AGENDA

Agenda, Bay Village City Council
Committee Meeting
Conference Room
David L. Tadych, Vice President of Council, Presiding

Date: March 6, 2017
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

FINANCE & CLAIMS COMMITTEE – Henderson

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Bay United Methodist Church, 29931 Lake Road – Replacement of monument sign with internally illuminated monument sign, with LED message center to be mounted on existing brick base.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

RECREATION & PARKS IMPROVEMENT COMMITTEE-Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES
City of Bay Village

Council Minutes, Committee Session
Dwight Clark, President of Council, presiding

February 27, 2017
Conference Room 7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community Services Director Selig, Police Chief Spaetzle, Recreation Director Enovitch, Operations Manager Landers, Jeff Grassi, Building Director, SAFEbuilt, Inc.

AUDIENCE

Lydia DeGeorge, Tara and Denny Wendell, Alex Dade, Patrick McGannon, Leslie Brown, Jerrie Barnett, Sara Maier, Nick Brown, Nancy Stainbrook, Conda Boyd, Claire Banasiak, Bill Selong.

President of Council Clark called the meeting called to order in the Conference Room of Bay Village City Hall at 7:30 p.m.

ANNOUNCEMENTS

Mayor Koomar will announce the following appointments as the Special Meeting of Council to be held this evening. He noted that there was a great group of applicants. He narrowed the list down and then asked for input from the Tree Commission and the Board of Zoning Appeals. Mr. Dan Gess, candidate for the Board of Zoning Appeals, has a construction background, which is helpful when talking with someone who wants to build. He understands the nuances of setbacks and grades, and those types of building specifics.

Carolyn A. Young has spent three years of engineering at Fenn College. She has also done some rehab projects and has gone in front of the Board of Zoning Appeals regarding her own house. Leslie Brown is a graduate of Miami University.

Mr. Clark noted that there is a certain Code of Conduct that must be signed by everybody on the Commissions. Mayor Koomar stated that while the Boards and Commissions operate on a very high level, we have not in the past specifically addressed recusing from conflict of interest and other matters. Mr. Norton, Chairman of the Board of Zoning Appeals, has signed the Code and he will speak to the other members of the Board of Zoning Appeals to sign it as well. Mr. Tadych will present the Codes to the members of the Tree Commission, and Mrs. Lieske will present the Code to the Planning Commission.

Mr. Vincent stated that all of the members of the Boards and Commissions have their own separate personal email address that they use. He suggested that they all be on the City's email because of the requirements of the Sunshine Law. Mr. Ebert will follow through administratively.
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ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Request for construction of a Wischmeyer Creek Erosion Control Structure for the residence of Michael Sathre, 310 Glen Park.

Mr. Vincent will introduce a resolution at the Special Meeting of Council this evening to approve the request of Michael Sathre, for the construction of an erosion control structure at his property at 310 Glen Park. Law Director Ebert stated that normally you see these structures at the back of properties on Lake Road. This is the first known occasion when a structure has been requested for a creek. Approval is requested by the Ohio Department of Natural Resources. Mr. Ebert had the City Service Department check to make sure there are no access easements to the creek at this Glen Park property. Mr. Bob Lyons, Property Maintenance Inspector, has confirmed that there are no access easements. Mr. Tadych commented that it is very admirable that the property owner is willing to undertake this project at his own cost. Mr. Ebert stated that when living on a creek it is the same as living on a lake. The property owner is responsible for the erosion control. Mr. Ebert suggested considering the resolution for adoption this evening so that the homeowner can have the structure in place in time for the spring rains.

FINANCE & CLAIMS COMMITTEE – Clark

Certification to the Cuyahoga County Fiscal Officer for:

- Unpaid Grass Cutting and Cleaning Charges
- Unpaid Sewer Rental and Refuse Collection Charges
- Unpaid Sidewalk Repair and/or Construction Charges
- Unpaid Tree Removal Charges

Resolutions to certify the unpaid charges will be placed on first reading on Monday, March 6, 2017. Mayor Koomar advised that this is something that historically has been done later in the summer. We do not yet have final numbers, but he suggested to the Finance Director that the resolutions be done so that the submission can be made to the county when Council is on summer recess. When Council convenes in September, a final accounting of what was submitted will be available.

Mr. Clark noted that it is good practice to try to get these started as soon as possible. He asked if there is the total number for these certifications in previous years.

Finance Director Mahoney stated that the following amounts were certified in 2016:

1,051 parcels for unpaid sewer rental and refuse collection charges totaling $263,000;
13 parcels were assessed for grass cutting and cleaning charges totaling $4,000;
17 parcels were assessed for unpaid sidewalk repair and/or construction totaling $8,600.
There were no unpaid tree removal charges.

Mr. Clark noted that 17% of the households in Bay Village were certified for unpaid charges according to Mrs. Mahoney’s report. Mrs. Lieske asked if homeowners attempt to claim these
chases on their income tax return as deductible items. Mrs. Mahoney stated that the charges are not deductable.

Mr. Vincent asked if the ordinances provide a penalty for unpaid charges. Mr. Ebert advised that if someone doesn’t cut their grass habitually charges are filed in Rocky River Municipal Court. If a home is foreclosed, the bank holding the mortgage is asked to maintain the property.

Mr. Ebert noted that the City of Bay Village has a very viable sidewalk program. Sidewalks are inspected annually on a schedule from the eastern part of Bay Village to the western part of Bay Village, and back again. This ongoing program is very helpful if someone actually does file a claim. It takes a period of three years of sidewalk inspection to get through the entire City.

Conda Boyd, East Oakland, reported that her sidewalk was repaired and she was never charged for it.

Mr. Joe Krall, Elmwood Road stating that the sidewalks in front of the newly constructed home on Wolf Road are in terrible, crumbling condition.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske**

Mrs. Lieske reported the discussion at the Planning, Zoning and Public Grounds and Buildings Committee meeting held this evening at 6:30 p.m. in the conference room of city hall. The meeting was well attended by Council members, members of the Architectural Board of Review, and members of the Planning Commission. Discussion items included head-in parking in front of commercial establishments, legislation for accessory structures other than swimming pools, and the proposal to expand the Architectural Board of Review to include review of residential dwelling construction. Mrs. Lieske asked Mayor Koomar and Mr. Ebert to let Mrs. Lieske know if they have any questions after reviewing the minutes of this evening’s Planning and Zoning Committee meeting. Mr. Ebert will provide information to Council concerning monopoles, and Mrs. Lieske noted that the item was not included in the discussion at the meeting this evening pending receipt of the information from Mr. Ebert.

Mayor Koomar stated that there has been a lot of discussion at the Cuyahoga County Mayors and Managers Association meeting. There is a fair amount of litigation and there will be increased litigation from various cities. Mayor Koomar does have contact information with Law Directors and at the state level where there has been a lot of monopole activity. Law Director Ebert will be asked to do additional research.

Mr. Ebert stated that he recently read an entire article about monopoles. He noted that the Ohio Municipal League has taken a very active role. The article states that AT&T was a leader in starting the installation of these monopoles in the cities’ right-of-ways as a public utility without having to get legislation or permits from the cities. One area where it can be stopped is the area of public welfare and safety. Mr. Ebert will distribute copies of the article to Council. He noted that when the served as Acting Mayor he had three different entities propose putting these poles in the City’s right-of-way, inside the sidewalk, at Lake and Dover Center Road, and across from the shopping center. The information was sent off to Mr. Vincent’s committee.
Mr. Koomar noted that the City of Columbus and other cities in southern Ohio have already filed suit. The Ohio legislative contact is looking into this and will be getting back to Mayor Koomar in the next couple of meetings. Mrs. Lieske stated that she appreciated the timely passing along of the information.

Mr. Vincent asked Mr. Ebert if there is something that can be put into place to keep these monopoles from going up. Mr. Ebert stated that there are a couple of ideas that he has potentially.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-
Henderson

Mr. Henderson had no report for the Public Improvements Committee this evening, but will comment during the miscellaneous portion of the meeting.

RECREATION & PARKS IMPROVEMENT COMMITTEE-Mace

Mr. Mace stated that he is working with Recreation Director Enovitich presently to set up a Parks and Recreation Commission meeting in the third week of March.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadyeh

Mr. Tadyeh had no report this evening.

AUDIENCE

Christian Smith, Troop No. 729, Bay United Methodist Church, was present this evening, working toward his Communications merit badge. Mr. Clark thanked Christian for his attendance.

Patrick McGannon asked if the Council has seen the monopoles that look like pine trees.

Mr. Joe Krall asked if the monopoles could be placed along the railroad tracks. Mr. Tadyeh stated that the railroad tracks are too far away from the lake.

MISCELLANEOUS

Mr. Henderson stated that on February 13, 2017 a gentleman from Ward 4 came to the City Council meeting and reported that he had been attacked by a dog twice in Bradley Road Park. Subsequent to that, in the Council committee meeting, Mr. Henderson asked the administration to consider its response to Mr. Stone’s concern about the dog attack and suggested a leash law enforcement surge at Bradley Road Park. Mr. Henderson asked if there are any comments with regard to the incident reported by Mr. Stone, and what the administration plans to do to insure public safety is maximized with regard to dogs running at large.
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Police Chief Spaetzel stated that the Police Department last year increased enforcement at the parks, particularly, at that time, in Columbia Road Park. They issued several citations at Columbia Road Park. Columbia Road Park has come to be known as a dog park, through the internet. A lot of people are taking their dogs to the beach and many people have been cited. The Police Department has monitored that over the winter, and the amount of dogs loose in the park has been reduced greatly. After Mr. Stone provided the information about his two incidents, the Police Department again increased enforcement. They have been at Columbia Road Park and Bradley Road Park and have had contact with numerous people at both parks. It seems to have been successful. There are people on the other side that want an opportunity for their dogs to run loose and have made different suggestions on how that could happen, but at this point those options have not been entertained.

What the Police Department will be doing is verbally advising the first time. If the offender is caught again, a written warning will be issued, and on the third time a citation will be issued.

Mr. Tadych asked if there is a record of those verbal advisements. Chief Spaetzel stated that there is a record on their CAD reports.

Mr. Henderson asked if there is any update on the hiring of an Animal Control Officer. Chief Spaetzel stated that they are still involved in trying to work that out. It has become a little more difficult than anticipated. Mayor Koomar stated that he will have an update in the next few weeks.

Mr. Mace asked the penalty if someone is cited on the leash law. Chief Spaetzel stated that it is a Minor Misdemeanor violation with a $100 fine plus court costs.

MISCELLANEOUS

Mr. Clark advised that there has been a lot of dominos changing since the end of September when Mayor Sutherland stepped down and Law Director Ebert stepped in for 90 days in the interim. Mayor position before Paul Koomar made the decision to take the office. Mayor Koomar took office on January 1, 2017, and his position as President of Council had to be replaced. That was done on January 30, 2017, and that leaves an open at-large Council position. For the benefit of the audience, we attempted as a Council to keep the process open, equitable and transparent, and to try to work around complications with schedules. We had 16 great candidates apply for the job. Council interviewed 15 of the 16; one of those folks did not meet the residency requirements which is being a resident for at least one year prior to an appointment. The selection has been narrowed down to a final list of four. Each of those four candidates have been interviewed, not once, but a second time, and we accommodated Mr. Mace who took a one-week, well deserved vacation. We are now in the process of finalizing the selection. In talking to Mr. Ebert, one of the things we did, in the event we don’t select someone this evening, is set up a contingency plan for a special meeting on Wednesday, March 1 to try to fill that position of Council at-large. The Charter states that Council needs to fill the position within 30 days, otherwise it succeeds to the Mayor. It was the voice of Council that they wanted to have Council make that decision.
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Mrs. Lieske noted that Council accommodated Mr. Mace to be sure he could be present. Mrs. Lieske stated that she sent an email out that she has a long-standing dinner obligation with the Vice President of her division on Wednesday, March 1 at 6:15 p.m., so she cannot be here at 6 p.m. This is something that has been on the books for a while. Mrs. Lieske could be here later that evening, so if we don’t come to a decision this evening, she would ask that the special meeting be a little later on March 1, 2017 so she could be part of it.

Mr. Clark stated that the goal is not to shut anybody out. He set that time only because we had a 48 hour notice that we had to publish for the meeting to allow for Plan B if Plan A did not work out tonight. The goal is to be fair across all barriers; hopefully we will have a decision tonight, but Mr. Clark is certainly open to that if the rest of the Council agrees.

Mrs. Lieske stated she did not see any type of email or message asking availability Wednesday evening, and at what time. If that would have been received, she would have indicated that she would be available later. Hopefully, we will decide tonight.

Mr. Clark stated that he thought it important that the public hear this as well. We want to do this above board and that was the intention of the entirety of the process.

Mr. Henderson stated that the agenda item is on tonight as the executive session with discussion of the topic. He stated that his goal is to come to a decision tonight.

There being no further discussion, the meeting adjourned at 7:55 p.m.

Dwight Clark, President of Council

Joan Kemper, Clerk of Council
CITY OF BAY VILLAGE
ARCHITECTURAL BOARD OF REVIEW AND SIGN REVIEW

Note: Owner, applicant or authorized agent must appear at board meeting. If being represented by applicant or agent, written authorization from the owner must be presented to the Secretary of the Board.

Zoning District of Property: R-1 Parcel # 201-08-007

Address of Property: 29931 LAKE ROAD

Applicant or Agent: BRILLIANT ELECTRIC SIGN CO. Phone: 216-741-3800

Property Owner: BAY METHODIST CHURCH Phone: 440-871-2082

Property Owner Address: 29931 LAKE RD.

Nature of Request: GROUND SIGN APPROVAL

Specific Approval Requested

✓ Commercial sign approval

☐ Cluster development or attached housing

☐ Alteration, addition and/or new construction of non-residential use

**This application must be completed in its entirety and submitted to the Building Department. Only after the Building Director approves the application, will you be placed on the agenda for the next available A.B.R. meeting.

Signature of Applicant: ___________________________ Date: 10-16-17

Application Approved By: ___________________________ Date: ___________________________

Building Director's signature: ___________________________ Date: ___________________________

Approved___________ Disapproved___________ (Check one)

Comments/Conditions:______________________________________________________________

______________________________________________________________
CITY OF BAY VILLAGE
APPLICATION FOR SIGN PERMIT

Date: 10 Feb 17

Applicant: BRILLIANT ELECTRIC SIGN Co. Phone: 216 741 3800

Address: 4811 VanEpps Rd. Cleve., OH. 44131

DESCRIPTION OF SIGN

Length 5'    Width 9' 2 3/4"   Area 46.650

Weight    Single/Dbl Face Double Height above walk N/A

Size of Building Façade: Width 185'    Height    Total Area

1. Location of sign on building or on premises NORTHEAST

2. Wording on sign BAY UNITED METHODIST CHURCH

3. Describe fully the construction of the frame and background on the sign

4. Describe fully how sign is to be fastened to structure MOUNTING TO EXISTING BASE

5. Describe method of illumination:
   Internal
   External
   None

   No. of lamps LED ILLUMINATION
   Type of lamps
   Wattage of lamps

6. Describe any existing signs on the building N/A

7. Contractor's name: BRILLIANT ELECTRIC SIGN Co. Phone: 216 741 3800
   Address: 4811 VanEpps Rd. Cleve., OH. 44131

**SEE ATTACHED SUBMISSION REQUIREMENTS OF THE BAY VILLAGE ARCHITECTURAL BOARD OF REVIEW. BE SURE TO REFER ONLY TO ITEMS RELATIVE TO YOUR SUBMITTAL.

**MUST SHOW PRIOR APPROVAL OF LANDLORD OR BUILDING OWNER, IF DIFFERENT FROM APPLICANT.

**INCOMPLETE APPLICATIONS AND/OR LACK OF REQUIRED INFORMATION MAY CAUSE DEFERRAL TO THE NEXT MEETING.

**BUILDING PERMIT MUST BE SECURED FROM BUILDING DEPARTMENT PRIOR TO INSTALLING SIGN.