

FINANCE COMMITTEE MEETING MINUTES

MONDAY, SEPTEMBER 13TH, 2021 beginning at 6:30 P.M.

FINANCE PRESENT: Co-Chair Tollett, Baird, Jessie, Davis **ABSENT:** Stewart
Co-Chair Tollett noted for the record that Mr. Stewart is out of town for a family event.

CD PRESENT: Chair Callahan, Mitchell, Cerra, Oswald, Jessie

OTHERS PRESENT: Law Dir Deery, Safety Service Dir Brubaker, Asst Service Dir Williams, Finance Dir Pileski, Asst Finance Dir Farrell, Police Chief Whitely, Engineer Schneider, WWPC Superintendent Korzan, Councilpersons Keys and Simmons

1. Approval of the Regular Finance Meeting Minutes ~ AUGUST 30th, 2021 .

Mr. Baird moved, seconded by Mrs. Davis to approve the 'said' Meeting Minutes.

2. The matter of purchasing ten [10] new Police Vehicles for the EPD.

REFERRED BY: Police Chief Whitely

Chief Whitely said they do this every year and try to wait until the end of the year to make sure their budget is in line and they come to council to ask to purchase needed vehicles to keep the fleet up and running so that it doesn't ever get back to way it was before Issue 6 passed.

Chair Tollett asked if these funds will come out of Issue 6?

Finance Dir Pileski said no, the police budget in the General Fund is running under budget in Salary & Wages by \$800,000 dollars. And their budget in the Police Levy Fund is running under budget also. Mr. Pileski's recommendation would be to purchase 8 vehicles from the General Fund and 2 from Police Levy Fund. The moving of the money is included in tonight's appropriation changes, if the committee chooses to do that.

Chair Tollett asked what the time frame is for ordering these vehicles?

Chief Whitely said what they try to do is to get the order in before the end of September because that's when the pricing changes and hopefully get 2022 vehicles at 2021 prices.

Mr. Pileski said each vehicle is estimated at \$45,000 so the total cost will be \$450,000.

Mr. Baird moved and Mrs. Davis seconded to recommend an ordinance authorizing the Mayor to enter into an agreement to purchase 10 vehicles for the Police Dept., 8 from the General Fund and 2 from Police Levy Fund, emergency clause requested.

MOTION MADE

COMMITTEE REPORT WRITTEN

3. The matter of a Denied Moral Claim for Damage submitted by Pam Bodnar.

Referred By: Safety Service Director Brubaker

Safety Svc Dir Brubaker said he received a claim for damage request of a pot hole incident that caused damage to the tire of Ms. Bodnar. She had to purchase a new tire at a cost of \$177.26 and is asking to be reimbursed for that amount. He said he received a report from the Street Dept. and that report said that they were not made aware of this pothole prior to the incident. The Street Dept. did make the repair on that section of Gulf Road. He then submitted that information to the Law Dir Office and they denied the claim by Ms. Bodnar and the next step is for a moral claim to be submitted in the amount of \$177.26

Pam Bodnar, 125 Naples Dr., Elyria. She said that she hit this pothole on her way home from work on July 26th, 2021. It was a rather aggressive pothole that caused the damage on the tire, which had to be replaced at a cost of \$177.26. Ms. Bodnar said she did her due diligence and all that she was supposed to do; pictures, copy of the car title, proof of insurance, she filled out the application and sent that documentation in. She was surprised to get the denial and the reason being, because no one had reported that particular pothole. She wondered how does she know that no one had reported it. Maybe it was an oversight. That part of Gulf Road is notorious for potholes.

Ms. Bodnar wondered if someone hit that pothole the next day after she had reported it and they put a claim in, would their claim get paid because the City had knowledge of it, but they won't pay her claim because they didn't know about it. This pothole is on the west side of the street. No one lives near it and no one would know about it unless they hit it.

Mr. Tollett said that if a person hits a pothole and makes a claim and the next person who hits it, and files a claim and they could potentially be reimbursed. He asked for clarification on this process from the Law Dir.

Law Dir Deery said in this hypothetical scenario, as unfair as that sounds, yes, once the City is put on notice and the City's records show it's been reported and the City is aware of a pothole or debris in the road, and if the City fail to act on it, the City is at fault. If notice was given and someone hit that same pothole tonight, then yes, legally, the City would be liable and we should pay that person's claim. When the Law Dept. rejects a claim, what they are saying is that pursuant to Ohio Revised Code, the City is not legally liable and that is why the next step is a Moral Claim.

Mrs. Davis asked if Ms. Bodnar called the police or notified the City after it happened?

Ms. Bodnar said no, she didn't not call the police because it didn't actually blow her tire at that time, it caused damage and leaking which showed up a day or two later. She was told by the mechanic that there was a bubble in the tire which was caused by hitting the pothole. She then submitted her claim by filling out the forms and submitting the requested documents and she mailed them to City Hall through the US Postal Service.

Mr. Brubaker said Ms. Bodnar's tire was less than a year old.

Chair Tollett asked when the pothole was filled. Mr. Brubaker said it was reported to the Street Dept., but wasn't filled until a few weeks later.

Mr. Baird said that we can go up to \$500 on a moral claim and for the amount of \$177.26 he moved that we honor the claim.

Mr. Baird moved and Mrs. Davis seconded to pay this moral claim to Pam Bodnar in the amount of \$177.26.

3 = Ayes

1 = Nay (Jessie)

MOTION MADE

COMMITTEE REPORT WRITTEN

4. The matter of authorizing the Mayor to enter into a professional agreement with AECOM Technical Services, Inc. For the SSO/CSO/WWPCP Wet Weather Program.

Referred By: Engineer Schneider

This matter has been removed from this agenda.

This matter had been approved by the Utilities Committee on September 8th so it does not need to go thru Finance Committee.

5. The matter of amendments to the 2021 Permanent Appropriations Ordinance No. 2021-50. (Standing Referral)

REFERRED BY: Finance Director's Pileski and Farrell

Asst Finance Dir Farrell went over the appropriation changes:

- 1.) CDBG/Public Facilities - increase of \$5,238 Capital Outlay, for additional CDBG Grant dollars for Penfield Storm Sewer Project
- 2.) General Fund/Housing Code Enforcement - increase of \$23,500 from Salary & Wages, increase of \$500 Benefits & Pension, reduction of \$23,500 Operating & Maint. to cover cost of [2] new part-time employees
- 3.) General /Police - reduction of \$360,000 Salary & Wages, to Capital Outlay for [8] new Police vehicles cost of \$360,000
- 4.) Police Levy - reduction of \$90,000 Salary & Wages and increase of \$90,000 to Capital Outlay for [2] new Police vehicles cost of \$90,000

Mr. Baird moved and Mrs. Davis seconded to recommend an ordinance to authorize the 'said' appropriation changes.

MOTION MADE COMMITTEE REPORT WRITTEN

Mr. Baird moved and second by Mrs. Davis to adjourn this evening's Finance Meeting at 6:50 P.M.

MOTION CARRIED

Respectfully submitted by,

Colleen Rosado, Council Clerk Secretary

(Committee Meeting was attended by Secretary Rosado ~ Meeting Minutes were transcribed by Secretary Rosado)