

City of Bay Village

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

December 8, 2014

Paul A. Koomar, President of Council, Presiding

Present: Clark, Henderson, Koomar, Lee, Lieske, Vincent

Not Present: Mayor Sutherland, Mr. Tadych

Also Present: Law Director Ebert, Finance Director Mahoney, Recreation Director Enovitch, Community Services Director Selig, Police Chief Spaetzel, Fire Chief Lyons, Service/Safety Director Thomas, Operations Manager Landers.

President of Council Koomar called the meeting to order at 8:00 p.m. with a roll call and Pledge of Allegiance led by Dwight Clark, Councilman-at-large.

ANNOUNCEMENTS

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Conda Boyd, Pam Cottam, Marty Mace, Mike O'Boyle, Russell Thompson, Jeff Gallatin, Barb Galbincea, Richard Fink.

Conda Boyd referred to the ordinance on tonight's agenda establishing fees for outside legal services, and stated that it is not clear to her about the duties that the Law Director would normally do. For example, Mr. Ebert was kind enough to be at the Planning Commission meeting the other night. Is it his duty to attend Planning Commission meetings? Mr. Ebert responded that his duties as Law Director includes Council attendance and Boards and Commissions attendance when needed. Last week he was serving as Law Director at the Planning Commission meeting and also sitting in as the Mayor's representative to the Planning Commission to provide a quorum. He did not, however, participate in any decision making or cast any votes. His attendance is all part of Law Director/Acting Mayor or whatever the situation is with the City. He is not paid extra. When acting for the Mayor, it is part of his salary and he is not getting extra pay.

Ms. Boyd asked an example of outside legal services. Mr. Ebert stated that outside legal services are for litigation. Although the rate is quoted as \$170.00 per hour, his bills have been substantially lower than that because of discounting the rate. If someone sues the City, the defense cost is outside legal services. Mr. Lee stated that to the extent that there is correspondence before a law suit it filed, that would fall within the Law Director's compensation, and not additional legal services. Mr. Ebert agreed, and stated that until a law suit is filed it is still part of the Law Director's duties. For example, there are two disputes going on

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at the present time that are classified as potential litigation. That is charged to his normal salary as Law Director.

Mr. Henderson stated that he tends to agree that the language in the proposed ordinance feels lighter than necessary to help understand what is really in the ordinance. He would prefer to see a more delineated list, perhaps bullet points or a numbered list, with the exact kinds of duties that fall into the Law Director role, the outside counsel role, and the Acting Mayor role. It would be helpful to know which duties are in each of those three major roles, and how the time is allocated.

Mr. Ebert suggested that the ordinance not be introduced this evening. The ordinance was removed from tonight's agenda.

Mr. Vincent stated that there was some very good detail presented this evening from the Police Chief regarding comparable cities such as Aurora and Brecksville. He stated this would help him understand where Bay Village is compared to Aurora, Brecksville, and neighboring communities when analyzing the proposed ordinance for outside legal services. Mr. Ebert agreed to provide that information.

Mr. Koomar clarified that the information provided when the ordinance returns will include a list of those duties of the Law Director and what is included in outside legal services. For example, prior to filing of a suit, that would be the Law Director's duties. After that, these are the types of duties covered as outside legal. Mr. Vincent stated that Mr. Koomar's statement is correct. Also, is outside legal typically an action by a party that has no real relation to the City, outside of whatever the dispute is, for example, workers compensation suits within the City are Law Director's duties. Mr. Ebert stated that some are, and some aren't. Mr. Ebert will define that information for Mr. Vincent. He noted that normally the fees are for contested claims against the City to an administrative agency or an agency that has enforceability; a third party that makes the decisions.

Lydia DeGeorge asked the next step in the process for the Civilian Dispatch plan discussed at the Environment, Safety and Community Services Committee meeting this evening. Mr. Lee stated that the Environment and Safety Committee will review the materials received from the Police Chief. Those materials will be posted to the City's web site. An additional Environment, Safety and Community Services Committee will be held. After the proposal is thoroughly vetted, it will be presented to the Council of the Whole and there will be a vote as to whether the plan will go forward as presented, or go forward as modified. The committee will try to do this fairly quickly so the Police Chief can plan accordingly.

Pam Cottam asked if the jobs will be posted. Finance Director Mahoney stated that the positions would have to be approved in a compensation ordinance. That will take three readings. We would then have to talk about posting or Civil Service. Mr. Lee noted that he assumes the Police Chief would prepare the job descriptions and once the compensation ordinance was placed on reading he would be in a position to advertise.

Mr. Mike O'Boyle stated that at the Town Hall Meeting hosted by Councilman Henderson and

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Councilman Tadych recently, there was discussion about a proposal for microphones for the Council Chambers. Mr. O'Boyle asked the status of this proposal. Mr. Koomar stated that quotations have been received. Law Director Ebert and Service Director Thomas have been in on the discussions. There are some community groups that have expressed interest in donating to the project. We are in the process of getting some final quotations. In the latest version of the proposal there would be two sets of speakers in the Chambers and accommodations for audience members to be heard. The goal would include having the audio streamed to the City's website. Mr. Clark added that the cost of the system is included in the capital component of the City's budget, subject to outside funding assistance to help implement the initiative.

Mr. Koomar thanked Police Chief Spaetzel for the effort he put into the Reorganization Plan for the Police Department. He stated that the report compiled by Chief Spaetzel is a wonderful starting point, answers a lot of questions, and provides a good foundation for moving forward.

Mr. Koomar called for a reading of the minutes of the Special Meeting of Council held December 1, 2014. **Motion by Clark** to dispense with the reading of the minutes and approve the minutes of the Special Meeting of Council held December 1, 2014 as prepared and distributed.

Motion passed 6-0- and 1 abstention.

Motion by Clark, to acknowledge receipt of the **November**, 2014 Financial Reports from Director of Finance Renee Mahoney.

Motion passed 6-0.

Mr. Clark read **Ordinance No. 14-98** amending Section 1 of Ordinance No. 14-97 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 2015 and thereafter, and declaring an emergency, and moved for adoption. (First Reading 11-10-14; Second Reading 11-17-14) (Human Resource Manager).

Mr. Henderson expressed that he was disappointed in the past year that the City did not get any farther on performance evaluations and pay with the contract for HR Services that was procured. Mr. Henderson stated that it is his expectation that by creating and funding this position we will see job descriptions and goals against those job descriptions, performance reviews against those goals, and work towards a performance based evaluation system in the future that will tie compensation to performance. Mr. Henderson stated further that this is one of the main reasons he is supporting this additional funding.

Mr. Koomar stated that he had an opportunity to talk to the Mayor and looking at the compensation structure, we may really want to get that person on board first and allow them to do some work, and obviously head in that general direction and see what fits for the City of Bay Village and the public sector. It would be great after Memorial Day, before summer recess, if we had an update on the process. The person is going to need a little bit of time. The Mayor

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confirmed in her discussions with Mr. Koomar that a mid-year update on the progress being made would not be a problem.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-98.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-98, an emergency measure, by a vote of 6-0.

Mr. Clark read **Ordinance 14-102** authorizing the Mayor to enter into an Amended Agreement with Life Force Management, Inc. for medical services provided by the Bay Village Fire Division, and declaring an emergency. (Second Reading) (First Reading 12-1-14).

Ordinance No. 14-102 was placed on second reading.

Mr. Clark read **Ordinance 14-103** authorizing the Mayor to enter into an agreement with the Ohio Attorney General for Delinquent Debt Collection, and declaring an emergency. (Second Reading) (First Reading 12-1-14).

Ordinance No. 14-103 was placed on second reading.

Mr. Clark read **Ordinance 14-104** amending Codified Ordinance 921.02 regarding Sewer Rental Rates, and declaring an emergency. (Second Reading) (First Reading 12-1-14)

Ordinance No. 14-104 was placed on second reading.

Mr. Clark read **Ordinance 14-105** establishing the effective date for the Refuse Collection Fee, and declaring an emergency. (Second Reading) (First Reading 12-1-14 amended by reading)

Ordinance No. 14-105 was placed on second reading.

Mr. Clark read **Ordinance 14-106** amending Codified Ordinance Section 181.36(b) regarding disbursement of Municipal Income Tax Funds, and declaring an emergency. (Second Reading) (First Reading 12-1-14)

Ordinance No. 14-106 was placed on second reading.

Mr. Clark read **Ordinance 14-107, amending by reading to reflect the complement of officers in the Police Department from 24 officers to 23 officers**, to make appropriations for

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the current and other expenditures of the City of Bay Village for the Fiscal Year 2015. (Second Reading) (First Reading 12-1-14). The amendment by reading reduces the General Fund, Personnel Services, from the \$6,970,962 down to \$6,901,462, or a reduction of \$69,500, and a reduction in the Police Pension Fund by a total of \$9,400.

Ordinance No. 14-107 was placed on second reading, as amended.

Mr. Clark read Ordinance 14-112 amending Section 1 of Ordinance 14-98, **amending by reading No. 6, Director of Law, the salary for January 1, 2015 and thereafter shall remain as \$70,878 per year**, 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 2015 and thereafter, and declaring an emergency. (First Reading).

Ordinance No. 14-112 was placed on first reading, as amended.

Mr. Lee asked the significance of the heading in the first column in the ordinance stating compensation “November 10, 2014 and thereafter.” He asked if the date should be the same when taking into consideration the amendment to the ordinance this evening. Law Director Ebert stated that the date of November 10, 2014 reflects back to the passage of the ordinance for the Assistant Director of Community Services.

Item No. 14 was removed from this evening’s agenda.

Mr. Koomar stated that it is hoped to pass all of the pending legislation on December 15, 2014. The plan of Council is to be off on December 22, 2014, subject to change, so that everyone can enjoy the holiday with their families.

There being no further discussion, the meeting adjourned at 8:25 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council