

City of Bay Village

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

June 15, 2015
7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel

AUDIENCE

The following members of the audience signed in this evening: Marty Mace, Richard Fink, Jerrie Barnett, Jeff Gallatin, Charles Ramer of Northeast Ohio Public Energy Council (NOPEC), Randy Risch, Patrick McGannon, David Madigan, Conda Boyd, Susan Murnane, Claire Banasiak

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Mr. Koomar called for a review of the agenda for the Regular Meeting of Council to be held this evening following the Committee session. Mr. Clark stated that he will introduce a resolution this evening to adopt the Tax Budget for 2016. The Tax Budget shows the need to collect property taxes for the year 2016. Because the Tax Budget is unchanged from prior years, the resolution will be passed on first reading this evening.

Mr. Clark related that the Council has spoken for some time about the creation of civilian dispatch. An administrative compensation ordinance is included in the packet for Council this evening to be introduced and placed on first reading. Items 24 and 25 on the ordinance provide the rate of compensation for full time and part time civilian police dispatchers. The ordinance will be read at three Council meetings prior to passage. Mr. Clark noted that Council would like to make sure that the civilian dispatch function is created as a cost neutral function. He called upon Police Chief Mark Spaetzel for further comments as to the number of people that will be hired.

Chief Spaetzel stated that initially the City would hire two full time police dispatchers, bringing one to start initially and the second shortly thereafter. They are hoping to attract seasoned dispatchers at first. The pay range outlined is thought to be reasonable and competitive by the Police Chief. Many people have already contacted the Police Department as being interested in this position. Part time employees will probably go into next year, after the full time dispatchers are up and running. The complement of part time dispatchers will depend on how many hours they can work. They will be working a maximum of 24 hours per week. Seven to eight part time dispatchers would be enough with reserves to complete the dispatch center 24 hours a day,

seven days a week, 365 days a year. The full time employees would receive a complete benefit package. The part time employees will not receive benefits.

Mr. Clark will also introduce an Amended Appropriation Ordinance this evening. Finance Director Mahoney stated that the intent of the ordinance is to clean up accounts with funds standing. For example, there is \$205.00 in the Amy Mihaljevic Fund that was raised years ago. The Service Department will put the money to use at the Amy Mihaljevic memorial adjacent to Bay Village City Hall. The purchase order to Cabling Concepts in 2014 for the fiber optic line needs to be reduced to provide \$6,600 of those funds to The Illuminating Company for the poles. The old sewer truck was sold via Gov.deals for \$50,000 on the Internet and not traded-in as originally planned. The cost for the new truck was actually \$18,000 more than the \$252,000 originally anticipated. By considering the amount received for the sale of the old sewer truck, the net cost to the City for the new truck was \$224,000.

Mr. Clark noted that the cost for selling on Gov.deals is 12.5%, but 10% of that cost was paid by the buyer and 2.5% paid by the City. Mayor Sutherland commented that the City has already sold about \$75,000 worth of items on Gov.deals this year. Mr. Koomar noted the necessity to submit an ordinance for the sale of any City property over \$5,000. Mrs. Mahoney stated that she would like to look at redoing the ordinance. Mrs. Mahoney doesn't know why Council would want to approve money coming in. She will speak with the State Auditor about the necessity. Mr. Koomar stated that the Council would like to know when items are sold as part of the checks and balance process. Mr. Tadych commented that it shows openness. Mayor Sutherland stated that Gov.deals is becoming common place now, and at the time the ordinance was initiated that may not have been the case.

Mr. Vincent asked about the \$252,000 appropriated for the sewer truck. Mr. Clark stated that the actual purchase price was \$273,000 because we did not do the actual trade in. Mr. Lee noted that we were able to purchase the demonstrator model of the truck, for an additional savings.

Mrs. Mahoney stated that a Federal Law Enforcement Trust Fund needs to be established. The Police Chief has brought to Mrs. Mahoney's attention that a separate fund is needed for the federal money, which is just under \$15,000. The money will be transferred from the local Law Enforcement Trust Fund. The Law Enforcement Trust Fund is dispensed according to the discretion of the Police Chief, with ten percent to community programs, and the remainder can be used for equipment and training.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Mr. Lee stated that he spoke with the Law Director today about Codified Ordinance Section 129 which describes the complement of the Police Department, to discuss whether the dispatchers should be included in Section 129. Two full time and up to seven or eight part time dispatchers would be added to the section. The 23rd police officer will be put on hold until the funding for that position has been approved. The Law Director is going to put together some language on that front as well. The goal is that the implementation of the civilian dispatch is going to be cost neutral. The agreement is that the position of the 23rd police officer will be held open while the administration is pursuing other funding sources for the position. There are other issues as to

why it is held open as well, with the Civil Service arrangements and other timing issues. Mr. Ebert is putting together his thought on that piece as well. The amendment to Section 129 can be in tandem with the compensation ordinance which will be placed on first reading this evening. Amendments to Section 129 will be introduced next week and catch up with the compensation ordinance so the two ordinances will be in tandem.

Mayor Sutherland stated that according to last week's discussion, the administration was urging Council to just handle it in the budget process because Council has her word that the 23rd person cannot be hired at this time. The Civil Service list is exhausted and we do not want to hire a body with someone potentially getting by the background check.

Mr. Lee stated that Council would like it to come back to them once the funding has been keyed up for that. We don't know what funding that might take, and what percentage it might cover, and we are open to flexibility. We are not eliminating the position, by any means, we want to keep that as a position to complement the department. Mr. Lee stated that the understanding he walked away was that Council was going to have another opportunity, it was going to come back before them for the hiring.

Mayor Sutherland stated that as long as there is flexibility in the funding, because they truly don't know what that is going to look like. Mr. Lee stated that Mr. Ebert and he had spoken about Codified Ordinance No. 129 which establishes the members of the Police Department and putting an amendment on for next week that references the dispatchers, for up to two full time and eight dispatchers, and also have lines in there about the hiring of the 23rd police officer as subject to Council approval.

Mrs. Mahoney asked if that is going to be the case for every position in the City. It is just through the budget process; I don't know if you need to single it out in Chapter 129. Mr. Lee stated that the feedback he is getting is that it is Council's desire to have that at the same time the compensation ordinance for dispatch is approved by Council.

Mrs. Lieske asked when they anticipate the first civilian dispatch full time employee would be hired and ready to start. Chief Spaetzel stated that they are just now beginning the process. They have not advertised or finalized the job description. It will be some time, probably no earlier than late October. Mr. Tadych asked if the Chief sees 2016 as a building year. Chief Spaetzel expressed agreement. Mrs. Lieske stated that the emergency clause then would not be necessary for the ordinance. Mayor Sutherland stated that without the emergency clause it would delay it another 45 days. Chief Spaetzel already has people calling.

Mr. Clark stated that he was trying to be sensitive to Chief Spaetzel not wanting to reduce the complement by ordinance from 23 to 22 officers. But we want to have some checks and balances with Council approval to hire the 23rd as well as get the civilian dispatch done. However we word it, I would say, "Let's get it done." I was trying to play middle ground to make this all work for us and do the right thing.

Mr. Lee asked Mr. Ebert if he has had an opportunity to begin preparing the ordinance. Mayor Sutherland stated that they are working on it. Mr. Lee stated that the idea is that amendment to

Chapter 129 would be put on first reading on June 22, the administrative compensation ordinance put on first reading tonight. The amendment to Chapter 129 may not have three readings; it may only have two to catch up with the administrative compensation ordinance to have everything done by the June 29 meeting of Council.

Mr. Koomar asked Mr. Ebert to send Mr. Lee a draft of the ordinance amending Chapter 129 when it is finished. When Mr. Ebert and Mr. Lee are in agreement, the draft will be circulated to Council.

Mr. Henderson asked if there is any rationale for the full time civilian dispatchers to be paid at an hourly rate. Chief Spaetzel stated that a survey of six or seven other cities was completed by the Human Resource Manager and every other city pays their dispatchers by an hourly rate. We want to be comparable and competitive with those other departments. We are starting toward the lower end, but it gives us room for growth.

Mr. Tadych asked if that affects any of the benefits of those employees compared to salaried employees. Chief Spaetzel stated that they did benefit packages for everyone. Currently those full time dispatchers eventually unionize which is something they kept in mind. They also know that currently they will fall under the administrative ordinance. If they choose to unionize they will fall under contract. Typically what they do is fall under the Patrol Officer's contract, and would get similar benefits to what the current police officers get. Mr. Tadych asked if they still have the benefits a salaried person has if they don't join the union. Chief Spaetzel responded affirmatively.

Mr. Henderson asked if the analysis that is being worked on with Councilman Lee for cost control, is the assumption for those costs based on police pension rates. Mrs. Mahoney stated that the dispatchers' pension would be covered by the Ohio Public Employees Retirement System (OPERS).

Mr. Lee commented that there is a time period when the savings are going to take time to catch up with some of the costs. The savings on overtime and the savings on deputy part time police officer hours is not all going to be realized in year one. Mrs. Mahoney has forwarded that analysis to Council.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske commented that she will introduce an ordinance this evening to extend the moratorium on development under Chapter 1158 for an additional 90 days.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Mr. Tadych had no report this evening.

FINANCE & CLAIMS COMMITTEE – Clark

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Vincent will present Ordinances No. 47, 48, and 49, to complete the natural gas aggregation process for the residents of the City for second reading this evening. Mr. Charles Ramer of NOPEC stated that he had many requests for information and distributed a packet to each member of Council and each inquiring resident to address the questions presented. Mr. Ramer included his contact information with the packets.

Microphone Project Update

Mr. Vincent asked Mayor Sutherland and Mrs. Mahoney if they had any updates on the microphone project.

Mayor Sutherland stated that the Finance Director, Assistant Finance Director, and the Mayor met with another potential vendor, who happens to be a Bay Village resident, and looked at the Council Chambers for audio and video recording. They also had the vendor go to the Dwyer Memorial Center because the Dwyer Center is in desperate need of some type of system there, and especially with the seniors, nobody can hear it. They are still waiting for their proposal. In the conversation they had with them it doesn't sound like video is going to be a viable option. It is going to be a cost issue due to the necessity of having a person to get the cameras lined up. Mr. Vincent stated that he had Mr. Ernst look at it sometime ago and he thought there would have to be a person there to do the camera work.

Mrs. Mahoney noted that the audio recordings are on the website. The Clerk of Council posts them on the website every Tuesday morning. Mr. Tadych noted that the quality is not good. Mayor Sutherland stated that the podium needs to come closer to the digital recorder.

Mr. Vincent stated that he thinks that speakers that are well done would make a huge difference as far as recording. Right now, unfortunately, you can't hear the sound all that much. Mrs. Mahoney suggested putting in more digital microphones and noted that they have them looking at different ways. The Mayor commented that the City's Service Department employees are so talented and said they can do some of the electrical work.

Mr. Koomar asked Mayor Sutherland and Mrs. Mahoney to also meet with the vendor that Mr. Koomar has been meeting with to get a quotation. Mr. Koomar will provide the Mayor and Mrs. Mahoney details that he has to incorporate into all proposals. Mrs. Mahoney stated that the company that they met with are both Bay residents. To go with one vendor outside of the City is putting us at risk of saying we didn't go out. Mr. Koomar asked if the vendor could just be included in the process. Mrs. Mahoney agreed, but said that for \$20,000 they need more than one vendor. Mr. Koomar stated the price is \$16,000.

Mr. Lee asked if this could be done in time for September. Mayor Sutherland stated that it is hard to say because they don't know what the cost is.

Mr. Vincent asked if the administration is asking for anything specific, or just asking them how they can make it sound better. The Mayor stated that basically they are just walking them through. They are very, very experienced with doing these types of facilities. Mr. Vincent asked the name of the company. Mayor Sutherland stated that the company is Audiocraft, represented by Greg Puntel, who has done a lot of work for the schools. Mr. Vincent stated that Mr. Puntel visited a Services and Utilities Committee meeting approximately a year ago.

Mr. Koomar asked if when the quotes are received back the Mayor and Mrs. Mahoney would incorporate the City Council in as a Council item. The Mayor stated that they will keep Council posted.

MISCELLANEOUS

Avon Lake Deer Culling Program – Walker Road Park

Mr. Koomar stated that after the last Walker Road Park Ad Hoc Meeting there was some discussion to investigate that if we were to move forward on a program in Walker Road Park that would obviously be under Avon Lake ordinances, because it is within their corporate limits. Chief Spaetzel was to talk with the Avon Lake Chief of Police about how they have done this in the past, and how residents would be notified, the securing of the area, and the time frame, etc.

Chief Spaetzel stated that he has had a couple of conversations with Chief Wayne Streater, and Councilman John Shondel of Avon Lake, who has headed up the Avon Lake side of this endeavor. As far as the details, it will depend on who they choose to perform the culling. Currently they are still interested in having the United States Department of Agriculture (USDA) do the culling operations because it was successful in Weiss Park. If that is the case, they will probably run it very similar to that operation. Avon Lake would be doing this culling in Walker Road Park in late December to February. Their plan is to hire sharpshooters from the USDA, and the location for this would be more than likely on the west side of the park, toward the soccer fields. They would also bait again for a period of time. There will be notification to all the residents surrounding the park. Notification was done by mailing for the previous culling operation of Avon Lake. Mr. Shondel indicated that it is his hope and desire, since all the park expenses are shared, that this will be a shared expense as well. As far as manpower goes, the City of Bay Village would have manpower available to secure the area at the actual time when they are doing the culling operations. Avon Lake has a July 31, 2015 deadline when they have to submit their report to the Ohio Department of Natural Resources (ODNR). They have expressed their desire to Chief Spaetzel to explain to Bay Village City Council that they would like to see something prior to recess so they can incorporate that into their plan by July 31.

Mr. Lee said that as part of the cost sharing expense, he read that Avon Lake spent somewhere in the low teens on sharpshooting that occurred last winter in Avon Lake. He asked if they have a cost in mind as to what it would cost for the Walker Road Park culling operation. Chief Spaetzel stated that he does not know the cost. Mayor Sutherland stated that she thinks it runs about \$1,000 to

\$1,500 a deer. Mr. Clark stated that this doesn't take into consideration what they spent in time and money finding the runway even before they got to the culling, which is two or three years plus and countless thousands of dollars which we can realize with that intelligence if we go forward. Mr. Henderson added that there are efficiencies of scale; the numbers that they have mentioned were what could be considered as a pilot program. This is not a pilot program and the cost per unit might be lower. Mayor Sutherland noted that they need snow cover and they use feed to attract the hungry deer. Mr. Koomar stated that the time frame they mentioned was early December through March.

Mr. Henderson asked the Mayor if notifications to the residents in Ward 4 could be hand delivered. The Mayor stated that they will hand deliver the notifications. She suggested that Mr. Henderson get the word out in a Ward 4 meeting as well.

A motion will be placed on the agenda for the June 22, 2015 Special Meeting of Council to authorize the Mayor to enter into an agreement with the City of Avon Lake.

Swim Training for Fire Department Personnel

Mayor Sutherland advised that she has been asked by Fire Chief Lyons to mention that the Fire Department is now doing swim and dive rescue training at the swimming pool for Fire Department personnel.

Parking Lot Project

Mayor Sutherland stated that bids for the City Hall Parking Lot project will be ready for review and approval in July. A special meeting of Council will need to be held the week of July 20, 2015.

Service Department Retirement

Gordon Evans will be retiring from the Service Department on October 3, 2015. There will be reconfiguration and rebalancing of wages in the department resulting in an administrative compensation ordinance at the Special Meeting in July, 2015. Safety/Service Director Scott Thomas will begin interviewing for the position.

Council Compensation

Mr. Clark stated that Law Director Ebert has provided information to Council regarding the next steps to proceed with the review of Council compensation. Discussion followed concerning the defeat of Ordinance No. 15-44, and the necessity of a motion to reconsider brought forth by the prevailing side. In addition, Mr. Henderson had brought forth a vote to amend the ordinance, reducing the increase from 2% to 1.5%, prior to a call for a vote on the adoption of the ordinance. The motion to amend received a vote of 2 yeas and 2 nays. The motion to adopt the ordinance received three affirmative votes, which is not a quorum of the total members of Council. Four affirmative votes would have been required for passage of the ordinance.

Mr. Henderson stated that he understands the Charter requirement (Section 2.13) that an ordinance or resolution must have the affirmative vote of a majority of the total members elected to Council

for passage. He asked what part of the Charter requires that four of the seven, rather than a majority of the quorum is necessary to pass an amendment by motion. Mr. Ebert stated it is the same issue. A motion to amend an ordinance takes four affirmative votes. Mr. Henderson stated his motion was not to pass an ordinance; it was a motion to amend. Mr. Ebert stated that the language in the Charter does not say anything about a motion. When a motion is introduced to Council, a vote is anticipated on the motion. We have always interpreted a motion to amend an ordinance is to go with the ordinance.

Mr. Henderson stated that since Law Director Ebert mentioned Parliamentary Procedure, if something is not addressed in the Charter, do we roll back to a certain version of Roberts Rules of Order. Mr. Ebert stated that the reference would be to the most recent version of Roberts Rules of Order, a copy of which he has in his office.

Mr. Ebert stated that if Council desires a motion to reconsider the ordinance it must be brought up this evening. The ordinance would then be voted on at the next meeting of Council. The issue is who would offer the motion since there was no prevailing side since the ordinance did not receive a majority vote, on either side, of the members elected to Council.

Mr. Ebert discussed further the filing deadline for the primary election. When the Charter amendment (Section 11.3) was made for a primary election, the section concerning the filing deadline was not addressed. Mr. Ebert has taken the position that although there is a conflict in the Charter, the salaries to be established for the upcoming election had to be done before the filing deadline, which is now August 5, 2015 since there will not be a primary election in Bay Village this year. If there were to be a primary election, the date of June 10 would have prevailed for the necessity to pass an ordinance for the Council salaries.

Mrs. Lieske stated that there is no filing deadline for August. Mr. Ebert stated the date is based on the regular municipal election.

Mr. Tadych asked the procedure for abstention, and if you are allowed to not vote without leaving the room. Mr. Ebert stated that an abstention goes with the prevailing side. Mr. Ebert stated that former Councilman Joseph Santone used to leave the Council Chambers if he wished not to vote.

Mr. Tadych addressed the existing Ordinance No. 13-44 which includes salaries for the Ward Councilmen through 2016 and 2017. Even though a new ordinance was not passed, the Ward Councilmen are still getting their 2% increases by the last ordinance. The President of Council did not receive an increase at that time because it was mid-term for that office. Mr. Tadych stated that the only vote for a salary should be for the President of Council, and not the idea that the Ward Councilmen are receiving an increase. That was settled in 2013. Mr. Koomar noted that the one position for Council-at-large also needs to be addressed for the upcoming full term for that office.

Mrs. Mahoney asked if the filing deadline for the primary election has passed and Council votes on a salary increase now, would they be voting themselves a raise. Mr. Ebert stated that the Charter Section 2.5 states that the salary increase shall be established 75 days before the regular municipal election.

Council agreed that in the future these issues should be addressed earlier in the year, perhaps at the time of the budget, to avoid tight deadlines and to have three readings of the ordinances. Mr. Lee added that this would give time to consider if a previously approved raise should be reduced because of economic changes. Mr. Lee noted that the difference between 2% and 1.5% salary for Council is \$40.00 per year. Multiplied by 7 it is \$280 per year. Mr. Ebert noted that this Council meets more than most, if not all, Westshore communities and gets paid substantially less. Mrs. Lieske stated that this is why she would like to see a salary study with suburbs comparable to Bay Village. Mrs. Lieske stated that Mr. Tadych and she talked about that two years ago. Mr. Tadych noted that this is why Mrs. Lieske and he voted no two years ago.

Primitive Campsite Proposal

Law Director Ebert stated that he has provided Council with historical information concerning Cahoon Memorial Park. The material provided included a map of the Historic District, and a memorandum distributed to Council in 2010 concerning filings associated with Cahoon Memorial Park and the various investigations and Court actions over the years.

Fireworks Rain Date

Mrs. Lieske stated that she raised the question last week about the rain date for the fireworks this year being listed on the contract as Sunday, July 5, 2015. The Kiwanis has it posted for Monday, July 6, 2015, which Mr. Ebert noted is the day approved by the trustees for the rain date.

Mayor Sutherland stated that they are trying to work around that and it was just a glitch with the contract. However, the Mayor wants Council to be thinking about the fact that the administration does not want to continue the practice of having a rain date. They have never had to cancel the fireworks; nobody else does rain dates. It will cost \$3,000 just for the Service Department. The biggest problem is scheduling people to work. The date for the fireworks requires a heavy police presence and it is planned out months in advance. When you go to a rain date you cannot get the same people to come back the next night or two nights later. When we had 140 people working for the City maybe it wasn't as big of an issue, but now that we have 92 or 93 it is really problematic, especially being so shorthanded right now in the Police Department.

Mr. Henderson stated that in Bay Village some of the funding for the fireworks is from private donations. Mr. Ebert stated that the Kiwanis and organizations that sponsor Bay Day always get the most carnival traffic on fireworks day. This year there is nothing going on for Bay Days on Monday, July 6. Mayor Sutherland stated that if the fireworks are cancelled because of weather, the funds will be flipped into the following year. Mr. Vincent asked how the contract addresses the issue. The Mayor stated that there is a 50% fee but you put that against overtime and the fact that we don't have the personnel. Mr. Ebert noted that there is no prohibition in the Cahoon Will about fireworks on Sundays. Mayor Sutherland stated that they will get back to Council. The contract says that the rain date is Sunday, and she doesn't even know if they are available on Monday.

The meeting adjourned at 8:25 p.m.

Committee Meeting of Council
June 15, 2015

Joan Kemper, President of Council

Joan Kemper, Clerk of Council