

City of Bay Village

Council Minutes, Committee Session
Conference Room

December 9, 2013
7:30 p.m.

Paul A. Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel,
Fire Chief Lyons, Recreation Director Enovitch, Assistant Service
Director Sears, Assistant Service Director Thomas, Foreman Gordon
Evans, Operation Manager Landers, Community Services Director Bock,
Chief Building Official Cheatham, Councilman-elect Henderson,
Councilman-elect Vincent, Bob Greytak of CT Consultants

AUDIENCE:

The following audience members signed in this evening: Conda Boyd, Suzanne Graham, Russell Thompson, Lydia DeGeorge, Dick Majewski, Pat McGannon, Brenda O'Reilly, Jeff Gallatin, Bob Shields.

ANNOUNCEMENTS

Mayor Sutherland

Appointment of Jeff Foster, 329 Kenmore Drive, to the Planning Commission to fill the unexpired term of Andy Dzienny, ending August 29, 2016.

COMMITTEE OF THE WHOLE

Presentations:

LEEDCo - Off-Shore Wind Energy Project

Ms. Brenda O'Reilly and Mr. Pat McGannon, of the Bay Village Green Team and Mr. Bob Shields, distributed a resolution to support LEEDCo's effort to build an off-shore wind power industry in Ohio. LEEDCo was formed as a consortium that includes all of the counties along the lake shore, the City of Cleveland, the Cleveland Foundation, and Nortech, a non-profit that supports the development of technology in the area. They were one of seven projects awarded \$4 million to further explore having a wind farm off Cleveland in the Lake Erie waters. The initial pilot build will only have six wind turbines 7 miles off the shore. Their proposal must be submitted to the Department of Energy. In February of 2014, the Department of Energy will decide which of three projects will win \$46.7 million for funding of a wind farm project in that location. As part of the evaluation, they will be determining if there is local and community

support. LEEDCo is asking the lake shore communities to pass this resolution saying they support this project. At this point, Cleveland, Lakewood, Euclid, and Avon Lake have all passed resolutions. A copy of the Avon Lake resolution was submitted to the Council for review. The wind-turbines will be very, very small in view from the shore. The selection of the site has been sensitive to the migratory bird patterns, to avoid shipping channels, and to put it as far out as possible for aesthetic reasons.

Mr. Tadych asked if there are any negative organizations that are against this. Ms. O'Reilly stated that there are not any organizations that she is aware of against the project. Individual citizens are concerned about the birds, but that has been addressed.

Mr. Tadych asked if the United States Coast Guard has reviewed this project. Ms. O'Reilly stated that they are partnering with the Coast Guard, and the Coast Guard is positive in their support.

Cleveland Public Power has pledged to purchase 25% of the power. Eight thousand individuals have also signed up for power.

Mr. Young asked if the \$46 million from the Department of Energy will cover the start-up costs. Ms. O'Reilly stated that an additional \$80 million is needed that will be covered privately. Mr. Bob Shields commented further on the growing wind industry here in Cleveland, especially in the western counties.

Mr. Tadych asked if the maintenance for the project, once installed, is being included in the grant money. Mr. Pat McGannon stated that the rest of the project is privately funded and it will be paid for by the people who choose to purchase the power.

The turbines generate three mega watts of power each. This is enough power to supply 10% of the energy to 55,000 households. If the project is approved it will be completed in October of 2017. By 2030 the goal would be to have 5,000 mega watts, which would end up being about 11 ½% of Ohio's electricity, would power two million homes and provide 8,000 jobs. At the present time we get almost 80% of our energy from coal in Ohio.

This would start to move towards diversification and the clean energy alternative.

Mr. Lee asked how many turbines would need to be in place to produce the goal of 5,000 mega watts. Mr. Shields said that they do have bigger turbines, and also the efficiency is increasing, as with solar panels.

Mr. McGannon noted that Ohio is already a leader in the on-shore wind industry, ranking second in turbine component manufacturers employing more than 7,500 people. What they expect with being the first off-shore wind project is that we will attract that knowledge to manufacture more in northeast Ohio.

Ms. O'Reilly stated that LEEDCo has offered to come in and do a presentation to Council.

Mr. Young noted that his philosophy with energy is conservation more than wind turbine plants. Over 40% of electrical power is lighting and with efficiency you can drastically reduce the amount of generation needed. Ms. O'Reilly stated that conservation is important but energy will still be needed in the future and this plants the seed to get that started.

Mr. Koomar thanked Ms. O'Reilly, Mr. McGannon, and Mr. Shields for their presentation this evening and stated that this will be reviewed further at a committee meeting of Council in January.

**CT Consultants – Bay Village Pump Stations (Huntington/Longbeach, Walker/Nantucket)
Rocky River Wastewater Treatment Plant Strength and Flow Study**

Mr. Koomar stated that discussions are being held regarding the 2014 budget, and the impact of the recent metering of the inflow from Bay Village into the Rocky River Wastewater Treatment Plant.

Bay Village Pump Stations (Huntington/Longbeach, Walker/Nantucket)

Mr. Greytak began by discussing the conditions and needed improvements at the Huntington/Longbeach Pump Station, and the Walker/Nantucket Pump Station. A list of deficiencies has been prepared, arranging from controls, electrical distribution, and hardware. Mr. Greytak stated that none of the deficiencies are of such a nature that any one of their failures would be catastrophic to the operation of the pump stations. The city has purchased some ancillary equipment that is yet to be installed. If there is deferred maintenance on these items for a long period of time, it could impact the operation of the pump stations. The Nantucket pump station was built in 1985, Huntington in 1986, Longbeach in 1958. Mr. Greytak read through the list of repairs and installations that need to be done. Cost is estimated at approximately \$350,000 for all three pump stations. Engineering and design work is estimated at an additional \$135,000. Temporary pumping at Nantucket, the only pump station that would require temporary pumping during installation, would be an additional cost. For prioritization purposes, Mr. Greytak noted that the Nantucket station physically is in the worst condition. Estimated useful life of the renovations of the pump station is 50 to 60 years. A maximum of two years for design and construction is needed for these projects.

Mayor Sutherland recommended proceeding with the engineering and design portion of the projects.

Rocky River Wastewater Treatment Plant Strength and Flow Study

Mr. Greytak stated that he was informed by Mayor Sutherland that the city's portion of the operation and maintenance cost of the Rocky River Wastewater Treatment Plant had gone up significantly, an approximate 8% increase. Mr. Greytak offered to review the study and see if there is anything that might be of interest. Some of the assumption was that because the interceptor was cleaned there is more flow going to Rocky River and therefore the city is paying a higher percentage of the cost of maintaining the treatment plant.

Mr. Greytak stated that while they cleaned the interceptor and there is more efficiency in getting flow to the Rocky River Treatment Plant, there has been no additional flow generated than had been there before. We are able to get it there quicker, without using as much sewer capacity, but the amount of flow coming out of Bay Village is still the same as it has always been.

Over the years Bay Village's percentage has ranged from 24% in 1993 to 13% in 2000. In 1996 it was decided that there should be some recognition that there could be different rainfall patterns in each of the four communities. Prior to that the rainfall was differentiated between communities. In 1996 rain gauges were installed in each of the four communities. There was a precipitation adjustment factor that was used to adjust the amount of flow based upon the amount of precipitation each community received. In the last long string study, there were four rain gauges installed. However, the one at city hall malfunctioned 80% of the time when there was rain. Only 20% of the rainfall that actually fell was recorded. The rest is a synthetic number. It was the average of the other three communities that was used to make up the data. It is unknown whether that was an advantage or disadvantage to the city. With that much missing data, the quality control going into the product is probably a little lax. However, the precipitation adjustment factor would not be the major component of the cost.

The percentage for Bay Village has ranged as follows:

- 2000 13.06%
- 2005 17.3% *
- 2006 15.43%,
- 2009 16.36%.

* Re-metered in 2005 due to vandalism to pipe in Wischmeyer Creek resulting in creek water flowing into the sewer pipe.

Mayor Sutherland stated that Mr. Greytak will correspond with the Rocky River Waste Water Treatment Plant to request that at the next remetering they be more careful about the actual accuracy of the meters.

Mr. Greytak commented further that there are other quality control issues with the flow metering, specifically the calibration of the meters. The data coming off of a flow meter relative to the depth and velocity is compared to observation and manual checking. When the meter was installed on the Huntington Pump Station line there was no flow. There was nothing to calibrate against, which was fine on that day, but there is nothing in the report that indicates they ever went back and calibrated it to actual flow. A calibration is to be done every two weeks when data is gathered, and there is no indication they did that. They may have done it but it is not in the report.

Mr. Greytak concluded by saying that the quality control of the metering could have been better. There could have been much more diligence in reporting what the consulting engineer (URS) was doing, and how they were doing it since it was clear that the calibration was a primary concern. The dry weather flow that was reported Bay Village had 208 gallons of flow per capita, per day.

The next highest community was Rocky River, at 164 gallons per capita, per day, 27% below Bay Village. Westlake was at 129 gallons per capita, per day, 61% lower than Bay Village, and Fairview Park was at 120 gallons per capita, per day, which was 73% below Bay Village. The mature trees in Bay Village would not affect the flow reported in the dry weather flow reporting. In 1996, Bay Village was 170 gallons per capita, per day, which was only 1% higher than Rocky River, 17% higher than Westlake.

Mr. Greytak reported on the strength component of the study. A calculation was done by Mr. Greytak based on the population of each community that is tributary to the treatment plant: Bay Village on suspended solids, 3217 pounds per day, Rocky River, 4,147 pounds per day (more population). Westlake was much higher. URS measured 5,849 pounds per day for Bay Village. All communities were measured higher than the calculated number, but Bay Village was 82% higher than what was calculated by Mr. Greytak, Rocky River, 21% higher, Westlake 22% higher, Fairview Park 33% higher. The loading should be fairly consistent for all the communities based on the number of residential users.

Mr. Clark noted that Finance Director Mahoney put together a report on the actual operating expenses of the Rocky River Wastewater Treatment Plant that indicates the following:

- 2007 \$3.9 million
- 2012 \$4 million
- 2013 Budget is \$4.5 million
- 2014 Budget is \$4.8 million

Mayor Sutherland will approach the Rocky River Wastewater Treatment Plant Management Committee, after receiving a letter from Mr. Greytak regarding the report. Mr. Lee asked if the Rocky River Wastewater Treatment Plant by-laws give a member city the ability to object to these calculations. He noted that the \$300,000 additional cost to Bay Village per year will result in a \$1.2 million increase over the four year period until the next remetering. Mr. Greytak stated that looking at the percentages over the years, you would not expect that there would be much variation. Things are fairly static; rainfall could have some impact, but there are adjustment factors in the calculations for that rainfall. You would not expect big swings in percentage points. Law Director Ebert will review the organizational documents.

Mr. Koomar thanked Mr. Greytak for his presentation this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Review of Ordinance No. 13-17, Peddlers, Solicitors and Canvassers

Mr. Clark stated that the ordinance will be moved to third reading, as amended, on December 16, 2013. The language that required canvassers to notify the Police Department has been deleted. It now reads that they are encouraged to notify. Peddlers and solicitors are required to pay a fee and obtain a license, which has not changed from the previous regulations. Peddlers and solicitors hours are 9 a.m. to 7 p.m.; canvassers are 9 a.m. to 9 p.m. Canvassers are also permitted to canvas on Sundays.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Miller had no report this evening.

FINANCE & CLAIMS COMMITTEE

2014 Budget

Mr. Young stated that a copy of the budget dated December 9, 2013 and a copy of the full time employee compensation scheduled has been distributed by Finance Director Mahoney.

Continuation of Refuse Collection Fee

Mr. Young stated that he believes that the refuse collection fee definitely needs to be continued. The question is whether the amount should be changed. He stated that he tends to think not, but would not want to assume at this point in time that it can't be changed.

Mr. Clark suggested leaving the fee the same now until more pieces of the budget puzzle are solved. The expenses must be logged down and then think about the revenue leverage.

Mr. Young noted that at some point in time there will have to be an increase in revenue, but since he will not be on Council January 1 he does not feel comfortable raising any tax or fee without getting more input from the community in regard to what they would like to see. We have a variety of revenue levers we can pull and to a different degree. This will take further discussion and time. Each person on Council will have to talk to their constituents and fully vet it before going forward.

Mr. Tadych stated that what was heard this evening about the sewers could either add or subtract from what we are thinking about the sewers.

Sewers will be discussed at the Finance Committee meeting on Friday, December 13 at 4 p.m. in the city hall conference room. Capital expenditures, including streets, equipments and public improvements will be discussed at a tentatively scheduled Finance Committee meeting on Monday, December 16, 2013.

A temporary appropriation ordinance for a one month period will be considered by Council on Monday, December 16, 2013.

Bailey Communications Contract Renewal

Bailey Communications has proposed a three year renewal of their Annual Maintenance Agreement at an annual cost of \$25,000. The agreement is for on-site technician service to provide desktop, server and miscellaneous network support for 4 hours every Tuesday, and 4 hours every other Thursday. No parts are included in the agreement.

Mayor Sutherland recommended renewal of the contract for a three year period. Based on the fact that the City of Bay Village has been long time clients, and one of the first municipal clients, Finance Director Mahoney and her assistant, Ruth Popovich, worked with Larry Bailey, and asked him to hold the cost from the initially proposed \$31,800 to the \$25,000 annual cost on a three year basis totaling \$75,000.

Mr. Clark stated that if they bid \$31,800 and came down to \$25,000 there must be some profit. Mrs. Mahoney stated that because of Bay Village's word of mouth they have been able to obtain other municipal clients. Mr. Clark stated that if we did this year at \$25,000 he would look to three years at \$65,000 or \$70,000 since \$25,000 has been our past practice. He noted that we are looking at funding everywhere and since making a long-term commitment it would be nice to get a little break.

Mrs. Mahoney stated that when they first started with the city the contract was higher but he went down because of the contact help from the city. Mr. Koomar noted that Bailey will have increasing costs with labor over the three year period.

Mr. Lee asked if there are any significant changes anticipated in IT services over the life of the contract. Mrs. Mahoney stated that potentially there will be new or upgraded financial software. A major project would require a separate contract.

The contract will be presented for renewal at the Council meeting to be held December 16, 2013.

Human Resource Consultant Update

Mr. Young stated that the administration had hired Jazmyn Stover as a Human Resource Consultant for a three month period to work along the administrative staff to try to reduce workers compensation costs. Ms. Stover also works for the City of Westlake and is employed by the law firm of Seeley, Savidge and Ebert. Mr. Koomar stated that there was emergent need in Human Resources last year. Bringing someone in on a short-term basis for professional guidance when there is exposure was the right thing to do to guide us in that process.

Mayor Sutherland stated that Ms. Stover is on call and comes in to city hall approximately two hours per week. She has been tasked with refining policies and reviewing things that are in ordinance form that are inconsistent with the Internal Revenue Service guidelines. Ms. Stover is also reviewing Chapter 151 of the city's Codified Ordinances regarding employment. Training sessions will be conducted for the directors by Ms. Stover in the coming year.

A renewal contract will be presented for Ms. Stover as Human Resource Consultant on Monday, December 16, 2013. The cost of the contract for a one-year period is expected to be \$14,400.

Mr. Koomar noted that Mr. Ebert's rate for outside legal work is \$175.00 per hour, which is considered the going rate. Mr. Lee asked if there is a range of fees charged by other service providers, e.g., junior associates, paralegals. Director Mahoney stated that she believes the bills are all for Mr. Ebert's work.

Director Mahoney stated that going along with Chapter 151, Mr. Ebert is well over the Affordable Care Act, 30 hours per week. He will have to be offered health care starting January 1, 2014. Mr. Koomar asked if that provision was pushed back. Mrs. Mahoney stated that she was informed to start implementing the rules now. Mr. Koomar asked if part of Mr. Ebert's work for the city when he is at city hall is considered Law Director salary, or part of outside legal. Outside legal work would be different than Law Director of the City of Bay Village. Mayor Sutherland stated it is Law Director work and he is not technically part time. There is nothing in the Charter or ordinances that says the Law Director is part time. Mr. Lee asked if the Law Director has to be employed, or can the Law Director be an Independent Contractor. Mr. Koomar stated that in some cities it is an Independent Contractor. Mayor Sutherland stated that the Charter would have to be reviewed. Mr. Lee stated that he would suspect there are cities that are doing more towards the Independent Contractor relationship to avoid the 30 hour issue. Mr. Koomar suggested further review.

SAFEbuilt Lease

Mr. Ebert stated that the rate of \$1,016.67 per month plus utilities is proposed for the second year of the lease. The question is what is to be done for the third year. Year one was half of the amount of the build-out cost of the area SAFEbuilt occupies in city hall. Mr. Koomar asked how the figure for year two was determined. Mayor Sutherland stated that it is due to her discussions with SAFEbuilt in July of 2013.

Mr. Clark stated that a typical adjustment would be 2% according to the cost of living adjustment. Mr. Ebert stated that based on the 1,220 square feet they occupy at \$10.00 a square feet it would be \$12,200 yearly for the second year, plus the pro-rated share of actual utilities per month, beginning May of 2014.

The city retains 15% of permit fees. An hourly rate is paid to SAFEbuilt for the property maintenance functions they perform for the city.

An ordinance will be prepared for approval of the lease for the December 16, 2013 meeting of Council. Mr. Lee stated that the lease should be coterminous with the Building Services agreement. If that should be terminated at any point in time the lease would be terminated as well. Premises have not been defined other than reference to the city hall address. The actual space occupied should be noted as described in the exhibit and defined going forward. Mr. Lee submitted his alterations to the lease to Mr. Ebert to be included in the final document.

PLANNING, ZONING & PUBLIC GROUNDS AND BUILDINGS COMMITTEE

Extension of time for Planning Commission to review Chapter 1158, from January 7, 2014 to March 8, 2014 (60 days). This request will be included in the agenda for Council for Monday, December 16, 2013. The issue was referred originally in September. If extended to March, the Planning Commission will have a six-month period for review.

Chapter 13 - Building Code Amendments

The 22 Building Code amendments that were placed on first reading on December 2 will be brought before Council on Monday, December 16 with a few modifications. Ordinance 13-98 regarding foundation facing has updated language prepared by Mr. Cheatham and circulated to the Commission, adding to the options for approved foundation facing materials. The original language did not include some of the materials used for that purpose. Chapter 1322 relating to the definition of workmanship, which was removed from the agenda on December 2, will be placed on first reading on December 16. Mr. Cheatham proposed modifications to Ordinance 13-99 regarding garages. Mr. Cheatham commented that a table in the section that referenced lots 25,000 and larger was unrealistic for Bay Village. The table has been removed and the language is reworded to define what is applicable to Bay Village.

Mr. Ebert reported that a Board of Zoning Appeals hearing held December 5, 2013 resulted in a suggested compromise for a smaller curb cut on a lot that has exceeded the 40% front lot limit for a driveway.

Mr. Ebert reported on a case that has been on-going in Rocky River Municipal Court regarding property maintenance. Permission was sought from the Common Pleas Court to go on private property to remove the debris and either take down or fix the garage. The entry was signed by the parties two weeks ago. However, the property owner has completed 60% of the needed work, and 70% of the debris has been cleared. The court has been asked to hold the sentencing for two weeks. There has been substantial improvement.

The Codified Ordinances of the City will be reviewed in the future to bring all cross-references up-to-date.

RECREATION AND PARK IMPROVEMENT COMMITTEE

Mrs. Lieske reported that a Recreation and Parks Improvement Committee meeting was held this evening. The concept of fitness equipment in stations at the walking trail in Cahoon Memorial Park on the north side of Lake Road was reviewed. Mr. Miller has worked with Barry Tyo and Lawrence Kuh to create and bring forth this proposal. The design and use of the actual stations would be finalized with more input from Recreation Director Enovitch. There is also a desire to do fund raising for a bulk of the cost so that there would be no cost to the city. Discussion also took place in the committee meeting about the possibility of naming rights which would amount to sponsor's names installed on the equipment at the exercise stations.

Mrs. Lieske will ask Mr. Enovitch to schedule a meeting to review the concept with the citizens Recreation and Parks Commission.

A deadline for sending a survey to the residents regarding recreation use and needs has been set for the end of this year.

Mr. Koomar will include the fitness stations at the walking trail concept for the first committee session in January, 2014.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

LEEDCo Resolution of Support

Mr. Tadych stated that he would like to include a presentation by LEEDCo at a committee session of Council in January of 2014.

MISCELLANEOUS

A meeting schedule for the remainder of the year will be discussed further at the December 16, 2013 meeting of Council.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Young **MOVED to** convene to Executive Session for discussion of Litigation (Ohio Citizens Action Group)

Roll Call Vote: Yeas- Clark, Koomar, Lee, Lieske, Miller, Tadych, Young, Nays – None. Motion passed 7-0.

Also present in Executive Session were Mayor Sutherland, Law Director Ebert, Finance Director Mahoney.

Council reconvened in an open meeting at 9:45 p.m. Present were: Clark, Koomar, Lee, Lieske, Miller, Tadych, Young.

There being no further business to discuss, the meeting adjourned at 10:00 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council