AGENDA

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

Date: May 6, 2019
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Laura Sherman
Sustainable Energy Services.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

FINANCE & CLAIMS COMMITTEE-Tadych

April 2019 Financial Reports of the City of Bay Village.

Council Salaries.

First Reading of Debt Issuance Legislation.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Lakeside Cemetery Update

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Motion to approve the filing of an application grant by the Cuyahoga Soil and Water Conservation District for the Cahoon Creek Improvement Project.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Purchase of two (2) 2019 Ford F-250 4WD Regular Cab Pick-Up Trucks.

Purchase of one (1) new 2019 Leach 20 Cubic Yard Rear Load Packer, mounted on a 2019 single Axle Freightliner M-2 Chassis.

MISCELLANEOUS

AUDIENCE
CAHOON MEMORIAL PARK TRUSTEES

Motion to approve the filing of an application grant by the Cuyahoga Soil and Water Conservation District for the Cahoon Creek Improvement Project.

Motion approving the filing of the Rule 13 letter with the Ohio Environmental Protection Agency.
City of Bay Village

Council Minutes, Committee Session
Dwight A. Clark, President of Council, presiding
April 29, 2019
Conference Room 7:30 p.m.

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

Excused: Mr. Mace

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Police Chief Spaetzl, Recreation Director Enovitch, Human Resource Director Demaline, Building Director Eric Tuck-Macalla.

AUDIENCE
Tara Wendell, Russell Thompson, Clare Banasiak, Jeff Gallatin, Sam Gmetro.

ANNOUNCEMENTS

Mayor Koomar stated that the Partners Environmental engagement for test digs in Cahoon Memorial Park is concluding. Partners Environmental will submit a letter to the Environmental Protection Agency (EPA) which will require some legal work that the Law Department is working on in terms of highlighting where they think the landfill is from the work that they have done, and to give the EPA some feedback and ask any questions they might wish to ask. The next step is to potentially lay out options for grading, longer term, that the Cahoon Memorial Park Trustees could consider. Mayor Koomar stated that the one thing he would ask all of the Council/Trustees to do over this spring and summer period is to look how Cahoon Memorial Park is used by the various groups. The Soccer Club moves around goals from year to year based on age groups. If some type of grading will be done, that could limit that movement. Also, there are other events to consider, such as Bay Days, and car shows. Kathryn Kerber, Project Manager, has identified a grant in 2020 potentially that could be used for this so there is time to think about the project. If the point is reached to decide whether the Trustees collectively want to move forward on a grading plan, it is important to watch how the park is used and be sensitive to the many different uses.

Mayor Koomar stated that he has been talking with a resident on Longbeach Parkway today regarding trees. A letter will be sent to all the residents in the area when the situation is finalized. Bartlett Tree Experts have started an inventory of at-risk trees. They will start marking trees so they can be watched on an annual basis. They have started in the Longbeach area. They were doing the assessment when the tree that fell was identified. The remaining trees they have analyzed are the older trees that should be watched first.
Mr. Liskovec stated that the tree assessment will be done on a yearly basis, but depending on work load, some trees may get looked at every spring, or summer. Mr. Clark noted that there was another at-risk tree on Northfield Dr. that has been tagged. Mayor Koomar replied that the tree was taken down last week.

The Mayor stated that the tree in question does not have a lot of paperwork regarding the past history. The tree that fell had dead limbs removed by the City a few years ago. There was a question as to whether there was graffiti on the tree at one point in time. Mr. Liskovec stated that Bartlett Tree Experts have a tree management software package that the City will be using. The name of the software is ArborScope. The information taken through this software can be put directly into the new work management system and help the management and tracking of the work performed, in addition to all the other work that is being done by the Service Department.

**Porter Creek Bridge**

Mayor Koomar stated that the Porter Creek Bridge on Lake Road has deteriorating metal inserts which were creating a safety risk. The City would like to restore these metal inserts longer term, but the first thing that needed to be done was to make the bridge safe. For the Bay Days activities, Lake Road will be closed at Porter Creek Road, and the bridge will be more open to residents than it has been before during that time period. Those insert sites that are partially or fully removed will be made safe for pedestrians this summer. Mr. Liskovec has devised a very cost-effective option, totaling no more than $1,800 for all the openings. Metal that has not been treated will not be used because of the large amount of salt spray on Lake Road. Mr. Liskovec noted that although the Ohio Department of Transportation is responsible for the deck of the bridge, the City of Bay Village is responsible for general maintenance of the bridge. During the winter months, the Service Department will endeavor to repair the metal inserts, and if that is not possible they may have to be sent out for repair. There are a handful more to be replaced. The remaining ones that are still structurally sound will remain in place. Residents who are engineers have indicated that they have experience with this type of metal on bridges. These residents will meet in the very near future with City Engineer Don Bierut.

Ms. Maier asked if the intent is to find something that is aesthetically more pleasing in the long term than the short term replacement for safety. Ms. Maier noted that the bridge is historically significant. The bridge is on the Metroparks list for major work and is included on the cultural and historical resources list. It is important from that regard.

Mr. Clark stated that there are so many projects going on now it would seem to be prudent, if possible, if the administration would put together a spread sheet that would lay out the various Capital projects that are underway at this time and really show the progress that has been made on those projects. This would include the Columbia Road Culvert, the Porter Creek Bridge, the Queenswood Bridge, Sunset Improvements, Lake Road Bridge, and other projects. It would be a better visibility calendar for Council. It would be beneficial to have this prior to Council recess this summer for measurement of progress and communication with residents.

Mayor Koomar stated that the City is in a good place to be able to put something like that together. The other item of concern is the lake levels and increased erosion at the cemetery. Mayor Koomar
Committee Meeting of Council  
April 29, 2019

has spoken with Senator Portman’s office to obtain assistance. Chagrin Valley Engineering has other options that will create a lower number from an engineering standpoint for the construction project. Scudder Mackey, who heads up the Sandusky Office of the Ohio Department of Natural Resources, is working with Chagrin Valley Engineering.

Mrs. Stainbrook stated that quite a few residents have commented on the Service Department page on the City Website for project updates. It is very helpful from a public perspective. Mrs. Stainbrook thanked Director of Public Service and Properties Liskovec for providing this useful information.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Submerged Land Lease for 29336 Lake Road.

A resolution will be introduced by Ms. DeGeorge this evening for the approval of a submerged land lease for the property located at 29336 Lake Road. Law Director Barbour confirmed that all is in order from an administration standpoint.

Update on Fire Station Improvements.

Mayor Koomar stated that the focus has been on what is functioning well at the fire station and what might need special attention. There has been interest expressed by members of the Fire Department regarding concerns. Two different testing agencies have come in, one related to diesel emissions. There are a couple different ways that departments deal with the emissions. Some have individual tubes that exhaust to the outside, and others, like the Bay units, have the suppression built into the system. Law Director Barbour added that the Public Employers Risk Reduction Program from the Ohio Bureau of Workers’ Compensation performed an air quality test of diesel and other fumes from the fire station. The results were received back last week and the levels were well below the acceptable level.

The Mayor stated that there was also a question about mold in the station. Industrial Hygienic came in and did some extensive testing. They came back with several recommendations of removing tile that had mold. Fire Chief Lyons stated that there are areas that have visible mold, such as ceiling tiles. Puroclean, a cleaning company recommended by Industrial Hygienic, is scheduled to come to the station this Friday, May 3. They will be doing remediation, cleaning surfaces and filters, and taking a look at the HVAC system to make sure those filter systems are all running properly and as designed. Long term, they will look at any issues that could be contributing to moisture in the atmosphere of the station. A contractor will be asked to look at the flat roof, which they believe is the original of the station. It has been patched numerous times but is in need of repair. Reduction of moisture exposure will reduce the risk of developing any further mold.

Law Director Barbour stated that further tests will be conducted after the remediation is completed by Puroclean to verify that the mold has been eliminated and the various construction projects recommended will be undertaken and underway to stop the moisture.
Mr. Tadych asked if there is an estimate on costs. Mr. Barbour stated that they do not have a complete estimate on the costs. Puroclean work will cost between $4,000 and $5,000. Prices for the roofing construction and HVAC inspection will be forthcoming. Mr. Clark asked Mr. Barbour to keep the Council apprised, noting the improvements are important from a safety standpoint.

School Resource Officer Agreement.

Mr. Clark stated that Council has been supplied with a draft of a Memorandum of Understanding (MOU) with the Bay Village City Schools. The Superintendent of Schools would like to bring in a School Resource Officer (SRO), as is done by many other communities. There has been ongoing discussion between the Mayor, Police Chief, School Board, and Superintendent about putting together an agreement that would be acceptable to both parties.

Mayor Koomar commented that Law Director Barbour has done a lot of work with the schools’ attorney. There are several formats that were used as guides, and features were customized with language important to both parties. One of the first things to be done was to get a sense of whether to start with a part time or full time officer. Many schools do a variety of combinations of part and full time officers. The schools’ interest was to look at the part time officer as a more economical way to begin and to make sure the relationship was favorable. The School Resource Officer will be a City employee, interviewed and hired by the Police Chief, with input from the High School principal.

Police Chief Spaetzel stated that a lot of time was spent on the Memorandum of Understanding, resulting in a good job by Law Director Barbour with the language of the document which is very workable for both sides. It is a big effort to go into and the desire is to make sure everyone is comfortable with it before moving ahead.

Mr. Clark commented that Exhibit A of the MOU shows a 70%/30% split between the schools and the city. There are two other schools, Rocky River being one, which have a similar agreement that is 75%/25% sharing agreement between the schools and the city. Avon started out with 50%/50% with their next offer at 75%/25%. Mayor Koomar stated that a part time officer would give the schools about 5.8 hours per day.

Ms. Maier stated that she thought there was discussion about increasing the hours during the school year. Mayor Koomar noted that a part time employee cannot be scheduled more than 29 hours per week. If there is a holiday within a pay period, that would provide some flexibility. The hours in the package include time off for the officer and annual four weeks of training.

Mrs. Mahoney stated that the proposal in the MOU is $18,000 for the City portion, estimated, each year, over the next three years. The Mayor stated that in the case of a part time officer all of the hours would be at the schools. There is definitely value in partnering, having eyes and ears inside the school for the Police Chief and his team. We have always done the Bay Family Services contract in terms of a 50/50% split. The City remains committed to that investment to be proactive with students and families before incidents occur, but also like to look at the relationship in totality for both contracts.
Ms. DeGeorge asked if the four weeks of training is every year. Chief Spaetzel stated that there is an initial week of SRO training that is mandatory for certification. The City has additional training to be certified as a police officer. Combined with the schools’ training and what the Police Department requires in training, it would be three to four weeks every year of training.

Mr. Tadych commented that what is nice is with the pension, medical, and any other coverage there will be a split for all those things. It will not be a total City responsibility.

Mr. Clark stated that almost six hours a day is achieved on a part time position versus an eight hour day on a full time position, which seems to be a better value.

Mr. Clark suggested that the members of Council send their comments on the proposal to the Law Director.

Mr. Barbour commented that Police Chief Spaetzel has put a lot of work into this agreement and deserves a great deal of credit.

Mayor Koomar noted that by the time the hiring, background check, training, and the initial SRO school is completed, this will be a fall, end-of-year hire. There will be a minimal budget impact for 2019. The reason for moving this forward and discussing it this evening is that the grant funding for the 2019-2020 year is due next Friday.

Mr. Barbour noted that the School Board members have not seen the agreement being reviewed by Council this evening. There may not be significant changes, but it is recommended that the City move forward as soon as possible. Mayor Koomar commented that if a good candidate is found and things move forward quickly, there would probably only be a $4,000 budget impact for 2019.

Ms. Maier noted the agreement states that the SRO will be provided a secure computer. Ms. Maier asked how that would work with the schools, considering the files on the Police Department’s secured server. Chief Spaetzel stated that the SRO would almost never be at the Police Department, his work product will be protected on a computer outside of the network that the schools use.

Ms. Maier asked about the section of the agreement that refers to the monthly activity reports to the Superintendent, building principals and Chief of Police, and asked if these would all become public records with the students’ names. Chief Spaetzel stated that students’ names are not public records. The only time it would become public record is if an arrest is made. Anything else outside of that would not be a public record. Mr. Barbour noted that this is all subject to the Ohio Revised Code.

Mr. Clark reiterated his request that Council provide any further comments to the Police Chief and Law Director. He noted that Council would like to support this effort and the percentages seem to be in line. Mayor Koomar that both sides tried to be sensitive to the concerns of the other party in drafting this agreement with the wording agreeable to both parties.
FINANCE & CLAIMS COMMITTEE-Tadych

Amended Appropriation Ordinance.

Mr. Tadych stated that since April 1 work has been ongoing for the amended appropriation ordinance, adding items as the ordinance has been on readings. The ordinance will be amended by reading this evening to accommodate the movement of the Property Maintenance Inspector from the Service Department to the Building Department. The second addition to the appropriation this evening is the addition of funds for the resurfacing of Parkside Drive to be included as part of the 2019 Road Resurfacing Program. The ordinance will be moved for adoption this evening.

Mr. Tadych noted that he will comment about the payroll increase for 2019 at the special meeting of Council to be held this evening.

A Finance and Claims Committee Meeting will be held on Monday, May 6, 2019 at 6:30 p.m. in the conference room of Bay Village City Hall.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Ms. Maier had no report this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Osborn Engineering Contract for Design and Engineering Services for the Ashton Lane Bridge Replacement Project.

Mrs. Stainbrook will introduce an ordinance this evening to provide for the agreement with Osborn Engineering Company for the design and engineering services for the Ashton Lane Bridge replacement. The $12,413.00 additional cost for the project was discussed last week and the appropriation ordinance was amended by reading to include the total cost of the engineering and design services of $217,413.00.

Removal of Sunset Improvement Project from Matters Pending before Council Committees.

Mrs. Stainbrook will move to remove the Sunset Improvement Project from the list of matters pending before Council Committees at the special meeting of Council to be held this evening.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Banning of Smoking in Parks.

Mr. Winzig stated that Chief Spaetzel has reviewed the language in the proposed amendment to Chapter 539 of the Codified Ordinances of the City of Bay Village by enacting Section 539.07
Committee Meeting of Council  
April 29, 2019

(i) relating to prohibiting smoking in parks. A draft has been presented to Council for review and presentation to the Committee of the Whole at the Council meeting of May 6, 2019 for first reading. The Recreation Department will provide the signs for requested locations in the parks.

Ms. DeGeorge asked if all of the 32 suggested locations will be used, noting the previous discussions about sign pollution.

Recreation Director Enovitch recommended starting with a sign at the pool, and signs at the entrances to the parks.

Ms. DeGeorge asked if the Scout Troop that initiated this movement will be invited to the May 6 Council meeting. Ms. DeGeorge and Ms. Maier will provide the contact information. Mr. Winzig stated that they will be contacted to be in attendance when the ordinance is introduced.

Ms. Stainbrook asked if there are penalties associated with the enactment of Section 539.07 (i).

Mr. Winzig stated that the penalty section is Section 539.99.

Mr. Tadych stated that one of the phrases in the proposed ordinance states that “No person found to be smoking or using smokeless tobacco products in such designated non-smoking and tobacco/smoke free zones in a park shall fail to immediately cease said activity when requested to do so by City staff, a Police Officer, or a person charged with the management, operation or care of any City-owned park.”

Mr. Tadych asked if the person referred to as City staff, or a person charged with the management, operation or care of any City-owned park would be one of the Cahoon Memorial Park Trustees, or a member of Council. If so, will they be given some kind of identification to be given to the person that is smoking if it becomes a problem with no police officer around.

Mr. Barbour and Mr. Tadych discussed this section further and the possibility expressed by Mr. Tadych of the need to testify in court if the matter should proceed that far. Mr. Tadych noted that he has a problem with these words in the section, and would like those words to be left out of the section.

Mr. Barbour stated that because the police can’t be everywhere all the time, and the issue with the smoking arises around people leaving the pool and smoking, and smoking during a baseball game or soccer game. The attempt is to try to empower someone who works for the City who is on site to be able to go up to the smoker and ask them to please, stop smoking. In most circumstances, that City staff person would have on some kind of uniform that would identify them as a City employee. It is not contemplated that a Cahoon Memorial Park Trustee or Councilman would have to undertake that kind of notification. Mr. Winzig did a lot of research on this topic, looking at ordinances in many other cities. Mr. Barbour stated that anybody violating an ordinance of any type can be told that the violation is against the ordinances. And, you are free not to say anything. Or, you can always say there is no smoking in the park and walk away.
Ms. DeGeorge referred to the section that says “City-designated smoking area.” She asked if there are City-designated smoking areas. Mr. Barbour said there are not City-designated smoking areas, but they could conceivably be added.

Ms. DeGeorge asked if smoking needs to be defined. Mr. Barbour stated that for the purpose of this ordinance the wording is sufficient.

Ms. Maier asked if medical marijuana has to be used in your own home. Chief Spaetzel stated that medical marijuana cannot be smoked. That is not an option for it.

Chief Spaetzel stated that the violations under this ordinance will be complaint driven. They also cannot cite anybody unless the violation is actually seen by a police officer.

Mr. Winzig stated that at this point they did not anticipate having a City-designated smoking area in the park. There could be at some point in the future a designated area defined.

Mr. Tadych noted that the Bay Days carnival workers are an issue.

Mr. Barbour stated that the primary purpose of this ordinance and other ordinances like it is to act as a deterrent and those who do smoke will remove themselves to their car or another area away from the park.

Ms. Maier asked if there is consideration to modifications in other sections of the ordinance, noting there is reference to bridle trails and horseback riding.

Mr. Clark stated that this is the first draft of the ordinance and further review will clarify some of these questions.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Ms. DeGeorge had no report this evening.

MISCELLANEOUS

Ms. DeGeorge noted that there was a problem with recycling not being picked up on Lincoln Road between Forest Drive and Cahoon Road last week. The previous week, on Lincoln Road, closer to Debbington Drive, the recycling was not picked up at all.

Mr. Liskovec stated that these problems seem to be the result of staffing and vehicle breakdowns.

Ms. DeGeorge asked the status of the Columbia Road Culvert Project. Mr. Liskovec stated that final utility coordination is being awaited.

AUDIENCE
Committee Meeting of Council
April 29, 2019

There were no comments from the audience.

CAHOON MEMORIAL PARK TRUSTEES

There were no items to come before the Cahoon Memorial Park Trustees this evening.

There being no further comments or discussion, the meeting adjourned at 8:10 p.m.

_________________________________  ________________ ________________
Dwight A. Clark, President of Council  Joan Kemper, Clerk of Council
ORDINANCE NO. 17-56
INTRODUCED BY: Tadych

AN ORDINANCE
FIXING THE SALARY OF THE PRESIDENT AND MEMBERS OF COUNCIL AND REPEALING ORDINANCE NO 15-56, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That effective on the dates listed below, the salaries for the office of President of Council and Members of Council shall be as follows:

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<th>Position</th>
<th>Salary</th>
<th>Effective Date</th>
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<tr>
<td>President of Council</td>
<td>$9,410.00 per annum</td>
<td>1/1/2015</td>
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<tr>
<td></td>
<td>$9,598.00 per annum</td>
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<td>Ward Councilman</td>
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<td></td>
<td>$9,067.00 per annum</td>
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<td></td>
<td>$9,520.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td>Councilman-at-Large whose</td>
<td>$8,300.00 per annum</td>
<td>1/1/2015</td>
</tr>
<tr>
<td>Term expires 12/31/2017</td>
<td>$8,466.00 per annum</td>
<td>1/1/2016</td>
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<td>$8,635.00 per annum</td>
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SECTION 2. That ordinance No. 15-56 be and the same is hereby repealed.

SECTION 3. That the Clerk of Council is directed to forward a certified copy of this ordinance to the board of Elections of Cuyahoga County immediately upon its adoption and approval by the Mayor.
SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 5. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide said compensation before deadline, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: August 7, 2017

[Signature]
PRESIDENT OF COUNCIL

[Signature]
CLERK OF COUNCIL

APPROVED: August 8, 2017

[Signature]
MAYOR

7-20-17 JD