

# City of Bay Village

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

May 23, 2016  
7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Community Services Selig, Director of Public Safety/Service Thomas, Human Resource Manager Demaline, Police Chief Spaetzel, Fire Chief Lyons.

## **AUDIENCE**

The following audience members signed in this evening: Lydia DeGeorge, Pam Cottam, Dick Majewski, Jerrie Barnett, Suzanne Graham, Jeff Gallatin, Wayne Reese, Al Paulus, Steve Ruscher, Mindy Stroh, Tallulah Swasey.

## **ANNOUNCEMENTS**

**Mayor Sutherland** stated that at the Bay Village City Hall on Cavaliers play-off days the employees pay \$1.00 to wear jeans and a CAVS tee-shirt to work. Anyone is welcome to join in.

**Mr. Koomar** stated that Monday, May 30, 2016 is Memorial Day and there will not be a Council meeting.

## **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE**

**Mr. Vincent** had no report this evening.

## **FINANCE AND CLAIMS COMMITTEE**

Annual certification of unpaid charges to the Cuyahoga County Fiscal Officer for inclusion on property tax duplicate

**Mr. Clark** advised that unpaid charges for tree removal, sidewalk replacement or repair, grass cutting, sewer rental and trash removal will be certified to the Cuyahoga County Fiscal Officer for placement on the tax duplicate of residents who have not paid these charges in 2016. The resolutions will be placed on first reading on June 6, 2016, and must be in the office of the Cuyahoga County Fiscal Officer by the second Monday of September. Collections with tax bills will begin in June of 2017. Mrs. Mahoney estimated that the total amount to be collected is \$20,000.

Tax Budget for Fiscal Year 2017

Mr. Clark stated that the millage will remain the same and property taxes will be unchanged for the 2017 year as recommended by the administration and seconded by the Finance Committee. The resolution will be placed on first reading at the Council meeting to be held Monday, June 6 and will be submitted to the County Fiscal Officer by mid-July.

**Mr. Henderson** stated that there is an item on the agenda for the Special Meeting of Council this evening that he and Mr. Koomar had discussed over the weekend. Mr. Clark stated that this is the Ordinance for Capital Expenditures and Personal Services Contract that has been discussed for some time now. It was placed on first reading on May 9, 2016, and second reading on May 16, 2016. Mayor Sutherland has expressed an objection to the ordinance. Mr. Clark stated that one of the reasons behind the ordinance was to achieve a proper checks and balance between the executive and legislative spending segments of city government. The personal services contracts where you are not subject to bid is \$50,000 at the state level. The administration has been using that as a proxy for bids. The City formerly used the level of \$15,000 and would like to increase that to \$20,000 before Council approval is necessary. This amount was achieved as the level after working with the Law Department, Finance Director, Assistant Finance Director and Council to try to put something together that was palatable for all parties.

Mr. Koomar stated that the \$20,000 limit was the recommendation of the Assistant Finance Director to tie in with the capitalization policy. Mayor Sutherland stated that it is not the Assistant Finance Director's recommendation; she would rather have a policy. Mayor Sutherland stated that the problem is not the dollar amount; it is the inclusion of the word "aggregate" in that ordinance. The Mayor gave an example of an incident that occurred last week. Last week, the sewer crew was out doing routine work. They found a crushed manhole. A crushed manhole is going to require engineering. It is \$300. If we have already expended up to that \$20,000 we cannot proceed with a purchase order for engineering with the inclusion of the word "aggregate." They would have to come back to Council. So they would have to stop the work, wait for a Council meeting, Council will then have to decide if they are going to pass it on emergency or put it to three readings. For a \$300 expenditure?

Mr. Koomar asked if that would be covered under CT Consultants' existing services. Mayor Sutherland answered no. Mrs. Mahoney stated that she circulated a memo on May 13, 2016 to the same point. As a point of reference, in 2015 there were 15 purchase orders to CT Consultants which is going to require, because of the word "aggregate" in the ordinance, 15 separate ordinances.

Mr. Vincent asked why it is necessary to cut a purchase order for \$300. How much do we pay CT Consultants per week under the 12 month contract? Mayor Sutherland stated that in 2016 CT Consultants is being paid \$33,000, or \$2,800 per month. Mr. Vincent asked what that includes. Mr. Thomas stated that everyday engineering would be if they call CT Consultants and ask for information in regard to something where they don't have to come out and do specific measurements. Anything with specific measurements involved in engineering is an extra cost. We use them as a consulting engineer with many different things. They can look at the manhole

and say, yes, that is crushed, but if they are going to actually measure it they would be looking at a different cost because that is not part of their contract.

Mr. Vincent asked if the \$2800 per month just means they are on call for that month, per month. Mr. Thomas stated that Bob Greytak of CT Consultants is here on Mondays from 1 p.m. to 5:30 p.m. He is constantly on call; he goes to engineering meetings for the Rocky River Treatment Plant. Mr. Thomas stated that he contacts him daily in regard to different things going on in the City. There is always something going on that we have to talk to him about as far as consulting services.

Mayor Sutherland stated that they try to use Mr. Greytak very efficiently. When he is actually here at City Hall is when we save up these things like the White Creek in Ward 1. We will have a whole list of things for him to go out and take a look at while he is here. But, if he has to draw anything, or measure anything, that is going to be over and above.

Mr. Vincent asked if a purchase order is done to pay CT Consultants every thirty days. The Mayor stated that they do a purchase order but it is under that contract. Mr. Vincent asked if a thirty-day invoice is done we would have a chance to review it for approval. Mrs. Mahoney stated that Council would approve the CT Consultants contract in an ordinance because it is \$33,000. If there is an extra amount of \$300 they would have to get Council approval because of the word "aggregate." Mrs. Mahoney stated she won't authorize anybody to do work if she does not know if Council is going to approve it or not. Mr. Vincent asked if CT Consultants would do the work if they were told that Council has a new provision and they must invoice within thirty days. Mrs. Mahoney said that she would not authorize them to do the work. The Mayor stated that they are given a purchase order number which authorizes them and they know they will have the approval. If they have to go back to Council, there is no guarantee that is going to be approved, and we don't know what the timing is.

Mr. Koomar asked if a lot of those projects are small in scope. The Mayor responded that a lot of the projects are small in scope. Mr. Koomar asked if the Mayor would like a retainer of about \$5000 from which to draw those small projects. The Mayor stated that she would like the removal of the word "aggregate." Mr. Koomar asked if a retainer would also solve those issues. The Mayor repeated that she would like the removal of the word "aggregate."

Mr. Clark stated that the City was working at a \$15,000 threshold for personal services contract for years. When CT Consultants contract was approved for \$33,000 it raised a specter of concern from Council standpoint. That was the root cause of this particular legislation. Mr. Clark stated that he doesn't want to "gum up" the administration's spending of three, four or five hundred dollars on a particular project of something that is necessary. We talked about that initially in the process. We have to figure a way to solve this.

Mrs. Mahoney stated that if Council takes out the word "aggregate" anything over \$20,000 or over that contract would come to Council before it was approved. If that is the issue that Council was having, that issue is now gone. But, the word "aggregate" means that as soon as you hit \$20,000 now every time you spend over that then you have to come back.

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Mr. Koomar stated that historically they talked about this with Ruth Popovich, the Assistant Finance Director, and going back four years or so when Steve Presley was still the Finance Director they routinely approved contracts for CT Consultants for several thousand dollars for additional work.

Mrs. Mahoney told Mr. Koomar not to forget the way the budget was presented then compared to the way it is presented now. They go over every single line, and in her memo she noted all the major purchase orders, especially to CT Consultants, Council is aware of, such as Sunset engineering, the Fire Station evaluation, City Hall parking lot and the engineering for Bruce/Russell/Douglas. Council approved each of those as a very detailed part of the budget. That was not here five years ago. Mrs. Mahoney stated that she understands Council wants to approve every contract over \$20,000, that's fine, but she thinks it is a waste of Council time and their time to approve \$300 expenditures.

The Mayor stated that she does not think that is what Council is trying to get at. Mr. Clark said that is why they sat down with Assistant Finance Director Ruth Popovich to try to avoid issues with the state auditor. If we need to finalize the ordinance, Mr. Clark stated that he would rather not read the ordinance on third reading tonight but get it done right and read it the appropriate way. He noted that he does not want to have to sit here and do 15 legislative change orders, but as mentioned before, the concern was about some of these contracts, and about going with the Ohio Revised Code minimum which is appropriate for Mentor or Solon, but it is a little high for Bay Village. Mrs. Mahoney there is no bid limitation for personal services contracts. Mr. Clark stated that there is also a practice that can be resolved. Mrs. Mahoney stated that even if Council wanted to reduce it to \$10,000 for personal services contracts, that seems fine too, but just not aggregate.

Mr. Henderson asked the goal of the phrase "in the aggregate." What is the objective of having it in the language? Mr. Koomar stated that we are looking at potentially millions of dollars in capital expenditures and engineering fees over the next several years and in those large projects there could be changes in contract administration, which would be CT Consultants. When you are trying to manage those large projects, it is good to understand those components. Those vendors that have reoccurring invoices, that is trying to get a handle on that.

Mayor Sutherland stated that when you are talking about those big projects, engineering is included in the total project costs. Mr. Koomar stated he is talking about changes in contract administration, if they would come back with a change. Mrs. Mahoney stated that a change order would be approved by Council without any legislation for a big project like that.

Mr. Clark stated that tremendous strides have been made in terms of transparency in the budgeting process and the capital engineering components.

Mr. Henderson addressed the Mayor and stated that he recalled in her letter she stated that if the legislation would pass with the word "aggregate" she would veto the ordinance. Mayor Sutherland stated that this would only be the second veto in her sixteen year career. Mr. Henderson asked the Mayor if the word "aggregate" was out would she still intend to veto the ordinance. The Mayor stated that she would not veto it. Mr. Clark stated that he would rather put in the

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correct wording than do it by reading tonight. He stated that he does not think this ordinance is time sensitive and he would rather not get into a public relations situation where we are reading legislation the Mayor is going to veto and Council has to worry about an override. That is not the way we should be running government.

### **PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE**

**Mrs. Lieske** had no report this evening, but will reconvening a meeting of the Planning, Zoning, Public Buildings and Grounds Committee in the near future.

### **PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE**

**Mr. Henderson** had no report this evening.

### **RECREATION AND PARKS IMPROVEMENT COMMITTEE**

**Mr. Mace** had no report this evening.

### **SERVICES, UTILITIES AND EQUIPMENT COMMITTEE**

**Mr. Tadych** had no report this evening.

### **AUDIENCE COMMENTS**

There were no comments from the audience this evening.

### **MISCELLANEOUS**

**Mrs. Lieske** stated that in the May 20, 2016 newsletter there was reference to the signs being installed this Saturday by the Grand Army of the Republic. Mrs. Lieske asked if those signs are something that would come before the Architectural Board of Review or Council.

Mayor Sutherland stated that it is a small sign as part of a national effort by the Sons of Union Veterans of the Civil War. What they are trying to do on a national basis is sign Route 6 which goes all the way from Massachusetts across the county through 14 states, including Ohio, and ten counties in Ohio, for 3000 miles and ends in Long Beach, California. In 1953 it was designated as the Grand Army of the Republic Highway, but never signed. The sons of the Union Veterans are trying to sign the highway across the nation. The sign is located on the south side of Lake Road, between the Avon Lake border and Huntington Woods Parkway. Mr. Tadych questioned whether the signs would also be installed in an easterly direction. It is unknown if that will be done.

There being no further discussion, the meeting adjourned at 7:57 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council