

City of Bay Village

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

April 25, 2016
7:30 p.m.

Present: Clark, Henderson, Koomar, Lieske, Mace, Tadych, Acting Mayor Ebert

Excused: Mr. Vincent, Mayor Sutherland

Also Present: Finance Director Mahoney, Director of Public Safety/Service Thomas, Recreation Director Enovitch, Director of Community Services Selig, Fire Chief Lyons, Police Chief Spaetzel, Operations Manager Landers.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Lydia DeGeorge, Jerrie Barnett, Denny Wendell, Claire Banasiak, Bob Tuneberg.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Edward Byrne Memorial Justice Assistance Grant - State of Ohio, Department of Justice, Grant for Police Investigative Services

Police Chief Spaetzel advised that the Police Department is requesting up to \$50,000 with this grant application through the State of Ohio, Department of Justice. The grant has a 25% fund match required by the City. If the grant application is successful, the 25% matching funds will be taken from the Law Enforcement Trust Fund. In order to offset the matching fund contribution, the possibility of in-kind contributions will be investigated.

A Resolution authorizing the application of the grant will be presented at the Special Meeting of Council to be held this evening.

FINANCE AND CLAIMS COMMITTEE

SAFEbuilt, Inc. Contract

Mr. Koomar stated that contractual matters concerning SAFEbuilt, Inc. lease renewal will be discussed this evening in the Executive Session. Law Director Ebert stated that a clause will be added to the contract requiring SAFEbuilt, Inc. representation at meetings of the Planning Commission, Board of Zoning Appeals, and Architectural Board of Review. Mr. Ebert will expand on the notification to the Director of Public Safety/Service of building permit applications.

Proposed Ordinance regarding Capital Expenditures and Consulting Services

Mr. Clark stated that this document refers back to the Annual Appropriation Ordinance. This particular language was, to some extent, in the appropriation ordinance. The Mayor and administration requested removing the language from the Annual Appropriation Ordinance. Council agreed to do so, with the proviso that there be a separate ordinance that is subject to the \$20,000 limit for capital and special services contracts which Council will approve. This gives a little bit of leeway to the City. The City has been using the Ohio Revised Code of \$50,000 as a ceiling for purchases and contracts without specific Council approval. The amount of \$15,000 had been used in the past, and it is thought that the amount of \$20,000 is a reasonable iteration. Mr. Clark noted that there has been a lot of input into the proposed ordinance by Finance Director Mahoney, Law Director Ebert, Assistant Finance Director Popovich, Law Director Ebert, President of Council Koomar, and Mr. Clark.

Mr. Ebert distributed a new draft of a proposed ordinance revised as of 4:45 p.m. today, April 25, 2016. The issue today was relating to Section 2, whether the words “which are not subject to state bid limitations” belong in the ordinance. The state limitation is now \$50,000, however, if the City goes out for bids on any type of Capital project that is a specific ordinance that will be brought to Council. Mrs. Mahoney stated that it would be her preference to take the words out and state “Any and all amounts that exceed Twenty Thousand Dollars (\$20,000.00) and previously appropriated shall be submitted to Council for specific approval.” Mrs. Mahoney explained that she fears an auditor would be confused by the additional wording of “which are not subject to state bid limitations.” “Would it mean that the City is supposed to bid anything over \$20,000?”

Mr. Koomar stated that the Council is trying to capture the \$20,000 to \$50,000 expenditures and did not want to put a specific amount in as the state bid limit changes over the years. Mrs. Mahoney asked if the intention is to go out to bid over \$20,000, or just to bring it to Council’s attention.

Mr. Henderson stated that he can understand what Mrs. Mahoney is saying and agrees that it might be reasonable to consider striking “which are not subject to state bid limitations” as a modification to the ordinance. Striking the words does not change the intent.

Mr. Clark stated that it was always his intention that \$15,000 was a little rigid but \$50,000 was too large given the size of the City. It is reasonable that Council would have approval of \$20,000 or more; however it is worded that would be the intention.

Mr. Ebert noted that Council will be presented an ordinance for capital expenditures and personal services contracts exceeding \$20,000, and will receive an ordinance for any capital expenditures over the \$50,000 state limitation requiring bidding.

The Mayor has asked that the ordinance be held until her return. The Finance Director and Assistant Finance Director were pulled into the revision today, with the idea to get Council’s input this evening, since Mr. Henderson will be absent on May 9, and the Mayor’s input upon her return. Mr. Koomar noted that he is trying to review this with everyone based on different schedules.

Mr. Ebert called Council's attention to Section 3 of the draft of the proposed ordinance, stating "That this policy shall also apply to any group purchases from the same vendor annually which collectively exceed the Twenty Thousand Dollar (\$20,000.00) limit. Mr. Koomar questioned the use of the word "group." Mrs. Lieske stated that she was thinking of the contract with CT Consultants. Mr. Ebert stated that if Council passed an ordinance on the original contract, and if the accumulated billing from the contractor exceeds \$20,000, it would be necessary to come back to Council. Mr. Clark stated that Mrs. Lieske is questioning whether Section 3 should specify personal services as well as purchases. Mrs. Lieske suggested "any capital expenditures or professional services from the same vendor." Mr. Tadych questioned how this would apply if a set of computers is purchased from two or three different vendors at the same time. This is what Mr. Koomar is referring to as "group."

Mr. Koomar stated that most corporations have a floor for some of these purchases. Large capital construction projects and large consultant fees have always been reviewed. We are just trying to formalize the policy. When the Assistant Finance Director purchases computers for the City that are probably \$1200 to \$1500 that is not something we need to see. We had discussed about \$2500, but realized that the City's capital policy on this is \$5000. That figure was put in as a floor to not intentionally catch smaller items that come through.

Mr. Clark stated that from his perspective he does not want to over-manufacture the ordinance. The spirit is to provide a higher threshold, based on previous understanding which was \$15,000. Also, we are sensitive to Ruth Popovich and do not want to be in a position to introduce problems with the state auditor. Mr. Clark stated he wants to be practical with this and not tie the hands of the administration on spending. That is not what the intention was from day one.

Mrs. Mahoney stated that she thinks the intention was any purchase from any vendor over \$20,000 combined annually requires that the Finance Director come back to Council. An auditor may interpret that as if a \$20,000 contract is exceeded the Finance Director would have to come back to Council. Section 4 of the draft indicates that one individual expense under \$5,000 does not require coming back to Council.

Mr. Tadych stated that the Finance Director keeps referring to what the auditor is going to do. Why don't we ask the auditors for their ideas before we pass the ordinance? Mrs. Mahoney stated they go by the Ohio Revised Code. Mr. Ebert stated that they will see that the ceiling is not \$50,000 anymore, it is \$20,000 to go to Council.

Mr. Koomar stated that if the Finance Director has a \$500 item from Bailey Communications and considers that to be an operating expense or a small Capital expense that is not something that would need specific approval.

Mr. Clark stated that based on the way this is worded, how many times in a given year would legislation be required because of the limits. Our goal is not to increase the amount of legislative work that we have to approve.

Mr. Koomar noted that he provided Council with an analysis of what was approved by legislation for a three-year period. We have not had a problem. Vehicles and related expenses are usually presented in the first half of the year.

Mr. Clark stated that the spirit of the ordinance was intended for professional services contracts originally. Mr. Koomar stated that in the past Council has approved specific Capital expenditures and change orders for projects, so they were just trying to take that back to the historical practice of \$15,000 and above, increasing it to \$20,000.

Mr. Clark stated that there is a proposed ordinance and proposed resolution and he thought the resolution was to cover the Capital expenditure for equipment and things of that nature, and the professional services contracts would stand on its own.

Mrs. Mahoney stated that Council keeps going back to the “past.” In the past Council did not have that very detailed budget appropriation ordinance that they now pass. In essence, Council is again passing every line of Capital and reiterating it with a resolution for vehicles. Mrs. Mahoney suggested taking the Capital expenditures out of the ordinance and referring only to personal services contracts.

Mr. Koomar stated that the idea on the Capital expenditures is that Council has always seen the change orders because it is a good judge for the Council to see how the projects have gone. Change orders, additions and deductions, small and large, have been part of the procedure. What Council has stated is that looking at those changes order give Council a sense of what happened. There is a difference between straight budget numbers and how a project actually turned out.

Mr. Henderson stated that, for example, projects that fall under the Public Improvements Committee mostly fall into the category of the state bid requirement. This proposed ordinance is mostly for the gap between \$20,000 and \$50,000, plus the change orders to contracts which sometimes can be small and sometimes large. Mr. Henderson asked if the intention is that if the expenses for any given personal services provider exceed \$20,000, or any time any accumulated sum of expenditures to any given vendor goes over \$20,000, those would come back to Council. Members of Council expressed agreement.

Mr. Henderson recommended inserting the word “Capital” before the word “expenditures” in Section 2 and Section 3. Section 3 should say “Capital expenditures or professional services contracts.” The words “which are not subject to state bid limitations” will be stricken from Section 2.

Mrs. Lieske stated that “Capital group expenditures” would cover things purchased from the same vendor for smaller amounts adding up to over \$20,000. Mrs. Mahoney used the example of buying 20 computers for \$1,000 each. Mrs. Mahoney stated that all of this was approved in the budget process and re-engineering may make it more difficult. The problem is that the ordinance has to be very clear because an auditor is going to read it and make us abide by it.

Mr. Koomar suggested making the wording revisions, distributing it to Council again this week and sending it to the auditor’s office for review. Mrs. Lieske noted that this is why we have legal

counsel. Section 4 will be left as the way it is. Mr. Koomar noted that when he spoke to Ms. Popovich her concern was that computers and small things being purchased throughout the year are operational in nature. Five thousand dollars is the Finance Department's threshold to capitalize an item. Mr. Koomar stated that they were looking at a number of \$2500 and then Mrs. Mahoney and Ms. Popovich brought it up to \$5000, and Mr. Koomar agreed that is the threshold that should be used.

The changes to the draft will be made and circulated to Council.

Supplemental Appropriation Ordinance – Alcohol Intervention Fund

Finance Director Mahoney stated that the amount of \$1600 was originally budgeted for the Alcohol Intervention Fund. The Police Chief would like to purchase a police in-car video camera from the fund and it is being requested to increase the fund to \$6500. These funds come from court fines for alcohol related offenses. The supplemental ordinance to be presented this evening at the Special Meeting of Council includes the expenditure for the camera, and the amount of \$50,000 appropriated for the Ohio Criminal Justice Services grant which will be reimbursed once funds are expended.

Mr. Henderson commented that one of the matters he brought up during budget work this year was whether or not the Finance Committee thought it would be helpful if Mrs. Mahoney would send out both a revised version of the appropriation ordinance, as well as the prior version which was already passed. Mr. Henderson asked if the other members of Council think this would be helpful. Mr. Clark stated that it would be helpful going forward, especially when you are dealing with changes as the year goes on.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Mrs. Lieske had no report this evening.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Henderson stated that good conversation among the Finance Director, Safety/Service Director, Consulting Engineer, and himself continues. They met again last Friday, April 22, 2016 about creating the analyses that the Public Improvements Committee would find very useful. The analyses will be finished this week and it is Mr. Henderson's intent to package those in a format that would be useful for the Public Improvements Committee to review next week. The members of the Public Improvements Committee have been sent an invitation for a potential committee meeting with schedules to be coordinated. There will very likely be a series of Public Improvement Committee meetings beginning next week as the situation and analysis of information relative to Bruce/Russell/Douglas and Sunset neighborhood improvements is worked through. Both project studies are coming up on a very near horizon at this point.

RECREATION AND PARKS IMPROVEMENT COMMITTEE

Mr. Mace announced that a Recreation and Parks Improvement Committee meeting has been scheduled for 6:30 p.m. on Wednesday, May 4, 2016 in the conference room of Bay Village City Hall.

SERVICES, UTILITIES AND EQUIPMENT COMMITTEE

Proposed Ordinance (Resolution) regarding 2016 Vehicle and Truck Purchases

Mr. Tadych stated that there is not definition far enough into the process in the purchase of these vehicles. Mr. Ebert stated that he has distributed a revised version of the resolution, drafted late this afternoon. Mr. Tadych stated that when you are purchasing something you should know exactly what you are purchasing. The amounts being expended are what has been seen in the budget process, but in the past when vehicles were purchased details were included as to the cost of the vehicle and the equipment cost listed as well. It made things quite clear and easy to understand. At one time it even separated the cost of the cab being put on a truck. It was very descriptive and you knew exactly what was being purchased. "When the resolution says 'equipped vehicles' what is the equipment and how much are we using from the old vehicles?"

Mrs. Mahoney stated that she does not know if all that information is appropriate in the resolution.

Mr. Tadych stated that it is very difficult when you are looking at \$90,000 for two vehicles and they are "equipped." Equipped how?

Mr. Koomar stated that going back to Mr. Tadych's point there were times when there was a new light bar needed for a vehicle and somewhere along the line it wasn't included in Capital expenditures and became part of Operating expenditures. The Council's hope is that all things needed for a new vehicle be included as part of the authorization. Mrs. Mahoney stated that it is spelled out in the budget book and equipment requests. Mr. Tadych stated that is fine if there is no more added after the fact.

Mr. Clark noted that the concern is if there is a variance in the accessorizing of the vehicle after it is approved it might be captured in a catch-all rather than trying to do it in an ordinance. Mr. Tadych stated that Council does not know if there is going to be a variance. Mr. Clark stated that the Capital expenditure process goes through the Finance Committee and gives a good idea of what would be a variance and what wouldn't be a variance. Mr. Tadych replied that it should not be a Finance Committee problem, it should be a Services, Utilities and Equipment Committee matter.

Mr. Koomar stated that they discussed that in the fall they would run that parallel with the budget. He suggested that Mr. Tadych speak with the Police Chief further, but noted that the revised draft presented this evening is more descriptive than the resolution received in their packets this weekend.

MISCELLANEOUS

Mr. Ebert advised that several times various groups such as Boy Scouts have addressed the City asking to paint house addresses on curbs. He noted that it does serve a valuable purpose in helping to quickly identify addresses of homes in the City. These service projects were stopped in the past for concern of safety for the young adults who were doing the work, especially on the main streets such as Lake Road and Wolf Road. There was also a problem with occasionally putting the wrong number on the curbs.

Mr. Ebert continued, saying that it does serve a purpose if done correctly. A resident's college student son has contacted the City and the question now is whether we want to again undertake this if it is under adequate supervision and done using safety measures such as cones in the street.

Mr. Tadych questioned the liability of the City if there should be an accident. Mr. Ebert stated it is not an insurable risk.

Mr. Clark asked if the person would be charging for his services. Mr. Ebert stated that normally it is a donation to a cause or organization. In the past, there was a donation of \$10.00. Mr. Ebert stated that he does not know the specifics of this particular request as far as a donation or charge.

Mr. Clark stated that in this day and age he would be surprised that someone would be that enterprising to go out and do this free of charge. Mr. Clark noted that the visibility of the numbers on the curbs would certainly serve the Police and Fire Departments, and would save the manpower of the Service Department in having to do this. The Police Chief stated that as long as the numbers are accurate, it is very helpful. Mr. Clark noted that he likes the initiative, but is more concerned about the main thoroughfares such as Lake Road and Wolf Road.

Mr. Ebert stated that he doesn't see the problem with having it done. Mr. Koomar noted that the father of this student has given back hours and hours of his time to the Bay Men's Club and they are a very community-minded family in Bay Village. Mr. Koomar and Mr. Ebert noted that it does serve a valuable service for the City.

Mr. Tadych suggested having someone check the font of the numbers so they would be clear for the emergency vehicles and use reflective paint. Mr. Ebert stated that he will ask them to bring the stencil to Council to display what they will be using. Mr. Clark suggested a pilot program with two streets, take pictures, and show them to Council before going City-wide.

Mrs. Mahoney stated that if he is asking the residents for money, Council should approve it before doing a street. Mr. Henderson stated that Council should probably understand the purpose of the funds. He noted that he is not opposing it, he thinks it is a nice service, especially if it is to benefit a charitable service within the City. He is not as fond of the idea if it is income producing. Mrs. Lieske agreed, and added that especially without giving someone else the opportunity to come in and see what they would propose and charge. Mr. Clark noted that he gives the person credit for showing some pizzazz. Mr. Koomar stated that when we have more than one offer, we can deal with that.

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Mr. Koomar suggested Mr. Ebert check on the details of the proposal, and check to see if the student would be willing to donate a portion of the proceeds to a worthy project such as The Village Foundation.

Mrs. Lieske asked if there would be any type of insurance the entrepreneur should have. Mr. Ebert stated if it is being done for an organization, the organization's insurance would cover. The City cannot cover because he is not an employee of the City.

Chief Spaetzel stated that a peddler license will be required.

Mr. Ebert will send out information to Council when all of the details of the proposal have been worked through.

In regard to the presentation and proposal of resident Greg Gogul to sponsor a 5-K Run and Arts Festival to benefit finding a cure for Ovarian Cancer, Mr. Ebert advised that a meeting will be held this week with the Service/Safety Director, the Police Chief and Mr. Gogul. Recreation Director Enovitch stated today that soccer play is still occurring in September. There are many details to be worked out before the event can be considered further.

AUDIENCE COMMENTS

There were no comments from the audience this evening.

CAHOON MEMORIAL PARK TRUSTEES

Memorial Day Festivities – Approval for use of Cahoon Memorial Park on Monday, May 30, 2016, 9:00 a.m. to 2:00 p.m.

Mr. Koomar asked for comments from the trustees concerning plans for the annual Memorial Day festivities in Cahoon Memorial Park. There were no comments, and the matter will be considered for approval following the Special Meeting of Council to be held this evening.

There being no further discussion, the meeting adjourned at 7:55 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council