

# City of Bay Village

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

November 16, 2015  
7:30 p.m.

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

Also Present: Law Director Ebert, Councilman-elect Marty Mace, Finance Director Mahoney, Recreation Director Enovitch.

## AUDIENCE

The following audience members signed in this evening: Jeff Gallatin, Denny and Tara Wendell, Jerrie Barnett, Pat McGannon, Nancy Brown, Nancy Trainer, Claire Banasiak, Alex Dade, Laura Lennerin, Mary Jo Massolini, Janet Kauker, Ernie Minichello, Karen Dearden.

## ANNOUNCEMENTS

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

**Mrs. Lieske** stated that in terms of the review of Chapter 1158, Attached Residence District, and it being on first reading this evening, she has expressed questions to Mr. Koomar. Mr. Koomar stated that he wanted to get the ordinance out for the public to see. Mrs. Lieske stated that she still is wrestling with the fact that the surveys have been mailed out and we are awaiting replies. Mrs. Lieske is still not convinced of the urgency to do this before we have the survey results. The other concern is that she has been looking at the Retail Improvement Strategy and the Master Plan that are referenced in Chapter 1158. She does not know what areas we are talking about in Chapter 1158. We see the map, we see some definitions, but the Master Plan also says that out of 337,000 linear feet of sanitary sewers only 14,000 are in good condition. The major problem is that they are undersized and Mr. Tadych has raised that question. The focus areas are very hard to read. Area 1 that is referenced is the east side of Bradley – that is being developed. Area 2 is Zipp Property. Area 3 is the west side of Dover, south of Heinen's to the north of Donald and a number of those homes have recently been improved. Area 4 is dedicated but unimproved right-of-way portion of Knickerbocker Road in the southern border of the City, between Clague Road and Columbia Road. There is an area of Wolf on the north side, Vineland on the west, East Oakland on the south, and Upland on the east that is in the middle of a block that is developed single family. They are recommending any future development be single family, so that doesn't really apply. Then it talks about the area both sides of Cahoon Road which we have discussed. Focus Area B is south of Knickerbocker Road. Mrs. Lieske stated that the Retail Improvement Strategy talks about blocks north of Wolf Road for high-end cluster housing that faces the park. It is unknown where that area is. Mrs. Lieske stated that she feels that if she spends time going through these documents but is still not clear what areas are being referenced in Chapter 1158, and the intent is to try to make it clear for the residents so everyone isn't concerned it is going to be in their backyard, she would support referencing the Commercial Business District in some way, where there already is the

vacant Shell property, and both sides of the creek. Any of these others, Mrs. Lieske stated that she cannot support it at this time. Mrs. Lieske stated that she also questions the urgency before the survey results are received.

Mr. Tadych stated that there are so many difficulties understanding what Council is doing with the ordinance that he would not want to complete this after it is placed on first reading and the residents have already started to look at it and decide what it is. Mr. Tadych would like to have a more exact plan that the residents could try and understand without changes being made as it moves to second or third readings. Mr. Tadych would like to keep it away from readings until there is a plan that is complete.

Mr. Koomar stated that it has been taken back to the Committee of the Whole. The issue has always been the density. We have all come to agreement on the density. There were some concerns on the approval process, and we worked through that. Putting it on first reading is to give residents notice, and if Mrs. Lieske as Chairman of the Planning, Zoning, Public Buildings and Grounds Committee wants to work on specific wording on those two documents to make it clearer, that is fine, but the idea of three readings is not to have it absolutely final. The idea is to give it public input and let them know we are seriously considering the ordinance and put a lot of effort into it. We collectively were fine with those documents listing those areas. The idea on first reading is to get it out to the community and have people give us input.

Mr. Vincent clarified with Mr. Koomar that putting the ordinance on first reading does not mean that modifications cannot be made.

Mr. Koomar stated that his calendar would be first reading November 16, November 23 it would not be on the agenda, there is no Council meeting planned for the fifth Monday of the month, November 30. The first time we would pick this up again would be December 7. Mrs. Lieske stated that she still does not know where the property is being referenced as north of Wolf Road, single family homes on large lots with generous front yard setbacks facing Cahoon Memorial Park. Where is that? We are referencing this now with the first reading of the ordinance.

Mr. Lee stated that he read through the Retail Improvement Strategy as well and his understanding was that the recommendation for multi-family or attached housing was limited to Dover Center Road and Cahoon Road, in conjunction with the retail area. The ability to redevelop the retail area as mixed use with both residential and retail was a grand plan that would be challenging economically to accomplish. Mr. Lee noted that when looking at the maps in the Retail Improvement Strategy document, he did not see anything north of Wolf Road. All of the maps show development south of Wolf Road.

Mr. Henderson stated that he and Mr. Koomar have had discussions about Section 2 of the ordinance, Applicability. In previous discussions, Mr. Henderson stated, he read the word "shall," but in his mind read the word "may", which means "may" or "may not." Mr. Henderson stated that he has talked to people just this weekend and one of the things that often comes up is the question of where. A lot of people are generally very supportive of the idea of townhomes and then quite quickly it turns to where. Getting some more detail in this applicability section would be a wise thing. This document will be for developers to look at to see where they are likely to find support

from the community for such developments and it would also be beneficial for people to know where townhouses might be developed. The Master Plan is 16 years old. Many of the pages in the document are outdated. On Bradley Road, across from Mr. Henderson's home, it shows an open lot for multi-family development. That lot is no longer open. Mr. Henderson expressed support of Mrs. Lieske's desire to get more granular on Subsection 2.

Mrs. Lieske stated she would like to describe the area because the diagrams are hard for the average person to know exactly what the street boundaries are. Mrs. Lieske will schedule a Planning, Zoning, Public Buildings and Grounds Committee meeting before the next reading of the ordinance.

Mr. Koomar stated that you cannot lose sight of the fact that any rezoning in the City of Bay Village is determined by a vote of the people. If a developer comes in, the idea is to give him an idea of several areas that we would be open to, a great place where they would have collaboration, and the support of the administration and Council. It is a tool. We are trying to guide them in the community where we think it could fit and where our urban planners have told us it would fit. Ultimately this is always determined by a vote of the people. I don't want people saying that because the Master Plan or Retail Strategy Plan was referenced, that limits the development. It is a guide to show where good, new development could be considered to increase our population.

Mrs. Lieske stated that there are also areas where there are smaller, single family homes. Mrs. Lieske noted that when she looked at the developments that were suggested as examples of density you did not see any of those types of developments right in the middle of neighborhoods with single family homes. They backed up to commercial areas, they were on busy streets, and they weren't in the middle of a neighborhood with single family homes around. Mr. Tadych stated that the one he remembers was on a busy street but backed up to residences and it was the back yard of the building that they had to contend with. The ability to get in the garage of the building was through a lot that someone had purchased to put in a street for the building.

Mr. Vincent stated that it seems more likely than not that a builder is going to go to those areas where it would fit. They are not going to go into the middle of a street and build a townhouse. They find a spot where it makes sense visually, where it is not going to be so obvious that it is going to be pushing itself into a single family area.

Mr. Henderson stated that he has seen in other areas people are tearing down individual homes and putting in two homes. He is not sure or totally confident that someone might not buy two houses tear them down, and build whatever the maximum density would allow. Back to the previous question of Mr. Clark about whether or not Section 2 is the only area of concern, when I misunderstood that Section 2 limited the area in which this would apply I was not too concerned about the minimum lot size in regard to the townhouses. However, now that I understand that it doesn't limit where this could be built, I am concerned about the minimum lot size. The email that the six of Council received, and I did not, which listed the properties along the river to look at from the Mayor, which I was forwarded yesterday, and then went and looked at yesterday afternoon, all have relatively large lot sizes. None of those are on zero or even .47 acres like the ones we talked about. All of those townhouse developments are on relatively large areas, a couple of acres each. The minimum lot size of zero now concerns me as well.

Mr. Vincent reiterated that in order to build a townhouse such as mentioned by Mr. Henderson on two lots where the houses have been torn down, it would have to be on the ballot. If people don't want it in their yard they are going to show up that day, like it happened in Ward 2 two years ago, and vote it down.

Mr. Koomar stated that you have to look at the code because you could have somebody tear it down and put up a duplex, two homes with an adjoining wall, which you might think is not as attractive as an attached residence. We do have clusters on the books with other minimums as well. This is just one definition within that.

Mr. Clark stated that voters have approved the attached residence initiative in 2011 on the east side of Cahoon Road. We have not had a developer approach us for anything. At some point in time it would be nice to finalize this so we know what the rules of engagement would be for a developer who might want to build in Bay. The longer we put them off the less to do something.

Mr. Henderson asked the reason why we want to pass this before we get the responses back from the citywide survey. There are a lot of questions in that survey about housing. Would it not be smart for us to wait and see what we get back from the people from that survey?

Mayor Sutherland stated that the survey is supposed to be back by the end of November with analysis of data after that taking a couple of weeks.

Mr. Clark asked Mrs. Lieske if her concern is incorporating by specific reference areas that would be defined as capable for redevelopment. Mrs. Lieske stated that we could spell out some of the areas we discussed but the first thing is what the hurry is when the surveys have been mailed out and we don't know what the residents are going to say. We might have something and it might not be in line with the residents' answers.

Mr. Koomar stated that the survey is one data point. We have talked about this for years. Of the 1200 surveys sent out randomly we have no idea if those went to young families or retirees. Mrs. Lieske stated that the demographics are one question, and, we are not just talking about senior housing we are talking about housing alternatives for everyone. It could be young professionals, or seniors.

Mrs. Lieske stated the survey is out; it is just a matter of a few weeks. I do not understand the urgency.

Mr. Koomar asked if Mrs. Lieske is willing to put the ordinance on first reading and still get resident input. Mrs. Lieske stated she will go along with first reading but it doesn't mean that when it comes up for next reading if we iron out the definitions of the areas and the colleagues go along with specifying it.

Mr. Vincent asked if Mrs. Lieske is focusing on the areas that are already zoned for Attached Residence District. That would benefit both the residents and a future developer. Mrs. Lieske stated that is correct. She asked if the area is already zoned Commercial District, would anything

have to go to the voters for approval. Mr. Koomar stated that any change in use would have to go to the voters.

Mr. Lee stated that his understanding now, while acknowledging the existence of the moratorium, where you could build attached residences without going back to the voters is the former Shell Gasoline property on Wolf Road. We have had a moratorium for close to two years, and since this is something that the residents have to vote on and approve, developers are prevented from coming in and making a proposal to present to the residents. If a developer doesn't come in with a fully developed plan that has renderings, very clear ingress and egress information and traffic flow, it is not going to be approved. We are never going to get a developer to come to the table until this ordinance moves forward. There is no guarantee that a developer will come to the table just because we modify this ordinance. There may be other projects outside the City that are more attractive to developers. People want this as an option and we would like to give them a chance to vote on it. The five acre minimum has prevented any developers from coming to us. Our neighbors in Westlake, Avon, Rocky River and Avon Lake are way ahead of us. Maybe that is fine because we want to be different, but ultimately that is the residents' right to decide on that through their vote.

Mr. Vincent stated that this is a bedroom community and this is a more effective way to get people to live here and bring their incomes and their tax payments here.

Mr. Clark stated that a vote by the people of Bay Village is the ultimate check and balance system.

Mrs. Lieske stated that some type of minimum acreage might provide a safety valve if we are talking about citywide regulations. Mr. Koomar stated that the properties in the center of town are smaller. Mr. Koomar stated that he understands that Mrs. Lieske may want to change her mind regarding the ordinance, but there was consensus coming out of committee. Mr. Koomar would like to put the ordinance on first reading and allow for discussions on adjustments as we move through readings. The Council has talked about this for years.

Mrs. Lieske stated that as the Council gets together as a whole, different perspectives are shared and that helps produce better legislation and better ordinances. If someone were to buy some of the smaller homes and accumulate acreage that could be an option for a developer now. Mrs. Lieske stated that she hears from residents of their concerns about it being in their backyard which is why she would like to get together with the Planning and Zoning Committee and work on expanding the description.

Mr. Koomar stated that he is not in favor of cherry-picking those documents at this point in time. If Mrs. Lieske is going to expand the description based on those two documents and be consistent with both of the documents, he is fine with that. Mr. Koomar noted that it would be good for developers to look at other areas that have been identified, like Cahoon Ledges that has been developed after rezoning by the voters because it was a good project. The developer came in with a good plan, there were public hearings, and submission of colors, building materials, roof pitches, landscaping, etc. Going through that process resulted in a good development.

Mrs. Lieske will schedule a Planning, Zoning, Public Buildings and Grounds Committee meeting on Monday, November 23, at 6:30 p.m.

Mr. Tadych stated that he has not heard much discussion on infrastructure impact, such as roads and sewers on potential development. Our sewers are in dire need now and if we add more residents in a very small area the taxation on the sewers and basements is going to be more significant. You can say they are putting in new lines for those new residents, but that is all dumping into our existing lines and putting more pressure on those. That is the most significant problem we are having: infrastructure, water, sewers and streets.

Mr. Koomar stated that when a development goes in front of the Planning Commission, the Planning Commission makes the necessary requirements. The job of the Planning Commission is to look at the traffic flows, bring in the necessary consultants, and go through the process set down by Chapter 1129.

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

**Mr. Lee** stated that he is attempting to review the following two items with the intent of taking them off the Matters Pending before Council Committee List prior to a new chairman being appointed to the Environment and Safety Committee.

#### Review of Codified Ordinance Chapter 377, Bicycles (1-13-14)

Lengthy work was done on this chapter in 2014, which was essentially a rewrite of Chapter 377. Several subcommittee meetings were held and attended by residents who are very knowledgeable about cycling and cycling laws. There was an issue raised by Mr. Tadych at the time the ordinance was passed about the age restriction for riding on main streets. The language was not modified, and was the same language from the ordinance that has been on the books for many years. Section 377.05 © states that “At no time shall a bicyclist under the age of 7 operate a bicycle on a street unless accompanied by a parent or legal guardian.” Mr. Tadych pointed out that the language is problematic and it suggests that a 7 year-old can ride on Lake Road. We kept the item on the Matters Pending List because of that concern.

Mr. Tadych stated that he gave alternate wording to Mr. Ebert several months ago, that included language that stated “riding with responsible supervisors on a roadway that either enters or exits the City or on Wolf Road within the City, a bicyclist must be at least 12 years of age.” Mr. Tadych noted that it is a more stressful time on the roads than it was 30 years ago when the original language was written.

Mr. Lee noted that there are no age restrictions in the laws of the State of Ohio. Rocky River, Westlake, Avon, and Avon Lake do not have age restrictions. The only other communities with age restrictions are Fairview Park and North Olmsted. Lorain Road is probably the reason they maintain those restrictions. Mr. Lee stated that he would like to have the Police Chief present for further discussion. The matter will be placed on the agenda of the Council meeting of November 23, 2015.

Mr. Koomar recommended taking out the language of age 7, noting it is the responsibility of a parent to guide their child.

Removal of Animal Kennel (11-5-12) from Matters Pending before Council Committee List

Mr. Lee stated that he has not had this item discussed in any of the Environment and Safety Committee meetings since he has been chairman. The Friends of the Bay Village Animal Kennel have had an ongoing dialogue with the Police Chief and the Service Department and they have worked together in maintaining and cleaning the existing kennel. From a legislative and appropriation standpoint there isn't anything to be addressed with the kennel. Mr. Lee stated that he is trying to leave a clean slate for the future chairman of the committee but if there is something that is ongoing related to the kennel from a legislative or appropriation standpoint he would pass that on.

Nancy Brown, of the Friends of the Bay Village Animal Kennel, stated that she will present her comments at the Regular Meeting of Council to follow this session.

Mrs. Lieske clarified with Mr. Koomar that the \$50,000 donation from an anonymous donor for a new kennel would be handled as a donation accepted by Council should that matter come to fruition in the future.

Cuyahoga County Board of Health Contract for 2016

The annual contract for health services will be placed on the agenda for renewal on December 7, 2015. Mayor Sutherland commented that the County Health Department provides a variety of services for municipalities including restaurant inspections, water testing at the City swimming pool and beaches, outfall testing, mosquito eradication programs, and educational and individual outreach programs. The rate of \$3.92 per person, based on the population figures from the most recent census is charged for these services.

Mrs. Lieske asked if the numbers of people that the Board of Health is serving has increased recently. Mayor Sutherland stated that there has been recent involvement with the Bed Bug issue in the schools. The Board has also been involved in identifying hoarding issues. Not only have the numbers gone up, but the services they are providing are changing.

Mrs. Lieske stated the presentation a few months ago on the ITA areas and the demographics came to mind when reviewing this proposal. Mayor Sutherland stated that the Board also works closely with the Community Services Department. They also respond to rodent calls for areas particularly around creeks.

The ordinance will be presented to Council for adoption on December 7.

Mr. Lee discussed Ordinance No. 15-76 on the Regular Meeting of Council agenda for this evening, enacting new No Turn on Red Regulations at various areas in the City. The ordinance is scheduled for third reading and adoption. As discussed in a prior meeting, there are concerns about one intersection, Wolf Road and Bassett Road. The suggestion from a resident is the additional study of that intersection, perhaps a traffic study prior to proceeding. Mayor Sutherland stated that they already have traffic data from that intersection which she has passed

on to the Chief. Mr. Koomar stated that it makes sense to pass the ordinance and allow for further due diligence on traffic patterns. Mr. Lee stated that the recommendation is to pass the ordinance tonight with the understanding that there will be additional study which perhaps can be completed during the lead time needed to obtain the signs and arrange for installation.

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

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

## **FINANCE AND CLAIMS COMMITTEE**

**Mr. Clark** asked the Clerk of Council to add the 2016 Budget to the Matters Pending before Council list, Finance and Claims Committee.

Mr. Clark stated that the Finance Committee meeting this evening discussed the Operating Budget going forward.

The Refuse Fee Renewal ordinance will be placed on first reading this evening. Service Director Thomas has reported to Council the various options laid out by the bidders for the renewal of the refuse collection contract. The thought is to continue service with Browning-Ferris Industries, aka Republic Services, continuing the pick-up option on the same day of the week as has been done previously. The contract contains a cost escalation each year for the next five years, and will be placed on first reading this evening. December 1, 2015 will be the last yard waste pick-up. Mayor Sutherland stated they are still fine tuning some of the aspects of the contract, including the fuel-recovery costs.

## **RECREATION AND PARKS IMPROVEMENT COMMITTEE**

**Mr. Henderson** received complimentary comments regarding the fitness trail equipment recently installed in Cahoon Memorial Park at the T. Richard Martin Walking Trail. Mr. Henderson expressed gratitude to the donors of the project, noting that it was not funded by the City. He also expressed appreciation to Clete Miller and Barry Tyo for their roles in bringing the project to the City and seeing it through to final installation.

## **SERVICES, UTILITIES AND EQUIPMENT COMMITTEE**

**Mr. Vincent** will introduce and read the ordinance to enter into an agreement with Browning-Ferris Industries of Ohio, Inc., for solid waste collection and disposal, yard waste, and recycling materials collection and processing this evening for first reading.

Mr. Vincent called upon Clare Banasiak and Alex Dade of the League of Women Voters for an announcement.

Clare Banasiak of the League of Women Voters announced that at the League of Women Voters meeting on Saturday, November 14, 2015 an additional \$10,000 was approved for the microphone project for Bay Village City Hall.

Mr. Vincent stated that initially there were to be thirteen desk microphones including two in the conference room. Mayor Sutherland had a concern about the wiring of the conference room. To accommodate those concerns, the microphones will be plugged in with a connection cable which can be undone when the microphones are not to be used. The microphones will show the color green when operating. There will be eleven microphones in the Council Chambers, one for each member of Council, the Clerk of Council, the Mayor, the Finance Director, and the Director of Law. There will be two mobile microphones, one for the Directors for their reports, and one for the podium. There will also be a lapel microphone for presenters. Mr. Koomar noted that these will also be helpful for the Planning Commission presentations. Mr. Dade and Mr. Vincent have reviewed the contract with the provider, JAVS, Inc. a number of times and there will be the capacity to add more microphones in the future, as well as the ability for presentations from a remote location, should that need arise. Mr. Vincent stated that Mayor Sutherland has agreed to allow the City's electrician to provide the necessary outlets for installation. The League of Women Voters' total donation is \$20,000. The quotation is \$20,392, for everything except the required laptop computer. Mr. Vincent estimated the cost of \$500 for a new laptop, which means that the City's portion of funding will be approximately \$800 for the entire project.

Mr. Koomar noted that Mrs. Mahoney has informed him that there are funds in the Council Other account to cover the inauguration as well as any parts needed by the City electrician for the microphone project. Mr. Vincent will forward the final quotation to Mrs. Mahoney for the needed purchase order before December 4, 2015.

The annual support contract will be approximately \$1,000 for the equipment with JAVS, Inc., coming to the City every quarter to review the equipment and make sure it is working properly.

Mr. Clark asked Mr. Vincent to review the warranty information as well. Mr. Dade stated that some of the maintenance contracts include warranties. This contract includes software but the verbiage in the final proposal will be reviewed further for that information. All the proposals will be sent to Finance Director Mahoney for processing the purchase orders.

## **AUDIENCE**

Mary Jo Mazzolini stated that she is wondering why the animal kennel did not get built. She heard that someone anonymously was going to donate the money for the kennel. It is an opportunity to show compassion to animals in this wealthy community.

Mr. Lee stated that the last few years there hasn't been any discussion about a kennel being built. Mr. Koomar stated that Ms. Brown will present her comments about this topic at the Regular Meeting of Council to be held this evening.

Mrs. Lieske stated that she received a telephone call from a resident on Breezewood Drive who was alarmed last week when she was home alone with her two children and there was a banging on the door when it was dark outside at 7:30 p.m. The unexpected intrusion was a solicitor. The resident was very surprised when Mrs. Lieske informed her that Council tried to listen to

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concerns from residents but was unable to continue the time limitation because of federal court mandates.

There being no further discussion, the meeting adjourned at 8:40 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council