

AGENDA

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

March 16, 2015
7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Bay Family Services – Professional Services Agreement Renewal with McKeon Education Group, Inc. and Bay Village City School District

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Codified Ordinance Chapter 916 (new) – Foundation Drain Disconnection

FINANCE & CLAIMS COMMITTEE – Clark

Transfer from Infrastructure Improvement Fund to Sidewalk Replacement Fund

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Amendment to Codified Ordinance 1305.02 (k) Housing License (Increase from \$75.00 to \$100.00)

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Water Slide and Diving Tower Restoration Project

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

AUDIENCE

City of Bay Village

Council Minutes, Committee Session
Conference Room
Dwight Clark, Vice President of Council, Presiding

March 9, 2015
7:30 p.m.

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

Absent: Mayor Sutherland

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Safety/Service Director Thomas, Recreation Director Enovitch, Director of Community Services Selig, Director of Operations Landers

AUDIENCE

The following individuals signed in this evening: Russell Thompson, Jerrie Barnett, Lydia DeGeorge, Conda Boyd, Dick Majewski, Pam Cottam.

Mr. Clark called the meeting to order at 7:30 p.m. and commented on the great Citizen of the Year, and Project of the Year ceremonies that were held on Sunday, March 8, 2015.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Lee had no report this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Tadych advised that the Public Improvements, Streets, Sewers and Drainage Committee reviewed the proposed, new Chapter 916 which will become the codified ordinance for sewer correction. The new code was finalized on March 5, 2015 by the committee, along with an accompanying Payment Option Program plan that will also be distributed to Council. Mr. Tadych stated that he believes this codified ordinance should be on three readings.

FINANCE & CLAIMS COMMITTEE

Amended Appropriation Ordinance

Mr. Henderson advised that the Finance Committee reviewed proposed appropriation changes this evening.

Director of Public Service/Safety Scott Thomas commented that an additional appropriation is included in the ordinance for the Walmar Road Resurfacing and Repair Project. Council had originally appropriated \$75,000 for road repair after the sanitary sewer line had been replaced. While reconstructing the roadway it began falling apart, and as the digging continued the

problems got worse. Once the sanitary sewer line was completed, they found that the road needed a total reconstruction of the 7-inch base of concrete, including curb to curb. The amount of \$110,000 is needed for that reconstruction, requiring an additional appropriation of \$35,000. This is in addition to the sewer work on Walmar that was recently completed at the cost of \$108,000.

Mr. Lee reported that the funds have been raised to replace the clock tower on the top of Bay Village City Hall. The Bay Village Foundation has made a contribution of half the cost to get the project started. An order has been placed with the repair company in Cincinnati, Ohio, and work is scheduled to be completed before the Fourth of July.

Administrative Compensation Ordinance

Mr. Henderson noted that Lines 15 and 16 of the Administrative Compensation Ordinance will need to be corrected to indicate the amount of \$8.10 as the starting wage in both columns on Lines 15 and 16. Mrs. Mahoney added that Line 29 should indicate \$5,000 instead of \$5,100.

The salary positions being changed by this ordinance cover the Property Maintenance Inspector, the Director of Community Services, and the Assistant Director of Community Services.

The ordinance will be placed on first reading this evening. The Mayor noted that the reason these individuals are getting increases is because they were hired late in 2014 and did not get 2% increases with the rest of the non-union employees. Now that they have about 4 to 6 months in and are performing well, they will be brought up to the increased amount.

Mr. Clark complimented Director of Community Services Selig for the work she is doing at the Dwyer Memorial Center.

Mr. Henderson asked if the Human Resource Coordinator has provided detailed job descriptions, and if any of these positions are under those new job descriptions. The Mayor stated that the Human Resource Coordinator is working on compliance issues which was the Mayor's Number 1 priority. As soon as she is finished with that, the focus will be on other things.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Amendment to Codified Ordinance 1305.02 (k) Housing License (Increase from \$75.00 to \$100.00)

Mr. Lee reported that this item has been on two readings at this point, and is a change to the rental housing license fee. At the request of Councilwoman Lieske, this matter will be removed from this evening's agenda for the Special Meeting of Council. The ordinance will remain on second reading. The ordinance covering the inspection fees will move forward this evening, providing a change to Codified Ordinance Chapter 1307.02. This legislation will correct the matter of the HVAC and Plumbing being erroneously categorized together. The HVAC and Plumbing categories will each have their own requirement for an inspection fee of \$35.00.

St. Raphael School – Request for Temporary Sign, 4 ft. x 8 ft., for a period of three (3) months from date of approval

St. Raphael School officials have requested the hanging of a temporary sign advertising their Kindergarten and Grades 1 through 8 program. The sign would hang for a period of three months. The artwork for the sign has been distributed to Council.

Mr. Henderson asked for an explanation of why Council must approve these temporary signs. Law Director Ebert stated that any temporary sign to be hung longer than 30 days must be approved by Council in accordance with the administrative code. Mr. Ebert will provide Mr. Henderson with criteria for temporary sign approval. Mr. Vincent noted that temporary sign regulations affect fairness in advertising as well.

Resolution authorizing the filing of a 2016 Transportation for Livable Communities Initiative Planning Grant Application

Mayor Sutherland stated that the Northeast Ohio Areawide Coordinating Agency (NOACA) offers these grants. The City of Bay Village is asking for \$40,000 to fund a study of Cahoon Memorial Park and how to better connect the east side of the park with the west side of the park. The study will also look at traffic patterns and possibly connecting the Metroparks.

Mr. Clark asked if it will include the possibility of a bridge going across. Mayor Sutherland stated that it could, but it could also look at how to better connect to the lakefront. Mr. Ebert noted that the last time this was discussed the Village Foundation was going to fund the bridge across the historic railway trestles over the creek. However, those trestles have been removed due to deterioration.

Mr. Henderson asked if the grant will pay for 100% of the study, or will matching funds be required. Mayor Sutherland stated that there is a 20% match, but it can be in-kind. Mr. Henderson asked that this be double checked because he read something on the website that the matching amount cannot be in-kind. The Mayor noted that if the grant is awarded, Council's acceptance of the grant will be required. A resolution will be considered by Council for passage this evening.

Mr. Lee noted that Resolution No. 15-07 approving the southern extension of Crestview Drive is on the agenda for the Special Meeting of Council consideration this evening. The resolution is currently on second reading, with an item still open to be received by the City. Mr. Ebert stated that the Title Guarantee has been received. This evening Mr. Ebert has received word that the first page of the recorded easement has been sent over. An amendment by reading was distributed to the resolution adding a Whereas clause that the approval is contingent upon receipt of the Title Guarantee and the recorded easement.

Mr. Tadych asked if the City is sure of the 4.5 acreage on the nine lots. Mr. Tadych was under the impression that some of those lots are larger than one-half acre in size.

RECREATION & PARK IMPROVEMENT COMMITTEE

Mr. Clark asked Mr. Henderson for an update on the fund raising efforts for the exercise equipment for the walking trail on the northerly section of Cahoon Memorial Park.

Mr. Henderson stated that a second pledge of support has been received. This donation is from John O'Neill, who will be interested in participating in the project. There is a \$10,500 total cost for the project. The goal is to secure three corporate sponsorships, each in the amount of \$3,500. The idea is to put an advertisement for each sponsor, one per sign, at each of the three stations, as discussed previously.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Sale of Sewer Camera Truck

Mr. Vincent reported that Council will formalize the sale of the sewer camera truck by resolution this evening. The truck has been sold to an individual in Illinois in an amount in excess of \$51,000. The proceeds of the sale of the truck will be placed in the Equipment Replacement Fund.

Mr. Tadych asked if there was a neighboring city that was interested in the truck for about \$20,000. Mr. Thomas stated that they had thought about it but did not have the funds in their budget.

MISCELLANEOUS

Resident Jerrie Barnett asked when potholes on Wolf Road in front of the police and fire stations will be fixed.

Mayor Sutherland stated that one of the things that makes it very difficult is when we have the very cold weather and the pavement disintegrates. The only thing that can be done at that point is to use cold patch. We are out there every day trying to fill up the holes but the cold patch doesn't stick. It is just a condition that we have to live with until it gets warm enough to start doing the work. The City received \$20,000 from the County for material to asphalt, and perhaps we will do some partial depth reconstruction when the weather breaks. The Mayor urged everyone to drive carefully, especially avoiding deep puddles.

The Mayor stated that the City did try to get the \$2 million from the County necessary to resurface Wolf Road. The money was not received. Repairs will be made this year and the administration will keep trying to secure funding for resurfacing.

Mr. Tadych advise seeing trucks working on Wolf Road today in Ward 1.

Mr. Thomas added that the Hot Patch, which is used with a roller to flatten the surface, is not available from plants until April 1, 2015 when the plants open for the season.

Mrs. Barnett asked if there is enough salt available for the remainder of winter. The Mayor stated that there is adequate salt left for a couple of more events.

Committee Meeting of Council
March 9, 2015

Mr. Clark noted that Wolf Road, from Bradley to Walmar will be resurfaced this year. This is the portion of the road that is not a County road.

Mr. Lee asked Service Director Thomas if there is some way to document the condition of Wolf Road now, prior to the repairs, so that the County can see the terrible condition the roadway is in.

Lydia DeGeorge addressed Mr. Henderson commenting that he mentioned that the second pledge for the exercise equipment at Cahoon Memorial Park was from John O'Neill. Ms. DeGeorge asked who the first pledge is from. Mr. Henderson stated that the first pledge is from Hyland Consulting Associates, a financial advisory services firm in Westlake, Ohio.

There being no further discussion, the meeting adjourned at 7:57 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CHAPTER 916
Foundation Drain Disconnection

- 916.01 Districts.**
- 916.02 Disconnection of foundation drain connections required.**
- 916.03 Approved disconnection procedure.**
- 916.04 Non-compliance fee.**
- 916.05 Definitions.**
- 916.06 Payment option program.**
- 916.07 Eligible participants.**
- 916.08 Designee.**
- 916.09 Voluntary participation.**
- 916.10 Scope of work.**
- 916.11 Approved contractors.**
- 916.12 Contractor selection.**
- 916.13 Release.**
- 916.14 Payment.**
- 916.15 Maintenance.**

CROSS REFERENCE

916.01 DISTRICTS.

The foundation drain disconnection districts established under this article include the following areas, each to have the effective date stated for each such district, and if no date is specified, then effective upon publication of the ordinance adopting this article. Additional districts will be created from time to time by amendment hereto.

- A. Foundation Drain Disconnection District 11 shall consist of the areas identified as the Bruce, Russell, Douglas, Lake Road areas. A map of this area can be found at the Bay Village Service Garage. (SSES Map. There are 18 Districts within the City.)

**916.02 DISCONNECTION OF FOUNDATION DRAIN CONNECTIONS
REQUIRED.**

All direct or indirect connections of a foundation drain within the established district shall be disconnected from the sanitary sewer system within one year after the effective date of establishment of the district in which said connection is located. All connections of any such foundation drain systems or devices shall conform to current standards as adopted under City Building codes.

916.03 APPROVED DISCONNECTION PROCEDURE.

The approved disconnection procedure to a direct or indirect foundation connection to the sanitary sewer system must fully comply with the following and must conform to current standards adopted under City Building codes.

1. **Approved System.** An approved system for the termination of foundation drains must be used. If the system does not allow for gravity drain into the storm sewer, the approved system shall consist of a sump pump and sump pit with a discharge to an approved yard location or to an available storm sewer.
2. **Licensed Contractor.** All work for an approved disconnection procedure shall be performed by a master plumber or a residential building contractor duly licensed by the City. Work done by a residential building contractor under this article must remain within the scope of authorized work as defined by current standards as established under the City of Bay Village building codes.
3. **Plugging of existing connections.** Any direct or indirect connection between the foundation drain and the sanitary sewer system serving the building shall be permanently plugged.
4. **Post-construction inspection.** The installation of a sump pump and associated facilities work shall be inspected by the City. The sanitary sewer customer, or the approved contractor, shall be responsible to schedule the post-construction inspection.

916.04 NON-COMPLIANCE FEE.

Any sanitary sewer customer within an established district with a direct or indirect foundation drain connection to the sanitary sewer system remaining in place one year after the effective date established by City Council will be subject to a monthly fee of \$50.00 for each month of non-compliance. Such fees will continue monthly until the City determines through inspection that the direct or indirect foundation drain connection no longer exists. All unpaid fees, including any administrative costs, will be assessed against the property for collection in the same manner as a property tax, as provided by law.

916.05 DEFINITIONS.

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

- a) "Foundation drain" means any subsurface pipe or conduit located on or around the exterior of the structure or located within a structure for the purpose of conveying ground water, subsurface water, and foundation wall seepage water. Foundation drains may be also commonly referred to drain tiles, footer drains, French drains, curtain drains or subsurface drains.
- b) "Disconnection" means moving foundation drain discharges from the sanitary sewer and redirecting the discharge to a legal clean water conveyance or dispersion system.

916.06 PAYMENT OPTION PROGRAM.

1. All disconnection costs shall be at the owner's expense. In accordance with this funded program, the City will offer zero-interest payment plans through the completion of the program.
2. The maximum zero-interest funding available under this program shall be the lesser of the actual cost or \$2,000. Should the funded amount not be paid back within a year, the payment plan balance and all applicable fees will be assessed against the property for collection in the same manner as a property tax, as provided by law.

3. For payment plans under this section 916.06, payments shall be made in twelve (12) equal monthly payments. Payments shall be made to the City of Bay Village Finance Department under the private property maintenance fund.

916.07 ELIGIBLE PARTICIPANTS.

Eligible participants shall be owners of single family homes and duplexes that:

1. Are a violating premise within the City of Bay Village and have a letter from the City stating that their foundation drain is the source of the violation.
2. Request participation in the Program and whose participation is approved by the Director of Public Service and Properties and the Finance Director.
3. Are not delinquent on their property tax or sewer fees.

916.08 DESIGNEE.

In every instance where the Director of Public Service and Properties is required to act or approve an action, the action or approval may be performed by a person designated, in writing, by the Director of Public Service and Properties or the Finance Director, as his or her designee.

916.09 VOLUNTARY PARTICIPATION.

The Director of Public Service and Properties may implement and make available this program where a property owner has voluntarily requested participation in this program.

916.10 SCOPE OF WORK.

The Director of Public Service and Properties shall determine for each eligible participant property the scope of work which may be paid for with the program funds, with the goal of achieving the most cost-efficient and timely correction. If work paid for under this program does not eliminate foundation drain discharges for the eligible participant property, the Director of Public Service and Properties is not precluded from issuing supplemental orders concerning the participation premises. For each eligible participant property, the maximum cost which may be paid with City funds to an eligible participant or eligible participant selected contractor shall be the funding cap set under 916.06(2). If additional work is required it shall be performed at eligible participant's expense.

916.11 APPROVED CONTRACTORS.

The Director of Public Service and Properties shall establish a list of private contractors or contractor teams (referred to as "contractor(s)" throughout this section) approved for performing work under this program based on qualifications including experience, quality of work and insurance. Eligible participants may propose additional contractors for inclusion in the approved list.

916.12 CONTRACTOR SELECTION.

To be eligible to participate in the program, participants shall select an approved contractor as designated in section 916.11.

The Director of Public Service and Properties shall review and approve of the contractor's selection and contract price. The eligible participant shall contract with the selected contractor for performance of the approved scope of work. The City of Bay Village shall not be a party to the contract. The eligible participant's contract shall require the contractor to secure any building

permits as may be necessary and shall specify that the eligible participant's final payment to the contractor not be made until (1) the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, whose approval shall not be unreasonably withheld and (2) a release of lien from all contractors or subcontractors performing work on the premises is obtained.

916.13 RELEASE.

As a condition to participation in the program the eligible participant shall release the City of Bay Village, and its officers and employees from all liability relating to the work. When work is completed, the property owner will own all property, equipment, devices and materials used to correct the violation.

916.14 PAYMENT.

After the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, the Director of Public Service and Properties shall authorize payment for 100% of the cost of the approved work (subject to the funding cap set under 916.06(2) from funds approved for this purpose.) Payment will be made directly to the contractor.

916.15 MAINTENANCE.

Eligible participants shall be responsible for operating and maintaining any improvements constructed under this program.

Minutes of a Meeting of
PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

held March 5, 2015
6:30 p.m.

Members Present: Councilman David L. Tadych, Chairman
 Councilman Tom Henderson
 Councilman Steve Lee

Also Present: Bob Greytak, CT Consultants; Director of Public Service/Safety
 Director Scott Thomas

Audience: Richard Fink, Russell Thompson

Chairman Tadych called the meeting to order at 6:30 p.m. The agenda item for this meeting is reviewing new Codified Ordinance Chapter 916, Foundation Drain Disconnection, as revised following the Public Improvements, Streets, Sewers and Drainage Committee review of the ordinance on February 25, 2015.

Mr. Lee asked if there is any additional work to be done in the public right-of-way, for the connection of the foundation drain to the storm sewer. Mr. Thomas stated that all of the work will be done on private property.

The areas for the districts identified in Chapter 916 is further defined on the map attached to the revised ordinance prepared by Mr. Thomas. It was noted that the north side of Lake Road is included. There will be no work on Wolf Road or Glen Park Drive.

Mr. Scott distributed the application for the Payment Option Plan (POP) program. The homeowners will sign the form indicating that they have been notified by the City that they are in violation of Chapter 916 and must come into compliance. The form further states that when the work is completed, the homeowner releases the City, its officers and employees from any liability. The completed work is the homeowners' responsibility upon completion, and they are responsible for operating and maintaining those improvements. The maximum resources available are \$2,000, or the lesser of the actual cost. Terms of the Payment Option Program are one year. The application/agreement further defines that the amount of the financial assistance must be paid back within that one year period. Payments will be made directly to the contractor, as instructed by the Finance Director. Law Director Ebert has reviewed and approved the form. The balance and all costs, including administrative costs will be certified to the County Fiscal Officer per Section 547.15.

Mr. Lee asked if the Sunset area will eventually undergo this process. Mr. Thomas stated that many the corrections necessary on Sunset Drive will be done as part of the Sunset Area Improvement Project. Mr. Greytak added that a public sewer will be built as part of the Sunset project. Before any homeowner can connect to the sewer they will have to certify that their

plumbing is properly separated and the connection will be sanitary to sanitary, and storm to storm.

Review of the revised Chapter 916 resulted in the following comments from the committee:

916.02

Definition of “Disconnection” shall be consistent with the definition of “Disconnection” in 916.05.

In the last sentence of the section, leave out the words “as administrative policy.”

916.03

First sentence: leave out the words “as administrative policy.”

916.04

At the end of the first sentence, add “for each month of non-compliance.”

It was noted in discussion that the ordinance for each district will establish the effective date of the program.

916.06

Take the “s” off “disconnections” in the first sentence.

Place a period in the first sentence after the word “expense.” The second sentence should begin with “In accordance.....”

916.06 (2) Place period after the word “cost” in the first sentence, and eliminate the remaining words in the sentence.

Move “and all applicable fees” to after the words “the payment plan balance.”

916.06(3) Add the words “shall be made in equal monthly payments” after the words beginning with “Section 916.06.”

916.09

Delete word “assistance” in second line and uncapitalize the word “Program.”

916.11

In the first sentence, change the word “may” to “shall.”

916.12

In the first sentence, change “To be eligible to participate in the Payment Option Program, program participants shall select an approved contractor as defined in Section 916.11.”

The second sentence to read: “The Director of Public Service and Properties shall review and approve of the contractor selected and the contract price.” Begin next sentence with “The eligible participant...”

Eliminate the last sentence in the last paragraph.

916.13

Shall release the City of Bay Village and “its” instead of “theirs.”

916.14

Eliminate the sentence beginning with “Partial payments...”

The revised ordinance will be submitted to the Council of the Whole and introduced by Mr. Tadych for three readings prior to passage. Mr. Tadych noted that he would like a map showing all of the areas of the city in the 18 Districts.

Mr. Greytak commented that after completion of the work in each district, flow monitoring will be done, ideally in April of each year.

The meeting adjourned at 7:30 p.m.



Joan Kemper, Secretary



David L. Tadych, Chairman

CHAPTER 916
Foundation Drain Disconnection

916.01 Districts.

916.02 Disconnection of foundation drain connections required.

916.03 Approved disconnection procedure.

916.04 Non-compliance fee.

916.05 Definitions.

916.06 Payment option program.

916.07 Eligible participants.

916.08 Designee.

916.09 Voluntary participation.

916.10 Scope of work.

916.11 Approved contractors.

916.12 Contractor selection.

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CROSS REFERENCE

916.01 DISTRICTS.

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- A. Foundation Drain Disconnection District 11 shall consist of the areas identified as the Bruce, Russell, Douglas, Lake Road areas. A map of this area can be found at the Bay Village Service Garage. (SSES Map. There are 18 Districts within the City.)

**916.02 DISCONNECTION OF FOUNDATION DRAIN CONNECTIONS
REQUIRED.**

All direct or indirect connections of a foundation drain within the established district shall be disconnected from the sanitary sewer system within one year after the effective date of establishment of the district in which said connection is located. Disconnection shall mean termination of any direct or indirect connection to the sanitary sewer system, including direct connections to the sanitary sewer service, connections to a sanitary sewer floor drain, or any similar plumbing fixture that would allow foundation drain flow or surface water flow to enter the sanitary sewer system. All connections of any such foundation drain systems or devices shall conform to current standards as adopted as administrative policy under City Building codes.

916.03 APPROVED DISCONNECTION PROCEDURE.

The approved disconnection procedure to a direct or indirect foundation connection to the sanitary sewer system must fully comply with the following and must conform to current standards adopted as administrative policy under City Building codes.

1. **Approved System.** An approved system for the termination of foundation drains must be used. If the system does not allow for gravity drain into the storm sewer, the approved system shall consist of a sump pump and sump pit with a discharge to an approved yard location or to an available storm sewer.
2. **Licensed Contractor.** All work for an approved disconnection procedure shall be performed by a master plumber or a residential building contractor duly licensed by the City. Work done by a residential building contractor under this article must remain within the scope of authorized work as defined by current standards as established under the City of Bay Village building codes.
3. **Plugging of existing connections.** Any direct or indirect connection between the foundation drain and the sanitary sewer system serving the building shall be permanently plugged.
4. **Post-construction inspection.** The installation of a sump pump and associated facilities work shall be inspected by the City. The sanitary sewer customer, or the approved contractor, shall be responsible to schedule the post-construction inspection.

916.04 NON-COMPLIANCE FEE.

Any sanitary sewer customer within an established district with a direct or indirect foundation drain connection to the sanitary sewer system remaining in place one year after the effective date established by City Council will be subject to a monthly fee of \$50.00. Such fees will continue monthly until the City determines through inspection that the direct or indirect foundation drain connection no longer exists. All unpaid fees, including any administrative costs, will be assessed against the property for collection in the same manner as a property tax, as provided by law.

916.05 DEFINITIONS.

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

- a) "Foundation drain" means any subsurface pipe or conduit located on or around the exterior of the structure or located within a structure for the purpose of conveying ground water, subsurface water, and foundation wall seepage water. Foundation drains may be also commonly referred to drain tiles, footer drains, French drains, curtain drains or subsurface drains.
- b) "Disconnection" means moving foundation drain discharges from the sanitary sewer and redirecting the discharge to a legal clean water conveyance or dispersion system.

916.06 PAYMENT OPTION PROGRAM.

1. All disconnections costs shall be at the owner's expense and in accordance with this funded program, the City will offer zero-interest payment plans through the completion of the program.
2. The maximum zero-interest funding available under this program shall be \$2,000 or the lesser of the actual cost with a term of one year. Should the funded amount not be paid back within a year, the payment plan balance will be assessed against the property for collection in the same manner as a property tax, as provided by law and all applicable fees.
3. For payment plans under this section 916.06, payments can be made monthly or within the one-year timeframe. Payments are to be made to the City of Bay Village Finance Department under the private property maintenance fund.

916.07 ELIGIBLE PARTICIPANTS.

Eligible participants shall be owners of single family homes and duplexes that:

1. Are a violating premise within the City of Bay Village and have a letter from the City stating that their foundation drain is the source of the violation.
2. Request participation in the Program and whose participation is approved by the Director of Public Service and Properties and the Finance Director.
3. Are not delinquent on their property tax or sewer fees.

916.08 DESIGNEE.

In every instance where the Director of Public Service and Properties is required to act or approve an action, the action or approval may be performed by a person designated, in writing, by the Director of Public Service and Properties or the Finance Director, as his or her designee.

916.09 VOLUNTARY PARTICIPATION.

The Director of Public Service and Properties may implement and make available this Assistance Program where a property owner has voluntarily requested participation in this program.

916.10 SCOPE OF WORK.

The Director of Public Service and Properties shall determine for each eligible participant property the scope of work which may be paid for with the program funds, with the goal of achieving the most cost-efficient and timely correction. If work paid for under this program does not eliminate foundation drain discharges for the eligible participant property, the Director of Public Service and Properties is not precluded from issuing supplemental orders concerning the participation premises. For each eligible participant property, the maximum cost which may be paid with City funds to an eligible participant or eligible participant selected contractor shall be the funding cap set under 916.06(2). If additional work is required it shall be performed at eligible participant's expense.

916.11 APPROVED CONTRACTORS.

The Director of Public Service and Properties may establish a list of private contractors or contractor teams (referred to as "contractor(s)" throughout this section) approved for performing work under this program based on qualifications including experience, quality of work and insurance. Eligible participants may propose additional contractors for inclusion in the approved list.

916.12 CONTRACTOR SELECTION.

Eligible participants shall select an approved contractor in accordance with the payment option program, as defined in section 916.11.

If the participating eligible participant selects a contractor from the list of approved private contractors to perform the work, after the Director of Public Service and Properties review and approved of the contractor's selection and contract price, the eligible participant shall contract with the selected contractor for performance of the approved scope of work. The City of Bay Village shall not be a party to the contract. The eligible participant's contract shall require the contractor to secure any building permits as may be necessary and shall specify that the eligible participant's final payment to the contractor not be made until (1) the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, whose approval shall not be unreasonably withheld and (2) a release of lien from all contractors or subcontractors performing work on the premises is obtained.

If the eligible participant selects a contractor not on the approved private contractor list, the same rules shall apply.

916.13 RELEASE.

As a condition to participation in the program the eligible participant shall release the City of Bay Village, and their officers and employees from all liability relating to the work. When work is completed, the property owner will own all property, equipment, devices and materials used to correct the violation.

916.14 PAYMENT.

After the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, the Director of Public Service and Properties shall authorize payment for 100% of the cost of the approved work (subject to the funding cap set under 916.06(2) from funds approved for this purpose.) Partial payments may not be made except that, at the sole discretion of the Director of Public Service and Properties, a final payment may be made, less a reasonable retention for ensuring the completion of punch list items. Payment will be made directly to the contractor.

916.15 MAINTENANCE.

Eligible participants shall be responsible for operating and maintaining any improvements constructed under this program.



S.S.E.S.

DISTRICT-11

DRAWN BY: [blank]
 CHECKED BY: [blank]
 CONTRACT NUMBER: 852

CITY OF BAY VILLAGE

Michael Henza & Associates, Inc.
 Consulting Engineers and Surveyors
 6205 West Drexel Road
 Cincinnati, Ohio 45241 Telephone: 410/528-4800



DATE: 3/13/97
 SCALE: 1" = 100'