AGENDA

Agenda, Bay Village City Council                                            Date: June 11, 2018
Committee Meeting                                                           Time: 7:30 p.m.
Conference Room, Bay Village City Hall
Dwight A. Clark, President of Council, Presiding

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace
Revisions to Chapter 505, Animals and Fowl – Second Reading.

FINANCE & CLAIMS COMMITTEE-Tadych
Tax Budget for Fiscal Year 2019 – Third Reading and Adoption.
Public Liability and Property Damage Insurance.
Amended Appropriation Ordinance- Second Reading and Adoption.
Law Director and Legal Counsel Compensation Ordinance- Second Reading and Adoption.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier
Small Cell Wireless Facilities Legislation - Amendment

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Request of Randy Risch, Boy Scout Troop 41 and Cub Scout Pack 39, for approval of “All-Bay Scout Day” Event on September 15, 2018, subject to receipt of insurance.
City of Bay Village

Council Minutes, Committee Session  June 4, 2018
Dwight A. Clark, President of Council, presiding  Conference Room 7:30 p.m.

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

Present:  Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar.

Also Present:  Law Director Ebert, Finance Director Mahoney, Director of Public Service and Properties Liskovic, Fire Chief Lyons, Police Chief Spaetzel, Recreation Director Enovitch, Human Resource Director Demaline, Chief Building Official of SAFEnbuilt, Inc., Steve Vogel.

AUDIENCE

The following members of the audience signed in this evening: Mark Barbour, Jerrie Barnett, Karen Lieske, John Suter, Denny Wendell, Tara Wendell, Steve Presley, Helen Hoke, Jeff Gallatin.

ANNOUNCEMENTS

Mayor Koomar announced that Cleveland Magazine rated the City of Bay Village as No. 7 this year and published a very complimentary article in their last issue. The City of Rocky River was rated No. 1 and the City of Westlake No. 5.

Mayor Koomar announced the following reappointments:

Reappointment of Carl Heilman to the Parks and Recreation Commission for a four year term expiring July 16, 2022.

Reappointment of Jeff Walters to the Parks and Recreation Commission for a four year term expiring July 16, 2022.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Revisions to Chapter 505, Animals and Fowl – First Reading.

Mr. Mace will introduce revised Codified Ordinance Chapter 505, Animals and Fowls. This is, hopefully, the final chapter to the dog problem of one and a half years ago. This ordinance places new restrictions on the owners of dogs that are either a nuisance, dangerous or vicious. The nuisance dog has been defined for the first time, and the ordinance is set up so that Chapter 505.01 has all the definitions of these classified dogs and other definitions throughout the chapter. Also added is a section on tethering of animals. Requirements for the deer culling or hunting effort is included in this ordinance, as requested by the former Council and approved by
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Council. The remainder of the ordinance pertaining to the way animals are classified by the Police Department, and the restrictions placed remain the same. There is an increase established for certain penalties. The ordinance will be placed on first reading this evening.

Mr. Clark asked the members of Council if they are satisfied with the revisions to the ordinance. Mr. Winzig commented that he sent Mr. Mace suggestions that he had discussed with him, and those will be incorporated into the ordinance.

**Landscaping Contractors’ Vehicles – Parking Prohibited on Lake Road and Wolf Road.**

Mr. Clark stated that the complaint of landscaping contractors’ vehicles parking on Lake Road and Wolf road disseminated from an email from a resident. It is an issue that seems to repeat every year. Mr. Clark asked Police Chief Spaetzel to comment on the Police Department protocol in regard to these violations.

Police Chief Spaetzel stated that for the last three years he has been sending letters to all the registered landscaping companies that work in the City of Bay Village. The letter basically outlines the policy that prohibits parking on Lake Road, Wolf Road, Columbia Road, Dover Center Road, Bassett Road, Bradley Road, and Walker Road. Guidelines are to be followed regarding their landscaping services. While keeping in mind that the residents pay a great deal of money for these services, the Police Department’s primary goal is safety. As a result of that, the parking is prohibited and they are given options for parking their vehicles. For example, if it is Lake Road or Wolf Road, it is preferred that they park on the side streets and unload their vehicles. This letter has gone out to the landscapers for the last three years. In addition to that, when the officers see vehicles parked they are further advised. To this point they have not had to issue citations. Most comply after the first warning. The Police Department tries to be as vigilant as they can in their enforcement efforts.

Mr. Clark asked if there have been any repeat offenders after several warnings. Chief Spaetzel stated that the larger companies are more challenging as far as issues, because they have such a wide variety of employees.

Mr. Tadych stated that he has seen people dumping dirt on Lake Road for landscaping. Someone in his ward saw the same event, and called the police. The police were there while they cleaned off the road. Mr. Tadych stated that for three years we have warned them, and it is time to start doing something if they aren’t adhering to the rules.

Mr. Mace stated that the Police Chief mentioned in his email communication that the Police CAD System can track the instances. The Chief stated that this is correct, and he has also personally advised people when travelling down Lake Road. These are also entered into the CAD System. Mr. Mace asked if it would be possible for enforcement to be monitored over the summertime, and the results analyzed at the end of summer to see if a more stern approach should be applied next spring. Chief Spaetzel agreed with Mr. Mace’s suggestion.
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Mr. Clark asked Police Chief Spaetzel to reach out to the resident who made the complaint. Mayor Koomar stated that he has responded back to him, letting him know the protocol and policy.

Mr. Clark noted that this will probably continue to come up and it is hoped that it doesn’t occur at the expense of someone being hurt. Enforcement is important. Mayor Koomar commented that he has seen an improvement, with landscapers parking on side streets and moving their equipment to the job site, or stopping with emergency signals to unload briefly.

Proposed Application for a Municipal Grant in the amount of $150,000 to renovate the Dwyer Memorial Center Kitchen.

Mr. Mace stated that he received information from Community Services Director Selig about the proposed kitchen, and called upon Director of Public Service and Properties Liskovec to comment about what will be required to go from a standard kitchen to a commercial kitchen.

Mayor Koomar explained that this came up quickly. There was an off-cycle grant offered by Cuyahoga County, that has a quick turn-around time of four to five weeks for submittal. The project would have to be completed by the end of the year. It was decided to apply for the grant that the City had been turned down for in the past. One of the concerns in the last application was the overall cost of the project. The Mayor asked Community Services Director Selig to do some investigating as to what the operating costs would be for the food service program. The last time the grant application was going to be applied to a large, congregate meals program and funding. At this point, Director Selig is not considering a program that vast, she is looking at offering meals one to three days per week, not five days per week as is done by the City of Rocky River, where a nominal fee of $5.00 per meal is charged. The Mayor stated that Bay Village would have to charge, starting off slowly and working with volunteer labor. The fact that the Dwyer Memorial Center is going to be a Red Cross Shelter will be beneficial in the application. If the funding is received, the work would consist of remodeling while being more thoughtful as to how it is done. It may be warming drawers with one stove. In Rocky River they buy food and repackage it to a meal, without doing active cooking. That procedure has been a success, and would serve as a model for Bay Village.

Mrs. Stainbrook stated that this was a nice marriage of several processes. In 2016, the City was unsuccessful in receiving the full $150,000, but did receive $50,000 which resulted in the purchase and installation of the generator. This allowed the classification of Red Cross Disaster Shelter for the Dwyer Memorial Center, which should help with the application process and scoring higher for this grant. This will help with the strategic plan of drawing more participants to the Dwyer Memorial Center and providing services.

Mr. Winzig clarified that the plan is not to build a commercial kitchen, but to use the funds to provide the service for labor and food. Mayor Koomar stated that they would need to upgrade the kitchen, but in the bounds of the space and selecting equipment that would be more of an upgrade. Mr. Winzig stated that the sample menu from the City of Rocky River is all stove top and oven cooking, not deep frying or requiring grease traps or hoods. He suggested using the term “Food Service Center” and not “Commercial Kitchen.”
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Mr. Mace stated that most grants take a full year, but because they are in a late cycle this will be a very short turn-around to get the work done. Some of the work would be through the City. The Mayor stated that he has discussed this with Director Liskovec about making sure the electrician would be available for his work. Director Selig has talked with Village Project Executive Director Barb Harrell regarding options for new equipment versus lightly used commercial equipment.

A Resolution authorizing the application for the grant will be presented to City Council on June 11, 2018. Mr. Clark asked if the grant protocol is typical, requiring the City to do the work first and seek reimbursement. Finance Director Mahoney stated that most grants are reimbursable grants.

Mr. Mace commented that a Public Hearing for this grant application will be held on Wednesday, June 16, 2018 at 6 p.m. at the Bay Village City Hall.

FINANCE & CLAIMS COMMITTEE-Tadych

Tax Budget for Fiscal Year 2019 – Second Reading

Mr. Tadych commented that this is an annual procedure and there will not be an increase in tax rates.

Public Liability and Property Damage Insurance

Mr. Tadych advised that two companies, Assured Partners, LLC, and McGowan Insurance have both submitted proposals for the renewal of the City’s Public Liability and Property Damage Insurance. There is a difference of $15,289 between the two companies on an annual basis. Both companies made presentations at the Finance Committee meeting held May 14, 2018, where discussion took place with representatives of their firms. The Umbrella Insurance amounts are different by each company. Assured Partners, LLC is representative of a pool insurance method, and McGowan Insurance is backed by an insurance company for general liability. Mr. Tadych stated that it appears to him that McGowan is the preferred bidder as far as the coverage. If something goes wrong in the City, it would be wise to be prepared with the best insurance possible for the City and the residents.

Mayor Koomar stated that Finance Director Mahoney has worked with several vendors and has worked it down to these two finalists. She has done a very good job, with both firms revising their quotes. The Mayor did reach out to the Law Department because the bids are very close. There is a difference in the liability pieces of the coverage offered. Mr. Ebert and Mr. Barbour have both reviewed the offerings, and Mayor Koomar was looking at the 40 years of experience of Mr. Ebert to help guide the professional law piece. Mr. Ebert recommended the McGowan piece, although Mrs. Mahoney has done quite a bit of due diligence and favors the lowered number with Assured Partners, LLC.
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Finance Director Mahoney stated that McGowan has been a great company to work with, but her major concern is whether the City really needs $10 million of liability insurance. Everyone agrees that the property coverage is equal on both sides after McGowan reduced their 25% margin limit.

Mrs. Mahoney stated that the debate has been over the liability coverage. McGowan has a $10 million Umbrella with aggregate limits; the Assured Partners pool has a $5 million Umbrella with no aggregate limit. For example, the City of Cleveland has paid $13.2 million for the period of November 2014 through November, 2017, with one very high profile case in the amount of $6 million. With Assured Partners pool, the City of Bay Village would have been insured in that case. In the prior years before 2014, the City of Cleveland paid out a total of $8 million in the whole decade prior. The pool would cover the City of Bay Village needs. Mrs. Mahoney also found an article in Governing Magazine reporting on a survey in 25 top cities. The average annual payout is $2.4 million in liability claims.

Mrs. Mahoney stated that she strongly feels the savings to the City by contracting with Assured Partners is significant. She spoke with three different cities that are in the pool and they are all happy with the service. One city representative commented that the rates stay consistent from year to year.

The average cost for Public Liability and Property Damage insurance the twelve year period from 2006 to 2017 was $146,529.25. The $112,477.00 bid of Assured Partners over the twelve year period would have resulted in a $250,000 savings for the City of Bay Village.

Mrs. Mahoney stated that she feels very strongly that Assured Partners, LLC can provide insurance for the City for the best value for the citizens while making it safe for the City. She added that there is an aggregate with the McGowan policy, meaning that if there were $4 million to $5 million in liability claims, the pool would cover up to $20 million, and in McGowan $13 million would be covered. Mrs. Mahoney stated that she does not believe the extra cost is worth the extra insurance.

Mr. Clark commented that Council is tasked to provide approval on Monday, June 11, 2018, due to contract expiration on June 15, 2018.

Mr. Ebert stated that there has been extensive review and discussion of these two offerings. He noted his concern about being in an insurance pool, and the fact that the rates can be affected by the experience of other members of the pool. However, Mrs. Mahoney has reported that the rate of Assured Partners, LLC is guaranteed for four years.

Mr. Barbour stated that he spoke with Assured Partners, LLC representative regarding the coverage. The Molestation and Abuse coverage with the pool is only $1 million. The Public Officials Liability, basically the Malpractice Insurance, is also $1 million. It is not subject to the $5 million Umbrella. McGowan Insurance is $11 million and $10 million. Mr. Tadych noted that this is a concern that is growing more prevalent every year. Mrs. Mahoney stated that her research indicates that there were no cases even close to that extent of coverage.
Mayor Koomar stated that although you do not have that claim very often, but when you have it the coverage is needed. The Mayor researched as well and found some wrongful death cases based on how stop bars were marked by a city and the claim was $10 million. A large claim over the insurance limit could be a significant hit to the operations of the City.

**Law Director and Legal Counsel Compensation Ordinance- First Reading.**

Mr. Tadych stated that an ordinance providing compensation for the Law Director, Prosecutor, and Special Counsel will be presented for first reading this evening.

**Amended Appropriation Ordinance- First Reading.**

The Amended Appropriation Ordinance to be presented for first reading this evening is an increase in appropriations for the Special Counsel salary and a small increase for debt issuance for street resurfacing. The total amount to be appropriated is $29,118.

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

Small Cell Wireless Facilities Legislation Update.

**Ms. Maier** reported that a Planning, Zoning, Public Grounds and Buildings Committee meeting was held earlier this evening, with Small Cell Wireless Facilities legislation as the topic. Ms. Maier will ask that this matter be placed on the Matters Pending before Council Committee list. The legislation for Small Cell Wireless Facilities must be approved by July 31, 2018.

Mr. Clark asked for an update on the elimination of front end parking on Dover Center Road. Mayor Koomar stated that they will green the front of the Malley’s Ice Cream Store area later this summer or early fall due to the busy road improvement schedule of the Service Department. Mr. Ebert discussed the arrangements for the business adjacent to Malley’s, and suggested the Mayor take this area under further consideration. Mayor Koomar noted that two spots will be left out front for the adjacent business because of residents exiting from the rear and school children crossing through the area.

Mr. Tadych asked if trees will be planted with the green space and was informed that trees would be planted.

**PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook**

**Mrs. Stainbrook** provided a brief update on the Sunset Project. Mrs. Stainbrook provided Council with a copy of a letter dated May 30, 2018 from Jeffrey D. Foster, President, Bay Park Beach Company Board of Trustees, stating that in response to Mrs. Stainbrook’s request at the April 23, 2018 Public Improvements Committee Meeting a straw poll was taken at the annual meeting of the Bay Park Beach Company on Sunday, May 20, 2018. Nineteen member households were present at that meeting, out of a total of 49 members. The vote regarding the
City’s proposal for the Sunset Area improvement assessments and share of grant money resulted with 1 in favor and 18 opposed.

A Public Improvements Committee meeting will be held later this month and potential topics for the meeting will include presenting the information received from the Bay Park Beach Company, which is the homeowners’ association, discussion of the process forward for requesting a DOPWIC grant, and the possibility of temporary repairs that had been the request of the residents of the neighborhood. The committee will also look at potential other possibilities if the City is not able to receive sign-off by the homeowners’ association on the right-of-way.

Mr. Liskovec reported on the 2018 Pavement Maintenance Project, noting that the program is progressing well with castings rebuilt and replaced. Mr. Liskovec referred to the memorandum dated June 1, 2018 that he submitted to Council stating that upon completion of all originally slated projects, there will be a balance of approximately $40,000. It is anticipated that upon completion of all partial depth repairs, the current estimate for crack seal will see a reduction due to the improvement of the deteriorated areas.

Mayor Koomar commented that many of the roads being repaved do have a cement base. Repairing the base takes extra time and dollars. Because there are good bases on a majority of the streets, the project is moving more quickly and coming in on budget.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Mr. Winzig advised that Council was presented with the opportunity from the Bay Soccer Club to potentially receive donated dirt. A meeting was held on May 25, 2018 with the Bay Soccer Club representatives and a gentleman who is an expert in the environmental area. He has been working with Mayor Koomar and Director Liskovec on looking at the park to see if the donation is appropriate and the timing of the overall project. There is further work to be done before making a recommendation to City Council, but the committee is trying to determine if it is a good opportunity for the City as it seems on paper. The project itself is larger in scope and hasn’t really been defined yet. The committee is trying to determine if it is a good opportunity to receive the donation, and find a home for it that may or may not be on the field, or in storage somewhere before moving forward on the project.

Mr. Winzig stated that he was contacted by Dan Overfield, the gentleman who hosted the lighting of the Bay Skate Park as a special event. Mr. Overfield contacted Councilwoman DeGeorge, and then sent the message over to the Recreation and Parks Improvement Committee. Mr. Winzig is meeting with Mr. Overfield on site this week to get an idea of what their vision is for lighting the park. There is an interest from Mr. Overfield’s group and a number of residents to possibly light the park. It is a project that conceptually seems like a good idea, but there is electricity, lighting, structure, and a number of things to be considered. In speaking with Mr. Lawrence Kuh, there was some talk of possibly improving the activity surface of the skate park as well. There are a few areas that they would like to improve, replacing the dirt with hard surface and expand the landing area. Mr. Winzig will meet with Mr. Overfield and report back to the committee.
Mayor Koomar asked that the minutes of meetings be researched to determine whether or not there was discussion regarding lighting of the skate park at the time it was approved.

Regarding the donation of the dirt, Mayor Koomar stated that he signed a Limited Scope Engagement, not to exceed $2,000, to do some initial analysis and discussion with Precision Environmental, the city’s expert during Police Station litigation. There is a requirement to stay 300 feet clear of the land site, and to adhere to other Environmental Protection Agency rules. Funding has been received to improve the soccer shed, and the Metroparks has expressed interest in connecting the Metroparks property with Huntington, and a path to the library site over time. The Mayor will ask Precision Environmental to look at the dirt and grading, and these other items as well to have clarity on what is possible.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

SAFEbuilt, Inc. Services Agreements –Final Reading and Adoption.

Ms. DeGeorge will present the SAFEbuilt, Inc. Services agreement for final reading and adoption at the Regular Meeting of Council this evening.

Law Director Ebert stated that the 15%/85% split was agreed upon and there will be 7 hours per day of service to the City of Bay Village.

Mr. Clark noted that the contract reads 32 hours per week of service to the City of Bay Village.

Mr. Tadych asked Law Director Ebert if the heading of an ordinance does not mention inclusion of an emergency clause, but the emergency clause is included in the ordinance, is it correct to conclude that the emergency clause is to be read into the legislation. Mr. Ebert responded that the emergency clause is included, even though it may not be mentioned in the heading.

AUDIENCE

The audience portion of the meeting will be addressed at the Regular Meeting of Council to follow the Committee Meeting this evening.

The meeting adjourned at 8:07 p.m.

Dwight A. Clark, President of Council          Joan Kemper, Clerk of Council
MATTERS PENDING BEFORE COUNCIL COMMITTEE  
June 5, 2018

Public Improvements, Streets, Sewers & Drainage-Stainbrook, DeGeorge, Maier

- Sunset Drive Area Storm Sewer and Road Improvements (5-12-08)
- Bruce/Russell/Douglas Sewer Improvements

Recreation and Parks Improvement- Winzig, Mace, Stainbrook

- Renovations to Playground Equipment at Bradley Road Park (8-29-17)

Finance & Claims-Tadych, Winzig, Mace, Clark

Services, Utilities & Equipment- DeGeorge, Maier, Tadych

Planning, Zoning, Public Grounds & Buildings- Maier, Winzig, Stainbrook

- Monopoles (Council meeting of December 12, 2016)
- Small Cell Facilities and Wireless Support Structures within the Right-of-Way
- Elimination of Front-in Parking in front of stores on Dover Center Road

Environment, Safety & Community Services- Mace, DeGeorge, Tadych

- Review of Codified Ordinance Chapter 505, Animal Control.
Hello,

I am working with Scouting units in Bay Village from BSA and Girl Scouts to set up an "All-Bay Scout Day" event on September 15, 2018. I have been asked by the group to contact the City so that we may begin planning the event. We are interested in the use of Cahoon Park as a base of operations. We would like to work on the possibility of tent camping overnight and review appropriate daytime activities. We want to be sure we can provide a quality event while keeping within the boundaries of acceptable use.

We have started by reserving the Community House and Gazebo, and would like to know if any parts of Cahoon Park can be used for the event. We envision having groups of Scouts and friends travel throughout the area on foot to BayArts, LENS, Police/Fire, Rose Hill Museum, Cahoon Cabin, Bay Boat Club, etc. We may need to bring in some portable toilets and other equipment, for example. We assume that there will be a need for specific proposal and approval by the City of Bay Village.

Please include us in the upcoming Cahoon Trustees meeting for June 11th so that we may discuss. Donald Friswold and David Madigan are available for any questions as well and are cc’d on this message.

Thank you,

Randy Risch
Boy Scout Troop 41
Cub Scout Pack 39
216-225-9929 mobile