

Agenda, Bay Village City Council
Regular Meeting, Council Chambers

June 2, 2014
8:00 p.m.

Paul A. Koomar, President of Council, Presiding
Pledge of Allegiance/ Councilwoman Karen Lieske, Ward 3
Roll Call
Reading of Minutes – Regular Meeting of Council – May 19, 2014
Cahoon Memorial Park Trustees-May 19, 2014

ANNOUNCEMENTS

REPORTS

Mayor Sutherland	Director of Community Services Bock
Director of Law Ebert	Police Chief Spaetzel
Director of Finance Mahoney	Fire Chief Lyons
Director of Recreation Enovitch	
Director of Public Service Thomas	

COMMUNICATIONS

AUDIENCE

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Lee

FINANCE AND CLAIMS- Mr. Clark

Third Reading:

Resolution 14-52 adopting a Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2015, submitting same to the County Fiscal Officer, and declaring an emergency. (First Reading 5-5-14) (Second Reading 5-19-14).

First Reading and Consideration for Adoption:

Ordinance authorizing the Mayor to enter into an agreement with the McGowan Insurance Agency as agents of One Beacon Insurance Group and American Alternative Insurance Company for Public Officials' Liability, Law Enforcement Professional and Firefighters' Professional Liability, General Liability, Automobile Physical Damage and Liability, Property and Equipment, Boiler and Machinery and Crime Coverage, and Umbrella Insurance, and declaring an emergency.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Tadych

Second Reading:

Ordinance No. 14-60 Amending Codified Ordinance Chapter 913 Regarding Connections to Sewers and declaring an emergency. (First Reading 5-19-14)

Ordinance No. 14-61 Amending Codified Ordinance 912.03 Regarding Limitations of Connection and declaring an emergency. (First Reading 5-19-14)

Ordinance No. 14-62 Amending Codified Ordinance Chapter 921 Regarding Sewer Rental and declaring an emergency. (Amending by Reading) (First Reading 5-19-14)

Ordinance No. 14-63 Amending Codified Ordinance 901 Regarding Streets and Sidewalks, and declaring an emergency. (First Reading 5-19-14)

Ordinance No. 14-64 Amending Codified Ordinance Section 1305.02 Regarding Permit and Inspection Fees, and declaring an emergency. (First Reading 5-19-14)

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Vincent

MISCELLANEOUS

Motion to convene to Executive Session to discuss Contracts: (Tennis Courts, Compost Agreement, Normandy Easement, Paving Contracts) Building Maintenance: Codified Ordinance Chapter 533, and Potential Litigation: Codified Ordinance Section 549.12

CAHOON MEMORIAL PARK TRUSTEES

Agenda
Regular Meeting of Council
June 2, 2014

Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.

City of Bay Village

Council Minutes, Committee Session
Conference Room

May 19, 2014
7:30 p.m.

Paul A. Koomar, President of Council, Presiding

Present: Henderson, Koomar, Lee, Lieske, Tadych, Mayor Sutherland

Absent: Mr. Clark

Also Present: Finance Director Mahoney, Service Director Scott Thomas, Projects Coordinator Sears, Community Services Director Bock, Recreation Director Enovitch, Operations Manager Landers. Building Official Cheatham, Consulting Engineer Greytak, CT Consultants, Planning Commission Chairman Bela Persanyi, Planning Commission Member Dick Majewski

AUDIENCE

The following audience members signed in this evening: Marty Mace, Russell Thompson, Tara Wendell, Conda Boyd, Jerrie Barnett, Mike O'Boyle, Lydia DeGeorge.

Jerrie Barnett asked about trash collection during Memorial Day Week. Trash Collection will be on Wednesday, May 28 and will include bulk pick-ups.

COMMITTEE OF THE WHOLE

Discussion regarding Write-In Candidates for Elections

Mr. Koomar explained that during the last election period in 2013, an individual applied as a write-in candidate. He ultimately withdrew, but there was discussion and concern on how that might affect the charter amendment for a primary election passed in 2007. The goal for that amendment was to have two candidates moving forward to the general election, with one candidate getting more than 50% of the vote. There has been discussion by the Ad Hoc Committee formed to deliberate this matter, and discussion by members of Council. Mr. Koomar opened the floor for further discussion on the matter of Write-In Candidates for Elections, reiterating the goal to have two candidates for the general election. He suggested that Council of the Whole consider if they ought to take action at some point in time to at least put that on the ballot for residents. The discussion has come down to what is the most appropriate time for that submission. Should we wait until the next Charter Review Commission and submit it to the commission for their consideration, and if they come forward with that issue or any other amendments put it on the ballot as the Charter states, on a ten-year review cycle. The idea of keeping it as simple as possible makes sense. If Council puts it on the ballot when they are in office, some have said that it looks self-serving to try to limit candidates in some form or fashion. Others have said that the chance of a write-in candidate actually affecting an election is slim, while still others have said if the cost is low it is something we ought to consider putting on the ballot.

Mr. Lee noted that the last charter review was in 2012.

Mr. Tadych stated that he has no problem in waiting, as he has said before. I just don't think it is a big issue. We should wait until the Charter Review Commission and let those citizens decide.

Mr. Henderson stated that he favors not having a write-in candidate for the General Election. As far as putting it up on the ballot by itself, I worry that it might come across as self-serving to the incumbents, or be perceived as taking away the right people have to be a write-in candidate. I see the arguments on both sides.

Mrs. Lieske stated that she can see both sides too. She stated that she was on the ballot nine years ago and there were five candidates for Mayor. The Mayor was elected and there was no-run off so we were faced with a situation where you didn't have to have 50% to win. That was the determining factor. I look at the things that the others have said and being a Political Science undergrad, going back and forth with the whole thing about the democratic process and the ability for people to be a write-in, I don't really see it as being as much of an issue going forth. I still think we need to put it on the ballot at some time to clarify it, but my question is the timing and the cost.

Mr. Vincent stated that we have spoken about the fact that it is very slim that you would win as a write-in. The only people that could potentially win as a write-in are those that are already here. Since we are on Council people may know our names already. We are the people that would probably have the most chance to win. If you are an incumbent it looks self-serving, but the other side of it is if you leave it on there we may actually have the best chance to win because we are already out there.

Mayor Sutherland stated that the individual who potentially was the write-in candidate had no intention of going forward. It was an educational exercise that cropped up for either a class or a Cub Scout troop.

Mr. Koomar stated that early discussions were if a candidate went in and someone didn't have a clear majority then what would that do with costs if there were legal maneuvering. For a write-in candidate to get a majority of the votes their name would to be written in properly and that downsizes the potential that it would cause someone not to get 50% of the vote.

Mr. Lee stated that 64% of the voters approved the idea of a primary election in 2007. Allowing a write-in in a general election supports that whole intent. I would like to see it addressed, but I don't think we should spend a lot of money on it because it is a fairly remote issue. If it can be solved with a small cost to the city it makes sense to do it. Putting it on the ballot when there are not a lot of other things on the ballot so there is no confusion sends a clearer message. By charter provision, proponents of the measure could certainly petition and get it on the ballot that way as well. I personally would only be opposed to write-ins for the general election. Having write-ins for the primary elections doesn't thwart the intent of the primary. It doesn't end up with more than two candidates on the ballot for the general election.

Mr. Koomar stated that this would go back to simplicity for the voters because it would be troublesome if you had multiple items for voters to approve and then for them to approve one

portion and not the other because of confusion goes back to the Ad Hoc Committee suggestion of keeping it simple.

Mr. Lee stated that to the point that the incumbents somehow are putting up barricades, I obviously see that potential argument. That is not the intention or hopefully not the message communicated, but that also plays into the idea that it would be good to do it an off-year when you don't otherwise have individuals on the ballot. Next year the ward councilmen, Council President, and one Council-at-large position will be on the ballot so it almost makes more sense to do it in an even calendar year when there is no one personally on the ballot. If it can be done at a small cost to the city, I would like to see it done because it is consistent with the intention of the primary that was put in place in 2007. The cost was estimated at approximately \$2,000. I would not want to spend much more than that, but if you waited until the charter review and there were other items on the ballot it could be folded into the cost of that. It seems inconsistent, and maybe something that should have been addressed in 2007. If we don't do anything with it there is a potential that we could end up with litigation down the road. It is remote, but it is something that has to be considered.

Mr. Koomar stated that if it were to go forward the League of Women Voters has said they would promote the cost. Getting the word out as to why it deserves voter consideration is an important piece. If there is agreement to put it on the ballot it would have to be unanimous because it has to rise to a certain level that it needs to be addressed now and can't wait. Having a split vote of 4-3 or 5-2 sends a signal to the voters that even among Council we can't get a consensus. That waters down the argument of moving forward now. There are a lot of things Council can disagree on and still pass; this is one that is going out to the voters to say that we are putting this on because we think there is some real harm that can come to the city, maybe in the next election. If we vote 7-0, or 6-1 to do it, that's a different matter, but I am not hearing that tonight.

Mr. Henderson asked Mr. Lee to comment further on the downside of taking no action and the potential exposure to liability. Mr. Lee stated that when the individual filed as a write-in candidate the Law Director provided an opinion to the Board of Elections. The individual withdrew their application before the Board of Elections or the County had to rule on the issue as to whether write-ins are permitted still under our charter when the primary was instituted in 2007. Our charter is silent and other cities' charters specifically state that no write-in are permitted.

Mr. Koomar added that even if the Law Director submitted an opinion and the Board of Elections weighed very heavily the opinion of the Law Director and the Board of Elections agreed with the Law Director's opinion was that the intent was not to allow write-ins, it doesn't stop that candidate from some type of legal action, which causes the city to defend itself, incurring costs. This goes back to Mr. Lee's argument that if we can do this for a minimal cost then we put out that possibility.

Mayor Sutherland stated that if it should go that far and the Board of Elections and the County Prosecutor, which is the legal counsel for the Board, agrees with the Law Director, they are really the controlling agency.

Mr. Lee stated that if the party wants to be on the ballot and the Board of Elections declines their right to be on the ballot, that individual could go to the Court of Common Pleas and seek a Writ of Mandamus to be allowed to be on the ballot. That court would then look at our charter, look at the

Law Director's opinion, and who knows which way they would rule. Mr. Lee stated that he is trying to talk through the possibilities and how this could potentially cost the city money later on.

Mr. Tadych asked Mr. Lee how he thinks a write-in candidate would affect the election over-all against an incumbent or something of that nature. Mr. Tadych expressed that he thinks the write-in candidate would fall by the wayside. Mr. Lee stated that historically that's probably true. Mr. Henderson noted previously that if social media is used it is possible that write-in candidates might have a better opportunity to be successful. If we incurred the cost of a primary, which we found out this past year is not insignificant, and we can still have a third candidate running for the position with the ability to have their name written on the ballot, have we accomplished anything?

Mr. Vincent asked the cost of having an extra-page on the ballot. The Mayor stated that because the Board of Elections is required under findings and orders by the Department of Justice that everything has to be submitted in Spanish makes the ballot twice as long under any circumstances.

Mr. Koomar stated that the variable is depending on what's on the ballot and whether it pushes to another piece of paper.

Conda Boyd stated that she does not think anybody envisions that a write-in candidate would be able to win. The question is whether a write-in candidate might disrupt the election and cause that less than 50% vote. I don't think anybody envisions a win by a write-in. I am interested in what Mr. Lee is saying about allowing write-ins for the primary election but not the general election. When we talked about it in the Ad-Hoc Committee we said that it might cause multiple amendments and it might be more complicated. Looking at the actual article, it seems like it might be simple to disallow write-ins on the general election. If it happens that Council feels they do not want to put it on the ballot at this time we would be interested in hearing how others feel about putting on a blanket prohibition against write-ins or just a prohibition in the general election.

Mr. Koomar stated that Council needs to come to a decision as to whether they think something should go on a ballot. At that point there would be the secondary discussion of primary versus general election.

Ms. Boyd stated that she is thinking in terms of direction for the Charter Review Commission. Mr. Koomar stated that he would think it would go on their list of items for them to do their due diligence. It could be that chances are that nobody at this table would be around at that time. It is more important that the concept is out there, that we make note of it for the next Charter Review Commission, or if something happens in the next year or two or three, and we feel we should pick up again and potentially review it at that time. That does not limit us, if we take no action at this point from looking at it prior to the next Charter Review Commission in eight or nine years.

The matter of Write-in Candidates for Elections was tabled at this time.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Committee Meeting of Council
May 19, 2014

The Do-Not-Knock Registry is up and running. Hopefully residents have been able to place their residence on that registry, thanks to Police Chief Mark Spaetzel, the Mayor's Assistant Sue Kohl and others who were involved.

The Community Safety Fair will be held this Thursday evening, May 22, 2014 from 6:30 p.m. to 8:30 p.m. at the Dwyer Memorial Center. Mr. Koomar advised that he reached out to the FBI and did secure child identification kits which include a variety of steps such as fingerprinting, DNA samples, pictures, and other items to have on file to be proactive. They will be available at the event and extra kits were secured to have on hand for the future.

Fire Inspections

Chief Lyons is going to provide an update on fire inspections for either the June 2 or June 9 meeting of Council. The matter will be placed temporarily on the agenda for June 2, 2014.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Rose Hill Museum Exterior Painting

Mr. Tadych will make a motion at this evening's Regular Council Meeting to authorize the Service Director to advertise for bids for painting the exterior of the Rose Hill Museum. Mr. Tadych asked Service Director Thomas for an estimate of the cost of the painting. For preparation and painting, the cost is expected to be between \$25,000 and \$30,000.

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

Mr. Tadych noted that the amount of \$100,000 was budgeted for the refurbishing of the Walker/Nantucket Pump Station. The actual cost of the contract to be presented to Council this evening for approval is \$105,600. Mr. Bob Greytak of CT Consultants stated that two bidders submitted proposals, and the low bidder was Nerone and Sons at 7.8% over the engineer's estimate. Part of that is their concern about maintaining a temporary pump station. Mr. Henderson asked why there was such a large difference in the two bids for this item on the bid specifications; one was \$12,150 and the other \$3,000. Mr. Greytak stated that it is difficult to explain why the contractors bid differently.

Mr. Lee stated that this contractor has done work for the city in the past. He asked if they will be able to perform this work with a minimal disruption to traffic. Mr. Greytak stated that one lane at a time of Walker Road will have to be shut down to put in the force main.

Sewer Connection Fees

Mr. Tadych will introduce five ordinances this evening regarding fees for sewer connections. The ordinance amending Chapter 913 addresses the idea of tap-in fees and has not been reviewed or changed for quite some time. Mr. Tadych stated that he and Projects Coordinator Jim Sears have discussed this for some time and noted that they have an opinion on tap-in fees and whether what is stated in the ordinance is where it should be or whether a little higher might be more beneficial.

Mr. Sears stated that this issue came up during budget work by the Finance Committee. Former Councilman Mike Young, who was chairman of the Finance Committee at that time, brought up sewers and sewer line connection fees. When looking at that particular ordinance, it appeared the City was way under what they should be charging. Mr. Sears began reviewing the ordinances and looked at what it would cost to provide the tap-in, from the curb, and from the center line, etc. That prompted checking neighboring communities and it was found that two of the neighboring communities do tap-ins and sewer lines with a fee schedule, and two of the neighboring communities do not. All four do get something for the tap-ins. Rocky River and Fairview Park do not participate. The contractors do the tap-ins and the service line. In discussion with Service Director Thomas, he wanted to follow those communities that do not have it as their responsibility, especially with more and more demolitions and lot splits. To do that it was broken into two ways. One, where the fees will be set and how does that fit with the other cities. Two, all the changes that need to take place to take the city out of that responsibility. There is also one piece that was missing. Before SAFEbuilt, Inc., our Building Department would do the inspections of the new homes or any lateral sewer replacement. SAFEbuilt only inspects up to 30 inches of the house. That inspection of that sewer lateral falls over to the Service Department. There are currently no provisions to get any kind of fee for that inspection. The changes in Section 1305.02 and the changes on all the deposits have had inspection fees added. Previously, the deposits were only to fix or replace right-of-way or streets that were torn up. Now, it includes inspection fees. Inspection fees have been placed in all the necessary spots in the legislation. You can tell by the changes that we've set the contractors' responsibility. There is still a window on one ordinance to allow the Service Department to go in and do the work with a set fee. Mr. Sears stated that he tried to keep those deposit fees under Section 1305.02 and not refer to them so that they can be changed at a later date under that section only. The only fee set by ordinance is the sewer tap. The only place that the City of Bay Village was receiving a fee for a tap-in was under Section 921.07 which was an ordinance that was passed in 1959. Mr. Sears noted that after reading this numerous times, he still struggles with how you charge a lot that comes up today. It talks about improvements that were done after 1959, the charge would be one-half of what it would cost if the improvements were made at the time of the ordinance, and goes on. You can tell by looking at the ordinance, that in 1991 someone moved it to \$1500. Mr. Sears stated he is assuming, based on that, the way the Building Department must have been interpreting that was back in 1959 to today's costs. With a new tap, we were getting \$1500 at that time, from what former Building Department employee Sue Kohl remembers.

Mr. Sears continued, stating that he liked the Rocky River's legislation for a simple tap-in fee. Westlake's also is like Bay Village's, talking about when the lot showed up on the assessment and tax map. The cities of Rocky River and Fairview Park had simple legislation, just an "x" amount for a tap-in fee. They have a chart addressing various structures, such as single-family dwellings and commercial establishments. He stated that he used their fees, and they are getting \$750 for a single-family dwelling. The City of Bay Village's was set by Mr. Sears at \$1000. In the past, we were getting \$1500 under what they call a Sewer Maintenance Defer Charge. In reading the minutes from 1959, Mr. Sears is sure the reason that came up is because the city was doing a lot of assessing for roads and possibly sewers, and someone came up with the idea of trying to recover some of the monies spent maintaining the sewers when a lot was split. Mr. Sears would like to see it repealed and go with the simple tap-in fee as the main source. In any cases where a lot is split or a

new lot is developed, or a development comes in that fee is collected for any tap-ins. The language, taken from Rocky River, accommodates for additional sanitary flow through expansion or change of use. That would come into play in a situation where a restaurant comes in and takes over a formerly non-restaurant spot, generating a lot more grease and different waste than the former occupant. The fee would offset the maintenance that comes with that additional waste. They will pay a sewer bill like any other commercial buildings, but they are coming into the system engineered and maintained by the city.

Mr. Sears stated that if Council wants to keep the \$1500 tap-in fee the ordinance can be amended by reading. For a restaurant, it is recommended not to exceed \$2500 and leave the 50 cents per square foot over 2000 square feet. Mr. Sears noted that Bay Village does not have large office buildings. He wants to make sure that the ordinance reflects the businesses and commercial enterprises that exist in Bay Village.

Mr. Tadych stated that he and Mr. Sears have had many discussions regarding this issue. They talked about the residential and the possibility of keeping the residential at \$1000 for the tap-in fee and if the house or residence exceeded 2500 square feet increasing it to a larger tap-in fee. The flat fee of either \$1000 or \$1500 is probably where it should be. He noted that he has two opinions, and each one varies from the other.

Mr. Henderson asked about the cost for a tap-in. Mr. Sears stated that it depends on how the community is set up. In a city like Bay Village that is built out, if there is a home demolished and then a lot split, we are adding more to our system. Most communities are collecting for a tap-in. Avon Lake and Westlake also have ordinances charging for tap-ins and sewer service lines. Westlake charges \$1000 for providing the sewer connection between the sewer main line in the street to the property owner's property line, and a \$35.00 per foot charge. Mr. Sears did some calculations on what they were getting for a 50 ft. wide lot, or a 100 ft. wide lot, and it was in line with what we are going to charge. Digging across a road, if the main is on the other side, the restoration is expensive. Every community is getting something for allowing a sewer tap-in. In this case we would be looking at it as the contractor's responsibility and then we would pull from the deposit our hourly rate for inspection and road restoration.

Mr. Lee asked if we historically have had the contractors doing the tap-in in Bay Village, or would this be a change. Mr. Sears stated that it would be a change. If the Service Director feels more comfortable with the city doing it, he would have that option.

Mr. Lee asked if there is a concern about the quality of the contractors tapping in and how that could affect the sewer system, or is it something that is straight forward and the contractors will be able to do it correctly and the city will supervise to make sure there are no problems.

Service Director Thomas stated that if the area of a tap-in is a concern then the city would perform the work. If it is an area that does not cause concern, then most contractors are very capable of doing the tap-in with supervision and inspection by the city.

Mr. Lee asked how many of these tap-ins occur within a one-year period of time typically in Bay Village. Mr. Cheatham stated that there are usually about 8 to 10 tap-ins in a one-year period. Mr.

Sears stated that a demolition and rebuild would go into the same connection. If there is a lot split, there is an additional connection.

Mr. Tadych stated that the ordinance amending Section 913.15 includes a new paragraph about clean-outs required. At one time, clean-outs were not required to be done.

Mr. Lee stated that he was confused about the use of the word “heretofore” in that paragraph. It sounds as though this refers to things constructed in the past. Mr. Sears stated that the reason is that it is probably as much a concern for the Service Department that the clean-outs are brought up to grade. Most homes have clean-outs. There are homes in the community where the clean-outs have never been entered. Years ago they left the clean-outs down 4 to 5 feet. Having the paragraph in the ordinance requires the clean-outs be brought up to grade.

Mr. Sears stated that the paragraph will help people realize they have the clean-outs and need to bring them up to grade, and if they don't have one put one in. If the Service Department is called out they can help by looking at the clean-out to determine where the blockage is.

Mr. Tadych will ask that the ordinances be placed on first reading this evening.

Mr. Sears summarized the content of the ordinances as follows:

The amendment to Section 901 is basically an older ordinance that was written years ago where the Service Department used to issue the permits to do work in the public right-of-way. The Service Director used to issue a Street Opening Permit. The language has been changed to require that people see that a permit is required. The only thing that a contractor would dig up the street for is for the sewers. Anything else is public utility. All those fees are set, and Section 901.02 basically explains the deposit and refers back to Section 1305.02 for the amount and the use of the deposit for inspection and other fees. Section 901.04, Liability for Damages, has been added.

The amendment to Section 912.03 has language changed to direct it more towards a sewer tap-in, and also talks about a licensed sewer contractor, city inspections, and inspection fees being taken out of the deposit.

The amendment to Section 913 is the section where the tap-in fee is included, and addresses the service line in Section 913.04.

Mr. Henderson asked for an explanation of Section 913.06, Tap-in Fee in Lieu of Assessment. Mr. Sears explained that if a lot is split after there have been assessments on a street, the person building on the lot would have to pay the assessment for that particular lot if it had not been paid previously. Mr. Tadych noted that if a street is extended, the tap-in fee would be required to be paid by the builder.

The amendment to Section 921 is basically repealing Sections 921.07, “Sewer Maintenance Deferred Charge” and 921.08, “Connection Charges; Properties Improved Prior to March 16, 1959.

Committee Meeting of Council
May 19, 2014

Mr. Tadych noted that the amendment to Section 921 will need to be corrected to reflect the most recent sewer rental rates that went into effect on January 1, 2014.

The ordinance amending Section 1305.02 reflects the rates put into effect in February of 2014.

The ordinances will be placed on first reading this evening and amended on second reading to reflect the new rates.

FINANCE & CLAIMS COMMITTEE – Clark

Mr. Henderson will read Resolution No. 14-52 this evening, in the absence of Mr. Clark, adopting a budget for the Fiscal Year beginning January 1, 2015.

Mr. Tadych noted that a Finance Committee meeting will be held Monday, June 9, 2014 at 6:30 p.m.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Addition to Bay Skate and Bike Park

Mr. Lawrence Kuh addressed Council and advised that the dimensions for the addition are 14 ½ feet by 13 feet, and 3 feet and height. Mr. Kuh distributed photographs of the exact location for the addition. He has been working with Service Director Thomas regarding this addition. Mr. Kuh stated that no trees will be lost as a result of this project.

Mr. Lee asked if the new area will require any additional maintenance from the city. Mr. Kuh stated it will not require additional maintenance. Mr. Tadych asked if the concrete will be the same thickness as the other areas of the park. Mr. Kuh stated that it will be the same. The same specifications from the original build will be used. An individual from the original construction crew will be in charge of the addition. Mr. Koomar noted that it was a nicely finished job in the beginning and it will be nice to have the two blend together.

A motion will be introduced this evening to refer this project to the City Planning Commission.

Report of Committee regarding Chapter 1158, Attached Residence District

Mrs. Lieske thanked the Planning Commission members and the leadership of Bela Persanyi, Chairman, and Dick Majewski, Vice Chairman, in attendance this evening for leading the discussion in such a timely fashion enabling the discussion this evening of this matter by the Council. Mrs. Lieske acknowledged the help of Councilmen Steve Lee and Paul Vincent, and Building Official John Cheatham.

Mrs. Lieske stated that Chapter 1158 goes back to 1974 and the last time Council reviewed it was in 2009 by the Planning and Zoning Committee, chaired by Councilman Tadych, and including former Councilman Mark Barbour who is now a member of the Planning Commission, and former Councilman Scott Pohlkamp. After reviewing their recommendations which included lowering the

current five acre minimum to three acres, Council decided not to make any changes. Since then we have had a one acre minimum allowed in the commercial area and nothing has come forth in terms of a development proposal yet. An interest a year ago by a developer for the Cahoon property went to the voters, passed city-wide but not in Ward 2, which made us think that residents are in favor of attached residences, but not necessarily in “their own backyard.”

There was also discussion at the Planning Commission meeting about trying to promote a development first in the commercial area thinking that if residents liked it there could be positive support to present something city-wide. Looking at this in conjunction with the development moratorium being extended we also aren’t responding to any specific developer’s proposal. If we wanted to put something up for further review, this is the right time to do so. The Planning Commission was very mindful of the timing in case we wanted to put a development proposal on the ballot, and the Council Committee colleagues were also very mindful of the time crunch.

Chief Building Official John Cheatham provided initial talking points and recommendations reflecting discussion by the Planning Commission members. Revisions were made according to the discussions of the Planning Commission.

The current five acre minimum would be reduced to make some of these types of developments possible. The area of the commercial business district would remain at one acre, and it would extend up to three acres for the Residence District 1 or Residence District 3, which was also the recommendation of the Planning and Zoning Committee in 2009. The density per acre differs slightly from the recommendations in 2009, in that there are some that would be 6 units per acre and allow up to 10 per acre. The 2009 recommendation was 8 per acre.

If you look at the percentages for minimum open space, maximum lot coverage, and pervious area, they really provide a large safety net in terms of what type of development we would see and how much green space there would be in a development.

The maximum height provision took into consideration keeping the height in terms of what exists in the neighborhood, so the provision will be left to the Planning Commission to review the percentage of the height of the adjoining properties and how many parcels that would include.

Mrs. Lieske noted that the Chapter 1158 refers to attached housing and we are really looking at townhouses, which means homes from top to bottom or bottom to top as opposed to apartment-type buildings. There is also a minimum for the square footage. If there are four or more residences we have to look at the Ohio Building Code, which could have an impact on the developer in terms of the ADA type requirements and modifications that would be necessary.

Mr. Koomar clarified that this would just be an ordinance changing Chapter 1158. If a developer wanted to develop property for attached residence district and consider rezoning, that would be totally separate from this work and would be submitted to the electorate for rezoning.

Chief Building Official Cheatham stated that he looked at all of the adjacent communities and what they had for attached residence regulations. He also picked like communities around the country and state for review. Mr. Cheatham stated that he tried to look at the culture of Bay Village and

how it has been so clear across the years that it wanted to be a residential community. He tried to customize his recommendations for Bay Village and came up with different models for different areas of the city. That was the initial approach. When review came before Planning Commission, he took their comments back and tweaked as necessary to include the local flavor they brought to the table. Mr. Cheatham stated that he basically feels the recommendations are very consistent with the philosophy of Bay Village and is realistically capable of pulling in developers with safety-nets for the community included. Any actual development would have to go to the voters for rezoning.

Setbacks and densities are a bit more conservative than surrounding cities, reflecting the character of Bay Village. A lot of other cities have densities of 12 per acre. Mr. Cheatham tried to recommend more green space but lesser density that would be attractive to a builder but still look like Bay Village. The percentage of height as compared to adjoining properties would result in an additional two to three feet at the most in an area that has two stories. The Planning Commission would look at an area of 500 feet radius to see if they would feel the height would be proper to blend in with all of the development areas shown in the four models.

Mr. Lee noted that the first recommendation of Mr. Cheatham was two models and based on the work of the Planning Commission and the Planning and Zoning Committee two additional models were added. When looking back at the memorandum that came from the Cuyahoga County Planning Commission in 2008, which had not been seen by Mr. Cheatham when he did his work, there were a lot of similarities in the original proposal of two models, one for Residence District 1 and one for Residence District 3.

Mr. Henderson noted that up and down Bradley Road, single family homes are being torn down, sometimes splitting the lots, and building new single family homes. There seems to be a strong demand for that type of home in Bay Village. He asked the reason of wanting this change to happen.

Mrs. Lieske stated that one reason is that the current ordinance has been in place since 1974, and to revisit the acreage requirement. In researching other communities, the minimum acreage for development of three acres seems to still preserve the character of Bay Village but still allow someone who wanted to come together with a proposal to put together enough property to meet that minimum acreage requirement.

Mr. Koomar noted that over the years there have been requests by residents for an opportunity to move to a maintenance-free property in Bay Village. The current five acre minimum is very large. You do not want to change the character of Bay Village and large scale developments could do that. The impetus was to provide a developer a more economically feasible opportunity to provide this type of housing alternative in Bay Village.

Mayor Sutherland stated that a community visioning project was done some years ago collaborating with Kent State Urban Design, which reenacted the entire center of town and a very significant piece of that vision was adding some type of maintenance free attached housing. It serves dual purpose, not only satisfying the need for low maintenance housing, but when building into the commercial district it helps to shore up those businesses, attract better businesses, creating a more vibrant community. The five acre minimum is the largest as compared to other communities and

five acres can have a large impact on a community. Rocky River has been very successful at doing small scale attached housing while being very sensitive to the surrounding community. We have a very diverse housing stock, but that's where we are short.

Mrs. Lieske noted that Mr. Majewski of the Planning Commission found that Rocky River had certain areas of the city where this is allowed which reflects the Mayor's comments about the commercial business district. Mr. Majewski also provided an article from *The Planners Web*, which defined what people want in terms of being able to walk to places in their neighborhoods. Mrs. Lieske noted further that in reviewing Chapter 1158, we do not have to tackle everything at one time. We can look at some of the things, make some changes, and continue down the road with further review.

Mr. Cheatham stated that while giving testimony to a State Sub-Committee, one gentleman asked him where he was from. When Mr. Cheatham told him he was from Bay Village, the gentleman said he and his wife lived most of their life there but now live in Westlake because there was no housing for downsizing in Bay Village such as the condominium they chose in Westlake. Mr. Cheatham stated that it brought it home to him that there is just not a good stock of these type of places for people that are ready to quit mowing their grass and take life a little bit easy.

Mr. Henderson stated that a lot of people that are younger might want a townhome as they transition from an apartment to a house. He asked for a further explanation of Mr. Cheatham's recommendations that stated that Model B, which is Residence District 1, is 9 lots. Mr. Cheatham explained that the square footage required for development in Model B is the equivalent of nine normal lots in Residence District 1. To get the minimum acreage for development, a developer would have to acquire nine lots of 14,700 square feet lots, which is the standard lot size in District 1.

Mr. Tadych noted that would be the same size as the proposed single-family development at the end of Crestview Drive.

Mayor Sutherland noted that attached housing development requires rezoning approved by the voters. The Mayor noted that at the Town Hall meeting held March 31, there were rumors swirling around about the Crestview property, but at that point the city had not received anything. The Mayor stated that she was actually handed a plot plan for the Crestview property last week at the State of the City address for single family homes showing a cul-de-sac with nine lots. Mr. Cheatham advised that this will be on the Planning Commission agenda of June 4, 2014.

Mr. Persanyi commented that a gentleman brought up at one of the recent Planning and Zoning Committee meetings a hypothetical situation where a proposed attached development plan is presented to the city which is acceptable to the community. It is approved by the voters for a change in zoning, and the developer sells his options to someone else who has an entirely different plan. Mr. Persanyi asked what protection the community would have in this situation.

Mayor Sutherland stated that the development would still have to go through the planning process and the Planning Commission has the power to say yea or nay.

Mrs. Lieske stated that the committee was thinking in terms of building materials when there was that discussion when that potential situation was raised.

Mr. Koomar stated that the world is not perfect but if you have a solid, stable developer that comes in and presents a plan with the right intent that is the best you can hope for. There is no safeguard that makes it 100% foolproof. In talking with the Council President in Rocky River and other communities, if you have a good working relationship with a developer with a good track record, they want a solid working relationship and hopefully that occurs.

Mayor Sutherland stated that there are probably more challenges in that regard when it comes to residential development. We do not have a requirement here in Bay Village that residential properties go through the Architectural Board of Review and the review process. There is actually much more control over attached housing or cluster development.

Mr. Lee noted that one example would be the 15% percentage of adjoining properties height requirement in the attached residence proposal. In single family homes you could build up to 35 feet even if your whole neighborhood is ranch style homes.

Conda Boyd stated that early-on Mr. Ebert stated that an overlay district would not be legal in Bay Village because it contradicted the need to take zoning to the voters. At the last Planning and Zoning Committee meeting there was discussion about taking that paragraph about the overlay district out of Mr. Cheatham's recommendations. Mr. Cheatham stated that he unintentionally left the paragraph in his most recent memorandum. He will present a revision which will not include the overlay district.

Mr. Koomar stated that the recommendations of Mr. Cheatham will be put in ordinance form to take it from a concept to actual verbiage. Mr. Tadych stated that before it is put in ordinance form he would like to see it spelled out specifically by type of recommendations. Mr. Koomar stated that they will work with Mr. Cheatham and the Law Director.

The next step will be to put Mr. Cheatham's latest recommendations which reflect the work of the Planning Commission and the Planning, Zoning, Public Buildings and Grounds Committee in ordinance form for further discussion.

Ms. Boyd asked the timetable for review of a proposed ordinance. Mr. Koomar stated that it would go through the three-reading process. Mr. Lee noted that there is not a ballot deadline concerned with this ordinance. The desire is to get it done sooner rather than later. There is a moratorium with the clock ticking on that, but we could also have a development come forward after that moratorium expires and seek to present a development. Mr. Koomar stated that the biggest concern is doing this now while there is no proposal because then it is taking the good work that has been done to update the ordinance.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Mr. Vincent had no report this evening.

MISCELLANEOUS

In the absence of Mr. Clark, Mr. Henderson will introduce this evening at the Regular Council Meeting the resolutions certifying unpaid tree removal, grass cutting, sewer/refuse charges, and sidewalk repair and reconstruction charges to the County Fiscal Officer. Finance Director Mahoney explained that this is an annual procedure to place unpaid charges on residents' tax bills. Residents have until the beginning of September to pay for these charges, if they have not already done so, before the certification procedure takes place.

Mr. Henderson asked if it is appropriate for him to make a motion at the Cahoon Memorial Park Trustees meeting this evening approving the use of Cahoon Memorial Park on Memorial Day, May 26, 2014 by the Village Foundation for their ceremony, since he is on the Board of the Village Foundation. Mr. Koomar stated that it is proper for Mr. Henderson to make that motion because it is simply the use of the park to present an award.

The Memorial Day Parade will be held Monday, May 26, 2014, stepping off from Huntington Beach Park at 8:45 a.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 9:08 p.m.

May 19, 2014

Paul A. Koomar, President of Council, presiding

Present: Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Mayor Sutherland

Absent: Mr. Clark

Also Present: Finance Director Mahoney, Service Director Scott Thomas, Community Services Director Bock, Recreation Director Enovitch, Operations Manager Landers, Building Official Cheatham, Consulting Engineer Greytak, CT Consultants, Planning Commission Chairman Bela Persanyi, Planning Commission Member Dick Majewski.

Mr. Koomar called the meeting to order at 9:08 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 2 Councilman Paul W. Vincent.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held May 5, 2014. Mr. Lee noted that after the circulation of the minutes to the members of Council, a change has come forward. On Page 8 of the Regular Meeting minutes, the last sentence should be changed to read: "Mr. Ebert asked Mr. Thomas if this was fair that they would get back to Mr. Majewski within two weeks, and Mr. Thomas stated that is a fair statement." Mr. Koomar noted that originally some of the comments were attributed to Mr. Majewski, instead of Mr. Thomas. Mr. Lee **MOVED** to dispense with the reading and accept the minutes as prepared and amended. Motion carried 6-0. Mr. Koomar called for a reading of the Minutes of the Meeting of the Cahoon Memorial Park Trustees held April 14, 2014. Mr. Lee **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mayor Sutherland expanded on her comments from last week about what a great job the Safety forces did on Monday May 5. On Friday, there was another incident at Bay High School with the case of a high school girl being chased by a very intoxicated 35-year-old individual. The individual was arrested quickly by the Police Department.

Mayor Sutherland commented further that after the terrible storm of Monday, May 12, 2014 the City of Bay Village only had 22 flooding calls. Thanks to the new software system the Mayor is able to immediately find information regarding the individual issues and she is very pleased with the Service Department since most of the issues were resolved by Wednesday, May 14. All of them were private property issues with tree roots in lines and they took care of it most efficiently. Kudos to Police, Fire, and Service for last week's efforts.

Mr. Koomar added that he did his every-several-years clean-out of his storm and sanitary lines and, going back to the discussion on clean-outs, he discovered that there is a crack in his sanitary sewer which is not totally difficult to repair. Without doing that maintenance and having that clean-out there he would not have known there was a problem until there was a bigger problem. The comments in today's committee meeting about what is being done with the sewer connection fees, coming up with that long term strategy and being proactive is all part of resolving these issues.

Mr. Koomar announced the Spring Green Garden Show to be held at the Community Garden at the former Forestview School site. The show will be held Saturday, May 24 at the Community Garden from 10 a.m. to 2 p.m. The public is encouraged to participate, tour the community garden, enjoy the many exhibits and visit with their neighbors.

REPORTS

Mayor Sutherland had no further report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch advised that Hartman Field lights should be installed by Friday, May 23, 2014. The project was delayed due to wet ground. Painting at the Aquatic Center is completed for the swim features, and painting of the slide has begun. The pool will be filled beginning Thursday, May 22, 2014. Opening day of the pool is Monday, June 2, 2014. Senior splash will be held in the afternoon with public opening at 3 p.m.

Service Director Thomas stated that tentatively a meeting is scheduled for Wednesday, June 11, 2014 at 7 p.m. in the Bay Village City Council Chambers for the Bruce/Douglas area residents regarding dye testing of sewer lines. A letter will be sent to the homeowners inviting them to the meeting.

Community Services Director Bock advised of the opportunity for a free national hearing test that is being offered. By using a land-line telephone and calling 1-866-223-7575, the test can be conducted on each ear with results for each ear given and the participant informed whether they will need to pursue further help from an audiologist.

Police Chief Spaetzel was not present this evening but asked Mayor Sutherland to report of the Community Safety Fair to be held Thursday, May 22, 2014, from 6:30 p.m. to 8:30 p.m. at the Dwyer Memorial Center.

The Police Department is working in conjunction with Subway and Dairy Queen to "catch" kids wearing helmets. Each officer will be getting coupons from both businesses to hand out to kids who are observed wearing bike helmets. The coupons will entitle the bearer to a free cookie at Subway, or a free kid's cone at Dairy Queen. The program is providing a tremendous opportunity for the officers to interact with the youth of the community while encouraging bike safety. The Mayor sent out a big thank you to Subway and Dairy Queen for their participation.

COMMUNICATIONS

The following communications were acknowledged by the Clerk of Council:

Thank you note from Jessica Breslin, the Manager of the Bay Village Branch of the Cuyahoga County Library thanking everyone for the opportunity to address Council on May 12, 2014.

The Annual Report of the Lake Erie Nature and Science Center has been received in the office of the Clerk of Council.

AUDIENCE

The following audience members signed in this evening: Marty Mace, Russell Thompson, Tara Wendell, Conda Boyd, Jerrie Barnett, Mike O'Boyle, Lydia DeGeorge.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Lee had no report this evening.

FINANCE AND CLAIMS COMMITTEE

Mr. Henderson read **RESOLUTION NO. 14-52** ADOPTING A BUDGET FOR THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015, SUBMITTING SAME TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

Resolution No. 14-52 was placed on Second Reading.

Mr. Tadych introduced **Resolution No. 14-55** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-55.

Roll Call on Suspension of Charter Rules:

Yeas- Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays-None

Roll Call on Suspension of Council Rules:

Yeas -Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays-None

Roll Call on Use of the Emergency Clause:

Yeas -Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays -None

Roll Call on Adoption:

Yeas– Henderson, Koomar, Lee, Lieske, Tadych, Vincent
Nays–None.

Mr. Koomar announced adoption Resolution No. 14-55, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Resolution No. 14-56** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-56.

Roll Call on Suspension of Charter Rules:

Yeas-Koomar, Lee, Lieske, Tadych, Vincent, Henderson
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Koomar, Lee, Lieske, Tadych, Vincent, Henderson.
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Koomar, Lee, Lieske, Tadych, Vincent, Henderson
Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lee, Lieske, Tadych, Vincent, Henderson
Nays–None.

Mr. Koomar announced adoption Resolution No. 14-56, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Resolution No. 14-57** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-57.

Roll Call on Suspension of Charter Rules:

Yeas- Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays -None

Roll Call on Adoption:

Yeas—Lee, Lieske, Tadych, Vincent, Koomar, Henderson
Nays—None.

Mr. Koomar announced adoption Resolution No. 14-57, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Resolution No. 14-58** certifying sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-58.

Roll Call on Suspension of Charter Rules:

Yeas- Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays-None

Roll Call on Suspension of Council Rules:

Yeas – Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays—None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays -None

Roll Call on Adoption:

Yeas— Lieske, Tadych, Vincent, Koomar, Henderson, Lee
Nays—None.

Mr. Koomar announced adoption Resolution No. 14-58, an emergency measure, by a vote of 6-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Motion by **Tadych** authorizing the Director of Public Service to advertise for bids for the exterior painting of the Rose Hill Museum.

Motion passed 6-0.

Mr. Tadych introduced **Ordinance No. 14-59** authorizing the Mayor to enter into an agreement with Nerone & Sons, Inc. for the Walker-Nantucket Pump Station Improvements, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance 14-59.

Roll Call on Suspension of Charter Rules:

Yeas- Tadych, Vincent, Koomar, Henderson, Lee, Lieske
Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Tadych, Vincent, Koomar, Henderson, Lee, Lieske

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Tadych, Vincent, Koomar, Henderson, Lee, Lieske

Nays -None

Roll Call on Adoption:

Yeas– Tadych, Vincent, Koomar, Henderson, Lee, Lieske

Nays–None.

Mr. Koomar announced adoption Ordinance No. 14-59, an emergency measure, by a vote of 6-0.

Mr. Tadych introduced **Ordinance No. 14-60** amending Codified Ordinance Chapter 913 Regarding Connections to Sewers and declaring an emergency.

Mr. Tadych explained that Section 913.05 is the Tap-in Fee Charge relative to the initial tap-in connection to City’s sanitary sewer system or for an increase in sanitary flow charged by expansion or change shall be as follows:

- (a) Residential \$1,000 per dwelling unit
- (b) Restaurant \$2,250 less than 2000 square feet; each additional square foot is 50 Cents
- (c) Office Buildings/ Retail, Commercial and all others:
 \$1,000 less than 2000 square feet; each additional square foot is 25 Cents

Ordinance No. 14-60 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-61** amending Codified Ordinance 912.03 Regarding Limitations of Connection and declaring an emergency.

Ordinance No. 14-61 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-62** amending Codified Ordinance Chapter 921 Regarding Sewer Rental and declaring an emergency.

Ordinance No. 14-62 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-63** amending Codified Ordinance 901 Regarding Streets and Sidewalks, and declaring an emergency.

Ordinance No. 14-63 is placed on First Reading.

Mr. Tadych introduced **Ordinance No. 14-64** amending Codified Ordinance Section 1305.02 Regarding Permit and Inspection Fees, and declaring an emergency.

Minutes of Regular Meeting
Bay Village City Council
May 19, 2014

Ordinance No. 14-64 is placed on First Reading.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Motion by **Lieske** to refer Bay Skate and Bike Park proposed addition to the City Planning Commission.

Motion passed 6-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

MISCELLANEOUS

Council meeting of May 26, 2014 will not be held due to Memorial Day Holiday. Parade begins at Huntington Beach at 8:45 a.m.

Mr. Koomar addressed Mayor Sutherland regarding the Nixle alert sent out by the Mayor on Monday, May 12, 2014. He stated that no one on Council who signed up for the Nixle communication received the alert. He asked if a test has been run of that system recently.

Mr. Koomar asked Mayor Sutherland if the land line phone alert system is also alerted when a text alert is sent out. Mayor Sutherland responded that the land line phone system is not necessarily implemented with the text message. It has to be a separate item actuated and Chief Lyons and Mayor Sutherland decided not to do so on Monday, May 12 because after watching the television reports and seeing where the storm was we were not in imminent danger. It is the same reason the City of Lakewood didn't activate their sirens. It was all going south of us.

Mr. Koomar stated that the question he would have is if a resident signs up to be alerted they may not realize that a senior that signed up for land phone only is not getting an alert that someone with a mobile phone is getting. He asked that this be discussed further. If the schools call off school, Mr. Koomar stated he gets a text alert and a phone call because he signed up for both. Many times if something happens during the day, the text alert comes first, and is followed later by the phone call. There is some redundancy there. There was some confusion on Council as to when those alerts go out because a resident should not be thinking they will be getting a communication if we are only selectively using one of the systems. Mr. Koomar stated that how someone signs up shouldn't affect the amount of notification. Monday we chose to send out an alert via Nixle to cell phones. At that time, Chief Lyons informed Mr. Koomar that the remainder of the Council meeting should be cancelled because at that time we should seek shelter. A tornado warning for Bay Village should warrant that communication.

Mayor Sutherland stated that they went back in, looked at the TV, and could see that the storms were all going south. Bay Village did not appear to be in imminent danger. Bay Village had little damage compared to other communities. There were no trees down and we did not lose power.

Mr. Koomar stated that he is concerned if a resident has not signed up for the Nixle via a cell phone text, and has only the dial up service. He does not want them not getting proper communication.

Mayor Sutherland stated that they are trying to use as different modes as they can but it also depends on the severity and exactly what is going on. A lot of seniors watch television and probably had their programming preempted because the weather is all they were broadcasting Monday evening.

Mr. Vincent stated that over-communicating is probably a good idea.

Mr. Koomar asked if there is a way we can test the Nixle system. It is hard to believe that seven Council people on different cell phone providers didn't get the alert. He would like to be sure there is not an issue there.

Mr. Lee asked if there have been any Nixle messages sent out by the City since January 6, 2014. That is the last message Mr. Lee received.

Mayor Sutherland stated that there is a complete record of every single one she has sent out. Mr. Lee noted that he did not receive the message sent last Monday evening to the cell phones.

Mr. Vincent questioned the possibility that sending many out at one time may have caused an issue. Mayor Sutherland stated that there is always the possibility that there is an issue with the carriers.

Mr. Henderson stated that the last message he received was in January. The Mayor will double-check to see when the messages were sent.

Mr. Lee asked if there is a protocol that says tornado warning we would send, or tornado warning and we have to verify from the radar that Bay Village is in the path of a cell. Mayor Sutherland stated that there are requirements and restrictions by Nixle. There are three categories. You can do a community notification which we tend not to use because we don't want people to become immune to messages. We use the Mayor's email blast for community events. The advisory would be anything from a major water break to a tree falling across the road. A weather advisory or gas main issue might be one where we would use the alert, where there is imminent danger. There is a bit of a judgment call too, but we also have some restrictions that we have to work with Nixle where they require very specific information before they will allow the actual alert to go out.

Minutes of Regular Meeting
Bay Village City Council
May 19, 2014

Mr. Koomar stated he watched two different television channels on Monday evening after the Council meeting and both identified Bay Village as an area where it was necessary to seek shelter. Mr. Lee noted that tornado warnings historically have been few and far between. Tornado watches are more common but warnings are infrequent. The last notification I received on January 6, 2014 was “Stay indoors because it is extremely cold.” It is difficult to determine which of the two - extreme cold or tornado warnings – is more worthy of an alert. The feedback I’ve gotten is in a tornado warning scenario we would like to have the Nixle messages. We have to figure out why some of us didn’t get it and make sure people are getting it. I did get a fair amount of feedback that said nothing was heard.

Mr. Koomar said if people aren’t watching television – it was a rainy night but the first 11 days of May were rain, and it was not unbelievably windy. If you didn’t have your television on to be warned, the weather didn’t necessarily lend itself to a tornado condition.

Mayor Sutherland noted that everyone did have power that evening.

There being no further business to discuss, the meeting adjourned at 9:45 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

May 19, 2014

President of Council Koomar called the meeting to order at 9:45 p.m. in the Council Chambers of Bay Village City Hall.

Present: Koomar, Henderson, Lee, Lieske, Tadych, Vincent, Mayor Sutherland

Not Present: Mr. Clark

Also Present: Finance Director Mahoney, Service Director Scott Thomas, Community Services Director Bock, Recreation Director Enovitch, Operations Manager Landers. Building Official Cheatham, Consulting Engineer Greytak, CT Consultants, Bela Persanyi, Dick Majewski.

AUDIENCE

The following audience members signed in this evening: Marty Mace, Russell Thompson, Tara Wendell, Conda Boyd, Jerrie Barnett, Mike O'Boyle, Lydia DeGeorge.

Motion by Henderson to refer the Bay Skate and Bike Park proposed addition to the City Planning Commission.

Motion passed 7-0.

Motion by Henderson to approve the use of the northerly portion of Cahoon Memorial Park on Monday, May 26, 2014, from 10 a.m. to 2 p.m. to the Village Foundation.

Motion passed 6-0, with one abstention by Mr. Lee.

Motion by Henderson authorizing the Director of Public Service to advertise for bids for the exterior painting of the Rose Hill Museum.

Motion passed 7-0.

There being no further business to come before the Cahoon Memorial Park Trustees, the meeting adjourned at 9:47 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

MEMORANDUM

TO: Mayor and City Council
FROM: Renee Mahoney, Director of Finance
DATE: May 16, 2014
SUBJECT: Tax Budget

.....
Please see attached the Tax Budget for the 2015 tax year. This is to be on second reading for the Monday May 19 council meeting.

Below I have provided an explanation on the various levies that you will see on the Tax Budget in Schedule 1. Hopefully this will help in our discussions:

Currently the City has 3 voted on levies per the City's Charter (see Article X attached). These are levies that the citizens of Bay Village voted at various dates:

Section 10.1: A tax not to exceed 9 mills for the purposes of general operating expenses. The City currently levies 8.26 mills; 6.88 to General Fund and .69 to each Police Pension and Fire Pension.

Section 10.1(A) Parks and Recreation levy of .5 mills which the City levies the full amount.

Section 10.1(B) Paramedic Unit levy of 2.5 mills of which the City levies 2.25 mills currently.

The other amount levied per the tax budget is an inside millage of 3.89 mills. This amount is levied per the allotment to levy up to 10 mills for operation of the City as provided by the Constitution of the State of Ohio and is levied without a vote of the citizens. This 10 mill limitation also takes into account the portion allocated to the schools and the county. Historically the City has allocated this inside millage to cover the annual payments in relation to debt.

SECTION 9.8 PUBLIC IMPROVEMENTS.

Public improvements of all kinds may be made by the appropriate department either by the direct employment of the necessary labor and purchase of supplies and materials in the manner herein provided with a separate account as to each improvement so made, or by contract let as provided in the next preceding section either for a closed price or upon a unit basis.

ARTICLE X**TAXATION****SECTION 10.1 LIMITATION ON RATE OF TAXATION.**

For the purpose of paying the current operating expenses of the Municipality and for the purpose of paying any other expense which may lawfully be included within the general levy for the general fund of the Municipality, including the purposes of police and fire pensions, the Council, without a vote of the people, shall have the power to levy on the property in the Municipality listed and assessed for taxation, a tax not to exceed 9 mills on the dollar of assessed valuation, the provision to be effective as an amendment on January 1, 1961. (Ord. 60-64; approved by voters 11-8-60.)

SECTION 10.1(A) LEVY FOR PARKS AND RECREATION.

For purposes of paying towards the expense of the Department of Parks and Recreation, the Council, without a vote of the people, shall have the power to levy on the property of the Municipality listed and assessed for taxation, a tax not to exceed one-half mill on the dollar of assessed valuation. This provision shall be in addition to the limitation provided in present Section 10.1 of the Charter. This provision shall be effective on January 1, 1975. (Ord. 72-144; approved by voters 11-7-72.)

SECTION 10.1(B) CREATION OF A PARAMEDIC UNIT; LIMITATION ON RATE OF TAXATION.

There is established within the Department of Public Safety an emergency Paramedic Unit, and Council shall provide for its organization by ordinance. For purposes of paying toward the capital and operating expenses of the Unit, the Council, without a vote of the people, shall have the power to levy on the property of the Municipality listed and assessed for taxation, a tax not to exceed two and one-half mills on the dollar of assessed valuation beginning with the 1986 tax year. This provision shall be in addition to the limitation provided in present Section 10.1 and present subsection 10.1(A) of the Charter. (Ord. 86-11; approved by voters 5-6-86)

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
2015 Tax Budget
For The Year Ending December 31, 2015

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit **CITY OF BAY VILLAGE**
For the Fiscal Year Commencing **JANUARY 1, 2015**
Fiscal Officer Signature _____ Date **June 24, 2014**

COUNTY OF CUYAHOGA

Background
Substitute House Bill No. 129 (HB 129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281
Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties
The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action
On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline
For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO

2015 Tax Budget

For The Year Ending December 31, 2015

GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION

SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

NOTE:

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part:

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

SCHEDULE 2

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.

In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing authority must submit a list of all tax transfers.

SCHEDULE 3

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

SCHEDULE 4

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

SCHEDULE 5

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO

2015 Tax Budget

For The Year Ending December 31, 2015

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)

(List All Levies Of The Taxing Authority)

SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
General Fund	Special Levy	11/8/1960	Continuing	Continuing	1/1/14 - 12/31/14	1/1/15 - 12/31/15	6.88 Mills	\$ 3,519,761
Police Pension Special Revenue Fund	Special Levy	11/8/1960	Continuing	Continuing	1/1/14 - 12/31/14	1/1/15 - 12/31/15	0.69 Mills	\$ 352,999
Fire Pension Special Revenue Fund	Special Levy	11/8/1960	Continuing	Continuing	1/1/14 - 12/31/14	1/1/15 - 12/31/15	0.69 Mills	\$ 352,999
Parks and Recreation Special Revenue Fund	Special Levy	11/7/1972	Continuing	Continuing	1/1/14 - 12/31/14	1/1/15 - 12/31/15	0.50 Mills	\$ 255,797
Emergency Paramedic Special Revenue Fund	Special Levy	5/6/1986	Continuing	Continuing	1/1/14 - 12/31/14	1/1/15 - 12/31/15	2.25 Mills	\$ 1,151,085
Total Special Revenue Funds							4.13 Mills	\$ 2,112,880
Bond Retirement	Inside Millage		Continuing	Continuing	1/1/14 - 12/31/14	1/1/15 - 12/31/15	3.89 Mills	\$ 1,990,097
Totals								\$7,622,738

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
 2015 Tax Budget
 For The Year Ending December 31, 2015

STATEMENT OF FUND ACTIVITY
 (List All Funds Individually)

SCHEDULE 2

I	II	III	IV	V	VI	VII
Fund BY Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered Balance
General Fund Group						
General Fund	\$ 906,516	\$ 3,869,761	\$ 6,775,454	\$ 11,551,731	\$ 10,746,251	\$ 805,480
General Reserve	163,929	-	-	163,929	-	163,929
Total General Funds	1,070,445	3,869,761	6,775,454	11,715,660	10,746,251	969,409
Special Revenue Fund Group						
Paramedic	80,049	1,151,085	725	1,231,859	1,134,398	97,461
Parks and Recreation	25,984	255,797	621,601	903,382	887,033	16,350
Community Gym Fund	38,134	-	7,829	45,963	11,500	34,463
Play in Bay	851	-	-	851	-	851
Bay Family Services	2,467	-	40,500	42,967	41,300	1,667
Community Diversion Program	6,774	-	8,209	14,983	7,000	7,983
Bay Bike and Skate Park	785	-	-	785	-	785
Equipment Replacement	17,401	-	676,250	693,651	650,000	43,651
Private Property Maintenance	46,273	-	77,828	124,101	31,555	92,546
State Highway	11,575	-	50,905	62,480	50,000	12,480
Street Maintenance and Repair	162,965	-	1,960,250	2,143,215	1,805,240	337,975
Police Pension	29,146	352,999	-	382,145	351,697	30,448
Fire Pension	5,801	352,999	119,246	478,046	471,168	6,878
Accrued Benefits	12,643	-	144,000	156,643	140,000	16,643
Endowment Trust	18,495	-	4,650	23,145	6,235	16,910
Senior Programs	6,949	-	35,550	42,499	38,000	4,499

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO

2015 Tax Budget
For The Year Ending December 31, 2015

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

	ii	iii	iv	v	vi	vii
Fund By Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered Balance
Police Trust	42,758	-	16,500	59,258	5,500	53,758
DARE	565	-	-	565	-	565
Grant Commission	545	-	-	545	-	545
Total Special Revenue Funds	530,160	2,112,880	3,784,043	6,407,083	5,630,625	776,457
Debt Service Fund Group						
Bond Retirement Fund	4,585,411	1,990,097	967,859	7,523,367	3,638,743	3,884,624
Bond Retirement Special Fund	19,104	-	-	19,104	-	19,104
Total Debt Service Funds	4,584,515	1,990,097	967,859	7,542,471	3,638,743	3,903,728
Capital Project Fund Group						
Bassett Road	4,897	-	-	4,897	-	4,897
Walker Road	8,636	-	-	8,636	500	8,136
Public Improvement	156,807	-	344,000	500,807	344,000	156,807
Service Salt Garage	598	-	-	598	-	598
Bradley Road Improvement	1,840	-	-	1,840	-	1,840
Infrastructure Improvement Fund	1,844,330	-	1,030,000	2,874,330	-	2,874,330
Municipal Buildings Improvement	1,711,308	-	-	1,711,308	215,000	1,496,308
Public Buildings	29,308	-	-	29,308	-	29,308
Total Capital Project Funds	3,757,724	-	1,374,000	5,131,724	559,500	4,572,224
Enterprise Fund Group						
Swimming Pool	159,276	-	342,000	501,276	421,473	79,803
Sewer Fund	126,895	-	3,056,800	3,183,695	3,059,607	124,088
Total Enterprise Funds	286,171	-	3,398,800	3,684,971	3,481,080	203,891

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
 2015 Tax Budget
 For The Year Ending December 31, 2015

STATEMENT OF FUND ACTIVITY
 (List All Funds Individually)

SCHEDULE 2

	II	III	IV	V	VI	VII
Fund BY Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered Balance
<u>Internal Service Fund Group</u>						
Health Insurance	1,030,400	-	1,577,306	2,607,706	1,464,752	1,142,954
General Insurance	3,909	-	189,600	193,509	189,600	3,909
Workers Compensation	151,280	-	60,900	211,280	197,860	13,420
Total Internal Service Funds	1,185,589	-	1,826,906	3,012,495	1,852,212	1,160,283
<u>Trust Funds</u>						
Cahoon Income	-	-	83,600	83,600	83,507	93
Cahoon Park Trust	78,913	-	2,225	81,138	3,300	77,838
Cahoon Library	22,701	-	10,600	33,301	8,000	25,301
Waideck Estate Trust	164,948	-	100	165,048	5,500	159,548
Dwyer Fund	54,740	-	2,000	56,740	5,000	51,740
Community Gardens	10,529	-	4,000	14,529	4,000	10,529
Total Trust Funds	331,831	-	102,525	434,356	109,307	325,049
<u>Security Deposit Funds</u>						
Building Deposit Fund	38,063	-	42,000	80,063	42,000	38,063
Security Deposit Fund	1,715	-	22,000	23,715	21,000	2,715
Total Security Deposit Funds	39,778	-	64,000	103,778	63,000	40,778
TOTAL ALL FUNDS	\$ 11,786,213	\$ 7,972,738	\$ 19,273,587	\$ 38,032,538	\$ 26,080,718	\$ 11,951,820

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
2015 Tax Budget
For The Year Ending December 31, 2015

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
 (Do Not Include General Obligation Debt Being Paid By Other Sources)

Fiscal Officer Signature _____ Date June 24, 2014

SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
2002 Various Purpose	2002	December 1, 2022	\$1,240,000	\$263,450	
2009 Various Purpose	2009	December 1, 2016	\$350,000	\$184,625	
2010 Various Purpose	2010	December 1, 2017	\$320,000.00	\$177,545.00	
2011 Police Station Refinance	2011	December 1, 2031	\$1,400,000.00	\$142,813.00	
2012 Police Station Refinance	2012	December 1, 2030	\$3,230,000.00	\$313,510.00	
2012 Various Purpose	2012	December 1, 2022	\$1,185,000.00	\$224,040.00	
2014 Various Purpose	06/12/14	June 1, 2015	\$2,320,000.00	\$2,332,760.00	
Totals			\$10,045,000.00	\$3,638,743.00	\$0.00

RESOLUTION NO. 14-52
INTRODUCED BY: Mr. Tadych

First Reading 5-5-14
Second Reading 5-19-14

A RESOLUTION
**ADOPTING A BUDGET FOR THE CITY OF BAY VILLAGE FOR THE
FISCAL YEAR BEGINNING JANUARY 1, 2015 SUBMITTING SAME
TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.**

WHEREAS, there has heretofore been prepared a tentative budget for the City of Bay Village for the fiscal year beginning January 1, 2015 showing detailed estimates of all balances that will be available at the beginning of the year 2015 for the purpose of such year and of all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types or classes of revenues; also estimates of all said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, the budget will be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the budget of the City of Bay Village for the fiscal year beginning January 1, 2015 as heretofore prepared and submitted to Council, copies of which are on file in the office of the Director of Finance of the City and the Clerk of Council, be and it is hereby adopted as the official budget for the City of Bay Village for the fiscal year beginning January 1, 2015.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of said budget and a copy of this Resolution to the Cuyahoga County Fiscal Officer, Ohio.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution 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 4. That this Resolution 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 that it is immediately necessary to adopt such budget to provide funds for 2015 wherefore this Resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED:

CLERK OF COUNCIL

APPROVED:

MAYOR

PRESIDENT OF COUNCIL

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO RATIFY AN AGREEMENT WITH THE
MCGOWAN INSURANCE AGENCY AS AGENTS OF ONE BEACON INSURANCE
GROUP AND AMERICAN ALTERNATIVE INSURANCE COMPANY FOR
PUBLIC OFFICIALS LIABILITY, LAW ENFORCEMENT PROFESSIONAL AND
FIREFIGHTERS PROFESSIONAL LIABILITY, GENERAL LIABILITY,
AUTOMOBILE PHYSICAL DAMAGE
AND LIABILITY, PROPERTY AND EQUIPMENT, BOILER &
MACHINERY AND CRIME COVERAGE, AND UMBRELLA INSURANCE,
AND DECLARING AN EMERGENCY.

WHEREAS, the current agreement between the City of Bay Village and McGowan Insurance Agency as agents for the City's general liability and property insurance coverage as authorized by Ordinance No. 13-45 expires June 14, 2014;

NOW THEREFORE, 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 ratify an agreement with McGowan Insurance Agency as agents of the One Beacon Insurance Group for Public Officials Liability, Law Enforcement Professional and Fire Fighters Professional Liability, General Liability, Automobile Physical Damage and Liability, Property and Equipment, Boiler & Machinery and Crime Coverage, and American Alternative Insurance Company for Umbrella insurance for a one year period beginning June 15, 2014. The annual premium for the One Beacon Insurance Group which includes Comprehensive Municipal Liability coverage, Public Officials Errors & Omissions, Automobile Liability & Physical Damage coverage, Police Professional Liability, Property (Business & Contents) coverage, Inland Marine coverage, Boiler & Machinery coverage, Electronic & Data Processing Equipment coverage, and Valuable Papers & Records coverage is One hundred sixty-six thousand, one hundred three dollars (\$166,103.00). The annual premium for the American Alternative Insurance Company Umbrella Coverage is Twenty-seven thousand, nine hundred seventy-nine dollars (\$27,979.00). Payments shall be made from the appropriate account.

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 committees 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 that it is immediately necessary to provide uninterrupted insurance coverage to protect the assets of the City, 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

5-27-14 II

AN ORDINANCE
AMENDING CODIFIED ORDINANCE CHAPTER 913 REGARDING
CONNECTIONS TO SEWERS
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Chapter 913 which presently reads as follows:

CHAPTER 913
Connections to Sewers

913.01 Sanitary sewer line connection.	913.10 Test of sewer connections authorized.
913.02 Storm sewer line connection.	913.11 Corrective order and expenses therefor.
913.03 Approval on sanitary sewer line.	913.12 Certificate of occupancy.
913.04 approval on storm sewer line.	913.13 Provisions to supplement Building Code.
913.05 Cesspool or septic tank construction.	913.14 Sewer service lines; fee.
913.06 Tap-in fee in lieu of assessment.	913.99 Penalty.
913.07 Notice to make connection.	
913.08 Downspouts, roof and yard drains.	
913.09 Test of downspouts, yard drains authorized.	

CROSS REFERENCES

Repair and maintenance of service lines - see S. & P. S. Ch. 915
Sewer rental - see S. & P.S. Ch. 921

913.01 SANITARY SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sanitary sewer line, the sanitary disposal system of such structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties. Such service connection shall be five inches in diameter. (Ord. 75-3. Passed 1-6-75.)

913.02 STORM SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public storm sewer line, the storm water disposal system of the structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties. Such service connection shall be six inches in diameter. (Ord. 75-3. Passed 1-6-75.)

913.03 APPROVAL ON SANITARY SEWER LINE

Whenever any structure shall have been heretofore constructed in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public sanitary sewer line,

the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the sanitary disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.04 APPROVAL ON STORM SEWER LINE.

Whenever any structure shall have been constructed heretofore in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public storm sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the storm sewer disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.05 CESSPOOL OR SEPTIC TANK CONSTRUCTION.

After August 19, 1957, no person owning or having in possession the charge or management of any property within the corporate limits shall construct or permit to be constructed on any such property any cesspool or septic tank. (Ord. 57-122, Passed 8-19-57.)

913.06 TAP-IN FEE IN LIEU OF ASSESSMENT.

Wherever public sanitary sewers, storm sewers or water lines have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the City, or the cost thereof has been partially or wholly assessed against property, and the owner of any abutting property makes application for permit to tap into any such sewer or water line, no permit shall be issued to any such abutting owner if for any reason no assessment has been levied against the property for which the tap is sought, unless such person shall first pay into the City Treasury a sum equal to an amount paid by the City or assessed against similarly situated properties for the cost of constructing such sewers and/or water lines into which he desires to tap. (Ord. 62-135. Passed 9-4-62.)

913.07 NOTICE TO MAKE CONNECTION.

Whenever either a storm sewer or a sanitary sewer or both are available for connection to any lot or parcel of land, the Director of Public Service and Properties shall cause written notice to be given to the owner of such lot or parcel of land to which such connections are to be made, which notice shall state the number and character of the connections required. The notice under this section shall be served by the Clerk of Council upon the owners of the lots or parcels of land to which such connections are to be made, by certified mail addressed to such owner at his last known address, or to the address to which tax bills are sent. If it appears by the return of the certified mail notice, or otherwise, that one or more of such owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail, accepted by the addressee or anyone purporting to act for him, shall be prima-facie evidence of the service of notice under this section. Such connection shall be installed within sixty days from the date of service of the notice. (Ord. 70-97. Passed 6-1-70.)

913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.

Downspouts, roof and yard drains shall not be connected to any sanitary sewer. (Ord. 70-42. Passed 3-10-70.)

913.09 TEST OF DOWNSPOUTS, YARD DRAINS AUTHORIZED.

The Director of Public Service and Properties or any employee of the City designated by him may enter upon any lot or parcel of land within the City and test any downspout or storm water drain on any building thereon to determine whether or not it discharges water into any sanitary sewer. (Ord. 70-42. Passed 3-16-70.)

913.10 TEST OF SEWER CONNECTIONS AUTHORIZED.

The Director of Public Service and Properties, or any employee of the City designated by him, may enter on any lot or parcel of land and open any test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot or parcel of land or in the public street in front of the same, and to determine whether the sewer lines are connected to the proper sewer. (Ord. 70-42. Passed 3-16-70.)

913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks or current property. Inspection to be provided to assure proper connection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter. (Ord. 07-98. Passed 11-5-07.)

913.12 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy shall be issued pursuant to Section 1344.05 until the Director of Public Service and Properties has notified the Building Commissioner in writing that all of the provisions of Chapter 913 of the Codified Ordinances have been complied with in regard to the property for which a certificate of occupancy is sought. (Ord. 70-42. Passed 3-16-70.)

913.13 PROVISIONS TO SUPPLEMENT BUILDING CODE.

The provisions of this chapter are supplementary to the provisions of the City Building Code. (Ord. 70-42. Passed 3-16-70.)

913.14 SEWER SERVICE LINES; FEE.

Should it be necessary, the City shall provide sewer service lines for existing developed lots, when none are available by extending such sewer service line from the existing main sewer to the tree lawn area for the following set fees:

- (a) From any distance between the centerline of the street to the tree lawn: \$250.00
- (b) From any distance further than the centerline of the street to the tree lawn: \$500.00.

Such amount shall be billed to the owner.

If the owner or person having charge of such lands fails to pay the City's invoice for street work Council shall make a written return to the County Auditor of his/her action, with a statement of the charges and a proper description of the premises. Such amount, when allowed, shall be entered upon the tax duplicate, and be a lien upon such lands from and after the date of the entry, and be collected as other taxes and returned to the City with the General Fund. (Ord. 80-43. Passed 5-5-80.)

913.99 PENALTY.

Whoever violates any of the provisions of this chapter and/or fails to make a connection to the requisite sewer as directed by the Director of Public Service and Properties or by Council is guilty of a misdemeanor of the third degree. Each day's continued violation shall constitute a separate offense. (Ord. 80-43. Passed 5-5-80.)

be and the same is amended to read:

CHAPTER 913 Connections to Sewers

- | | |
|---|--|
| 913.01 Sanitary sewer line connection. | 913.11 Corrective order and expenses therefor. |
| 913.02 Storm sewer line connection. | 913.12 Certificate of occupancy. |
| 913.03 Approval on sanitary sewer line. | 913.13 Provisions to supplement Building Code. |
| 913.04 Approval on storm sewer line. | 913.14 Sewer service lines. |
| 913.05 Tap-In fee. | 913.15 Sewer service lines: clean out required. |
| 913.06 Tap-in fee in lieu of assessment. | 913.16 Approval on sewer service line. |
| 913.07 Notice to make connection. | 913.17 Cesspool or septic tank construction. |
| 913.08 Downspouts, roof and yard drains. | 913.99 Penalty. |
| 913.09 Test of downspouts, yard drains authorized. | |
| 913.10 Test of sewer connections authorized. | |

CROSS REFERENCES

Repair and maintenance of service lines - see S. & P. S. Ch. 915
Sewer rental - see S. & P.S. Ch. 921

913.01 SANITARY SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sanitary sewer line, the sanitary disposal system of such structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties.

913.02 STORM SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public storm sewer line, the storm water disposal system of the structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties.

913.03 APPROVAL ON SANITARY SEWER LINE

Whenever any structure shall have been heretofore constructed in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public sanitary sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the sanitary disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.04 APPROVAL ON STORM SEWER LINE.

Whenever any structure shall have been constructed heretofore in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public storm sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the storm sewer disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.05 TAP-IN FEE.

The charge for an initial tap-in connection to the City sanitary sewer system or for an increase of sanitary flow caused by an expansion or change of use shall be as follows:

- (a) Residential: One thousand dollars (\$1,000.00) per dwelling unit.
- (b) Restaurant: Less than 2,000 square foot, two thousand two hundred and fifty dollars (\$2,250.00); each additional square foot 0.50.
- (c) Office Buildings, Retail and Commercial and All Others: Less than 2,000 square foot, one thousand dollars (1,000.00); each additional square foot 0.25.

The Chief Building Official will be responsible for determination of the tap-in fee calculation and approved by the Director of Finance. Existing uses that are being demolished/removed from service due to re-development will be used in the calculation. For example, if a re-development project proposes 30 units of residential and 5 existing units are being demolished, the tap-in fee will be based on 25 units. Other re-development projects will also take into account demolition of existing buildings.

These tap-in fees are for the ability to "tap-in" to the City's sewer system. They do not cover the construction cost for the tap-in. The private sector will be solely responsible for an approved contractor installing the connections with the City Inspector reviewing and approving the implementation of the project. The Director of Public Service will oversee any and all fees involved with City crews conducting any work at the site. The tap-in fees will not cover the cost of having a City Inspector at the site reviewing and approving the connection; such fees will be billed hourly as incurred with such fees as established by the Director of Finance.

The funds received from the collection of such charges shall be kept in a separate and distinct fund which shall be known as the Sewer fund. The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the City's sewerage systems, which includes both storm and sanitary sewers, sewage pumping stations and treatment and disposal works.

913.06 TAP-IN FEE IN LIEU OF ASSESSMENT.

Wherever public sanitary sewers, storm sewers or water lines have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the City, or the cost thereof has been partially or wholly assessed against property, and the owner of any abutting property makes application for permit to tap into any such sewer or water line, no permit shall be issued to any such abutting owner if for any reason no assessment has been levied against the property for which the tap is sought, unless such person shall first pay into the City Treasury a sum equal to an amount paid by the City or assessed against similarly situated properties for the cost of constructing such sewers and/or water lines into which he desires to tap.

(Ord. 62-135. Passed 9-4-62.)

913.07 NOTICE TO MAKE CONNECTION.

Whenever either a storm sewer or a sanitary sewer or both are available for connection to any lot or parcel of land, the Director of Public Service and Properties shall cause written notice to be given to the owner of such lot or parcel of land to which such connections are to be made, which notice shall state the number and character of the connections required. The notice under this section shall be served by the Clerk of Council upon the owners of the lots or parcels of land to which such connections are to be made, by certified mail addressed to such owner at his last known address, or to the address to which tax bills are sent. If it appears by the return of the certified mail notice, or otherwise, that one or more of such owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail, accepted by the addressee or anyone purporting to act for him, shall be prima-facie evidence of the service of notice under this section. Such connection shall be installed within sixty days from the date of service of the notice. (Ord. 70-97. Passed 6-1-70.)

913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.

Downspouts, roof and yard drains shall not be connected to any sanitary sewer.
(Ord. 70-42. Passed 3-10-70.)

913.09 TEST OF DOWNSPOUTS, YARD DRAINS AUTHORIZED.

The Director of Public Service and Properties or any employee of the City designated by him may enter upon any lot or parcel of land within the City and test any downspout or storm water drain on any building thereon to determine whether or not it discharges water into any sanitary sewer. (Ord. 70-42. Passed 3-16-70.)

913.10 TEST OF SEWER CONNECTIONS AUTHORIZED.

The Director of Public Service and Properties, or any employee of the City designated by him, may enter on any lot or parcel of land and open any test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot or parcel of land or in the public street in front of the same, and to determine whether the sewer lines are connected to the proper sewer.

(Ord. 70-42. Passed 3-16-70.)

913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement

of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks or current property. Inspection to be provided to assure proper connection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter. (Ord. 07-98. Passed 11-5-07.)

913.12 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy shall be issued pursuant to Section 1344.05 until the Director of Public Service and Properties has notified the Building Commissioner in writing that all of the provisions of Chapter 913 of the Codified Ordinances have been complied with in regard to the property for which a certificate of occupancy is sought. (Ord. 70-42. Passed 3-16-70.)

913.13 PROVISIONS TO SUPPLEMENT BUILDING CODE.

The provisions of this chapter are supplementary to the provisions of the City Building Code. (Ord. 70-42. Passed 3-16-70.)

913.14 SEWER SERVICE LINES.

(a) It shall be the responsibility of the owner to construct "sewer service lines" for existing developed lots, when none are available.

(b) When it is necessary to construct or replace "sewer service lines", a permit must be obtained from the Building Official.

(c) Construction of "sewer service lines" shall be done by a licensed sewer contractor, with a City Inspector reviewing and approving all work.

(d) A refundable deposit shall be submitted prior to the issuance of a permit as set forth in 1305.02 of the Codified Ordinances. The Building Official and/or Service Director shall use the deposit at their discretion for inspection fees, debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

913.15 SEWER SERVICE LINE; CLEAN-OUT REQUIRED.

Whenever any structure shall have been heretofore constructed in the City upon a lot or parcel of land which abuts upon a street containing a "sewer service line", connected to a public sewer, a clean-out shall be provided. Such clean-out and any existing clean-out shall be brought up to grade in such manner as approved by the Director of Public Service and Properties.

913.16 APPROVAL ON SEWER SERVICE LINE.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sewer line, the Director of Public Service and Properties shall inspect and approve the connection of a new structure to any existing "sewer service lines" which flow into a public sewer line.

913.17 CESSPOOL OR SEPTIC TANK CONSTRUCTION.

After August 19, 1957, no person owning or having in possession the charge or management of any property within the corporate limits shall construct or permit to be constructed on any such property any cesspool or septic tank.

913.99 PENALTY.

Whoever violates any of the provisions of this chapter and/or fails to make a connection to the requisite sewer as directed by the Director of Public Service and Properties or by Council is guilty of a misdemeanor of the third degree. Each day's continued violation shall constitute a separate offense. (Ord. 80-43. Passed 5-5-80.)

and present Chapter 913 is hereby repealed.

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 reasons stated in the preamble hereof, 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

05/14/14 II

ORDINANCE NO. 14-61
INTRODUCED BY: Mr. Tadych

First Reading 5-19-14

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 912.03 REGARDING
LIMITATIONS OF CONNECTIONS
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Section 912.03 which presently reads as follows:

912.03 LIMITATIONS OF CONNECTIONS.

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb public or private sanitary or storm sewer or appurtenance thereof without first obtaining a permit from the City.

(b) No sewer, or system of sewers, shall be constructed, which connects either directly or indirectly to sanitary sewerage facilities controlled by the City until the owner of the sewer, or system of sewers, can demonstrate to the City that quality of the wastewater to be conveyed by this sewer can meet the requirements of this sewer use chapter.

(c) No permit shall be issued to connect a house sewer to a public sewer if the connection or any portion thereof is in, under, or on a lot not owned by the person whose house is to be connected and if no recorded easement exists authorizing the connection on such lot.

(d) No permit to connect to or tap a public sewer shall be issued if the sewage to be discharged would, in the opinion of the Director, overload any public sewer or downstream facilities including pump stations and/or treatment plants.

(e) When, in the opinion of the Director, it is necessary to connect a house connection sewer to a public sewer at a point where no connection facility has been provided, application for the public sewer tap shall be submitted and a separate fee for each tap shall be paid by the applicant before the permit is issued for the construction of the house connection sewer.
(Ord. 84-37. Passed 7-2-84.)

(f) All tapping of public sewers shall be made by a contractor registered per the requirement of Chapter 1310. Sewer taps shall be performed as directed by the City. All piping, fittings and connections shall be inspected and approved by the City prior to backfill. Material used as backfill and pavement replacement shall be as directed and approved by the City.

(1) Deposit Fees.

A. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that does not contain a water, electric, communication and/or gas main shall require a five hundred dollars (\$500.00) refundable deposit at the time of permit application.

B. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that contains a water, electric, communication and/or gas main shall require a two thousand five hundred dollar (\$2,500.00) refundable deposit at the time of permit application.

C. All excavations which require the removal of street pavement or boring beneath public streets shall require a five thousand dollar (\$5,000.00) refundable deposit at the time of permit application.

The Building Official and/or Service Director shall use the deposit at their discretion for debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

(g) No person other than an authorized employee of the City shall in any way tamper with, remove or otherwise move or disturb any manhole cover of a City sewer or sewer opening without first obtaining permission from the Director.

(h) No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices shall not be discharged to storm sewers.

(i) The Director or any employee of the City designated by him may enter on any lot or parcel of land and open and observe the test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot, parcel of land or in the public right of way or easement in front of the same, and to determine whether the sewer connections are connected to the proper sewer.

(Ord. 12-94. Passed 11-19-12.)

be and the same is amended to read:

912.03 LIMITATIONS OF CONNECTIONS.

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb public or private sanitary or storm sewer or appurtenance thereof without first obtaining a permit from the City.

(b) No sewer, or system of sewers, shall be constructed, which connects either directly or indirectly to sanitary sewerage facilities controlled by the City until the owner of the sewer, or system of sewers, can demonstrate to the City that quality of the wastewater to be conveyed by this sewer can meet the requirements of this sewer use chapter.

(c) No permit shall be issued to connect a sewer service line to a public sewer if the connection or any portion thereof is in, under, or on a lot not owned by the person whose house is to be connected and if no recorded easement exists authorizing the connection on such lot.

(d) No permit to connect to or tap a public sewer shall be issued if the sewage to be discharged would, in the opinion of the Director, overload any public sewer or downstream facilities including pump stations and/or treatment plants.

(e) When it is necessary to connect a sewer service line to a public sewer at a point where no connection facility has been provided, a permit must be obtained from the Building Official to complete a "tap-in" to the City's sewer system.

(f) All "tap-in" connections of a public sewer shall be made by a licensed sewer contractor, with a City Inspector reviewing and approving the implementation of the project.

(1) Deposit Fees.

A. All applicants for the permit required by C.O. 912.03 shall deposit with the Director of Finance, the appropriate amount as set forth in Section 1305.02 of the Codified Ordinances.

B. The Building Official and/or Service Director shall use the deposit at their discretion for inspection fees, debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

An additional amount may be required by the Director of Public Service and Properties to be so deposited if in his opinion the amount of the above-mentioned deposit is insufficient.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

The balance of the deposit shall be returned to the permittee after completion of the work by the City and upon application from the permittee.

(g) No person other than an authorized employee of the City shall in any way tamper with, remove or otherwise move or disturb any manhole cover of a City sewer or sewer opening without first obtaining permission from the Director.

(h) No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices shall not be discharged to storm sewers.

(i) The Director or any employee of the City designated by him may enter on any lot or parcel of land and open and observe the test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot, parcel of land or in the public right of way or easement in front of the same, and to determine whether the sewer connections are connected to the proper sewer.

and present 912.03 is hereby repealed.

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 reasons stated in the preamble hereof, 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

05/14/14 II

AN ORDINANCE
AMENDING CODIFIED ORDINANCE CHAPTER 921 REGARDING
SEWER RENTAL
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Chapter 921 which presently reads as follows:

CHAPTER 921
Sewer Rental

- | | |
|---|--|
| 921.01 Definitions. | 921.07 Sewer maintenance deferred charge. |
| 921.02 Rental rates. | 921.08 Connection charge; properties |
| 921.03 Dates of payment. | improved prior to March 16, 1959. |
| 921.04 Billings. | 921.09 Extra-strength surcharge system |
| 921.05 Penalty for late payment. | charges. |
| 921.06 Sewer Fund established. | |

CROSS REFERENCE

Sewer connections - see S. & P.S. Ch. 913

921.01 DEFINITIONS.

The following definitions shall apply to all sections of this chapter:

- (a) "Sewer service charge" means the fee levied on the sewer user to fund the operation, maintenance, replacement and bond retirement costs for providing wastewater collection and treatment services.
- (b) "User charge" means a charge levied on the users of the wastewater collection and treatment facilities for the user's proportionate share of the cost of operation and maintenance (including replacement) of such facilities.
- (c) "Debt service" means the bond retirement which is incurred in the payment of capital costs for the construction of wastewater collection and treatment facilities.
- (d) "Operation and maintenance" means the costs which are incurred in providing for the operation and maintenance of wastewater collection, treatment and sewer billing services. Debt service costs are not included in operation and maintenance costs.
- (e) "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (f) "Normal wastewater concentrations" means, for the purposes of the extra strength surcharge system, a five-day biochemical oxygen demand of 200 milligrams per liter, suspended solids of 200 milligrams per liter, phosphorus of 15 milligrams per liter and oil and grease of 50 milligrams per liter.

(g) "User class" means a group of sewer users which have similar magnitudes of wastewater flows and wastewater characteristics.

(h) "Residential user" means occupied premises for human inhabitation including apartments, etc., but excluding hotels and motels.

(i) "Industrial user" means discharge of a waste resulting from manufacturing activities involving the chemical or mechanical transformation of materials or substances into other products.

(j) "Commercial user" means any discharges not meeting the definitions of residential or industrial. (Ord. 85-13. Passed 2-4-85.)

921.02 RENTAL RATES.

921.02 RENTAL RATES.

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City's water system or any other public or private water system and which are capable of being connected to the City's sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

	Rates in Effect for:	1/1/2014 & Thereafter
User Class		
(a)	Single-family	\$335.00/yr
(b)	Double-family	420.00/yr
(c)	Apartments	
	2 bedroom or more	214.00/yr
	1 bedroom or less	130.00/yr
(d)	Commercial	30.03/MCF
(e)	Industrial	30.03/MCF

Commercial and industrial rate will be \$30.03 per MCF but not less than \$246.00 per year.

921.03 DATES OF PAYMENT.

(a) The charges established by Section 921.02 shall be payable quarterly at the Bay Village City Hall.

Collection periods for the quarterly payments shall be:

- (1) First quarter of calendar year - January 1 through January 31;
- (2) Second quarter of calendar year - April 1 through April 30;
- (3) Third quarter of calendar year - July 1 through July 31;
- (4) Fourth quarter of calendar year - October 1 through October 31.

(b) In the event that the cutoff date should fall on a weekend or City-observed holiday, the collection period shall be extended to include the next regular business day on which the City Hall is open. (Ord. 95-145. Passed 2-5-96.)

921.04 BILLINGS.

Billings for each quarterly period shall be mailed as close as practical to January 1, April 1, July 1 and October 1 for the respective quarter. Such billings shall contain such information as the Director of Finance shall deem necessary. Notice of the user charge shall be given at least annually to each user through the sewer billings.(Ord. 95-145. Passed 2-5-96.)

921.05 PENALTY FOR LATE PAYMENT.

All unpaid charges for Section 921.02 and 923.01 shall be certified by the Director of Finance to the Auditor of Cuyahoga County for collection as other municipal taxes. A penalty of ten percent (10%) of the delinquent amount shall be added to delinquent accounts, but in no event shall such penalty be less than ten dollars (\$10.00). Should one or both of the charges in Section 921.01 or Section 923.01 not be paid, only one ten dollar (\$10.00) late fee shall apply. An account shall be deemed delinquent if not paid by the end of the quarterly collection periods specified in Section 921.03 and Section 923.02.(Ord. 08-52. Passed 5-19-08.)

921.06 SEWER FUND ESTABLISHED.

The funds received from the collection of such charges shall be kept in a separate and distinct fund which shall be known as the Sewer Fund. The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the City's sewerage systems, which includes both storm and sanitary sewers, sewage pumping stations and treatment and disposal works.(Ord. 85-13. Passed 2-4-85.)

921.07 SEWER MAINTENANCE DEFERRED CHARGE.

Any lot, land or parcel which is improved after the effective date of Ordinance 59-32, passed March 16, 1959, by the construction of a structure thereon, which structure is served by the City water system or any other public or private water system and which is required to be connected to the City sewage system and treatment plant shall be charged, in addition to all other fees or charges, whether now in effect or adopted hereafter, the following amount:
(Ord. 85-13. Passed 2-4-85; Ord. 87-132. Passed 10-19-87.)

(a) Single-Family Dwellings. An amount which equals one-half of the charges which would have been made had the lot, land or parcel been improved at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of one thousand five hundred dollars (\$1,500).(Ord. 91-139. Passed 12-2-91.)

(b) Double-Family Dwellings. Same as single-family dwellings but not in excess of one thousand dollars (\$1,000).

(c) Apartment Houses. Same as single-family dwellings but not in excess of five hundred dollars (\$500.00) multiplied by the number of suites in the apartment building.

(d) Office Buildings, Retail and Commercial Structures and All Others. Fifteen dollars (\$15.00) per year multiplied by the quotient resulting from the division of 2,500 into the number of square feet of floor area of the structure, measured from the outside walls of the structure, the product of which shall further be multiplied by the number of full calendar years which have elapsed between the date of the issuance of the building permit and March 15, 1959, but in no event shall more than twenty years be considered in computing such time.

All funds which are collected through the previously described connection charges shall be used to retire debt service, and will not be applied to the operation, maintenance and replacement costs of the wastewater treatment facility or sanitary sewer system.

921.08 CONNECTION CHARGE; PROPERTIES IMPROVED PRIOR TO MARCH 16, 1959.

Any lot, land or parcel which is improved prior to March 16, 1959, but which did not have available to it a public sanitary sewer prior to such date shall, when such a sanitary sewer is available, be charged the following amounts:

(a) Single-Family Dwellings. An amount which equals one-half of the charges which would have been made had a sanitary sewer been available to the lot, land or parcel at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of one hundred fifty dollars (\$150.00).

(b) Two-Family Dwellings. An amount which equals one-half of the charges which would have been made had a sanitary sewer been available to the lot, land or parcel at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of three hundred dollars (\$300.00).

(c) Apartment Houses. An amount which equals one-half of the charges which would have been made had a sanitary sewer been available to the lot, land or parcel at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of one hundred fifty dollars (\$150.00) multiplied by the number of suites in the apartment building.

(d) Office Buildings, Retail Business Structures, Commercial Business Structures, and All Others. Three-fourths of the estimated annual water bill multiplied by the number of full calendar years which have elapsed between the effective date of Ordinance 59-32, passed March 16, 1959, and the date when the sanitary sewer is available, but in no event shall more than twenty years be considered in computing such time.

In arriving at the estimated water bills set forth in subsection (d) hereof, the Director of Public Service and Properties shall be guided by the known water bills of structures of comparable size and use, whether located in the City or not, but limited, however, to Cuyahoga County. The determination of the estimated water bills by the Director of Public Service and Properties shall be final.

All funds which are collected through the previously described connection charges shall be used to retire debt service, and will not be applied to the operation, maintenance and replacement costs of the wastewater treatment facility or sanitary sewer system. (Ord. 85-13. Passed 2-4-85.)

921.09 EXTRA-STRENGTH SURCHARGE SYSTEM CHARGES.

Through an Industrial Surveillance/Pretreatment Program, the City of Rocky River will identify sewer users which discharge wastewater that is higher in strength than normal wastewater concentrations, as described in this chapter. Through the collection and analysis of wastewater samples from the sewer user and a review of water consumption, such City will calculate the extra-strength surcharge for these sewer users, and transmit these charges to the City Finance Director. The Finance Director will add the amount of the extra-strength surcharge to the normal user charge for that sewer user. All extra-strength surcharge revenue which is collected within a given user class will be credited to that user class and not comingled among other user classes. The extra-strength surcharge revenue will be credited to its particular user class prior to calculating the user charge for that user class for the upcoming year. (Ord. 85-13. Passed 2-4-85.)

be and the same is amended to read:

CHAPTER 921
Sewer Rental

921.01 Definitions.

921.02 Rental rates.

921.03 Dates of payment.

921.04 Billings.

921.05 Penalty for late payment.

921.06 Sewer Fund established.

921.07 Extra-strength surcharge system charges.

CROSS REFERENCE

Sewer connections - see S. & P.S. Ch. 913

921.01 DEFINITIONS.

The following definitions shall apply to all sections of this chapter:

(a) "Sewer service charge" means the fee levied on the sewer user to fund the operation, maintenance, replacement and bond retirement costs for providing wastewater collection and treatment services.

(b) "User charge" means a charge levied on the users of the wastewater collection and treatment facilities for the user's proportionate share of the cost of operation and maintenance (including replacement) of such facilities.

(c) "Debt service" means the bond retirement which is incurred in the payment of capital costs for the construction of wastewater collection and treatment facilities.

(d) "Operation and maintenance" means the costs which are incurred in providing for the operation and maintenance of wastewater collection, treatment and sewer billing services. Debt service costs are not included in operation and maintenance costs.

(e) "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(f) "Normal wastewater concentrations" means, for the purposes of the extra strength surcharge system, a five-day biochemical oxygen demand of 200 milligrams per liter, suspended solids of 200 milligrams per liter, phosphorus of 15 milligrams per liter and oil and grease of 50 milligrams per liter.

(g) "User class" means a group of sewer users which have similar magnitudes of wastewater flows and wastewater characteristics.

(h) "Residential user" means occupied premises for human habitation including apartments, etc., but excluding hotels and motels.

(i) "Industrial user" means discharge of a waste resulting from manufacturing activities involving the chemical or mechanical transformation of materials or substances into other products.

(j) "Commercial user" means any discharges not meeting the definitions of residential or industrial. (Ord. 85-13. Passed 2-4-85.)

921.02 RENTAL RATES.

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City's water system or any other public or private water system and which are capable of being connected to the City's sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

	Rates in Effect for:	1/1/2014 & Thereafter
User Class		
(a)	Single-family	\$335.00/yr
(b)	Double-family	420.00/yr
(c)	Apartments	
	2 bedroom or more	214.00/yr
	1 bedroom or less	130.00/yr
(d)	Commercial	30.03/MCF
(e)	Industrial	30.03/MCF

Commercial and industrial rate will be \$30.03 per MCF but not less than \$246.00 per year.

921.03 DATES OF PAYMENT.

(a) The charges established by Section 921.02 shall be payable quarterly at the Bay Village City Hall.

Collection periods for the quarterly payments shall be:

- (1) First quarter of calendar year - January 1 through January 31;
- (2) Second quarter of calendar year - April 1 through April 30;
- (3) Third quarter of calendar year - July 1 through July 31;
- (4) Fourth quarter of calendar year - October 1 through October 31.

(b) In the event that the cutoff date should fall on a weekend or City-observed holiday, the collection period shall be extended to include the next regular business day on which the City Hall is open. (Ord. 95-145. Passed 2-5-96.)

921.04 BILLINGS.

Billings for each quarterly period shall be mailed as close as practical to January 1, April 1, July 1 and October 1 for the respective quarter. Such billings shall contain such information as the Director of Finance shall deem necessary. Notice of the user charge shall be given at least annually to each user through the sewer billings.(Ord. 95-145. Passed 2-5-96.)

921.05 PENALTY FOR LATE PAYMENT.

All unpaid charges for Section 921.02 and 923.01 shall be certified by the Director of Finance to the Auditor of Cuyahoga County for collection as other municipal taxes. A penalty of ten percent (10%) of the delinquent amount shall be added to delinquent accounts, but in no event shall such penalty be less than ten dollars (\$10.00). Should one or both of the charges in Section 921.01 or Section 923.01 not be paid, only one ten dollar (\$10.00) late fee shall apply. An account shall be deemed delinquent if not paid by the end of the quarterly collection periods specified in Section 921.03 and Section 923.02.(Ord. 08-52. Passed 5-19-08.)

921.06 SEWER FUND ESTABLISHED.

The funds received from the collection of such charges shall be kept in a separate and distinct fund which shall be known as the Sewer Fund. The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the City's sewerage systems, which includes both storm and sanitary sewers, sewage pumping stations and treatment and disposal works.(Ord. 85-13. Passed 2-4-85.)

921.07 EXTRA-STRENGTH SURCHARGE SYSTEM CHARGES.

Through an Industrial Surveillance/Pretreatment Program, the City of Rocky River will identify sewer users which discharge wastewater that is higher in strength than normal wastewater concentrations, as described in this chapter. Through the collection and analysis of wastewater samples from the sewer user and a review of water consumption, such City will calculate the extra-strength surcharge for these sewer users, and transmit these charges to the City Finance Director. The Finance Director will add the amount of the extra-strength surcharge to the normal user charge for that sewer user. All extra-strength surcharge revenue which is collected within a given user class will be credited to that user class and not comingled among other user classes. The extra-strength surcharge revenue will be credited to its particular user class prior to calculating the user charge for that user class for the upcoming year.

and present 921 is hereby repealed.

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 reasons stated in the preamble hereof, 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

05/14/14 ll

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 901 REGARDING
STREETS AND SIDEWALKS,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Section 901 which presently reads as follows:

CHAPTER 901
Street Excavations

- | | |
|---|---|
| 901.01 Permit required. | 901.04 Information to be shown on application. |
| 901.02 Deposit for restoration of surface; exception as to public utilities. | 901.05 Safety rules for excavations. |
| 901.03 Public utilities to give notice when making street excavations. | 901.06 Method of making backfill. |
| | 901.99 Penalty. |

CROSS REFERENCES

Authority of Director of Public Service and Properties - see CHTR. Art. IV, §6
Care of streets - see Ohio R.C. 715.19, 723.01 et seq.
Damages resulting from improvements - see Ohio R.C. 727.18 et seq.
Vacating streets - see Preliminary Unit, Tbl. E
Abandoned excavations - see GEN. OFF. 521.03
Removal of lanterns and warning barricades - see GEN. OFF. 541.04, 543.08
Occupancy on unimproved streets - see BLDG. Ch. 1353

901.01 PERMIT REQUIRED.

No opening through, undermining or removal of any pavement or surface in any public streets or other public grounds of the City shall be undertaken by any person until a permit therefor shall have been issued by the Director of Public Service and Properties unless otherwise hereinafter provided.

901.02 DEPOSIT FOR RESTORATION OF SURFACE; EXCEPTION AS TO PUBLIC UTILITIES.

All applicants for the permit required by C.O. 901.01 shall deposit with the City Treasurer a minimum fee of fifty dollars (\$50.00) to cover the cost of any opening in the street area up to the center line, or a minimum fee of one hundred dollars (\$100.00) for any opening in the street area extending beyond the center line.

An additional amount may be required by the Director of Public Service and Properties to be so deposited if in his opinion the amount of the above-mentioned deposit is insufficient. Any amount so deposited shall be applied to the actual cost of restoring the pavement or surface of such street. In the event the actual cost of restoring the pavement or surface shall exceed the

amount of deposit, then the applicant shall pay to the City Treasurer the excess cost over and above the amount of the deposit within ten days after being notified thereof.

Public utilities which occupy streets or public grounds under franchise with the City shall not be required to obtain the permits hereinbefore specified or to make the deposits hereinbefore set forth but shall pay all costs of restoring such pavement or surface within a reasonable time after the work has been completed.

901.03 PUBLIC UTILITIES TO GIVE NOTICE WHEN MAKING STREET EXCAVATIONS.

Public utilities which occupy streets or other public grounds under franchise with the City shall be required to notify the office of the Director of Public Service and Properties, in writing, stating the exact location and estimated duration of any excavation prior to making same in a public street or other public ground, except in the event of an emergency in which case such notice shall be given the next regular business day.

901.04 INFORMATION TO BE SHOWN ON APPLICATION.

The application for a permit under the provisions of this chapter shall state the exact time when the opening is to be made, the probable length of time required for making the repair, location, sizes of the openings to be made, the purpose of the excavation and such other information as the Director of Public Service and Properties may deem necessary.

901.05 SAFETY RULES FOR EXCAVATIONS.

(a) Excavations on the paved or improved portion of any public street shall be made in such a manner as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(b) Equipment, materials and earth necessary in making such excavations shall be so used or placed as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(c) No excavation in the paved or improved portion of any public street shall remain for a period in excess of seventy-two hours.

(d) When, in the opinion of the Director of Public Service and Properties, it is necessary for the public safety, suitable covering shall be placed over any such excavations. If deemed necessary, in his opinion, the Director of Public Service and Properties may also require the placing of hand rails in order to protect pedestrian traffic.

(e) All such excavations, whether covered or not, shall be suitably barricaded and warning lights put in place.

(f) If the excavation in any paved or improved portion of a street is of such a size, length or depth as to be a substantial obstruction to vehicular traffic, the Director of Public Service and Properties may require that:

(1) The excavation be done in sections, or all or a portion of the necessary work be done by tunneling and boring.

(2) Suitable detour signs be erected at such places as the Police Division shall direct.

(g) The Director of Public Service and Properties shall, from time to time, make such additional rules and regulations governing the opening of public streets, public grounds, and the materials to be used in relaying or repairing the various kinds of pavements or surfaces so opened. The Director of Public Service and Properties shall also prepare a schedule of prices to be charged for the repaving and repairing of all openings made by applicants under the provisions of this chapter, which work shall be done under his supervision, exclusively, upon due notice given by the Director of Public Service and Properties.
(Ord. 59-91. Passed 9-21-59.)

901.06 METHOD OF MAKING BACKFILL.

The method of making the necessary backfill where excavation has been made shall be performed as follows: If it is a sewer that is to be covered, stone sand shall be tamped solidly under and around the sewer, with proper tools for that purpose, to a depth of twelve inches. The remainder of the backfill shall be deposited in layers not exceeding four inches in thickness, each of which shall be well-pounded and rammed with a rammer of suitable weight, or an approved pneumatic tamper.

In case of excavations other than sewers, the earth backfill must be compacted in four-inch layers the same as stone backfill, but at all times it must be compact to a density of not less than ninety per cent of the maximum density as per Ohio State Highway Specifications. Care must be exercised at all times to have the backfill material contain the proper amount of moisture so as to obtain the maximum compaction.

901.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not exceeding fifty dollars (\$50.00). Each day's continued violation shall be deemed a separate offense.

be and the same is amended to read:

**CHAPTER 901
Street Excavations**

901.01 Permit required.

**901.02 Deposit for restoration of surface;
exception as to public utilities.**

**901.03 Public utilities to give notice when
making street excavations.**

901.04 Liability for damages.

901.05 Safety rules for excavations.

901.06 Method of making backfill.

901.99 Penalty.

CROSS REFERENCES

Authority of Director of Public Service and Properties - see CHTR. Art. IV, §6

Care of streets - see Ohio R.C. 715.19, 723.01 et seq.

Damages resulting from improvements - see Ohio R.C. 727.18 et seq.

Vacating streets - see Preliminary Unit, Tbl. E

Abandoned excavations - see GEN. OFF. 521.03

Removal of lanterns and warning barricades - see GEN. OFF. 541.04, 543.08

Occupancy on unimproved streets - see BLDG. Ch. 1353

901.01 PERMIT REQUIRED.

No opening through, undermining or removal of any pavement or surface in any public streets or other public grounds of the City shall be undertaken by any person until a permit therefor shall have been issued by the Building Official unless otherwise hereinafter provided. Permit fees and required deposit amounts shall be set forth in Section 1305.02 of the Codified Ordinances.

901.02 DEPOSIT FOR RESTORATION OF SURFACE; EXCEPTION AS TO PUBLIC UTILITIES.

All applicants for the permit required by C.O. 901.01 shall deposit with the Director of Finance, the appropriate amount as set forth in Section 1305.02 of the Codified Ordinances.

The Building Official and/or Service Director shall use the deposit at their discretion for inspection fees, debris removal and/or repair or replacement of any utility, right-of way area, or surface damaged or removed and not replaced during the construction process.

An additional amount may be required by the Director of Public Service and Properties to be so deposited if in his opinion the amount of the above-mentioned deposit is insufficient.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

The balance of the deposit shall be returned to the permittee after completion of the work by the City and upon application from the permittee.

Public utilities which occupy streets or public grounds under franchise with the City shall not be required to obtain the permits hereinbefore specified, or to make the deposits hereinbefore set forth but shall pay all costs of restoring such pavement or surface within a reasonable time after the work has been completed.

901.03 PUBLIC UTILITIES TO GIVE NOTICE WHEN MAKING STREET EXCAVATIONS.

Public utilities which occupy streets or other public grounds under franchise with the City shall be required to notify the office of the Director of Public Service and Properties, in writing, stating the exact location and estimated duration of any excavation prior to making same in a public street or other public ground, except in the event of an emergency in which case such notice shall be given the next regular business day.

901.04 LIABILITY FOR DAMAGES.

The full primary responsibility of any excavation, trench or other street opening shall be that of the permit applicant who shall at all times keep the same properly guarded and enclosed

so that the safety of persons and vehicles using the street, alley or roadway will be assured. This responsibility shall continue until permanent replacement of the pavement or the roadway surface to its original status is completed as specified and approved by the Director of Public Service and Properties, and shall include the defense, settlement and payment of any and all claims actions or court judgments for the damages or injuries to anyone, arising in any way, out of the creation or maintenance of the excavation, trench or other street opening by the permit holder.

901.05 SAFETY RULES FOR EXCAVATIONS.

(a) Excavations on the paved or improved portion of any public street shall be made in such a manner as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(b) Equipment, materials and earth necessary in making such excavations shall be so used or placed as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(c) No excavation in the paved or improved portion of any public street shall remain for a period in excess of seventy-two hours.

(d) When, in the opinion of the Director of Public Service and Properties, it is necessary for the public safety, suitable covering shall be placed over any such excavations. If deemed necessary, in his opinion, the Director of Public Service and Properties may also require the placing of hand rails in order to protect pedestrian traffic.

(e) All such excavations, whether covered or not, shall be suitably barricaded and warning lights put in place.

(f) If the excavation in any paved or improved portion of a street is of such a size, length or depth as to be a substantial obstruction to vehicular traffic, the Director of Public Service and Properties may require that:

(1) The excavation be done in sections, or all or a portion of the necessary work be done by tunneling and boring.

(2) Suitable detour signs be erected at such places as the Police Division shall direct.

(g) The Director of Public Service and Properties shall, from time to time, make such additional rules and regulations governing the opening of public streets, public grounds, and the materials to be used in relaying or repairing the various kinds of pavements or surfaces so opened. The Director of Public Service and Properties shall also prepare a schedule of prices to be charged for the repaving and repairing of all openings made by applicants under the provisions of this chapter, which work shall be done under his supervision, exclusively, upon due notice given by the Director of Public Service and Properties.

(Ord. 59-91. Passed 9-21-59.)

901.06 METHOD OF MAKING BACKFILL.

The method of making the necessary backfill where excavation has been made shall be performed as follows: If it is a sewer that is to be covered, stone sand shall be tamped solidly under and around the sewer, with proper tools for that purpose, to a depth of twelve inches. The remainder of the backfill shall be deposited in layers not exceeding four inches in thickness, each of which shall be well-pounded and rammed with a rammer of suitable weight, or an approved pneumatic tamper.

In case of excavations other than sewers, the earth backfill must be compacted in four-inch layers the same as stone backfill, but at all times it must be compact to a density of not less than ninety per cent of the maximum density as per Ohio State Highway Specifications. Care must be exercised at all times to have the backfill material contain the proper amount of moisture so as to obtain the maximum compaction.

901.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not exceeding fifty dollars (\$50.00). Each day's continued violation shall be deemed a separate offense.

and present 901 is hereby repealed.

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 reasons stated in the preamble hereof, 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

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE SECTION 1305.02 REGARDING PERMIT AND
INSPECTION FEES, AND DECLARING AN EMERGENCY**

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

SECTION 1. That Codified Ordinance Section 1305.02 which presently reads as follows:

“1305.02 FEES FOR BUILDING PERMITS.

Fees for building permits shall be:

A Building Permits	<u>Base Fee</u>	<u>Fee per square foot</u>
(1) New Construction		
(a) 1, 2 or 3 family residential building	\$180.00	.09
Foundation only	\$180.00	
(b) Commercial building	\$250.00	.10

A \$500.00 refundable deposit shall be submitted prior to the issuance of the permit for a new dwelling unit.

A \$1,000.00 refundable deposit shall be submitted prior to the issuance of a permit for a new commercial building.

The Building Director and/or Service Director shall use the deposit, at their discretion, for debris removal and/or repair or replacement of any right-of-way area or surface damage or removed, and not replaced, during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

Engineer’s and Horticulturist Fees, Commercial Project and Residential Developments with more than 1 Dwelling. A deposit of \$2,500.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance at \$2,500.00 when the balance becomes \$500.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Engineer and Horticulturist Fees, Residential Projects. A deposit of \$800.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance of \$800.00 when the balance becomes \$250.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Rates for such services shall be determined from the fee schedule of the City Engineer and City Horticulturist.

The Building Director and/or Service Director shall, at their discretion, require the services of the City Engineer and City Horticulturist.

	<u>Base Fee</u>
(2) Demolition or raze accessory building	\$50.00
Demolition or raze dwelling	\$100.00
Demolition or raze commercial building	\$200.00

A \$500.00 refundable deposit shall be submitted for dwelling unit demolition permits.

A \$750.00 refundable deposit shall be submitted for commercial building demolition permits.

The Building Director and/or Service Director shall use the deposit, at their discretion, for debris removal and/or repair any right-of-way area or surface damaged during the demolition process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

3) Alterations and Additions	<u>Base Fee</u>	<u>Fee per square foot</u>
A 1, 2 or 3 family residential building	\$60.00	.09
	<u>Base Fee</u>	<u>Fee per square foot</u>
B Commercial Building	\$125.00	.10
Electrical Installations		
(1) 1, 2 or 3 family residential	<u>Base Fee</u>	<u>Fee per square foot</u>
a) New construction and additions	\$75.00	.05
b) Remodeling/alterations	\$30.00	
Hot Water Heater	\$25.00	
<u>Separate Permits:</u>		
Temporary Service Permit	\$75.00	
New Service Permit	\$75.00	
Generator Permit	\$75.00	
(2) Commercial Buildings	<u>Base fee</u>	<u>Fee per square foot</u>
(a) New Construction and Additions	\$125.00	.10
(b) Remodeling/alterations/interior demolition	\$75.00	.10
Transformers, heaters, etc.	\$24.00	
Communication system/intercom	\$75.00	
Temporary Service Permit	\$75.00	
New Service Permit	\$75.00	
C) Plumbing, Sewers, Underground Utilities	<u>Base fee</u>	<u>Fee per square foot</u>
(1) 1, 2 or 3 family residential		
(a) New construction and additions	\$60.00	.03
(b) Remodeling/alterations	\$30.00	.03
Each plumbing fixture	\$25.00	
Hot water tank	\$25.00	
Water service, sanitary and storm laterals (each) including repairs	\$30.00	
Gas lines, new	\$30.00	
Exterior storm water basins (each) includes piping	\$30.00	
(2) Commercial Buildings		
(a) New construction and additions	\$125.00	.10
(b) Remodeling/alterations	\$75.00	.10
Each plumbing fixture	\$25.00	
Hot water tank	\$25.00	
Water service, sanitary and storm laterals (each) including repairs	\$60.00	
Gas line, new	\$60.00	

Exterior storm water basins (each)
includes piping \$30.00

All excavations, which require the removal of public sidewalks and/or excavating in the right-of-way area, shall require a \$500.00 refundable deposit at the time of permit application.

All excavations, which require the removal of street pavement or boring beneath public streets, shall require a \$1,000.00 refundable deposit at the time of permit application.

The Building Director and/or Service Director shall use the deposit, at the discretion, for debris removal and/or repair or replacement of any right-of-way area or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

D Heating and Air Conditioning	<u>Base Fee</u>	<u>Fee per square foot</u>
(1) New Dwelling	\$60.00	.03
Each heating unit and/or a/c unit	\$30.00	
Alterations and/or additions to existing residential duct work	\$30.00	.03
(2) New Commercial	\$125.00	.07
Each heating unit and/or a/c unit	\$60.00	
Alterations and/or Additions to existing commercial duct work	\$50.00	.07
Commercial or Industrial conversion or replacement, per unit	\$60.00	
(3) Solar Heat/Geothermal System		
A. Residential	\$125.00	
B. Commercial	\$250.00	
E Miscellaneous Fees/Permits/Boards/Commissions	<u>Base Fee</u>	<u>Fee per square foot</u>
Roofing and siding jobs	\$50.00	
Window and door replacement	\$50.00	
Garages, accessory buildings and structures	\$30.00	.09
Garage pad/floor	\$30.00	
Swimming pools	\$60.00	
Grade Setting	\$75.00	
Concrete, asphalt, or other improved driveway surface	\$60.00	
Apron	\$30.00	
Commercial parking lots, per 5000 sq. ft. or part thereof	\$75.00	
Sidewalk/patio	\$30.00	
Grading permit fee:		
Residential	\$60.00	
Commercial	\$125.00	
Fireplaces (each)	\$60.00	
Fences	\$30.00	

Retaining walls	\$60.00
Elevators	\$125.00
plus per floor	\$30.00
Security system	\$60.00
Fire alarm system	\$90.00
plus per device	\$.20
Fire suppression system	\$90.00
plus per head	\$.20
Commercial kitchen hood and hood suppression	\$100.00
Communication tower	\$300.00
Water proofing	\$60.00
Lawn sprinkler system	\$50.00

Any damage done by City employees to sprinkler systems installed in City right-of-way areas shall be the sole expense and responsibility of the property owner.

Any miscellaneous permit not heretofore listed shall have a fee charged per the most similar listed permit as determined by the Building Department.

F	<u>Sign Permit</u>	
	Signs not in excess of 24 sq. ft.	\$30.00
	Signs between 24 and 48 sq. ft.	\$60.00
	Signs over 48 sq. ft.	\$125.00
G	<u>Planning Commission Application</u>	
	Residential	\$75.00
	Commercial	\$100.00
H	<u>Architectural Board of Review Application</u>	\$100.00
I	<u>Board of Zoning Appeals Application</u>	\$50.00
J	Lot Splits (payable upon approval by Planning Commission.)	
	(1) Major/minor subdivision-per lot	\$50.00
	(2) Lot split	\$75.00
	(3) Re-division	\$75.00
K	<u>Housing License Fee</u>	\$75.00
L	<u>Residential Occupancy and Use Permit</u>	
	New dwelling	\$100.00
	Addition 750 sq. ft. or larger	\$50.00
M	<u>Commercial Occupancy and Use Permit</u>	\$150.00
N	Coin Operated machines	
	(1 for machine)	\$60.00
	(1) Replacement fee coin operated machines	\$30.00

be and the same is hereby amended to read:

“1305.02 FEES FOR BUILDING PERMITS.

Fees for building permits shall be:

A Building Permits	<u>Base Fee</u>	<u>Fee per square foot</u>
(1) New Construction		
(a) 1, 2 or 3 family residential building	\$180.00	.09
Foundation only	\$180.00	
(b) Commercial building	\$250.00	.10

A \$500.00 refundable deposit shall be submitted prior to the issuance of the permit for a new dwelling unit.

A \$1,000.00 refundable deposit shall be submitted prior to the issuance of a permit for a new commercial building.

The Building Director and/or Service Director shall use the deposit, at their discretion, for inspection fees, debris removal and/or repair or replacement of any right-of-way area or surface damage or removed, and not replaced, during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

Engineer’s and Horticulturist Fees, Commercial Project and Residential Developments with more than 1 Dwelling. A deposit of \$2,500.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance at \$2,500.00 when the balance becomes \$500.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Engineer and Horticulturist Fees, Residential Projects. A deposit of \$800.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance of \$800.00 when the balance becomes \$250.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Rates for such services shall be determined from the fee schedule of the City Engineer and City Horticulturist.

The Building Director and/or Service Director shall, at their discretion, require the services of the City Engineer and City Horticulturist.

	<u>Base Fee</u>
(2) Demolition or raze accessory building	\$50.00
Demolition or raze dwelling	\$100.00
Demolition or raze commercial building	\$200.00

A \$500.00 refundable deposit shall be submitted for dwelling unit demolition permits.

A \$750.00 refundable deposit shall be submitted for commercial building demolition permits.

The Building Director and/or Service Director shall use the deposit, at their discretion, for inspection fees, debris removal and/or repair any right-of-way area or surface damaged during the demolition process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

3) Alterations and Additions	<u>Base Fee</u>	<u>Fee per square foot</u>
A 1, 2 or 3 family residential building	\$60.00	.09

B Commercial Building	Base Fee	Fee per square foot
Electrical Installations	\$125.00	.10
(1) 1, 2 or 3 family residential	<u>Base Fee</u>	<u>Fee per square foot</u>
a) New construction and additions	\$75.00	.05
b) Remodeling/alterations	\$30.00	
Hot Water Heater	\$25.00	
<u>Separate Permits:</u>		
Temporary Service Permit	\$75.00	
New Service Permit	\$75.00	
Generator Permit	\$75.00	
(2) Commercial Buildings	<u>Base fee</u>	<u>Fee per square foot</u>
(a) New Construction and Additions	\$125.00	.10
(b) Remodeling/alterations/interior demolition	\$75.00	.10
Transformers, heaters, etc.	\$24.00	
Communication system/intercom	\$75.00	
Temporary Service Permit	\$75.00	
New Service Permit	\$75.00	
C) Plumbing, Sewers, Underground Utilities	<u>Base fee</u>	<u>Fee per square foot</u>
(1) 1, 2 or 3 family residential		
(a) New construction and additions	\$60.00	.03
(b) Remodeling/alterations	\$30.00	.03
Each plumbing fixture	\$25.00	
Hot water tank	\$25.00	
Water service, sanitary and storm connections and laterals (each) including repairs	\$30.00	
Gas lines, new	\$30.00	
Exterior storm water basins (each) includes piping	\$30.00	
(2) Commercial Buildings		
(a) New construction and additions	\$125.00	.10
(b) Remodeling/alterations	\$75.00	.10
Each plumbing fixture	\$25.00	
Hot water tank	\$25.00	
Water service, sanitary and storm connections and laterals (each) including repairs	\$60.00	
Gas line, new	\$60.00	
Exterior storm water basins (each) includes piping	\$30.00	

All excavations, which require the removal of public sidewalks and/or excavating in the right-of-way area, shall require a \$500.00 refundable deposit at the time of permit application.

All excavations, which require the removal of street pavement or boring beneath public streets, shall require a \$1,000.00 refundable deposit at the time of permit application.

The Building Director and/or Service Director shall use the deposit, at the discretion, for inspection fees, debris removal and/or repair or replacement of any right-of-way area or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

D Heating and Air Conditioning	<u>Base Fee</u>	<u>Fee per square foot</u>
(4) New Dwelling	\$60.00	.03
Each heating unit and/or a/c unit	\$30.00	
Alterations and/or additions to existing residential duct work	\$30.00	.03
(5) New Commercial	\$125.00	.07
Each heating unit and/or a/c unit	\$60.00	
Alterations and/or Additions to existing commercial duct work	\$50.00	.07
Commercial or Industrial conversion or replacement, per unit	\$60.00	
(6) Solar Heat/Geothermal System		
C. Residential	\$125.00	
D. Commercial	\$250.00	
E Miscellaneous Fees/Permits/Boards/Commissions	<u>Base Fee</u>	<u>Fee per square foot</u>
Roofing and siding jobs	\$50.00	
Window and door replacement	\$50.00	
Garages, accessory buildings and structures	\$30.00	.09
Garage pad/floor	\$30.00	
Swimming pools	\$60.00	
Grade Setting	\$75.00	
Concrete, asphalt, or other improved driveway surface	\$60.00	
Apron	\$30.00	
Commercial parking lots, per 5000 sq. ft. or part thereof	\$75.00	
Sidewalk/patio	\$30.00	
Grading permit fee:		
Residential	\$60.00	
Commercial	\$125.00	
Fireplaces (each)	\$60.00	
Fences	\$30.00	
Retaining walls	\$60.00	
Elevators	\$125.00	
plus per floor	\$30.00	
Security system	\$60.00	
Fire alarm system	\$90.00	
plus per device	\$.20	
Fire suppression system	\$90.00	

plus per head	\$.20
Commercial kitchen hood and hood suppression	\$100.00
Communication tower	\$300.00
Water proofing	\$60.00
Lawn sprinkler system	\$50.00

Any damage done by City employees to sprinkler systems installed in City right-of-way areas shall be the sole expense and responsibility of the property owner.

Any miscellaneous permit not heretofore listed shall have a fee charged per the most similar listed permit as determined by the Building Department.

F	<u>Sign Permit</u>	
	Signs not in excess of 24 sq. ft.	\$30.00
	Signs between 24 and 48 sq. ft.	\$60.00
	Signs over 48 sq. ft.	\$125.00
G	<u>Planning Commission Application</u>	
	Residential	\$75.00
	Commercial	\$100.00
H	<u>Architectural Board of Review Application</u>	\$100.00
I	<u>Board of Zoning Appeals Application</u>	\$50.00
J	Lot Splits (payable upon approval by Planning Commission.)	
	(4) Major/minor subdivision-per lot	\$50.00
	(5) Lot split	\$75.00
	(6) Re-division	\$75.00
K	<u>Housing License Fee</u>	\$75.00
L	<u>Residential Occupancy and Use Permit</u>	
	New dwelling	\$100.00
	Addition 750 sq. ft. or larger	\$50.00
M	<u>Commercial Occupancy and Use Permit</u>	\$150.00
N	Coin Operated machines	
	(2 for machine)	\$60.00
	(1) Replacement fee coin operated machines	\$30.00

and present 921.07 is hereby repealed.

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 reasons stated in the preamble hereof, 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

APPROVED:

MAYOR

5/14/14 II