

City of Bay Village

Council Minutes, Committee Session
Council Chambers

February 11, 2013
7:30 p.m.

Michael A. Young, Vice President of Council, presiding

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

Absent: President of Council Koomar

Others

Present: Law Director Ebert, Finance Director Mahoney, Service Director Galli,
Operations Manager Landers, Recreation Director Enovitch.

Vice President of Council Michael A. Young called the meeting to order at 7:30 p.m. in the Council Chambers of Bay Village City Hall, and the meeting was open to the public.

AUDIENCE

The following members of the audience signed in this evening: Jerrie Barnett, Denny and Tara Wendell, Jennifer Smillie, Russell Thompson, Jeff Gallatin, Bruce Geiselman, Patrick McGannon

ANNOUNCEMENTS

Mayor Sutherland commented that she received a very nice note from a resident regarding some issues the resident had with open times at the Community Gym. Director Enovitch took care of the matter very well.

The Mayor advised that the municipal income tax issue is heating up very rapidly. Sponsor testimony is this Wednesday, with opponent testimony probably starting next week. Mayor Sutherland expects to go to Columbus several times over the next couple of weeks.

COMMITTEE OF THE WHOLE

Report of Walker Road Park Ad Hoc Committee Meeting

Vice President of Council Young reported that Mr. Clark, Mr. Tadych, and he attended a meeting of the Walker Road Park Ad Hoc Committee held this evening at the Avon Lake City Hall at 6 p.m.

Mr. Clark stated that there were two primary topics discussed at the meeting. One is the Emerald Ash Borer problem that exists at the Walker Road Park. Trees will have to be taken down because of that situation. The cost will be split, 50%/50%, between Avon Lake and Bay Village.

Committee Meeting of Bay Village City Council
February 11, 2013

It is unfortunate, but not something that is unique to Walker Road Park. The Ash Borer problem has been seen in other parts of Bay Village as well.

Mayor Sutherland asked who is mandating that the trees come down. Mr. Tadych stated that the Bay Village Councilmen were informed by the Avon Lake Councilmen that the trees had Emerald Borer damage and the Avon Lake officials thought the trees would have to come down.

Mr. Clark stated that the Avon Lake officials were asked how they were going to handle the bidding of the whole project because they estimated the total cost was \$20,000. More details will be sought.

Mayor Sutherland stated that she would recommend seeking further information before proceeding because there might also be funding that might be available through the Ohio Department of Natural Resources.

Mr. Clark stated that they would be happy to follow up on that. Mayor Zilka of Avon Lake commented on the situation at the Avon Lake Walker Road Park Ad Hoc Committee meeting. Mr. Clark thought they would report on those remarks this evening and can certainly go back for more detail, with any assistance Mayor Sutherland can provide.

Mayor Sutherland stated that the City of Bay Village was able to remove trees in Bay Village with the help of grant dollars.

Mr. Clark stated that Avon Lake did indicate clearly that there is Ash Borer damage that will have to cause the removal of some trees, and to that extent more information will be obtained going forward.

Mr. Tadych stated that Avon Lake has set aside \$10,000 in their budget for the park, not necessarily just for the trees. That is an amount that could be used in the direction of tree removal.

Mr. Young noted that the City of Bay Village has approximately \$9,600 in the Walker Road Park Fund at this time.

Mr. Clark reported further that the Avon Lake officials shared details on some of the issues that Avon Lake has regarding the deer population. They keep a running track of deer that have been either hit or killed in car accidents as the over-population of deer becomes more problematic for the City of Avon Lake. They are looking at enacting legislation that allows for the culling of deer on public properties. There is a permitting process that has to be run through the state for licensing. They might be permitting bow hunting for legal culling of White Tail Deer. This would probably happen in late 2013 or early 2014. Avon Lake is seeking Bay Village input because of the joint ownership of the Walker Road Park. The Avon Lake representatives will be asked to attend a Bay Village Council meeting to talk about what they have done because they have worked several years on legislation to do this correctly. There aren't a lot of peer group cities that have had legislation done, with the exception of Solon. This is a very controversial subject. There is more information to come. They have been asked to join Bay Village at the

proper time so the Bay officials can hear what they ran through and some of the things they have encountered with their residents.

Mr. Tadych added that Avon Lake will send Police Lieutenant Bulger to the Bay Village Council at a time to be determined to discuss the Avon Lake deer program. The Avon Lake officials commented that most of their automobile accidents due to deer are on Walker Road. Mr. Tadych pointed out that the Bay Village Walker Road speed limit is 25 mph and that might explain why Bay Village may have less incidents of this nature. In the last two years, Avon Lake had sixty reported deer/automobile accidents with a majority on Walker Road. That is probably not the full report because a lot of people may not report the accident that would require paying the deductible on their car. Avon Lake provided two car/deer accidents reports for 2011, 2012, and a report on the 44 dead deer the Service Department had picked up throughout the city over the period of one year.

Mayor Sutherland asked if Avon Lake has the Ohio Department of Natural Resources (ODNR) involved.

Mr. Clark stated that he believes they do have the ODNR involved because they are talking about a sterilization program and this involves going through the state for permitting. This is a time consuming process and is not an issue that will happen overnight. It is an issue that brings forth a lot of emotions from the residents. Bay Village would certainly want to share in their experience as opposed to Bay Village being on the leading edge of trying to enact legislation.

Mr. Tadych noted that the meeting was very interesting.

Mr. Young stated that the third thing that was discussed at the meeting this evening was fishing. There is catch and release fishing at the Walker Road Park. Last fall, the City of Avon Lake did a fishing tournament in their swimming pool. They had a great number of fish left and released them into the Walker Road Park. They are discussing holding a Rainbow Trout Fishing Tournament this coming April 19 through 21 of 2013 at the Walker Road Park.

Director Enovitch stated that Bay Village will help promote the program, but they have no interest at this time in having a Catch and Release Program at the Bay Pool.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Medical Mutual Health Care Contract

Mr. Clark stated that this evening he will introduce an ordinance relative to an administrative contract with Medical Mutual of Ohio, which is the current administrative agent for the city's health care plan. A three-year contract will be entered into for the third party administrative services. Much work has been gone through with health care consultant Findley Davies to try to design a plan in an attempt to keep costs down, but be fair to the employees, and merge the two existing health care plans of the city into one plan. They have benchmarked Bay Village against Rocky River, Westlake, and other cities to make sure the program is not only transparent, but

Committee Meeting of Bay Village City Council
February 11, 2013

fair. The changes will be recommended today to go into effect on March 1, 2013. Medical Mutual needs to be advised by this Wednesday of the plan.

Mr. Ebert added that the only thing that is being guaranteed by this ordinance is the administrative costs as far as the contract going forward. The stop loss coverage will be increased from \$60,000 to \$75,000. Mr. Clark stated that this is the prudent thing to do, others are moving towards that, and it will lower the cost of the stop loss per instance, per employee. The \$60,000 level had been in effect for several years.

Mr. Young asked Council if they are comfortable with the proposed ordinance. Mr. Clark stated that this is exactly what they had discussed with Findley Davies at several meetings. If they are to go year over year with Medical Mutual the increases will be higher than that, so the increases are being locked in over a three year period at 3%, 3%, and 2% respectively for years 2013, 2014, and 2015. The plan year runs from March 1 through February 28 of each year. There is consensus across the committee to move forward.

Mayor Sutherland reminded Council that the city is still in negotiations with labor unions so this can be implemented for non-bargaining unit employees, but will have to finish the negotiation process for the unions.

Mr. Clark stated that these are global changes but a two-step process because we are in bargaining negotiations at the present time. This affects the totality of the program without being disadvantageous to any particular party.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Miller advised that a motion will be introduced at the Special Council Meeting to be held this evening to authorize the Service Director to advertise for bids for the 2013 Pavement Marking and Street Striping Program, as well as the 2013 Annual Construction Materials and Supplies. Assistant Service Director Sears has provided a memorandum to Council relative to the advertisement for bids.

FINANCE & CLAIMS COMMITTEE

Finance Update

Mr. Young advised that the Finance Committee has been working with Finance Director Mahoney on the 2013 Budget. Questions, changes and up-dates have been taking place between the Finance Committee and Finance Director Mahoney regarding Capital Expenditures and Equipment Replacement Fund items, and how a 1% salary increase would affect the budget.

Finance Director Mahoney stated that she has provided the Capital Expenditures information to the Finance Committee. A 1% increase for the Police Department equates to \$22,000 annually, and \$25,000 annually for the Fire Department, including base salary and pension. The Fire Department is higher because the pension costs are higher.

Committee Meeting of Bay Village City Council
February 11, 2013

Mr. Ebert distributed a report he prepared regarding Refuse Collection Fees in neighboring communities. The report includes a comparison of the rates charged in surrounding cities and the rate charged by the City of Cleveland. Assistant Service Director Sears has provided an analysis of the city's contract with the waste collection company for the past five years. He noted that monies were saved with the fuel surcharge decrease. Mr. Ebert noted that refuse fees are a possible source of additional revenue. He asked Council for a serious review of the information.

Mr. Ebert distributed a draft of a lease agreement between the Village Bicycle Cooperative and the City of Bay Village. Mr. Miller met with Service Director Galli and Assistant Service Director Sears concerning the Community House and the fire system upgrades. There have not been any formal discussions by the Cahoon Memorial Park Trustees as to the rent. The utilities would be a proportion of the total cost of utilities at the Community House, charging approximately 18%. The Bicycle Cooperative, a non-profit organization, will not be in operation on Sundays. The lease contains a sixty-day termination agreement. The building should be ready for occupancy on or about March 15, 2013.

Service Director Galli stated that he is hoping that the building will be ready by March 1, 2013. Mr. Miller stated that there was a question about the not-for-profit status. He asked Jennifer Smillie for her comments in this regard.

Ms. Smillie stated that the Bay Skate and Bike Park has agreed to be their fiscal agent, which allows the Village Bicycle Cooperative to accept bicycles and issue a tax receipt. They are also receiving in-kind donations. The Village Bicycle Cooperative is in the process now of working toward their 501 (c) (3) but it is a fairly lengthy and expensive process. They are seeking the assistance of someone to help them in that regard.

Ms. Smillie stated that the purpose of their organization is to create a recreational and educational offering for Bay residents and add sustainability by repairing and reusing bicycles.

Mr. Clark noted that the process of an IRS determination letter could be anywhere between 9 and 15 months and can be costly. He asked if the city has a copy of the IRS determination letter for the Bay Skate and Bike Park.

Mr. Kuh stated that the city was furnished with a copy originally. Mr. Ebert added that the copy may be in the Finance Department files.

Mr. Clark suggested that for the purpose of a clean entry he would suggest the Village Bicycle Cooperative take occupancy on April 1, 2013.

A certificate of insurance is on file with the city.

Ms. Smillie stated that they are tentatively planning on opening April 1, 2013, and asked consideration to move things in during March and prepare for that opening date. This would allow time for student volunteers to come in during the month of April to work toward the Bike to School Challenge in May.

Mr. Miller commented that materials have been stored in the building previously. Mr. Tadych noted that those were City of Bay Village materials stored in the building. Mr. Galli stated that none of the materials of the Bicycle Cooperative are flammable. The Fire Department inspections are required for an occupancy permit.

Mr. Galli stated that the fire detection system work will begin shortly. There will be a week to ten days of construction followed by programming time. The ceilings, walls and floors have been painted. Heating is provided by a forced air unit separate from the other areas and is in operation. One bathroom has been made into a Unisex bathroom. The other bathroom will remain closed. The fire detection system has to be operational before anyone can take occupancy. Mr. Galli noted that the Building Department Inspectors occupied the space until mid-April of 2012. The utility bills reflect the lower utility cost when the Building Department Inspectors moved to city hall. Mr. Galli suggested revisiting utility costs every six months to determine if the charge to the Bicycle Cooperative is accurate.

Mrs. Lieske asked if discussion about signage will take place at a later date. Mr. Miller noted that there is a sign for the Community House and asked if a shingle will be added below that sign indicating the presence of the Village Bicycle Cooperative.

Mayor Sutherland stated that some type of directional sign can be worked out by the city. This is not anything that needs to go to the Architectural Board of Review. The Mayor further suggested that the occupancy of the Village Bicycle Cooperative in the Community House is completely dependent on when the fire detection system is installed and inspected. She suggested keeping that date fluid, and shooting for March 1, 2013. If that doesn't work, it can be backed off until March 15. Mr. Galli will keep everyone informed.

Mr. Clark stated that his thought about the April 1 date was to give the Bicycle Cooperative the benefit of getting into the building but deferring the first rental payment until thirty days, giving them a break in terms of occupancy. We have assisted Kiddie Kollege with occupancy and can do that here as well.

Mr. Young suggested putting the matter on the agenda of the Cahoon Memorial Park Trustees for the next scheduled meeting. Mr. Ebert stated that permission can be granted to the Bicycle Cooperative to go into the building to begin setting up, under the supervision of the Service Department, for opening without actually operating until the first day of the lease. Mr. Miller will so move at the Cahoon Memorial Park Trustees meeting to be held this evening.

Mr. Young discussed the cancellation of the regular meeting of Council on February 18, 2013, in observance of Presidents' Day. President of Council Koomar has left open the possibility of meeting on Tuesday, February 19, 2013. A Finance Committee meeting will be held Wednesday, February 20, 2013 at 8:00 a.m.

Telephone System Replacement

Committee Meeting of Bay Village City Council
February 11, 2013

Mr. Steve Presley, former Finance Director of the City of Bay Village was present to review the need for a new telephone system for the City of Bay Village municipal departments. Mr. Presley related that the existing telephone system serving the municipal departments of the city is at the end of its life. If it were to crash today, component parts would not be available. Two years ago when there was an issue with the system, they were able to find a used board that actually operates part of the phone system. It is a digital phone system. Systems being installed currently are Voice Over IP (VoIP) Systems.

In looking at replacing the system, Mr. Presley contacted several vendors. Two companies gave quotations in the upper \$80,000 category for VoIP Systems. Warwick Communications, the company who installed the existing phone system, informed Mr. Presley that with a VoIP System there must be a power back up. In discussing this further, it was their recommendation to install a hybrid system. The main components in the city hall building would be a VoIP System but for certain buildings it would be transferred back to a digital set-up. This would save on not having to replace all the phones in all the buildings. Buildings such as the Dwyer Memorial Center and the Recreation Department that do not have a back-up generator are not VoIP eligible. It was decided that the phones would be replaced for the individuals in city hall, the phones in the police station would be replaced, the Fire Department would remain a digital set-up, and the Service Garage would remain digital. (The 9-1-1 system is unaffected – it is completely separate). The phones that would be taken out and replaced in the police station and the city hall would then be available as back-ups or replacements if the other digital phones became obsolete or unusable.

The price for a hybrid system is approximately \$50,000. The equipment is available through the State of Ohio property purchasing program, eliminating the need to go out and bid the equipment purchase. It is also available on the Joint Cooperative Purchasing Program that was used for the purchase of the Leaf Vacuum purchased last fall. Warwick's installation included would be a total price of approximately \$54,000 to \$55,000. There was a bond issuance in 2012 for \$50,000 to replace the system. Mr. Presley stated that this seems to be a middle-of-the-line approach that would keep the phones operating without any problems and eliminate the higher price of \$80,000 to \$90,000 to replace every phone in the city.

Mayor Sutherland asked the time frame for installation. Mr. Presley stated that based on previous discussion, he would estimate two to three months.

Mr. Young asked if Mr. Presley gave the companies that quoted the higher price the opportunity to bid on a hybrid system. Mr. Presley stated that he did not since the other equipment is available through state purchasing. Mr. Young asked what telephone systems Warwick Communication sells, noting that most communication companies are affiliated with a manufacturer. Mr. Presley stated that he does not have that information.

Mr. Clark asked how long the existing phone system has been in place. Mayor Sutherland stated it has been in place since 2002. The system has been a solid performer.

Mr. Clark stated that if the difference is \$20,000 in price over ten years that is \$2,000 per year. He would like to get a system that will fit the city, have someone come in that can school and

Committee Meeting of Bay Village City Council
February 11, 2013

advise the city, and if it is a little bit more money but will last ten or fifteen years, he would be in favor.

Mr. Presley noted that back-up power is needed for all the buildings. Mr. Young stated that UPS or Uninterrupted Power Supply systems are available that will not require building generators.

Mr. Patrick McGannon stated that digital phone systems do require battery back-up as well. Analogue lines through AT&T have their own power.

Mr. Young stated that his point is that he looks at this as part of a bidding process. Something that involves this significant amount of money, he would like to see the city go through the bidding process. As an example, when the city did the Web Site they actually sought competitive bids, interviewed companies and went through a process of selection. This was important with the Web Site and is as important with a telephone system.

Mayor Sutherland stated that when the bidding process is done for services or products it is because we are required by the state to do so because of the dollar amount. One of the reasons that these items are on state bid is because the state has already gone through the process for the city. If the items are on the state list, the state already went out to bid. That is why the city, with confidence, can go to the state list. The city buys things from this list often, e.g., vehicles, computers, etc. because they have used their volume buying power to drive down the price.

Mr. Young stated that if he were sure that is the phone system to use, that would be how to buy it. He would like to look at others and see what their actual product does as well, and others may also have a hybrid system. Mr. Young noted that just that one manufacturer may not be the only one on state bid.

Mayor Sutherland stated that no one at this table or the directors are experts in phone systems. Mr. Presley has always managed the city's phone system and was very involved in the specifications for the existing system. A professional recommendation is coming from someone who has already had the experience. We don't have anyone here who can vet whether there is a better product or not. This works with our system, we have people who understand our operations and understand our equipment, and it is on state bid.

Mr. Miller asked if Warwick Communications offered that they could provide any type of best practice for enterprise type solutions. Mr. Presley stated that some communities have gone totally VoIP and some have gone hybrid. When we are looking at the money we need to have for other circumstances, the hybrid system certainly sounds attractive saving \$30,000 as compared to a VoIP. Having gone through with three other vendors, with \$80,000 being the first caveat, when you look at a company who installed and are currently supporting what we have, offering a hybrid system at \$53,000 makes sense. Mr. Presley stated that he can have a representative of Warwick come in and describe in further detail the kind of system he is proposing.

Mr. Miller asked if Bailey Communications has been considered. Mr. Presley stated that Bailey Communications is in the upper \$80,000 range for a system. They are currently doing the

Committee Meeting of Bay Village City Council
February 11, 2013

system for the new building at Rocky River High School. Mr. Presley also met with Digital Security to tie in the phone system at his present place of employment with a security network and cameras.

Mr. Clark stated that they would certainly like to buy the system that fits what we need at the cheapest price. The point being here is that he would like to have somebody independent that can give the pros and cons of different systems that fit for Bay Village. We have benchmarked health care; we've benchmarked trash collection; we've benchmarked capital sewer charges for different communities. It would be nice to know what River or Westlake, or others are doing as best practice to some extent.

Mayor Sutherland stated that everyone's situation is different. We have many buildings and they are all different. Some will have to stay digital. It is very individualized.

Mayor Sutherland also commented that the city is going to have to make some very difficult decisions about some buildings that the city owns, where they are going to end up, what are we going to do with them, and what is the life of some of these buildings. The Mayor would not recommend some big top-of-the-line system when maybe we could have something that can last five to seven years. The technology changes constantly.

Mr. Presley stated that another thing to take under consideration is the ticking, time bomb that is the phone system. He does not want to walk in and hear the phones are down.

Mayor Sutherland stated that she supposes a consultant could be hired, but her recommendation would be to go with the state bid.

Mr. Young stated that obviously Warwick Communications does know the city system. Mr. Presley knows Warwick. To some degree, you are talking apples and pears. Warwick did a system that no one else bid, and they could easily come under it because they knew the system better than any of the other people. He stated that he does not know if you gave the same type of bid specifications to other people whether indeed they could come up with the same number and have a better product in comparison to Warwick.

Mr. Presley stated that there were no bid specifications. He walked around with the various providers, showed them what we had, met with their engineers, and let them design a product to come back to the city with. After talking with several of them in the \$80,000 to \$90,000 range he met with the individuals from Warwick, talked about some various things and came back with this type of equipment that is on state bid and is available.

Mr. Miller stated that he understands that the influence of a consultant would be helpful but he does not think we need to escalate to that. What we are looking for is some best practices for enterprise deployment of these types of systems. If Warwick Communications does have literature, or they have case studies of local municipalities that have a similar system, not exact but similar, they can at least share that with us in advance of making the decision. Short of them being present to speak to us, we could also use some information in our packets to better inform ourselves of what it is we are discussing.

Mr. Young suggested that the topic of the telephone system replacement be brought up again at the next meeting of Council. We can discuss this off-line but might take up Warwick on the opportunity to come out and discuss their offering. Mr. Presley did forward Mr. Young a copy of Warwick Communication's quote which he will send out to everyone else on the committee. Mr. Young will get back to everyone as to whether this will be on the agenda for the next Finance Committee meeting.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lee

Mr. Lee will introduce a motion this evening at the Special Meeting of Council to ratify permission to the Director of Public Service to advertise for bids to replace the roof on the city hall building.

Service Director Galli stated that the city hall building was pulled out of the hail storm claim. This roof replacement is part of a claim resulting from Superstorm Sandy. Bid results will be brought to City Council at their next meeting.

Mr. Young asked if the flat roof portion of city hall is to be replaced as a flat roof or peaked. Mr. Galli stated that the flat roof is not part of the insurance claim. This involves a totally different type of contractor, and will be more of an industrial type project. The insurance claim is for a shingled roof for the other parts of city hall.

Mayor Sutherland stated that this is where that further conversation is going to have to take place about the life of this building, how much money is to be put into it to, are we going to band-aid it for a period of time, or are we going to actually invest the significant dollars that this building requires. That little section was going to be close to \$50,000 to put a peak over the flat roof because of having to move HVAC equipment. Mr. Ebert stated that in the late 1980's \$450,000 was spent when the earthquake happened and the east side of the building shifted. He stated that this needs to be looked at before spending a quarter of a million dollars or more.

Mr. Young asked if there is any idea about the cost of replacing the flat roof. Mr. Galli stated that it is going to be expensive. They have had two contractors in for evaluations. The estimated cost is approximately \$40,000.

RECREATION & PARK IMPROVEMENT COMMITTEE

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Tadych had no report this evening.

MISCELLANEOUS

The motion to convene to Executive Session for contracts, labor contracts, personnel and litigation was moved to the Special Meeting of Council agenda this evening.

Committee Meeting of Bay Village City Council
February 11, 2013

The Committee Meeting of Council adjourned at 8:45 p.m.

Michael A. Young, Vice President of Council

Joan Kemper, Clerk of Council