

City of Bay Village

Council Minutes, Special Meeting

December 27, 2012

Council Chambers 5:00 p.m.

Scott Pohlkamp, Vice President of Council, Presiding

Present: Clark, Lieske, Miller, Pohlkamp, Tadych, Young, Mayor Sutherland

Not Present: Paul A. Koomar, President of Council

Others

Present: Law Director Ebert, Finance Director Presley, Service Director Galli

Prior to the meeting, Mr. Pohlkamp called for a review of the agenda. Mr. Young asked Mr. Presley to review the items on the supplemental appropriation ordinance to be introduced this evening. Mr. Presley advised that the Legal Operating Supplies line item has outstanding invoices that have been submitted that do not have available funds in the budget for payment by the end of the year. Mr. Presley stated that these items have to do with pending law suits and Workers Compensation issues. The Finance Director wages are being reduced in the amount of \$11,000 due to the full time resignation of Mr. Presley. Tax Administration Operating Supplies are also reduced by the amount of \$25,000. The Emergency Paramedic Unit needs \$100,000 transferred from the General Fund due to overtime wages. A portion of that transfer is due to the fact that property taxes were not received as budgeted revenue during 2012. Between emergency overtime, overtime, and deferred overtime during the last pay period there were over 420 hours of overtime paid in the last payroll.

Mr. Young asked Chief Lyons how many of these hours were Hurricane Sandy related. Chief Lyons stated that 275 hours represents the deferred overtime. Mr. Young stated that he would be interested in hearing the number of overtime hours that were necessary due to the storm by the Fire Department, Police Department, and Service Department.

Mayor Sutherland stated that there were 90 hours of emergency overtime and 24 hours of regular overtime from the Fire Department associated with Hurricane Sandy. Mr. Young asked if a dollar amount could be provided to him in the near future. Mr. Clark asked for a breakdown of the Emergency Paramedic Unit overtime as well for the storm. Chief Lyons stated that the overtime hours stated by Mayor Sutherland include the Emergency Paramedic Unit overtime. Mayor Sutherland stated reimbursement may be forthcoming from the Federal Emergency Management Agency (FEMA) now that Ohio has qualified for emergency funding.

Chief Wright stated that the dollar total of overtime for the Police Department, Hurricane Sandy related, was \$1,692.00.

Mr. Presley continued with the review of the supplemental appropriation ordinance, stating that Service Department Benefits are being reduced by \$35,000, and there is an increase in Fire Salaries, Wages and Overtime Wages in the General Fund by \$19,475. Fire Benefits are being

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increased by \$3,800. The amount paid to operate the Central Dispatch Center is being reduced by \$25,000 because their expenses for the fourth quarter of 2011 and the first three quarters of 2012 were that much below actual budget numbers. Police Salary Wages are at a net reduction of \$30,000 for full time salaries and wages.

In the Service Department, some of the employees were deployed in a different manner so at the end of the year adjustments are made in the various accounts. The Refuse Collection Operating Supplies line item is being appropriated an additional \$60,765 because in 2011, when the city changed over to the payment method of using the American Express Card, there were only 11 payments made in 2011. There were thirteen payments in 2012, which included the December payment from 2011 plus the normal twelve payments in 2012 because of the way the credit card company deferred the payment in 2011. In 2012, this appropriation will provide for the thirteenth payment. Payments are made with a credit card because of realizing savings of 1% back from American Express. This provided the funds for the tablets, the white board at the police station, lap tops, and other items.

Mr. Clark asked if the \$60,765 payment that is being made would have been higher if it were not for the negotiated trash contract this past year. Mr. Presley responded affirmatively, and also noted that there is \$40,000 of unspent fuel recovery funds that were budgeted.

The Service Garage Salaries and Wages line item is being increased by \$47,400, but represents funds from other Service Department wage line items. It also includes a Fact Finders award for which there were two payments in 2012, and approximately \$38,000 in storm related overtime. The total General Fund is being appropriated an additional \$134,435, with an estimated General Fund balance on December 31 between \$990,000 and \$1 million, including all of these appropriations.

The Emergency Paramedic Unit Fund is being appropriated \$43,000 in overtime wages. There is a slight increase in benefits of \$1,255 and a reduction of the line item of Operating Supplies.

The Youth Activities Operating Supplies appropriation of \$4,525 is for utilities at Bayway Cabin. An account will be created in the General Fund for this item to track reimbursements that come in from the rental of the building to Kiddie Kollege to offset the utilities. There will still be some utilities that the city is responsible for at Bayway Cabin due to the fact that the Recreation Department is still in the building.

The General Bond Retirement Fund is receiving an additional appropriation because of the refinancing of the police station construction.

The Sewer Improvements appropriation is for the aerial sewer and some of the storm related repairs.

Section H of the supplemental appropriation ordinance is an advance of \$1,050,000 to the sewer fund because the aerial sewer project is a reimbursable loan and the project needs to be funded until such time as the reimbursement is received from the Ohio Public Works Commission. Service Director Galli stated that the fund will not be repaid by the loan proceeds until the

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project is completed. The project will be completed in January of 2013, but the cleanup work will not be done until spring. The funds will be received six months later. Mr. Presley will update the financial schedule for advances for the Finance Committee to track where the funds went out of the Infrastructure Improvement Fund. The Bradley/Naigle Road Intersection Project funds still remain to be refunded to the Infrastructure Improvement Fund.

Mr. Young will introduce a motion this evening to confirm the appointment by Mayor Sutherland of Renee Mahoney to the position of Director of Finance. Mr. Young and President of Council Koomar met with Ms. Mahoney along with the present Finance Director and the Mayor. Mr. Young stated that Ms. Mahoney is very professional, very well qualified, and he would recommend confirmation of the appointment.

Mayor Sutherland stated that Ms. Mahoney is coming to Bay Village from the City of Shaker Heights where she has been employed for twenty years. She began as a staff accountant at Shaker Heights and is currently the Assistant Finance Director. One of her biggest accomplishments was bringing technology and implementing a MUNIS program in their Finance Department, and city-wide. Ms. Mahoney will begin her employment with the City of Bay Village on January 4.

Mr. Tadych asked if Ms. Mahoney will begin working full time on January 4. Mayor Sutherland stated that they will do the same favor for Shaker Heights that Pepper Pike did for the City of Bay Village in allowing transition time.

Mr. Clark asked how the budget will be handled because that needs to be approved in the first quarter of the year and we won't have a full time finance person. The Mayor stated that Ms. Mahoney will get it done.

Mr. Clark will introduce an ordinance this evening to provide for a change order for CITI Electric in regard to the contract for the emergency repairs to the Longbeach and Huntington Pump Station.

Service Director Galli stated that there was significant damage to both pump stations as a result of Hurricane Sandy. CITI Electric was brought in and quoted the price of \$42,000 which was approved by Ordinance 12-99 on November 19, 2012. Subsequent to that they are finding additional damaged items that need to be repaired. As of today, the costs are \$55,064 or an increase of \$13,000 over the original contract. CT Consultants engineering firm reviewed the damages as a representative of the city. First Energy also sent out a representative for an evaluation. The transformer that was replaced 18 to 24 months ago was wired incorrectly and as a result of that caused significant damage during the period of time when the back feed occurred. An official claim has been made to CEI for the damages. Mr. Galli provided Council with a summary of the storm damage repairs for the Longbeach and Huntington Pump Stations through December 27, 2012.

Mr. Galli noted that Councilman Miller asked about the change order process. Mr. Galli stated that had this been a road resurfacing program or any job bid competitively, unit prices based on quantity would be included. Other than that, we have boiler plate, general condition contract

information that would say that in the event that you can't agree to a price, based on unit price, it would be negotiated for time and materials and there is a group of specifications on how that is administered. This project did not have that because it was done on an emergency basis. City personnel are at the site documenting what is being done, and CT Consultants is being appraised. CT Consultants has a report coming to the city right after the first of the year which will be included with all of the cost information. This will be submitted to CEI, First Energy, for reimbursement.

Mr. Tadych asked the amount of the formal request we have already referred to CEI. Mr. Galli stated that a dollar amount has not been submitted. The first step was to get their engineer out and determine that there was a problem, which they have acknowledged. We have now made the formal notice that we will submit a claim.

Mr. Gordon Evans, Service Department Foreman, stated that everything that has been replaced has brought the pump stations up to date with technology. Huntington Pump Station was built in 1986. The Longbeach Pump Station was upgraded in 2000. When they did the upgrade in 2000, they did not do the upgrading on the starters or panels. When the storm came through it took both pump stations out of service.

Mr. Pohlkamp asked if the charges that were incurred due to overtime for monitoring the pump station will also be submitted as a claim to CEI. Mr. Evans stated that the engineer from CT Consultants recommended submitting all bills related to the pump station damages.

Mr. Tadych asked Mr. Ebert if he will follow up on this claim. Mr. Ebert stated that he will but noted that CEI may not agree to the claim in its entirety.

Mr. Clark asked Mr. Galli if there are any change orders going forward on other projects that Council needs to be aware of. Mayor Sutherland stated that there are two pumps still out from the Longbeach Pump Station that are in for repair now that we still do not have a price for the repairs. Mr. Evans estimated that the cost will be \$15,000 in addition to the \$55,000 of the contract and the change order being approved this evening.

Mr. Galli stated that everything included in his summary through December 27, 2012 is supported by an invoice and/or a purchase order that has already been submitted.

Mr. Evans stated that CITI Electric dropped everything to come and help the city. He stated that they are an excellent company.

Vice President of Council Pohlkamp called the Special Meeting of Council to order at 5:00 p.m. in the Council Chambers with the Pledge of Allegiance led by Councilman Michael Young, Ward 4, and roll call.

AUDIENCE

The following members of the audience signed in this evening: Denny Wendell, Bruce Geiselman, Jeff Gallatin

ANNOUNCEMENTS

Mayor Sutherland read a proclamation in honor of Councilman-at-large Scott Pohlkamp, upon his resignation from City Council effective December 31, 2012, after serving seven years.

Councilman-at-large Pohlkamp stated that it has really been a great pleasure to serve. He stated “I can’t think of a finer city in this country; I wouldn’t rather be anywhere else, and I intend to spend the rest of my years here. I appreciate all the dedication and time you put into it, individually and collectively, and that includes all of our city workers and everyone on Council. It really has been a great pleasure. I am not going to walk away. I look forward to staying in touch and staying involved in the city.”

Mr. Young read and introduced **ORDINANCE 12-112 TO MAKE APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR 2012, INCLUDING TEMPORARY APPROPRIATIONS HERETOFORE MADE IN ORDINANCES 11-102, 12-03, 12-10, ANNUAL APPROPRIATION ORDINANCE 12-11, SUPPLEMENTAL APPROPRIATION ORDINANCES 12-62, 12-79, 12-89, 12-98 AND 12-107, AND DECLARING AN EMERGENCY**, and moved for adoption.

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Ordinance 12-112.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Lieske, Miller, Pohlkamp, Tadych, Young

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Lieske, Miller, Pohlkamp, Tadych, Young

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Lieske, Miller, Pohlkamp, Tadych, Young

Nays -None

Roll Call on Adoption:

Yeas–Clark, Lieske, Miller, Pohlkamp, Tadych, Young

Nays–None.

Mr. Pohlkamp announced adoption of **Ordinance No. 12-112**, an emergency measure, by a vote of 6-0.

Motion by Young to confirm the appointment by Mayor Sutherland of Renee Mahoney, CPA, to the position of Director of Finance of the City of Bay Village, Ohio, effective January 4, 2013.

Motion passed 6-0.

Mr. Clark read and introduced **ORDINANCE NO. 12-113 AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH CITI ELECTRIC, INC., FOR**

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THE EMERGENCY REPAIRS TO THE LONGBEACH AND HUNTINGTON SEWERAGE PUMP STATIONS, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Pohlkamp called for a vote on the motion to adopt Ordinance No. 12-113.

Roll Call on Suspension of Charter Rules:

Yeas –Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays -None

Roll Call on Adoption:

Yeas–Lieske, Miller, Pohlkamp, Tadych, Young, Clark
Nays–None.

There being no further business to discuss, the meeting adjourned at 5:31 p.m.

Mr. Pohlkamp announced adoption of **Ordinance No. 12-113**, an emergency measure, by a vote of 6-0.

Scott Pohlkamp, Vice President of Council

Joan T. Kemper, Clerk of Council