

City of Bay Village

Council Minutes, Committee Session
Council Chambers

March 11, 2013
7:45 p.m.

Paul Koomar, President of Council, presiding

Present: Clark, Koomar, Lee, Miller, Tadych

Absent: Mrs. Lieske, on vacation, and Mr. Young, ill

Others

Present: Acting Mayor Ebert, Finance Director Mahoney, Community Services Director Bock, Service Director Galli, Operations Manager Landers, Recreation Director Enovitch, Fire Chief Lyons, Police Chief Wright

President of Council Koomar called the meeting to order at 7:45 p.m. in the Council Chambers of Bay Village City Hall, and the meeting was open to the public.

ANNOUNCEMENTS

Mr. Koomar expressed congratulations to resident Jerrie Barnett on the special occasion of her 75th Birthday!

AUDIENCE

The following members of the audience signed in this evening: Dick Majewski, Jennifer Smillie, Jerrie Barnett, Kent Silverberg, Russell Thompson, Pat McGannon, Nancy Brown, Sue Fink

Jerrie Barnett, 316 Bayview Road, asked about the ordinance on the agenda for the special meeting this evening to enact new Codified Ordinance Chapter 721, for peddlers, solicitors, and canvassers. Mrs. Barnett asked if this ordinance has anything to do with changing the time that solicitors will be permitted to knock on doors in the city.

Mr. Clark stated that the ordinance deals more with trying to define what a peddler, canvasser, and solicitor is. The reason the ordinance was changed previously this past year was to tighten up the hours of soliciting and peddling for the protection of the residents because the law allowed solicitors to knock on doors until 9:00 p.m., including Sundays and holidays. The ordinance was changed to 8:00 p.m., excluding Sundays and holidays. A challenge was received from the Ohio Citizens Action to the legality of the limitations.

Law Director Ebert stated that the city is in litigation now. The hours have not been changed back to 9 p.m. "Canvasser" was not in the previous ordinances, and is being defined in the new ordinance. Solicitors and peddlers have also been defined. There are different requirements, as far as licensing, not with solicitors, but with peddlers, that they questioned in their law suit.

They believe that 9 a.m. to 9 p.m. is appropriate. The city believes 9 a.m. to 8 p.m. is appropriate. There are concerns of the safety of the residents, especially in a bedroom community. The law suit that prompted this was in the City of Inglewood, but that city had a 6:30 p.m. limitation. The ordinance is to show what the City of Bay Village is trying to do from a standpoint of the legislative body of the city to protect the constitutional rights of the residents. The proposed ordinance has been tightened up as far as some of the issues addressed, but the time limitations are still 9 a.m. to 8 p.m.

Mr. Clark stated that the changes that were made previously were made to basically match up what other suburbs have. The City of Bay Village has been singled out by Ohio Citizens Action, but we have attempted to have the calling hours be synonymous with what other cities like Westlake, Fairview Park, and North Olmsted have now. Rocky River does have the 9 p.m. limitation.

Ms. Nancy Brown stated that a second session is planned by the League of Women Voters, for Tuesday, April 16, at 7 p.m. featuring speakers from the West Shore Council of Governments, including Westlake Mayor Dennis Clough, Lakewood Mayor Summers, and former Finance Director of Bay Village Steve Presley, who will discuss the Council of Governments background, operation, current collaboration and future plans. The Westshore Council of Governments members of Bay Village, Rocky River, Westlake and Fairview Park, are currently researching the feasibility of merging fire districts.

Ms. Brown stated that there has been a notable amount of trash not going into the garbage cans around the skate board park area. The Service Department is doing a lot of the clean-up. In reviewing the minutes there was a pledge or comment that the Skate Board Park Foundation and/or people participating would be cleaning up. People have noticed that the Service Department is doing the work.

Ms. Brown asked for an update, with the budget process going on, of the line items of the \$1,000 American Express gift card that was accepted by the city for animal care and control, and an additional line item for resident donations directly to the city for animal care and control. Ms. Brown would like an answer regarding the status of those two line items by the next meeting for the record

Ms. Brown asked if the contract for the transition of the Building Department needed to be taken out to bid.

Mr. Ebert stated that proposals were sought. There were three actual companies that were contacted throughout the country that actually come in and contract out building departments in municipalities. There were only three sources that the city was able to find out in the field that provides this type of work. Mr. Ebert noted that a representative of SAFEbuilt is in the audience this evening.

Ms. Brown asked in what committee this transition was discussed. Mr. Koomar stated that it was discussed on March 4, 2013 in the open committee session. A personnel issue is an Executive Session item. It was such a matter and at a certain point it needs public discussion. It

was brought up last week, and the ordinance placed on first reading for an opportunity for questions to be asked and comments to be received.

Ms. Brown asked if the employees to be impacted are more than the inspectors. Will the whole department merge into this third party?

Mr. Koomar stated that SAFEbuilt is going to take over the Building Department operations if that ordinance is passed. They will still interact and report to Mr. Galli from a city perspective, from a relationship standpoint with ongoing discussion and dialogue. The day-to-day operations of the Building Department of all inspections, attending BZA meetings, Planning Commission meetings, and property maintenance are all going to be the responsibility of SAFEbuilt.

Mr. Ebert stated that there are five people impacted.

Ms. Brown stated that based on what Mr. Koomar and Mr. Ebert said, it wasn't necessary to give public notice or provide any notice that this transition was going to happen. Mr. Koomar reiterated that it was discussed in committee session on March 4.

Ms. Brown asked if there are any updates that have been discussed in one committee session or another, or even off-line, about a new city hall being built. Mr. Koomar stated that there are always discussions on the maintenance of this building, but there is no serious discussion from his view point of building a new city hall at this point in time. Mr. Koomar noted that he can't speak for the Mayor; she is not present tonight, but from a Council perspective they are trying to balance a budget and they are not there yet. There are a lot of capital needs with EPA mandates, equipment that the Service Department and safety forces need, and that is Job No. 1 for Council.

Ms. Brown asked if anyone knows who paid for the Mayor's trip to Troy, Michigan that she spoke about at the previous meeting to visit that city and the operation of this third party. Did the city pay for that, or SAFEbuilt pay for that? Finance Director Mahoney will provide that information to Ms. Brown.

Mr. Tadych noted that the Mayor uses a city vehicle.

COMMITTEE OF THE WHOLE

Annual Appropriation Ordinance

Mr. Tadych stated that the Annual Appropriation Ordinance will be introduced this evening at the special council meeting. That ordinance is a first reading of the budget and it is not anywhere near where it is going to end up. A lot of effort has been put into the budget. A Finance Committee meeting will be held on Thursday, March 14, at 7 a.m.

Mr. Clark commented that a Finance Committee meeting was held this evening to go through the particulars of the appropriation ordinance. The committee also worked on capital expenditure projections for 2013, including sewers, roads, and equipment, and will work on that again this

Thursday. A substantially final appropriation is the goal for the next Council meeting, with adoption at a third meeting between the 18th and 25th of March.

FINANCE & CLAIMS COMMITTEE

Allocation of Municipal Income Tax Funds

Mr. Koomar stated that he knows that changes are being made to the draft of the budget, but from the standpoint that we don't have capital cost projections completed yet, he would like to put the ordinance amending Codified Ordinance Section 181.36(b) regarding disbursement of Municipal Income Tax Funds on first reading this evening in order to get all of the pieces and parts of the budget together before this particular ordinance is put up for a vote.

Mr. Tadych will recommend putting the ordinance on first reading this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Codified Ordinance Chapter 721, Peddlers and Solicitors

Mr. Clark reiterated that the reason for this ordinance is essentially for the protection and safety of the residents. We continue to feel the best thing has been done for the residents of the City of Bay Village. It is suggested that the ordinance be placed on first reading this evening and look to approve it as early as Monday, March 18, 2013.

SAFEbuilt Agreement

Mr. Clark stated that there has been much publicity about this agreement and ordinance that was placed on first reading on March 4, 2013. The ordinance will be recommended for adoption this evening.

Mr. Ebert stated that the schools will pay 75%, municipalities 50%, of building permit fees. Mr. Ebert will discuss this further this week with SAFEbuilt.

Mr. Clark asked if the Building Permit Fees are the fees that are in place as of now. Mr. Ebert stated they are the current fees. The Plans Examiner fee is paid to an outside contractor. Mr. Clark stated that there are large school renovation projects to be done in the near future and we want to make sure that we do not hold up the schools from both an economic and timing standpoint as they renovate the four schools.

Mr. Koomar asked if the plans review process will still be part of SAFEbuilt, or independent. The SAFEbuilt representative stated that it will be part of SAFEbuilt. They are not sure whether it will be a part time or full time position. The individual will report to SAFEbuilt.

The employees will be housed in the basement of city hall. There will be a separate lease. The city and SAFEbuilt will share in the cost of the renovation of the former police headquarters. Initially they will utilize the space that is there now for the Building Department, with the

personnel in one office and the contractors/public coming into the other office, until the new space is built out.

Mr. Koomar stated that he discussed with the Mayor that there had always been a plan for the two or three individuals from the Recreation Department to move over to city hall. Mr. Ebert stated that SAFEbuilt will not need the whole police area, and the plan is to determine how that could be separated out.

Mrs. Fink asked if the area for SAFEbuilt will be restricted so that city hall will not be accessible during off hours. Mr. Ebert stated that it will be no different than it is right now. Mrs. Fink asked if this company came in on weekends and things of that nature, would they be able to go through the entire building, or since they are not city employees would they be restricted to their area during off-hours.

Service Director Galli stated that SAFEbuilt will have a separate lock system so they can come and go. If they want to work weekends and it fits into their schedule, they will be able to do that. They will not have access to the rest of city hall.

The representative of SAFEbuilt stated that in most cases when they work weekends when they are located in a city hall, they do not do that work in city hall. They will take the plan review home or do other things that they need to do to catch up, such as inspections, which they can do from another place. It would be very rare that the situation would occur and the idea that they will be isolated from the rest of city hall is the best approach.

The SAFEbuilt office will be open from 8:30 a.m. to 4:30 p.m., Monday through Friday.

After a certain period of time, SAFEbuilt will come in and talk to Council about how things are going with the transition.

Mr. Tadych asked if the update meeting will be open to the public. Mr. Ebert stated that Council may have a meeting that is open to the public. There may also be some contractual issues that need to be talked about privately. Mr. Koomar noted that at this point it is an open contract, the terms are being reviewed and Council and the administration are working through any of the items that they might want to tweak. Some of that work would be done with the Law Department but at that point in the future it is not likely to fall under Executive Session. Mr. Clark stated that he thinks everyone would benefit from the transparency.

The ordinance authorizing the contract with SAFEbuilt will be placed for adoption this evening at the special meeting of Council.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Miller had no report this evening.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mr. Lee had no report this evening.

RECREATION & PARK IMPROVEMENT COMMITTEE

Mrs. Lieske is on vacation this week.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Requests for Proposals for New Telephone System for City Buildings

Mr. Tadych will introduce a motion at this evening's special meeting of Council to request proposals for a new telephone system for the city's buildings.

Mr. Miller commented that in a previous conversation Council had heard that these phone systems can be purchased through state contract. He asked the motivation to go to a proposal situation rather than purchase through the state.

Mr. Ebert stated that discussion several weeks ago was whether our current system can be implemented, amended or supplemented. It was noted at that time that there are other groups and contractors on the market that actually supply these types of phones. To be fair, maybe proposals should be sought through public bid. The idea was to be as transparent as possible. Since we are looking to upgrade the system and save costs, the idea is to see if there are other vendors that may come forth.

Mr. Koomar stated that it is more of what technologies could be implemented and how they could be implemented with our existing technologies. Because they are on state bid we know the pricing is fine, there were some questions raised about the technology and if that was the right technology for Bay Village. Mr. Ebert suggested that this be placed on the meeting agenda to keep moving forward and to see if there is any other source.

MISCELLANEOUS

Cancellation of Council Meeting – April 1, 2013

Mr. Koomar announced that there will be no Council meeting on Monday, April 1, 2013.

CITY OF CLEVELAND, DIVISION OF WATER

Mr. Koomar stated that he was absent the evening the City of Cleveland, Division of Water, addressed the City Council. It was the request of Council a few years ago after the Water Department addressed Council, to have an understanding of what is happening in the City of Westlake and Avon Lake. Mr. Koomar has let the Mayor know that in the interest of due diligence he will be reaching out to Westlake to get an idea where they stand.

Ida Maria Cahoon

Mrs. Susan Fink brought to the Council’s attention that the correct name of the deceased Ida Cahoon is Ida Maria Cahoon, as listed on Miss Cahoon’s Last Will and Testament in the Cuyahoga County Probate Court records. Miss Cahoon’s name is listed on the city’s web site as Ida Marie Cahoon.

Law Director Ebert confirmed that the correct name for Miss Cahoon is “Ida Maria Cahoon.”

The Committee Meeting of Council adjourned at 8:32 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council