

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

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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

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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