City of Bay Village

Council Minutes, Committee Session June 6, 2016
Conference Room 7:30 p.m.
Paul Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Community Services Selig, Director of Public Safety/Service Thomas, Police Chief Spaetzel, Fire Chief Lyons, Director of Operations Landers, Chief Building Official Cheatham (SAFEbuilt, Inc.)

AUDIENCE

The following audience members signed in this evening: Lydia DeGeorge, Dick Majewski, Suzanne Graham, Jeff Gallatin, Warren Remein, Tara Wendell, Michael Sathre, Emily Taylor.

ANNOUNCEMENTS

Mayor Sutherland introduced Emily Taylor, Senior at Bay High School, who is going to shadow the Mayor this summer. Emily is going to major in Political Science, and reached out to the Mayor with a wonderfully-written email after the Mayor addressed their Government class last year. Emily attended the staff meeting today with Mayor Sutherland and the Mayor took her on a tour through the city buildings.

The members of Council extended a warm welcome to Emily. Mrs. Lieske stated that she has a Political Science Undergrad Degree, and the Mayor and she both have MPA degrees, which are wonderful.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Deer Management

Mr. Vincent stated that the Mayor received an email from a resident recently about the number of deer in his backyard, Mr. Vincent met with the Police Chief and discussed the programs for deer management in Avon Lake and Westlake. Sixty plus deer were culled in Avon Lake last year with sharp shooters going out in their City under a ten-year program. The City of Westlake has somewhat of a similar program, but they use city employees for the culling. Mr. Vincent brought this forward for discussion before Council recess, with plans to have an Environment, Safety and Community Services Committee meeting after recess for further discussion. Director of Public Safety/Service Scott Thomas has forwarded Mr. Vincent the report of deer calls in the City of Bay Village. There were 9 deer carcasses picked up to date in 2016, in 2015 there were 36 picked up, and 34 in 2014. Chief Spaetzel noted that there are approximately 30 traffic accidents in Bay Village every year involving deer.

Mr. Koomar asked Mayor Sutherland if there is a program that she would favor that Council may need to consider for legislation. The Mayor stated that there is really only one program that can be favored and has to comply with the requirements of the Ohio Department of Natural Resources. The City of Bay Village is a lot different than Avon Lake, in that Avon Lake has a lot larger properties and still has farm land. The deer in Bay Village are in more compacted areas which are more densely populated. That issue is going to have to be discussed as to whether that is something we want to allow in our community. None of the culling can be done without the approval of the Ohio Department of Natural Resources actually coming out and looking at a site. Even should City Council want to pass something, there are few properties that would be appropriate size-wise and for shooting. The Police Chief and the Mayor agree that they would not use City employees for culling; they would recommend hiring out due to the liability involved. Westlake and North Olmsted are starting programs, but they all have to be coordinated with the Ohio Department of Natural Resources.

Mr. Tadych noted that the Walker Road Park Ad-Hoc Committee has spoken with the officials of Avon Lake regarding their deer culling program and determined that it is a horrendous task to put something together that is approved by the state.

The Mayor agreed, noting that there are many restrictions. When Avon Lake first put their ordinance together that would allow property owners to hire someone to cull the deer on their property, they only got two deer in the first six months. When the city got behind doing culling in and around the parks is where they made an impact. Because of the nature of the agricultural land in Avon Lake, they have always been able to cull because deer damage could be affecting their livelihood. Their ordinance is probably as well written as possible, but it is definitely not going to seriously reduce the deer population in the City of Bay Village.

Mr. Koomar asked if there is a minimum square footage for private property culling, and Ohio Department of Natural Resources approval. The Mayor stated that this would be up to Council working together with the Police Chief to try to come up with what an ordinance would look like. One of the hurdles is small yards and the creeks the deer use for passage. Some neighbors cannot stand having the deer in their yard and the destruction of vegetation and, conversely, other neighbors really enjoy watching the deer in their back yard. In order to do culling on small parcels you would have to have adjoining parcels agree to meet the required size. Within a five house stretch, you have people on opposite sides, creating neighborhood problems. It is a difficult problem and that is why nobody has solved it.

Mr. Henderson stated that the Police Chief and he went out last December and had a ward meeting because they were getting ready to meet with Avon Lake with regard to culling in Walker Road Park. That culling was successful, with a number of deer taken in. Mr. Henderson stated that he was at an event this evening and had some constituents say that they appreciated that but they would like the City to do more. At the ward meeting held in December, there were people that were opposing it, but the impression was that generally people on average are more interested in moving forward with this than not moving forward with deer management.

Mr. Henderson stated that one of the things he likes about the Deer Management Plan in Avon Lake is that it is not really about the number of deer that are in the City; it is really about the

effect of the deer on the population and also on the ecosphere. Their main goals are centered on reducing the number of accidents, and they are around the same number of accidents that we have here in Bay Village. They are also looking at the number of pick-ups that they have per year. They are experiencing the same challenges as Bay Village, and we have a lot of good examples around us: Avon Lake, Westlake, and North Olmsted are on board with it. Mr. Henderson stated that he would be very supportive of any further action to work with the Ohio Department of Natural Resources to come up with a plan, perhaps using our parks in the same way that Avon Lake is using their parks for their City programs.

Mr. Koomar stated that in Westlake at Bradley Woods, the Metroparks was culling there. The Mayor stated that they cull there every year, and Fairview Park culls in the valley as well. The Mayor stated she is in close conversations with the Director of the Cleveland Metroparks, and if there is a need they will cull but we do not have the population in Huntington that warrants any type of culling.

Mr. Koomar asked how we have that type of data.

Mayor Sutherland stated that they can tell by the damage to the understory plants. You basically can see through woods up to head height in a particular park in Avon Lake because everything has been cleared because they have eaten everything down to the ground. The Metroparks manages these natural resources and we just don't have that type of damage.

Mr. Henderson stated that they also have a very large number of Metroparks that they have to manage the deer population across, so it is possible that they might be dedicating their resources in their park system on a relative basis. Our park system might not meet their standards, but compared to our own internal views here in Bay Village, we have a pretty fair number of accidents. Mr. Henderson noted that the accidents are very traumatic; there are medical expenses, automobile repair expenses, and general stress for the people in those situations. Mr. Henderson stated that in his opinion we have an adequate number of accidents to warrant further action.

Mayor Sutherland stated that the representative who spoke with City Council previously, Goeff Westerfield, could be asked to come out again and address City Council. We can certainly look at culling, but even looking at Walker Road Park, we only got 8 or 9 deer. That is something we can take a look at, but a lot of the issue is going to be centered on private property and that is not something that the City is going to be responsible for. That is something that homeowners would have to take up in conjunction with the Ohio Department of Natural Resources.

Chief Spaetzel stated that one of the keys to this is showing deer damage to the Ohio Department of Natural Resources to qualify. If you are not showing damage in the parks or on private property there is no process. Avon Lake probably has the model policy for moving forward with deer management, but the residential property portion is limited because of the need for approval by contingent property owners. The Ohio Department of Natural Resources and City approval would be required.

Mr. Henderson stated that he does recall conversations with Mr. Westerfield about the process of the state for deer damage control, but he also recalls that cities can approach them with regards to non-ecological issues, such as the ones mentioned here, as a reason for deer population management. Mr. Henderson stated that it would make sense for the City to come up with some goals. What would we like to achieve? Do we want to achieve a reduction in the number of accidents, or pick-ups? Whatever these goals might be Council could help set, and work with the administration to start to work with the Ohio Department of Natural Resources as to how to achieve these goals.

Mr. Koomar noted that it is a safety issue requiring working with the Police Chief as to what is and what is not appropriate.

FINANCE AND CLAIMS COMMITTEE

Renewal of Liability and Property Damage Insurance

Mr. Clark advised that this is the annual renewal of the City's liability and property damage insurance policy. There is a small cost increase, but on the positive side it is a reduction of about $50,000 from previous years. The renewal premium includes the fee for McGowan Insurance Agency, which is about ten percent of the policy premium. Mr. Clark will move to adopt the renewal by ordinance this evening, since the policy goes into effect on June 15, 2016.

Amended Appropriation Ordinance

The ordinance relates to two expenditures that are required relative to cost for salt storage and for the general insurance and liability coverage.

Chapter 151 – Employment Provisions

Mr. Clark stated that this ordinance will be placed on first reading this evening. A great deal of time has been spent by Human Resources Manager Jennifer Demaline, Finance Director Mahoney and the administration on provisions that cover a wide swath of different segments of employment throughout the City. The ordinance covers everything from payments to holidays, vacations and the Public Employees Retirement System. The changes are indicated from the previous version of Chapter 151. Mr. Clark suggested that Section 151.17, Uniform Allowance, should be addressed on a year-to-year basis.

Mr. Henderson stated that this is one of the thoughts he had as well, because we do annually look at the process and make decisions on how we change compensation features. This locks in a portion of what is a part of compensation without the inflation factors on the cost of uniforms. It would be better to consider this as part of the compensation structure separately.

Mr. Henderson stated further that after looking at Section 151.061, Compensation Eligibility, he spent some time back and forth today with the Finance Director around some details on this section. One of the overarching concerns about the whole ordinance is that terms such as full time and part time are used without defining them, and Mr. Henderson stated that he can think of

three definitions of full time that pertain to this as well as the administrative compensation ordinance. There is the Affordable Care Act definition which is 30 hours, we have an internal definition that is usually 35 hours, and the Department of Labor as it pertains to the exempt status laws is 40 hours. We do not have defined terms for full time and part time in the ordinance, yet we use those terms to declare who is eligible and who is not eligible for various aspects. As it pertains to health care, Section B states that no part time employee shall receive health care. With exchanges with the Finance Director today, they thought it might make sense to change this to say something along the lines of only employees who work in excess an average of 30 hours per week will be eligible or, as Mrs. Mahoney suggested, anyone who is required to be covered under the Affordable Care Act would be covered.

Mrs. Mahoney stated that it was the suggestion of Council to include that no part time people shall be covered by health care.

Mr. Clark stated that he would introduce the ordinance for first reading this evening, amending before second reading.

Mr. Henderson confirmed with Finance Director Mahoney that she checked to confirm that the opt-out provision and the offer to provide health insurance are both part of a qualifying cafeteria plan. Mrs. Mahoney responded affirmatively.

Mr. Henderson asked about the paid time off for part time employees. Mrs. Mahoney stated that this is what was bargained in the union agreements and she would like the same for non-union employees. Mayor Sutherland added that many of the provisions in the ordinance are being changed to be in compliance with the union contracts.

Ordinance No. 16-32 will be read for the third time and submitted for adoption this evening at the regular meeting of Council. This is the legislation for capital expenditures and personal services contracts that exceed $20,000.

The tax budget will be placed on first reading this evening, with no anticipated increase in taxes for Bay Village residents in 2017.

Resolutions certifying unpaid charges to the County Fiscal Officer for tree removal, sidewalk repairs, sewer rental, refuse collection and unpaid grass cutting will all be placed on first reading this evening.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Chapter 1351 – Determination of Grade

Mrs. Lieske stated that a Planning, Zoning, Public Buildings and Grounds Meeting was held earlier this evening with several items discussed. Chapter 1351, Determination of Grade, is ready to be placed on first reading. The sign-off by the Director of Public Service and Properties and additional inspections required are included in the ordinance. Mr. Cheatham, the Chief Building Official, will

copy communications to Director of Public Service Thomas, and Property Inspector Bob Lyons, so that if Mr. Cheatham isn't available there will be assistance with communication.

Chapter 1373 regarding trailer storage in residence districts was also reviewed by the Planning, Zoning, Public Buildings and Grounds Committee this evening. Mrs. Lieske stated that modifications to the code are ready, with changes as to how to address the commercial properties to be added.

The committee also reviewed Codified Ordinance Chapter 521.12, Garbage or Rubbish Deposit or Collection. Containers must be placed out no earlier than 5 p.m. for the next day's collection, and there was discussion as to determining a time when the containers must be removed from the tree lawns after collection. The committee determined that 24 hours after collection would be the appropriate time.

Mr. Koomar asked why the containers should not be removed from the tree lawns the evening of the day of collection. Mrs. Lieske stated that people may not be home in the evening and it is felt that 24 hours is within reason.

Mr. Vincent stated he is fine with 24 hours because there will be more complaints if it is too early. Mr. Ebert will draft an ordinance with proposed amendments to Chapter 521.12.

<u>Chapter 1155.04 – Exceptions on Older Lots – 90 Day Moratorium</u>

Mrs. Lieske stated that we are not looking at taking away people's property rights or impacting in a negative way any of the builders who are already have things underway. Keeping in mind that there has been a recent situation that has brought this to light and how we might be able to address this in the best interests of the entire community, one option was if we took time to take a look at how we might proceed in the future. These ideas included restructuring an Architectural Board of Review to include new construction and in some situations, additions, and possibly looking at the size of a lot in terms of square footage, and even though it is a grandfathered in, allow only building a certain percentage of what would be a current house today. We hear from a number of builders who expressed concerns about things they already have underway and concerns about how this might impact things for this current building season. Mr. Ebert and Mrs. Lieske agreed that this moratorium would not really go through next week; it would go slowly and go through the Planning Commission with a public hearing and then come to Council. Mrs. Lieske noted that in reflecting on all of the thoughtful comments, she is not as convinced that maybe the moratorium is the right way to proceed at this time, and perhaps there should be consideration to one of the other options. Realistically it wouldn't go through before recess and could cause some major concerns on the part of residents or builders who already have plans underway.

Mr. Vincent stated that he thinks there is a lot to discuss before considering a moratorium. There were some very thoughtful comments at the committee meeting this evening from some of the builders. Someone made a good point about diminishing value and if you are a neighbor of one of these big houses that doesn't fit in the neighborhood there are all sorts of non-monetary diminishing value. The neighbor was concerned that her house now looks like a doll house next to a much bigger house. Mr. Vincent stated that he was pleased with the suggestion that aesthetically these

residences could be brought before the Architectural Board of Review. Last year there were only 11 houses that would have gone in front of the Architectural Board of Review.

Michael Sathre, Quality Select Homes, stated that he was in attendance at the Planning and Zoning Committee meeting this evening to express his concerns. Mr. Sathre is a builder in the community and a Bay Village resident. He has lived here for over ten years, coming to Bay Village for a better life for his family and for his children to be enrolled in the excellent Bay School system. Mr. Sathre has purchased quite a few properties in the City and has built 11 houses in Bay Village and currently own five properties, one of which is under contract. The proposal for a moratorium is very concerning to Mr. Sathre because the deal would most likely not stand.

Mr. Koomar stated that setting a moratorium at this point would be difficult for people with contracts, but the idea of Mrs. Lieske of referring it to the Planning Commission at their next meeting might be a good starting point.

Mayor Sutherland asked Mr. Ebert if legislation bringing only new construction to the Architectural Board of Review would be discriminatory. Mr. Ebert stated that possibly only those pre-1954 unique properties that do not meet the current code for minimum square footage could specifically go to the Architectural Board of Review for consideration. That would be reasonable and non-discriminatory.

Mayor Sutherland asked if the section of the current code that grandfathers in those pre-1954 lots can be repealed. Mr. Ebert said that it can be repealed, but the question is when you repeal that if you are taking property rights away. You must be very careful when taking people's property rights away. All of those sensitive issues must be taken into consideration.

Chapter 1158 – Attached Residence District

Mr. Koomar commented that the Mayor found a very qualified individual who served as a consultant to review proposed amendments to Chapter 1158, Attached Residence District. The Planning Commission has finished their review and are satisfied with the changes requested by the Planning Commission. One of the outstanding items was the Master Planning process and making sure that was current. We have a couple of good participants from the Planning Commission and the Architectural Board of Review on the committee for the new Master Plan.

Mrs. Lieske stated that it is for Council to decide if they want to proceed with Chapter 1158 now or wait until the Master Plan is finished. The Planning Commission did debate the matter extensively, and it would be good to have members of the Planning Commission address the Council. Mr. Koomar stated that he thinks that Mark Barbour, the Chairman of the Planning Commission would like to see the ordinance proceed on reading and get feedback as the City goes through the Master Plan process. Mr. Koomar stated that one individual has approached him saying that they would love to explore development with an architect in the core Dover/Cahoon area if Council were to pass the ordinance. That would be the type of thing, with passing the ordinance after reading, and seeing what develops in the core zones that we could see and manage and as the Master Plan is completed we can always circle back if revisions need to be made to the ordinance.

Mr. Tadych stated that Mr. Barbour was depending on the Master Plan.

Mayor Sutherland stated that the Master Plan process is not going to be done in a vacuum. They will have a copy of Chapter 1158.

Mr. Koomar stated he would like to bring Mr. Barbour into the next meeting of Council to have that conversation. Mr. Koomar would also like to proceed with the reading of Chapter 1158 to get it out before the public.

Downtown Redevelopment District

Mayor Sutherland stated that she wanted to make sure that Council knew that legislation had passed at the state level that authorizes cities and villages to create downtown redevelopment districts (DRDs) for the purpose of rehabilitating historic buildings, creating jobs and promoting economic development in commercial and mixed-use commercial and residential areas. The Mayor stated that this would be something to refer to the Cuyahoga County Planning Commission Director Glen Coyne because they are probably going to be looking at it across the region.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Henderson had no report this evening, but stated that in general there has been some additional work done by CT Consultants. Mr. Henderson plans to speak with Director of Public Service Scott Thomas about this very soon. The Mayor and Law Director have made progress with issues and it is Mr. Henderson's intent to talk with them this week, and, perhaps, have a Public Improvements Committee meeting next Monday.

RECREATION AND PARKS IMPROVEMENT COMMITTEE

Mr. Mace had no report this evening.

SERVICES, UTILITIES AND EQUIPMENT COMMITTEE

Direct Energy Agreement – PSC Services and Electricity for all Bay Village Municipal Buildings

Mr. Tadych stated that an agreement with Direct Energy for PSC services and electricity for all Bay Village municipal buildings would save the City about $13,000 per year. Mr. Tadych asked Mrs. Mahoney for clarification regarding PSC services. Mrs. Mahoney stated that PSC stands for Public Service Commission. The pre-auction price has varied by a few mills, which is not significant. Mr. Tadych stated that he is ready to proceed with the ordinance at the Regular Meeting of Council to be held this evening. Mrs. Mahoney stated that the current electricity is variable; this electricity from Direct Energy is a fixed rate.

Mrs. Lieske noted that an email was received this evening from Patrick McGannon, President of the Bay Village Green Team, stating that "As Council evaluates the contract for electricity for city buildings the Green Team would like to see the City include some renewable energy options. I

know there are many options for renewables on the residential side of the market and would imagine that options exist for commercial contracts as well. If 100% renewable isn't an option than asking the suppliers to throw in 50% or 25% as a signing bonus might be an option. Let us know if you need any help looking into possible options."

Mr. Clark asked what is spent per year on electricity for municipal buildings. Mrs. Mahoney stated that for the 28 buildings the City spends $102,000. This contract will save about $40,000 over the next three years. Street lights are separate at about $17,000 per year.

The correct number for the ordinance is .0636. Mr. Tadych will amend by reading.

CAHOON MEMORIAL PARK TRUSTEES

Second Annual Touch-a-Truck Event – Saturday, September 10, 2016 – Police and Fire Department Campus.

Chief Spaetzel stated that last year the first Touch-a-Truck Event was overwhelming well received and another successful event is anticipated this year. The event will be presented to the Cahoon Memorial Park Trustees for approval on June 13, 2016.

AUDIENCE COMMENTS

There were no comments from the audience this evening.

MISCELLANEOUS

There being no further discussion, the meeting adjourned at 8:28 p.m.

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Paul Koomar, President of Council Joan Kemper, Clerk of Council