

City of Bay Village

Council Minutes, Committee Session
Conference Room

June 10, 2013
7:30 p.m.

Paul Koomar, President of Council, presiding

Present: Clark, Koomar, Lee, Lieske, Miller Tadych, Young

Not Present: Mayor Sutherland

Others

Present: Law Director Ebert, Finance Director Mahoney, Service Director Galli,
Operations Manager Landers, Police Lieutenant John Kirchner, Fire Chief Lyons,
Chief Building Official Cheatham

President of Council Koomar called the meeting to order at 7:30 p.m. in the Conference Room of Bay Village City Hall, and the meeting was open to the public.

A review of the agenda items for the Special Meeting of Council to follow this Committee Meeting of Council followed.

Mr. Young reviewed the ordinances that he will present for the salary of the Mayor, and the salary of the President and Members of Council. Law Director Ebert advised that Section 2.5 of the City Charter states that the salaries of the Mayor and City Council have to be set 75 days before the election. This provision of the Charter was not changed when the primary election provision was added to the Charter. Therefore, the salaries of the Mayor and Council must be set before the filing deadline, which is June 12, 2013. Mr. Young noted that in the past the salaries of the Mayor and Council were frozen. While the provision of Charter Section 2.5 limits the time allowed for increasing salaries, it does not prohibit reducing or freezing the salaries at any point in time. The last increase established for the offices of Mayor and Council was in 2009. Mr. Ebert further noted that the increases proposed are based on percentages of 1% in 2014, 2% in 2015, 2% in 2016, and 2% in 2017. The city has offered the labor unions a 1%, 2%, 2% increase on a three year contract. Since the salaries for the offices of Mayor and Council must be set for four years, the 2% has been extended to the fourth year.

Mr. Tadych commented that the effective dates of the salary increase on the proposed ordinance for the President of Council are in error. Mr. Ebert agreed that the President of Council's salary cannot be increased due to the fact that he is not up for re-election until 2015. The salary of the President of Council must stay the same until the matter is revisited in 2015, prior to the election. The ordinance will be amended by reading.

Mr. Young advised that the Mayor's salary will increase each year to an annual salary of \$86,120.00 in 2017. The Council salaries will increase each year to an annual salary of \$8,635.00 in 2017.

Mrs. Lieske stated that she has concerns with these ordinances. Mrs. Lieske understands the timing and that these increases need to be done prior to the filing date, but she regrets that the ordinances are not being introduced at regular meetings of Council, as opposed to a special meeting of Council, taking into consideration the residents who regularly come to Council meetings and the issue of trying to be transparent. Mrs. Lieske also thinks that the dollar amounts are not that significant, but create a negative impression for the public about Council voting themselves a raise given these uncertain times with the budget and the difficulties the city is facing with things from the state, such as potential changes and uncertainty in municipal income tax revenue and the loss of the Estate Tax. Mrs. Lieske continued, stating that given how many residents have faced difficult times and the city might be looking at the need to increase fees in the future, she does not think these raises are something she can support at this time.

Mr. Tadych stated that there is concern, noting that they discussed fees and money for the 2014 and 2015 years in the Finance Committee meeting this morning. Mr. Tadych expressed agreement with Mrs. Lieske on the need to re-examine. It isn't much money, but it is the idea.

Mrs. Lieske commented further that she is also one of the newer Council members and when she took office the salary was established. She does not think she needs to vote a raise for herself at this point in time. Mrs. Lieske would rather weigh the needs and interests of the constituents.

Mr. Young asked how Mrs. Lieske how she rates Bay Village's pay for City Council compared to other communities. Mrs. Lieske stated that it is low, and if they can't go up to the rate that Rocky River is at, the \$1,000 per month, and we can't do that financially at this time, she cannot support it at this time given the city's financial situation.

Mr. Young stated that while they are certainly concerned about the budget, but when you are talking about a \$20.00 raise it is rather token in comparison. He can certainly handle the slings and arrows of the press if they want to complain about a 1% raise over a five-year period of time, and Bay Village is one of the lowest rates for any City Council in all of the cities. Mr. Young stated further that he would also have appreciated some comments before the date the ordinance was posted for adoption.

Mrs. Lieske stated that she was out of town this weekend, but she did call President of Council Koomar today. Mr. Young stated that as Finance Chairman he would certainly have appreciated a conversation before this time. Mrs. Lieske stated that this was not presented for a regular meeting; this is the first time it is being discussed in public. Mr. Young stated that Mrs. Lieske received this on Saturday and he did not get a phone call beforehand. Mrs. Lieske stated that she was out of town since last Thursday morning and does not appreciate these kinds of comments when this is the first time it is being brought up at a public meeting. Mr. Young stated that he would have appreciated a call from Mr. Tadych. Mr. Tadych stated that until this morning he hadn't given it any thought. When there was discussion in the Finance Committee about the way they are going to fund next year and the possible things that are going to happen budget-wise, he started thinking about it a little closer.

Mr. Koomar thanked everyone for their comments. He stated that when speaking with the Law Director and reviewing the section of the Charter, Mr. Ebert originally thought the matter could wait until the original filing deadline 75 days prior to election. As it appeared that there might be a primary election, Mr. Koomar asked Mr. Ebert to reexamine and at that point in time there was a shorter time frame for consideration of the salary ordinances. Mr. Koomar apologized for that, and to Mr. Young's point noted that the first one percent raise over the last five years in the scheme of things is insignificant. At some point in time, Council must move forward because three years from now things may not be any different.

Mr. Young commented that the last two years they have not done anything other than just a minor change, very limited, for taxpayers to have to pay more. One of the critical things is trying to do everything possible, on a cost basis. Other than minor changes in Fire and Police, he is very comfortable with the fact that they have addressed those changes as far as costs. This is one of the reasons he was interested in looking at a very modest increase.

Mr. Tadych stated that they are only talking \$242.00 over two years for the ward seats. That is not significant.

Mr. Clark stated that he expected that we would have had this discussion about the financial components of this four to six weeks ago.

Mr. Ebert stated that everyone always is concerned about the perception of the raises, and for that reason chooses to forgo the increase. But, in 2013 it appears in the newspaper that Rocky River is getting \$1,000 per month, and why is Bay Village Council so low? It is because historically Bay did not take an increase when there were wage contracts.

Mr. Tadych noted that Rocky River's increase was predominately due to changes by the Ohio Public Employees Retirement System. It wasn't a matter of wanting to increase it; they felt they should in order to align with those changes.

Mr. Koomar stated that the ordinances will be placed for adoption and suggested the Council vote as they choose.

Mr. Young will introduce an ordinance authorizing the Mayor to enter into an agreement with McGowan Insurance Company as agents of OneBeacon Insurance Group and American Alternative Insurance Company for liability and property damage insurance for a period of one year. Mr. Koomar noted that OneBeacon is a reputable, well-rated company. There is an inclusion of \$1,800 in the policy for terrorism coverage.

Mr. Clark stated that the Finance Committee reviewed a variance report of 2013 budgeted expenditures this morning at their meeting. This policy will cost approximately \$60,000 more than has been budgeted for this expense for the year. The totality of the contract is about \$187,000. We approved \$127,500 prior to receiving the quotations. Mr. Lee suggested that the Umbrella Insurance amount of \$27,979.00 may be listed separately in the appropriations. The premium for the renewal is only a few thousand dollars above last year's premium for both

programs. Mr. Ebert stated that Mr. Dean, representing McGowan Insurance Agency, will be in this week and the quotation may be reduced based on the number of vehicles.

The motion to accept the grant from Raleigh Bicycle Company will be removed from this evening's agenda because the grant has not yet been received.

AUDIENCE

The following were present: Jerrie Barnett, Sue Fink, Jeff Gallatin, Bruce Geiselman, Marty Mace, Dick Majewski, Tom Henderson, Sally Irwin Price, Walt Halun

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Nixle Dial-Up Service Update

Fire Chief Lyons reported that Nixle is in possession of all the documentation and information they need from the Fire Department. They are still waiting to connect with Lieutenant Holliday from the Police Department to coordinate with the 9-1-1 Services.

Mr. Clark asked that the administration arrange to convey this information to the residents as they attend Bay Days because the goal is to get as many people signed up as possible. There has been good sign up on the alert system, and this will be an add-on to that. Chief Lyons stated that all of the residents in the city who have land lines will automatically be included in the Nixle Dial-Up System. There will be no need for an end-user to sign up, but people certainly can add a phone number or change a phone number if they so desire. The Mayor's Assistant and representatives of the Community Emergency Response Team (CERT) are working on getting the word out for signing up for the basic Nixle system that conveys messages to cell phones by text.

Mr. Young asked if a test will be done for the Nixle Dial-Up System once it is up and running. Chief Lyons stated that he thinks it would be a great idea so that people will know that this system is activated.

Jerrie Barnett confirmed with Mr. Clark that she does not have to call in the phone number of her land line to be connected to the Nixle Dial-Up. Mrs. Barnett was informed that she will automatically be enrolled in the Nixle Dial-Up program.

Mr. Lee asked if there would be a reason to have cell phones registered with the dial up system. Will the verbal message to the land lines be the same as the text message that is sent to the cell phones? Chief Lyons stated that the message essentially will be the same; the text message will mirror the voice message. Residents are welcome to register their cell phone numbers with Nixle Dial Up, even though their land lines are automatically registered. Mr. Clark noted that residents can register on the city's web site, www.cityofbayvillage.com.

Fire Inspections Update

Fire Chief Lyons had provided Council with proposals for fire safety inspections that Mayor Sutherland asked him to put together, and reviewed those in depth.

The first proposal is to consider performing fire and life safety inspections by on-duty personnel. Chief Lyons recommendation is that they would try to have six personnel that would be certified as Certified Fire Safety Inspectors (CFSI). This would allow two per shift to be assigned to meet the requirements of trying to get all of the occupancies inspected, follow-up inspections, and associated paperwork. Working Monday through Friday, in order to respect the hours of the business owners, they would be managing four to five hours of inspections by one or both of those individuals, Monday through Friday. Having two assigned per shift would allow the flexibility of having at least one of those inspectors assigned or on-duty, Monday through Friday.

Four to five hours per day, or 20 to 25 hours per week would amount to 1040 hours per year for 20 hours per week, and 1300 hours per year for 25 hours per week.

One firefighter on the force is currently certified for this program; one firefighter who is certified will be retiring in the near future.

The maximum overtime exposure caused by five members' absent for training purposes amounts to \$25,536.00. Training costs for the five members amounts to \$7,250.00. It may be possible to find a local course so the cost could be minimized. Additional annual training is 10 hours per year, or \$2,280.00. Fire Inspectors are paid \$100.00 per month in addition to their regular wages (\$7,200 per year).

Mr. Koomar asked if there is the ability to bring someone in and train them all concurrently here. Chief Lyons stated that is certainly a possibility and that could eliminate some of the traveling costs. A course would run for two 40-hour weeks, and those individuals would be required to attend all of the courses. Those individuals would be put on a 40 hour week and their positions on shift would have to be filled by other officers on an overtime basis.

Mr. Miller asked if a part time inspector would be responsible for their own annual certification training. Chief Lyons stated that this would be his intention. If an offer were made to hire a part time inspector, the annual training of 10 hours per week could be negotiated.

Mr. Young asked Chief Lyons for clarification regarding his comments about the need of another administrative position, as outlined in his report dated June 7, 2013 regarding fire inspection alternatives. Chief Lyons stated that the comments are related, but not directly tied to his proposal. It was meant to be a reminder to Council of the administrative situation of the department and what ESCI found when they did a thorough review of the ratio of administrative staffing to line staffing. The department is far below what is accepted as the national standards.

Mr. Clark stated that he was surprised by the overtime costs associated with the training. It seems much higher than he would have anticipated. Chief Lyons stated that he would basically be required to take the men off of their normal 24/48 hour shift and put them on a regular business hour (40 hours per week) shift for two weeks. Therefore, they would be missing from their regular duties on their 24 hour shift and would have to be covered by another officer.

The State Fire Marshall conducts training in Columbus, but there are also other agencies that offer the program. Cuyahoga Community College occasionally offers the training. Cuyahoga County does not offer the course, but there are a few third party agencies.

Mr. Koomar stated that he would like to get an idea of what a low range would be so the information of both the high range and low range is known. Mr. Koomar states that he appreciates knowing the high range for maximum exposure, but he would like to see how an efficient model would roll out. Mr. Clark stated that this information would allow them to make an educated decision between one of the two options.

Mr. Young asked if one firefighter at a time, as opposed to five at a time, would affect the dollar figure. Chief Lyons stated that it definitely would affect the dollar figure if they were to phase in a program over a period of months or years. He will look at the schedule of vacations and days off and see if he can put someone on a 40 hour week where it wouldn't require that they be back-filled with overtime. When Lieutenant Stump was assigned to a 40-hour week as a fire inspector he could attend training without causing overtime.

Mr. Koomar asked if there is a reason a fire inspector working a regular shift could not inspect more than 5 hours per day. Chief Lyons stated that on average they do just over 4 runs per day. The runs take about 2 hours each. Not counting meals, station chores, shift training, they are already talking about 8 hours per day that is taken up by emergency runs. Adding all those other duties in would leave a firefighter about 4 hours to sleep in-between emergency runs.

Mr. Clark asked how much time it takes to do an appropriate fire inspection. Chief Lyons stated that the variables are great. There is a variety of levels of compliance with fire code, and sometimes even in a small shop there might be extra time needed to explain to an owner. Typically, there are quite a few follow-up inspections to reach compliance.

There are 180 businesses to be inspected in Bay Village. Each occupancy that needs inspection is considered as its own, including those in the shopping centers. Mr. Koomar stated that he would think there would be similarities within one existing structure with some unique, and some repetitive, that would potentially make the job a bit quicker than all free-standing buildings.

Chief Lyons stated that the estimate he provided in terms of time is based on his own experience with the Fire Prevention Bureau and what he knows about all of this. He noted that when this discussion was held a couple of years ago he explained to Council that about 50% of the Fire Inspection Officer's was spent doing fire and safety inspections and the other 50% was spent doing other administrative tasks. That equates to about 20 to 25 hours per week.

Mr. Ebert confirmed that the pay for Fire Inspector of \$100.00 per month in additional to wages is included in the labor contract. The Police have the same pay increment for their Executive Officer.

Mr. Koomar asked Chief Lyons if he could report back to Council in two weeks to discuss low range costs associated with local training options. For Council to have a range and know what

those are would be helpful. He suggested asking about bringing someone in for training, and what that pricing would be.

Mr. Tadych asked if the Fire Chief's vehicle is in-service currently, or taken out of service. Chief Lyons stated that the vehicle is sitting at the Fire Station and Fleet Manager White is recommending that it be taken out of service.

Mrs. Lieske asked if there are any cases where city employees are reimbursed for mileage. Mr. Ebert stated that there have been cases where people use their cars for special trips but not on a day-to-day basis.

Mr. Koomar suggested that Chief Lyons revise his report for a Part Time Fire Inspector to 20 hours per week at 25 hours per week in order to compare this position to fire inspection of on-duty shift personnel. Chief Lyons stated that 4 hours per day would be the low end of time required, and 5 hours per day the higher range. A part timer could be brought in three days per week at 8 hours per day. The details could be worked out through the process of discovery and figuring out what works best.

Mr. Koomar asked if the fire personnel currently go around and do walk-throughs in buildings as part of regular fire department shifts. Chief Lyons stated that the department does familiarization tours to make sure the shifts are familiar with all of the occupancies in the city. On a three year rotating cycle, each shift gets to tour the occupancies each year. This program began in 2010.

Mr. Clark stated that if there are 180 occupancies to be inspected it calculates to six to seven hours per inspection with the time frame suggested. Chief Lyons stated that this calculation would not include other variables such as annual or quarterly inspections of alarm systems, hood systems, sprinkler systems, and follow-up inspections. Two to four follow-up inspections generally follow an initial inspection. Chief Lyons noted that inspections at Bay Village High School can take two to three days.

Mr. Koomar asked how many hood inspections there are in Bay Village. Chief Lyons stated that they are part of the equipment in any occupancy that has a commercial kitchen, as well as schools, day-care centers, etc. Many places have fire alarm systems that have to be inspected annually. Churches are included.

Mr. Koomar asked what percentages of occupancies have two follow-up inspections. Chief Lyons stated that most occupancies have two follow-up inspections.

Mr. Young asked if fire suppression system inspections are included in the fire inspection by the city fire inspectors. Chief Lyons stated that facility management is required to call in a certified third-party testing agency. The fire department is called in to be present when the testing occurs. Those services range from 30 minutes to 2 hours.

Mrs. Lieske asked if there is a form used as a check list for the inspections. Chief Lyons stated that there is a form used and he will send a copy of that form to Council. Chief Lyons also

recently developed a form for residential use. The department does not perform residential inspections but can make recommendations. They regularly do inspections for folks who are adopting a child which is required by the State of Ohio.

Mr. Clark asked if the overtime that would be incurred to cover shifts for men who are training to be fire inspectors are pensionable wages. Director Mahoney stated that it is pensionable, and that amount is not shown on the report being reviewed. Mr. Clark stated that he is trying to get a fair idea of what the range would be, and what is an appropriate size for Bay Village for the resources we have for this option and compare it to Option 2.

Mrs. Fink asked if the estimates of inspection time provided by Chief Lyons include inspection of group homes and new construction. Chief Lyons stated that it does include inspections of group homes, but does not include plan review for new construction or renovation. St. Raphael's Church expansion and the Bradley Bay Nursing Home are two major projects coming up and those two projects will take quite a few man hours and time. The estimated time does not include major projects, and only addresses normal maintenance fire safety inspections.

Mr. Koomar asked Mr. Clark, as Chairman of the Environment and Safety Committee, if he would work with Chief Lyons to follow up on any details for a comparison of things included and not included for both options presented.

Mr. Koomar asked how many people could be trained initially while continuing inspections, considering the fact that some of the large buildings have been inspected by the state, which probably means that the average of 6 to 7 hours per inspection might not be needed. Chief Lyons clarified that the schools were inspected by the State Fire Marshall for the academic year 2012-2013. They will need another inspection for academic year 2013-2014. If we have our own fire inspection team working, the state will require that the city take these inspections back over. They will fill in the gap when needed, but will not take it over entirely.

Mr. Clark noted that the Council wants to be mindful of balancing safety versus resources. As noted in the Finance Committee meeting this morning, the resources are going to be more limited, requiring creativity in our approach, while relying on the Fire Chief's skill set because he has done this before.

The Committee meeting recessed at 8:30 p.m. to hold the Special Meeting of Council scheduled for this evening.

The Committee session reconvened at 8:45 p.m.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Cahoon Road Sewer Replacement Project – Discussion pertaining to bid results

Mr. Miller read the results of the Cahoon Road Sanitary Sewer Improvements bids opened on June 5, 2013.

Four firms responded to invitations to bid. All four companies provided a summary bid and recognized an alternate bid. On June 6, 2013, the low bidder redrew their bid due to a clerical error. At this time Service Director Galli will not recommend an award to the next lowest bidder, pending further review of the second lowest bid. The low bidder was in the amount of \$1,424,258.30 and the highest bidder was \$1,744,134.20. The second lowest bid is at \$1,555,619.00. Mr. Clark noted that an Ohio Public Works Commission grant in the amount of \$600,000 is being received for this project.

FINANCE & CLAIMS COMMITTEE

Certification of Unpaid Tree Removal, Sidewalk Repair, Sewer Rental and Refuse Collection, and Grass Cutting Charges to County Fiscal Officer for collection

Ordinances will be presented for this certification of unpaid city services on Monday, June 17, 2013.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lee

Codified Ordinance Chapter 1158/Property Redevelopment

Mr. Lee advised that a meeting of the Planning, Zoning, Public Grounds and Buildings Committee was held this evening at 6 p.m. in the city hall conference room. There were four items on the agenda: Chapter 1158, Attached Residence District; Cahoon Memorial Park Information Sign; Community House Restoration and Budget Fact Finding; Chapter 1370, the Electrical Generator Systems legislation passed earlier in 2013.

With respect to Chapter 1158, this was the first time the reconstituted committee discussed many of the edits that have been proposed over time. As a follow up matter, the committee needs to reconvene and have further discussion on several of those items and determine if there is consensus to propose something back to the Committee of the Whole.

Mr. Koomar asked the time line for next meetings and next committee sessions. Mr. Lee stated that if the city is hopeful for getting something on the ballot for November, there is a filing deadline of August 7. Working back from that date is slightly less than two months. There would need to be opportunities for the Committee of the Whole to have multiple readings as well as a public hearing.

Mr. Ebert stated that normally rezoning measures have three readings. Mr. Ebert stated that if there is consensus about the proposed rezoning issue, a time line could be established for public hearing and three readings. It is not necessary to have three readings but it has been done in the past because it is a rezoning issue. The idea is to join the two types of properties, east and west of Cahoon Creek into one development, or two developments, whatever would happen. Both the property owners on Cahoon Road are encouraging this rezoning. Mr. Ebert talked to Mr. Lustris today and he and his neighbor will give Mr. Ebert something in writing on Tuesday, June 11, 2013, saying they do want to go forward with this rezoning of the property.

When Section 1158 was reviewed by the Planning and Zoning Committee when Mr. Tadych chaired that committee in the past, Mr. Lustri was at all of those meetings and hasn't changed his views since that time. The property begs for some type of redevelopment and probably attached residence is the only thing that will be obtained that is attractive for that area. A time line and email can be sent out of when the meetings and public hearing will be held.

Mr. Miller stated that he realizes we have been contacted by a developer for those two pieces of property. As a result, it would be beneficial for one part of that scheme to have Section 1158 modified. Also, we are laying the ground work by modifying Section 1158 for future development of attached residence with restrictions and parameters for that construction throughout the entire city. It is not just a single spot. They would have to meet the requirements of the modified Section 1158, much like they would have to meet the requirements of the current Section 1158. Once this is put into legislative act, it is for anything that would meet those restrictions throughout the city. It is not just for this particular project.

Mr. Tadych noted that the rezoning is for this project. Mr. Ebert agreed, stating this is the only parcel being looked at right now for rezoning.

Mr. Lee stated that if the August 7 deadline comes and go, then the next opportunity would be November of 2014 without a special election. If it were done at the city's request, it would result in the city spending a significant amount of money. Mr. Tadych stated that the cost could be borne by whoever else wants to bear it, if the city doesn't bear it.

Mr. Koomar stated that the committee discussed off line today longer time changes on Section 1158 which can be a work-in-progress in the fall. He asked Mr. Lee if there is further information that can be provided that would be helpful. Mr. Lee stated that he believes they have all the history now in a format that makes sense for everybody on the committee to review.

Mr. Lee stated that if schedules permit, the Planning, Zoning, Public Buildings and Grounds Committee can meet on Monday, June 17. Mr. Ebert stated that as soon as the conclusion comes in from the committee, the public hearing can be set. Time needs to be set aside for newspaper notifications.

RECREATION & PARK IMPROVEMENT COMMITTEE-Lieske

Mrs. Lieske asked if there is an update on the Dover Center Road tennis court construction.

Mr. Koomar stated that he spoke with Director of Public Service and Properties Galli this week and all they are waiting for are days without rain. Good weather is expected at the end of this week. Mr. Koomar asked if the company could work on Saturday to finish the courts. As soon as the surface is applied and dries, the courts can be put to use. Mr. Tadych stated that even with weather problems, they are doing a good job of laying down I-90.

MISCELLANEOUS

Committee Meeting of Council
June 10, 2013

Mr. Miller noted the work in progress to replace the city hall roof. There were crews in over the weekend replacing the existing shingles and placing new shingles and a weather barrier. On the pitched roofs, we will start to see a reduction in the leaks. Mr. Ebert noted that the roof work does not include the flat roof over the city hall conference room area.

Mr. Tadych asked if there is a schedule for work on the flat roof. Mr. Ebert stated that how to approach the flat roof work is being discussed, whether to coat it or put some sort of pitch to the roof.

The Council then convened to Executive Session, as approved by motion in the Special Meeting held this evening. Also present in Executive Session were Law Director Ebert and Finance Director Mahoney. Council reconvened in an open meeting at 9:28 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller Tadych, Young.

There being no further business to discuss, the meeting adjourned at 9:29 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council