

## CITY OF BAY VILLAGE

Council Minutes, Regular Meeting  
Council Chambers 8:00 p.m.

February 3, 2014

Paul A. Koomar, President of Council, presiding

Present: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Mayor Sutherland

Others

Present: Law Director Ebert, Finance Director Mahoney, Chief Building Official Cheatham, Operations Manager Landers, Service Director Thomas, Police Chief Spaetzel, Fire Chief Lyons, Community Services Director Bock

Council and members of the administration assembled at 7:30 p.m. in the conference room to review agenda items; this was open to the public.

During the review, Mayor Sutherland advised that Mr. Bob Greytak of CT Consultants, the consulting engineering for the city and she will be attending a meeting on Tuesday, February 4, 2014 with the management of the Rocky River Wastewater Treatment Plant. The Mayor noted that all the data has been provided from the plant and they need to take a look at the methodology moving forward. Mayor Sutherland will report back to Council after the meeting. Mr. Tadych stated that he presumes the charges presented to the city will remain unchanged. The Mayor concurred.

Mr. Lee advised that he will request that Ordinance No. 14-04, amending Codified Ordinance Section 115.08 regarding Notice of Public Hearing be placed on second reading. This ordinance changes the posting requirements from five locations to three locations in the city.

Mr. Lee will provide an update on the work being done to bring the ordinances of the city regulating the use of bicycles in compliance with state code. A meeting of the Environment, Safety and Community Services will be held on Monday, February 10, 2014 at 6:30 p.m. to continue the work that is being done on Chapter 377 of the Codified Ordinances of the City of Bay Village, Ohio.

Mr. Clark commented that he will request that Ordinance No. 14-02, the budget for the Fiscal Year 2014 be adopted this evening as amended. Mr. Clark called upon Finance Director Mahoney regarding the amendments to the ordinance. Mrs. Mahoney stated that she changed Fund 600, Health Insurance, to the numbers that are anticipated for potential claims and administrative fees. The administrative fees have been changed from \$240,000 to \$262,000. The actual claims projection has been changed from \$1,430,000 down to \$1.2 million. Liability Insurance, Fund 601 has been decreased. Since the first reading of the ordinance, the new health care rates and the Fraternal Order of Police contract, Gold Unit, have been incorporated into the appropriations.

Ordinance No. 14-05 regarding video service provider fees will be moved to second reading this evening.

Minutes of Regular Meeting  
Bay Village City Council  
February 3, 2014

Ordinance No. 14-06 which is the rates of compensation for those employees in the General Administration Department that are not part of a separate labor contract will also move to second reading this evening.

An ordinance will be introduced this evening relative to employment provisions, Section 151 of the Codified Ordinances of the City of Bay Village. Finance Director Mahoney stated that the main change in Section 151 is the way vacations are earned by the non-bargaining unit employees. Instead of earning vacation in the prior year and having it carried over to the following year, it will be accrued as it is earned. Federal laws, especially those related to health care, will be made applicable to city employees.

Mr. Lee asked Mrs. Mahoney if there are any restrictions under the union contracts regarding limitations on accumulating and rolling over time. Mrs. Mahoney stated that there are restrictions. The police are allowed to carry over 200 hours. The administrative employees are being permitted to carry over 120 hours.

Mr. Lee asked if there are any overall budget expenses in this version of the ordinance compared to the prior version. Mrs. Mahoney stated that there are a few people that have been carrying over large amounts of vacation. This will be a one-time payout for those people. It will reduce the city's liability going forward by paying at a current rate instead of retirement rate down the road. It will be a one-time adjustment for a few people. It will enable them to technically sell back to the city their vacation balance. Mr. Clark asked if these amounts have been calculated. Mrs. Mahoney will provide that information to Mr. Clark. Mr. Koomar asked if Section 151.09, Longevity, is similar to what it was prior. Mrs. Mahoney stated that it is the same.

Mr. Lee stated that the ordinance has a category for any part timers hired before January 1, 1995. He asked if there are any part time employees hired before January 1, 1995. Mrs. Mahoney stated that she does not believe so. Mr. Lee stated that it seems there is a gap in the ordinance that if there were any people that fall into that category. Mrs. Mahoney will double check but she does not believe there are any part time employees on the payroll that were hired before 1995 that would fall into the category of being permitted holiday and sick pay. Mr. Vincent suggested that to be more specific the employee hired before 1995 would have had to be an "on-going" employee who worked for the city since 1995, without interruption. Mrs. Mahoney stated that the intention is that part timers will not accrue vacation. There were some exceptions in the past. Mr. Lee suggested that Section (e) on Page 2 of the ordinance, and Section (j) of the ordinance say that "No part time employees will receive holidays. No part time employees will receive vacation." The change will be made to the ordinance.

Mrs. Lieske stated that she has questions about Page 3 of the ordinance regarding 35 hour employees and 40 hour employees. She stated that the ordinance on the agenda refers to "Division Chiefs" and we tend to use titles in the compensation ordinance as "Directors" rather than "Division Chiefs." Mayor Sutherland stated that "Division Chiefs" are the "Directors." Mrs. Mahoney stated that the Assistant Directors pay is based on a 35-hour week in the compensation ordinance. Mrs. Lieske stated that there is one reference that said that

“Department Heads” and “Division Chiefs” work 40 hours per week. This is why she asked if Assistant Directors are the same as “Division Chiefs.” Mayor Sutherland reiterated that “Division Chiefs” are the “Directors.” She noted that basically all the management people are 40 hour-per-week employees. The 35-hour-per-week employees are normally anybody that is secretarial based, or “Assistant to.” Mrs. Lieske stated that city hall is open from 8:30 a.m. to 4:30 p.m. so this is based on the secretarial staff that is here. Mrs. Lieske referred to Page 4 of the ordinance and asked if there were any thoughts of having some language throughout about same-sex, domestic partners being included in eligibility in regard to benefits granted to the employee for use of sick leave, bereavement time, etc. Mayor Sutherland stated that at this time that is not recognized by the state of Ohio. The city also does not recognize domestic partners for health care eligibility. Mrs. Lieske asked if this is typical throughout other municipalities. The Mayor stated that this ordinance was written with the guidance of the Human Resource Consultant for the city, Jazmyn Stover. Mr. Ebert stated that the city has the flexibility as a Charter city to change what they choose.

Mrs. Lieske asked about the life insurance provision for employees on Page 7 of the ordinance, Section 151.11. It states that the city shall pay the cost of Group Term Life Insurance. Mrs. Lieske asked if there is a maximum amount to the policy, or a not to exceed, or is it based on the salary. Mrs. Mahoney stated that the coverage is up to \$50,000 and the cost is \$72.00 per year. Mrs. Lieske asked if the language should be changed to state that insurance coverage is up to \$50,000, or an amount, or indicate that the amount is the same for all employees. Mrs. Mahoney stated that the amount is one times the employee’s salary, up to \$50,000. The Mayor suggested referencing the Employee’s Handbook, rather than list an amount in the ordinance. It was noted that the amount for longevity is listed in the ordinance. Mrs. Lieske asked if the employee has an option to buy additional life insurance. Mr. Ebert stated that he did not believe they have that option. Mrs. Lieske asked for verification to be provided.

Mr. Lee asked if Jazmyn Stover had looked at the Equal Opportunity Employment language in Section 151.14 (a) through (c). He noted that some of the language seems to be out-of-date. Mrs. Mahoney will ask Ms. Stover to review this section again. Mr. Lee asked Mrs. Mahoney to verify that Ms. Stover did look at the language and that it is up-to-date and compliant.

Mr. Lee noted that the city’s Affirmative Action Plan is also referenced, in Section 151.14 (d). Is that something that Ms. Stover should up-date to make sure the city is current and compliant?

Mrs. Lieske stated that there is one other correction that has been noted before on Page 11. The term “sexually orientation” should be “sexual orientation.”

Mr. Clark stated that he would still recommend the ordinance be introduced this evening and placed on first reading with these suggested changes.

Mr. Tadych advised that he is looking into the Sunset Area and the Public Improvements Committee will move forward.

Mr. Koomar advised that the ordinances on the agenda this evening under the Planning, Zoning, Public Buildings and Grounds Committee were not the current versions. Mr. Lee stated that two or three of the ordinances were not the current version. Mr. Ebert stated that specifically it is Ordinance No. 19-98, and Ordinance No. 19-99, that were not the current versions. Mr. Ebert stated that there is also a new ordinance being prepared regarding the depth of concrete. Mr. Lee stated that his preference would be to wait until all the ordinances are addressed at the same time. Mrs. Lieske stated that she will see if all her questions have been taken care of by receiving the corrected copies of the ordinances. Mrs. Lieske will review the ordinances and verify with Mr. Ebert that her questions have been answered.

Mrs. Kemper introduced Michael DeGrandis, senior at St. Ignatius who will be attending Council meetings this semester as a Government Class intern.

President of Council Koomar called the meeting to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Councilwoman Karen Lieske, Ward 3.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held January 27, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 6-0 with one abstention by Mr. Tadych. Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees held January 27, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0 with one abstention by Mr. Tadych.

## **ANNOUNCEMENTS**

**Mayor Sutherland** extended appreciation to the Bay Village Service Department for their work in snow clearing on Sunday morning, February 2, 2014. The Mayor issued a reminder that there is another snow warning for Tuesday, February 4 through Wednesday, February 5, with six to ten inches of snow expected. The Mayor asked that people not park their vehicles on the street. It is anticipated that a snow parking ban will be put into effect on Wednesday morning, February 5.

## **REPORTS**

**Law Director Ebert** had no report this evening.

**Finance Director Mahoney** had no report this evening.

**Service Director Thomas** had no report this evening.

**Community Services Director Bock** reminded everyone that the AARP Tax Preparers will be at the Dwyer Memorial Center beginning this Friday, February 7 to prepare taxes for residents free of charge. Seniors may call Ms. Bock at 440-899-3409 for an appointment to have their taxes prepared.

**Police Chief Spaetzel** acknowledged the work of Officer Mark Palmer, the Bay Village Police Department night-shift officer who has been recognized by University Hospitals' Safety Community Coalition for leading Bay Village Police Department in DUI arrests for 2013. Officer Palmer removed 49 impaired drivers from Bay Village streets in 2013.

Chief Spaetzel acknowledged the Bay Village Auxiliary Police Department for their donation of 840 hours in 2013 which saved the city about \$15,000 in Police Department overtime wages. The Chief thanked the auxiliaries for their dedication.

Chief Spaetzel advised that he has spoken with community groups such as Kiwanis, and the Seniors. He extended an open invitation to any civic group that would like to have Chief Spaetzel address their organization as well as answer questions from the audience.

Fire Chief Lyons advised that approximately 100 firefighters lose their lives in the line of duty each year. He read a press release from the City of Toledo, Fire Rescue Department, released on Monday, January 27, 2014, as follows:

"It is with great sadness that we report the death of two Toledo Firefighters.

Private Stephen A. Machcinski, 42 years of age, with approximately 16 years of service, and Private James A. Dickman, 31 years of age, with approximately six months of service, died yesterday during structural firefighting operations.

Both Privates Machcinski and Dickman were assigned to Engine 3, and were responding to a structure fire at 528 Magnolia Street in North Toledo. In the course of their duties during firefighting operations, both firefighters suffered serious injuries. In a valiant rescue effort by their comrades, they were pulled from the structure and immediately given medical care by their fellow firefighters. Both firefighters were transported to St. Vincent Mercy Medical Center where life saving efforts continued until they succumbed to their injuries.

Privates Machcinski and Dickman become the 48th and 49th Toledo Firefighters to die in the line of duty in the 177 year history of the Toledo Fire & Rescue Department.

May they rest in peace."

Chief Lyons noted that Private Machcinski did not have any immediate family but he directed that donations for him be directed toward the family of Private Dickman, who left two small children.

## **COMMUNICATIONS**

A letter dated December 21, 2013 from Mary Vysocky of Kent, Washington, thanking the staff of the Dwyer Memorial Center for their assistance with the needs and activities of her parents, Leo and Mary Weiland, and giving special recognition for the kindness and understanding of staff member Shirley Hostetler.

Norfolk and Southern Train Report for the month of January, 2014 advising that an average of 1.2 trains per day traveled through the City of Bay Village during the month of December, 2013.

An email communication was received on February 3, 2014 from Karen Kirsh, Cleveland Electric Illuminating Company, advising that Vista 1 Corporation will be performing comprehensive visual inspections on the transmission lines in the CEI region starting January 29. These visual inspections will take 7 to 8 weeks for completion, and the helicopter will be flying low and hovering over the lines.

#### **AUDIENCE**

The following signed in this evening: Bill and Peggy Dague, Dick Majewski, Kent Silverberg, Suzanne Graham, Lydia DeGeorge, Brad Gladish, Marty Mace, Patrick McGannon, Conda Boyd, Susan Murnane, Tara Wendell, Michael DeGrandis.

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

**Mr. Lee** read **Ordinance 14-04** amending Codified Ordinance Section 115.08 regarding Notice of Public Hearing (First Reading 1-27-14). This ordinance will change the requirement for posting Notice of Public Hearing in five places within the city to the three places where ordinances and resolutions are posted.

Mr. Koomar announced that Ordinance 14-04 is placed on second reading.

#### **FINANCE & CLAIMS COMMITTEE**

**Mr. Clark** read **Ordinance No. 14-02, as amended**, to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2014, including temporary appropriations made in Ordinances Nos. 13-119 and 14-01. (As Amended) (First Reading 1-13-14) (Second Reading 1-27-14), and moved for adoption. Mr. Clark noted that small changes were made to the ordinance that were discussed in the Committee Meeting of the Whole prior to this meeting.

Mr. Clark thanked the Finance Committee, the City Council, the department heads and administration, and all involved in working with this budget for the past few months.

Mr. Koomar noted that the ordinance, as amended has been read. After consultation with the Law Director, he advised that even though the ordinance has been placed on three readings with the amendments, there will be a vote to suspend Charter Rules and Council Rules. The emergency clause will also be voted on in order to put the ordinance into effect immediately upon its passage.

Mr. Henderson asked why the ordinance would require suspension of the Charter Rules. Mr. Ebert stated that it is because the ordinance has been amended this evening.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-02.

Roll Call on Suspension of Charter Rules:

Yeas- Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays -None

Roll Call on Adoption:

Yeas–Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays–None.

Mr. Koomar announced adoption Ordinance No. 14-02, an emergency measure, by a vote of 7-0.

**Mr. Clark** read **Ordinance No. 14-05** amending Codified Ordinance Subsection 753.01(a) regarding Video Service Provider Fees (First Reading 1-27-14).

Mr. Koomar announced that Ordinance No. 14-05 is placed on second reading.

**Mr. Clark** read **Ordinance 14-06** amending Section 1 of Ordinance 13-95 regarding rates of compensation for the officers and employees of the General Administration Department, and those employees of the City not covered by separate labor contract, for the Calendar Year 2014 and thereafter, and declaring an emergency (First Reading 1-27-14)

Mr. Koomar announced that Ordinance No. 14-06 is placed on second reading.

**Mr. Clark** introduced **Ordinance No. 14-08** amending Codified Ordinance Section 151 regarding Employment Provisions. Mr. Clark commented that the modifications to this section of the code are something that the Council and administration have been working on for some time with the city's Human Resource Consultant. Some potential changes were discussed this evening that will be reviewed by the Finance Director and members of Council.

Mr. Koomar announced that Ordinance No. 14-08 is placed on first reading.

#### **PUBLIC IMPROVEMENTS /STREETS/SEWERS/DRAINAGE COMMITTEE**

**Mr. Tadych** had no report this evening.

#### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

Minutes of Regular Meeting  
Bay Village City Council  
February 3, 2014

The ordinances listed on the agenda this evening relating to building code amendments have been removed pending further review.

**Mrs. Lieske** announced that there will be a meeting of the Planning Commission on Wednesday, February 5, 2014 at 7:30 p.m. in the Bay Village City Hall Council Chambers.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mr. Henderson** had no report this evening.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

**Mr. Vincent** had no report this evening.

**MISCELLANEOUS**

There being no further business to discuss, the meeting adjourned at 8:17 p.m.

---

Paul A. Koomar, President of Council

---

Joan Kemper, Clerk of Council