

# City of Bay Village

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

June 13, 2016  
7:30 p.m.

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

Also Present: Law Director Ebert, Fire Chief Lyons

## **AUDIENCE**

The following audience members signed in this evening: Dick Majewski, Jeff Gallatin, Warren Remein, Tara Wendell, Jerrie Barnett, Jane Hoffman, Carole Zeiders, and Charlie Michelson

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

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

## **FINANCE AND CLAIMS COMMITTEE**

**Mr. Clark** advised that a number of legislative items will be moved to second reading this evening at the Special Meeting of Council to follow this committee session, including the 2017 Fiscal Year Tax Budget, and resolutions certifying unpaid charges to the county fiscal officer. The employment provisions, Chapter 151, will be moved to second reading after confirming with Mr. Henderson that the changes he requested were satisfactory. Mr. Henderson stated that his primary concern is related to health insurance, Section 151.061 of the ordinance and the opt-out provision compliant with state and federal regulations. The work of Jennifer Demaline, Human Resource Manager, and Renee Mahoney, Finance Director has been satisfactory.

The administrative unit compensation will be introduced for first reading this evening. Those employees will be moved on the same wage scale as the bargaining units, which have agreed to a 2% increase for the years 2016 and 2017.

## **PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE**

Proposed amendments to Codified Ordinance 1373.01 regarding Storage in Front of Building Line; Exceptions

**Mrs. Lieske** asked the reason for the emergency clause for this ordinance. Mr. Ebert stated that it will receive three readings, but after it is adopted inclusion of the emergency clause will allow the ordinance to go into effect immediately upon its passage, rather than waiting for forty days. Mrs. Lieske stated that the reason could be that if residents have their boats in their yards in the summer and the City wants it to be effect for governing that storage. The emergency clause will stand.

Mr. Henderson asked the reason for changing the ordinance to no person shall store, keep or maintain in any district (removing the word “residential” before district) “not more than one” self-propelled camper, house trailer, boat trailer, boat, camper trailer, or any other objected mounted on wheels and designed to be towed or traileed, unless the same is stored, kept or maintained within a garage or other enclosed accessory structure permitted by Zoning Ordinance of the City, or unless such object is stored, kept, or maintained in the rear yard area, provided that the object may be stored in the front yard area if the house setback is at least one hundred feet from the street the house faces.

Mrs. Lieske stated that they do not want more than one object stored. The ordinance will also require current registration or license plates for use on public highways or waterways for the object stored.

Mr. Ebert stated that complaints came from businesses storing boats next to residential properties. The commercial areas were formerly exempt from the code regulating storage of these objects.

Mr. Henderson stated that he would like to spend time studying the proposed amendment to the ordinance. The ordinance will be placed on first reading on June 20, 2016. Mr. Koomar asked Mrs. Lieske if she would consider adoption on the second reading on June 27, 2016. Mrs. Lieske stated that she would be in favor of passage on June 27, 2016 to insure that the ordinance is in effect during the summer months.

#### Proposed amendments to Codified Ordinance 521.12 Garbage or Rubbish Deposit and Collection

Mrs. Lieske stated that the question was raised about how many complaints are received about people not taking their containers in after rubbish is collected. Council was informed that there are more complaints about people putting them out early. This proposed ordinance requires that cans must be removed from the curb by 11 p.m. the day of collection. Mr. Koomar stated that the idea was not to have the cans out all night. Mrs. Lieske asked Mayor Sutherland what time the City workers would begin work in the morning to enforce the regulation. The Mayor stated that they begin work at 7:30 a.m., and if the cans have to be in by 11 p.m. there would be no one to enforce that regulation. The Mayor noted that this enforcement will only be complaint driven. Council agreed to require that the cans be removed from the tree lawns by 8 a.m. the day following collection. The Law Director will make the necessary modification.

#### Ordinance 16-49 amending Chapter 1351 “Determination of Grade Lines”

Mrs. Lieske stated that this ordinance has been discussed at length for the last two months and there has been significant participation by community members when reviewing the proposed ordinance. The current version incorporates what was discussed at the last Planning, Zoning, Public Buildings and Grounds Committee meeting.

Ordinance No. 15-79 amending Codified Ordinance Section 1158 regarding Attached Residence District, and declaring an emergency will be pulled from this evening’s agenda. Mr. Koomar stated that he would like to have the ordinance on second reading before recess, but the current version has one question that remains to be answered relative to the approval process. The

ordinance will be placed on second reading on June 20, 2016, after receiving input from the Planning Commission.

Mrs. Lieske stated that the Planning Commission spent a great deal of time reviewing several versions of the ordinance. They provided a number of comments in the form of memorandums. The whole discussion about going ahead with putting this on second reading now and reviewing it again after recess should include whether we want to go ahead with this now or wait for the new Master Plan. The Planning Commission had referenced that they would recommend an updated Master Plan.

Mr. Koomar stated that Planning Commission Chairman Mark Barbour could not be present this evening but did relate to Mr. Koomar that City Council had asked for the Planning Commission's comments. There was a lot of active discussion in the Planning Commission meetings, and they did send their group recommendation. In talking with Mr. Barbour, he said they are behind this as a group. Mr. Koomar stated that he would like to get the ordinance onto second reading to incorporate that process into Chapter 1158.

Mr. Henderson asked Mr. Koomar his plan with regard to moving this forward to third and final reading relative to the timing of the Master Plan completion.

Mr. Koomar stated that from his perspective there will always be another Master Plan. When listening to comments about wanting to have a strict corridor here for the time being, Mr. Koomar stated he has been approached by some property owners that may have interest in developing and letting us see what a project looks like within the corridor all agreed to. Those types of projects would be beneficial to everyone to see what an attached residence housing unit looks like in a small space. It takes some of the guess work out of it to see if we like it. That is a good thing. Mr. Koomar stated he would be in favor of moving the ordinance before the Master Plan to get some involvement. We have done it that way on a lot of ordinances, where we start off with small steps and see where it goes. Then take the recommendations from the Master Plan and incorporate that into Chapter 1158 down the road. It is always the purview of Council to make changes to Chapter 1158 as they see fit. While it reads one way now, it may stay that way, but Council also has the discretion to make changes to it after the Master Plan is completed.

Mr. Henderson stated that the last Master Plan was in 1989, about 18 years apart from this one expected in 2017. That is a lengthy amount of time. Perhaps the other way around would make sense, to allow the completion of the Master Plan to be finished so that there is agreement and understanding of what the Master Plan is for the City before making changes to Chapter 1158, especially since the iteration of Chapter 1158 references the Master Plan. Mr. Henderson stated that he recalls attending the Planning Commission meeting, and would like to call attention to their number one recommendation which says that "The Planning Commission would recommend an updated Master Plan since the Master Plan publications are to be referenced or required." An updated Master Plan would be waiting until the Master Plan is completed and consistent with Mr. Henderson's interpretation of recommendation number one.

Mr. Koomar stated that when he talked with Mark Barbour, the idea was that if we were going to be referencing the Master Plan we would be moving forward with the Master Plan and it did not

have to be fully completed. If the two will be linked, it is important to have it updated so putting that language in then; that is when the Mayor and he started talking about making sure that piece was met.

Mr. Ebert stated that if the Master Plan comes back and is adopted by Council, and changes are made, you would just change Chapter 1158 based on the Master Plan. Mayor Sutherland added that they will have a copy of Chapter 1158.

Mr. Clark stated that the counter argument is that Chapter 1158 was adopted in 1974 and there have been no changes made in 42 years. All the work that has been done in the last twelve months is a step in the right direction. If the revised Chapter 1158 is incongruent with the Master Plan it is incumbent upon the City Council to fix it.

Mr. Ebert stated that this has gone back several years in trying to get something and it has prevented some alternative housing in some areas because of the situation. There has been a lot of input from a lot of committees, Planning Commission, and Council to where we are today; not that it isn't going to be changed again based on the Master Plan.

Mayor Sutherland stated that her final comment is, "Don't let the perfect be the enemy of the good."

Mr. Koomar stated that based on conversations there was concern about starting here in that corridor and using the verbiage that it was for this district. Mr. Koomar added that in his eyes that was somewhat of a compromise to say let's start here, it's small, let's see if we can get some development that people can touch and feel, limit it to that area and watch it as the Master Plan is being completed. That may be a benefit as that process goes forward. If something gets developed it would give people a different perspective.

Mr. Tadych stated that he talked with Mr. Barbour over the weekend for about 15 or 20 minutes about this and his only words to him were the number one thing on this memorandum they sent forward is the Master Plan should be in place. He seemed very strong to believe that this be true.

Mr. Mace asked for clarification as to the change to residential housing on the commercial property. Was that specific to that piece of property on the former Shell site? Mr. Ebert stated that it was specific to that piece of property. Mr. Mace said that it doesn't extend then to all commercial properties? Mr. Ebert stated that it does not extend to all commercial properties; just that parcel. Mr. Clark added that it went to the voters in 2010 for that specific parcel with the hope of getting some development.

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

### 2016 Sidewalk Repair Program

**Mr. Henderson** referred to a list of sidewalks to be repaired or replaced provided by Director of Public Safety/Service Thomas for the 2016 Sidewalk Correction Program. Some of the key features is that the cost to residents is \$5.00 per square foot. The estimated average cost for a 5'x

5' block would therefore would be \$125.00, which is the same as it was last year. The streets that are included in the plan and individual addresses were distributed to Council as well, and those streets do match the Sidewalk Inspection Plan that the administration shared with Council earlier this year. Approval for authorization to issue notifications to residents is being sought. Mr. Henderson asked when Director Thomas intends to issue this letter. The Mayor stated that she would imagine soon; they probably are ready to go, within two weeks for sure. Mr. Henderson stated that he doesn't have any specific questions.

Mr. Tadych asked if the letters are regular U.S. Mail. He was informed that they are sent certified mail.

Mr. Henderson asked about the option to pay for the sidewalk or have the cost assessed to the tax duplicate with ten percent interest, or not less than \$25.00. Does that mean simple interest? The Mayor stated that she is assuming it is simple interest. Mr. Ebert noted that the amount should be changed; that section goes back probably ten years. Mr. Henderson stated that he would also consider revising it from interest to a fee, 5% for example.

Mr. Clark asked if certified letters are also sent to these various residents who have not paid their sewer rental bills. The Mayor and Mr. Ebert stated that certified letters are sent.

Mr. Mace commented that at the end of the notification regarding sidewalks there is a request that the property owners notify the Service Department of the existence of lawn sprinkler systems so that the Service Department is aware of their presence in the yard and can avoid damage while doing sidewalk repairs. Mr. Mace suggested also including invisible fence liners that are along the sidewalks.

## **RECREATION AND PARKS IMPROVEMENT COMMITTEE**

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

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

**Mr. Tadych** stated that the Finance Committee and the Services, Utilities and Equipment Committee are going to have a joint meeting on June 30, 2016 at 6:30 p.m. regarding the City's telephone system.

## **AUDIENCE COMMENTS**

Jane Hoffman, Wolf Road resident since 1968, stated that she loves Bay Village. Ms. Hoffman stated that she was perhaps a little vociferous at one of the meetings when Mr. Henderson and she were not agreeing on the physical fitness equipment going in the T. Richard Martin Walking Trail. They did put the physical fitness equipment in that area. Ms. Hoffman stated that she walks there a lot, and it looks alright. However, she brought some pictures along to show that it looks a little shoddy right now. There are weeds growing up. Mr. Koomar stated that this is on his list, too, as he walks there also. Ms. Hoffman stated that they need more chips; the weeds are

growing up through the ground cover. Ms. Hoffman stated further that she very seldom sees anybody using it. The area needs a little attention.

Mr. Koomar stated that the areas are due for their annual load of wood chips. Mr. Koomar noted that he is out there a fair amount and he actually does see a lot of people using the area.

Ms. Hoffman stated that if they can do money for that, it is a little pathetic that the City can't pay a little bit to hire a custodian for the high school to allow the community band to practice. The band has no place to play in Bay Village now in the summer. They have tried the Community House, which is full. The band is very good (Ms. Hoffman noted that she can say that because she sat next to Melissa Henderson, Tom's cute wife, for years) and Ms. Hoffman doesn't think that most people here care about music. They are more interested in athletics. The athletics in Bay are fantastic; it's great, but the band got shafted.

Mr. Henderson noted that the treasurer of the Bay Village Community Band did email him today to express this exact same concern and Mr. Henderson exchanged emails with the Mayor about this topic. (Mr. Henderson noted that his wife is no longer a member of the Community Band, but he values its presence in Bay Village as a component of the arts scene). Mr. Henderson stated that he thinks it would be nice if we could find a way for the Community Band to continue to practice here in Bay Village, because they are the Bay Village Community Band. They have a history of rehearsing on Wednesday nights and it is Mr. Henderson's understanding based on discussions with the treasurer that many of the members of the band are in more than one band or orchestra and there is kind of a general understanding that Wednesday night is the Bay Village Band night. Other nights of the week are the nights that other bands practice so that moving from Wednesday to another night would disrupt certain members' ability to participate in local bands. However, the school has not provided the space this year that they did in the past for practice in the summer. However, it is Mr. Henderson's understanding that in the fall they will be back.

Ms. Hoffman stated that it is a matter of they couldn't pay the custodian to be in the Bay Middle School in the summer. And, Bay can't afford that? The Mayor noted that it is the school system, not the City. The school system has been paying for it.

Mr. Clark commented that the City does allocate some money in the budget each year for the Community Band. The number is \$1,000; there used to be a \$3,000 level of support from the City but during the financial crisis that was reduced to zero. It has since been brought back to the level of \$1,000. Mr. Clark noted that a number of Council and private residents allocated checks to sponsor concerts four or five years ago, but they do allocate \$1,000 through the budget each year.

Mayor Sutherland stated that it was also suggested during the middle of the recession that the Community Band develop into a 501.c3 and do their own fund raising like many other community organizations do to offset those types of costs. Mr. Henderson stated that there is a level of private funding through the 501.c3.

Mayor Sutherland asked Mr. Henderson if he is going to follow up with the schools to see if it is a funding problem or availability problem. Mr. Henderson stated that he was going to

recommend that we find out if it is an issue of whether or not it is the person who would perform the custodian services or the people are truly available, or if it is a matter of funding. Ms. Hoffman stated that from what she gathers from the director it is a matter of funding. Mr. Henderson stated that if that is the case it would be the purview of the school to decide whether or not they want to incur those expenses, and, if not, perhaps he would recommend that the Bay Village Community Band contact the school and offer to procure those services. Mr. Clark suggested following up with the Finance Director to see if that money has been requested to be spent through the budget. Mayor Sutherland stated that she thinks it is paid on a regular basis to the Director and the Assistant Director. Mr. Henderson stated that is his understanding as well. The Mayor stated that they also looked at what other buildings were open on that night that they could have. The Community House they could have but it has its own limitations with no air conditioning and not exactly ADA accessible. Everything else is booked.

Mr. Clark stated that the schools would be the likely place for them to practice because they have the facilities. Mr. Henderson stated that is where they do their major performances and practices as well.

Mr. Koomar asked how many practices we are talking about. Ms. Hoffman stated that they practice once a week. They practice all year but the summer is the need, during the time that the schools are recessed for the summer. Mr. Henderson stated that he will reach out to the Director and recommend he reach out to the schools. Or, he could reach out to the schools on their behalf but he is not a member of the School Board so he is not sure if that would be proper. Mayor Sutherland stated that perhaps the Director could reach out to her.

Mr. Clark stated that the City is planning to replace the paint on the fence in the gazebo in Cahoon Memorial Park. Is that causing a problem for the band's performances in the summer? Ms. Hoffman stated that they have been playing on the ground because they are too large for the gazebo. The small jazz band plays in the gazebo.

Ms. Hoffman was thanked for her appearance and reports this evening.

Mr. Tadych stated that in regard to the Finance Committee-Services, Utilities and Equipment Committee joint meeting, they would like to have the bids and contracts of the subjects to be discussed and reviewed sent to the people on the committees before the meeting. Mayor Sutherland responded affirmatively.

After adjourning for a brief meeting of the Cahoon Memorial Park Trustees meeting, the Committee meeting adjourned at 8:10 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council