AGENDA

Agenda, Bay Village City Council                                      Date:  February 4, 2019
Committee Meeting                                                  Time:  7:30 p.m.
Conference Room, Bay Village City Hall                               Dwight Clark, President of Council, Presiding

ANNOUNCEMENTS

Mayor Koomar – Appointment of Rick Kirk to the Planning Commission for a term of five (5) years expiring February 4, 2024.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace
Amendment to Codified Ordinance Section 333.11 – Texting while Driving.

FINANCE & CLAIMS COMMITTEE-Tadych

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge
Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant.

MISCELLANEOUS/AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES

HBM Architects - Library
President of Council Clark called the meeting called to order in the Conference Room of Bay Village City Hall at 8:00 p.m.

Present: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar.

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Police Chief Spaetzel, Recreation Director Enovitch, Building Director Eric Tuck-Macalla.

AUDIENCE

Clare Banasiak, Denny Wendell, Suzanne Graham, Tom Kelly.

ANNOUNCEMENTS

Mayor Koomar expressed appreciation to all of the Fire Departments that responded last week to a structure fire on Winston Drive. Seven Fire Departments with at least seventeen units were at the scene, a great example of mutual aid. The family and their pet were safe and sound, the home was damaged, but the fire did not spread to neighboring properties.

COMMITTEE OF THE WHOLE

HBM Architects – Library

Mayor Koomar reported that the library work group met with HBM Architects and gave them initial feedback. HBM Architects will present renderings within the next few weeks. The Mayor commented that HBM Architects have designed many libraries, and they are very thoughtful about the community. They have looked at historic buildings in Bay Village, trying to tie some of that architecture into the proposed library. Mayor Koomar is pleased with their level of detail.

Councilwoman Maier added that HBM Architects definitely looked at the historic buildings as requested. Councilwoman Stainbrook stated that she feels they did their homework, presented good information, and she believes it will be to the committee’s liking.

Mayor Koomar displayed photographs of an outing of the BV60+ held at Houlihan’s Restaurant recently with thirty-five people in attendance. The Dwyer Memorial Center Soup Cook-Off was very well attended on Friday, January 25, 2019. A photograph was also displayed of the mutual aid response to the house fire on Winston Drive.
Mr. Clark commented that Council will be interested in reviewing the Mutual Aid Report that is submitted at the end of each year.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Mr. Mace reported that an Environment, Safety and Community Services Committee meeting was held on Tuesday, January 22, 2019 at 6 p.m. The committee reviewed Chapter 1163 as it exists for fence regulations in residence districts, and discussed ideas for moving forward with the ordinance and whether there will be any change in the legislation.

The Environment, Safety and Community Services Committee also discussed texting while driving laws. Law Director Barbour provided examples from neighboring communities and it was the feeling of the committee that Bay Village would be a city that might consider a texting while driving ordinance as a primary offense, similar to the state code. The Law Director will provide the necessary legislation to bring forward to the Committee of the Whole.

As a primary offense, a police officer can stop a motorist who is observed to be texting while driving, and issue a citation or warning. Law Director Barbour commented that the Westshore suburbs have texting while driving as a secondary offense. The cities of Beachwood and Shaker Heights are two suburbs that have texting while driving as a primary offense.

Police Chief Spaetzel commented that the Police Department has no issue with making texting while driving a primary offense. He noted that it is very difficult to enforce secondary offenses, because there is the need for another probable cause stop.

Mrs. Stainbrook asked if there is overlap between the distracted driving law and the texting law. Chief Spaetzel stated that distracted driving is a more general, broad term, very difficult to prosecute due to vague language. Texting while driving is very specific, and is easier to enforce.

Ms. Stainbrook stated that there are many ways to be distracted while driving. Mr. Mace stated that a driver is able to do certain functions like changing a dial on the radio, or activate maps and that is not considered texting. City of Bay Village Ordinance 333.11 states that you can’t use a handheld electronic device while driving, as opposed to no texting while driving. You can text while you are driving, it just has to be hands free, or voice activated. The same rule applies to talking on the telephone; you can talk on the phone, but you can’t use your hands. It is very specific as to those issues. The distracted driving is different, usually resulting in an accident.

FINANCE & CLAIMS COMMITTEE-Tadych

Mr. Tadych advised that the Finance Committee met this evening and reviewed the Capital Budget for 2019, and will follow up with a short meeting on Monday, February 4, at 6:45 p.m. in the Conference Room.

Administrative Compensation Ordinance.
Mr. Tadych advised that an Administrative Compensation Ordinance is on the agenda for the Special Meeting of Council this evening. Mr. Tadych called upon Mayor Koomar for comments.

**Mayor Koomar** stated that this ordinance is per the conversation with Council in December. A job description has been added to the compensation ordinance, and, as a refresher, negotiations are ongoing with the AFSCME union, and the agreement with Police Dispatch is very close to being finished. Any compensation adjustments for the administrative unit for 2019 takes place after all the union negotiations are completed, and an executive session is held.

Mr. Tadych asked what position has been added to the Administrative Compensation Ordinance. Mayor Koomar stated that the position of Project Manager has been added to the ordinance.

**Ms. DeGeorge** asked if the position has gone from Administrative Project Leader to Project Manager, or is this a whole new position. Mayor Koomar stated that we would post that if we were looking for candidates.

**Mr. Winzig** asked the Mayor if he is going to take a current employee and just put them in this new position. Mayor Koomar stated that this would be the intent. He asked if it has to be posted because it is a whole new job description.

Ms. DeGeorge stated that a whole new position is being created, whether we know who we want in that position or not, would it have to be posted?

Mayor Koomar stated that he is going to defer to Human Resource Director Demaline on that question. We have a person that is doing those duties, and we need to make sure there is a fit.

Mrs. Stainbrook stated that she does not know the job posting policy of the City on that question.

Mrs. Mahoney stated that this does not require job posting.

Ms. DeGeorge stated that she does have one other comment on this job description. In the sixth paragraph down, which is one of the new items, she would like to suggest that after the semicolon “read and research, prepare and maintain information for businesses interested in coming to the City and research and advise on development opportunities.” That would be fine, but the first sentence, “manage the City’s commercial and economic development, engage the community leaders in business” collides with what Ms. DeGeorge has been doing since last year. Ms. DeGeorge stated that she is confused as to why this becomes part of this job description.

Mayor Koomar stated that they can talk about it. You always need somebody on the administration end, taking lead on that, but he is happy to talk through that.

Ms. DeGeorge asked if that is something that needs to be talked about with Council, since Council is going to be considering this job description.

Mayor Koomar stated that it is great that Ms. DeGeorge has been involved as a Council person, we always welcome that involvement, but, working out with commercial property owners trying
to get interest in redevelopment many times that is something that comes through the administration.

Mr. Winzig asked who is doing that work now.

Mayor Koomar stated that he is trying to do it; what we just received from the County is a zoning map of all the commercial properties. The Mayor will review it and talk with some of the business owners out there trying to understand if there is a chance to start to redevelop some of these other areas along Dover Center Road and have conversations on that idea. It is more for trying to get some of those properties redeveloped.

Ms. DeGeorge asked if the Mayor is talking about property managers. She stated that she needs to be clear because she is having a meeting on Thursday and she is not clear how this fits in with what she was attempting to accomplish.

Mayor Koomar stated that it is his understanding that Ms. DeGeorge and former Councilman Paul Vincent, and others, were always trying to start to build more of a Chamber of Commerce of businesses out there and interactions with those other businesses in Bay Village. The Mayor stated that he gets calls from businesses that want to locate in Bay Village. They are looking for office space, they want us to connect with the commercial property owners. They want to know if we would be interested in that type of business. A person has told the Mayor that there is a property along Knickerbocker Road that is older and there may be an opportunity there to try to connect buyer and seller. This is more what he envisions.

Ms. DeGeorge stated that this is also something they have been working on, so, can this be a coordination? She needs to know if she needs to step back, or where the lines are, because the first sentence really collides with what she has been working on.

Mayor Koomar stated that he thinks it would be in tandem. You never have enough people working on that effort, from his viewpoint.

Ms. DeGeorge stated that this is true, but she does not want to duplicate effort, and she does not want to confuse the business leaders and owners about who they go to, whether it is the Mayor, Project Manager, or herself. Some things need to be ironed out, so to put this in a new job description is uncomfortable.

Mayor Koomar stated that he always viewed that as an effort the administration needs to be part of, and, over the Mayor’s years on Council, have not put into it enough effort. This is another opportunity to do just that.

Ms. Stainbrook stated that she does know people that are in economic development positions with cities. Sometimes it is part of a Chief of Staff duty, but someone other than the Mayor having to go out and make all those connections with the community and the economic forces in the community. The cities of Hudson and Independence have positions, although not always called Project Manager.
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Mayor Koomar stated that Cuyahoga County has quarterly meetings in economic development and it is tough for him to make all those meetings. There was a meeting on the east side relative to NOACA with other Mayors in attendance, where he had conflict, and they are talking about these types of initiatives. That is where you are trying to get a little bandwidth on those types of things, and he would not expect a Council person during the day that has a job or other efforts to try to make all of those meetings. This is where he sees a fit for the administration.

Ms. DeGeorge stated that it is not her intent to not include the administration; it is just that there was no discussion about this.

Mr. Clark stated that he is hesitant on moving this Administrative Compensation Ordinance forward until we know some outcome from Director Demalone on this other topic of posting as well.

Mayor Koomar stated that the City does not have job posting as a requirement. Mrs. Mahoney stated that she is confident to say that there is no requirement for job posting for a non-union position.

Ms. Stainbrook stated that some companies have that policy, but it is not a requirement.

Mr. Winzig stated that if this position is filled, do we backfill the other position? Mayor Koomar stated that he does not plan on backfilling the other position.

Mr. Winzig asked if we analyzed the work that was done last year and realized it requires more time and expertise. Mayor Koomar stated that this is correct.

Mr. Mace asked if it will be reflected in the Administrative Compensation Ordinance that it is dropped from the ordinance.

Mrs. Mahoney stated that the Administrative Project Leader position is still in the ordinance.

Mayor Koomar stated that he does not want to take that out; it might be filled later. He stated that where he worked prior they build out job descriptions. Unless you said you have gone into a totally different direction in restructuring, it is not necessary to remove this position. Ms. Stainbrook stated even if it is filled or not, you do not have to remove descriptions or titles.

Mr. Tadych stated that tonight we are not approving the job description, we are just adding a job.

Mayor Koomar stated that Mr. Tadych is correct. We looked at this last year and almost came back, but it was new and we wanted to let things develop.

Mr. Clark stated that his only concern is that if Ms. DeGeorge has an initiative that she has put time and effort into, does that tend to run in conflict with the job description as is right now? He noted that he would rather have everyone across the table feel comfortable with moving this forward.
Mayor Koomar stated that he thinks it supplements it because as Ms. Stainbrook said, many other cities have a full time person that does that. We don’t have that luxury in Bay Village, so, getting to those meetings that are for those purposes, we need some coverage.

Mr. Clark noted that this is creating a new position and also entails a change in salary grade. Mr. Tadych noted that it is a big change, two steps.

Ms. Stainbrook said that if this position is approved, obviously an internal person potentially for this position, the compensation would not change until all compensation is changed based on non-bargaining contracts being settled.

Mayor Koomar stated that there is no compensation change; we are just filling out job descriptions of what we are going to need in the future and then we come back and Council budgets the positions we are going to operate with as we look at 2019.

Mr. Clark stated that if you approve the position and that position gets filled by someone internally and we approve the ordinance there is automatically the opportunity to increase the salary.

Mayor Koomar stated that he has charged Human Resource Director Demaline to put in these job descriptions. Nobody is in that job right now. We know it is something we’ll need, we are just trying to get those descriptions in there so that when we have a discussion with compensation later we can have the framework behind us.

Ms. DeGeorge stated that the other thing is that we have this potential new job description for a Project Manager, and an employee met and exceeded the job requirements for their job description so we create a whole another job description instead of just treating them like we would treat any other employee? That doesn’t sit well unless it can be explained somehow, something that I am missing.

Mayor Koomar stated that the key difference here, and Ms. Stainbrook and I talked about this offline, and Joe Lencewicz, who has done our salary system, I met with him on this, the key component you can have people doing a job just writing a grant. Many cities have a grant writer. In the case, how we are doing this, a lot of these are being implemented and managed, which is sort of that Level 6 of a Project Coordinator, or Project Manager, when you have this person covering external meetings and things like that. We were just looking for a title that was more fitting to the position. For example, for the CMAG grant, we sat in a meeting for over an hour with them for reporting requirements, quarterly reports, working on environmental issues with Chagrin Valley Engineering, manning the trails, actually managing the project. That is the key difference. When we went down the road for writing a grant, we can write a grant, but somebody else might manage it. This person is managing the reporting and documenting what we need to do to get reimbursements and work with Mrs. Mahoney on all those matters.

Ms. DeGeorge stated that she appreciates all that, she just feels it is moving a little quickly.

Mayor Koomar stated that this was discussed in December.
Mr. Clark stated he would like to have a little bit more information because it seems confusing around the table here this evening. He would rather not put the ordinance on first reading tonight and get a little more clarity on the points raised around the table.

Mr. Winzig stated that he would request that Human Resource Director Demaline look at the job functions because the text is exactly the same on both jobs. Mr. Winzig stated that the text is the same as the Administrative Project Leader with a couple new job descriptions for the new position. Mr. Tadych commented that it is word for word.

Ms. DeGeorge stated that sometimes the word “lead” has been changed to “manage.” Ms. Stainbrook stated that she is seeing differences between leading and managing the grant program. Mr. Winzig stated that the job description states “oversee and coordinate the City’s public record retention program” on both jobs. They can both do that, but to oversee it you can’t have two people.

Mr. Tadych stated that his problem with it is a Pay Grade 4, versus a Pay Grade 6, which seems to be a big jump for adding two or three lines to a job description.

Mr. Clark stated that it would be nice to have the input of Human Resource Director Demaline. She has been the pillar in creating the evaluation process. He noted that he appreciates the thoughtful dialogue presented on this topic.

**Professional Services Agreement – McKeon Education Group.**

Mr. Tadych stated that the agreement with McKeon Education Group has been done by the City for years as a shared expense with the Bay Schools on drug prevention and things of that nature. The agreement is on a 50%/50% split with the schools, and is about $47,550 each.

Mr. Clark stated that all members of Council should have received a summary of the McKeon work for the 2018 year. They have been a great partner, as Detective Kevin Krolkosky and Police Chief Spaetzel would so testify. Police Chief Spaetzel stated that this will be the twenty-third year of the Bay Family Services Program. McKeon Education Group has been servicing the program for the last nine years and, by far, they have been the best group to provide those services.

Mr. Clark stated that if there is no objection Council will consider approval of the agreement at the Special Meeting of Council to be held this evening.

Mrs. Mahoney stated that a three percent increase has been budgeted for the agreement.

Mr. Winzig noted that the information provided to Council in their packets indicates a decline in referrals, which appears to represent the combined effort of the City and the Schools seems to be having an effect in the community, which is great. That is the intent. The fact that the number of students and the number of families utilizing the service has gone down over the years is great news.
Mr. Tadych asked if this is a two percent increase or a three percent increase in the cost. Mrs. Mahoney stated that it is a two-and-one-half increase for which she has budgeted three percent.

Authorization for Finance Director to participate in various Cooperative Purchasing Programs.

Mr. Tadych will introduce a resolution at the Special Meeting of Council this evening to authorize the Finance Director to participate in various Cooperative Purchasing Programs. He noted that this authorization has been extended in the past and is renewed annually.

Amended Appropriation Ordinance.

Mr. Tadych will introduce an Amended Appropriation Ordinance at the Special Meeting of Council this evening which will allow the purchase of two vehicles for the Police Department for a total of $79,000.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Temporary Sign Request – St. Raphael’s Church.

Ms. Maier will present the question of approval for the installation of a temporary sign, 36” x 72”, at St. Raphael’s Church, 525 Dover Center Road, in front of the church advertising the St. Raphael School Mardi Gras, at the Special Meeting of Council to be held this evening.

The Planning, Zoning, Public Grounds and Buildings Committee will have a meeting on February 25, 2019 at 6:15 p.m.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Cuyahoga County Solid Waste Management Plan Update.

Ms. Stainbrook will introduce a Resolution this evening to approve the Cuyahoga County Solid Waste Management Plan Update. This plan is required by Ohio law and is relating to everything including waste management compost, recycling, landfill and infrastructure. We are required to consider a resolution to adopt a plan. All members of Council were provided with a copy of the plan.

Mr. Winzig asked if he is correct in stating that if the City does not pass the update, the Cuyahoga County Solid Waste Management District will pass it on behalf of the City. Ms. Stainbrook stated that this is correct.

Columbia Road Culvert – Award of Contract.
Ms. Stainbrook will introduce an ordinance at the Special Meeting of Council this evening to authorize the Mayor to enter into a contract with DiGioia-Suburban Excavating Company for the Columbia Road Culvert Replacement Project. The contract is in the amount of $692,540.05.

Mr. Clark asked if DiGioia-Suburban Excavating Company has done work for the City of Bay Village in the past. Director of Public Service Liskovec stated that they are a well-established company in the field.

Mrs. Stainbrook stated that there will be a Public Improvements, Streets, Sewers and Drainage Committee meeting on Monday, February 11, 2019 at 6:15 p.m. at the Bay Village City Hall Council Chambers with the topic to be the Sunset Project. Mrs. Stainbrook has requested that the Clerk of Council mail a notice of the meeting to the residents of the Sunset neighborhood.

Mrs. Stainbrook asked that the administration and directors attend the meeting in order to discuss updates to the Sunset Project, and additional engineering information. The Public Improvements Committee will be looking to move that project from the committee to the Committee of the Whole. Those being asked to attend are Director of Public Service and Properties Liskovec, Law Director Barbour, Finance Director Mahoney, Special Counsel Ebert, Mayor Koomar, and a representative of Chagrin Valley Engineering.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Mr. Winzig stated that a Recreation and Parks Improvement Committee meeting will be held on Monday, February 4, 2019 at 6 p.m. with the topics to be covered listed on the notice as a 2018 Recap, Cahoon Park Study Progress, Bradley Park Playground Plan for 2019, No Smoking in Parks Proposed Ordinance and Implementation.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Purchase of two (2) police vehicles.

Ms. DeGeorge will introduce a resolution at the Special Meeting of Council this evening to purchase two (2) police vehicles. Ms. DeGeorge called upon Police Chief Spaetzel to comment further regarding these vehicles.

Chief Spaetzel stated that in September of 2018, Council recognized that the state bidding process was accelerated because models were being changed. Council approved the Police Department to place a hold on two vehicles for this year. This is a follow-up to Finance Director Mahoney’s letter from August 15, 2018. Two (2) 2019 Ford Explorers, all-wheel drive, will be ordered. This is the current vehicle model used by the Police Department. The total price of the cars is $56,723 and there are additional costs for outfitting, both labor and material. The total for the cars and outfitting is expected to come in under the $79,000 projected. The Chief noted that it is difficult to determine at this time whether all equipment will be transferrable.

The new cars will be delivered in February and should be in service by the month of March.
The two 2014 vehicles being replaced are both high mileage vehicles and further use will be determined by the Fleet Manager.

AUDIENCE/ MISCELLANEOUS

Mr. Winzig asked for an update on the Liberty Development Project at the former Shell Gasoline Station site. There seems to be activity there with a large truck and dumpster.

Mayor Koomar the land is going through the remediation process. The site was cleared by the Ohio Environmental Protection Agency (EPA) for commercial. City ordinances require that tanks be removed sixty or ninety days after the gasoline station operation ceases. Residential standards are higher and the EPA determined that the material found was higher and wider than first anticipated.

Mr. Tadych stated that we should, indeed, cater to these developers somewhat, but using Wolf Road over and over again by these large trucks is tearing up the road even more. He asked that the big trucks be moved to Lake Road where they belong and the drivers be ticketed.

Police Chief Spaetzel stated that there is an increase in the truck traffic. The proper route would be to go from the site to Dover, to Lake. They are going eastbound to Columbia Road, or using the road to go west to Route 83.

Building Director Tuck-Macalla stated that he spoke with the contractor today and stopped at least three trucks to inform them of the proper route. Some were going the right way, some were going a different way. They are using independent truckers, and after Mr. Tuck-Macalla spoke to three drivers, a fourth truck came by.

The Police Department will monitor the situation.

Mr. Clark offered recognition to Community Services Director Selig and the BV60+ as this year’s Project of the Year in Bay Village. He noted the nice article in The Westlake/Bay Village Observer and offered congratulations to Mrs. Selig and her staff for the well-deserved honor.

Mr. Clark commented on the note received today from resident John Suter relative to use of the Dwyer Memorial Center. Sub-zero temperatures are due in the area this Wednesday with a potential, likely closing of the schools. Mr. Suter has reached out to members of Council and the Mayor regarding use of the Dwyer Center when schools are closed.

Mayor Koomar stated that the weather this past Tuesday was not really that bad. Many parents have said that schools should not have been cancelled. It has always been the City’s policy in heavy snow and cold temperatures to follow the Schools’ lead and close the Dwyer Center for activities. We do not have a lot of participants on those days. There are not many activities on Wednesday or Thursday and if someone wants to use the building for warming, it will be open for business this week.
Mrs. Selig shared data on how cold effects people as they age. She noted that it is a safety factor requiring an abundance of caution. The elderly lose body heat faster, and are not always cognizant of the amount being lost. By the time one realizes how cold they are, they are steps away from Hypothermia. The risk of falling is always present.

Mr. Clark stated that the protocol for severe weather would include the use of the Police Station Community Room for warming.

The Mayor said that if someone should come out to the Dwyer Center this Wednesday or Thursday the staff will be there, but as Mrs. Selig said if someone comes out in the severe cold they can very quickly be in harm’s way, which is why there has always been the policy of closing the Dwyer Memorial Center when the schools are closed. The Mayor will review the policy of the schools for weather closings and make a change accordingly if a change is warranted.

Ms. DeGeorge stated that it is typical that when schools close the senior centers close in many municipalities. It has been a way of encouraging folks to stay home, acknowledging what Mr. Suter stated in his email that the seniors are adults and can decide for themselves. The decision can be made when it is known that people will be venturing out.

Mr. Clark stated that if there is a power failure in the City, Ready/Notify will let people know where they can shelter.

**AUDIENCE**

There were no comments from the audience this evening.

There being no further discussion, the meeting adjourned at 8:45 p.m.

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Dwight A. Clark, President of Council         Joan Kemper, Clerk of Council