A minimum lot size of 5,500 square feet per dwelling unit shall be required for two-family dwellings.

² If at least 50 percent of the lots on the same side of the street and within the same block as the subject property contain a principal building, the minimum front yard setback, measured from the front lot line, shall be the average of the setbacks established by those principal buildings within 200 feet on either side of the subject property (not including corner lots where the front setback is on the intersecting street).

³ Front and rear yard setback requirements shall be met for each two-family or townhouse unit.

(B) **Architectural Features:** A projection is that part or feature of a building which extends outside of the enclosing walls and makes the enclosed space more usable. It is intended that certain features may project into required yards, but shall be regulated as provided in Table 1158-4a so they will not substantially interfere with the reception of sun, light and air on adjacent lots or impede emergency access.

Table 1158-4a Projections into Required Yard Setbacks			
Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Accessory structures, detached	See <i>Section 1149</i>		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a minimum 3-foot side yard setback		

Table 1158-4a Projections into Required Yard Setbacks

Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Air conditioning units, generators and other mechanical equipment	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies (uncovered)	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.
Fences and walls	See <i>Section 1163</i>		
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ¹	4 ft.	None	Up to 15 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed ¹	4 ft.	3 ft.	10 ft.
Stairways (not including steps to main floor entry) and below-grade stairwells	None	3 ft.	10 ft.
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

Footnotes:

¹ Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks for the principal building.

(C) Open Space: For townhouse developments, those areas of the site not covered by buildings, structures or pavement shall remain as open space. At a minimum, at least 40 percent of the total project site for townhouses shall be retained as open space, in accordance with the following:

(1) Open space shall meet the following standards:

- a. Provide spaces for the common use of all residents of the townhouse development or sufficient yards adjacent to each unit for the use of the residents of those units;
- b. Common open space areas shall be centrally located or distributed throughout the development to provide convenient access in close proximity to all residents;
- c. Preserve significant natural features on the site, including mature trees;
- d. The Planning Commission may reduce the open space requirement, based on a finding that one or more of the following conditions exists:
 - i. The subject site abuts or is directly across the street from a public park or similar dedicated public open space area;
 - ii. The site is adjacent to a dedicated non-motorized trail or pathway that provides access for pedestrians and cyclists to City parks in relative proximity to the subject site; or
 - iii. The proposed development will provide one or more natural preserves and/or common activity areas for its residents that are of significant size and configuration to fulfill the spirit and intent of the open space requirement.

- ~~—As a condition to approval, plans for the care, maintenance, use and disposition of all open space shall be approved by the City Council, upon a recommendation from the Planning Commission, providing for:~~
- ~~—The public dedication and acceptance of all or a portion of the open space, if found by the Council to be of benefit to the general public; or~~
 - ~~—The retention of property in common ownership of the individual owners through appropriate legal means to insure continuous preservation, maintenance and use for the purpose intended.~~
 - ~~—If a portion, but not all, of the open space is accepted by the City, the remainder of the open space not accepted shall be subject to the procedures and controls cited in subparagraph (2)b.~~
- ~~(1) All areas proposed for dedication to the City must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to and accessible by the general public. Title of all land dedicated to public use shall be unencumbered at the time of conveyance, and all areas shall be fully improved by the applicant, as required by the City Council, including all utilities, public walkways and streets through or abutting the property.~~

(D) Common Areas:

- (1) For all areas proposed for common ownership in any residential development within the R-4 District, rights of development other than for the use specified in the approved final development plan shall be subject to approval of the ~~City Council~~Planning Commission. The use of common areas such as, but not limited to: open space, parking areas, private streets and alleys, recreational facilities, and common service facilities shall be restricted by appropriate legal documents, ~~approved by the City's Director of Law,~~ which provide for the management and maintenance of all common facilities. Legal instruments providing for dedications, covenants, home owners association and subdivision controls shall:
- a. Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home owners association, cooperative or similar legal entity.
 - b. Appropriately limit the use of common property.
 - c. Assign responsibility for management and maintenance of common property. ~~Council~~ the City, at its discretion may require the applicant to obtain City services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.
 - d. Place responsibility for enforcement of covenants.
 - e. Permit the subjection of each dwelling unit to assessment for its proportionate share of maintenance costs.
- (2) All common property shall be fully improved by the applicant prior to issuance of an occupancy permit, including all utilities, landscaping, lighting, walkways and streets through or abutting the property; provided, the chief building official may issue an occupancy permit prior to completion of landscaping if it is determined that weather conditions prevent timely completion of the landscaping and a financial guarantee is

posted to assure that all improvements will be completed within 120 days of receiving the occupancy permit.

- (3) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.

(E) Streets and Access: All proposed streets and access within the R-4 District shall ensure efficient access and circulation of all vehicles and safe movement of non-motorized conveyances and pedestrians. The design and layout of streets and walkways within the development shall be established by the Planning Commission; provided, at a minimum, the following requirements shall be met:

- (1) Dedicated Streets. Dedicated streets shall not extend more than 1, 200 feet without intersecting another dedicated street.
- (2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to more than 30 units.
- (3) Private Streets. Private streets shall not exceed 600 feet in length without intersecting another private or dedicated street, nor provide direct or indirect access to more than 30 units.
- (4) Private Cul-de-Sacs. Non-dedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.
- (5) Alleys. Access to units, garages or parking areas may be from alleys; provided, the alley meets City design standards and connects on both ends to a public or private street.
- (6) Access to Perimeter Streets. Townhouse units may front upon any public street abutting the boundaries of the project site; provided, all vehicular access shall be via interior public or private streets and individual driveways shall not be permitted along the perimeter street.
- (7) Walkways. A walkway system shall be provided along perimeter streets abutting the R-4 District and on both sides of interior streets within any development. The walkways shall be ramped at all street intersections to provide handicapped accessibility and shall be separated from the adjacent dedicated or private street by a grass strip at least four feet wide.

(F) Parking: Off-street parking shall be provided in accordance with the following requirements:

- (1) Two spaces shall be provided for each dwelling unit, plus an additional .25 spaces per townhouse unit for visitors;
- (2) At least one of the required parking spaces per unit shall be within a garage attached to the unit which it serves;
- (3) Parking spaces shall be a minimum dimension of 20 feet long by 9 feet wide;
- (4) All parking spaces shall be hard-surfaced (asphalt or concrete) and striped; and
- (5) Parking areas and detached garages or carports shall not be permitted in any front or side yard and shall be set back at least 10 feet from any adjoining side or rear lot line; provided, if a garage or carport faces and is accessed from an alley, the minimum building setback shall be 20 feet from the rear lot line.

(G) Landscaping: For all residential development in the R-4 District, except a single building containing a two-family dwelling on one (1) lot, a landscape plan, prepared by a landscape

architect registered in the State of Ohio, shall be submitted for Planning Commission approval in accordance with the following minimum requirements:

- (1) Front yard landscaping shall contain at least one shade tree for each dwelling unit with a minimum caliper of two and one-half (2½) inches and one ornamental tree for each two units. Shrubbery and/or other low plant material at least 24 inches high at time of planting and approved by the Planning Commission shall be installed along the foundation of each unit.
- (2) A perimeter buffer meeting the following minimum requirements shall be installed along the side and rear property boundaries for townhouse developments abutting property zoned First Residence or Third Residence:
 - a. Minimum width of 10 feet;
 - b. Equivalent of one (1) tree per 50 feet or fraction of buffer zone length, at least one-third (1/3) of all trees shall be evergreen trees. At the time of planting, deciduous trees shall be a minimum of two and one-half (2 ½) inch caliper and evergreens shall be at least six (6) feet tall;
 - c. Three (3) foot high continuous sight-obscuring screen composed of plant material, berms, walls, fences or any combination approved by the Planning Commission;
 - d. If berms are used for any part of the buffer, they shall contain one (1) shrub for every 10 feet of berm length in addition to the requirements of subsection (2)b. All required plant material shall be placed on the top or side slope of the berm facing the exterior property line;
 - e. If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub for every 10 feet of wall or fence shall be placed along the exterior side in addition to the requirements of subsection (2)b. At least half of all shrubs shall be a minimum of 24 inches high at the time of planting;
 - f. All areas within the buffer strip not containing trees, shrubs or planting beds shall be planted with grass and other living ground cover; and
 - g. In order to promote better design and a more natural appearance, the required trees and other plant material need not be uniformly spaced. Clusters or groupings of plant material may be permitted; provided, the intent of the buffer strip to provide separation and screening from adjoining uses is achieved.
- (3) Landscaped islands shall be provided within parking areas to reduce the visual impact of parking upon the development. At a minimum, a landscaped island at least nine (9) feet wide and 180 square feet in area shall separate each eight (8) contiguous parking spaces. Each island shall contain trees and/or other living plant material to provide visual relief and physical separation of parking spaces.
- (4) Screening shall be provided around all outdoor trash dumpsters, as follows:
 - a. Solid sight-obscuring fence or wall six (6) feet high;
 - b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use;
 - c. The fence or wall shall be constructed of masonry, treated wood or other material approved by the Planning Commission if determined to be attractive, durable, weather resistant, rust proof and easily maintained. Chain link and barbed wire fences are not permitted.

(H) Building Materials and Design Standards: Exterior design of all principal and accessory buildings shall complement the character of the adjacent neighborhood with respect to building

materials, details, roof pitch, setbacks and scale. However, at a minimum, the following standards shall apply, unless a modification is permitted, as specified in Section 1158.05 H:

(1) Exterior Materials.

- a. Primary: At least 80 percent of the building exterior shall consist of:
 - i. brick and tile masonry (or synthetic equivalent),
 - ii. native stone (or synthetic equivalent),
 - iii. hardie-plank or equivalent, and/or
 - iv. wood siding.
- b. Accent: No more than 20 percent of any façade may consist of:
 - i. pre-cast masonry (for trim and cornice elements only),
 - ii. gypsum reinforced fiber concrete (GFRC – for trim elements only),
 - iii. metal (for beams, lintels, trim elements and ornamentation only), and/or
 - iv. split-faced block (for piers, foundation walls and chimneys only).

(2) Building Facades. Long, monotonous building planes shall be avoided. The front façade of each row of townhouse units within a single building shall be articulated using means such as, but not limited to: offsetting the front setback of individual units; using gables; recessing front entries; varying colors and materials on each unit; using a variety of window sizes and styles and/or incorporating columns, dormers, overhangs or other architectural elements. In addition, the following requirements shall be met:

- a. Transparency: Windows and doors shall comprise at least 25 percent of the front façade and the street side façade for units abutting a public street.
- b. Front entry: Each dwelling unit shall have a front door facing a street or public open space that is accessed from a stoop or porch.
 - i. a stoop shall have a minimum depth of four feet and a minimum area of 24 square feet;
 - ii. a front porch must be at least eight feet deep, with a width equal to at least 40 percent of the width of the dwelling unit;
- c. Roofs:
 - i. Pitched roofs shall have at least a 4:12 but not more than a 12:12 pitch. Mechanical equipment located on the roof shall be on the back half of the building and screened on all sides so as not to be visible as observed from the sidewalk or pavement edge of the street.
 - ii. Flat roofs shall be enclosed by a parapet which shall be high enough to conceal mechanical equipment as observed from the sidewalk or pavement edge of the street.

1158.05 REVIEW AND APPROVAL

(A) Application: Applications for rezoning property to an R-4 District shall be submitted in compliance with Bay Village Charter 7.6. to the chief building official on a form for that purpose, along with a required fee. In addition, sufficient copies, as determined by the chief building official, of a development plan and other supporting information, materials and documentation shall be submitted to explain and support the request and assure the fullest presentation of facts. Incomplete applications shall not be considered. Each application shall be verified by the owner(s) or option holder of the property, attesting to the truth and correctness of all facts and information. The application, development plan and other supporting materials shall be distributed to all relevant department heads, boards or commissions that may have jurisdiction over any aspect of the proposed development.

- (B) Development Plan: The development plan shall contain, at a minimum, the information specified in Section 1129.01.
- (C) Planning Commission Review: The complete application and all required documents shall be forwarded to the Planning Commission for review. The applicant shall attend the review meeting and present the proposed project to the Commission.
- ~~(D) Public Hearing: Following the initial review meeting, the Planning Commission shall schedule a public hearing, notice of which shall be given to owners of property adjoining the subject site and published in a newspaper of general circulation in the city, as required by Ohio law. A public hearing shall only be required if the subject property is to be rezoned. If the property is already zoned R-4 and the applicant is seeking approval of the development plan, a public hearing shall not be required.~~
- ~~(E) Planning Commission Decision:~~
- ~~(6) If the subject property is to be rezoned, the Planning Commission shall, upon conclusion of the public hearing, make a recommendation to the City Council to approve or disapprove the request and shall state the reasons and findings for its recommendation. In addition, if the Planning Commission recommendation is to approve the rezoning to R-4, it shall also transmit its decision with respect to approval, approval with conditions or disapproval of the development plan. The Planning Commission's action to approve the development plan or approve with conditions shall be contingent upon Council action to rezone the property and shall be based on the standards cited in 1158.05 (G). In the event the City Council approves the change in zoning, but differs with the Planning Commission regarding its decision relative to the development plan, the Council may, by two-thirds vote of its members, reverse or modify the Planning Commission decision.~~
- ~~(7) If the subject property is already zoned R-4, the Planning Commission shall review the development plan and approve, approve with conditions or disapprove the plan based on the standards cited in Section 1158.05 (G). The reasons for their action shall be stated for the record and provided, in writing, to the applicant. No public hearing or Council action shall be required.~~
- ~~(F) City Council Action: Upon receiving the Planning Commission recommendation regarding the rezoning, the City Council shall vote to approve or disapprove the change in zoning to the R-4, District.~~
- ~~(+)(D) Review Standards: The development plan shall be approved upon a finding that the plan meets the following standards:~~
- ~~(1) The development plan complies with all requirements of this chapter, all applicable requirements of this ordinance and all other applicable laws and regulations.~~
 - ~~(2) The site is designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.~~
 - ~~(3) The site is designed in a way that minimizes impacts upon adjacent property and mitigates the potential negative effects of traffic, noise, and glare to the maximum extent reasonably possible.~~
 - ~~(4) The development plan shall be found to be consistent with the Intent and Applicability provisions of this chapter, as stated in Sections 1158.01 and 1158.02, respectively.~~
 - ~~(5) Unless a more specific design standard is required by the city through a different ordinance, all uses and structures subject to development plan review shall comply with the following:~~

- a. Traffic Circulation. The number, location and size of access points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
- b. Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system.
- c. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscaping, buffers and greenbelts, as required by this chapter, shall adequately screen proposed buildings from surrounding property.
- d. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. Where necessary, screening shall be provided to shield abutting residential properties from headlights and glare.
- e. Utility Service. All utility service shall be underground, unless impractical.
- f. Exterior Uses. Outdoor storage areas, parking areas, trash receptacles, heating and cooling units and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
- g. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
- h. Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.

~~(H) Modification of Requirements: The Planning Commission may modify the requirements of this chapter with respect to building materials or by reducing parking, landscaping or open space provisions when it is demonstrated that development flexibility is needed, based on one or more of the following:~~

- ~~(1) The property configuration, size and/or dimensions~~
- ~~(2) Proximity and type of adjacent use(s)~~
- ~~(3) Character of surrounding development~~
- ~~(4) Presence site constraints~~
- ~~(5) Existence of natural buffers on adjoining property~~

1158.06

RESERVED

Other Proposed Amendments

Section 1121.06, *Apartment House*: Delete. This is an archaic term and appears to not even be used in the zoning code.

Section 1121.13, *Double House*: Delete. This is not a standard term, appears not to be used in the code and adds potential confusion to the meaning of “two-family dwelling”.

Section 1121.14, *Duplex Dwelling*: Delete. This unnecessarily complicates the definition of “two-family dwelling”.

Section 1121.15, *Dwelling*: Revise, as follows:

DWELLING UNIT. “Dwelling unit” is a building or portion of a building designed for use and occupancy by one family and includes permanent provision for living, sleeping, cooking, eating and sanitation.”

Section 1121.25a, *Multiple-family dwelling*: Insert this new definition, as follows:

MULTIPLE FAMILY DWELLING. “Multiple family dwellings” is a building designed for occupancy by three or more families living independently of each other.

Section 1121.47a, *Townhouse dwelling*: Insert this new definition, as follows:

TOWNHOUSE DWELLING. “Townhouse dwelling” is a dwelling designed for occupancy by one family in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any adjoining unit by one (1) or more vertical common fire-resistant walls. May also be referred to as a rowhouse or attached single family dwelling.

Section 1121.48, *Two family dwelling*: Revise, as follows:

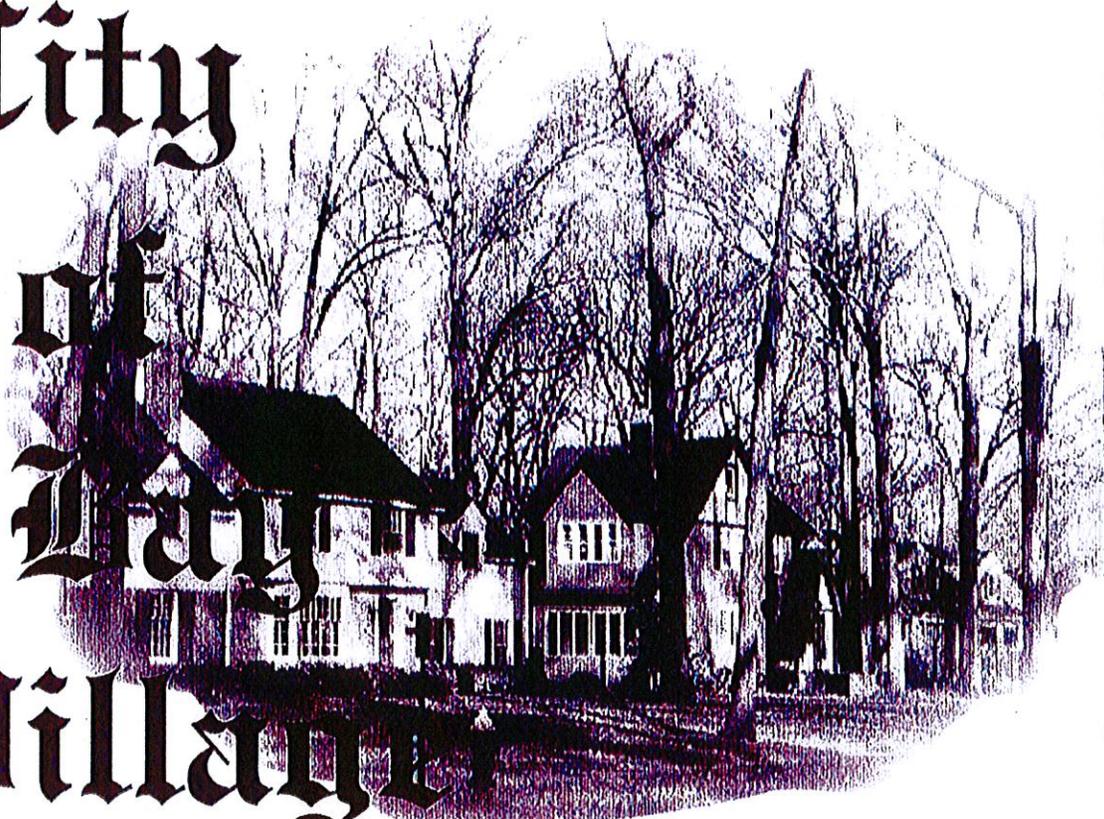
TWO FAMILY DWELLING. “Two family dwelling” is a detached building designed and used for occupancy exclusively by two (2) families living independently of one another. May also be referred to as a duplex.

*Prepared by the
Cuyahoga County Planning Commission*

City

**of
May**

Willage



MASTER PLAN

June, 1999

PROPOSED LAND USE MAP

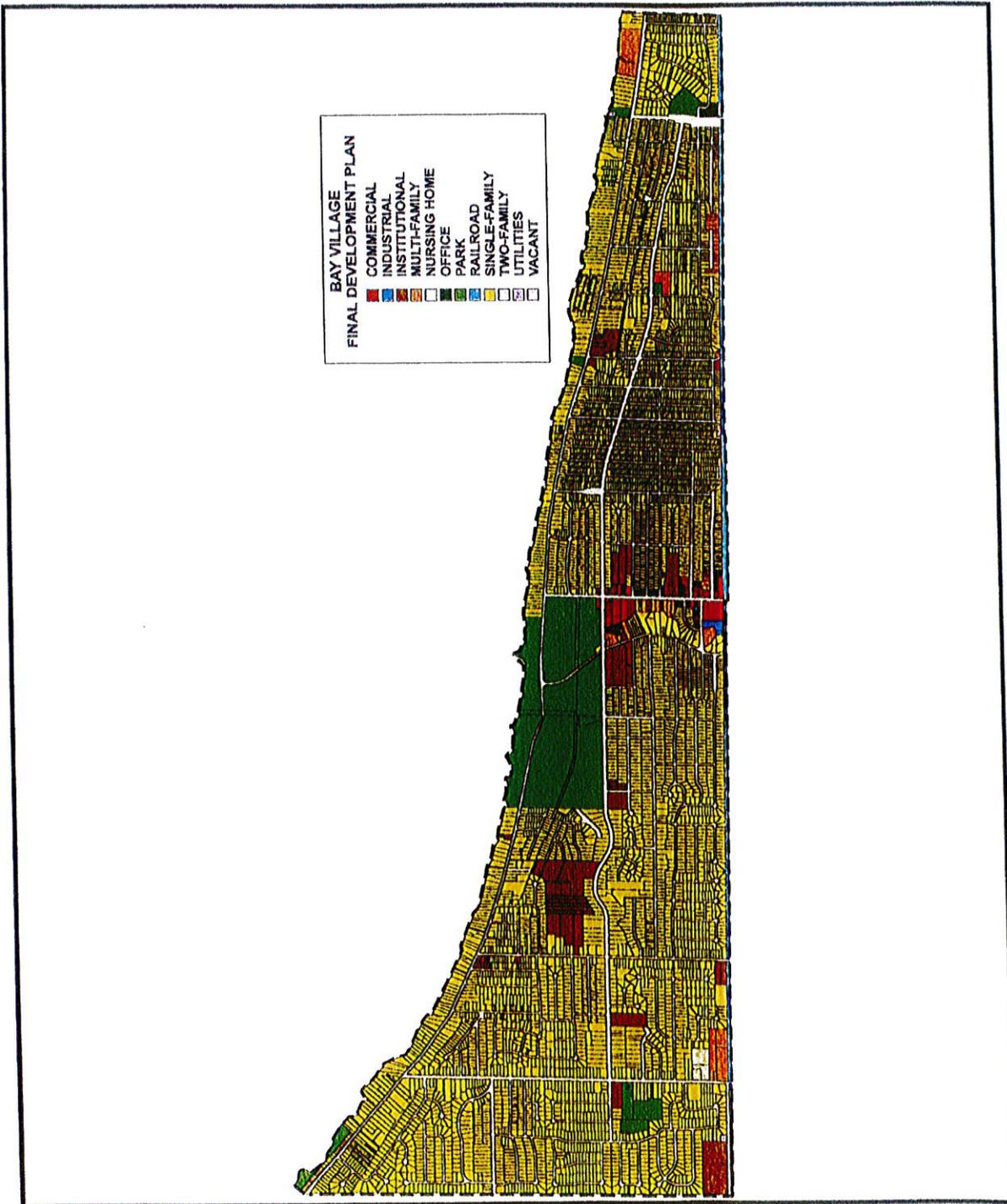
Exhibit 8-8 shows the final land use recommendations for the City. In a stable and built-up community such as Bay Village, little change is expected for most of the community. The changes from the existing land use pattern which are shown follow from the recommendations for the focus areas and from the Dover Center Corridor analysis. Major land use changes which are indicated include the proposal for a higher density of housing in the Dover Center area, development of the Forestview School site for housing and development of office use in the vicinity of Dover Center Road and at Clague Parkway.

In 1998 there were 45 acres of undeveloped land in the City. As *Exhibit 8-9* shows the largest increase in land use will be for additional residential development. Most of the vacant land within the City is scattered within existing residential neighborhoods. New residential development is proposed to be a mix of single-family and multi-family development. Multi-family development is proposed in the form of townhouses and condominiums. The

goal is to increase the alternatives of housing types within the community so that residents that no longer wish to maintain a single-family home have options for remaining in the City. Proposals for office use along Clague Road and on Wolf Road would increase the acreage devoted to that use. Proposals for office and multi-family use result in a slight reduction in commercial and industrial acreage.

The future land use map is to be used as a guide for land use decisions. Not all changes to the City's land use plan should be reflected immediately in changes to the zoning map in the City. In most cases the City should wait until an acceptable townhouse or condominium proposal is brought to the table before initiating a zoning change to allow such a development. In some cases uses shown on the future land use map reflect existing non-conforming uses which are expected to remain, but do not reflect a recommendation to change the zoning map. The commercial use shown on Bassett Road near Electric Drive reflects an existing non-conforming use which is expected to remain. The underlying zoning is Residence District #1 and no change to that zoning is proposed.

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
Use				
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				
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				
Railroad	45.1		45.1	0.0
Roads				
Roads	447.0		447.0	0.0
Total Right-of-Way	492.1	17.0%	492.1	0.0
Total Land Area				
Total Land Area	2,899	100.0%		

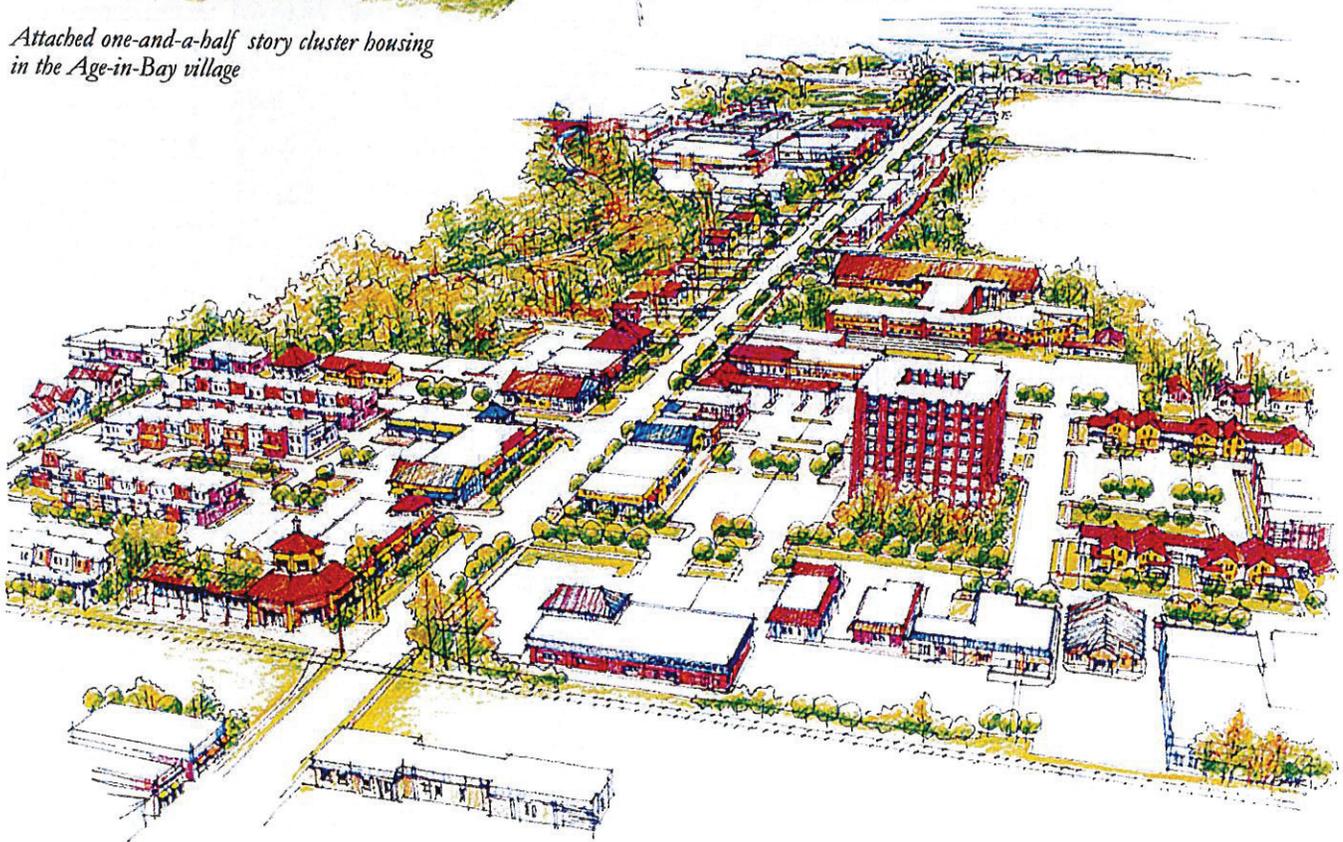


*Attached one-and-a-half story cluster housing
in the Age-in-Bay village*

Development summary

for the Dover Junction area:

- 43,000 square feet of retail on the Dover Junction site
- 150 off-street parking spaces
- 30 live/work townhouses with attached garages
- 25 condominium units
- in-fill commercial development on Dover Center Road
- Age in Bay Village: 54 attached homes and 94 condominium flats



November 5, 2015

A Special Meeting of the Bay Village City Council will be held on **Monday, November 9, 2015** immediately following the Committee session at **7:30 p.m.**, in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Pledge of Allegiance to the Flag/Steve Lee, Councilman-at-large
2. Roll Call
3. Announcements/Audience/Miscellaneous
4. **Motion** to approve the minutes of the Regular Meeting of Council held November 2, 2015.***Clark***
5. **Motion** to approve the minutes of the Cahoon Memorial Park Trustees meeting held November 2, 2015.***Clark***
6. **Motion** to convene to Executive Session regarding Litigation, and Personnel: Labor Contracts for all Bay Village Bargaining Units.***Clark***
7. Adjournment

Charter Reference 2.11

Paul A. Koomar, President of Council

Procedure

- Section 2.14 - Effective Date
- C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.

City of Bay Village

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

November 2, 2015
7:39 p.m.

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

Excused: Mr. Tadych

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

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Conda Boyd, Jeff Gallatin, Tara Wendell, Warren Remain, Lydia DeGeorge, Jerrie Barnett, Pat McGannon, Marty Mace.

President of Council Koomar called the meeting to order at 7:39 p.m.

ANNOUNCEMENT

COMMITTEE OF THE WHOLE

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Proposed Chapter 1158, Attached Residence District

Mr. Koomar stated that a version of Chapter 1158 dated October 30, 2015 was included in the Council packets this past weekend. There was consensus on the framework on the density and the setbacks, and a lot of the work the planning consultant Paul LeBlanc had done on design standards.

Mrs. Lieske asked for clarification as to how Mr. Koomar sees this ordinance going forward. Will it come back to the Planning and Zoning Committee one more time after this evening, and then back to Council as a Whole? Or, does Mr. Koomar plan to just work everything through the Committee of the Whole, and what is the time frame to take things back to the Planning Commission.

Mr. Koomar stated that based on the last discussion, he was just going to have the ordinance worked through the Committee of the Whole. The Chairman of the Planning Commission has been kept informed. The last time Chapter 1158 was reviewed by the Planning Commission they said it was more of a Councilmanic issue. The concern of Mark Barbour, Chairman of the Planning Commission, is that there be a public hearing following the current approval process. He did not have any suggestions on the technical side of the ordinance. He respected the work Mr. LeBlanc had done and was fine with that work.

Committee Meeting of Council
November 2, 2015

Mrs. Lieske stated that she appreciates the list of places to visit with attached residence development that Mayor Sutherland sent to Council. Mrs. Lieske looked at the places and found it very revealing for this discussion. Mr. Vincent also looked at the sites.

Mrs. Lieske stated that the Addington Avenue in Rocky River by Bradford's Gate backs up to a five or six story senior apartment complex and a Home Depot Shopping Center. The residential area spins off of an adjacent street. The Addington Avenue complex is not right in the middle of a neighborhood.

The Granus at West 202nd Avenue is basically on Lorain Road in Fairview Park with apartments all around. Once again, not in the middle of a neighborhood.

The Wagar and Detroit complex – apartments all around. The Linda Avenue complex – apartments all around.

In looking at these, Mrs. Lieske would liked to have seen something more in tune with what there is here in Bay Village, where you don't have these very busy commercial streets on one or both sides, and more residential. Mrs. Lieske looked at the sites and got the idea of how many units per acre, but trying to visualize this number of units and the types of structures in Bay - it was very difficult to picture that here. Mrs. Lieske noted that going forward, we had not talked about specifying a location and applicability, but she would like to see something more specific instead of referencing the Master Plan and Retail Improvement Strategy. She believes that residents would appreciate having a better idea of what that means, possibly starting with business districts or something along those lines rather than what we currently have.

Mr. Koomar stated that the thought is to officially approve the last Master Plan as those current sites, and as a new Master Plan is done we would approve those sites as well. Mrs. Lieske stated that after talking to some residents, and after some of the discussions that were held at the Planning Commission meetings, if we really want the residents to support this they are going to want to know, in the ordinance, where it will be located.

Mr. Lee asked Mrs. Lieske if the current Master Plan locations were identified that are suggested as appropriate locations for this type of development, and pulled those out of the Master Plan so that you could see what areas of town have been identified and find out what areas are identified in the Retail Improvement Strategy, would that answer your questions or concerns?

Mrs. Lieske stated that the Planning, Zoning, Public Buildings and Grounds Committee kept talking about the broader support of things in the business district or the area just adjacent to the business district. Looking at this ordinance, we have really gotten away from that type of terminology.

Mr. Koomar stated that when Mr. LeBlanc was present for discussion there was support to use that base Master Plan. The Red Oak development has fit into the neighborhood quite well. That spot around the Community Garden is listed in the Master Plan. That would be ripe if someone chose to purchase some properties and build around that. It isn't just necessarily business district. I shared in my email that going away from a 5-acre minimum, as we consider this legislation, to smaller clusters of homes as attached residences, blends in better with the character of Bay Village. In my

years on Council that the single-most asked question is- more alternative housing options for residents that have been here thirty or forty years. We are not providing those options. Using that Master Plan as a base for the time being, and making sure that we have some of those options on the table for potential development is a good first step.

Mrs. Lieske stated that places like Cahoon Ledges fit into the character of Bay and what she hears is more opportunities for young professionals without children to have more options. The interest being more of a homeowner type of association to take care of the yard and snow removal as opposed to having to do that on your own. Those types of units would fit nicely. Mrs. Lieske noted that the units she saw on her tour through the suggested sites in other communities wouldn't fit in Bay Village.

Mr. Koomar stated that this is an architectural design; that is the function of the Planning Commission and the Architectural Board of Review to guide good choices. The Cahoon Ledges is a good example of a developer coming in and making the adaptations to fit, buffer along the street, mound, and make it blend in.

Mr. Lee asked Mrs. Lieske if she felt the Linda Street developments in Rocky River would fit in the commercial district in Bay Village. Mrs. Lieske stated that she thinks it would fit in because the area is commercial. The whole commercial area would lend itself well to an initial type of development and then residents could see it, get their arms around it, and think it might look well elsewhere. If we could get something going in one of these commercial areas, it might help with the support.

Mr. Clark stated that as currently constituted, the area just east of Cahoon Creek is the only area that the voters would grant the approval for the City to put in that type of development. The new Master Plan is about eight months out and we would revisit this in 18 months anyway. The Master Plan of 1999 is going to look a lot different than the Master Plan of 2016.

Mr. Koomar noted the desirability of this type of development in the center of the City for walkability to local businesses and activities.

Mr. Henderson stated that from a price perspective there is plenty of opportunity here in Bay Village. We have expensive houses, and very affordable houses. There are also plenty of opportunities today for people to hire people to help them with home maintenance. He noted that people in his area of the City, when talking about this proposal, generally express concern. Locations are very important and if we have a dynamic Master Plan in this time frame right now, between the 1999 plan and the 2016 plan, he likes being more clear about where these things might be located.

Mr. Ebert noted that many people have moved out of Bay Village because they do not have maintenance free, alternative housing. Cahoon Ledges was the closest thing we had developed, but if you go to Westlake, Avon, Avon Lake, Rocky River, you will see this type of alternative housing.

Committee Meeting of Council
November 2, 2015

Mr. Henderson noted that the Bay Commons off of Bradley Road is affordable, alternative housing, and it is not uncommon for one there to be for sale for a while. Mr. Ebert noted that the location is near the railroad tracks.

Mr. Koomar noted the case of a resident who could afford to contract out services but did not want to have to deal with those decisions. That is when people look for the lower maintenance options.

Mrs. Lieske stated that there are also people on the other end of the spectrum. A neighbor bought a larger home but doesn't want to move outside of Bay Village because she can stay more independent by not having to drive on any major thoroughfares to get what she needs. Many empty-nesters have done significant improvements to their homes and don't intend to leave their homes. You hear of people who move because of the taxes. You hear both sides, depending on where you are. That is why the survey is such a good idea to get a full sense of the community.

Mayor Sutherland stated that the survey was mailed out on October 23, 2015. She stated that she is thinking it did not go first class mail and may be delayed at the post office due to election mailings this time of the year.

Mr. Koomar referred to Pages 7, 8 and 9 of the draft of Chapter 1158 ordinance. Mr. Barbour, the Chairman of the Planning Commission, has also spoken with Mr. Koomar about this. If you look at the items that are there for the review standards, and to make these properties under Chapter 1158 as good as they can be, people like that. If you look at the items that were deleted in (d) (e) and (f), that deviated away from our current approval process and some of the public hearing requirements.

Mr. Ebert stated that this is something that needs to be discussed. There is a difference of opinion. Paul LeBlanc had recommended that a developer be able to see exactly what has to be done versus going to the other sections on the public hearing.

Mr. Koomar referred to the section that states that "Upon receipt of the Planning Commission recommendation regarding the rezoning, City Council shall vote to approve or disapprove." That is done by the voters. Mr. Koomar stated that there is no interest around this table for City Council to be involved in that. City Council believes strongly that the rezoning needs to stay with the residents. That is not negotiable.

Mr. Koomar stated that if a developer wants to develop property under Chapter 1158 he will have to follow the review process of Chapter 1129.01. The Council does not want to deviate from that. Not requiring a public hearing in the beginning or the end is not how we have done business. Mr. Koomar stated that he wanted to bring that up tonight. The ordinance is not up for first reading but he wants to keep this moving along so we can highlight those things and get additional feedback.

Mrs. Lieske asked if there is anything in the ordinance about some type of engineering study of the storm and sanitary sewer. Mr. Koomar stated that this is always done through Chapter 1129.01. That is part of the issue when you start to piece meal some things in the ordinance it becomes less clear than stating that is normally done as part of Section 1129. If we want to look at the whole review process, we would be willing to do that. In Section (h), the modification requirement, the Planning Commission already has some flexibility on the parking. The things that were a concern

from a Councilmanic perspective is reducing parking and landscaping provisions. Buffering is something that has always been extremely sensitive to residents. In talking to Mr. Cheatham, he stated that the positioning of the properties, the character of the surrounding development and the site constraints are always taken into account by the Planning Commission. His opinion is that is already in Chapter 1129. We can have a discussion around the table on that, but those are the differences I was seeing and I want to make it as clear as possible that if we push all that to Chapter 1129, if we want to expand 1129 as part of this we can, but we want the review standards for the Chapter 1158 because those are unique to those properties.

Mrs. Lieske asked if aluminum siding cannot be used for exterior materials. On Page 7, under Exterior Materials, aluminum siding is not listed. Mr. Koomar stated that he does not know if it is not listed if that means it is excluded. Mayor Sutherland and Mr. Koomar suggested that Hardy Board may be a step up. To blend in with existing areas, something of high quality would be wanted.

Mr. Henderson stated that with City Council involvement, the Council would want to be sure that they don't exert themselves into that process of zoning change and what can go where. We definitely need to leave the zoning decisions where they are as outlined in the City Charter.

Mrs. Lieske commented on some of the infrastructure type questions and flooding concerns and was assured by Law Director Ebert that infrastructure plans would be submitted to the City's consulting engineer for review as part of the entire process.

Mr. Vincent commented that the fact that voters need to approve rezoning is the gatekeeper for potential projects.

Mr. Koomar asked that Council continue to give him feedback on the draft of Chapter 1158. Mr. Clark stated that he would like to keep moving it forward with some closure on the topic. Council has spent a great deal of time on it, and once it is passed it will be a work in process with the Master Plan. It will be reviewed periodically. We would like to give specifications to someone who might want to build in the City.

Mr. Lee asked if it is possible, as expressed as a concern by Mrs. Lieske, to identify the areas recommended by the Master Plan as appropriate for this type of development, as well as those in the Retail Improvement Strategy Plan. Mr. Koomar will resend those pages from the Master Plan to City Council in their packets. The information that was sent previously did not include the Retail Improvement Strategy Plan. Mayor Sutherland stated that the Retail Improvement Strategy Plan is only dealing with the retail areas. Mr. Lee asked if it identifies housing opportunities. Mayor Sutherland stated that it does include housing opportunities. Mr. Lee asked if all could be sent to Council as the finite list of places that the Master Plan or the Retail Improvement Strategy Plan suggests are appropriate places for this development.

Mr. Henderson asked if the Council will make a motion to adopt the Master Plan of 1999. Mr. Koomar stated that if you have a document he would like it to stand by itself. If Council wants to make a motion confirming that Master Plan that recommends those sites as part of that, it would be favorable to do so. When the new Master Plan becomes available, Council will review that as well.

Mr. Henderson clarified with Mr. Koomar that Mr. Koomar's intent would be that Council would vote again on "accepting" a new Master Plan if, for example, those specific locations expanded or there were more locations in the 2016 plan than in the 1999 Master Plan. Mayor Sutherland stated that the new Master Plan will also be a more public visioning process which will be very interesting. What the County Planning Commission will do is review the 1999 plan and build on it. We have other things that have cropped up that they are going to have to address. Mayor Sutherland stated that she has specifically asked them to look at the ITA (Improvement Target Area) areas that have increased and what is going to be the long term strategy for turning that around.

AUDIENCE

Conda Boyd stated that in the intent section of the new draft of Chapter 1158, she was sad to see the general language dropped about the old Chapter 1158.01 (a) to regulate locations of buildings to obtain proper light, privacy and usable open spaces. There is language about avoiding congestion and providing adequate services. Ms. Boyd stated that she believes those objectives are very important for this type of housing and she would like to see that intent language back in the draft. Mr. Koomar asked Mayor Sutherland to review that and let him know her thoughts.

Ms. Boyd continued, stating in Section 1158.01(b) and 1158.02 the Retail Improvement Strategy is referenced. That document was published in 2007. The Master Plan comes up for review and updating every so often. The Retail Improvement Strategy is a different type of document and Ms. Boyd would suggest that whatever is in the Master Plan rule rather than having two plans that might possibly be competing. Mayor Sutherland stated that the Cuyahoga County Planning Commission is going to be looking at the Retail Improvement Strategy and looking at bringing that all under one umbrella. Ms. Boyd stated that it would be nice to get the Retail Improvement Strategy out of Chapter 1158. Mayor Sutherland stated it can always be modified later.

Mr. Koomar stated those sites are basically along the corridor of Dover Road and Cahoon Road. New homes have been built on Cahoon Road on an open spot since the time the Retail Improvement Strategy was done.

Ms. Boyd stated that her comments are not referring to the content of the Retail Improvement Strategy versus the Master Plan. We update the Master Plan every decade. Mayor Sutherland stated that there were two Master Plans. One was in 1963 and the second one was in 1999.

Ms. Boyd stated that she did not see anything about the Architectural Board of Review in the new draft of Chapter 1158. Mr. Koomar stated that the reference to Chapter 1129 includes that process of the Architectural Board of Review.

There being no further discussion, the meeting adjourned at 8:08 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

November 2, 2015

President of Council Koomar called the meeting to order at 7:37 p.m. in the Conference Room of Bay Village City Hall.

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

Excused: Mr. Tadych

Also Present: Law Director Ebert, Director of Public Safety/Service Thomas, Finance Director Mahoney, Police Chief Spaetzel.

Mr. Lee asked if there is any information concerning a Toys for Tots collection spot in Bay Village. Mayor Sutherland suggested contacting one of the churches.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Conda Boyd, Jeff Gallatin, Tara Wendell, Warren Remain, Lydia DeGeorge, Jerrie Barnett, Pat McGannon, Marty Mace.

Motion by **Henderson** to approve the Bay Village Kiwanis Christmas Tree Sales Activity in Cahoon Memorial Park from November 20, 2015 to December 24, 2015, pending receipt of insurance. Law Director Ebert advised that the certificate of insurance is on file. .

Motion carried 7-0.

Motion by **Henderson** to approve the 3rd Annual Cahoon Christmas in Cahoon Memorial Park on Sunday, December 6, 2015 with festivities occurring from 1:30 p.m. to 5:00 p.m., as sponsored by the Kiwanis Club of Bay Village and the Bay Village Historical Society, pending receipt of insurance. Law Director Ebert advised that the certificate of insurance is on file.

Motion carried 7-0.

There being no further business to discuss, the meeting adjourned at 7:39 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:10 p.m.

November 2, 2015

Paul Koomar, President of Council, presiding

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

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

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Conda Boyd, Jeff Gallatin, Tara Wendell, Warren Remein, Lydia DeGeorge, Jerrie Barnett, Pat McGannon, Marty Mace, Ray Ningard, Lori Sprosty, Laura and Jerry Crabb, Neall Distab, Brenda O'Reilly, Denny Wendell.

Mr. Koomar called the Regular Meeting of Council to order at 8:10 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Dwight Clark, Councilman-at-large.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held October 19 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of October 19, 2015 as prepared and distributed. Motion carried 6-0 and 1 abstention by Mr. Clark.

ANNOUNCEMENTS

Mayor Sutherland read a Proclamation prepared for Brenda O'Reilly in appreciation for her leadership of The Green Team for the past eight years, and for donating countless hours of time and dedication to making Bay Village a better community for all to enjoy. Ms. O'Reilly thanked everyone and acknowledged the work of the members of The Green Team including Lori Sprosty, Tara Wendell, Warren and Connie Remein, Ray Ningard, Pat McGannon, and newest members Jerry and Laura Crabb, and Amy Coursen. Ms. O'Reilly stated that this has been a great partnership with the elected City officials including the Mayor's office, Service/Safety Director Scott Thomas, Supervisor Don Landers, Finance Director Renee Mahoney, and Assistant Finance Director Ruth Popovich. Ms. O'Reilly thanked everyone for their assistance and for the honor bestowed this evening. A round of applause followed.

Mayor Sutherland stated that tonight's kudos go out to the Bay Village Green Team because they have done such a great job with the grants that they have gotten. For 2015 they have received \$4,950 and spent \$4,948. They have done a great job doing mailers and the sewer bills, working on the recycling stickers, and updating their video. Mayor Sutherland thanked the entire Green Team and noted that they have been the most wonderful group with which to work.

REPORTS

Mayor Sutherland advised that the Master Plan survey is being mailed out by the Cuyahoga County Planning Commission. They are sending out random mailings to 1200 households. They are asking that the surveys be returned no later than November 30, 2015. The Cuyahoga County Planning Commission is hoping for a 30% response. In 1999 there was a 60% response rate. Mr. Koomar asked if this information is included in the Mayor's email blasts and the Mayor confirmed that it is included.

Mayor Sutherland advised that they have been working on ideas to make sure that the shoreline at Cahoon Memorial Park is a little safer. Service/Safety Director Thomas came up with an attractive idea which would incorporate posts which would act as bollards and thick rope that would stop any forward action. An illustration of the proposal was distributed among Council. A sample of the proposed barrier is at the park.

Mr. Henderson asked the total length of area and he was informed that it is 220 feet. Installation will be done later this fall. The rope will be stretched to make sure it can't be stretched any further, because people may sit on it. Mr. Koomar asked if the rope is of a particular strength. Mr. Thomas stated it is two inches in diameter, and the psi should be very high. The posts will be three feet into the ground with gravel instead of concrete so the posts will not snap. Mr. Koomar asked if Mr. Thomas will provide information concerning the strength of the rope. Mr. Lee asked if there will be any ongoing maintenance or service required of the barrier. Mr. Thomas stated that they will check it periodically to make sure it is standing up to the weather or anything that could possibly cause it to break. The posts are treated wood.

Mr. Henderson stated that he always found the chain link fence in the park to be visually undesirable. One of the ideas mentioned by a resident was similar to the benches in the park that are adopted and supported by residents. The idea is that the chain link fence would be taken away and people would buy lengths of something that would be more visually attractive as a program. Mayor Sutherland stated that she doesn't think anyone likes chain link fencing, however, there is a safety issue and people have to be kept from the other side due to under cutting and erosion. Even though it looks like there is ground there it may be unsafe. We want to make sure that whatever is there is an impediment for pedestrians to get over to that area. Mr. Koomar noted the black fencing around the pool that provides security and is attractive.

Mr. Lee asked if the temporary cement barriers will be removed as the new barrier is installed. Mr. Thomas stated that they would be removed.

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Public Safety/Service Director Thomas had no further report this evening.

Police Chief Spaetzel had no further report this evening.

AUDIENCE COMMENTS

Nancy Brown, Wolf Road, stated that as promised, the Friends of the Bay Village Kennel worked with the Police Department and City Supervisor Don Landers in doing a pre-winter cleaning of the kennel and replenishing a lot of items. They also want to give a big thank you to the Bay Village Police Department and the Service Department for helping to find a 10 pound Toy Box Terrier that went missing from Avon Lake and spent a lot of time in Bay Village. It was quite challenging but it was a joint community effort between Avon Lake and Bay Village. The Bay Village Police Department did a lot of spotting of the dog. Ms. Brown stated that the dog ended up going into a facility in Bay Village. The Bay Village Police Department went in, got the dog, took her to the kennel, but the third party cleaning company that the City utilizes failed to close the gate and lock it, and the dog got out of the kennel. The dog was found a week later, captured and returned to owner. Mrs. Brown's concern as a taxpayer is the negligence that this third party cleaning company had and did and it is hoped that they do not repeat that at any of the other buildings they are cleaning in the City.

COMMITTEE OF THE WHOLE

Mr. Koomar asked Mayor Sutherland to comment on the ordinance to be introduced by Mr. Clark amending Codified Ordinance Chapter 148 regarding the Records Commission of the City of Bay Village, Ohio.

Mayor Sutherland stated that the change originated with a change in state law. The City needs to be consistent with what is required by the state. In the future the City of Bay Village will be having two scheduled meetings of the Records Commission per year, which will allow the City to dispose of obsolete and unimportant records according to retention schedules.

Mr. Henderson stated that Section 148.03 of the ordinance references Ohio Revised Code 149.381. He stated that he has not read ORC 149.381 and asked if it contains timelines like the former Subsection 148.03 did, or is it just internal timetables that we would review.

Mrs. Mahoney stated that what a department would do is present the Records Retention Schedules (RC2) to the City Records Retention Commission. Once the commission approves the schedule they send it to the Ohio History Connection. The Ohio History Connection has 60 days to review and approve the schedule. If there is a one-time destruction, the Ohio History Connection has 60 days to approve. If there is destruction scheduled of something that is already on a RC2 retention schedule and the Ohio History Connection does not want to review, the records can be destroyed as soon as the Records Commission reviews. For example, the only

item listed as a permanent record for the Finance Department are the audit reports which cannot be destroyed.

Mrs. Mahoney commented further that it is just a more streamlined method of records disposal. The City will no longer have to advertise in the newspaper that they are going to destroy records; saving some funds in that process. As long as you have the current Records Retention Schedule (RC2), except for that one-time disposal of records, as long as the Records Retention Schedule is being followed the City Records Commission can sign off on the disposal of records.

Mr. Henderson asked if this applies to the audio recordings that the City keeps. Mrs. Mahoney stated that would be on the Council's Records Retention Schedule.

Mr. Ebert commented that there was concern about the ceilings of the upstairs attic caving in. Everything had been kept in the attic, and was moved to the basement of City Hall. Important documents are kept, such as original agreements and historical data. The idea is to avoid fire hazards by cleaning out some of those old records. Many of the old records are being gone through to pull out original documents.

Mr. Koomar stated he met with the Clerk of Council prior to tonight's meeting and reviewed the policy of the City of Westlake. Westlake keeps their audio and video recordings for one year. Minutes are kept in perpetuity.

Mrs. Mahoney stated that once this ordinance passes it is the intent to get every department to update their Records Retention Schedule (RC2). Those schedules will be reviewed by the Records Retention Commission to make sure they follow the suggested Records Retention Schedule manual published by the Ohio History Connection. Once approved by the City Records Commission, the RC2's will be sent to the Ohio History Connection for their approval.

Mr. Lee pointed out a typographical error in the version circulated in the packets. A space is needed before "a" and "citizen" in Section 148.01. For clarity purposes, Mr. Lee suggested that the first sentence of the next paragraph be revised to include the words "to review" before the word "schedule" in the third line of that sentence. Mr. Lee also asked about the necessity of the emergency clause. He questioned whether this is something that needs to be done from a state standpoint. Mr. Ebert stated that the City is cleaning some space out in the basement for additional offices and they are trying to get moving on some of the stored records. Mr. Lee stated that if it doesn't need to be effective until December 31, perhaps the emergency clause is not needed. Mr. Koomar stated that they talked about putting the ordinance on two readings. If there are three readings, it would be passed by the first week in December. Mr. Koomar stated that he thought two readings because it is mandated by the State and this would give the public enough time to comment.

Mrs. Mahoney clarified that the City of Bay Village does not have to change the rules. The City is permitted to have stricter rules than the state. In the past the Ohio History Connection would review every record disposal, but now, as long as you are following the Records Retention Schedule (RC2) they don't need to review every disposal. Mrs. Mahoney stated that she feels that if the state is more streamlined the City should be more streamlined as well.

Mr. Clark introduced **Ordinance No. 15-77** amending Codified Ordinance Chapter 148 regarding Records Commission, and declaring an emergency.

Mr. Koomar announced that Ordinance No. 15-77 is placed on first reading as amended with the changes brought forth by Mr. Lee this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Lee read Ordinance **15-76** amending the Traffic Control Map and File of the City by enacting new No Turn on Red Regulations, and declaring an emergency.

Mr. Lee explained that this ordinance will add six additional intersections and change the signing at three existing intersections. The time changes would be to move those times up in the morning from 7 a.m. to 9 a.m., and 2 p.m. to 4 p.m. in the afternoon. The current signage at the three locations is during the entire school day.

Mr. Lee stated that he did get some feedback from a resident with concerns about the intersection of Bassett and Wolf with traffic heading east in the morning. There is heavy traffic going toward the high school that continues through that intersection and turns left at the high school. There is also traffic that turns south on Bassett that goes to Westlake or Interstate-90. There is concern that the restriction on turning on red during that 7 a.m. to 9 a.m. time period in the morning will cause the traffic to back up on Wolf Road quite a distance, and perhaps even back to Westerly School.

Chief Spaetzel stated that one of the concerns is that Bassett/Wolf intersection is where there have been complaints of cars turning right on red and almost hitting the school guard. There is definitely a need there for that type of signage. Until we get the sign in place, it is very hard to try to know what that back-up of traffic on Wolf Road might be.

Mr. Lee asked if the change can be revisited if there is a back-up issue, or if other ways of safely moving the traffic can be considered. Chief Spaetzel stated that sometimes motorists adapt their travels based on changes as well.

Mr. Lee stated that the challenge with the block is that it is a long block; there is no way to turn south on the block until you get all the way to Bassett Road. The next block is a long block as well with the turn in to the high school being the first opportunity to go left. That may be something that has to be considered going forward. The idea of getting uniformity and shortening the time period to the relevant time periods when the students are crossing makes sense.

Mr. Koomar announced that **Ordinance 15-76** is placed on second reading.

Mr. Tadych asked if all the lights in the City will be labeled this way, or just some of them. Will there be additional lights not labeled for the proper hours.

Mr. Lee stated it is not all the lights in the City. For example, the light at Clague Road and Lake Road would not change. The light at Clague Road and Wolf Road will not change.

Mayor Sutherland stated that the intersections listed in the ordinance are the intersections where the school children cross the street.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark read **Ordinance No. 15-72** to establish Chapter 182 of the Codified Ordinances of the City of Bay Village regarding Municipal Income Tax, and declaring an emergency, and moved for adoption.

Mr. Clark noted that this ordinance has been discussed in Council Committee sessions several times. It is important to mention that municipal taxing power is one of the powers of local self-government delegated to the people by the State of Ohio.

Mr. Koomar noted that the current Municipal Income Tax receipts of the City of Bay Village are allocated 98% to the General Fund and 2% to the Accrued Benefits Fund. That will remain intact with the passage of this ordinance.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 15-72.

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. 15-72, an emergency measure.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske had no report this evening.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych thanked Mr. Koomar for his approved absence from the City Council Committee session this evening.

Mr. Tadych commented about the traffic from the trucks redoing the City Hall parking lot using Wolf Road. Mr. Tadych stated this is his second request. One truck went down Wolf Road at 7:21 a.m. today, and another went by at 2:00 p.m. Mr. Tadych would like the trucks to use Lake Road, as they should.

Mr. Tadych read **Ordinance 15-74** amending Codified Ordinance Section 913.08 regarding downspouts, roof and yard drains (**Second Reading as amended**) (First Reading 10-5-15).

Mr. Koomar announced that **Ordinance No. 15-74** is placed on second reading.

Ordinance 15-75 amending Codified Ordinance Section 913.11 regarding Corrective Order and Expenses Therefor (**Second Reading**) (First Reading 10-5-15).

Mr. Koomar announced that **Ordinance No. 15-75** is placed on second reading.

Mr. Koomar stated that the buffering regulations were added, and asked if the City wants rain barrels potentially in the front of homes, even if it buffered. Mr. Koomar asked Council to give this some thought and send him his comments. This may make enforcement easier for the administration. There is ample opportunity to run the flow into the front yard, eliminating the need for rain barrels.

Mr. Tadych commented that there was a rain barrel put out for rubbish collection last week.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, **Mr. Clark** moved to convene to Executive Session regarding Contracts, specifically the Refuse Collection Contract, and Personnel – Labor negotiations for all bargaining units.

Roll Call Vote: Yeas- Clark, Koomar, Henderson, Lee, Lieske, Tadych, Vincent. Nays – None. Motion passed 7-0.

Also present in Executive Session were Mayor Sutherland, Law Director Ebert, Finance Director

Minutes of Regular Meeting
Bay Village City Council
November 2, 2015

Mahoney.

Council reconvened in an open meeting at 10:08 p.m. Present were: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 10:09 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO. 14-105
INTRODUCED BY: Mr. Clark

First Reading 12-1-14
Second Reading 12-8-14

AN ORDINANCE
ESTABLISHING THE EFFECTIVE DATE FOR THE REFUSE
COLLECTION FEE, AND DECLARING AN EMERGENCY.

WHEREAS, the effective date for the refuse fee was re-established through December 31, 2014 by Ordinance 13-120 passed December 16, 2013; and

WHEREAS, it is the desire of Council and the Administration of the City of Bay Village to continue the refuse collection fee through 2015;

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

SECTION 1. That Section 2 of Ordinance 13-120 passed December 16, 2013 is hereby repealed.

SECTION 2. The fee established in Section 923.01 shall be effective through December 31, 2015.

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 is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to make these fee adjustment, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: December 15, 2014

PRESIDENT OF COUNCIL

CLERK

APPROVED: December 16, 2014

MAYOR