

City of Bay Village

Council Minutes, Committee Session
Conference Room
Paul Koomar, President of Council, Presiding

March 30, 2015
7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Safety/Service Director Thomas, Director of Operations Landers, Consulting Engineer Bob Greytak.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Robert Tuneberg, Doug Gertz, Lydia DeGeorge, Russell Thompson, Pam Cottam, Mike O’Boyle, Denny Wendell, Warren Remein.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Amendment to Chapter 527 regarding Littering (Residential Delivery of Printed or Other Materials)

Mr. Lee called upon Law Director Ebert to discuss a draft ordinance he prepared addressing the residential delivery of printed or other materials when those materials are left on sidewalks and driveways during the winter months and causing damage to snow blowers. Mr. Ebert stated that additional language or language changes may have to be applied to the ordinance so that solicited material is not affected by the ordinance, and it will refer to unsolicited publications only. Mrs. Lieske expressed agreement, noting that there are other problems that may occur if you don’t have the receptacles for delivery of printed materials for which you subscribe. Mrs. Lieske thanked Mr. Ebert for the way he phrased the ordinance.

Mr. Ebert stated that the ordinance draft was modeled after ordinances in the cities of Westlake and North Olmsted. He will resubmit a new copy of the ordinance draft to Council.

Mr. Koomar asked if the delivery refers to “at the door.” Mr. Ebert stated that the Westlake and North Olmsted ordinances say “on public property.”

Mr. Tadych asked about the delivery of the Bay Directory. Mr. Ebert will readdress the draft of the ordinance in consideration of the comments this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Codified Ordinance Chapter 916 – Foundation Drain Disconnection

Mr. Tadych stated that his last Public Improvement, Streets, Sewers and Drainage Committee meeting on March 26, 2015 resulted in many questions regarding the proposed ordinance. Mr.

Tadych expressed that he does not think the ordinance is ready for first reading. Residents realize that the proposed ordinance exists and they can see copies of it. There have been questions about the length of the payment plan. The new maps of the districts were received today. Mr. Ebert stated that he has copies available of the maps. Mr. Tadych stated that he would like to hold off on presenting the ordinance for first reading and have another meeting of the Public Improvements, Streets, Sewers and Drainage Committee for further review.

Mr. Koomar stated that the unpaid charges are certified to the County Fiscal Officer in September of each year for placement on the property owners' tax bill. Mrs. Mahoney stated that if repairs are done this spring, the charge will not be certified this September. The shortest amount of time they would have to pay before certification to the County would be 15 months. Mrs. Mahoney stated that she would like to work on a one-to-one basis with each resident as to whether they want a 12-month or 24-month period for repayment before certifying the unpaid charges to the County. This is the same procedure that is followed for trees and all other private property services. Mrs. Mahoney stated that she would not like the payment plan to go beyond 27 months.

Mr. Tadych stated that the plan doesn't even come up with a correct total amount for a payment plan. Right now it is at \$2,000; in Mr. Tadych's opinion it could go up to \$5,000.

Mr. Koomar asked Director Thomas his best estimate for this work after he spoke with contractors. If someone had all connections incorrect, what would the worst case scenario be in price? Mr. Thomas stated that this is why they estimated \$2,000. He has estimates from \$1,500 to \$3,000; \$1,500 being the lowest estimate. That would include a two sump pump system and a clean out for the system directly into the storm from the foundation drain. The secondary sump pump would be going into the back yard in case of an overflow of the first sump pump. Mr. Thomas stated that he is confident in the price of \$1,500. Obviously, the price would go up if they have to go under the front porch. Mr. Thomas would like to add in a possible generator for about \$150. It is hopeful that everything could get done for \$1,750.

Mr. Ebert stated that discussion at the Public Improvements, Streets, Sewers and Drainage Committee included whether the homeowner goes out to contract for the corrections, or would there be better control if the City went out for bids. The contractor could be bonded, and there would be control of what is being done and the time frame. A better price point may also be able to be obtained.

Mr. Henderson stated that people are very busy and not excited about doing this project at all. If the City would arrange for the project to get done, that would relieve some of the burden of them having to be home, call the contractors, get quotations, etc.

Mr. Lee asked if this arrangement would expose the City to any liability. Mr. Ebert stated that there would be a bond from the contractor, just like other projects with the City.

Mr. Tadych noted that it would be a bid project. Mr. Ebert agreed, and stated that there might be one or two contractors based on the number of homes.

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Mr. Lee asked if the residents would have to agree to make the payments. Mr. Ebert stated that this is correct. Any resident getting his own contract would not be part of the Payment Option Program.

Mr. Lee stated that if this is done with a master contractor with the city making the arrangements, the homeowner would still have to agree to the amounts and the scope of the work. If they are not satisfied with the work after it has been performed is the city at all exposed? Mr. Ebert stated that it would go against the contractor and if the City verifies the complaint is justified it would go against the bonding company. Mr. Ebert stated that the City would be supervising the work.

Mr. Lee asked if this is something the Service Director is interested in doing. Mr. Thomas stated that this is something that is already being done. They are taking proposals from contractors, and looking at the prices. They would then give that list to the homeowner.

Mr. Tadych reiterated that he would like to further review the proposed ordinance at an additional meeting of the Public Improvements, Streets, Sewers, and Drainage Committee. A meeting will be scheduled during the next week.

Mr. Lee asked if the homeowners have been notified at this point that their home is going to be one that is going to require reconnection. The Mayor stated that they have not been notified because they are waiting for Council to take action. Mr. Lee stated that his concern is that the homeowners who are going to be affected by this aren't aware at this point. They don't know to come to these meetings and say that they think this is unfair what the City is requiring, and the City should require it this way instead. It would be valuable for those homeowners to be aware this is coming to them and they are going to be the first ones in this program. It is understood that we can't tell them the details of the loan program until Council acts, but it would be beneficial for the homeowners to be aware that they are going to be faced with this in 2015.

Mr. Thomas pointed out that in April of 2014 letters were sent to every homeowner. First of all the sewer crews actually spoke with a number of the homeowners. Second of all, in the fourth paragraph of the letter it stated very simply we would be in contact when a solution is dealt with. Mr. Thomas read the following from a 2008 publication entitled "Facts for Our Residents." This was distributed at a meeting where people signed in and out.

"Bay residents continue to have sewer back-up issues when there is heavy rainfall. The Bay sewer systems are outdated and cannot handle the load. This is a known issue with no solution in sight for our residents. Residents are in jeopardy of not being renewed for homeowners insurance."

Mr. Thomas stated that they are looking at a possible solution to deal with these issues of homeowners having their basements flooded. He stated that he grew up in a home with basement flooding and it is miserable, waking up in the morning and stepping in raw sewage. This is why they want to move forward. Not only has the EPA said we need to do this, but asked the City to please move forward. Bob Greytak, the City Engineer, who is present this evening has been looking at this issue for a long time. Between his advice and what we have been

looking at in other cities across Ohio and in the country, this is a solution we feel very confident in.

Mr. Vincent asked how many months of the year this work can be performed. Mr. Thomas stated if the ground is too cold they cannot do the work. Mr. Vincent asked if we only have two contractors, can they get all the work done in the time period allowed. Mr. Thomas stated that the first contractor stated that they can absolutely handle 95 homes. Each home requires two days of work.

Mr. Warren Remein stated that he would like to see the results of the tests performed, and if this project is going to be done in the entire City. Mayor Sutherland stated that it will be done, section by section. District 11, that is first, is being affected by the EPA Findings and Orders.

Mr. Ebert stated that the City has a map that shows thousands of home in the City that have been checked over the years. Some are in compliance, and some are not. This year the EPA has stated that the City is in violation and needs to start a program. In 2009, Mayor Sutherland, Bob Greytak, and former Service Director Dan Galli went to the EPA offices in Chicago regarding the findings. EPA acknowledged that Bay Village has an on-going sewer dye testing and correctional program and will not penalize the City as long as the program is implemented.

Mr. Remein asked if calculations have been done to show the existing storm sewers can handle the now-increased sudden flow. Mr. Greytak stated that the storm sewer now is the old combined sewer. The old combined sewer used to take both the sanitary and storm waters. When they did the separation in the 1950's, they took the sanitary out of the combined sewer. After the program is completed the line will only carry storm water.

Mr. Remein said that was sized for the number of homes in 1950. Mr. Greytak stated that it was sized for those subdivisions.

Mr. O'Boyle asked if this discussion can be brought up at the Town Hall Meeting next month. There will be many residents there and if it becomes public knowledge at that point it would get around to others.

Mr. Koomar stated that Mr. Tadych will cover this under his committee report.

Mr. Vincent asked if bank-owned properties can be ordered to comply with the provisions of proposed Ordinance 916. Mr. Ebert stated that they can be ordered to comply, and there never has been much of a problem with bank-owned properties.

Mayor Sutherland asked Finance Director Mahoney if she has a recommendation on the timing of the repayment terms of the Payment Option Program. Mrs. Mahoney stated that she personally would like it to be 12 to 15 months, but if a resident is in a difficult situation and wants to go out to the following year it would be acceptable. Whatever is left on the balance after monthly payments would be certified to the County Fiscal Officer for placement on the tax duplicate.

Mr. Vincent asked if there is any way to incentivize people to do their project early, rather than to try to rush at the end of twelve months. Mr. Thomas stated that three homeowners have already come forward saying that they would like to get started. Mr. Thomas will reach out to all the homeowners early.

Mr. Henderson asked if the cap on the Payment Option Program should be higher to accommodate some of those higher than the average cost of \$2,000. Mrs. Mahoney stated that when we know home-by-home the cost, each homeowner will be advised. Mr. Henderson asked if the maximum that the ordinance allows should be increased. Mr. Lee stated that a resident who attended the last Public Improvements, Streets, Sewers and Drainage Committee commented that as a former plumbing contractor he is certain the cost could be as high as \$5,000 to \$6,000. There was concern that the \$2,000 maximum was low.

Mr. Thomas stated that he is confident of the amount of \$1,700 to \$3,000 is because a contractor last year in Westlake put in about 90 of the same systems and that was the average cost. The cost could vary slightly for some of the older homes.

Mr. Koomar asked at what point in time the City would be reimbursed for the funds that were certified to the County Fiscal Officer for placement on the tax duplicates. Mrs. Mahoney stated that taxes are paid a year behind; it would take the following year before the funds are received by the City.

A meeting of the Public Improvements, Streets, Sewers and Drainage Committee will be scheduled as soon as possible for further discussion of proposed Chapter 916, Foundation Drain Disconnection.

Participation with Ohio Department of Transportation for purchase of Sodium Chloride for the 2015/2016 Winter Season

Approximately 3,000 tons of salt will be ordered through participation with the State of Ohio bidding process for the 2015-2016 season. This year the price of salt was \$51.22 per ton, and it is expected to increase next year due to more cities participating, and the increased use of salt this year.

Award of Contract for 2015 Pavement Resurfacing Program

A total of six bids were received for the 2015 Pavement Resurfacing Program, with Chagrin Valley Engineering the lowest bidder at \$517,320. Mr. Koomar asked the amount that was budgeted for this work for 2015. Finance Director Mahoney stated that \$600,000 was budgeted. Mr. Koomar asked about any updates for the possibility of repairs to Wolf Road. Mayor Sutherland stated that material in the amount of \$20,000 was received from the county for Wolf Road. Because the bids came in low on the asphalt, the area of Wolf Road disintegrating in front of the Police and Fire Station and the park will be added. The asphalt plants open April 1 and it depends on the temperature as to how much road work can be done. Mr. Koomar asked the Mayor if there are any options for reapplying with the county again for Wolf Road resurfacing.

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Mayor Sutherland stated that there has been upheaval again with the leadership of the Public Works Department of the county, and they may be changing everything again.

Award of Contract for Concrete for Walmar Road Resurfacing Project

TRAX Construction Company was the low bidder for this project at \$117,425. An ordinance will be presented for approval of this contract this evening. The project will start as soon as possible depending on the weather. TRAX Construction has been used in the past for road rebuilding and Service Director Thomas is happy with their work.

FINANCE & CLAIMS COMMITTEE

Administrative Compensation Ordinance

Ordinance 15-16 providing for increases for the Property Maintenance Inspector, Director of Community Services, and Assistant Director of Community Services is scheduled for third and final reading this evening. The increases are effective April 1, 2015.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Placement of Banner 24 inches x 48 inches, advertising Bay Coop Preschool, in the yard of Bay Methodist Church, corner of Bassett and Lake Roads, for a period of one month after approval

RECREATION & PARK IMPROVEMENT COMMITTEE

Mr. Henderson had no report this evening. The dates were corrected for approval of the use of Cahoon Memorial Park under the agenda of the Cahoon Memorial Park Trustees. The correct dates of the tournament are September 4 through 7, with no use of Cahoon Memorial Park fields or facilities on Sunday, September 6. Mr. Henderson will bring this matter forward during tonight's meeting of the Cahoon Memorial Park Trustees.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

MISCELLANEOUS

There being no further discussion, the meeting adjourned at 8:00 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council