NOTE: PUBLIC HEARING – 6:00 P.M. TO 6:30 P.M., CUYAHOGA COUNTY SUPPLEMENTAL DEVELOPMENT GRANT

AGENDA

Agenda, Bay Village City Council
Committee Meeting
Conference Room
Dwight A. Clark, President of Council, Presiding

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Cuyahoga County Supplemental Development Grant to upgrade Police Department Technology Room

Deer Management Program proposed ordinances as follows:
Amendment to C.O. 505.06 regarding Poisoning Animals
Amendment to C.O. 505.33 regarding Feeding of Deer
Amendment to C.O. 505.99 regarding Penalty
Amendment to C.O. 539.03 regarding Park Property
Amendment to C.O. 549.08 regarding Discharging of Firearms
Amendment to C.O. 549.09 regarding Throwing or Shooting Missiles
Ordinance allowing the City to Manage the White-Tailed Deer Population and Amending Section 505.16 “Hunting Prohibited”

FINANCE & CLAIMS COMMITTEE-Clark

Administrative Compensation Ordinance

2018 Budget

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Extension of 60 days for Planning Commission to act on the application of Liberty Development for the development of town houses at the former Shell Station Property on Wolf Road.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych
AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Motion to grant permission to the Bay Village Kiwanis for the Annual Bay Days Celebration and Festivities in 2018, in accordance with the following schedule:

Saturday, June 30 12 Noon to 10:30 p.m.
Monday, July 2 12 Noon to 10:30 p.m.
Tuesday, July 3 12 Noon to 10:30 p.m.
Wednesday, July 4 12 Noon to 10:30 p.m.
Fireworks Wednesday, July 4

(Set up June 28, and 29, 2018)

Motion to modify agreement with Ohio Department of Transportation granting 0.57 acres of permanent right-of-way of property adjacent to Lake Road in connection with the construction of a new bridge and required stormwater management, from 0.57 acres to 0.69 acres comprised of 0.529 acres permanent, and 1.62 temporary acres for construction.
City of Bay Village

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

November 13, 2017
Conference Room 7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Interim Director of Public Service and Properties Liskovec, Director of Community Services Selig.

AUDIENCE

The following audience members signed in this evening: Pete Winzig, Lydia DeGeorge, Conda Boyd, Denny Wendell, Tara Wendell, Jerrie Barnett, Sara Maier, Clare Banasiak, Mary Krauss, Richard Fink, Dick Majewski, Jeff Gallatin.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Deer Management Plan and Animal Control Legislation

Mr. Vincent advised that he has been working with Police Chief Spaetzel and the Law Department to put together a deer ordinance. They are hoping to have a draft ready for the next Council packet.

Mayor Koomar added that Mr. Vincent hopes to be able to notify the Cleveland Metroparks that Bay Village has legislation and if they choose to take action on their property it would be a productive first step. A deer management plan would be the operational piece for the administration and the Police Department.

Mr. Vincent stated that the Police Chief has also been working on nuisance language to be added to the animal control ordinance. After review of the legislation, the Environment, Safety and Community Services Committee will present their drafts to the Council Committee of the Whole.

FINANCE & CLAIMS COMMITTEE-Clark

Administrative Compensation Ordinance to provide for Building Director

Mayor Koomar stated that the Administrative Compensation Ordinance to be presented for first reading this evening is part of the whole structure that the administration has been reviewing. As much as the administration is working with SAFebuilt, Inc. to continue to improve their services, leaving all options open are important. The preparation of the compensation ordinance includes a step to establish the position of Building Director. Hopefully, this can be moved through in two readings in order to have that option available.
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Mr. Clark confirmed with the Law Director that there is an exit clause in the contract with SAFEnbuilt, Inc., with a certain number of days’ notice. Mr. Ebert stated that the contract is coming up for renewal in April. Ninety days’ notice is required for termination. Mrs. Mahoney advised that SAFEnbuilt, Inc. is current with their rental payments to the City.

Financial Reports- October 2017

Mr. Tadych will move to accept the October, 2017 Financial Reports of the City of Bay Village as prepared by Finance Director Mahoney at the Special Meeting of Council to be held this evening.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske advised that once the Board of Zoning Appeals meeting minutes of November 2 are available that include the comments from the members of the Board of Zoning Appeals relative to the proposed amendments to Chapter 1141.04 (J), she will be putting together some changes to share regarding accessory structures with the members of her committee, Mr. Vincent and Mr. Mace. The Planning Commission discussed the proposed changes at their meeting held November 1, 2017. Mrs. Lieske noted that one of the questions is whether the size of a swing set needs to be defined.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

Engineering Contract for Queenswood Bridge Replacement

Mr. Henderson stated that he recalls previously approved appropriations for the engineering for the Queenswood Bridge Replacement Project. This evening, Council is being asked to approve a contract with Osborn Engineering for the engineering in the amount of $168,541. Mr. Henderson called upon Interim Director of Public Service and Properties Liskovic for his comments about the contract, and how Osborn Engineering would be a good fit for this work.

Interim Director Liskovic stated that this project developed when the area received a less than favorable inspection. Osborn Engineering came in to do a study of the problems related to the Queenswood Bridge, and brought it to the attention of the City that there may be funding for the project. Osborn Engineering applied for and helped secure the grant funding which is a 95% contribution from other sources and 5% from the City for construction of a new bridge. After the funding was secured, the City advertised for engineering firms to perform the engineering for the bridge replacement, and Osborn Engineering came back as the most qualified. They were given the approval to proceed with the original assessment and the preliminary scope of services which defined the current number for the engineering project. Funds have been budgeted for the engineering work based on the very preliminary scope.

Mr. Clark commented that the amount of $130,000 was approved in 2017 from the Infrastructure Improvement Fund for the project. This occurred very early in the design phase, and now that the specifications have been prepared, the resulting difference is the amount of $168,541 that is
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being sought for approval this evening. The members of Council expressed no objections, and an ordinance will be presented at the Special Meeting of Council to be held this evening to proceed with the contract.

**Contract Change Order – C&K Industrial Services, Inc. for Lake Road Interceptor Cleaning**

Mr. Henderson advised that the City had contracted with C&K Industrial Services, Inc., at the rate of $5.20 per linear foot for the Lake Road Interceptor Cleaning contract. Council approved the ordinance based on that dollar per linear foot rate, and estimated linear feet for the project of 7500 feet. Mr. Liskovic explained to Mr. Henderson today that the 7500 linear feet was based on a review of the map that was in the City’s possession, but turned out to be wrong. When the contractor completed the project, they concluded that the actual length of the project was 8714.4 feet. Mr. Liskovic has gone out with his team to confirm that the longer length is the correct length. It appears clear that the fixed number of dollars is on the per foot basis, therefore the project will end up costing more than originally budgeted and anticipated.

A revised ordinance has been prepared and distributed to Council this evening. The ordinance will allow the change order and increase the length of the project to 8714.4 feet and increase the cost of the project by $6,314.88 to $45,314.88. Mr. Henderson asked Interim Director Liskovic to comment on the map, where it came from, and the process he went through to conclude that the longer length is appropriate as opposed to what the map had previously indicated.

Interim Director Liskovic stated that this project was actually conceived in 2015. At that point it was requested to use the City’s asset maps of the sewer system. There is a labeling system associated with all of the assets. C&K Industrial Services is familiar with that labeling system and this was the map they pulled to put the project together. Notice was received that it was a larger scope of project and that prompted a further review by Mr. Liskovic and Mr. Krakowski to learn why there was a larger number than originally expected. They went through actual hand calculations on the map, versus using the County GIS system, and also review of their footage documents that have running totals of what they inspected after the cleaning. That is how it was determined that there is, from section to section, small errors. There was a discussion today about refining the processes and putting together a tighter RFP that includes more detail. This request was a little more generic for work that would typically be done on this type of project.

Mayor Koomar advised that former engineer Michael Benza had put these maps together. When this project started in 2015 the maps that he had put together were the basis for the project.

Mr. Henderson stated that in his experience when there is going to be a cost overrun on a project, the contractor informs the City that this is required. The City brings that to Council and a change order is authorized to complete the project at that additional cost. That is not the process that occurred in this case. Mr. Henderson asked for comment on why the variance in process occurred.

Law Director Ebert stated that in the past when a contractor is on site and they reach the limit of footage they would ask if they should pull off the job. Mr. Ebert stated that they would be told to complete the project because the start-up costs to go back out would be much larger.
Mr. Liskovic stated that this particular project is a two-part process. The first part is the cleaning. When they do the cleaning there is no measuring device on the trucks. All of the sewers were cleaned. As they were running the camera after the cleaning process, that is when the actual footage was learned. The contractor was informed that it would have been better to have advance notice. The comment in return was that it was a lump sum project with an estimated lineal footage and not a hard number.

Mr. Henderson stated that the documentation associated with the contract clearly indicates the price per foot with the word “estimated” directly in front of 7500 feet. The appropriate action would be to authorize the request. Mr. Henderson will recommend adoption of the ordinance authorizing the change order to the contract with C&K Industrial Services this evening.

**RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace**

**Bradley Road Park Playground Equipment**

Mr. **Mace** advised that the City Council has approved to move forward with the project for the replacement of the playground equipment at Bradley Road Park. A contractor is willing to work with the City to replace the equipment in phases. Resident Peggy Drumm is willing to lead the fund raising effort. The City will include the amount of $20,000 in the Capital Budget for 2018 in matching funds. Mrs. Drumm is planning a kick-off to her fund raising events sometime in the near future. There is a plan, although not concrete, but a basic plan is needed to seek grant money and it helps to have something to show potential donors when soliciting funds. The plan is a flexible version of what may actually come to fruition as meetings continue within the committee to put together the actual design with the aid of more public input. Ward 4 Councilman-elect Winzig contacted Mr. Mace this weekend, asking about the project, and it appears there will be a smooth transition from the work that Mr. Henderson has done with this project to Mr. Winzig.

Mr. Vincent noted that the potential cost of the project is $100,000. He asked if the City’s contribution of $20,000 will be the total contribution, or just a starting point. Mayor Koomar stated that it is a starting point at this time. Mr. Clark noted that the City is working toward a bilateral arrangement with the fund raising. There will also be grant applications for the project.

Mr. Mace noted that the Bay Village Foundation will again be used as a conduit in the fund raising project.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych**

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

**AUDIENCE**

Mary Krauss, 429 Glen Park Drive, commented about the drafting of revisions to the animal ordinance. She recommended including a map on the City website showing where the bad dogs
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are, and also showing the house number of where the bad dog owners live. Mr. Vincent explained the categorizing of a nuisance dog and once that designation is made they can look into doing some sort of identification of where the owner’s home is located. Mrs. Krauss reiterated the problem with a Pellett Drive resident who harbored bad dogs, and noted that people walking by that house know that the owner is the problem, even if the particular dogs aren’t there any longer. Mr. Vincent stated that there are a number of things that can be done, including putting markers in the area. They have discussed putting this in the ordinance.


Lydia DeGeorge, stated that when the Queenswood Bridge Project was first presented in 2016 the City had appropriated $130,000 for repairs before learning that the grant application was successful. Mrs. DeGeorge asked if it is always the case that the City needs to pay for engineering when there is a grant, or at what point did we realize we had to pay for engineering for the project? It was mentioned that the $130,000 that was originally set out for repairs would go to other building projects, as opposed to going to the engineering. When did the engineering become something that we needed to have done? Mrs. DeGeorge stated that the amount we are paying for engineering is the amount that we had appropriated originally for repairs, and it wasn’t spoken of at that time. Mr. Clark stated that it was discussed in the Finance Committee and the thought was that this bridge was in perilous shape and we were concerned from a safety standpoint. The money was authorized to be taken from the Infrastructure Improvement Fund at that point in time, in the hopes of getting a grant.

COMMITTEE OF THE WHOLE

Library Land Lease Discussion

Law Director Ebert stated that a complaint for a Declaratory Judgement was filed in Probate Court concerning the proposed site of the library in Cahoon Memorial Park. He explained that this must be done to bond out money because the park is a trust and the City does not hold fee simple interest. When bonding, you must pledge the property. The City does not hold the property; it is an interest of the City by the Cahoon Will. The court agreed that the City has sufficient ownership of the property and could bond out for funds. When the police station was built the same complaint for Declaratory Judgement was filed in Probate Court asking for permission to build a police station in Cahoon Memorial Park.

Mr. Ebert stated that when Mayor Koomar and he attended a presentation by the Cuyahoga County Public Library Board, the Board highly recommended the location of the library as indicated in Exhibit A attached to these minutes. The Probate Court’s approval was sought. When a bequeath of land is included in a trust or will, the areas that have jurisdiction over that include not only the trustees, but the Probate Court administers any type of accounting. Key Bank is the corporate entity with the funds, which years ago held sufficient funds for maintenance. Now, the account has about $45,000 left to maintain the park. The City pays the additional cost of maintaining the park. The other group with interest is the Attorney General of
the State of Ohio, Charitable Trust Division, and the State Teachers’ Retirement System, which are beneficiary if the City would violate the terms of the Will. That action was filed with Probate Court, the Attorney General’s Office was represented, the State Teachers’ Retirement System was represented, and attorneys appointed by the court for the unknown heirs, in the event that the City and the State Teachers’ Retirement System would violate the Will, and Key Bank. During that period of time there were two actions filed against the City, both by Frances Mentch. Both were overruled and dismissed. A proposed Journal Entry was circulated to all of the parties. The entry was signed and copies distributed, and on November 2, 2017 the court signed the entry. The entry basically says that all of the parties have been properly informed and noticed, and have agreed this is a proper use of the property. We are not taking up a large, additional amount of greenspace, since there is a building there now. The trustees have done their due diligence with the State Teachers Retirement System and the Probate Court and there has been approval with the Journal Entry signed November 2, 2017 to allow the construction of the library at that location.

Now that this has been done, the City has started discussions concerning the land lease for the property. Initially we have discussed a 50-year lease for $10.00 a year. The motion this evening is for the trustees to formally accept that location now that we have the court’s approval, as well as that of the necessary parties. An ordinance will be prepared authorizing the Mayor to enter into a land lease. Mayor Koomar noted that this will allow the County Library Board to continue their work with their architect. Renderings will come back to the trustees for the style of the building. The building plans would then go to the Planning Commission with the required public hearings, the Architectural Board of Review, and the Tree Commission.

Mr. Vincent asked about the lease for the existing library. The lease is $1.00 per year and the library takes care of the property maintenance. Mr. Mace asked what happens to the building when it no longer functions as a library. Mr. Ebert stated that we have not yet reached that point for discussion.

Mr. Ebert noted that the library will be permitted to operate on Sunday. There are no restrictions in the Will for the library in Cahoon Memorial Park to operate on Sunday. The restrictions against alcohol and gambling will be included in the lease.

Mr. Vincent asked if land leases for libraries in other communities are set at $10.00 per year. Mr. Ebert stated that he doubted that it would be more, considering the value of the library in the community. Mayor Koomar stated that their model is to look at municipal land and as a practice do not pay for the land. Mayor Koomar will follow up on Mr. Vincent’s comments.

Mr. Henderson noted that the location is the same location that was proposed in the Master Plan. Mayor Koomar stated that Page 86 of the Master Plan has the site very close to the accepted location. The new building overlaps part of the existing Bayway Cabin and is situated south of the cabin location and more of a presence closer to Wolf Road.

A motion will be considered by the Cahoon Memorial Park Trustees this evening to accept the location.
Mr. Henderson asked if the parking on the drawings is part of the library ownership, or does it remain with the City. Mr. Ebert stated that it should be the City’s, but he hasn’t reached that point yet in preparing the lease agreement. Mayor Koomar stated that the library wants to be sure there is enough room for the parking and the structure.

Mr. Winzig asked if it will be the City’s responsibility to resurface the parking area. Mr. Ebert stated that although they have not yet reached that point in preparing the agreement, he would think that the library would maintain the parking area that is required for their facility. Mr. Winzig noted that when the discussions were had concerning the Huntington Playhouse, the question related to the parking was whether it would be Metroparks parking or BAYarts parking. Mr. Winzig stated that the trails way map of the Connectivity Study impacts the footprint of the drawing of the path less than the land area as a walking path that connects the rest of the City. The Mayor stated that when it comes back the architectural rendering that meets our approval for that specific spot within the park will be worked out with specific discussion and the land lease.

Comments from the Audience

Conda Boyd commented that she is very pleased that the library project is going forward in Cahoon Park. However, she was disappointed at the lack of public input on the decision to put the library there. It had a behind closed doors, powers that be, done deal kind of feel to it by the time people became aware of it. Ms. Boyd expressed her feeling that the Council and administration are better than that. She stated that she is asking the current Council and the incoming colleagues to commit to a transparent process on the current library site, first in gathering ideas, and then in deciding what to do. Bay Village is a built-out community, and public land is neither plentiful nor cheap to acquire. It is vital that we make the best possible use of the current library site. Ms. Boyd stated that she has heard a lot of intriguing ideas, including her own new favorite, relocating the Community Services programs there. She recommended Council focus on their favorite idea, discuss it among themselves to come to a consensus without realizing what's happening. Ms. Boyd asked Council and the administration to commit to transparency and inclusivity, stating further: “Maybe start a focus group. Brainstorm. Generate ideas. Just wait to generate a decision, so we can move forward as a community -- so we can all have ownership for and commitment to the final decision -- and just as important, so we can be proud that our government is both of the people, and by the people.”

Mr. Clark stated that it is a property the City owns. Council was involved in several public meetings, but there were no decisions where Council was sitting behind closed doors and there were no cloak and dagger meetings. Mr. Tadych expressed 100% agreement with Mr. Clark and Mr. Vincent stated that he does not recall any cloak and dagger meetings. Mr. Henderson stated that he recalls going to public forums and having discussions about where the new library can be and what ideas could be included. Mrs. Henderson stated that he does not share the same perception as Ms. Boyd.

Ms. Boyd stated that Council members speak at Council meetings but that is not necessarily well reported for the rest of the community. There were a lot of people that were surprised at the fact
that the library was going into Cahoon Memorial Park. Ms. Boyd is asking that there be a transparent process about the old library that is more than attending meetings on Monday nights.

Mr. Vincent stated that as a humble reminder to those listening at home, these meetings are recorded. It is understandable that people have disappointments, but people need to hunt around for information themselves. There is information out there. It is hard to get the message out, and maybe it is something the City needs to do a little better and remind people that they can listen to the recordings.

Ms. Boyd stated that for an example, the schools are making a positive effort this week to reach out to the public and receive input on the new Superintendent of Schools.

Richard Fink, Wolf Road, stated that he would just like to add a counterpoint to Ms. Boyd’s comments. He stated that he understands Ms. Boyd’s position, but there has been a problem all along. We have a participatory democracy and we elect representatives to act in our behalf. We don’t have a community meeting on everything. It behooves the residents to be more informed on Council meetings and attend Council meetings because we see this constantly. We see it with the sewers; we see it with the Sunset project where an issue comes up, people show up for that and then disappear. We don’t have the continuity. Part of the democracy is to be at City Council meetings, to understand what is going on. Mr. Fink stated that he does not think it is a behind the scenes, closed door type situation here. It is fairly open and it was transparent. It is just that people have to get involved and pay attention to what is going on in their City government as a good citizen.

Mr. Clark stated that it is the intention of Council to be as transparent as possible, not just on this but on everything else we have done. We have worked to enhance financial transparency, and we have tried to prudently use available funds to utilize on sewer projects and infrastructure. We can do better. We, as a Council, pledge that both for the people who are here until the end of the year and others that will come on board, I will make sure we hold to that principle.

Mr. Vincent stated that in regard to the old library, there are a thousand ideas that people can bring forth.

Mr. Clark noted the time it has taken to get to this signed document in Probate Court and the hoops that the administration and Law Director Ebert have had to jump through to get there. This is a big moment for us and it is time we get our own library with money we paid to the County Library System with our taxes.

Matters Pending before Council Committee

Mr. Clark stated that some Council members will be transitioning off of Council and he wanted to discuss some of the status of the projects listed on the Matters Pending before Council Committee list.

Public Improvements, Streets, Sewers & Drainage- Henderson, Vincent, Stainbrook
Committee Meeting of Council  
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- Sunset Drive Area Storm Sewer and Road Improvements (5-12-08)  
- Bruce/Russell/Douglas Sewer Improvements

Mr. Henderson stated that the Sunset Project is top of the line for the Public Improvements Committee. It has been looked at for approximately forty years, and he has had his opportunity during his time on Council for the past four years to bring it forward. There has been nice progress made. The City has done a nice job of flushing out the details with the engineering. On the transparency front, one of the nice things that the City has always done is make sure that all the residents who live in Sunset and who are affected by this project receive a mailed notification prior to the Public Improvements Committee meetings when they involve Sunset as a topic. That would be a nice procedure to continue in the future. That way no one will be caught off guard as the project evolves and changes. The engineering is flushed out and relatively stable. There will be another meeting towards the end of November, and the engineering has not changed. The phase the project is in right now is financing. How much will the City pay? What will the assessments be, and what, if any, grants from outside the City are available? That will be one of the primary topics of discussion at the next Public Improvements Committee meeting later this month.

The Bruce/Russell/Douglas Improvements Project is mandated by the Environmental Protection Agency (EPA) in order to clean out the overflows that are occurring in that area. The Public Improvements Committee dealt with this one quite a bit last year. However, this year that has not been the Committee’s focus. A conversation was held with Jon Liskovic about the project and at this point the Administration has reavowed waiting the options. The last time the Public Improvements Committee talked about it there were three options on the table. Some were very expensive. Others required a great deal of work on private property, which is complicated to execute successfully. Those factors that cause complexity are being reconsidered by the new administration and it is hopeful that next year a new set of ideas will be brought forward by the Public Improvements Committee.

Mr. Clark stated that the three options range from a low of $800,000 to about $4.6 million. Mr. Henderson noted that the least expensive option is the one that requires the most private property work. The most expensive option requires the least private property work.

The Public Improvements Committee meeting will be held Monday, November 27, 2017 at 6:30 p.m. prior to the City Council meeting.

Recreation and Parks Improvement - Mace, Henderson, Lieske

- Renovations to Playground Equipment at Bradley Road Park

Mr. Mace had discussed this project earlier in the meeting.

Finance & Claims - Clark, Tadych, Henderson

Nothing pending.
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Services, Utilities & Equipment-Tadych, Lieske, Mace

Nothing Pending

Planning, Zoning, Public Grounds & Buildings-Lieske, Mace, Vincent

- Monopoles (Council meeting of December 12, 2016)
- Elimination of Front-in Parking in front of stores on Dover Center Road

Mrs. Lieske advised that the monopoles matter was put on hold pending the outcome of litigation. Mr. Ebert stated that the matter is still in litigation and is also being reviewed by the State Legislature. Mr. Ebert suggested retaining the matter of monopoles on the Matters Pending before Council Committee list.

Regarding the elimination of front-in parking in front of stores on Dover Center Road, the Mayor and Mr. Ebert have been involved in discussions with the business owners. Mr. Ebert stated that progress is being made, and one more meeting is to be held. The cost estimate for the transition will be forthcoming. The front-end parking will be removed in 2018. The City has been asked not to permit work on Christmas, Valentine’s Day, or Easter. Elimination of front-in parking in front of stores on Dover Center Road will remain on the Matters Pending before Council Committee list.

Environment, Safety & Community Services-Vincent, Stainbrook, Tadych

- Review of Codified Ordinance Chapter 505, Animal Control.

Mr. Vincent is hopeful that this matter will be finished by the end of 2017, and the end of his term. Police Chief Spaetzel is working on the definitions section of the ordinance.

CAHOON MEMORIAL PARK TRUSTEES

Discussion followed concerning the proposed schedule submitted by Bay Village Kiwanis for the Annual Bay Days Celebration and Festivities in 2018.

Tony Dostal has submitted a list of revised dates as follows:

Saturday, June 30 12 Noon to 10:30 p.m.
Monday, July 2 12 Noon to 10:30 p.m.
Tuesday, July 3 12 Noon to 10:30 p.m.
Wednesday, July 4 12 Noon to 10:30 p.m.
Fireworks Wednesday, July 4

(Set up June 28, and 29, 2018)

Mr. Clark stated that the major question is the date for the fireworks, and the alternative rain date for the fireworks.
Mr. Tadych stated that once the fireworks are mounted they cannot be left out for three or four days.

Mayor Koomar stated that he spoke with Mr. Dostal today. In the past the fireworks date has not always been on the Fourth of July. One of the options would be to look at July 3 for the fireworks and the Fourth of July being the rain date. This would take away the holiday overtime factor for the safety forces, which is not an insignificant number. We could attempt to open up Bay Days on July 5 again, but that uncertainty with community groups and coverage for service and safety forces would be a factor, and not the Mayor’s choice.

Mr. Clark stated that there are arguments on both fronts. Mrs. Mahoney stated that she is in favor of having fireworks on July 3 because it is ridiculous the holiday overtime rate that the City pays. Mayor Koomar stated that in talking with the Police Chief today, if the fireworks were held on July 5 just for police alone it is probably another $1300 or $1400. That cost plus the Service Department would bring the cost to about $2,000 just to have the fireworks on July 5. The goal is to have fireworks on a day that there is a lot of foot traffic. Mr. Dostal stated that years ago they always tried to have the fireworks on a Friday or Saturday to maximize the flow of folks purchasing items at Bay Days.

Mr. Vincent asked if there would be holiday overtime if the fireworks were held on July 5. Mrs. Mahoney stated that it would just be straight overtime. On July 3, it would just be straight overtime. With a rain date on July 4, it would be holiday overtime.

Mr. Clark stated that the matter does not need to be voted on this evening. He is less concerned about the cost. We pay over $3 million per year to fund our police so this is a small amount to pay. He is, however, concerned about the neighborhood groups and the people that are manning the stations because they probably will close after July 4 and head out of town. If the fireworks are the only activity scheduled, that activity for the community groups would be non-existent.

Mr. Clark called for the thoughts of the Council.

Mr. Vincent stated that he likes having the fireworks on July 4.

Mr. Henderson likes July 4, but the proposal to put it on July 3 is very prudent. People can plan for it, the next day is a day off of work so you can stay up to enjoy them, and it gives the ability to have two potential nights from a weather perspective.

Mayor Koomar suggested that the decision be made by December 31 for staffing purposes.

Mr. Clark asked if it would be logical to ask some of the merchants to stay an extra date if it is necessary to defer to a rain date on July 5.

Mrs. Mahoney stated that there may be more traffic on July 3 because other communities have their activities planned on July 4.
Mr. Tadych noted that vendors may run out of their merchandise to provide for an additional day, as the Kiwanis booth did last year with Curly Fries.

Denny Wendell stated that the days of the fireworks the community groups do great, as far as traffic. A lot of people only come for the fireworks, and they come early and make their purchases from those civic groups.

Mr. Tadych stated that there is the Fireworks Fund in the Bay Village Foundation which has over $23,000 and the money should be used appropriately.

Mrs. Lieske stated that they live within walking distance of the fireworks. People in her neighborhood frequently have cookouts and gatherings, and the neighbors and friends walk to the fireworks together. With July 3 being a work day, there may not be as many of those gatherings. With many people having to work longer on July 3, Mrs. Lieske stated she would opt for the Fourth of July fireworks.

Mr. Clark suggested giving this further thought, and noted that he would like to have a vote on this before the end of the month. The matter will be placed on the agenda for November 27, 2017. The plan is to cancel the Council meeting scheduled for Monday, November 20, 2017.

Mr. Clark asked Mrs. Mahoney to provide Council the incremental cost.

Mr. Tadych asked whether or not Mrs. Mahoney plans to use the money that the Village Foundation has set aside for the fireworks, because the budget showed the fireworks to be paid by the City.

Mr. Clark stated that they will endorse the idea since there is a projected deficit on the Operating side of the 2018 Budget.

There being no further discussion, the meeting adjourned at 8:42 p.m.

Dwight A. Clark, President of Council

Joan Kemper, Clerk of Council
City of Bay Village

Council Minutes, Committee Session
Dwight A. Clark, President of Council, presiding
November 6, 2017
Conference Room 7:30 p.m.

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

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Director of Community Services Selig, Chief Building Official of SAFEbuilt, Inc., Steve Vogel.

AUDIENCE

The following audience members signed in this evening: Jerrie Barnett, Lydia DeGeorge, Kevin Murray, Joe Krall, Pete Winzig, Bill Selong, Tom Kelly, Cheryll McCarty, Richard Fink, Dave Barker. Jeff Gallatin.

ANNOUNCEMENTS

Mayor Koomar

Appointment of Dominic Giovannazzo to the Parks and Recreation Commission for a four-year term expiring November 6, 2021.

The Mayor advised that Dominic and his wife ran the swim team for the Bay Village Aquatic Center for six years. Recreation Director Enovitch stated that this last year, Coach Giovannazzo lead the swim team to an unprecedented, undefeated season. Due to family obligations, Mr. Giovannazzo had to step down, but expressed that he still wanted to be part of the Recreation Department. Mr. Giovannazzo has a young family, they are involved in many sports and activities in the community, and Dominic is involved in many civic organizations. Director Enovitch highly recommended Mr. Giovannazzo to be appointed to the Parks and Recreation Commission.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Police Station Information Technology Room

Mayor Koomar advised that there is a great deal of technology housed in the Police Station Information Technology Room and a question has arisen as to the cooling and the fact that the whole Police Station is equipped with a water sprinkler system for fire suppression. Recognizing the damage that could be done to the technology equipment by a water system, Interim Director of Public Service and Properties Liskovic and Police Chief Spaetzel investigated options for a water fire suppression system. There is a waterless fire suppression system available that is a chemical component that combines with oxygen and puts out fire. This would enable the elimination of the water sprinkler system in the Police Station Information Technology Room. They are looking into that component. Additionally, the room will need its own individualized air conditioning to meet the proper temperature for all the electronic equipment.
Chief Spaetzel stated that all of the technology in the City is housed within that room and it has grown exponentially since they moved in, in 2006. The technology needs to be protected, and part of that is cooling, fire suppression system, and electrical. There will be electrical upgrades as well. There are several parts of the project that will be addressed.

Mr. Clark asked if there are any ideas about timing and a budget for this project. Mr. Liskovic stated that in regard to timing, the sooner the better. Preliminarily, there are two estimates for the main component, part of which would be the conversion over to the waterless fire suppression system, and the conditioning of the space. The first quote for the fire suppression system was just under $11,000, and the space conditioning component approximately $12,600. Part of that is proposed recycling of the new equipment at the Bayway Cabin, installed prior to knowing that the building would be removed. A brand new furnace unit and a brand new air conditioning condenser unit, which is sized a little higher than what is needed for that space, will be harvested out of the Bayway Cabin and refurbished. A $4,000 savings is expected in equipment costs by reusing this equipment, not including the fees to remove and recover the equipment. Smoke dampers and the fire alarm system will also be removed and are included in that $4,000 savings.

Mr. Clark stated that this is something that can be funded out of the Municipal Buildings Fund, as opposed to trying to borrow the funds in 2018. He advised Mr. Liskovic to send the firm numbers to Council when they are available.

FINANCE & CLAIMS COMMITTEE-Clark

Administrative Compensation Ordinance

Mayor Koomar stated that the Administrative Compensation Ordinance on third reading this evening will provide for an Administrative Project Leader which will be a position that will serve a variety of purposes. We have seen other cities implement this well. The legal assistance for the Law Department has been outsourced in past years, and the ordinance will provide for a part time Administrative Assistant for the Law Department with hours established at twenty hours per week. Mr. Koomar noted that the assistance Mr. Ebert has received from personnel from his office has been very well received, but the person who has filled these duties has become busier at the outside law office. The Mayor would like to move in the direction of an on staff, part time administrative assistant to the Law Director in 2018.

Mr. Tadych stated that he is really in favor of the position of Administrative Project Leader who will seek to secure grants. He expressed his thought as to whether this should really be a full time position in the very beginning, or if it should work into full time, starting out more gradually.

Mr. Henderson asked how many hours are expected of the Administrative Assistant to the Law Director. Mayor Koomar stated that a maximum of twenty hours, but would be flexible according to need.
Committee Meeting of Council
November 6, 2017

Mr. Clark stated that these positions have been discussed as the ordinance has moved through two readings and he would prefer to bring it forward for passage this evening.

Mr. Clark advised that a Finance Committee meeting was held earlier this evening, with discussions about the 2018 Operating Budget for the Fire Department, Community Services, and a general overview of the Capital Budget.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske reported that the Planning Commission discussed the proposed amendment to Codified Ordinance 1141.04 (J). Questions that came up included whether this referred to recreational structures, and did not include ordinary sheds. Mrs. Lieske stated that the section is pertinent only to recreational structures. The Planning Commission also questioned how to differentiate between a basketball hoop installed in a driveway versus one on a larger court. Mr. Ebert stated that it would be determined by size and number of hoops.

Mrs. Lieske stated that they also talked about enforcement of codes in terms of lights and noise which may have remedied the situation in the past. They also talked about whether this should reference temporary structures, since ice rinks are not something that are permanent, such as a basketball court or a tennis court, and are prone to seasonal use going up and down each year.

The Planning Commission also talked about enforcing the amount of coverage in a back yard, e.g., thirty percent of yard coverage. They also discussed whether or not there should be a separate lighting section in the ordinance similar to lighting for pools.

In essence, the Planning Commission thought the proposed amending ordinance was a good start, but perhaps just a little bit broad for those reasons.

Mayor Koomar asked if the minutes of the Planning Commission will reflect all of those comments for review. Mrs. Lieske stated that they will reflect those comments, and the answers that Mr. Ebert had given to Mrs. Lieske previously were provided to the members of the Planning Commission.

Mayor Koomar asked Mr. Vogel to spend some time with Mr. Ebert this week to review those Planning Commission comments.

Mr. Clark stated that it is important that the ordinance does not unintentionally negate people from putting in ordinary swing sets or basketball courts.

Mrs. Lieske stated that the Planning Commission also discussed the fact that there was not a permit for the ice rink structure from last year. Mr. Vogel stated that there was a permit for the chilling unit, but not for the structure.

Mr. Clark stated that in his opinion this ordinance is being brought out because of a neighborhood dispute. It is a combination of a legislative issue and a neighborhood dispute. Mr. Krall, the neighbor to the family that installed an ice rink, has been here before and has articulated the problems he has had with the noise and the hours in which the rink was operated.
Mrs. Lieske stated that there is also the issue of seeing more and more of very large play structures, as opposed to ordinary swing sets.

Mr. Ebert stated that the City of Westlake addressed this issue by adding a section for recreational types of facilities in their residential areas. The issue now in Bay Village is an ice rink, and two years ago it was a very large playground structure which created protracted litigation where the City was a bystander with a lot of depositions being taken.

Mayor Koomar stated that he would like to make sure that the Planning and Zoning Committee gives feedback to the Law Director on some of questions, e.g., what size swing sets specifically and other information so he has full information for drafting of the ordinance.

Mr. Vincent asked the disposition of the law suit that occurred two years ago. Mr. Ebert stated that the swing set was defined as a swing set and until there is another amendment to the code a swing set is permitted.

The Board of Zoning Appeals will discuss the matter further at their next meeting. Mr. Clark stated that the ordinance will remain on reading until receiving the input from the Board of Zoning Appeals and the Planning Commission and having it written in a form that is acceptable with the input from those people on those Commissions that are entrusted in those positions.

Mrs. Stainbrook noted that the Council is doing their due diligence and the issue is moving along. A moratorium is in place until the end of the year.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

Mr. Henderson reported that the administration has continued to work on the Sunset Area Project. Mr. Henderson will be in conversation with the administration this week to see what they have done with the goal to hold a Public Improvements Committee meeting sometime this month, if possible.

Adoption of Regulations pursuant to the control of grease in wastewater, as part of the agreement with the Rocky River Wastewater Treatment Plant.

Mayor Koomar stated that the Environmental Protection Agency (EPA) is focusing on the grease in wastewater from restaurants. Bay Village does not have a lot of restaurants, but the Bradley Bay Health Center and the Bay Schools are part of these regulations. The Rocky River Wastewater Treatment Plant is in the process of drafting uniform wording that can fit into our ordinances into whatever sections would be applicable to be sure that the facilities within Bay Village meet EPA mandates. The request from the Rocky River Wastewater Treatment Plant management is to have all four cities that participate in the Rocky River Wastewater Treatment Plant adopt legislation by December 31, 2017. Mr. Ebert noted that he is preparing an ordinance at this time. A protocol will be set to meet with the schools and owners of facilities to review the requirements.
RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace

Mr. Mace will move to confirm the appointment of Dominic Giovannazzo to the Parks and Recreation Commission for a three year term expiring November 6, 2020 at the Regular Meeting of Council this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

Memorandum of Understanding – Cuyahoga County Soil and Water Conservation District

Mr. Tadych will introduce a Resolution this evening authorizing the Mayor to sign a Memorandum of Understanding with the Cuyahoga County Soil and Water Conservation District. The Memorandum of Understanding will be in effect for a period of two years, requiring the payment of a fee of $4,120 each year.

Interim Director of Public Service and Properties Liskovic stated that the Memorandum of Understanding allows the Cuyahoga County Soil and Water Conservation District to help the City of Bay Village with storm and water management practices. Those usually fall under new construction or remodel work that involve sites of one acre or more requiring the developers to file storm water management plans. The district provides technical assistance to manage the storm water management plans and inspect the development site, reporting any violations. The City follows through with enforcement to make sure the storm water is going into the storm systems.

Mr. Tadych asked if these regulations and monitoring will be part of the Queenswood Area Bridge Replacement Project. Mr. Liskovic stated that anything over one acre requires a storm water management plan. The Crestview area is another example of where these regulations are required.

Mr. Tadych will present the Resolution for adoption this evening. Mayor Koomar noted that the Liberty Development townhouses and the new library will be new developments that will fall under these guidelines. Mr. Liskovic added that the Cuyahoga County Soil and Water Conservation District also helps with the assessment of valuation of any in place storm water structures, such as retention ponds, or the vortex that is at the Police Station which helps remove particles from the storm water runoff. The district helps the City create those reports and provides tips and recommendations on what needs to be done for improvement.

AUDIENCE

There were no comments from the audience.

There being no further discussion, the meeting adjourned at 7:52 p.m.

Dwight A. Clark, President of Council

Joan Kemper, Clerk of Council
Joan,

Fyi for the 11-27 agenda.

Paul

Paul A. Koomar
Mayor
City of Bay Village
440-899-3415
350 Dover Center Road
Bay Village, Ohio 44140

Mr. Clark- The Planning Commission requests a 60 day extension on the Liberty Development application at the Shell station property. Planning Commission has not been able to hold a public hearing, refer the matter to the ABR or the BZA and otherwise review the matter within our ordinances and the Charter due to the applicant's inaction and lack of communication. We ask that this extension request be put before council as soon as possible for discussion and decision, and we be advised of the same so we may act accordingly. The current application expires on December 14 and our last meeting prior to the deadline is December 6. Failure to receive the extension would require PC to vote on the application as currently submitted. Thank you.
Joan Kemper

From: Joan Kemper  
Sent: Monday, November 13, 2017 10:09 AM  
To: Paul Koomar; Gary Ebert; Dave Tadych; Dwight Clark'; Karen Lieske (klieske@cityofbayvillage.com); Lydia DeGeorge; Marty Mace, Councilman-at-large; Nancy Stainbrook (nstainbrook@cityofbayvillage.com); Paul Vincent; Pete Winzig; Sara Byrnes Meier; Tom Henderson

Subject: Change of Dates Requested for Bay Days 2018

Tony Dostal has requested that the dates for Bay Days 2018 be changed as follows:

Saturday, June 30  12 Noon to 10:30 p.m.
Monday, July 2  12 Noon to 10:30 p.m.
Tuesday, July 3  12 Noon to 10:30 p.m.
Wednesday, July 4  12 Noon to 10:30 p.m.
Fireworks Wednesday, July 4

(Set up June 28, and 29, 2018)

Joan Kemper, Clerk of Council  
Secretary to Boards and Commissions  
City of Bay Village, Ohio  
350 Dover Center Road  
Bay Village, Ohio 44140  
440-899-3406  
jkemper@cityofbayvillage.com
Gary,

Attached is the ROW sheets that denotes the needed permanent and temporary ROW. We can speak in the morning if needed. It looks to me that it has increased from the .57 acres originally to .69 acres comprised of .529 acres permanent and 1.62 temporary for construction.
RIGHT OF WAY LEGEND SHEET
CUY-006-02.57

GUYAHOGA COUNTY, BAY VILLAGE
ORIGINAL DOVER TOWNSHIP LOT NO. 95
TOWNSHIP 7 NORTH, RANGE 15 WEST
CONNECTICUT WESTERN RESERVE

INDEX OF SHEETS
- LAYOUT SHEET 1
- PROPERTY MAP 2
- SUMMARY TABLE 3
- R/W TOPO SHEETS 5
- R/W BOUNDARY SHEETS AND CENTERLINE DATA 6, 7

PROJECT DESCRIPTION
REPLACEMENT OF EXISTING SINGLE SPAN TINED SPANBRIEL
CONCRETE ARCH STRUCTURE WITH NEW SINGLE SPAIN SPAN
COVER STRUCTURE ON INTERNAL ADJACENTS. PROJECT ALSO
INCREASES WIDTH APPROACH WORK, LENGTH, AND WIDTH.
ORIGINAL CONCRETE AND REINFORCING, NEW
STRUCTURE COVERED ACCOMMODATES CURVES CENTER LINE AND
ONE LANE IN EACH THE EASTBOUND AND WESTBOUND
DIORCTIONS.

SURVEYOR'S NOTES
1. HORIZONTAL Datum is OHIO STATE PLANE, NORTH Zone MERCATOR
GRID NORTH BASED ON U.S.P.O. OBSERVATIONS PERFORMED ON NOVEMBER 2, 2016.
2. THIS SURVEY IS ON GRID COORDINATES.

ABBREVIATIONS
- APL: AUTOMATIC FILE NUMBER
- F/L: FOUND
- P: PAGE
- R: RECORD
- S: SURVEY
- V: VOLUME

UNDERGROUND UTILITIES
- CONTACT both owners of property necessary for the project.
- 1-800-362-2764 (TOLL FREE)
- 614-565-2764 (DIRECT)
- OHS: OHIO'S PROFESSIONAL SERVICE CONTRACTORS
  LICENSED, INSURED, AND BONDED
- MUST BE SERVED VIA CERTIFIED MAIL
- SERVICE CALL: 1-800-362-2764

Travis A. Kirkham, Professional Land Surveyor No. 7733

[Diagram with symbols and locations]
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| TOTAL      | 6.35 | 0.2982 | 0.0454 | 0.2418 | BRIDGE RECONSTRUCTION, STORM SEWER | | | |

| 1-002      | CITY OF BAT VILLAGE | 4-1 | V-203 T-30 S-56 | 203-00-002 | 2.210000 | 0.2311 | 0.085 | 0.085 | 0.2311 | BRIDGE RECONSTRUCTION, STORM SEWER | 35.00 | | | |
| 1-13       |       |           |                |                  |             |            |             |             | ROCK CHANNEL PROTECTION, AGGREGATE FIL | 35.00 | | | |
| 1-14       |       |           |                |                  |             |            |             |             | CUMULATIVE REMOVAL, GRADING | 35.00 | | | |
| TOTAL 1    |       |           |                |                  |             |            | 0.085 | 0.085 | 0.085 | GRAVING | 35.00 | | | |

**GRAND TOTAL**: 66.8500 |

**GRAND TOTAL**: 0.5293 | 0.1917 | 0.5293 | 0.1917 | 35.008 |