

AGENDA

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

October 13, 2014
7:30 p.m.

ANNOUNCEMENTS

AUDIENCE

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Agreement with Cuyahoga County on behalf of the Department of Public Works to perform certain preventive maintenance services related to roadways, sidewalks, curb ramps, catch basins, manholes, pavement striping, crack sealing, street sweeping and other related services.

Replacement of sanitary sewer line on Walmar Drive.

FINANCE & CLAIMS COMMITTEE – Clark

Administrative Compensation Ordinance No. 14-90 (Property Maintenance Inspector) – Second Reading of Ordinance at Special Council Meeting to follow Committee Meeting.

Amended Appropriation Ordinance regarding snow removal equipment repairs and Walmar Drive emergency sewer line replacement.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Extension of Time for Planning Commission to review plans presented by Bradley Center Limited for the southern extension of Crestwood Drive and the Crestwood Drive Subdivision from November 4, 2014 to January 3, 2015.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Repair of snow removal equipment.

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

October 10, 2014

A Special Meeting of the Bay Village City Council will be held on **Monday, October 13, 2014, immediately following the Committee meeting of Council at 7:30 p.m.** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on the items listed below:

1. Pledge of Allegiance to the Flag/Mr. Lee
2. Roll Call
3. Announcements/Audience/Miscellaneous
4. **Motion** to approve the minutes of the Regular Meeting of Council held October 6, 2014
Lee
5. **Ordinance 14-90** amending Section 1 of Ordinance 14-84 regarding Rates of Compensation for the Officers and Employees of the General Administration Department and those Employees of the City not covered by separate labor contract for the Calendar Year 2014 and thereafter, and declaring an emergency. (Property Maintenance Inspector) (Second Reading) (First Reading 10-6-14)***Clark***
6. **Ordinance** to amend appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2014 as previously appropriated in Temporary Appropriations 12-119 and 14-01, and Annual Appropriations 14-02, 14-18. 14-51, 14-68. 14-79 and 14-87, and declaring an emergency***Clark***
7. **Resolution** authorizing the Mayor to enter into an agreement with Cuyahoga County on behalf of the Department of Public Works, and declaring an emergency***Tadych***
8. **Ordinance** authorizing the Mayor to enter into an Agreement with Fabrizi Trucking and Paving Co., Inc. for the replacement of a sanitary sewer line on Walmar Drive, and declaring an emergency. ***Tadych***
9. **Motion** by Lieske to grant an extension of 60 days, to January 3, 2015 to the Planning Commission to review plans presented by Bradley Center Limited for the southern extension of Crestwood Drive and the Crestwood Drive Subdivision.
10. Adjournment

Paul A. Koomar
President of Council

Charter Reference 2.11

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10. Adjournment

Paul A. Koomar
President of Council

Charter Reference 2.11

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:15 p.m.

October 6, 2014

Paul A. Koomar, President of Council, presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Thomas, Fire Chief Lyons, Police Chief Spaetzel, Recreation Director Enovitch, Operations Manager Landers, Community Services Director Selig.

Council and members of the administration had assembled at 7:30 p.m. in the conference room to review agenda items; this was open to the public.

During the review, Mr. Charles Ramer, Senior Relationship Manager, Northeast Ohio Public Energy Council (NOPEC) addressed the Mayor and Council regarding natural gas aggregation.

Information regarding a proposed Bay Village Natural Gas Aggregation Program is attached to these minutes as if fully incorporated herein. The deadline for presenting this to the voters is February 5, 2015 to be on the ballot in May of 2015. If the voters approve entering into the Natural Gas Aggregation Program, NOPEC manages the entire program, purchase the gas, hold two public hearings on behalf of the City, and submits all paperwork to the PUCO. They currently have this program in 180 communities in a 10-county footprint.

A question and answer period followed the presentation.

Q-Mr. Tadych asked the length of the Natural Gas Aggregation Program.

A- Mr. Ramer- There is no obligation for the length of a program for the resident. They can stay as long as they want. Every three years NOPEC is obligated to send the resident another letter that reminds them that they are participating in an aggregation program and offering them the opportunity to opt out. The length of the contract of the City with NOPEC is as long as the City would like it to be. Most of the participating cities have signed up and continue the program. If the City is dissatisfied with the pricing or the organization, they can get out; there is no length of contract.

Q-Mr. Henderson stated that natural gas prices the last couple of last years have been similar to interest rates. It seems that every year it is the lowest it has ever been and is ever going to be. He asked about risks, upside and downside, as the market shifts and the price of gas relative to this program.

A-Mr. Ramer stated that what they have is a hedging program where they watch those pricing trends and also the long term futures of natural gas. There is a huge resource of natural gas right here in Ohio in the Marcellus and Utica Shale in the eastern end. That is a tremendous gas reserve, which could, if the electric plants don't buy all the natural gas first, hold prices down. They are still uncertain about that but are pretty confident that for the next few years prices

aren't going to be out of sight. They are buying gas now in anticipation of the winter months, and stored some for the summer. Last winter was a rough winter and gas prices went through the roof. NOPEC prices were held steady. The next fixed price they announce next month will be for November through February. Beyond that, they will probably adjust that fixed price. They also have a variable pricing which is a few cents less than the standard choice.

Q-Mr. Clark – Is there a cost for residents to opt out?

A-Mr. Ramer – No, there is not.

Q-Mr. Henderson – Once they enter a fixed rate program, the user can opt out as early as one month later?

A-Mr. Ramer – Yes. And the user can switch back and forth. There is complete flexibility. It is just a phone call.

Q-Mr. Clark stated that the City benefited from a one-time aggregation grant when they went to electrical aggregation. Is there anything involved here as well?

A-Mr. Ramer - No. Electrical aggregation is a lot more lucrative. The City got a very good rate and grant. That is not offered with natural gas aggregation. It is a far more competitive marketplace.

The Mayor noted that the electrical aggregation grant came from a commercial establishment as opposed to a Council of Governments. She noted that NOPEC will cover the cost of the ballot issue.

Q- Mr. Tadych – Are you dealing with a price lower than a certain level or a certain offer out there?

A- Mr. Ramer – The PUCO has a range of 45 different competitive offers. NOPEC is typically in the bottom tier, excluding the offers that are smoke and mirrors. NOPEC's goal is to remain the lowest, legitimate offer on the PUCO web site. NOPEC as a Council of Governments, has the advantage of not having to add a margin, making them even more competitive.

Q-Mr. Henderson – How are your operations funded?

A- Mr. Ramer- Our operations are funded based on the contract negotiated with natural gas with a company called Nextera Energy. They are a Fortune 100 Company, one of the largest producers and sellers of natural gas in the nation. NOPEC negotiated with them for a slight margin on every 1,000 cubic feet of gas that is sold. That is how the operation of NOPEC is funded.

Q-Mr. Lee – How is your price historically compared to Columbia Standard Choice?

A- Mr. Ramer-In the last nine months we have averaged between 2% and 15% less than Columbia. During the cold winter months, in the 10 to 15% range less.

Q-Mr. Koomar – If this program passed the ballot and proceeded, if a resident had a contract out there with another company, are they still locked into that until their current contract expires?

A- Mr. Ramer – Yes, they are. They may be able to early terminate and there may be a fee associated with that. As soon as they terminate, or allow that contract to expire, NOPEC receives notice and sends them a mailing, and they are given the option to participate. NOPEC can't interfere with existing contracts.

Q- Mr. Lee – If this were put on the ballot in May or November, what is the timeline for when it would actually be available for residents?

A- Mr. Ramer – Avon Lake passed on the ballot last May. Their opt-out letters went out in August. The City can't take any action until the certification of election occurs from the Cuyahoga County Board of Elections. The expectation is that if it is on the ballot next May, residents would be able to participate before the winter of 2015.

Q-Mr. Henderson – If this passes the ballot, everyone will be automatically enrolled unless they opt out?

A-Mr. Ramer – Correct. Since this is a ballot issue, you are enrolled unless you are signed up with an existing contract, or if you are behind on your bill, or if you are a member of the percentage of income program. The initial mailing list scrubs those names.

Q- Mr. Koomar – Residents are automatically enrolled unless they opt out. If there is a home sale, a certain address stays with the program, or would a change of ownership affect the participation?

A- Mr. Ramer – If you move out of the house, we get notice. Usually within two months the new homeowner gets another letter notifying them of the program and the options available.

Q-Pam Cottam (audience) - You mentioned that one of the variables depends on the Marcellus Utica Shale Program. Can you comment further on that?

A- Mr. Ramer – That is such a tremendous resource. There is such a volume of gas that is going to be generated by that area of the state that the volume of gas is going to be much less expensive buying it from Mahoning County than buying it from Henry Hub Louisiana.

Pam Cottam – And that is where there is fracking?

Mr. Ramer – We don't really have a policy on fracking. All we have a policy on is the natural gas that we purchase is the least expensive. There are still some very competitive rates out of Henry Hub Louisiana. Wherever it is least expensive; that's where we buy our gas.

Pam Cottam – It's just the idea that there whole area has been fracking.

Mr. Ramer – I'm not certain that by participating in this program you are not promoting any particular type of technology.

Q-Mr. Lee- NOPEC will pay the cost of putting this on the ballot. Do you also run some type of educational campaign for residents to inform of the decision being made in support of this issue?

A- Mr. Ramer – We do. We can't spend money as a government on promoting a specific ballot, but we can spend money on promoting the idea of gas aggregation. We can certainly do public outreach. We can present an entire media campaign if you are so inclined, and we have done that in other areas.

Q-Mr. Tadych. When we went into the electric aggregation program, we ran into difficulty with people that were budget minded and tended to pay their electric as a set rate with a catch-up month at the end. With gas I can understand it even more. Does that disqualify them from the program, or is it an allowed situation?

A- Mr. Ramer – Budget billing is available. You can choose a flat rate each month. I don't know about the annual adjustment. However the gas company offers budget billing right now does not change with the gas aggregation program.

Q-Mr. Henderson – Do you have the data from Slide 5 in a chart form over time? This is one point in time. This is kind of the core idea- the spot price so-to-speak of Columbia Gas, relative to the prices you were offering at the time you offered them.

A-Mr. Ramer – I can present that information to you. We will be in our winter pricing shortly.

Q-Mr. Clark – Do the economic benefits of aggregation of natural gas reach across residential, commercial, and municipal bandwidth of the City? Would retail and commercial customers benefit as well?

A- Mr. Ramer- Yes, they would. Residential, of course. Commercial – Less than 500 MCF. An average home uses about 100, so commercial businesses of 500 MCF are also involved in the aggregation. They could benefit. Above that – those are called Mercantile Accounts. NOPEC does not get involved in that part of the industry. They typically can bid for their own pricing and get better pricing than NOPEC can provide.

Q-Mr. Clark – How would that benefit the City using natural gas for all of their buildings?

A-Mr. Ramer – You probably have 30 different natural gas accounts. Those that fall below the 500 MCF threshold could be included. Those above it are probably being negotiated for a price.

Q-Mr. Lee – The schools typically participate in a separate program because of their heavy use?

A-Mr. Ramer – They have their own co-ops for those large accounts. They are limited to the selection of different suppliers.

Q-Mr. Koomar – If Council were to vote on this there would be two public hearings required by law. What is the timing of those hearings after a vote?

A-Mr. Ramer – If the issue passes the ballot, there is about 25 days until the ballot is certified. Those two public hearings can occur during the month of May, or they could occur any time up to when Council takes action. They occur after the vote. For example, the City of Beachwood has it on the November ballot. Their first Council meeting in December is December 7. They will have public hearings the week before and the day of that Council action. They will take the final action in December, on December 7. There are a couple resolutions they will pass to participate. Then, NOPEC will immediately start generating the list and creating the opt out mailing. The public hearing is not to learn more about the program; that occurs before the election. The public hearing is to review the actual document that will be used as the plan of operations.

Q-Mr. Tadych – What type of voter success, defined in percentages, do you have on this?

A-Mr. Ramer – We have done this 134 times and 6 have failed, 4 of those 6 were resubmitted and passed after being resubmitted. They typically passed by a wide margin. A typical margin

is 35%/65%. The ballot language is vague, but people are so anxious to find some type of relief for utility bills they are anxious to participate.

Q-Mr. Henderson – People still have a choice, even if it passes, to use another provider?

A-Mr. Ramer – Yes.

Q-Mr. Tadych – How fast do they have to react?

A-Mr. Ramer – When they get the opt out letter in the mail there is a 21 day period to respond. After that, there is another mailing that goes out that gives them another 7 days. They have two opportunities over a 30 day period of time to opt out.

Mr. Ramer stated that the City of Avon Lake has 9000 households, of which 7000 have natural gas service, the rest have electric, oil, or propane. Of those 7000, 323 opted out. Typically the reason is because some people don't think it is the role of a city, township or village to participate in this market. And, there is some type of philosophical concern about interference in their lives.

Mayor Sutherland noted that the vote for electrical aggregation was strongly in favor.

Q-Mr. Lee – If a resident opts out initially, is there another round every few years when they can go through that process again. Do they have to keep opting out if they don't want to participate?

A-Mr. Ramer – Two years for gas; three years for electricity. We send opt out letters every two years.

Q-Mr. Koomar – You mentioned the savings, especially in the winter months, of 10 to 15%. Has there ever been a year when you were more expensive than a commercial provider?

A-Mr. Ramer – Yes, I will give you those historical figures. We have a new gas partner, Nextera Energy, and they have a very sophisticated hedging technique. The Mayor mentioned that we did not have that level of sophistication previously. Now that we have that partnership with Nextera Energy there is an entire team of Ph.D.'s who study the weather patterns and study the market places. They hire the best and the brightest math majors from around the world to do this and they are very good at what they do because they are buying huge volumes of gas and just a difference of a degree could mean millions to their bottom line.

Q-Mr. Tadych – Do you have partial ownership in Next Air?

A- Mr. Ramer – We do not. We are a completely non-profit public entity.

Q-Mr. Tadych – Are they an aggregator to homes individually?

A- Mr. Ramer – They are not.

Mr. Ramer was thanked for his presentation.

Mr. Koomar continued reviewing the agenda for this evening's Council meeting with the members of Council.

The Bay High School Homecoming Parade is Friday, October 10, 2014. The parade leaves Cahoon and Wolf Roads at 5:45 p.m. Assembly occurs across from the Skate Park at 5:15 p.m.

Mr. Lee will introduce an ordinance this evening to participate in the Heritage Home Loan Program. He advised that this was discussed by Council on September 15, 2014. There were several questions that were raised at that time. This is a program that the City has participated in previously. There was a request for a list of participating communities as well as any data that might be available regarding how many homes took advantage of the program in Bay Village in the past when we participated, and if there is any detailed data on changes in property values associated with those participating homes.

Mayor Sutherland stated that this was a program that was very successful until the recession. The Mayor suggested bringing someone in from the Cleveland Restoration Society to show exactly what they do and how they do it. Some of the data that has been requested is going to be a little bit difficult because they deal with private lenders.

The ordinance authorizing participation with the Heritage Home Loan Program will be placed on first reading this evening. Mr. Lee noted that this could be a very helpful program to deal with inflow and infiltration sewer issues and also for improvements necessary as a result of home inspections. Service Director Thomas stated that the Heritage Home Loan Program will assist with those types of issues. Mr. Lee noted that the ordinance authorizing participation will be subject to multiple readings and does not include an emergency clause.

Mr. Koomar asked if the HELP Loan program is still available for residents. Mayor Sutherland stated that the City is still participating in the HELP Loan program.

Mr. Clark stated that this evening he will introduce an ordinance for first reading that will provide for the new position of Property Maintenance Inspector. In discussions with the administration one of the concerns was addressing additional cost to the City. We found that there were resources available and this job will be combining a couple of existing positions and also introducing the position of the Property Maintenance Inspector which we have so much needed over the past few years. The ordinance will be placed on first reading this evening.

Mr. Clark will also introduce an ordinance approving the editing and inclusion of certain ordinances with the codified ordinances of the City. This work is done by the Walter Drane Company and there has been a number of changes, specifically the genesis of many of the changes in the building codes with SAFEbuilt, Inc. now here.

Mr. Clark announced that a Finance Committee will be held on Monday, October 13 at 6:30 p.m. in the conference room of city hall.

Mrs. Lieske stated that it had previously been said that there would be no additional moratoriums for development under Chapter 1158, but she would recommend there be another extension. The rewriting of Chapter 1158 has been taken through the Planning, Zoning, Public Buildings and Grounds Committee, with members of the Architectural Board of Review and Planning

Commission invited for input. This proved very beneficial but the Planning and Zoning Committee's work continues with this chapter. The Mayor has made a recommendation to have a professional planner assist in drafting the legislation. Since the process of rewriting the regulations has taken longer than anticipated, and the Planning and Zoning Committee is endeavoring to accomplish this in the right way, it is recommended to extend the moratorium until February 28, 2015.

Mr. Henderson reported that the Recreation and Parks Improvement Committee held a meeting this evening. The Committee walked through the 2013 Summer Program and talked about the 2014 Summer Program. Lacrosse is the upcoming sport and is being observed for accommodation by the Recreation Department. The Committee also talked about a proposal for exercise equipment along the Walking Trail in Cahoon Memorial Park. There was a lot of good feedback collected, and an update will be presented to Council in the future.

Regular Meeting of Council Called to Order

Mr. Koomar called the Regular Meeting of Council to order at 8:26 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Councilman-at-large Dwight Clark.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held September 29, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 6-0, with one abstention by Mr. Clark. Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees meeting held September 29, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0, with one abstention by Mr. Clark.

ANNOUNCEMENTS

Mayor Sutherland issued a reminder that Simple Recycling soft recycling starts Tuesday, October 7, 2014.

The Mayor stated that she did apply for a grant with Cuyahoga County today for an update to the City of Bay Village 1999 Master Plan. An answer should be forthcoming by the beginning of December.

Mayor Sutherland stated that every ten years the organization known as ISO, which is the Insurance Services Office, undergoes a very in-depth risk analysis of the Fire Department. Communities are rated based on that risk. The City of Bay Village ISO rating has been around 5 for about fifty years. The kudos tonight go to Fire Chief Chris Lyons for doing an absolutely outstanding job in working with ISO to complete this analysis. The City of Bay Village rating went from 5 to 3, on a scale of 10, with 1 being the best. The Mayor stated that this is absolutely outstanding and Chris did a great job. A round of applause followed. The Mayor noted further that what this means is insurance companies will be looking at homeowners' insurance within the City of Bay Village and we may be experiencing some reductions in our insurance rates. The

Mayor stated further that she does not think there is another community in the area that is rated a 3. She believes they are all lower than that; it really speaks to Fire Chief Lyons' leadership and how hard he worked on making sure he had all the information ISO required.

Fire Chief Lyons stated that the ISO is very particular about the way they come and look at things. There was a lot of time spent on the project and Chief Lyons is very pleased to report to Council and the residents that the net effect will be an average of 5% savings on commercial and residential insurance. Given the fact that a typical residential policy is around \$700 to \$750 per year, we are looking at probably a quarter million dollar savings for residents every year for the next ten years or so. This will become effective close to the end of December, or January 1, 2015. ISO may do a re-evaluation in another six years. Bay Village was one-half point away from a rating of 2. This rating of 3 puts Bay Village in the top five percent of the Fire Departments in the country.

Oath of Office

Mayor Sutherland administered the Oath of Office to newly appointed Police Officers Gregory Engel and Ian Moore.

The family and friends of Officers Engel and Moore were invited to participate in a reception following the ceremony. Police Chief Spaetzel stated that Officers Engel and Moore are very well received by the Bay Village Police Department. They are currently enrolled in the police academy and will graduate December 19, 2014. They will participate in the Police Field Training Officer Program in January and by mid-April they will be on patrol.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch had no report this evening.

Service Director Thomas reported that the Rose Hill Museum has been painted, and turned out beautifully. There was some wood replaced and the building is looking very well.

Leaf pick-up begins October 20, 2014 starting at the east side of the City and moving west. Service Director Thomas asked residents not to put the leaves in the street because they go into the catch basins and create flooding problems. The Service Department has the necessary equipment to pick up from the tree lawns.

The Service Department Transfer Station at the Service Garage will be completed soon. Work has begun at the Walker-Nantucket Pump Station and is expected to be completed by the end of the month.

Community Services Director Selig had no report this evening.

Fire Chief Lyons advised that October is Breast Cancer Awareness Month. The Firefighters once again have been granted permission to do a fund raiser. They are wearing their pink and raising funds, and will be making a donation to The Bay Village Foundation again at the end of the month.

This week is Fire Prevention Week. Everyone is aware that when the time changes and clocks change that is the time to change batteries on smoke alarms as well. Fire Prevention Week was established by President Wilson in the 1920's and commemorates the Great Chicago Fire of 1871 in which most of the city burned. Over 250 lives were lost and 100,000 people were left homeless with that fire. Since that time Fire Departments have focused on getting people to be fire safe and fire aware.

AUDIENCE

The following members of the audience signed in this evening: Conda Boyd, Jerrie Barnett, Suzanne Graham, Lydia DeGeorge, Pam Cottam, Marty Mace, Denny Wendell.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Lee introduced and read **ORDINANCE NO. 14-89** to provide participation in the Heritage Home Loan Program.

Mr. Koomar announced that **Ordinance No. 14-89** is placed on first reading.

FINANCE AND CLAIMS COMMITTEE

Mr. Clark introduced **Ordinance No. 14-90** amending Section 1 of Ordinance 14-84 regarding Rates of Compensation for the Officers and Employees of the General Administration Department and those Employees of the City not covered by separate labor contract for the Calendar Year 2014 and thereafter, and declaring an emergency.

Mr. Clark commented that this ordinance provides for the compensation for the Property Maintenance Inspector position.

Mr. Koomar announced that **Ordinance 14-90** is placed on first reading.

Mr. Clark introduced **Ordinance 14-91, amending by reading** of Section 4 concerning posting in three places in the City, approving the editing and inclusion of certain Ordinances as parts of the various component codes of the Codified Ordinances of the City of Bay Village, Ohio, to approve, adopt and enact new matter in the Traffic, General Offenses and Fire Codes and declaring an emergency.

Mr. Lee confirmed with Law Director Ebert that the new Building Code ordinances are included in the update. Mr. Ebert stated that many of them have cross reference with the Fire Code and Traffic Code. The changes are spelled out in Section One. Mr. Cheatham took a lot of the changes from the State of Ohio.

Mr. Henderson asked about the posting requirement in Section 4 of the ordinance. The ordinance will be noted that it was amended by reading to conform to the changes in the posting requirement from five places to three places in the City.

Mrs. Lieske asked the reason for the ordinance being an emergency. Mr. Ebert explained that instead of waiting 40 days the ordinance becomes effective immediately after its passage. Relating to this particular ordinance, the need to have the ordinance effective immediately is in order to receive the updated ordinance books as soon as possible. Mr. Henderson clarified with Mr. Ebert that this update reflects ordinances from 2013 and 2014. Mr. Ebert stated that there is no cost difference in updating semi-annually or annually. The representative of the Walter Drane Company has advised that many of these changes are because of the Building Code, the State Code, and the new Traffic Code that went into effect. Other cities are doing the same as far as ordering updates to their codified ordinances. Mr. Henderson confirmed with Mr. Ebert that the cost for the updating is included in the budget.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-91.

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 14-91, an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych congratulated Councilman Vincent and Councilwoman Lieske on their Heart of the City ward meeting. He noted that the meeting was very interesting and they attracted a lot of people.

Mr. Tadych reported that he graduated from the Freshman Class of the Tree Commission. He went to the Tree Commission class in the Berea area and will now apply for the Sophomore Class.

Mr. Tadych stated that he has been working with Mr. Ebert, and CT Consultants, to reduce even further the assessments for the Sunset area.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mrs. Lieske read and introduced **Ordinance 14-92, amending by reading to indicate an expiration date of February 28, 2015**, extending the Moratorium on the development under Chapter 1158 Attached Residences in the City of Bay Village, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-92.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on Suspension of Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-92, an emergency measure, by a vote of 7-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Henderson stated that he had nothing further to report other than the information he presented in the Conference Room prior to the meeting in the Chambers.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

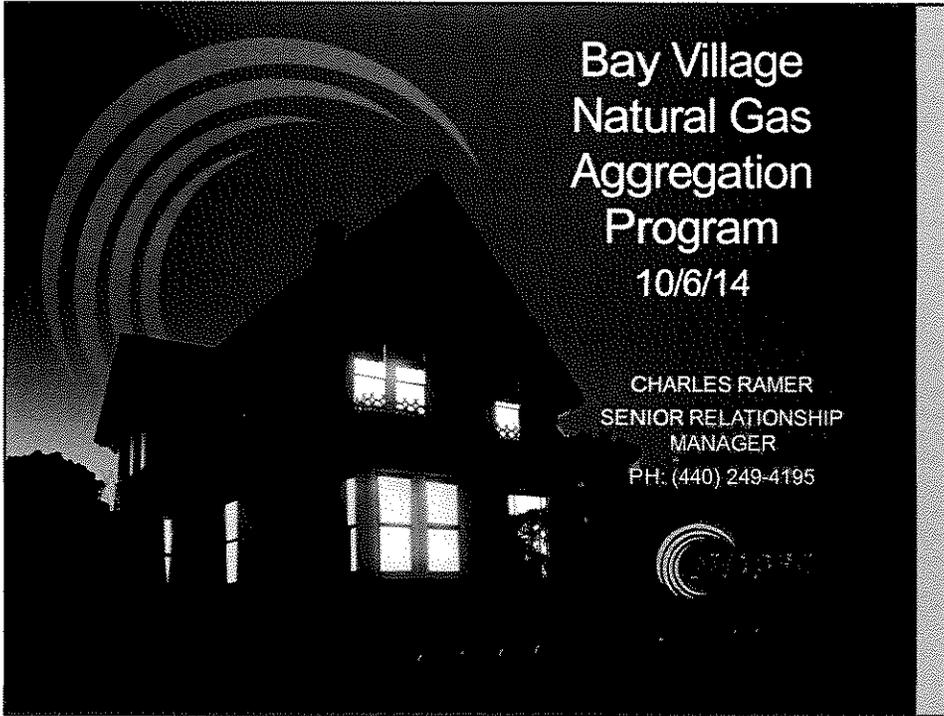
Mr. Vincent had no report this evening.

MISCELLANEOUS

There being no further business to discuss, the meeting adjourned at 8:50 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council



**Bay Village
Natural Gas
Aggregation
Program**
10/6/14

CHARLES RAMER
SENIOR RELATIONSHIP
MANAGER
PH: (440) 249-4195



NORTHEAST OHO PUBLIC ENERGY COUNCIL

- Non-profit government aggregation composed of 134 members that serve 180+ communities in 10 counties.
- Largest public retail energy aggregation in the US.
 - 750,000+ customers: \$1/2 Billion/yr. electric/natural gas
- Formed as a Council of Governments
 - our owners are our communities and their residents
 - each community selects one General Assembly member for annual meeting



ABOUT NOPEC

- Board of Directors from each of 10 Counties

**Cuyahoga County
Board Member
The Honorable
Georgine Welo
Mayor South Euclid**



CUYAHOGA COUNTY MEMBERS

| | | |
|-------------------|--------------------|----------------------|
| Beachwood | Garfield Heights | Oakwood |
| Bedford | Glenwillow | Olmsted Falls |
| Bedford Heights | Highland Heights | Olmsted Twp. |
| Bentleyville | Hunting Valley | Orange |
| Berea | Independence | Parma |
| Bratenahl | Lakewood | Parma Heights |
| Brecksville | Linndale | Pepper Pike |
| Broadview Heights | Lyndhurst | Rocky River |
| Brook Park | Maple Heights | Seven Hills |
| Brooklyn | Mayfield Village | Shaker Heights |
| Brooklyn Heights | Middleburg Heights | Solon |
| Chagrin Falls | Moreland Hills | South Euclid |
| Cleveland | Newburgh Heights | Strongsville |
| Cuyahoga Heights | North Olmsted | University Heights |
| East Cleveland | North Randall | Valley View |
| Fairview Park | North Royalton | Walton Hills |
| | | Warrensville Heights |



CUYAHOGA COUNTY (CONT.)

New Programs:

Woodmere – Sept. 2014 Natural Gas and Electric Agg.

November 2014 Ballot Issues:

Beachwood – Natural Gas Aggregation

Richmond Heights – Natural Gas Aggregation

Gates Mills – Electric and Gas Aggregation

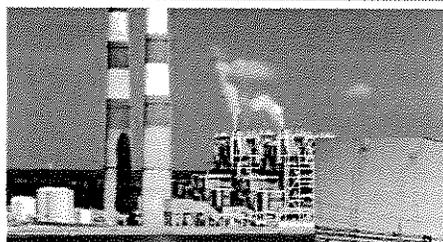
Under Consideration for May 2015 Ballot:

East Cleveland – Natural Gas Aggregation

Mayfield Heights – Electric and Gas Aggregation

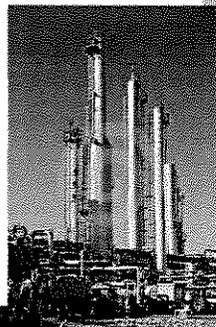


NOPEC – PROVIDES SUPPLY TO UTILITIES



½ Million Electric Customers

¼ Million Nat. Gas Customers



Discount Electricity to Ohio Edison

Discount Nat. Gas to Columbia



ABOUT NOPEC (CONT.)

- NOPEC is the largest collective voice for energy consumers in the state.
- NOPEC has skilled experts to complete negotiations on behalf of the entire group
 - Better service, better pricing, consumer protection
- No taxpayer dollars are used to fund NOPEC.
- No cost or membership fees to member communities.



BENEFITS TO MEMBERSHIP

- NOPEC:
 - No small print, extra charges, gimmicks or scams
 - Safe, reliable, competitive long term pricing
- MyNOPEC website
 - Compare your energy use with friends and neighbors.
 - Reduce your bills through energy-saving tips and rebates.
 - Earn discount coupons and rewards.
 - Shop technologies that allow you to control your energy consumption.



NATURAL GAS PRICING

NOPEC Columbia Gas Customers:

\$0.593/ccf Fixed through Oct. 2014

\$0.5364/ccf Monthly Variable

NOPEC Variable Price is lower than 41 of 46
PUCO Apples to Apples rates

Five rates are special 1- 2 month intro offers

PUCO Range: \$0.459 to \$0.899



NOPEC PROGRAMMING

NOPEC Goal for residents:

Create Educated Consumer

Manage energy use and budget

Prevent hidden fees and overcharges

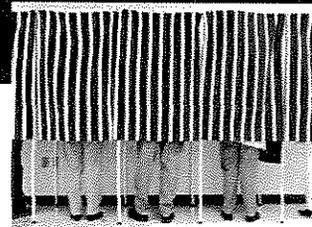
Offer Choices – Fixed/Variable Pricing

Budget Billing

Safe Reliable Competitive Long Term Pricing



NEXT STEP



Gas Aggregation:

- Resolution to put on Ballot
NOPEC will cover cost of Ballot Issue
- Ballot in May 2015
 - Deadline Feb. 5, 2015 Submittal to Elections Board
- 2 Public Hearings after vote
- Savings to begin Summer 2015



ORDINANCE NO. 14-90
INTRODUCED BY: Mr. Clark

First Reading - Oct. 6, 2014

AN ORDINANCE
**AMENDING SECTION 1 OF ORDINANCE 14-84 REGARDING RATES OF
COMPENSATION FOR THE OFFICERS
AND EMPLOYEES OF THE GENERAL ADMINISTRATION DEPARTMENT AND
THOSE EMPLOYEES OF THE
CITY NOT COVERED BY SEPARATE LABOR CONTRACT FOR THE CALENDAR
YEAR 2014 AND THEREAFTER,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. That November 1, 2014 the compensation to be paid to the officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

| | September 15, 2014 and thereafter | November 1, 2014 and thereafter |
|----------------------------------------|--------------------------------------|------------------------------------|
| 1. Director of Finance | \$91,555 | \$91,555 |
| 2. Assistant Finance Director | \$66,385 | \$66,385 |
| 3. Accounts Payable Coordinator | \$17.23 – \$19.73 per hour | \$17.23 – \$19.73 per hour |
| 4. Part-time Clerical | \$11.45 – \$15.60 per hour | \$11.45 – \$15.60 per hour |
| 5. Director of Law | \$70,878 | \$70,878 |
| 6. Prosecutor | \$33,257 | \$33,257 |
| 7. Dir. Public Service & Properties | \$88,740 | \$88,740 |
| 8. General Foreman | \$71,985 | \$71,985 |
| 9. Supervisor | \$74,005 | \$74,005 |
| 10. Sewer Collections Foreman | \$58,000 | \$58,000 |
| 11. Infrastructure Manager | \$63,000 | \$63,000 |
| 12. Property Maintenance Inspector | 0 | \$58,000 |
| 13. Projects Coordinator | \$30.00 per hour | \$30.00 per hour |

| | | |
|------------------------------------|---------------------------|---------------------------|
| 14. Part-time | \$7.95 – \$16.88 per hour | \$7.95 – \$16.88 per hour |
| 15. Seasonal | \$7.95 – \$16.31 per hour | \$7.95 – \$16.31 per hour |
| 16. Director of Recreation | \$71,923 | \$71,923 |
| 17. Asst. Recreation Director | \$42,289 | \$42,289 |
| 18. Assistant to Mayor | \$44,617 | \$44,617 |
| 19. Clerk of Council | \$49,225 | \$49,225 |
| 20. Fire Chief | \$98,886 | \$98,886 |
| 21. Police Chief | \$98,886 | \$98,886 |
| 22. Deputy Police Officer | | |
| Start | \$22.43 per hour | \$22.43 per hour |
| After 2080 hours | \$24.93 per hour | \$24.93 per hour |
| After 4160 hours | \$28.25 per hour | \$28.25 per hour |
| After 6240 hours | \$32.19 per hour | \$32.19 per hour |
| 23. School Guard | \$9.61 – \$13.89 per hour | \$9.61 – \$13.89 per hour |
| 24. Jailer/Matron | \$13.89 per hour | \$13.89 per hour |
| 25. Director of Community Services | \$58,000 | \$58,000 |
| 26. Senior Van Driver | \$8.94 – \$12.30 per hour | \$8.94 – \$12.30 per hour |
| 27. Safety Director | \$5,000 | \$5,000 |

The individual who may serve pro-tem as Secretary to Council or as Secretary to Planning Commission, Board of Zoning Appeals, Recreation Commission, Civil Service Commission, Architectural Board of Review, Tree Commission or Charter Review Committee shall be paid fifty dollars (\$50.00) for the first two hours of attendance and his or her hourly rate thereafter per regular or special meeting attended in lieu of wages.”

and present Section 1 of Ordinance 14-84 is hereby repealed.

SECTION 2. That it is found and determined that all formal actions concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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 necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City's needs, 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

10-2-14 11

MEMORANDUM

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: RENEE MAHONEY, DIRECTOR OF FINANCE
SUBJECT: ADJUSTMENTS TO APPROPRIATIONS
DATE: OCTOBER 10, 2014

Please consider the following changes to the appropriation ordinance:

1. Walmar Sewer Repair

It has become evident that a sanitary sewer line on Walmar sewer between Bexley and Walker needs to be replaced. In order to fund this transfer will need to be made from the Public Improvement Fund (490) to the Sewer Fund (580) in the amount of \$94,250. This will then be appropriated out of the Sewer Fund to pay for the project.

2. Snow Removal Equipment

The 2013/14 winter caused a toll on the snow plow equipment. In order to prepare for the 2014/15 winter some major repairs need to be made to the trucks. Please also see the memo from Service Director, Scott Thomas, outlining these repairs. This will need to be funded by a transfer from General Fund (100) to the Street Maintenance Fund (270) in the amount of \$42,500 and the same appropriated from the Street Maintenance Fund to pay for the expenses.



City of Bay Village

350 DOVER CENTER ROAD
BAY VILLAGE, OHIO 44140-2299

Phone: 440-871-1221
Fax: 440-899-3480

TO: Renee Mahoney, Finance Director
FROM: Scott Thomas, Director of Public Safety and Service
DATE: August 30, 2014
SUBJECT: Budget Transfer

Renee, please review the following snow removal equipment that we will need to purchase before the snow season is upon us. Unfortunately, the 2013-2014 winter was extremely difficult and rough, causing unforeseen equipment failures.

Due to the total cost of this equipment, there is not enough money left in our fleet maintenance budget to allow us to purchase these items. This equipment is vital to our operation and I request a budget transfer to cover the cost.

| | | |
|---------------------------------------|------------|-------------|
| • Replace plows #37 and #38 | Total cost | \$20,858.88 |
| • Winter equipment wear parts | Total cost | \$ 8,029.80 |
| • Trip edge repair parts for plow #48 | Total cost | \$ 1,100.00 |
| • Plow #39, Concord repair | Total cost | \$ 1,800.00 |
| • Plow #40, quick loop | Total cost | \$ 500.00 |
| • Plow #66 and plow #75 repair parts | Total cost | \$ 1,500.00 |
| • Salt spreader | Total cost | \$ 8,569.22 |

Total Cost: \$42,357.90

Thank you for your consideration.

ST/jm

Proposal

FABRIZI TRUCKING AND PAVING CO., INC.

389 Columbia Road
Valley City, OH 44280
(330) 273-2784

| | | | |
|------------------------------------------------------------|---------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| PROPOSAL SUBMITTED TO City of Bay Village | | PHONE 440-871-1221 | DATE 10/2/2014 |
| STREET 31300 Naigle Road | | JOB NAME Walmar 12 Inch Sanitary Sewer Replacement Project | |
| CITY, STATE AND ZIP CODE Bay Village, Ohio 44140 | | JOB LOCATION Walmar Dr Between Bexley & Walker | |
| ARCHITECT | DATE OF PLANS | ATTN: Matt Nocella | mnocella@cityofbayvillage.com Cell 440-666-2566 |

We hereby submit specifications and estimates for:

Labor, equipment & material to replace 12" sanitary sewer on Walmar Dr. between Bexley & Walker as shown & discussed.
 Work includes: Replace approximately 430 linear feet of 12" sanitary sewer between MH 3 & MH 1 at Pump Station with 12" PVC SDR35 Pipe. Existing manholes to remain.
 Premium bedding, cover and backfill.
 Repairs to catch basin runs and house storm connections disturbed in trench by work.
 6 Each - 6" Service Connection approximately 25 feet in length with Clean Check Assemblies.
 By-Pass Pumping
 Detour

Alternate Items As Directed By City:

| | |
|--------------------------------------|-------------------------|
| 4" Concrete Sidewalk | \$6.00 per square foot |
| 6" Concrete Apron | \$7.00 per square foot |
| 8" Non-Reinforced Concrete Road Base | \$66.00 per square yard |
| 3" Asphalt Surface | \$585.00 per cubic yard |
| Monument Boxes Only, No Pin Set Up | \$350.00 per each |

City providing dump site for project spoils.

No landscaping restoration of any type included.

Lump Sum Total \$94,250.00

Price does not include manhole /catch basin structures or castings.

Excludes permits, testing, inspection and bonds

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Ninety-Four-Thousand-Two-Hundred-Fifty-00/100 dollars (\$ 94,250.00).

Payment to be made as follows:
Immediately After Invoicing

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature Scott Schneider 440-234-1284

Note: This proposal may be withdrawn by us if not accepted within 10 days.

Acceptance of Proposal - The above prices, specifications

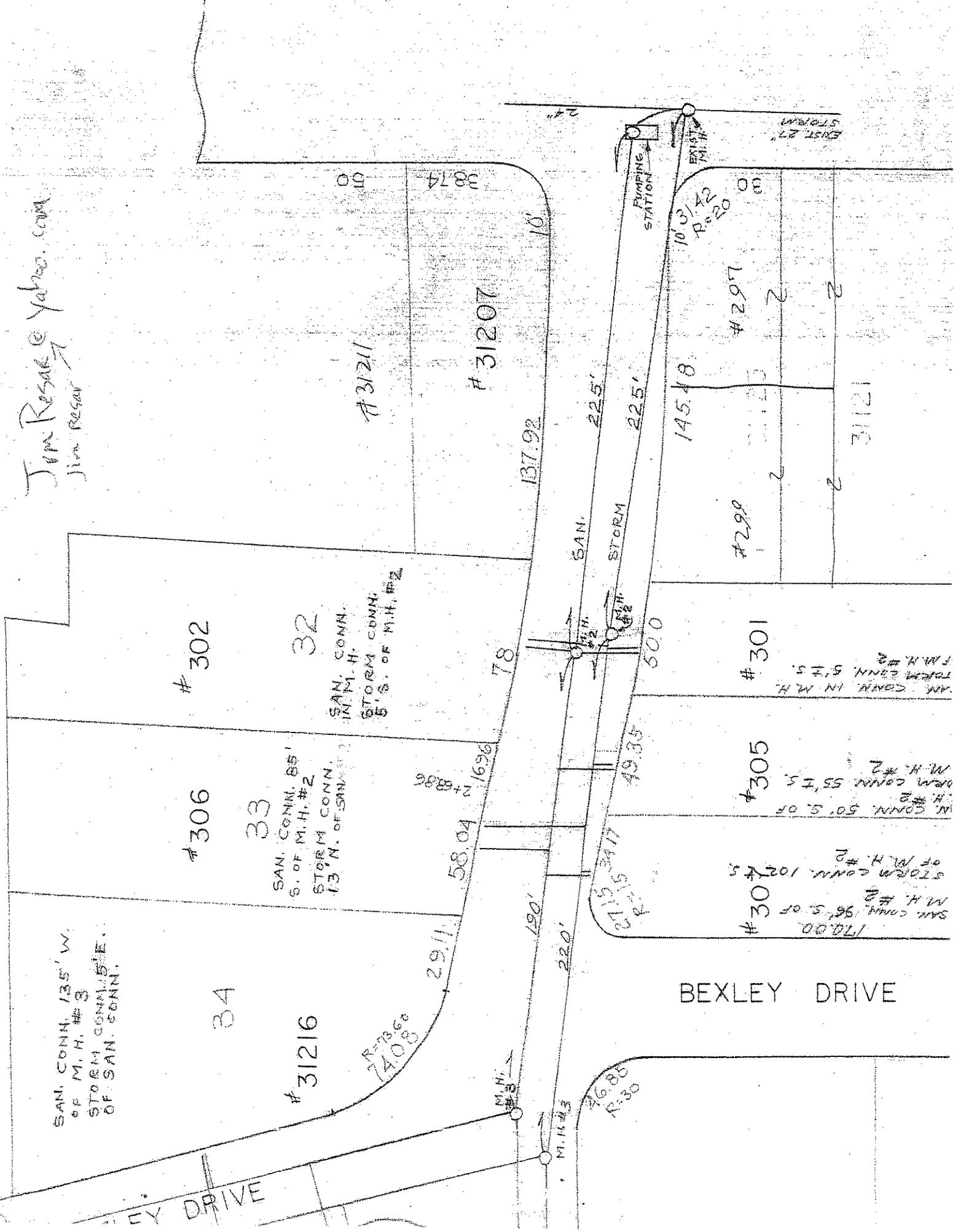
and conditions are satisfactory and are hereby accepted. you are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

Jim Resak @ Yahoo.com
 Jim Resak



SAN. CONN. 135' W. OF M.H. #3
 STORM CONN. 5' E. OF SAN. CONN.

302

306

34

31216

33

SAN. CONN. 85' S. OF M.H. #2
 STORM CONN. 13' N. OF SAN. CONN.

32

SAN. CONN. IN M.H. #1
 STORM CONN. 5' S. OF M.H. #2

R. 78.66
 408

2+88.86
 58.04
 169.6

78

31207

31211

38.74

137.92

10'

M.H. #3

M.H. #4

R. 16.85
 R. 30

22.0'

190'

R. 15.347
 R. 15.347

49.35

50.0

SAN.

STORM

22.5'

22.5'

145.48

170.00
 SAN. CONN. 96' S. OF M.H. #2
 STORM CONN. 102' S. OF M.H. #2

M. CONN. 50' S. OF M.H. #2
 STORM CONN. 55' S. OF M.H. #2

JAN. CONN. IN M.H. #1
 STORM CONN. 5' S. OF M.H. #2

299

297

10' 3/4
 R. 20.0

PUMPING STATION

BEXLEY DRIVE

EXIST. 27' STORM

City of Bay Village
ORDINANCE NO.:
INTRODUCED BY:

To amend appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2014, as previously appropriated in temporary appropriations 13-119 and 14-01 and annual appropriations 14-02, 14-18, 14-51, 14-68, 14-79 and 14-87.

Whereas changes are needed to various funds per the attached memorandum from Director of Finance, Renee Mahoney:

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

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2014, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedules attached hereto as Exhibit "A" and Exhibit "B" and incorporated herein:

| General Fund - 100 | | | | | | |
|---------------------------|--------------------|------------------|--------------|---------------------|--------------------|---------------|
| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
| 100 | Total General Fund | \$ 6,616,426 | \$ 3,455,944 | \$ 79,700 | \$ 610,829 | \$ 10,763,899 |

| Special Revenue Fund Group - 200 | | | | | | |
|-----------------------------------------|-----------------------------------|------------------|------------|---------------------|--------------------|--------------|
| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
| 210 | Emergency Paramedic | \$ 1,048,791 | \$ 64,475 | \$ 12,200 | \$ - | \$ 1,125,466 |
| 230 | Parks and Recreation | 637,390 | 236,360 | 4,500 | - | 878,250 |
| 231 | Community Gym Capital Improvement | - | - | 11,500 | - | 11,500 |
| 232 | Youth Activities | - | - | - | 20,039 | 20,039 |
| 234 | Play in Bay | - | - | - | - | - |
| 235 | Bay Family Services | - | 41,300 | - | - | 41,300 |
| 236 | Community Diversion | - | 7,000 | - | - | 7,000 |
| 237 | Bay Bike and Skate Park | - | 2,000 | - | - | 2,000 |
| 240 | Equipment Replacement | - | - | 734,000 | - | 734,000 |
| 245 | Private Property Maintenance | 3,555 | 28,000 | - | - | 31,555 |
| 250 | State Highway | - | 50,000 | - | - | 50,000 |
| 270 | Street Construction | 650,320 | 380,100 | 700,700 | 250,000 | 1,981,120 |
| 280 | Police Pension | 348,215 | - | - | - | 348,215 |
| 281 | Fire Pension | 466,503 | - | - | - | 466,503 |
| 282 | Accrued Benefits | 140,000 | - | - | - | 140,000 |
| 284 | Endowment Trust | - | 6,235 | - | - | 6,235 |
| 290 | Senior Programs | - | 38,000 | - | - | 38,000 |
| 291 | FEMA | - | - | - | - | - |
| 292 | Law Enforcement | - | 3,500 | - | - | 3,500 |
| 293 | Drug Fine/Bail Forfeiture | - | 500 | - | - | 500 |
| 294 | Alcohol Intervention | - | 1,500 | - | - | 1,500 |
| 295 | Dare | - | - | - | - | - |
| 296 | Grant Commission Fund | - | - | - | - | - |
| 200 | Total Special Revenue Funds | \$ 3,294,774 | \$ 858,970 | \$ 1,462,900 | \$ 270,039 | \$ 5,886,683 |

| Debt Service Fund Group - 300 | | | | | | |
|--------------------------------------|-------------------------|------------------|--------------|---------------------|--------------------|--------------|
| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
| 300 | General Bond Retirement | \$ - | \$ 2,788,215 | \$ - | \$ - | \$ 2,788,215 |

Capital Project Fund Group - 400

| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
|------------|-----------------------------------------|------------------|---------------|---------------------|--------------------|-------------------|
| 400 | Sidewalk Construction & Repair | \$ - | \$ - | \$ - | \$ 36,329 | \$ 36,329 |
| 480 | Walker Road Park | - | 500 | - | - | 500 |
| 490 | Public Improvement | - | - | 344,000 | 129,250 | 473,250 |
| 492 | Salt Garage | - | - | 192,000 | - | 192,000 |
| 493 | Bradley Road | - | - | 7,539 | - | 7,539 |
| 494 | Infrastructure Improvements | - | - | - | 5,700 | 5,700 |
| 495 | Municipal Building Improvements | - | - | - | 215,000 | 215,000 |
| 496 | Roof Repair | - | - | - | - | - |
| 400 | Total Capital Project Fund Group | \$ - | \$ 500 | \$ 543,539 | \$ 386,279 | \$ 930,318 |

Enterprise Fund Group - 500

| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
|------------|------------------------------------|---------------------|---------------------|---------------------|--------------------|---------------------|
| 520 | Pool | \$ 210,400 | \$ 116,000 | \$ 90,900 | \$ - | \$ 417,300 |
| 580 | Sewer | 796,925 | 1,372,682 | 417,294 | 780,000 | 3,366,901 |
| 500 | Total Enterprise Fund Group | \$ 1,007,325 | \$ 1,488,682 | \$ 508,194 | \$ 780,000 | \$ 3,784,201 |

Internal Service Fund Group - 600

| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
|------------|------------------------------------------|-------------------|---------------------|---------------------|--------------------|---------------------|
| 600 | Health Insurance | \$ - | \$ 1,464,752 | \$ - | \$ - | \$ 1,464,752 |
| 601 | General Insurance | - | 195,800 | - | - | 195,800 |
| 602 | Workers Compensation | 222,860 | - | - | - | 222,860 |
| 600 | Total Internal Service Fund Group | \$ 222,860 | \$ 1,660,552 | \$ - | \$ - | \$ 1,883,412 |

Trust Fund Group - 800

| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
|------------|-------------------------------|------------------|-------------------|---------------------|--------------------|-------------------|
| 810 | Cahoon Park | \$ - | \$ 83,507 | \$ - | \$ - | \$ 83,507 |
| 820 | Cahoon Memorial | - | 3,300 | - | - | 3,300 |
| 830 | Cahoon Library | - | 8,000 | - | - | 8,000 |
| 840 | Waldeck | - | 5,500 | - | - | 5,500 |
| 860 | Dwyer | - | 5,000 | - | - | 5,000 |
| 861 | Community Gardens | - | 4,000 | - | - | 4,000 |
| 800 | Total Trust Fund Group | \$ - | \$ 109,307 | \$ - | \$ - | \$ 109,307 |

Deposit Fund Group - 900

| Fund # | Fund Activity | Personal Service | Other | Capital Improvement | Transfers/Advances | Total |
|------------|---------------------------------|------------------|------------------|---------------------|--------------------|------------------|
| 930 | Building Deposits | \$ - | \$ 42,000 | \$ - | \$ - | \$ 42,000 |
| 931 | Security Deposits | - | 21,000 | - | - | 21,000 |
| 900 | Total Deposit Fund Group | \$ - | \$ 63,000 | \$ - | \$ - | \$ 63,000 |

| | | | | | |
|------------------------------|----------------------|----------------------|---------------------|---------------------|----------------------|
| Grand Total All Funds | \$ 11,141,385 | \$ 10,426,170 | \$ 2,594,333 | \$ 2,047,147 | \$ 26,209,035 |
|------------------------------|----------------------|----------------------|---------------------|---------------------|----------------------|

Itemized list of Transfers and Advances by Fund

| Description | Amount |
|--------------------------------------------------------|-------------------|
| General Fund to Parks and Recreation | \$ 403,000 |
| General Fund to Community Gym | 7,829 |
| General Fund to Street Construction | 50,000 |
| General Fund to Cahoon Income | 25,000 |
| General Fund to Cahoon Trust | 2,000 |
| General Fund to Cahoon Library | 10,000 |
| General Fund to Bay Family Services | 40,500 |
| General Fund to Accrued Benefits | 30,000 |
| General Fund to Street Construction | 42,500 |
| Public Improvement Fund to Sewer Fund | 94,250 |
| Infrastructure Improvement to Bradley Naigle | 5,700 |
| Youth Activities to Parks and Recreation | 20,039 |
| Sidewalk Fund to Private Property Maintenance | 36,329 |
| Municipal Building Improvements to Public Improvements | 215,000 |
| Total Transfers | \$ 982,147 |

| | | |
|---------------------------------------------------|-----------|------------------|
| Street Construction to Infrastructure Improvement | | 250,000 |
| Public Improvement Fund to General Fund | | 35,000 |
| Sewer Maintenance to Infrastructure Improvement | | 780,000 |
| Total Advances and Advance Repayments | \$ | 1,065,000 |
| Total Transfers and Advances | \$ | 2,047,147 |

Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.

Section 4: That all expenditures within the fiscal year ending December 31, 2014 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund).

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

MAYOR

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT FOR GENERAL FUND

| Department | Personal Service | Other | Equipment Replace/ Capital Improvement | Transfers | Total |
|-------------------------------|------------------------|------------------------|-------------------------------------------|----------------------|-------------------------|
| Council | \$ 58,200.00 | \$ 18,650.00 | \$ - | \$ - | \$ 76,850.00 |
| Clerk of Council | 50,430.00 | 900.00 | - | - | 51,330.00 |
| Mayor | 127,300.00 | 7,400.00 | 1,000.00 | - | 135,700.00 |
| Law | 112,508.00 | 121,600.00 | - | - | 234,108.00 |
| Finance | 231,416.00 | 43,150.00 | 1,200.00 | - | 275,766.00 |
| Taxation | - | 180,000.00 | - | - | 180,000.00 |
| General Administration | 181,762.00 | 499,542.00 | - | 610,829.00 | 1,292,133.00 |
| Civil Service | - | 16,250.00 | - | - | 16,250.00 |
| Planning Commission | - | 950.00 | - | - | 950.00 |
| Zoning Board of Appeals | - | 900.00 | - | - | 900.00 |
| Service | 1,799,885.00 | 1,824,447.00 | 53,500.00 | - | 3,677,832.00 |
| Fire | 1,359,185.00 | 98,390.00 | 14,000.00 | - | 1,471,575.00 |
| Police | 2,482,260.00 | 289,465.00 | 10,000.00 | - | 2,781,725.00 |
| Central Dispatch | - | 125,000.00 | - | - | 125,000.00 |
| Building | - | 217,475.00 | - | - | 217,475.00 |
| Architecture Board of Review | - | 25.00 | - | - | 25.00 |
| Community Services | 213,480.00 | 12,800.00 | - | - | 226,280.00 |
| GRAND TOTAL | \$ 6,616,426.00 | \$ 3,456,944.00 | \$ 79,700.00 | \$ 610,829.00 | \$ 10,763,899.00 |

EXHIBIT "B"
SCHEDULE OF CAPITAL PROJECTS AND EQUIPMENT APPROPRIATIONS BY FUND

| Fund | Description | Amount |
|------------------------------------------|---------------------------------------|------------------------|
| Equipment Replacement (240) | Police Vehicles (2) | \$ 86,000.00 |
| | Police Equipment (MARCS Radios) | 47,000.00 |
| | Service (#30) Super Duty | 60,000.00 |
| | Service (#116) Composter | 230,000.00 |
| | Service (#45) Utility Body | 30,000.00 |
| | Work Order System | 20,000.00 |
| | Phone System (From 2012) | 50,000.00 |
| | Fiber Optic and Computers | 90,000.00 |
| | Vehicle Community Service (From 2013) | 18,000.00 |
| | Community Service Bus | 60,000.00 |
| | Fire Equipment | 43,000.00 |
| Total Equipment Replacement (240) | | 734,000.00 |
| Street Construction (270) | Streets TBD | 645,100.00 |
| Total Street Construction (270) | | 645,100.00 |
| Public Improvement (490) | Fire Facility Improvements | 15,000.00 |
| | Hartman Field Lighting | 140,000.00 |
| | Service - Transfer Station | 100,000.00 |
| | Rose Hill Exterior | 24,000.00 |
| | City Hall Entrance | 40,000.00 |
| | Dwyer Building Improvements | 25,000.00 |
| | Transfer to Sewer for Walmart Project | 94,250.00 |
| Total Public Improvement (490) | | 438,250.00 |
| Salt Garage (492) | Transfer Station | 192,000.00 |
| Pool (520) | Aquatic Repair | 85,000.00 |
| Sewer (580) | Sewer Repair | 313,044.00 |
| GRAND TOTAL | | \$ 2,407,394.00 |

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
CUYAHOGA COUNTY ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS,
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Bay Village desires to retain Cuyahoga County Department of Public Works (CCDPW) to perform certain preventive maintenance services related to roadways, including, but not limited to, sidewalk and curb ramp repairs, rebuilding catch basins/manholes, pavement striping, crack sealing, street sweeping and other related services for the City; and

WHEREAS, the City of Bay Village desires to have CCDPW direct bill said services;

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

SECTION 1: The Mayor is hereby authorized in the name of the City of Bay Village to enter into an agreement with Cuyahoga County on behalf of CCDPW to perform certain preventive maintenance services related to roadways, including, but not limited to, sidewalk and curb ramp repairs, rebuilding catch basins/manholes, pavement striping, crack sealing, street sweeping and other related services for the City of Bay Village.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 3. 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 reasons stated in the preamble hereof, wherefore this resolution 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

10-1-14 II

AGREEMENT

This AGREEMENT is entered into this _____ day of _____, 2014 between the County of Cuyahoga, Ohio, hereinafter referred to as "COUNTY", on behalf of Cuyahoga County Department of Public Works (hereinafter referred to as CCDPW), and the City or Village of Name of Municipality, hereinafter referred to as "MUNICIPALITY" a municipal corporation of the State of Ohio, pursuant to the authority of Resolution/Ordinance No. _____ passed by Council on _____ for MUNICIPALITY.

WITNESSETH:

WHEREAS, MUNICIPALITY desires to retain CCDPW to perform certain preventive maintenance services related to roadways, including, but not limited to, sidewalk and curb ramp repairs, rebuilding catch basins/manholes, pavement striping, crack sealing, street sweeping and other related services for the MUNICIPALITY; and,

WHEREAS, MUNICIPALITY desires to have CCDPW direct bill said services; and

NOW THEREFORE, in consideration of the promises and mutual obligations contained herein to be observed and performed by the parties hereto, COUNTY and MUNICIPALITY hereby agree as follows:

ARTICLE ONE -- APPROVAL OF TASK ORDER FOR SERVICES

- a. At the request of MUNICIPALITY, CCDPW will develop a task order of preventive maintenance services that CCDPW is willing to perform for the MUNICIPALITY.
- b. The task order shall include the scope of work to be performed, together with an estimate of the cost of the work prepared by CCDPW.
- c. CCDPW shall present the task order to the Mayor of MUNICIPALITY for approval. If CCDPW receives written approval from the Mayor, CCDPW shall proceed to perform the services set forth in the task order. After completing the services, CCDPW shall send an invoice to MUNICIPALITY for the cost of the services performed, which cost shall not exceed the estimate contained in the task order.
- d. MUNICIPALITY shall pay the invoice within thirty (30) days of receipt of same.
- e. MUNICIPALITY shall be responsible for acquiring and paying for any and all permits, easements and/or rights-of-entry required by COUNTY when performing the services set forth in an approved task order.

ARTICLE TWO -- GENERAL CONDITIONS

This AGREEMENT constitutes the entire AGREEMENT between COUNTY and MUNICIPALITY, and supersedes any prior understanding or representation of any kind preceding the date of this AGREEMENT. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this AGREEMENT.

- a. If any provision of this AGREEMENT is invalid or unenforceable for any reason, this AGREEMENT shall be divisible as to such provision and the remainder of this AGREEMENT shall be and remain valid and binding as though such provision was not included herein.
- b. This AGREEMENT may be modified in writing upon the mutual agreement of COUNTY and MUNICIPALITY.
- c. By entering into this AGREEMENT, MUNICIPALITY agrees on behalf of its respective elected officials, officers, employees, subcontractors, subgrantees, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring COUNTY signatures may be executed by electronic means, and that the electronic signatures affixed by COUNTY to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. MUNICIPALITY also agrees to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of COUNTY.
- d. All COUNTY agreements, including this AGREEMENT, are subject to all applicable COUNTY ordinances, including but not limited to, the Cuyahoga County Ethics ordinance and Cuyahoga County Inspector General Ordinance. MUNICIPALITY agrees that the charter provisions and all ordinances, resolutions, rules and regulations of the COUNTY now or hereafter applicable shall be included in this AGREEMENT for all purposes.
- e. MUNICIPALITY represents and warrants that it is not subject to an "unresolved" finding for recovery under Ohio Revised Code Section 9.24.
- f. This AGREEMENT has been properly authorized pursuant to the required provisions of any and all charter provisions, ordinances, resolutions and regulations of COUNTY and MUNICIPALITY. The individuals signing on behalf of the parties to this AGREEMENT are authorized to execute this AGREEMENT on behalf of COUNTY and MUNICIPALITY. MUNICIPALITY recognizes and agrees that no public official or employee of COUNTY may be deemed to have apparent authority to bind COUNTY to any contractual obligations not properly authorized pursuant to COUNTY'S Contracting and Purchasing Procedures.

ARTICLE THREE – INDEMNITY AND INSURANCE

MUNICIPALITY and COUNTY agree that neither entity can or will indemnify the other as both parties are political subdivisions and are prohibited by law from entering into an indemnification agreement. Accordingly, MUNICIPALITY and COUNTY agree that each will be solely and entirely responsible for its acts, errors, and omissions, and those of its employees and agents, during the performance of this AGREEMENT. MUNICIPALITY and COUNTY further agree that each will maintain and carry sufficient and appropriate liability insurance relative to the duties and obligations under this AGREEMENT.

ARTICLE FOUR – TERMINATION

This AGREEMENT shall remain in full force and effect until terminated as follows:

Either party shall have the right to terminate this AGREEMENT at any time with thirty (30) days advance written notice to the other party.

Any notice of termination shall be by certified mail, addressed to the Director in case of CCDPW or the highest ranking official in case of MUNICIPALITY. Upon termination of the AGREEMENT, MUNICIPALITY shall pay any and all outstanding expenses relating to the performance of this AGREEMENT within thirty (30) days of the receipt of an invoice showing monies owed for services rendered.

ARTICLE FIVE – NOTICES

Any notice to be given under this AGREEMENT by either party to the other may be effected either by personal delivery in writing or by certified mail, postage-prepaid, return receipt requested, unless it is a notice of termination which must be certified mail. Notice delivered personally shall be deemed received upon actual receipt; notice sent by certified mail shall be deemed received on the date the return receipt is either signed or refused. Mailed notices shall be addressed to the parties at the addresses appearing below:

To COUNTY: Attn: Director of Public Works
 2079 East 9th Street
 Cleveland, Ohio 44115

With a copy to: Attn: Cuyahoga County Director of Law
 Cuyahoga County Department of Law
 2079 East 9th Street
 Cleveland, Ohio 44115

To MUNICIPALITY: Attn: _____

ARTICLE SIX – GOVERNING LAW AND JURISDICTION

This AGREEMENT shall be governed by and construed under the laws of the State of Ohio without regard to conflicts of law provisions. The parties agree that the state and federal courts sitting in Ohio will have exclusive jurisdiction over any claim arising out of this AGREEMENT, and each party consents to the exclusive jurisdiction of such courts.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the Day and Year first mentioned above.

CITY or VILLAGE OF Name of MUNICIPALITY

By: _____
Name of Mayor, Mayor

COUNTY OF CUYAHOGA, OHIO

By: _____
Edward FitzGerald, County Executive

The legal form and correctness
of this Agreement is hereby approved.

CITY or VILLAGE OF Name of MUNICIPALITY

By: _____
Name of Law Director, Law Director

Date: _____

CUYAHOGA COUNTY LAW DEPARTMENT

By: _____

Date: _____

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
FABRIZI TRUCKING AND PAVING CO., INC. FOR THE
REPLACEMENT OF A SANITARY SEWER LINE ON WALMAR DRIVE
AND DECLARING AN EMERGENCY.**

WHEREAS, after a flooding event, the sewer line on Walmar Drive as inspected and it was found that the joints are separating, and areas of the line are sinking do to sandy conditions; and

WHEREAS, the replacement of the sanitary sewer line is an emergency, the City did not advertise for bids as permitted by Bay Village City Charter Section 9.7;

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 enter into an agreement with Fabrizi Trucking and Paving Co., Inc., 389 Columbia Road, Valley City, Ohio 44280 to proceed with the replacement the 12” sanitary clay line with a 12” sanitary PVC pipe, as the replacement of the sanitary sewer line is an emergency, the City did not advertise for bids as permitted by Bay Village City Charter Section 9.7. The total bid price for said sanitary sewer line replacement is Ninety Four Thousand Two Hundred and Fifty Dollars (\$94,250.00). Payment shall be made from the Sewer Fund (580).

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 necessary for the preservation of the public peace, health, safety, and welfare and for the further reason that it is immediately necessary to proceed with said sanitary sewer line replacement on Walmar Drive, 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

10-8-14 II