

City of Bay Village

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

June 22, 2015
7:30 p.m.

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

Not Present: Mr. Clark

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

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Marty Mace, Pam Cottam, Lydia DeGeorge, Charles Ramer, Conda Boyd, Patrick McGannon, Alex Dade, Tara Wendell, Claire Banasiak.

ANNOUNCEMENTS

Mayor Sutherland advised that they were able to get the fireworks contract worked out so the rain date for this year's fireworks will be on Monday evening, July 6. However, if it would come to that the fireworks company would set it up and leave it. Arrangements would have to be made for security to make sure that the park on the north side remains closed on Sunday and over Sunday night.

The Mayor commented that the state is coming down to the final throes of battle on the state budget process. The state has looked to the Local Government Funds for help in other areas. The Mayors are trying to work with them to get some of those provisions taken back out. It involves about \$35 million dollars out of the Local Government Fund that would otherwise be distributed to local governments. There may be a further reduction in the City's Local Government Fund allocation even though proceeds are up at the state level.

Mr. Koomar asked the amount we are receiving in the Local Government Fund allocation currently. The Mayor stated that it is approximately \$130,000, and used to be about \$350,000. It keeps going down based on state revenues. They are looking to divert money to towns and villages, and are putting on some provisions for training police officers around the state, including state agencies such as the Ohio State Highway Patrol. But, they are taking it out of the Local Government Funds to pay for it rather than taking it out of the General Revenue Fund of the state. The state budget must be passed by June 30, 2015.

Mayor Sutherland will announce three reappointments this evening:

Jennifer Lesny Fleming to the Planning Commission for a 5-year term ending August 17, 2020;

Jennifer is an attorney who specializes in planning and zoning.

Stewart Watterson to the Parks and Recreation Commission for a four year term ending June 30, 2019;

This will be Stewart Watterson's third term on the Parks and Recreation Commission.

Diane Pavan to the Community Services Advisory Board for a three year term ending June 30, 2018.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

C.O. 129.02 Police Complement - Modification to include part time and full time police dispatchers

Mr. Lee advised that this evening he will present an ordinance to amend Codified Ordinance 129.02 to add the full and part time dispatchers, modify the police complement, and provide for language regarding the 23rd police officer that has been discussed recently.

Mr. Henderson asked about Section 6 of the ordinance that relates to the number of part time dispatchers. He asked if it would be helpful to document the number in terms of FTE's so that we are all on the same page about FTE head counts. Mr. Lee stated that the first discussion was for four part time dispatchers, and at the last meeting the Chief said it would be seven or eight part time dispatchers. The ordinance indicates nine part time dispatchers. The idea is that some of these part time dispatchers may only work a shift here and there sporadically.

Chief Spaetzel stated that the part time dispatchers will have to cover 5000 hours per year. In breaking that down so that they are not working more than three shifts, or twenty-four hours per week, and adding in unavailability, vacation time that they have to fill, nine part time dispatchers seems to be a number that can be worked with, without having to come back to Council for an increase in personnel. There is no additional cost to the City.

Mr. Koomar noted that we want to make sure that the part time dispatchers are not working more than an average of 28 hours per week for the entire year, to avoid the health care expense.

Mr. Tadych asked why the language of 28 hours per week was removed from the ordinance. Mr. Lee stated that was at the Chief's request because some weeks they may work more than 28 hours but averaging over the necessary time period they will not exceed the maximum number of hours for a part time employee. Mayor Sutherland noted that this is watched very carefully.

Chief Spaetzel noted that this is no different than what is done with the Deputy Police Officers. Their time is watched very closely. There are some weeks that they work 40 hours; there are other weeks they don't work at all. The Chief makes sure he averages that out on a monthly basis so they are not going to go over that average of 28 hours per week.

Mr. Tadych asked if overtime enters into the number. Chief Spaetzel stated that they probably would not get to the point where they would be working overtime. With nine people, they can plug that in without the need for overtime.

Mrs. Lieske stated that she has the same question about the FTE's. She stated that it doesn't matter to her so much how many there are, but whether we are looking at in terms of the number of hours over a course of a year, what that equates to in terms of the number of people.

Mr. Lee stated that the number of FTE's we have been using is 4.4 or 4.5 FTE's. Mr. Koomar noted that taking the 5000 hours divided by 28 hours per week would be the equivalent of 2.4 FTE's. Mrs. Lieske noted that this means more to her than the number we would be talking about to hire because that is what we think about in terms of the budgeting process.

Mr. Tadych stated that this would be the cost basis but to people outside of the room they are interested in how many part time jobs there might be.

Mr. Henderson asked the reason for the deletion of Sections (b) and (c) in the ordinance. Mr. Lee stated that it is terminology that is no longer used (Police Officer Second Class; Police Officer First Class). Item (c) is already covered back in Section (a) so it is redundant.

The ordinance will be placed on first reading this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Sidewalk Replacement

Mr. Tadych will introduce a resolution this evening ordering the repair of certain sidewalks within the City, which is a program that is conducted annually. Ward 4 is the concentrated area at this time, with a list of 98 homeowners that will be required to repair or replace their sidewalks, representing 252 squares of sidewalk.

Director of Public Service Scott Thomas advised that the work will take place in September. The homeowners will be given a 30 day notice that their sidewalks need to be repaired or replaced. The work can be done by the homeowner, or the City will perform the work for them, at the cost of \$5.00 per square foot.

Mr. Henderson verified with Mr. Thomas the most cost effective option for the residents is to let the City do the work.

FINANCE & CLAIMS COMMITTEE – Clark

Mr. Tadych will present for second reading this evening Ordinance No. 15-51 providing for the rate of pay for the full time and part time police dispatchers.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Handicap Parking Spot to serve U.S. Post Office

Mrs. Lieske advised that the Planning Commission met on June 17, 2015 and unanimously approved the handicap parking spot on East Oviatt Drive to serve the United States Post Office. The striping of the spot will be done along with the summer striping program.

The Planning Commission was also very interested in the news about the survey to be conducted and would like to have some input for the survey when the time comes, as well as being eager to help when the plans unfold for the Master Plan.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson reported that last November City Council and the Cahoon Memorial Park Trustees approved the outdoor exercise equipment project for the Cahoon Memorial Park Walking Trail pending full funding from private sources. As of late last week, there was a full \$11,000 committed and the checks are in the mail to the Village Foundation, the fiscal manager for the project. Relatively soon the funds should be in the hands of the Village Foundation. When all of those transactions are finalized, Mr. Henderson will let everyone know the amounts and names of the sponsors.

Mrs. Mahoney asked if the Village Foundation is paying the vendor, or is it supposed to go through the City. Mr. Henderson stated that the Village Foundation is tracking all of the donations and then the Village Foundation will work with the City, however they like, to procure the cash flow. Mrs. Mahoney asked Mr. Henderson to send her the name of the vendor information for a purchase order. Mr. Koomar stated that he was thinking it would be a donation from the Village Foundation to the City and we would do our work from there.

Mr. Vincent asked if the signs that will be installed at the fitness stations with the names of the sponsors as advertisements will be required to be approved by the Architectural Board of Review. Mr. Ebert stated that they will be consistent with other park signage.

Mr. Lee asked if there is a projection about timing for the project: late summer, or fall. Mr. Henderson stated that one of the project sponsors would like to see it done as soon as possible, but it is definitely up to the City as far as timing of the installation.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Vincent will present Ordinances 15-47 through 15-49 for final reading this evening to provide for the City of Bay Village participation in the NOPEC Natural Gas Aggregation Program.

MISCELLANEOUS

Avon Lake Deer Culling Program in Walker Road Park

Police Chief Spaetzel stated that he has had discussions with the Avon Lake Police Chief and Councilman Shondel of Avon Lake. They are looking for a motion prior to July 31, 2015 from the City of Bay Village so they can submit their ten-year plan to the State of Ohio for deer culling. The program won't be rolled out until December through March. Chief Spaetzel stated he is very confident there will be a solid, safe plan once everything starts moving.

Mr. Lee asked if there is any information on the cost sharing arrangement between Avon Lake and Bay Village. Mr. Koomar stated that he received an email late last night from Avon Lake Council President Marty O'Donnell. His estimate is that the cost will be \$600 per deer, shared between the cities. Mayor Sutherland stated that this is dependent on how many they take down. If they only get a couple, the cost will be a lot higher per deer. Mr. Tadych noted that Avon Lake estimated \$1,200 to \$1,500 per deer when they did a larger number.

Mr. Henderson addressed the Mayor regarding her willingness to provide the notification of deer culling to residents living close Walker Road Park. Mr. Henderson asked the communication plan of the Mayor for the rest of the people in Ward 4 and others in the City. Mayor Sutherland stated that they will probably use the same methods that they do now with sign boards, newsletter, and email blasts. Mr. Henderson will have a ward meeting for the residents of Ward 4 to get the word out. The Mayor noted that they can't really do this notification until the plans are finalized with Avon Lake. At this point the City of Bay Village is just trying to help out Avon Lake with their plan submission. Everything will be finalized as we go along, and the two Police Chiefs will work closely together and come back with the details and the time frame. The culling can only be done when there is snow cover.

CAHOON MEMORIAL PARK TRUSTEES

Primitive Campsite Proposal

Mr. Koomar stated that the Law Director has provided information to Council regarding his follow-up with the City's insurance carrier concerning insurable interest.

Law Director Ebert stated that he has spoken with Kevin Milligan of McGowan Insurance Agency. They have advised that the primitive campsite use of Cahoon Memorial Park would not be covered in our City policy because of insurable interest. The group or groups using the park cannot be identified. The Village Bicycle Cooperative could buy separate insurance for all who would be using the park, which could be costly. The City does maintain Certificates of Insurance from the Kiwanis and other groups that use the park with approval of the trustees.

Mr. Koomar noted that there are also operational issues of restrooms and concerns of policing. The feeling of the group is that they love the concept of opening it up but probably right now it is not ready for prime time. A vote at this time without the necessary facilities and insurance would probably be voted down.

Mr. Ebert stated that he provided information from an historical perspective as well as a map of the historical designation. Mr. Koomar stated that if the Mayor would come up with a plan for restroom facilities the concept can always be reconsidered. The area in question is also the historical area of the park so even if we did solve some of those issues we would want it to be more of a passive area.

Mr. Henderson noted that he did receive one email from a resident who generally did not like the idea. Mr. Henderson's thoughts are that if we were going to discuss this proposal in further detail he would like to include an examination and the intent of the Cahoon Will in regard to use by residents versus non-residents.

Mr. Ebert stated that he provided a couple of court opinions which talked about invited guests such as those invited by the Soccer Club or the Men's Baseball Club for some type of activity. Mr. Ebert will provide copies of the court discussion, noting that there has been no ruling by any court on that topic. Mr. Ebert did provide copies of the Attorney General's opinions to Mr. Vincent as requested.

Mr. Ebert noted that the City went to the courts to receive approval for bonding out public improvements since the City does not hold the property in Fee Simple. The City also went to Court for permission to build the police station because it was being located in Cahoon Memorial Park. The argument the City made was that the police station used to be in Cahoon Memorial Park. In the early 1980's the League of Women Voters opposed, in response to a movement by one Council person, to open the park on Sundays for the swimming pool. The League of Women Voters sent a post card to residents asking if they wanted the change and a majority of residents said no, they did not want the change. The Attorney General does come in occasionally when there is a complaint and conducts a thorough review of the operation and how the Cahoon Memorial Park Trustees controls the park to honor the intent of the Cahoon Will.

Mr. Ebert continued, stating that the Court never ruled that you could have passive activities there. They looked at the issue of sports, and they looked at the issue of sports as being an organized team versus a simple game of catch with a family member on a Sunday. The trustees have been very careful about that. The Police Department has been called many times about whether activity should or should not be allowed; the skate park was one. That was a sport back in 1917. It is not an organized team event. We have not gone any further with that situation. There was a time when the tennis courts were padlocked on Sundays. The pool will stay closed on Sundays. Back many years ago there was a pond in Cahoon Memorial Park with small boats. The court made a ruling about boating on Lake Erie. The City had a model for a marina and was working with the Army Corps of Engineers. The court stated that boating is not just getting on the boat. Boating is parking your car, walking on the ramp to get on the boat. Mr. Ebert noted also that there is no violation of shooting fireworks off on Sunday by the City in Cahoon Memorial Park.

Mr. Ebert will pull the Attorney General and court opinions out for the trustees review over the period of Council recess.

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Mayor Sutherland stated that she does not see a plan for restrooms in the historical area of the park ever happening. The only thing that could be done would be build them, which would be a vandalism nightmare, or porta potties, which is not advisable.

Mr. McGannon commented that the primitive campsite proposal always included the use of the restrooms by the soccer fields.

Mr. Lee confirmed that it is assumed that these discussions haven't changed the trustees' willingness to allow the one-time events from time to time. There is no change in policy for established use by the Girl Scouts, Boy Scouts and others.

AUDIENCE

There were no comments from the audience at this time.

The meeting adjourned at 8:00 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council