

City of Bay Village

Council Minutes, Committee Session
Conference Room

June 2, 2014
7:30 p.m.

Paul A. Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Thomas, Fire Chief Lyons, Police Chief Spaetzle, Community Services Director Bock, Recreation Director Enovitch, Operations Manager Landers, Building Official Cheatham.

AUDIENCE

The following audience members signed in this evening: Suzanne Graham, Kent Silverberg, Greg Schwert, Russell Thompson, Tara Wendell, Conda Boyd, Jerrie Barnett, Mike O'Boyle, Lydia DeGeorge.

ANNOUNCEMENTS

Mayor Sutherland stated that she wanted to circle back on the Nixle issue. The Mayor stated that once she received an email from Councilman Henderson she was able to go back and piece together what had happened. All Nixle messages go out under one banner: the Fire Department. Sometimes that is appropriate and sometimes it is not. They have asked Nixle if they can split it so that the Mayor's office can send out something, but it is not up to the level of the Safety Forces. What they didn't tell us, is that in order to send out a message now the Mayor has to toggle between the two users group which adds time. That's why there was a disparity where some people were getting some messages and others were not getting those but they were getting Fire Department messages. The Mayor continued, stating that they are attempting to resolve that. Her contact with Nixle is on vacation and what they have decided is they would rather have it under one banner. Right now there are two separate data bases. Some people, depending on what time they signed up are signed up under Fire, and some are signed up under the Mayor's office. They are going to work to get that corrected.

Mr. Koomar stated that there are also some people not getting any message. Seven of the Council members did not get any message with regard to the recent storm. The Mayor stated that is because it was sent out under the Mayor's office, and the Council were probably under the Fire Department.

Mr. Lee asked the Mayor if there is consideration to doing a test at any point, either the text or the land line system. Mayor Sutherland stated that Nixle has tested the land line system. Mr. Lee asked if that test included calls made to all the land lines. Mayor Sutherland stated that they did a test sampling. Mr. Lee noted that his house didn't get a call. The Mayor stated that her house did receive a call.

Mr. Tadych asked if there is a charge to the city for every message that goes out. The Mayor stated that there is only a charge if they activate the dial. Mayor Sutherland stated that they pay \$5200 for the service; it doesn't matter how many times they activate it. The texting and emailing is all free as long as it is under the banner of the City. The Mayor reiterated that her contact at Nixle is on vacation so as soon as she gets back they will work on putting that back under one banner again.

Mr. Koomar asked if a protocol will be set up with the Fire Chief for sending messages during off-business hours. The Mayor stated that they are going to set up a protocol about when it is appropriate to send out messages, and what kind of messages. The purpose of Nixle is not to send out messages about city leaves, for example.

Mr. Koomar stated that there are still segments of Bay Village, such as in Ward 2 on the north side of Lake Road, where there is difficulty receiving cell phone coverage. We have already paid a flat fee for the dial up so it is hoped that there are redundancies built into the policy so that something uniform across all methods will be sent. Mr. Koomar noted that chances are if he is in his back yard, or even in the back of his house, he is not going to get a text message due to the difficulty with receiving messages in certain areas from cell phones. In an emergency, it is an important component to have the redundancy with the dial-up messages.

Mr. Clark asked if there is a way we can do a test once a year and let people know ahead of time it is a test of Nixle so we know it's working. Mayor Sutherland stated that we can but how would we evaluate the results? Mr. Clark suggested notifying people through the newspapers that a test will be conducted at a certain time. If a text is not received, the person can call in and let someone know.

Mr. Vincent suggested testing with the Council members as a small sample. It could be done just before a Council meeting, on a Sunday for example.

Mayor Sutherland stated that when the County implements their system there will be a lot of flexibility where they could just send it out to members of Council and the administration.

Mr. Koomar stated that there were a lot of questions during the last cycle and it would restore confidence to know it is back up and running. Mayor Sutherland stated that they will be working on it.

COMMITTEE OF THE WHOLE

Fire Inspection Services

Mr. Lee advised that last year was a year of transition for our fire inspection services. Fire Chief Lyons will provide an update this evening on how things are working in 2014 for fire inspections.

Fire Chief Lyons stated that one inspector transitioned from last year into this year, Two additional firefighters were sent to school, received their certifications, have gone through orientation, and are now ready to proceed. In addition to those three fire inspectors, one Lieutenant is assigned to be the administrator for the Fire Prevention Program. The commercial and non-residential occupancies that they want to inspect on an annual basis have been divided into thirds. The fire fighters/fire safety inspectors are assigned one to each shift and it will be their responsibility to each cover a third of the commercial occupancies on an annual basis doing both primary inspections, and follow-up inspections. The average follow-up inspection should be one per occupancy but there may be additional at the onset. One inspector, Firefighter Justin Fischbach, did complete 22 inspections the first quarter of the year, on par with expectations. There are 160 to 180 commercial occupancies in Bay Village including schools, churches, and city buildings.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Police Department Staffing/Reorganization

Mayor Sutherland advised that one of the suggestions and recommendations going forward in the Police Department is to reduce the number of Lieutenants and basically trade-off one Lieutenant for one Sergeant, ending up with two Lieutenants and four Sergeants. One of those reductions will be due to attrition in the first quarter of 2014. The assessment portion of testing for Police Sergeant was done last Saturday, May 31, 2014. The most significant change would be changing the leader of the detective bureau from a Lieutenant to a Sergeant. However, the existing ordinance for police department staffing authorizes four Lieutenants and three Sergeants. The ordinance must be addressed to allow three Lieutenants and four Sergeants.

Chief Spaetzel stated that reorganization of the department as a whole is to increase efficiency and operation. The idea is to go from four Lieutenants down to two, trading an administrative Lieutenant to a patrol Lieutenant, and upping the Sergeants by one. The Detective Lieutenant position will become a Sergeant position. It has always been felt that this is a better suited position so the administrative duties can be handled by a Lieutenant, freeing the Sergeant up for other duties. This is the first baby step in the reorganization plan. But, beyond that, this could stand by itself. If we do nothing else with reorganization, it is still a good idea to make this a Detective Sergeant position. Currently, structure-wise, there are four Lieutenants and three Sergeants. By attrition, when the former police Chief left and Chief Spaetzel moved to the rank of Chief and his Lieutenant position became open, it was not filled and there is no intention of doing that. This is to further reduce the top-heaviness of what they have currently and put more officers on the road. This is the first step in that move. The promotional process was completed on Saturday, May 31, 2014. The results of that testing will be announced on Wednesday, June 4. Chief Spaetzel would like the ability after that to move forward and appoint a new Sergeant.

Mr. Koomar stated that he has discussed this with the Mayor and Chief Spaetzel, and as a first phase this makes a lot of sense. Mr. Lee asked if there is a cost of this step anticipated, and if it is included in the budget amounts for 2014. Chief Spaetzel stated that it will be a reduction overall. We are currently down to three Lieutenants and three Sergeants. By promoting a fourth Sergeant, that will be maintained and the first quarter of 2015 a Lieutenant is anticipating retiring

and we do not anticipate filling that post. Through attrition, that would take the department down to two Lieutenants and four Sergeants. The current ordinance reads not more than five Lieutenants to cover the transition period when Lieutenant Slepecky retired. The intention is to change Chapter 129.02 to not more than three Lieutenants and not more than four Sergeants.

Mr. Henderson asked Chief Spaetzel to comment on what this will mean from a safety standpoint. Chief Spaetzel stated that going forward with the whole reorganization plan the idea is to add civilian dispatchers, basically freeing up one officer per shift to be able to go on the road. The overall plan with an Administrative Lieutenant and Patrol Lieutenant handling all administrative duties will get the Sergeants out on the road where they should be. We would now have a supervisor on the road all the time and it frees up one officer per shift to go out on the road and provide services. Currently, we run bare minimum almost every day with officers on the road. This is a very economical way to increase efficiency without increasing costs.

An ordinance will be presented at the next Council meeting to modify the staffing numbers.

Mr. Clark asked if there will be a revisitation of the ordinance in the future when the department converts to civilian dispatch. Mayor Sutherland stated that it will probably have to be revisited in January if Council desires to drop the staffing to not more than two Lieutenants.

Mr. Koomar noted that because of the five Mondays in June, the meeting scheduled for June 16 will be cancelled and a special meeting held June 30 to put things forward that might need attention prior to summer adjournment. This ordinance regarding police staffing can be put on at a special meeting on June 9, but the idea is to cancel the regular meeting on June 16 and have a special meeting on June 30.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Cahoon Road Sewer Project Completion Schedule Update

Service Director Scott Thomas stated that there is a schedule change due to unforeseen problems such as the subcontractor for the roadway has advised that this is a busy time of the year for paving contracts. A specific date has been asked to be provided, making it very clear that it must be done before July 4. They did come back with a proposal of finishing it by June 30, 2014. As reluctant as we are to give them that time frame, there were some specific things on the roadway that Director Thomas was concerned with. They have agreed to change those and we are hoping for completion by June 30, 2014.

Mr. Tadych asked if the June 30 date is the day that they are doing the work, or will it be completed by that date. Mr. Thomas stated that there will be substantial completion by June 30, 2014.

Mr. Koomar asked if that is patching affected areas or complete rework of the roadway. Mr. Scott stated that is patching affected areas, or areas that we would be looking at a three or two foot patch. We were looking at a four foot barrel for them to do the bell work and make it a little bit more than what they had actually tore up. They have agreed to do that. In addition, there

were some areas that they actually brought up the concrete sub-fill too high to the level of the roadway. They have agreed also to make sure it goes back down so that the 1` ½ inch pavement actually adheres to the pavement itself.

Mr. Koomar stated that at one time when this project started under former Service Director Galli, we were told that the entire roadway was going to be done. Is that a change in scope? Mr. Thomas stated that from the beginning it was a change in scope to restore what they had actually dug up.

Mr. Clark stated that Council was under the original impression that there was going to be an overlay done. There was a change.

FINANCE & CLAIMS COMMITTEE – Clark

Renewal of City of Bay Village Liability and Property Damage Insurance

Mr. Clark commented that the renewal is a small increase over last year's premium. It is hoped to have another clean year so that we might get additional bids going forward. Mr. Clark would like to move this forward by passage of the ordinance to proceed with the renewal at the Regular Meeting of Council to be held this evening.

Mr. Lee asked if the 12% increase is in the budget for 2014. Finance Director Mahoney stated that it is budgeted. Mr. Lee noted further that the McGowan Insurance Agency is recommending cyber risk insurance. Mrs. Mahoney stated that they cover \$25,000 without the additional insurance. Before there is a commitment to spending more money on an insurance policy, Mrs. Mahoney would like to research and see if there is coverage through the city credit card holder.

Mr. Lee asked if a reduction in the insurance premium was received by the city when the vehicle count was reduced. Mrs. Mahoney stated that the city vehicle count went up. Mr. Lee asked if the count went up, even with the outsourcing of the Building Department. Mrs. Mahoney stated that Mr. Colin Dean of McGowan Insurance Agency has advised that there is a 2.1% increase in property limits plus additional vehicles. Mrs. Mahoney is questioning whether it might be the overall additional value of the vehicles, taking into consideration the purchase of the new fire truck. Mrs. Mahoney stated that they are slowly auctioning off old vehicles.

Mr. Tadych suggested that Mrs. Mahoney review the schedule of vehicles. Mr. Clark noted that they bid on the actual schedule of vehicles. He noted further that another year of good loss results will help the city on bids going forward. Mr. Lee commented that it would be nice to have more than one insurance company bid next year.

There will be a Finance Committee meeting on June 9, 2016 at 6:30 p.m., prior to the Council meeting.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE – Tadych

Mr. Tadych stated that this evening at the Regular Meeting of Council he has five ordinances for second readings, Ordinances Nos. 14-60, 14-61, 14-62, 14-63, and 14-64. There has been a correction on Ordinance No. 14-62 to show the sewer rental rates passed for 2014. Additionally, on the last page of Ordinance No. 14-62, Section 941.07, it states that “The City of Rocky River will identify the sewer users.” Mr. Tadych questioned whether this should say “The City of Bay Village.”

Mr. Lee stated that looking at the old ordinance this ordinance is replacing it also states, “The City of Rocky River.” He questioned whether this might have something to do with the Rocky River Wastewater Treatment Plant. Law Director Ebert stated that the ordinance is correct. The City of Rocky River determines the amount of sewer usage through their plant.

Mr. Henderson asked if there is any definition of “higher in strength than normal wastewater concentrations” as described in this chapter. (Chapter 921.07). Mr. Lee stated that this is exactly the same language that was in the old ordinance. The only reason it shows as new language is that the two sections prior to this were deleted and it is renumbered as 921.07 instead of 921.09. It is really carry-over language. Mr. Ebert will check further on the definition of “higher in strength than normal wastewater concentrations.”

Mr. Clark noted that Ordinance No. 14-60 shows the increase in sewer rental fees that the Finance Committee had recommended to Council and were approved at the beginning of the year. Those won't be reflected probably until July. Mr. Ebert commented that the City of Bay Village sewer fees are substantially lower than other communities in the area. Mr. Clark stated that this is what brought the attention to the sewer connection fees.

Mr. Lee asked about Section 913.05 in Ordinance 14-60, and whether “the charge for the initial tap-in connection to the City sanitary sewer system for an increase of sanitary flow caused by an expansion or change of use” would be applied if someone does an addition to their home and perhaps adds a bathroom. Mr. Ebert stated it would only be applied if there is a new house brought in with a new connection at the street. Mr. Lee asked if the language “caused by expansion or change of use,” is that going from residential to commercial use. Mr. Ebert stated that an example would be the change of use of Bradley Bay due to their new addition. Mr. Lee stated that he just wants to confirm that we are not going to be charging a new tap-in fee if someone does an addition to their home which adds a new water facility. Mr. Ebert stated that there would not be a fee because there is no new connection at the street. Mr. Lee stated he assumed that was the intention, but it was not clear from the language. A correction shall be made to include a missing dollar sign in Part (c) of the same paragraph.

Mr. Lee asked about Section 913.15, “Sewer Service Line; Clean-Out Required” and the use of the word “heretofore” in reference to whenever any structure shall have been heretofore constructed in the City. He asked if that means this only applies to existing construction that exists in the city before the new ordinance is passed, or this intended to pick up both pre-existent construction and future construction. Mr. Ebert stated that it is for construction prior. It does not reference future construction. Mr. Tadych noted that future construction should have clean-outs. Mr. Lee asked if that requirement is covered separately. Mr. Lee stated that he is concerned about a gap in language

for future construction. Mr. John Cheatham, SAFEbuilt, Inc., stated that it is currently code on new construction.

Mr. Tadych stated that a new copy of Ordinance No. 14-64 has been distributed this evening and has been changed on Page 7 to state that “a deposit of \$250 shall be submitted prior to the issuance of a permit” for sewer service line work completed on private property, not including any work completed in the dwelling unit or commercial building, or any excavations which require the removal of public sidewalks and/or excavating in the right-of-way. The Building Official and/or Service Department shall use the deposit at their discretion for inspection fees, debris removal and repair and replacement of any right-of-way area or surface damage during construction process.” The first paragraph on Page 7 states that “at any time the deposit balance falls below 50% of the initial refundable deposit additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.” This, as well as the words “inspection fees” were added because inspection stops at the house and you need to have the lines from the house to the street inspected. That would be done by our Service Department. Service Director Thomas confirmed Mr. Tadych’s statement.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske advised that the Planning Commission meets Wednesday, June 4 at 7:30 p.m. in the Council Chambers of Bay Village City Hall.

Mrs. Lieske asked if there is anything that needs to be done from the Council side in order to start reviewing proposed legislation for Chapter 1158. Mr. Ebert stated that he wants to make sure that nothing else has changed in order to finalize the legislation and submit it to Council before recess. Mr. Koomar stated that he understands Mr. Ebert will need to work through and do it properly while getting it done as quickly as he can. Mrs. Lieske stated that she wants to make sure we keep it in mind.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Vincent had no report this evening.

MISCELLANEOUS

Mr. Henderson advised that he received a call this week from a Salem Road resident regarding deer. Mr. Henderson noted that he has looked back in his notes and has had about seven different households contact him regarding deer since being elected to City Council. Since it is spring time there will be more activity. He would like to understand the City’s status on deer.

Mayor Sutherland stated that the bottom line on deer is that the City does not have jurisdiction over the deer; the jurisdiction belongs to the Ohio Department of Natural Resources. They will

not allow a municipality to take action and cull a herd without their approval. They handle deer populations in two different ways. They look at the rural areas, and will allow a farmer to cull a herd once they have had a fly-over done at night seeking an infrared population count. They will allow a farmer to cull a herd because they are affecting his livelihood. They will not allow the same thing for an urban area. The only way they can determine over-population is based on deer and vehicle collisions. In the City of Bay Village, on an annual basis we are running anywhere from zero to twenty deer/vehicle collisions, over the last twenty years. You can track that to a city that has been allowed to cull, which is Solon, and they run anywhere from 100 to about 165 vehicle/deer collisions per year. Mayor Sutherland has also talked to MetParks to find out if they think they have an overpopulation, because they do cull at Bradley Park in Westlake. MetParks will determine whether or not it is appropriate if they are seeing damage to the undergrowth. When speaking with Brian Zimmerman, the head of MetParks, regarding Huntington, he stated it is not overpopulated. The deer travel up and down the creeks, but we are very limited in what we can do. There is very controversial and very expensive birth control that is so expensive it is not practical. When the Mayor receives calls in her office she advises avoiding plants that deer love to eat, such as Impatiens, Geraniums, some versions of Hydrangeas, Hostas, and vegetables. They do not like Herbs so if Herbs can be interspersed with flowers that will help. Spraying is short-lived because it must be redone every time it rains. There is good success with deer netting.

If culling is done, they wait until there is snow on the ground. They then put out a salt lick and feed and when the deer come in they do the culling. This last winter would have been a good year for culling. The two previous years there wasn't enough snow. Even though they put the feed out, the deer found enough of greenery on their own.

Mr. Henderson stated that he read in the newspapers that Avon or Avon Lake did an aerial study and determined their deer population. Mr. Henderson asked Mayor Sutherland if that is something that Bay Village would ever look at doing. Mayor Sutherland stated that she does not think so. Avon or Avon Lake still have farms and that is where they could utilize that. When you get into tree cover and urban areas it just doesn't work. They still have working farms over there and vineyards, and they have Walker Road Park which has been an issue. They have that ability to go back to the Ohio Department of Natural Resources and say they are affecting the livelihood of their properties. We don't have that.

Mr. Koomar asked if Avon Lake currently has no plans with respect to deer. They had approached the Bay Village Council to come to one of their Council meetings relative to Walker Road Park. The Mayor stated that was at least a year ago, and they could not settle on what their method was going to be. They were also talking about birth control and it is very controversial and expensive.

An audience member asked about the potential of a deer crossing sign on Cahoon Road at the site of the newer homes. They are constantly crossing the road there. With the construction on Cahoon now it is a little different but it is a very regular place. Some deer that have been involved in accidents there have had to be shot. The Mayor said that they have a couple of signs around town in specific areas, and will see about having one put in that area.

Committee Meeting of Council
June 2, 2014

Mr. Koomar announced that there are five Mondays in the month of June and in talking with the administration we probably do not have content for all five. The meeting of June 16 will be cancelled and in the event there are need adjustments to the budget have that taken care of along with any other matters on June 30, 2014 at a Special Meeting of Council.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council