

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 6:25 p.m.

December 29, 2014

Paul A. Koomar, President of Council, Presiding

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

Not Present: Mr. Tadych

Also Present: Law Director Ebert, Finance Director Mahoney

Council and members of the administration had assembled at 5:57 p.m. in the Conference Room to review agenda items; this was open to the public.

During the review, Mr. Koomar discussed the ordinance on this evening's agenda establishing fees for outside legal service. Mr. Clark suggested placing the ordinance on first reading this evening, noting that there has been quite a bit of input in drafting the legislation, resulting in an amicable chart that is satisfactory to all parties. The ordinance will be placed on first reading this evening.

Mayor Sutherland asked if the ordinance extends until January, is Mr. Ebert paid at the old rate until it is passed. Mr. Lee asked if there are any matters pending with outside legal service. Mr. Ebert stated that he is not aware of any pending matters, unless there is a Workers Compensation claim. Mr. Lee noted that since Mr. Ebert would not bill for January until February, he could be at the lower rate without the problem.

Mr. Ebert noted that the Assistant to the Law Director is a separate line item as a vendor contract. Mr. Lee noted the line item for the Assistant to the Law Director represents a 2% increase from 2014 to 2015. He asked how many hours per week the Assistant typically works. Mr. Ebert stated that the assistant works at city hall three mornings per week and finishes some work at the law office. Mr. Koomar, praised the work of the Assistant to the Law Director, Lorree Lewis, noting that she works efficiently and quickly.

Mr. Henderson stated that he just wants to understand the phrase "or before administrative agencies" as written in the proposed ordinance. Mr. Ebert stated that this would include agencies such as the Workers Compensation Bureau, Industrial Commission, the Equal Opportunities Commission, Environmental Protection Agency, Unemployment Compensation, and any type of agency where he would have to attend a hearing. Mr. Henderson asked if this work includes anything in regard to grievances or unfair labor practices. Mr. Ebert stated that it would include anything in that regard, insofar as contractual or arbitration with the unions.

Mr. Clark stated that he will introduce the final amendment to the 2014 Appropriations Ordinance this evening. Finance Director Mahoney is close to finalizing the transfers that will

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be made that will increase the General Fund budget. Mr. Koomar asked when the transfer of the General Reserve Fund will be made. Mrs. Mahoney stated that the transfer will be made Tuesday, December 30, 2014. An additional \$8,000 was received today in Property Taxes that was not expected. Mr. Clark stated that the goal is to start the General Fund Balance at \$1 million with the excess going into the General Reserve Fund. This will put the General Reserve Fund into a little over \$400,000 at the beginning of 2015, based on good performance for the year.

Mr. Koomar asked if the budget just passed for 2015 reflects the full year of SAFEbuilt, Inc. receipts and expenditures of 2014. Mrs. Mahoney stated that it does reflect the full year of 2014.

The Accrued Benefits Fund was used to pay for unused vacation time to even out the cost for that in the future instead of accruing them ahead and paying large sums out of the General Fund.

Across the board, utilities were higher for municipal buildings this year. Reimbursements from the state will be received for the additional catch basin work done on Lake Road. Insurance proceeds for water damage to the Fire Department and damage to the Community Service Vehicle have been received and funds will be appropriated to pay the invoices. The ceiling at the Fire Department has been repaired.

The administrative compensation ordinance to be introduced this evening will be amended by reading to include a 2% increase for the Law Director and an increase of the minimum wage to \$8.10 per hour for part time and seasonal employees. As a trade-off for the 2% increase for the Law Director, there has been an agreement about the amount of money the Law Director will pay for health insurance monthly. The current monthly premium of \$219.91 is in effect until March 1, 2015. When that premium goes up, the Law Director's payment will increase as well.

Mr. Henderson asked if the requirement of Mr. Ebert to pay a higher amount toward his health care is because he works between 30 and 39 hours per week. The Mayor stated that it was a negotiated compromise.

Mr. Koomar stated that Mr. Ebert passed the 29 hour per week written in the Affordable Care Act, which is what triggered his requirement for health care.

Mr. Henderson asked if there are any other part time employees working less than 40 hours per week that get health insurance benefits. Mayor Sutherland stated that we do have part time employees and they do not get health insurance. Mr. Henderson stated that he is concerned we are creating a system where we have one employee who is not full time, 40 hours per week, receiving health insurance benefits, and we don't have that for anyone else.

Mayor Sutherland stated that he works 30 hours, and he is also a director. No other part time employee works 30 hours. If they hit 30 hours, they would be eligible for health care as well.

Mr. Henderson stated that from the Affordable Care Act standard of 30 hours he would be full time, and asked why we would charge him more money than other employees. Mr. Koomar stated that from what we have seen in other public employment systems, with the cost of health

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care increasing over the years, and part time employees, there has always been increased premium in the workplace. Mr. Ebert stated that there are different agreements in different cities with Law Directors. Mayor Sutherland stated it is a unique position and it was a negotiated compromise.

Mr. Henderson stated that he sent an email out to the Council this week, attaching a survey from the accounting firm PWC, involving over 1,200 employers. Roughly 53% of the employers are not offering medical benefits coverage to part time employees. Among those that did not, most do not plan to do so in 2015. And, of the most that did, it was split almost evenly between keeping the premium the same for the part time and for the full time. Mr. Henderson stated that his current position is that he is completely open to discussion, but his concern is we are effectively creating a precedent that will offer health insurance to any part time employee and if they have more than 30 hours but less than 40 hours we are going to charge them \$219 instead of the standard rate. And, if they have 40 hours we are going to charge them the standard rate. It's complicated.

Mrs. Mahoney stated that it is complicated but it was a compromise. Mr. Ebert stated that it is also grandfathered as it goes back to previous years. Mayor Sutherland stated that they are managing the part time employees so that they will not exceed 30 hours. Law Director Ebert noted that when he performs duties as Acting Mayor or Prosecutor he is not paid additional compensation.

Mr. Lee noted that this compensation ordinance is a one-year ordinance and does not apply to 2016. Mayor Sutherland added that adjustments can be made as conditions change.

Mrs. Lieske stated that she sent out information on health insurance from Cleveland State University. If a CSU employee works 20 to 29 hours per week the only health care option is the Metro Health Plan. Those rates are significantly higher than the part time 30 to 39 hours per week employees, or the full time employees. The rates for the 30 to 39 hours per week employees are significantly higher than those for full time employees. The rates apply to all employees, from housekeeping to Vice Presidents.

Mr. Henderson noted that it is confusing because most companies use 40 hours per week to define full time employment. With the Affordable Care Act using 30 hours per week, we have to figure out a new classification. Mayor Sutherland stated that in the public sector there are employees considered full time at 35 hours per week.

Mr. Vincent asked if there are part time police or firefighters that work more than 20 hours per week. Mayor Sutherland stated that the City does not have part time firefighters. We do have part time police officers that work less than 30 hours per week.

President of Council Koomar called the meeting to order at 6:25 p.m. with a roll call and Pledge of Allegiance led by Dwight Clark, Councilman-at-large.

AUDIENCE

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The following audience members signed in this evening: Dick Majewski, Conda Boyd.

Mr. Koomar called for a reading of the minutes of the Regular Meeting of Council held December 15, 2014. **Motion** by **Clark** to dispense with the reading of the minutes and approve the minutes of the Regular Meeting of Council held December 15, 2014 as prepared and distributed.

Motion passed 6-0.

Mr. Clark introduced **Ordinance 14-115** establishing fees for outside legal services, and declaring an emergency.

Ordinance 14-115 was placed on first reading.

Mr. Clark introduced and read **Ordinance No. 14-116** to amend appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year, 2014, as previously appropriated in Temporary Appropriations 13-119 and 14-01, and Annual Appropriations 14-02, 14-18, 14-51, 14-68, 14-79, 14-87, and 14-93, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-116.

Roll Call on Suspension of Charter Rules:

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

Nays -None

Roll Call on Suspension of Council Rules:

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

Nays -None

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. 14-116, an emergency measure, by a vote of 6-0.

Mr. Clark read **Ordinance 14-112** amending Section 1 of Ordinance 14-98 (amending by reading Line 6, the Director of Law, amending the annual salary to read \$72,296, and Lines 15 and 16 to amend by reading the minimum hourly amount for part time and seasonal employees to be \$8.10 effective January 1, 2015, due to the increase in the federal minimum wage) 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

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2015 and thereafter, and declaring an emergency. (First Reading 12-8-14 amended by reading) (Second Reading 12-15-14), and moved for adoption.

Mayor Sutherland expressed appreciation to Mr. Koomar and Mr. Clark for their leadership in correcting the inconsistencies in the ordinance. Mr. Koomar thanked Mayor Sutherland for her assistance as well.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-112.

Roll Call on Suspension of Charter Rules:

Yeas- Koomar, Lee, Lieske, Vincent, Clark

Nays -Henderson

Roll Call on Suspension of Council Rules:

Yeas- Koomar, Lee, Lieske, Vincent, Clark

Nays -Henderson,

Roll Call on Use of the Emergency Clause:

Yeas- Koomar, Lee, Lieske, Vincent, Clark

Nays -Henderson,

Roll Call on Adoption:

Yeas-Koomar, Lee, Lieske, Vincent, Clark

Nays-Henderson

Mr. Koomar announced adoption of Ordinance No. 14-112, an emergency measure, by a vote of 5-1.

There being no further discussion, the meeting adjourned at 6:30 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council