

City of Bay Village

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

June 22, 2015

Paul Koomar, President of Council, Presiding

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

Not Present: Mr. Clark

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Safety/Service 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 David L. Tadych, Councilman of Ward 1.

ANNOUNCEMENTS

Mayor Sutherland extended a shout out to Connie Lupica, Assistant Community Services Director, who is truly a compassionate person and has gone over and above the call of duty helping residents when they were sick. Connie happened to come across a 13 year old who had crashed her bike in the parking lot. Connie took the girl home, and City employees Curtis Krakowski, Heather Vogel, Robin Munoz, and Tami Furlong pitched in and bought the girl a new bicycle.

Mayor Sutherland announced the following re-appointments:

Jennifer Lesny Fleming to the Planning Commission for a 5-year term ending August 17, 2020;
Stewart Watterson to the Parks and Recreation Commission for a four year term ending June 30, 2019;

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

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.

Mr. Koomar called for comments from the audience.

Lydia DeGeorge stated that she was not at last week's Council meeting but listened to the recording on line. The update for the microphone topic included the fact that the Mayor stated

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that videotaping wasn't going to be a possibility because it required more money, and that is understood. Ms. DeGeorge stated that it came to her attention today that the Bay High School is creating a video production studio, and would it be considered to reach out and collaborate with them to video tape meetings. The Mayor stated that this is a possibility. Mr. Koomar noted that the schools most recently received funding for the video production studio and it should be up and running next fall. That would be a great opportunity for the students and staff to give back. It is certainly something to investigate. Mr. Tadych noted that there are other cities that do that with the students. Mayor Sutherland stated that they used to take advantage of that with the Westlake folks, but it became non-cost effective during the recession.

Alex Dade, Bradley Road, stated that he is trying to understand why the League of Women Voters' check had to be re-deposited. What is the hold up?

Finance Director Mahoney stated that the problem was that there was only one vendor that was contacted. Mr. Dade stated that is the vendor that Council gave the League. The League didn't make any restriction as to the vendor. Finance Director Mahoney stated that unfortunately she was not included in the conversations of all this. We have to have two, if not three vendors to come in. The Mayor, Mrs. Mahoney and her assistant met with another vendor and they are waiting to see what their proposals are, and then we will go from there. It is wonderful that the League is paying \$10,000 for a \$20,000 project; if they were paying the whole amount I might be more willing to let them go ahead with one vendor.

Mr. Dade stated that the last number he heard was \$16,000 or \$18,000. Mrs. Mahoney stated that it was \$16,000 and then another \$4,000 to change the web site in order to host the recordings.

Mr. Dade stated that this is what was thought, but now putting it on the web site is free. Mrs. Mahoney stated that it is free through copy.com.

Mr. Dade stated then the price is? Mr. Koomar stated the project price remains at \$16,000. Mrs. Mahoney stated that is only one proposal so she needs more proposals.

Mr. Dade stated that his confusion is the League made no restrictions in terms of who the vendor was going to be or what it would look like except that it would cover both rooms, the recordings be made available through the public and it would be maintained. Everybody on Council agreed to those. Now, here we are, many months later, and we are still doing nothing. We are really confused.

Mrs. Mahoney stated that she thought the goal was to get the audio recording on the web site. She was able to do that free within two or three days after becoming aware of it. Mr. Dade stated that those recordings are barely audible. It doesn't give Joan any additional tools to keep minutes and things like that. Mrs. Mahoney stated that they do have additional tools that Joan and she will be working on when Council is adjourned.

Mr. Dade stated that if you don't want our money we will just leave it in the bank. Mr. Tadych stated that he personally wants the league's money.

Mr. Koomar stated that the one issue that needs to be worked through is the committee room not be wired during the week. We can work through that. Mr. Dade stated all you have to do is turn the recording off. Mr. Koomar stated that was a point of discussion, and we can bring in a microphone to accomplish that for Council meetings. Mr. Dade noted there are open public meetings during the week. Mr. Koomar stated that there are: Planning Commission, Architectural Board of Review, etc. It was the installation of equipment in the ceiling that the administration wasn't fond of; I think we can work through that. Mr. Dade asked what the concern is. Mr. Koomar stated that private meetings are held in that room. Mr. Dade suggested turning the recording off in that case.

Mr. Koomar stated that the vendor that was recommended to Council has not been contacted yet. He asked Mrs. Mahoney when she plans to do that. Mr. Koomar will meet with Mrs. Mahoney on Tuesday, June 23. Mr. Koomar asked if the donation can be accepted on June 29, 2015. Mrs. Mahoney stated that she is not ready. Mr. Koomar stated that he is speaking to Council because it is significant donation towards what we know a fixed cost of \$16,000 to be now. Mrs. Mahoney stated that she is not sure that is the optimal solution for the League's money and the City's money. Perhaps we don't need such an expensive microphone system. Maybe it is simply putting in more microphones to go into the recording. Instead of everyone having a microphone you just have one here and one down there.

Mr. Koomar stated that we were looking at this for when this meeting is filled for other purposes. He asked Mrs. Mahoney if she has been to a Planning Commission public hearing. Mrs. Mahoney stated that she has not been to a Planning Commission public hearing. Mr. Koomar stated that sometimes it is really hard for people to hear in this room. Part of this were speakers for the whole audience, who have sometimes a very important issue and they can't hear. It is more than just Council meetings.

Mr. Lee added that a microphoned podium is needed as well so that the questions from the audience can be heard.

Mrs. Lieske stated that her concern is that if we don't do something next week with the recess coming we are into September.

Mrs. Mahoney stated that you are also talking about \$6,000 from the City budget that she was not planning on. That's my problem; it wasn't in the budget process last fall.

Mr. Lee stated there was \$18,000 in the budget. Mr. Henderson added that there were dollars in the budget; he recalls that. Mrs. Mahoney stated that it was included assuming that the whole funding was funded by outside funding. Mr. Vincent stated that we had \$18,000 set aside. Mrs. Mahoney responded that we did not have money set aside. It was noted on Capital Budget, \$18,000.

Mr. Lee stated that this sounds like something that Council can fix. Mr. Koomar commented that all year long, every year, we have supplemental appropriations; and you want to tell us you can't find \$6,000.

Mr. Lee stated that we saved a substantial amount on the sewer truck. Isn't that an option to spend that money? I don't know why we are wasting our time on this; this is ridiculous. This should have been done a long time ago. Mr. Koomar stated that you have eliminated Service Department personnel stock. There is plenty of money for it; we don't buy that.

Mrs. Mahoney stated that the process wasn't completed properly from the beginning. I can't go to an auditor and say here is one vendor. Mr. Koomar stated that he understands that. We can get another quote. This is about accepting a donation. Is there any reason we can't accept a donation; if we choose not to do the project could we not refund that money? Mrs. Mahoney responded affirmatively. Mr. Lee stated that this seems like a great solution.

Mr. Vincent noted that there was discussion about a second vendor for the fiber optic line because it wasn't \$50,000. Mrs. Mahoney stated that we did have a second vendor. We had an RFP and we went out for bids.

Mr. Henderson stated that RFP was mentioned twice tonight and again last week it was mentioned about an RFP for this. Assuming that we all like this idea, which I think we all generally do, I know I do, I would like to understand who is going to make the final decision about what exactly is going to get purchased and installed. If we don't have an RFP for it, how would we all know before we approve any expenditure from the City's money that goes with the organization's money?

Mayor Sutherland stated that normally if they are going to go out for an RFP it is for a bigger project. So, they will have to come back and talk to Council. Mr. Koomar stated that he would say we could sit down and talk about the scope of the project. I don't know if a formal RFP is needed. Mayor Sutherland stated that is exactly what she is saying. From a technical standpoint we would probably have to hire somebody to write an RFP for this technical equipment.

Mr. Henderson stated that he would just like to understand before we actually go buy these things what we are going to get. Mayor Sutherland stated that as soon as we get that other quote we will be able to compare apples to apples. What we are trying to do is to do this as cost effectively and efficiently as possible. We can't do that without a second quote, and maybe a third quote.

Mr. Tadych stated that he would suggest that the \$16,000 we keep talking about may be a different number when we see the other two bids. Mr. Koomar stated that it could be, but the idea of getting the quote originally was that if the League was going to donate \$10,000 and the scope of the project was \$55,000, that unfortunately wouldn't have been sufficient enough to move the project along. We were just trying to get a starting point, not necessarily finality in the color of the speakers or the size of the wiring. But, to get the idea that the project made sense, that it was prudent for the City to accept the donation. Mr. Tadych stated that it may cost more than \$16,000 if you see the other quotes. For the citizens' sake, let's say right now we have got it at \$16,000 but it may go higher or lower depending on what you are going to do.

Mr. Lee asked if there is any reason why we can't accept the \$10,000 and if for some reason the

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project ultimately doesn't happen we can return it? Mrs. Mahoney stated that the only problem is if there are stipulations that go along with the donation we don't feel are necessary.

Mr. Koomar stated that it was to cover Council meetings in both rooms and to be on the web site. We already have it on the web site; so we are pretty much in agreement on those.

Claire Banasiak of the League of Women Voters added that it also included to maintain them. We don't care where you buy the system. It would be nice for those people who have young children and can't make it here, or senior citizens, to be able to listen to the audio recordings.

Pam Cottam asked if we look for three vendors for all projects. Mayor Sutherland stated that we do not, however, during the height of the recession anything over \$250 she wanted two quotes. We relaxed off of that a little bit and we're up to about \$1,000. Mrs. Mahoney added that it depends on what it is; for \$15,000 I would absolutely get two quotes. Mayor Sutherland stated that depending on what it is; if it something that would be less than that. Maybe it is a new vendor, so then we would want to be able to have some type of comparison so we would get multiple.

Lydia DeGeorge stated then it is arbitrary. There is no ordinance. I was at the fiber optic meetings and you ended up with two quotes. You originally had one. As I recall, you didn't want to get a second one but Mr. Koomar insisted that you get a second quote. You said Ruth worked so hard to get the first one; no one is going to be happy about this, and you went back and got the second quote. Because the story was then, anything under \$50,000 did not need more than one quote. Now, you've got another project and it is different and you're throwing out \$250, \$1,000, depending on the project. I think we need something better than that. It doesn't depend on the project.

Mayor Sutherland stated that the \$50,000 one is actually in the Ohio Revised Code. It has nothing to do with quotes. But, it does have to do with having Council approval. Anything under \$50,000, the administration can execute those purchases. However, it is our policy, always to get multiple quotes based on those quantities I said. During the recession it was \$250 and there were an awful lot of quotes during that period of time. Now, we've relaxed off to \$1,000.

Conda Boyd stated that the donation is being made from the memorial fund established for Joan Hirsch. Ms. Boyd would like to have Joan Hirsch's daughter, Margie, and her best friend, Mary Lou Jones, to be here when the donation is made. Are we in agreement that next week the check will be presented. Mr. Koomar responded affirmatively. He noted that it will be accepted with the League's stipulation of both rooms having microphones, recordings on the web site, and maintenance of the system. Mayor Sutherland stated that the committee room will be a mobile system, and not hardwired. Mr. Koomar agreed.

Mr. Tadych stated that he would like to make sure Joan gets some help with her note taking. Mr. Vincent stated that we have that software purchased.

Mr. Koomar called for approval of the minutes of the Regular Meeting of Council held June 15

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2015. **Motion** by **Lee** to dispense with the reading of the minutes of the Regular Meeting of Council held June 15, 2015, and approve the minutes as prepared and distributed. **Motion passed 6-0.** Mr. Koomar called for approval of the minutes of the Cahoon Memorial Park Trustees meeting held June 15 2015. **Motion** by **Lee** to dispense with the reading of the minutes of Cahoon Memorial Park Trustees held June 15, 2015, and approve the minutes as prepared and distributed. **Motion passed 6-0.**

Mr. Vincent read **Ordinance No. 15-47** authorizing the City to enter into the Northeast Ohio Public Energy Council (NOPEC) and the Execution and Delivery of the Agreement Establishing NOPEC and approving the Bylaws of NOPEC, and declaring an emergency, and moved for adoption. (Second Reading 6-15-15) (First Reading 6-1-15).

There being no further discussion, Mr. Koomar called for a vote on adoption of Ordinance No. 15-47.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays-None.

Mr. Koomar announced adoption of Ordinance No. 15-47, an emergency measure, by a vote of 6-0.

Mr. Vincent read **Ordinance No. 15-48** authorizing the City to enter into a Natural Gas Program Agreement with the Northeast Ohio Public Energy Council (“NOPEC”), and declaring an emergency, and moved for adoption. (Second Reading 6-15-15) (First Reading 6-1-15).

There being no further discussion, Mr. Koomar called for a vote on adoption of Ordinance No. 15-48.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays-None.

Mr. Koomar announced adoption of Ordinance No. 15-48, an emergency measure, by a vote of 6-0.

Mr. Vincent read **Ordinance No. 15-49** approving the Plan Of Operation and Governance for the NOPEC Gas Aggregation Program for the purpose of Jointly Establishing and Implementing a Gas Aggregation Program, and declaring an emergency, and moved for adoption (Second Reading 6-15-15) (First Reading 6-1-15)

There being no further discussion, Mr. Koomar called for a vote on adoption of Ordinance No. 15-49.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-49, an emergency measure, by a vote of 6-0.

Mrs. Lieske read **Ordinance 15-43** amending the Traffic Control Map and File of the City by enacting new handicap parking space, and declaring an emergency, and moved for adoption. (Second Reading) (First Reading 5-18-15)

There being no further discussion, Mr. Koomar called for a vote on adoption of Ordinance No. 15-43:

Roll Call on Suspension of Charter Rules:

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

Nays -None

Roll Call on Suspension of Council Rules:

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

Nays–None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-43, an emergency measure, by a vote of 6-0.

Mr. Lee introduced and read **Ordinance No. 15-54** amending Codified Ordinance Section 129.02 regarding Division of Police; Members, and declaring an emergency.

Mr. Lee stated that there has been quite a bit of discussion about this matter for the last several months. He thanked Police Chief Spaetzel for his leadership as well as the other members of the Environment, Safety and Community Services Committee. This ordinance amends the police complement to change the number of Lieutenants to two, and adding Items 6 and 7 to provide for two full time and up to nine part time police dispatchers. Item No. 7 of the ordinance is the

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language regarding the hiring of the 23rd officer being contingent upon Council's prior approval. Sections B and C have been deleted as being either redundant or no longer applicable.

Mr. Koomar announced that Ordinance No. 15-54 is placed on first reading.

Mr. Tadych read **Ordinance No. 15-51** amending Section 1 of Ordinance 15-16 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. (Second Reading) (First Reading 6-15-15).

Mr. Tadych pointed out that the rates for the full time dispatchers are \$17.50 to \$22.00 per hour, the rates for the part time dispatchers are \$15.75 to \$19.80 per hour. Mr. Koomar noted that the establishment of these rates was based on research by the Chief of Police of what is fair. This puts us in the middle of what is offered, and will hopefully attract some good candidates. Bay Village is a quality City in which to work.

Mr. Koomar announced that Ordinance No. 15-51 is placed on second reading.

Mr. Tadych introduced and read **Resolution No. 15-55** ordering the repair of the public sidewalks abutting certain premises in the City of Bay Village, and declaring an emergency, and moved for adoption.

Director of Public Service Scott Thomas stated that the sidewalk replacement program works very well. There have been many positive comments from residents.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 15-55.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Resolution No. 15-55, an emergency measure, by a vote of 6-0.

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Motion by Henderson authorizing the Mayor to enter into an agreement with the City of Avon Lake for the culling of deer in Walker Road Park in accordance with a permit to be issued by the Ohio Department of Natural Resources.

Mr. Henderson reiterated that he appreciates the Mayor offering to cause to be delivered notifications to people who live very close to the Walker Road Park.

Motion passed 6-0.

Motion by Lieske confirming the reappointment by Mayor Sutherland of Jennifer Lesny Fleming to the Planning Commission for a 5-year term ending August 17, 2020. Mr. Koomar commented that Jennifer Lesny Fleming has done a great job on the Planning Commission and he looks forward to having her continuing involvement and continuity in the process.

Motion passed 6-0.

Motion by Henderson confirming the reappointment by Mayor Sutherland of Stewart Watterson to the Parks and Recreation Commission for a four year term ending June 30, 2019. Mr. Koomar comment that Mr. Watterson does a great job, he knows him personally and he has been involved in Bay sports for a number of years. He brings a wealth of knowledge to the process.

Motion passed 6-0.

Motion by Lee confirming the reappointment by Mayor Sutherland of Diane Pavan to the Community Services Advisory Board for a three year term ending June 30, 2018.

Motion passed 6-0.

There being no further business to discuss, the meeting adjourned at 8:32 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council