

AGENDA

Agenda, Bay Village City Council
Committee Meeting
Conference Room
Paul A. Koomar, President of Council, Presiding

May 9, 2016
7:30 p.m.

ANNOUNCEMENTS COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

FINANCE & CLAIMS COMMITTEE – Clark

SAFEbuilt, Inc. Contract

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

**PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-
Henderson**

RECREATION & PARK IMPROVEMENT COMMITTEE-Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

Cooperative Purchasing Agreement with the State of Ohio Department of Transportation

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Project Pedal sponsored by Village Project – June 18, 2016

City of Bay Village

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

May 2, 2016
7:30 p.m.

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

Excused: Mayor Sutherland

Also Present: Finance Director Mahoney, Director of Community Services Selig, Director of Public Safety/Service Thomas, Police Chief Spaetzel, Chief Building Official of SAFEbuilt, Inc., John Cheatham.

AUDIENCE

The following audience members signed in this evening: Lydia DeGeorge, Pam Cottam, Dick Majewski, and Jerrie Barnett.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

International Association of Fire Fighters, Local 1144, Labor Agreement

Mr. Koomar advised that the ordinance for the Fire Fighters, Local 1144, Labor Agreement will be removed from the agenda of the Regular Meeting of Council to be held this evening. Law Director Ebert stated that the Local 1144 has agreed to the terms of the labor contract, but there is still an issue concerning the attachment of an operational policy. When that is resolved, the agreement may proceed accordingly. Mr. Ebert stated that the issue of a policy should not be part of a labor contract. It is a policy set by the Fire Chief. If the policy is violated, and there is disciplinary action taken by anybody, there is recourse in the labor contract and agreement. To attach a policy to a labor contract is going to be an open door for all policies to be attached to labor contracts. Policies are operational, and should be. The Human Resource Manager for the City, Jennifer Demaline, has been involved in this and has talked with their local representative about policy.

Mr. Vincent asked when a hearing would take place. Mr. Ebert stated that it would be sent for hearing if there is an impasse. Mrs. Mahoney stated that the Fire Fighters are operating under an extension of their existing agreement.

Application for a “C” Liquor Permit – Panorama Restaurant, 583 Dover Center Road

Mr. Vincent stated that the Panorama Restaurant has applied for a revision of their original permit application. Mr. Vincent will move not to request a public hearing with the Board of Liquor Control regarding this request. Police Chief Spaetzel commented that a record check has been made and everything is clear on the Police Department side. The approval of the voters in

the precinct in which the Panorama Restaurant is located is necessary for the granting of the permit. Mr. Mace asked if this hearing in Columbus is the only opportunity for a public hearing, and if there would be any hearing in the City of Bay Village for a resident to attend and express their opinion. Mr. Ebert stated that the hearing in Columbus is the only public hearing, and the issue on the ballot would be the residents' opportunity to vote for or against the issuance of the permit.

Mutual Aid Agreement – Report through April 2016

Mr. Vincent stated that the mutual aid activities look like a typical year for 2015. Police Chief Spaetzel stated that the Police Department mutual aid numbers generally favor the City of Bay Village assisting other agencies, but theirs are a little different than the Fire Department's mutual aid. The Police Department also gets called to assist Westlake, for example, and may be called off before they go. Generally, the Police Department mutual aid only lasts a few minutes. The longest mutual aid call was for the recent explosion at a Crocker Park construction site. The Police Department assisted with directing traffic for approximately one hour.

Mr. Henderson stated that it is clear from the reports that for the past several years, and again this year, from a fire standpoint the City of Bay Village is giving a lot more aid than received. Director of Public Safety/Service Scott Thomas stated that the mutual aid numbers appear to be stable. They fluctuate a little year-to-year. Mr. Koomar noted that the City of Bay Village is always in a deficit position. Mr. Vincent asked if this gets discussed at a mayoral level, or does it get discussed by the departments' chiefs. Mr. Ebert stated that if there is an issue it could go to the Westshore Council of Governments. Mr. Vincent stated that from a layman's point of view it looks like some people might need to hire a few more fire fighters. If someone else is always getting Bay Village to go out, it seems like it should be discussed. It is really inequitable based on the numbers. Mr. Ebert stated that whether you need help or not there will be a call for a back-up to make sure you won't be understaffed if there is a call in the city and they are out in another city. If there is a working fire, all cities respond to assist. Mr. Tadych stated that it is the size of the city that makes the difference. Mr. Vincent asked if Bay Village always assists if there is a fire at Crocker Park. Mr. Ebert stated that he would assume so.

Westshore Council of Governments – Westshore Enforcement Bureau (WEB) Agreement

Mr. Ebert stated that the Westshore Council of Governments has an agreement going back to the 1970's that works very well. The Westshore Enforcement Bureau has their own budget, contributed to by the Westshore Council of Governments and by grants and forfeitures. It is working extremely well. A new addendum to the agreement will be presented for signature by all the cities: Fairview Park, Westlake, North Olmsted, Rocky River, Lakewood, and Bay Village.

Mr. Vincent asked if renovations for the WEB space were done here in the City Hall. Mr. Ebert stated that it is finished, with Mrs. Mahoney noting that WEB paid for the renovations.

Mr. Vincent asked Chief Spaetzel about the WEB program for live action training. Chief Spaetzel stated that the "Shoot-Don't Shoot Program" was purchased by WEB funds for use of

all the cities. It is housed in Bay Village, but all the cities have access to use it. Mr. Vincent suggested coordinating a field trip to see the program.

Mr. Clark asked the Capital output for the renovation of the WEB headquarters at Bay Village City Hall. Mrs. Mahoney stated it was about \$35,000, but a \$100,000 project with some of Bay Village labor used for the project.

FINANCE AND CLAIMS COMMITTEE

SAFEbuilt, Inc. Contract

Mr. Clark advised that the existing contract with SAFEbuilt, Inc. has been distributed to Council. The contract is up for renewal for a two-year period, and opened the discussion for comments with the hope that some of the facts of the renewal can be finalized and put into writing in an appropriate form.

Mr. Koomar stated that Chief Building Official for SAFEbuilt, Inc., John Cheatham is present at this evening's meeting to answer any questions. Mr. Ebert stated that he did receive a call from one of the officers of SAFEbuilt, Inc. today who suggested that a one-page addendum be added to the existing contract for the changes. Mr. Cheatham has been very cooperative on the proposed changes that have been discussed. Mr. Ebert recommended extending the lease agreement and preparing the addendum to the lease.

Mr. Clark stated that the concern was to make sure there is someone licensed on the premises from SAFEbuilt, Inc. during the week. Mr. Cheatham stated that the City of Bay Village has always had that. Mr. Clark noted that he didn't see it specifically in the contract, but it may have been overlooked

Mr. Vincent asked the procedure when someone comes in for an application, for example, the sign that was requested for the right-of-way at Panorama Restaurant. Does anybody consult with them at the point when they come in for the application? Mr. Cheatham stated that when someone comes in for an application, a good part of the time they simply ask for an application for the Architectural Board of Review, Board of Zoning Appeals, residential, or commercial, etc. Mr. Cheatham added that if they ask to speak to him, which happens a dozen times a day, he either goes out to the counter or takes them in his office and consults with them.

Mr. Koomar asked about Page 14 of 17 of the contract, under Building Official Services, which states "meet with the Building Director and/or Mayor." He asked if that should be the Service Director when it pertains to grade issues and similar items. Mr. Ebert stated that the wording will have to be changed because Bay Village does not have a Building Director. They talked about whether or not a point person needs to be involved from the City standpoint. Mr. Cheatham is the Chief Building Official for SAFEbuilt, Inc., but the City doesn't have a Building Director as such. Mr. Ebert suggested having someone such as Property Inspector Bob Lyons communicate to Mr. Cheatham what goes on at staff meetings from the City standpoint. Director of Public Service Scott Thomas was added as the person that is copied on issues concerning grade and any application concerning grade should be reported to Mr. Thomas.

Mr. Tadych asked if the inspector Mr. Ebert is talking about would be a supervisor type person, and who would they report to if they had a conflict. Would it be a direct report to the Mayor about that problem? Could something like that be put into the contract, as to the accountability of that person?

Mr. Koomar asked if it wouldn't make sense if there is something in a staff meeting related to a Building Department issue to have Mr. Cheatham come into the meeting for that topic. Mr. Ebert stated it would, if it is known ahead of time. The link that used to be in place between the administration and the Building Department has to be reconnected.

Mr. Cheatham stated that for the record he has been contacted on Saturdays and Sundays many times from the day he started in Bay Village by Fire Chief Lyons, the Mayor, customers, and residents, and he has always responded. He stated that he has been in the Knickerbocker Apartments numerous Saturdays and other places as well. He stated he is not missing anything on weekends that he knows of.

Mrs. Lieske stated that Section 5.2 of the contract, under Performance Standards, it says "in a timely manner SAFEbuilt, Inc. shall inform the Building Director of complaints and submit a copy." Mrs. Lieske asked if there is a standard definition of what a timely manner would be. Mr. Ebert stated that there is no definition of timely manner. It is something that could be immediate, or could wait until Monday. Mr. Cheatham stated that Section 5.2 states the Building Director and parenthetically states the Director of Public Service and Properties. That indicates that the Building Director is Public Service and Properties Director Scott Thomas.

Mr. Cheatham added that if he gave all the oral or written complaints he gets from every resident he would get nothing done, nor would Mr. Thomas. He stated he gets calls at homes in the evenings and weekends all the time about neighbors' tree limbs on their property and things that have nothing to do with the Building Department. Mr. Ebert stated as far as the verbiage for the agreement, it goes back to when Director of Public Service and Properties Dan Galli who was named as Building Director at that time, covering for the resignation of Mr. Milburn. That is the reason that verbiage was put in the agreement. Things have changed since then.

Mr. Koomar stated that he would think the communication between the administration and Mr. Cheatham should be at director level. Mr. Ebert stated that there has to be someone below the Mayor that is a direct contact for Mr. Cheatham.

Mr. Henderson asked Mr. Ebert how feasible he thinks it is from a drafting standpoint to just do an addendum to the contract, considering that there are questions around the title of Building Director, Director of Public Service and Properties and the words in the existing document not reflecting the current status of the City. For example, the parenthetical phrase indicating the "Director of Public Service and Properties" after the term "Building Director." Mr. Ebert stated that considering the change in the terms of the agreement financially it may be that the agreement will have to be modified.

Mr. Koomar commented that Mr. Cheatham was being pulled by SAFEbuilt, Inc. in many different directions and working many hours, but the question goes back to how many hours will Mr. Cheatham be in Bay Village. Mr. Cheatham's work ethic wasn't being questioned, because it was known that it was in Olmsted Falls and other areas, but there were issues here and the concern was of him being spread too thin. The question to Mr. Ebert was is there a number of hours that Mr. Cheatham is needed in Bay Village to be added to the agreement.

Mr. Cheatham stated that he would challenge anyone to look at the cameras and see if he has ever been here less than 40 hours, except when he is on vacation. He would be at Olmsted Falls in the morning for an hour or two each morning, come over to Bay Village and stay late more evenings than not, worked lots of Saturdays, worked Good Friday, worked three Saturdays in the last month, and averages more than 50 hours per week in Bay Village than 40 hours per week. Mr. Cheatham noted further that he has turned Olmsted Falls over to someone else from SAFEbuilt, Inc.

Mr. Cheatham stated that a lot of what he is doing is plan review after hours when he can't get it done during the day because of interruptions. He has people at the counter all day, literally 40 to 50 emails per day, an average of 20 to 25 voice mails per day along with picking up calls whenever he can. He returns every phone call within one day at the most. After hours and Saturdays is usually plan review and administrative work that doesn't require face-to-face contact.

Mr. Koomar asked if the verbiage in the document referred to in Mr. Henderson's comment regarding Director of Public Service and Properties will remain for the time being. Mr. Ebert stated that he will talk with the Mayor and Mr. Thomas and noted that it needs to be reviewed.

Mr. Clark questioned the time frame of the new financial arrangement for SAFEbuilt, Inc. Mr. Cheatham stated that the financial arrangement of 80% SAFEbuilt, Inc., 20% City of Bay Village, in terms of the share of the building permit fees went into effect on May 1, 2016, but will first be seen on the June 1, 2016 billing.

Mr. Clark suggested putting the ordinance to approve the new contract on first reading on May 9, 2016, with passage anticipated for May 16, 2016.

2016 Debt Issuance

Mr. Clark advised that a Finance Committee meeting was held regarding the debt issuance for 2016. Finance Director Mahoney has worked with Michael Sharb of Squire Patton Boggs LLP who have presented eight ordinances this evening. Seven of the ordinances are for new money, and one is for the refunding component of the City's debt. The City has paid down about \$770,000 of previous notes this year as well. These will be put into bond anticipation notes and will close sometime in early June.

Mr. Mace advised that he will be abstaining on the vote for these ordinances due to a conflict of interest, specifically Mrs. Mace works for Squire Patton Boggs LLP.

Committee Meeting of Council
May 2, 2016

Mrs. Lieske commented that perhaps she should abstain as well because her daughter works for Squire Patton Boggs LLP.

Mr. Ebert suggested putting the ordinances on first reading this evening and he would provide clarification for the May 9, 2016 meeting.

Mr. Mace noted that his wife works for the public debt office of Squire Patton Boggs LLP.

Mrs. Lieske advised that her daughter does not work in the public debt office of Squire Patton Boggs LLP.

Mr. Ebert stated that Mr. Mace does have a conflict but Mrs. Lieske does not have a conflict.

Mr. Tadych asked what kind of rates can be expected on this issuance. Mrs. Mahoney stated that she is hoping around one percent, and possibly a little over one percent. Mr. Clark stated that he thought the rate would be a little over one percent because they were paying a premium to the City. At this time rates are good.

Proposed Ordinance approving certain Capital Expenditures and Personal Services Contracts

Mr. Clark stated that the proposed ordinance relative to Capital Expenditures and Personal Services Contracts has had a lot of constructive input. The draft of the most recent version was circulated to all members of Council this evening. Mr. Clark stated that he believes this is an ordinance that displays the spirit of doing the right thing between Council and the administration. The ordinance will be placed on first reading on May 9, 2016.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Review of 2015 Property Maintenance Program Home Inspections

Mrs. Lieske advised that Director of Public Safety/Service Scott Thomas will address Council regarding the Home Inspection Program during 2015.

Mr. Thomas stated that there were 556 brand new cases last year in this program, with a few of these a carryover from 2014. There were 331 exterior maintenance walk by inspection programs that were performed in 2015. There were 48 open exterior maintenance files at the end of 2015. Two hundred and eighty three cases were closed. So far this year, Mr. Lyons has done 184 walk-around inspections, 33 citizen complaints, and 16 utility inspections including concrete walks and aprons. Mr. Thomas stated that the City is very fortunate to have the services of Bob Lyons, who is very qualified and holds three certifications from the State of Ohio. Mr. Lyons does a very good job in communicating with the residents. The targeted areas for this year are parts of Lincoln, Aberdeen, Rexford, Knickerbocker, Forestview, Vineland, and Fordham Parkway. Currently he has already started on Lincoln, Aberdeen and Rexford. As he is getting these cases he is closing them and we are getting very good compliance from our residents. Mr. Thomas distributed a color-coded map of the inspection areas for 2015 and 2016.

Chapter 1351 – Determination of Grade

Mr. Koomar asked Mrs. Lieske the status of the draft of Chapter 1351 – Determination of Grade. Mrs. Lieske stated that she is awaiting the final word from the builder of the Humiston property after the revised plans were submitted.

Mr. Ebert stated that there was a meeting held on Thursday, April 28, 2016 with the builder, CT Consultants representative Bob Greytak, Bob Lyons, and the builder's attorney. CT Consultants received on Thursday morning, April 28, 2016, new engineering from Polaris Engineering on the grade. Mr. Greytak is reviewing the grade today, and will be submitting a report on Tuesday, May 3 or Wednesday, May 4 on what he finds. Mr. Ebert suggested inviting the residents that had attended the many meetings relative to this issue so that they understand what is going to happen. After there is a meeting with the residents, the work on revising Chapter 1351 can move forward. Mr. Koomar asked if the changes that John Cheatham and Director Thomas have made can be brought forward in the Council Committee session of May 9, 2016. Mr. Koomar asked Mr. Ebert to send out the current version of Chapter 1351 to Mrs. Lieske and Mr. Cheatham.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Henderson expressed appreciation to Finance Director Mahoney and Director of Public Safety/Service Thomas for working with him the last couple of weeks in preparing analyses for the Public Improvements Committee Meeting to be held Tuesday, May 3, 2016. Last week Mr. Henderson compiled their efforts into a Power Point presentation that he sent out to the entire Council and the Clerk last Friday. This document will be reviewed at the Public Improvements Committee meeting on Tuesday, May 3, 2016 at 6:30 p.m.

RECREATION AND PARKS IMPROVEMENT COMMITTEE

Mr. Mace had no report this evening.

SERVICES, UTILITIES AND EQUIPMENT COMMITTEE

Proposed Resolution regarding 2016 Vehicle and Truck Purchases

Mr. Tadych advised that he met with the Law Director and Finance Director recently to clarify the resolution and add additional detail. Mr. Tadych met with the Police Chief on Thursday, April 28, 2016 and reviewed whether two police vehicles should be Chargers or Interceptors. Chief Spaetzel provided details which Mr. Tadych furnished to City Council via the Council packets over this past weekend. Mr. Tadych noted that both the Interceptor and Charger are about the same price and when structured out with the police equipment they are about equal. Mr. Tadych stated that in response to the question from Council as to whether vehicle models should be alternated from one year to another, the Chief thought it better to have all vehicle models the same so that they could all be fit properly.

Chief Spaetzel added that the equipment purchased for the vehicles is specifically sized for the vehicle. If models are switched out, new equipment would have to be purchased. When the current

vehicle is phased out, a similar car is purchased and all of the equipment is transferred to the new vehicle, resulting in a reduction in the associated costs of new equipment. Two Crown Victoria Models are being phased out from the fleet and it will be determined if they will be sold or re-used, if still usable, in the city motor pool for either the Property Maintenance Department or Infrastructure Department.

Mr. Tadych noted that additionally he would like to bring up something that he found when doing the proofing of the final draft. Mr. Tadych commented that he was very pleased with the way the draft came out. The Resolution states that under the purchasing program of the State of Ohio. However, Item No. 5 is purchased from the NPJA, and Mr. Tadych questioned what the acronym represents. Mrs. Mahoney stated that the actual acronym should read NJPA and she will provide the information as to what that represents. Mr. Tadych suggested this policy be incorporated on all legislation in the future. Mr. Tadych suggested that if the NJPA is not part of the state purchasing program, perhaps the correct reference should be incorporated. With that correction, the resolution is ready for consideration by Council. Mrs. Mahoney noted that an additional ordinance will be presented to be part of the Cooperative Purchasing Agreement with the Ohio Department of Transportation.

Mr. Vincent asked if the City has ever shopped as a consumer outside the state purchasing program. Mrs. Mahoney stated that Mr. Thomas does review prices in that manner. Mr. Vincent noted that there is probably better leverage than buying off the state at certain times. Mr. Thomas agreed.

MISCELLANEOUS

Mr. Koomar advised that he has been informally trying to set the agenda on Thursday morning. From a scheduling standpoint, it is requested that there be a deadline for submission of agenda items on Wednesday evenings. On Thursday morning, Joan Kemper will send out the proposed legislation or action to the committee chair person in advance of the packets. In that way, the chairperson of the committee will have time for review and clarification of proposed legislation or action to be taken by Council of items on the agenda. This will provide for a more efficient process.

AUDIENCE COMMENTS

There were no comments from the audience this evening.

CAHOON MEMORIAL PARK TRUSTEES

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

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

Joan Kemper

From: Lorree Lewis
Sent: Thursday, May 05, 2016 9:27 AM
To: Joan Kemper
Subject: FW: Contract Renewal Bay Village

Per Gary please include this email in the Kits as to what the addendum will show in the Safebuilt Contract.

Lorree

From: Lorree Lewis
Sent: Thursday, May 05, 2016 9:27 AM
To: 'smarquez@safebuilt.com'
Cc: Gary Ebert
Subject: Contract Renewal Bay Village

Please prepare addendum with the following amendments to the original Services Agreement:

- 2 year renewable period commencing May 1, 2016 through April 30, 2018.
- Reduction of fees to 80%/20% commencing this renewable period.
- The new rental amount per month for the first year of the contract should be \$1,057.74 plus utilities and for year two \$1078.89 plus utilities.
- Page 14-Building Official Services should reflect meeting with Director of Public Services and Safety rather than Building Director
- Attend staff and council meetings as requested should also include Planning commission, Board of Zoning Appeals and Architectural Board of Review

SENT ON BEHALF OF GARY A. EBERT

Lorree Lewis
Assistant to Gary Ebert, Law Director
City of Bay Village Law Department
440-899-3412