

# City of Bay Village

Council Minutes, Committee Session  
Conference Room

December 30, 2013  
6:00 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, Service Director Thomas, Community Services Director Bock, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers

## **AUDIENCE:**

The following audience members signed in this evening: Councilman-elect Tom Henderson, Councilman-elect Paul Vincent, Dick Majewski, Jerrie Barnett, Denny Wendell, Jeff Gallatin

## **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE**

**Mr. Clark** commented that he will introduce a motion at the special meeting of Council this evening to remove “Do Not Knock Registry” from the Matters Pending before Council Committee list. The ordinance establishing the registry has been adopted. Mr. Lee asked if there were any concerns about implementing the procedure and the timeline to do so. Mr. Ebert stated that it will be discussed at the next departmental meeting.

## **PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE**

**Mr. Miller** commented on ordinances authorizing change orders to street pavement contracts for 2012 and 2013, and a change order to the Terrace Construction Company contract for the Cahoon Road aerial sewer replacement. Assistant Service Director Sears has provided documentation for the Council packets and has informed Council how those change orders were created. Mr. Galli stated that the 2012 project included repair work and it was decided not to close out the project until that work was completed.

## **FINANCE & CLAIMS COMMITTEE**

### Amended Appropriation Ordinance

**Mr. Young** called on Finance Director Mahoney who explained that at the end of every year the funds are gone over to make sure that there are no overages. In General Fund this year the only additional funding that was required was a transfer to cover Equipment Replacement. In comparing a prior amended appropriation ordinance to this ordinance there will be an increase of \$325,000 in the General Fund. This is due to a 2011 advance from Bond Retirement Fund to the Equipment Replacement Fund. The money had to be transferred back to the Bond Retirement

Fund which leaves the need to replace that amount in the Equipment Replacement Fund. The actual transfer amount in 2011 was \$395,000, but there was some money in the Equipment Replacement Fund so Mrs. Mahoney did not need to charge the entire \$395,000 to the General Fund. That will put an end to all the miscellaneous transfers that were discussed by the auditors. Mr. Young stated that it is important to note that it did reduce the balance of the General Fund. We would have ended the year with a positive balance; we will end the year in a negative \$90,000. This year will end the repayment fixes from prior years.

Mrs. Mahoney stated that in the prior ordinances we did not have the 2% increase to July 1 for the bargaining units. Various retirements controlled those costs so the total General Fund did not have to be increased. Municipal Income Tax Other (Regional Income Tax Agency) charges were up because collections were up resulting in a need to increase that line item.

Other adjustments included legal fees which were increased to pay the settlement of a lawsuit. The fees collected by SAFEbuilt were higher resulting in higher payments to SAFEbuilt.

Bay Family Services had an additional speaker with a charge to the city of \$4,000 that was not originally budgeted. The \$4,000 represented one-half of the charge for the speaker. The other half was paid by the schools.

There was an increase necessary in the Accrued Benefits Fund due to the retirement of Service Director Galli. There was an additional retirement at the end of November. The appropriation for the Accrued Benefits Fund was increased accordingly. The Council had previously approved transferring an additional \$50,000 from the General Fund. The appropriation is now being increased.

In the Bond Retirement Fund, Mrs. Mahoney is appropriating funds to pay for the legal filings at the end of the year.

Money from the Ohio Department of Transportation has not yet been received for the Lake Road resurfacing project. An advance from the Infrastructure Fund is being made in anticipation of receipt of those funds. The Infrastructure Fund balance is approximately \$814,000 because \$780,000 was advanced to the Sewer Fund but will be reimbursed after the Cahoon Road project is completed.

#### SAFEbuilt Lease

Mr. Lee stated that there is clarification on the payment of the rent that is going to be owed once this lease is signed. Mr. Ebert stated that he spoke today with Mike Garcia of SAFEbuilt and a check will be sent today for the reimbursement for the build-out of the area SAFEbuilt occupies in the city hall building. The reimbursement will be applied to the Public Improvement Fund, from which the expenditures were paid.

#### Annual Appropriation Ordinance for Fiscal Year 2014

Due to changes in the ordinance draft by the Finance Committee, this item will be pulled from the special meeting agenda this evening.

Outside Legal Services  
Human Resources Consulting Services

Mr. Lee stated that at Mr. Tadych's request, this ordinance and the Human Resource Consultant ordinance was split into two separate ordinances. The Human Resource Consultant is an employee of the Seeley, Savidge, Ebert and Gourash law firms. A separate ordinance was drafted to approve the retainer relationship for the consultant in an amount of \$1,200 per month, which is expected to average approximately 2 days per week, 2 hours per day.

The outside legal services ordinance is intended to cover extraordinary services beyond Law Director for which the Seeley Savidge firm may be retained to represent the city. The ordinance includes a breakdown for the Director of Law and the senior attorneys and their hourly rate for 2014 and subsequent years. The junior attorneys or associate attorneys, and paralegals are also defined by rates in the ordinance. At the time of commencement of extraordinary services the Director of Law will notify Council with a budget and advise Council on a monthly basis with any updates as to the budget. Litigation and contract negotiation discussions will most probably be in Executive Session. Mr. Koomar noted that public records requests for amounts paid for any service are always open.

Mr. Tadych asked if the Human Resource Contract is ongoing without an ending date. Mr. Ebert stated that it can be terminated at anytime. Mr. Clark asked if the same accounting for the Human Resource Consultant will be required as it will be for Mr. Ebert and outside legal services. Mayor Sutherland stated that she does not think it is necessary because it has been specified that her attention is needed 2 hours per day on site, 2 days per week. She is also working behind the scene on policy updates and she is available at any time.

Mr. Young stated that the Council has strived to be transparent, making the process of what is being done much more open and understood for the general public. This relates to the fees being published in regard to outside legal services, and these ordinances take it a step further.

**MISCELLANEOUS**

Mr. Koomar stated that the agenda for the Organizational Meeting of Council for Thursday, January 2 includes approval of the Mayor's participation in the Northeast Ohio Areawide Coordinating Agency (NOACA). Mayor Sutherland stated that NOACA is the five county planning agency that basically looks at prioritizing road projects, transportation projects, and funding. Some of the funding that the city has received from NOACA would include the Bradley Naigle project. Mayor Sutherland is representing the West Shore communities with the exception of Lakewood who has their own representation due to their high population. The Mayor stated that she serves without compensation and devotes approximately 5 hours per month to this commitment.

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Mr. Young commented that it is a critical position considering the latest interchange that was added in the City of Avon for Interstate-90. That could not have been approved without NOACA's help in getting the traffic study done for Bradley Road which has improved the traffic in Ward 4.

Mr. Tadych commented that he would like to take off the Salt Dome from the Matters Pending before Council list at the next regular meeting of Council. That is an ongoing effort that will not be completed for approximately six years and should probably be removed from the matters pending list.

There being no further business to discuss, the meeting adjourned at 6:18 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council