

AGENDA

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

May 19, 2014
7:30 p.m.

ANNOUNCEMENTS

AUDIENCE

COMMITTEE OF THE WHOLE

Discussion regarding Write-In Candidates for Elections

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Rose Hill Museum Exterior Painting

Award of Contract for refurbishing the Walker/Nantucket Pump Station.

Sewer Connection Fees

FINANCE & CLAIMS COMMITTEE – Clark

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Report of Committee regarding Chapter 1158, Attached Residence District

Addition to Bay Skate and Bike Park

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

(See agenda for Regular Council meeting to follow this meeting)

Joan Kemper

From: Conda Boyd <conda_boyd@yahoo.com>
Sent: Wednesday, April 23, 2014 4:07 PM
To: Paul Koomar; Dwight Clark; Steven Lee Gmail; Dave Tadych; Paul Vincent; Karen Lieske; Tom Henderson
Cc: Joan Kemper; Gary Ebert SSEG; Deborah Sutherland; Barbara Ebright; Susan Murnane; Claire Banasiak; George Ryan
Subject: Quick Facts - Petition vs. Write-In Candidates
Attachments: 20140423Charter Amendment quick facts.doc

Dear Members of Council,

As you consider whether to put a Charter Amendment to limit write-in candidates on this November's ballot, Bay Village's League of Women Voters Chapter urges you to consider the attached fact sheet, newly updated to show possible amendment and ballot language.

The Ad Hoc Committee dropped the option of allowing write-ins only for the primary, thinking that it would require multiple amendments. It appears that one amendment would suffice after all. If Council prefers to limit only general election write-ins, that might in fact be easier to explain to voters. In either case, the intent of the primary election -- assuring majority-elected officials -- will be preserved.

Please feel free to call (899-2987) if you have any questions. Thank you for your careful consideration -- and for all you do to Make Democracy Work!

Conda Boyd, Chair, Bay Village Chapter
LWV-Cuyahoga Area

cc: Clerk of Council Kemper
Law Director Ebert
Mayor Sutherland

Quick Facts - Petition vs. Write-In Candidacies

In Ohio, there are two ways to become a candidate for office.

- **Petition.** To file by petition for Bay Village municipal office, a candidate must collect signatures equal to 3% of the votes cast at the last regular municipal election in the ward (for a ward Council member) or the city (for city-wide candidates).
 - The petition process offers the candidate an opportunity to get to know voters and hear about the issues that are important to them.
 - The candidate's name appears on the ballot.
- **Write-In.** A write-in candidate must only file a *declaration of intent*.
 - No contact with voters is required. The candidate's own signature is sufficient.
 - If no one files as a write-in, there is no write-in space on the ballot. If there is at least one write-in candidate, a write-in space does appear for that office. Voters can write in Mickey Mouse, George Washington, or any other fictional, dead, or felonious character they wish. However, the Board of Elections will only *count* Mickey Mouse votes if Mickey filed a valid declaration of intent by the deadline.

In 2007, Bay Village instituted a primary election to assure a majority vote.

- 63.7% of voters said "YES" to holding a primary election to narrow the field to two candidates for an office.
- In 2013, four candidates -- each of whom had collected voter signatures and filed petitions -- ran in the primary election. All four participated in the Candidates' Night and Voters' Guide. All four went door-to-door asking for votes. A fifth candidate bypassed this democratic process and filed as a general election write-in for Mayor. He quickly withdrew, but had he persisted and split the vote, our Mayor could have been elected by as little as 34%.

What if a candidate dies or withdraws?

- Any remaining candidates face off in the primary or general election, as applicable.
- If no candidates remain, or if a newly elected official dies or withdraws before taking office, a vacancy is created on Inauguration Day. The Charter provides for filling vacancies.
 - If the **Office of the Mayor** is vacant, the President of Council becomes Mayor. If s/he declines, Council appoints a successor by majority vote.
 - If a **Council** position is vacant, the remaining members of Council appoint a successor by majority vote.

Effects of clarifying the "majority vote" intent of the primary election by requiring petitions:

- All candidates, even those running unopposed, will pass the test of collecting voter signatures.
- Like many other cities, Bay will eliminate the write-in option for municipal offices.
- All officials will be elected by a majority.
- Any officials appointed due to a candidate's death or resignation will be chosen by Council, as currently happens when a sitting official dies or resigns.

The League of Women Voters-Cuyahoga Area, Bay Village Chapter recommends clarifying the Bay Village City Charter to affirm the original intent of Bay Village's primary election. Requiring all candidates to file petitions will ensure the most democratically elected government.

Timetable. In 2013, the timetable for candidates was as follows.

- **September Primary** - Contested races with more than two validated candidates appear on the ballot.
 - 6/12 - candidate **petition** filing deadline
 - 7/1 - **write-in** candidate filing deadline
 - 9/10 - Election Day
- **November General Election**
 - 8/26 - **write-in** candidate filing deadline - The write-in candidate filed on the last day permitted.
 - 8/30 - Protest against write-in candidates - Mr. Ebert's protest was dated August 29.
 - 11/5 - Election Day

Three attachments follow:

- The ballot for the November 2012 Charter Amendments. The full amendment does not appear on the ballot, only a summary.
- The 2012 US President / Vice President ballot with a space for write-ins at the bottom of the second column. Note that no other offices have write-in options.
- Bay Village Charter Article XI. Possible language for the amendment and the ballot appears in red.

A	B	C
BAY VILLAGE -02-C		BAY VILLAGE -02-C
<p>11 State Issue 2, continued Asunto 2 del Estado, continuación</p>	<p>3</p>	<p>5</p>
<p>del grupo final a tres miembros adicionales, que deberán incluir un miembro afiliado al partido político más grande, un miembro afiliado al segundo partido político más grande y un miembro no afiliado a ninguno de estos partidos. Al seleccionar a los tres miembros finales, los miembros de la Comisión buscarán una membresía total de la comisión que refleje la diversidad de Ohio y que tenga los conocimientos y habilidades relevantes, incluida la capacidad para la imparcialidad, lo que permitirá a la Comisión cumplir con sus responsabilidades. Los nueve miembros seleccionados por sorteo y los tres miembros adicionales seleccionados por los nueve miembros originales comprenderán la Comisión completa.</p>	<p>PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p>	<p>PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p>
<p>F. Ningún miembro de la Comisión estará sujeto a destitución por la asamblea general ni por ningún miembro de la rama ejecutiva.</p> <p>3. Requeriría que la Comisión establezca inmediatamente nuevos distritos legislativos y del congreso para reemplazar los distritos más recientes adoptados por los representantes elegidos por elección democrática, distritos que no serán disputados excepto por orden judicial hasta el próximo censo y distribución decenal federal. Se necesitan votos afirmativos de 7 de los 12 miembros de la Comisión para seleccionar un plan. En el caso de que la Comisión no pueda determinar un plan para el 1 de octubre, el Tribunal Supremo de Ohio tendrá que adoptar un plan de entre todos los planes presentados a la Comisión.</p>	<p>Shall Article IV Administrative Officers and Departments, Section 4.1 General Provisions, of the Charter of the City of Bay Village be amended to give council the authority to combine or abolish any city department?</p>	<p>Shall Article VI Civil Service Commission, Section 6.7 Regional Participation, of the Charter of the City of Bay Village be amended to permit participation in regional civil service programs?</p>
<p>4. Revocar los requisitos constitucionales vigentes para trazar distritos legislativos que evitan divisiones de condados, ayuntamientos, municipalidades y distritos de ciudades cuando sea posible, y cuando no sea posible, limitar dichas divisiones a solo una división por unidad gubernamental, y también revocar los requisitos para formar tantos distritos legislativos enteros únicamente dentro de un condado como sea posible. Lo anterior sería reemplazado y requeriría que la Comisión adoptase un plan que cumpla con todas las disposiciones constitucionales federales y estatales aplicables, las disposiciones de la ley federal y el requisito de contigüidad y que cumple más estrechamente con los factores de la conservación, competitividad, equidad de representación y compacidad de la comunidad. A la Comisión también se le requeriría que no trazara ni adoptara un plan con la intención de favorecer o desfavorecer a un partido político, titular o posible candidato.</p>	<p>3 PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá enmendarse el Artículo IV Departamentos y Funcionarios Administrativos, Sección 4.1 Disposiciones Generales, de los Estatutos de la Ciudad de Bay Village para dar al consejo la autoridad de combinar o abolir cualquier departamento de la ciudad?</p> <p><input type="radio"/> YES / SÍ</p> <p><input type="radio"/> NO / NO</p>	<p>5 PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá adoptarse el Artículo VI Comisión del Servicio Civil, Sección 6.7 Participación Regional, de los Estatutos de la Ciudad de Bay Village para permitir la participación en programas de servicios civiles regionales?</p> <p><input type="radio"/> YES / SÍ</p> <p><input type="radio"/> NO / NO</p>
<p>5. Ordenaría a la Asamblea General la apropiación de todos los fondos necesarios para financiar adecuadamente las actividades de la Comisión para, entre otros, compensar a:</p>	<p>4 PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p>	<p>6 PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p>
<p>A. Personal B. Asesores C. Asesores legales D. Miembros de la Comisión</p>	<p>Shall Article VI Civil Service Commission, Section 6.3 Classification of Service, of the Charter of the City of Bay Village be amended to provide that classified service shall be comprised of all positions not specifically included with the unclassified service?</p>	<p>Shall Article XIII, Section 13.3 Disqualification of the Charter of the City of Bay Village, regarding disqualifications of certain city officials, be amended?</p>
	<p>4 PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá enmendarse el Artículo VI Comisión del Servicio Civil, Sección 6.3 Clasificación de Servicio, de los Estatutos de la Ciudad de Bay Village para disponer que el servicio clasificado comprenda todos los puestos que no estén incluidos específicamente en el servicio sin clasificar?</p> <p><input type="radio"/> YES / SÍ</p> <p><input type="radio"/> NO / NO</p>	<p>6 PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá enmendarse el Artículo XIII, Sección 13.3 Descalificaciones de los Estatutos de la Ciudad de Bay Village, referente a las descalificaciones de ciertos funcionarios de la ciudad?</p> <p><input type="radio"/> YES / SÍ</p> <p><input type="radio"/> NO / NO</p>

BAY VILLAGE 02-C		BAY VILLAGE 02-C		
<p>Instructions to Voter Instrucciones para el Elector</p> <p>To vote, completely darken the oval (●) to the left of your choice. Para votar, oscurezca completamente el óvalo (●) a la izquierda de su elección.</p>  <p>Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. Observe el número permitido de opciones directamente debajo del título de cada contienda al cargo. No marque en la papeleta más opciones de las permitidas.</p> <p>If you mark the ballot for more choices than permitted, that contest or question will not be counted. Si usted marca en la papeleta más opciones de las permitidas, no se contará esa contienda o pregunta.</p> <p>To write-in a candidate, completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. Para un candidato por escrito, oscurezca completamente el óvalo (●) a la izquierda de la línea en blanco y escriba el nombre del candidato. Solo se pueden contar los votos de aquellos candidatos que solicitaron ser candidatos por escrito.</p> <p>Do not write-in a candidate's name if that person's name is already printed on the ballot for that same contest. No escriba el nombre del candidato si el nombre de esa persona ya está impreso en la papeleta para esa misma contienda.</p> <p>If you make a mistake or want to change your vote, return your ballot to an election official and get a new one. You may ask for a new ballot up to two times. Si usted comete un error o desea cambiar su voto, devuelva la papeleta a un funcionario electoral y obtenga una nueva. Usted puede pedir una papeleta nueva hasta dos veces.</p>	<p>For President and Vice President Para Presidente y Vicepresidente (Vote for not more than 1 pair) (Vote por no más de 1 par)</p> <p>A vote for any candidates for President and Vice President shall be a vote for the members of those candidates whose names have been certified to the Secretary of State. El voto por cualquiera de los candidatos a Presidente y Vicepresidente debe ser un voto de los electores por aquellos candidatos cuyos nombres hayan sido certificados por el Secretario de Estado.</p> <p><input type="radio"/> For President Para Presidente Mitt Romney</p> <p><input type="radio"/> For Vice President Para Vicepresidente Paul Ryan Republican/Republicano</p> <p><input type="radio"/> For President Para Presidente Jill Stein</p> <p><input type="radio"/> For Vice President Para Vicepresidente Cheri Honkala Green/Verde</p> <p><input type="radio"/> For President Para Presidente Stewart Alexander</p> <p><input type="radio"/> For Vice President Para Vicepresidente Alex Mendoza Socialist/Socialista</p> <p><input type="radio"/> For President Para Presidente Richard Duncan</p> <p><input type="radio"/> For Vice President Para Vicepresidente Ricky Johnson Nonparty candidate/ Candidato sin partido</p> <p><input type="radio"/> For President Para Presidente Virgil Goodie</p> <p><input type="radio"/> For Vice President Para Vicepresidente Jim Clymer Constitution/Constitucionalista</p> <p><input type="radio"/> For President Para Presidente Gary Johnson</p> <p><input type="radio"/> For Vice President Para Vicepresidente James P. Gray Libertarian/Libertaria</p> <p><input type="radio"/> For President Para Presidente Barack Obama</p> <p><input type="radio"/> For Vice President Para Vicepresidente Joe Biden Democratic/Demócrata</p> <p><input type="radio"/> For President Para Presidente</p> <p>Write-in / For Same For Vice President Para Vicepresidente</p> <p>Write-in / For Same</p>	<p>For U.S. Senator Para Senador de Estados Unidos (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Scott A. Rupert Nonparty candidate Candidato sin partido</p> <p><input type="radio"/> Sherrod Brown Democrat/Demócrata</p> <p><input type="radio"/> Josh Mandel Republican/Republicano</p> <p>For Representative to Congress (9th District) Para Representante al Congreso (Distrito 9) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Samuel J. Wurzelbacher Republican/Republicano</p> <p><input type="radio"/> Marcy Kaptur Democrat/Demócrata</p> <p><input type="radio"/> Sean P. Stipe Libertarian/Libertaria</p> <p>For State Senator (24th District) Para Senador del Estado (Distrito 24) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Thomas F. Patton Republican/Republicano</p> <p><input type="radio"/> Jennifer Brady Democrat/Demócrata</p> <p>For State Representative (16th District) Para Representante del Estado (Distrito 16) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Andrew A. Meyer Democrat/Demócrata</p> <p><input type="radio"/> Nan A. Baker Republican/Republicano</p> <p>For Prosecuting Attorney Para Abogado Fiscal (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Ed Wade</p> <p><input type="radio"/> Timothy J. McGinty Democrat/Demócrata</p> <p>For Member of State Board of Education (5th District) Para Miembro de la Junta Estatal de Educación (Distrito 5) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Bryan C. Williams</p> <p><input type="radio"/> Marianne Gasiotki</p> <p><input type="radio"/> Rich Javorek</p> <p>For Justice of the Supreme Court (Full term commencing 1-1-2013) Para Juez del Tribunal Supremo (Período completo comenzando el 1-1-2013) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Mike Skindell</p> <p><input type="radio"/> Terrence O'Donnell</p> <p>Continue voting next side Continúe votando al otro lado</p>		
	BAY VILLAGE 02-C		BAY VILLAGE 02-C	

ARTICLE XI

NOMINATIONS AND ELECTIONS

SECTION 11.1 MUNICIPAL ELECTIONS.

Regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Primary elections, if necessary, shall be held on the second (2nd) Tuesday in September prior to the general election date in the odd numbered years. All municipal elections shall be conducted by the election authorities prescribed by the general laws of the State unless the Council shall otherwise ordain, and the provisions of the general election laws of the State shall apply to all such elections unless the Council or this Charter shall otherwise provide.

SECTION 11.2 NOMINATION.

Any qualified person may be placed in nomination for any elective office created by this Charter or by Council by:

- (a) A petition or petitions, in the case of a candidate for ward Councilman, signed by the registered voters of the Municipality residing in such ward in a number not less than three per cent (3%) of the vote cast at the last regular municipal election in such ward.
- (b) A petition or petitions, in the case of a candidate for any elective office other than ward Councilman (including, without limitation, a candidate for Mayor, for President of Council, or for Councilman at large) signed by the registered voters of the Municipality in a number not less than three per cent (3%) of the vote cast at the last regular municipal election in all of the precincts comprising the Municipality.

Such petition or petitions when filed must be accompanied by the written acceptance of the nominee. Each signer of a petition shall sign his name and after his name shall designate his residence. A registered voter may sign as many nominating petitions for different candidates for a particular elective office as there are elective positions to be filled in that office at the election for which the petition is filed.

No write-in candidates shall be permitted [for the general municipal election].

SECTION 11.3 NONPARTISAN BALLOTS/PRIMARY ELECTIONS.

Commencing with the year 2009, primary elections shall be held for the selection of candidates for the offices of Mayor, President of Council, Council-At-Large, and Ward Councilperson. The two candidates receiving the greatest number of votes for a particular elective office in the Primary Election shall be selected for the election in the Regular Municipal Election. In the event that no more than two candidates file petitions for the aforesaid offices, then there shall be no primary election for these offices, and these candidates shall be designated candidates for the Regular Municipal Election. The ballots used in the elections shall be without party mark or designation of any sort. The names of all candidates shall be placed upon the same ballot and shall be rotated in the manner provided by the general laws of Ohio.

SECTION 11.4 RUN-OFF ELECTION FOR MAYOR.

(EDITOR'S NOTE: Charter Section 11.4 was repealed by the electors on November 6, 1979, pursuant to Ordinance 79-81.)

SECTION 11.5 VALIDITY OF BALLOTS.

The election authorities counting the ballots shall not invalidate or reject any ballot for any technical error which does not make it impossible to determine the voter's choice therefrom so long as the marking of the ballot complies with the general law or laws of the State of Ohio and the intention of the voter can be ascertained with reasonable certainty, and to the extent that such intent can be determined, the ballot shall be valid and shall be counted.

SECTION 11.6 QUALIFICATIONS OF ELECTORS.

Any person may vote as an elector in any municipal election only if such person is a bona fide resident of the Municipality and has registered as a voter with the election authorities in the manner and within the time prescribed by the laws of the State of Ohio.

=====

Sample Ballot language:

**PROPOSED CHARTER AMENDMENT
CITY OF BAY VILLAGE**

A majority affirmative vote is necessary for passage.

Shall Article XI Nominations and Elections, Section 11.2 Nomination, of the Charter of the City of Bay Village be amended to state that no write-in candidates shall be permitted [for the general municipal election]?

MEMORANDUM

TO: Bay Village City Council Members
FROM: Curtis Krakowski, Infrastructure Manager
DATE: May 16, 2014
SUBJECT: Walker Road – Nantucket Pump Station Improvements

The City received two (2) bids regarding the reconstruction of the Walker Road – Nantucket Pump Station.

The lowest bid was received by Nerone & Sons, Inc., and was for \$105,650.00. The City has worked with Nerone & Sons, Inc., in the past, when we contracted for the Longbeach Pump Station improvements.

As you are aware, we have discussed this project over the past two years and scheduled it for completion in 2014. We budgeted \$100,000.00 this year under our Sewer Capital Improvements line 580.330.55410, based on a preliminary estimate of \$80,000.00.

There have been a couple of items that have come up as part of this project that have increased the cost, the biggest being by-pass pumping.

Even though the bid has come in slightly higher than the amount budgeted, it is our recommendation that we move forward and award the contract to Nerone & Sons, Inc., so that we can stay on schedule with our overall Capital Sewer Improvements Schedule.

We have discussed the funding for this project with the Finance Director and believe we can move some 490 Capital Improvement funds into our 580.330.55410 fund to cover the cost to complete the construction.

Attached is a copy of the bid tabulation and a letter of recommendation from C.T. Consultants.

If you have any questions or need additional information, please feel free to contact myself or Scott Thomas.

Thank you.

CK/jms/jm

Attachments

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
NERONE & SONS, INC. FOR THE WALKER-NANTUCKET PUMP STATION
IMPROVEMENTS, AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor be and she is hereby authorized to enter into an agreement with Nerone & Sons, Inc. 19501 S. Miles Road, Warrensville Hts., Ohio 44128, for the Walker-Nantucket Pump Station improvements in accordance with plans and specifications, it being here by determined that the bid of said company is the lowest and best bid received after advertising according to law. Total bid price for said improvements in one hundred five thousand, six hundred fifty dollars (\$105,650.00) and payment shall be made from the Sewer Fund/Capital Improvements (580.330.55410).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason to ensure that construction will take place during the 2014 construction season, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

May 6, 2014



CT Consultants
engineers | architects | planners
Since 1922

Scott Thomas
Director of Public Services & Properties
City of Bay Village
350 Dover Center
Bay Village, Ohio 44140

*Re: Walker-Nantucket Pump Station Improvements
Bid Results*

Dear Mr. Thomas:

Bids were received for the above referenced project on May 2, 2014 and attached you will find a copy of the Bid Tabulation outlining each bid for your review. The two bids ranged from a low bid of \$105,650.00 to a high bid of \$138,850.00 as compared to the Opinion of Probable Construction Cost of \$98,000.00.

The low bidder for this improvement is Nerone & Sons, Inc. of Warrensville Heights, Ohio whose bid has been reviewed and found to be in conformance with all contract requirements. It is our opinion that they are experienced and qualified to perform the work within the contract.

Should you have any questions or require additional information, please feel free to contact our office.

Respectfully,

CT CONSULTANTS, INC.

Robert H. Greytak, P.E.
Project Manager

RHG/BR:mep

Enclosures

I:\2013\13159\SPEC\Bid Results Letter.Doc

WALKER_NANTUCKET PUMP STATION IMPROVEMENTS

OWNER: City of Bay Village

PROJECT NO.: 13159

BID OPENING DATE: May 2, 2014

BIDDING SUMMARY

	BIDDER	BASE BID
1	Nerone & Sons, Inc.	\$105,650.00
2	Konzel Construction Co., Inc.	\$138,850.00

WALKER_NANTUCKET PUMP STATION IMPROVEMENTS

OWNER: City of Bay Village

PROJECT NO.: 13159

BID OPENING DATE: May 2, 2014

BID TABULATION

Ref No.	Description - Base Bid	Quan.	Unit	Nerone & Sons, Inc.			Konzel Construction Co., Inc.		
				Unit Price Labor	Unit Price Material	Item Total	Unit Price Labor	Unit Price Material	Item Total
1	Mobilization	1	LS	3,800.00	0.00	3,800.00	1,500.00	3,000.00	4,500.00
2	Bonds and Insurance	1	LS	3,750.00	0.00	3,750.00	100.00	2,000.00	2,100.00
3	Uniformed Police Officer with Patrol Car (As Directed)	30	HRS	35.00	0.00	1,050.00	75.00	0.00	2,250.00
4	Contingency/Discretionary Allowance	1	LS	---	---	5,000.00	---	---	5,000.00
5	Walker-Nantucket Pump Station	1	LS	29,900.00	50,000.00	79,900.00	60,000.00	62,000.00	122,000.00
6	Temporary Bypass Sewer Connection	1	LS	10,000.00	2,150.00	12,150.00	500.00	2,500.00	3,000.00
	Total Bid Amount - Base Bid					105,650.00			138,850.00



Building Department Services

April 15, 2014 (Revised)

Proposed Considerations for Chapter 1158; specifically establishing new and/or amended criteria for Attached Residence District:

Note: In the place of "Attached Residence" the term used in the Building Codes is "Townhouse" which is defined: "TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides."

I offer for your consideration having three (3) models:

1. Model A which would be allowed ONLY in Residence District #3
2. Model B which would be allowed in either Residence District #1 or #3
3. Model C which would be allowed adjacent to Commercial/Retail Business District
4. Model D which would be allowed in retail districts.

	MODEL A	MODEL B	MODEL C	MODEL D
Minimum Lot Size (square foot)	87,120	130,680	65,340	43,560
(Acreage)	2	3	1.5	1
(Approximate number of existing lots)	12	9	N/A	N/A
Density per acre	8	6	10	10
*(Density Bonus when providing Accessibility per ICC/ANSI 117.1 in Buildings with less than 4 Dwelling Units)	2	2	2	2
Minimum open space	35%	50%	30%	30%
Maximum lot coverage	30%	25%	40%	40%
Maximum impervious area	50%	50%	60%	60%
Maximum height	35'	35'	35'	35'
(Note: The maximum height allowed is to reflect the existing character of the surrounding parcels. The applicant would be required to determine the average height of all the buildings on adjoining parcels and then submit a maximum height no greater than 15% higher than the average. This is designed to keep the project compatible with the neighborhood. The inclusion of church steeples and other unusual design features shall not be included in the calculations of average height.)				
Maximum length per structure	160'	160'	160'	160'



Building Department Services

(Note: No plane of wall shall be greater than 40' without an offset of at least 12' and the front elevation shall be multi-faceted in order to present an architecturally and aesthetically pleasing appearance in keeping with the general atmosphere of Bay Village.)

	MODEL A	MODEL B	MODEL C/D
Minimum # of Bedrooms allowed	1, 2, 3	1, 2, 3	1, 2, 3
Minimum square footage living space	1 BR = 800 2 BR = 1,100 3 BR = 1,400	1 BR = 900 2 BR = 1,200 3 BR = 1,400	1 BR = 750 2 BR = 1,100 3 BR = 1,400
Garages required (Maximum) (Balance to be...)	50% 1-car 2-car	30% = 1-car 2-car	70% = 1-car 2-car

Storage required: All buildings must have a minimum of 80 square foot of storage per dwelling unit incorporated into the building structure

Maximum residences per structure	5	4	6
Accessory Structures Allowed	No	No	No
Clubhouse and or pool allowed	Yes	Yes	Yes

***Note:** All buildings with 4 or more units must have **every** ground floor unit Adaptable with some being Accessible. Therefore a density bonus for these buildings would be a moot point.

All other relevant issues; such as building line setbacks, minimum front/side/rear yards, distances between buildings, distances from accessory structures, etc., would need to be determined once these proposals were discussed.

If the City were to make use of an overlay district in the majority of the city, the setbacks and other zoning issues would be predicated by the regulations in that district.

It should be noted that structures containing 3 residences are treated differently under the building code than structures containing 4 or more residences. Once a building has 4 or more residences, it becomes subject to the Ohio Building Code (commercial) as opposed to the Residential Code of Ohio. This would have a financial impact on the developer and might dictate the size of the buildings and the number of residences contained in each building.

Respectfully Submitted
John R. Cheatham
Chief Building Official

MEMORANDUM

TO: City Council

DATE: May 23, 2008

FROM: Planning, Zoning, Public Buildings & Grounds Committee
Dave Tadych, Chair
Mark Barbour
Scott Pohlkamp

RE: C.O. 1158, Attached Residence District Zoning Regulations

Any review that supports an effort to change, in a major way, current zoning code in Bay Village, cannot be taken lightly. We all live in a proud, successful, and well-planned community, a community of predominantly residential homes nestled into comfortable, well-treed neighborhoods and streets. The city business center serves our residents well and is the envy of many cities with business sprawl throughout their streets. Changes to our community appearance and feel must be pensive and measured when made, if implemented at all.

Over the years, in fact, since 1999, various commissions, committees, city administrations, city councils, developers, and individual citizens have formally and informally called for moderating changes to codified ordinance Chapter 1158, Attached Residence District regulations. This call has been due primarily to the lack of available land for this type of development and a perceived need of our citizens.

Since January of 2007, this review process has been in Council's Planning, Zoning, Public Grounds and Buildings Committee.

Our committee, brought together in January of 2008, has reviewed Codified Ordinance Chapter 1158 and cautiously identified recommended city wide changes to its regulations.

We believe that if attached housing is desired in Bay, our current ordinance makes it most difficult. We further anticipate that our recommendations, if adopted by this Council, would provide an opportunity for attached resident housing to be brought to fruition.

Please review our committee minutes for further understanding of the following changes:

- Acreage – A minimum of two to three acres
- Density- City-wide, no more than 8 units per acre limited to a maximum of four units per building
- Building Height- A maximum of 30 feet using current city criteria and standards for measurement

- Building Length- A maximum of 160 feet
- Floor Areas-
 - One or Two Bedroom Units – A minimum of 1100 square feet
 - Three Bedroom Units – A minimum of 1400 square feet
 - Four Bedroom Units – A minimum of 1600 square feet
- Open Space- A minimum of 50% using current measurement criteria and standards

These recommendations address the major points of change that we believe will give an opportunity to city wide attached resident housing development. They do not, however, address the idea of a city area being set aside for attached housing with lesser acreage requirements and a greater density of units. We believe this should be pursued, if desired, after city wide recommendations are effectively placed and approved by City Council.

We have received suggestions from multiple individuals that a professional organization such as the Cuyahoga County Planning Commission (CCPC) review or re-write a final Chapter 1158 document based on Council's recommendations. We believe this idea is of merit and follow through is recommended.

CUYAHOGA COUNTY
PLANNING COMMISSION

*Exhibit C
Planning & Zoning
Committee
9-5-13*

323 Lakeside Avenue West, Suite 400 ≡ Cleveland, Ohio 44113 ≡ Voice 216/443-3700 ≡ Fax 216/443-3737
e-mail: cpc@planning.co.cuyahoga.oh.us / web-site: planning.co.cuyahoga.oh.us / TDD: 1-800-750-0750

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MICHAEL S. PROCUK
ROBERT N. BROWN
for FRANK G. JACKSON

PAUL A. ALSENAS
Director

MEMORANDUM

TO: Council President Brian Cruse, Councilman David Tadych and Law Director Gary Ebert

cc: Douglas Milburn, Chief Building Official

FROM: Kristin Hopkins, AICP, Principal Planner

DATE: October 24, 2008

RE: Chapter 1158 Attached Residence District

I attended a meeting with representatives of Bay Village on September 10, 2008 to discuss issues related to amending the Attached Residence District (Chapter 1158) of the Bay Village Zoning Code. This memo is a summary of the issues discussed as well as a commentary on the benefits and details of utilizing an Overlay District as the mechanism to ensure the compatibility of new development with the existing character of Bay Village.

The issues include:

- The current Attached Residence District has been in the zoning code since 1974, but so far there is only one area of the City that has been rezoned to the Attached Residence District and developed according to the district regulations: Bay Commons Condominiums on Bradley Road.
- The City's desire is to encourage more alternative housing that is affordable to older residents of Bay Village who are looking for a smaller unit with less maintenance.
- Developers have indicated that the current regulations, because of the high number of acres required for the development project (5 acres) and low number of units permitted per acre (6 units), make it economically difficult to build moderate priced attached units.
- Since all zoning map changes must be approved by the voters, the regulations must ensure that new development is compatible with the existing character of the neighborhoods where ever the rezoning is proposed.
- There is concern that not all areas of the City are suitable for alternative housing options, and that more than one set of regulations for the attached residence district is needed since the eastern half of the City is denser, with smaller lots, than the western part of the City.
- The 1999 Bay Village Master Plan (prepared by the Cuyahoga County Planning Commission) and the 2004 Bay Village Retail Improvement Strategy (prepared by the Urban Design Center) both identified suitable locations for attached residences.

CUYAHOGA COUNTY PLANNING COMMISSION

Bay Village

October 24, 2008

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Background

Residential development in Bay Village is predominately single-family houses on individual lots. There are two single-family residential zoning districts:

District	Minimum Lot Size	Statistical Density ⁽¹⁾	Effective Density ⁽²⁾
Residence District No. 1	14,700 square feet	2.96 units/acre	2.25 units/acre
Residence District No. 3	7,500 square feet	5.81 units/acre	4.2 units/acre

⁽¹⁾ Statistical density is the result of 43,560 square feet divided by minimum lot size.

⁽²⁾ Effective density is the actual average number of dwelling units per acre in a typical subdivision, once the area devoted to streets and an inefficiency factor (based on a % of lots being larger than the minimum lot size) are included.

Most of the City east of Suitcliff Drive is zoned District No. 3, while west of Suitcliff Drive is zoned District No. 1.

The maximum building height permitted in the two districts is 35 feet, but there are some neighborhoods where the houses are predominately single-story buildings.

The current Attached Residence District requires a 5 acre minimum project area, and allows a maximum density of 6 dwelling units per acre.

There is no vacant land currently zoned Attached Residence District: any new project will require a zoning map amendment to change the current zoning classification to the Attached Residence District. Once the zoning map change occurs, there is no longer any reference to the former zoning district.

Conclusion

Based on the distinct differences in development among the various neighborhoods in Bay Village, it is reasonable to develop different standards to apply in different areas of the City. Revising Chapter 1158 Attached Residential District to be an overlay district meets the objective of providing different development standards for different parts of the City without creating additional zoning districts.

Using Overlay Districts

An overlay district is used to establish **alternative** land development requirements in areas of the community that require special attention, while keeping the underlying regulations intact, as well as maintaining a record of the underlying district. Using an overlay district makes sense when a set of regulations is to be utilized in tandem with **more than one of the existing districts, and allows the standards of the overlay district to vary based on the underlying district regulations.** This allows the regulations of the overlay district to address the conditions in each of the **underlying districts.**

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An overlay district is superimposed over conventional zoning districts, so that, for example, a parcel zoned Residence District No. 1 could also be zoned to the overlay district so that the Zoning Map reflects that the parcel is in two zoning districts. In this manner, a physical area is delineated on the Zoning Map with mapped boundaries. The written text for the overlay district would indicate that attached dwelling units are a permitted use (or conditional use) in addition to the uses that are also permitted in the underlying district. Other standards in the overlay district would be noted as being either added to, or in place of, the regulations of the underlying district.

The minimum project size, maximum density and other standards can be different based on the underlying district. Unlike a typical rezoning where a new zoning district (ie. Attached Residences District) replaces the existing district (ie. Residence District No. 3) and all mention of the former standards is eliminated, an overlay district adds to and can reference or be related to the underlying district. By keeping the underlying zoning district intact, the regulations for density, height, setbacks and other standards for the attached residence development can be directly linked to the characteristics of the underlying district to ensure the attached residence development is compatible with the existing development.

Examples of how standards for attached residences developments could vary by underlying district include:

Category	Standards based on the underlying district:		
	Res District No. 1	Res District No. 3	Commercial Business/Retail Business Districts
Minimum Project Area	3 acres	2 acres	No minimum
Maximum Density	6 units per acre	8 units per acre	12 units per acre
Minimum Aggregated Open Space	50%	50%	25%
Maximum Building Height	Same as underlying district		
Minimum Building Setback	Same as underlying district		

It is possible to provide additional flexibility to even further respond to differing circumstances in the City in the following three ways:

1. A small density bonus could be permitted when a project is located immediately adjacent to the Bay Village Square or Dover Junction (or other retail/commercial district). For example, the UDC Retail Improvement Strategy suggested 32 live/work townhouses on approximately 3 acres (which is a density of 10.66 units/acre) along the east side of Dover Center Road, directly across from Heinens. This area is currently zoned Residence No. 3.
2. The regulations could include an alternate method for determining the maximum building height and building length that would be permitted for a specific project, based on the existing building character of the surrounding parcels. For example, an

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applicant could be required to determine the average height of all the buildings on adjoining parcels and then be limited to that average or to perhaps not be more than 10% higher than the average. That way, in the areas of the City where houses are predominately single-story, new development could be required to comply with a height that is more compatible with the neighborhood.

3. A minimum project area provides assurance that a new development project will have enough dwelling units/households to support a homeowners association – primarily to fill the leadership roles required to sustain the organization as well as to adequately fund the maintenance required for common open space. However, it is useful to include a waiver provision to allow for consideration of smaller sites when unique circumstances exist. Examples of when a waiver could be warranted include:
 - When an unusual physical or topographic feature of importance to the area as a whole, such as wetlands, exists on the site or in the surrounding neighborhood that will contribute to and be protected by the new development.
 - When the proposed development is adjacent to an approved Attached Residence District that has been completed and the proposed development will contribute to the amenities and values of the neighborhood.
 - When the proposed development is located in a larger area that is being redeveloped and will implement the policies of an existing plan.

In order to grant a waiver, additional findings could include:

- The project will not result in isolated development.
- The project will not have any unreasonable or adverse impacts on adjacent single family residential areas.

Appropriate Locations for Attached Residence Development

Regardless of the mechanism used for regulating attached residential development (as an overlay district or as a standard district), the best way of identifying appropriate locations for such higher density developments is through the comprehensive planning or neighborhood planning process – as has been done in the City's Master Plan and Retail Improvement Strategy. These previous planning processes evaluated the City's development patterns and determined specifically where future higher density development is appropriate.

At the beginning of the zoning district chapter, there should be a section that discusses the applicability of the district and refer to appropriate locations specified in the plans so that future zoning map amendments are clearly reviewed for compliance with the City's plans. The zoning district text can also specify areas of the City that are not appropriate for higher density development.

When zoning map changes are proposed by an applicant, the City Planning Commission and Council should use the plan as a guide in determining if the proposal is consistent with the plan.

Joan Kemper

From: Lawrence Kuh <kuhfamily@gmail.com>
Sent: Wednesday, May 14, 2014 5:34 PM
To: Joan Kemper
Subject: Re: Packets

Hello Joan,

Please add the information below to council packets this weekend. I am waiting for one final document showing the site plan for the addition. I should have that by Friday.

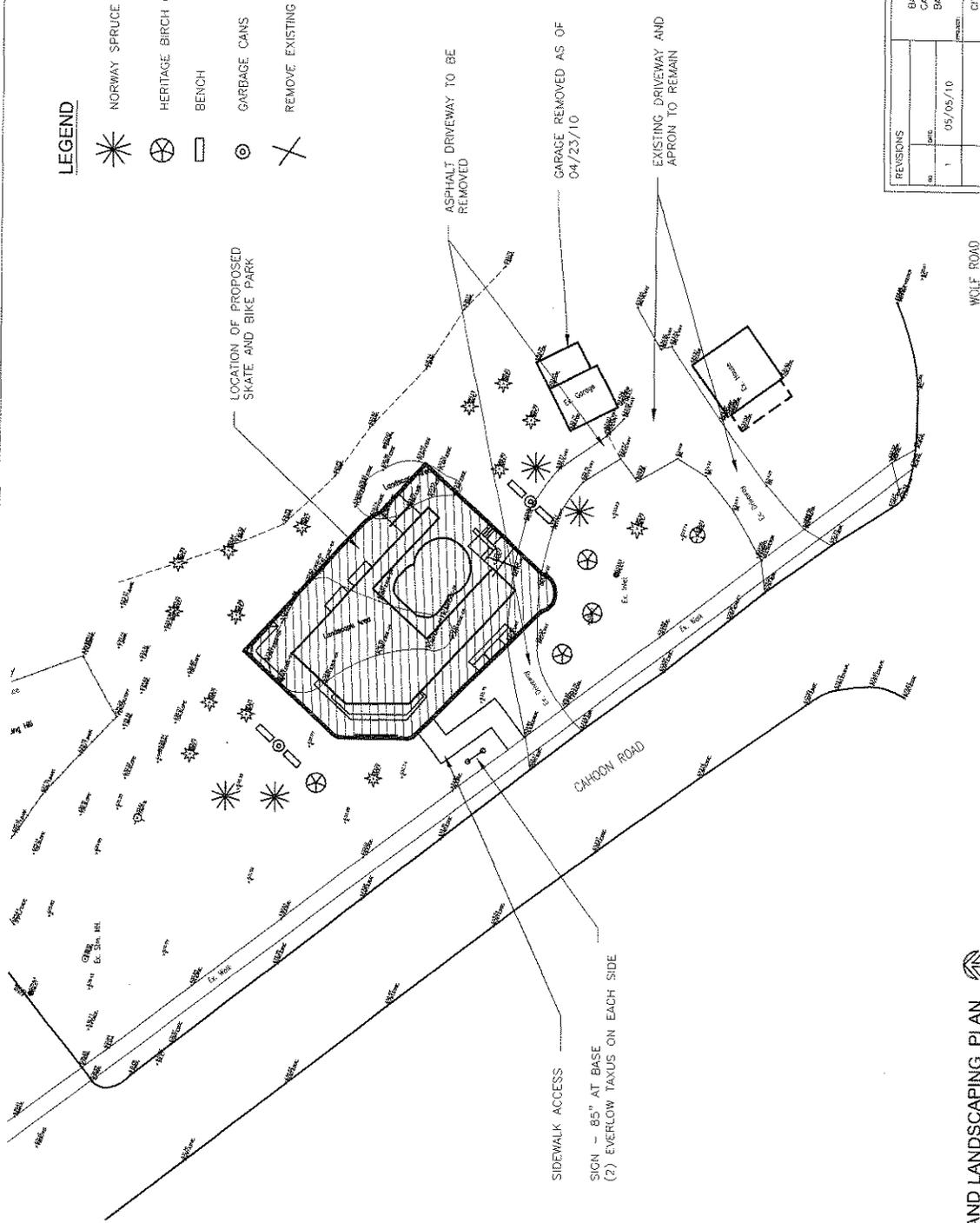
To Whom It May Concern,

For the proposed 2014 BSBP addition we will need approximately 60 yards of dirt/fill material, about 5 yards of concrete, about \$120 worth of Re-Rod, \$60 for coping, and about \$120 for ply and form material. Scott Thomas quoted the price on concrete to be \$88.00 a yard (\$440 total). The city will supply the fill. The cities crew will not be able to finish the concrete, as they do not do that kind of work. BSBP will provide the labor necessary to steel trowel finish the concrete. Toby Mohlman, member of the original construction crew, whom is now living in Bay Village, will oversee the work. BSBP Foundation will also provide additional labor as need to complete the job. It is estimated that the total financial output by BSBP Foundation for this project will be near \$2,000. BSBP Foundation already has the funds set aside for this project. Thank you.

Lawrence Kuh
BSBP Foundation President
kuhfamily@gmail.com

LEGEND

-  NORWAY SPRUCE
-  HERITAGE BIRCH CLUMP
-  BENCH
-  GARBAGE CANS
-  REMOVE EXISTING TREE



REVISIONS	
NO.	DATE
1	05/05/10

BAY STATE AND BIKE PARK
 CAHOON ROAD
 BAY VILLAGE, OHIO 44140

CITY OF BAY VILLAGE, OHIO
 300 ODESSA CENTER ROAD
 BAY VILLAGE, OHIO 44140