

AGENDA

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

April 13, 2015
7:30 p.m.

ANNOUNCEMENTS

Be-Fit-in-Bay Program presentation by Marilyn Gasing and Jennifer Evans, Program Managers, Community Outreach for the Cleveland Clinic, will address Council briefly regarding the Be-Fit-in Bay Program.

COMMITTEE OF THE WHOLE

Improvement Target Area Presentation – Mayor Sutherland

2015 Property Maintenance Inspection Program – Service/Safety Director Thomas

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Amendment to Chapter 527 regarding Littering (Residential Delivery of Printed or Other Materials)

Amendment to Codified Ordinance Section 543.11 regarding sidewalks to be cleaned of ice and snow

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Codified Ordinance Chapter 916 – Foundation Drain Disconnection

FINANCE & CLAIMS COMMITTEE – Clark

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Award of Contract for Water Slide and Diving Tower Steel Restoration Project

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

MISCELLANEOUS

AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES

City of Bay Village

Council Minutes, Committee Session
Conference Room
Paul Koomar, President of Council, Presiding

March 30, 2015
7:30 p.m.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Safety/Service Director Thomas, Director of Operations Landers, Consulting Engineer Bob Greytak.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Robert Tuneberg, Doug Gertz, Lydia DeGeorge, Russell Thompson, Pam Cottam, Mike O'Boyle, Denny Wendell, Warren Remein.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Amendment to Chapter 527 regarding Littering (Residential Delivery of Printed or Other Materials)

Mr. Lee called upon Law Director Ebert to discuss a draft ordinance he prepared addressing the residential delivery of printed or other materials when those materials are left on sidewalks and driveways during the winter months and causing damage to snow blowers. Mr. Ebert stated that additional language or language changes may have to be applied to the ordinance so that solicited material is not affected by the ordinance, and it will refer to unsolicited publications only. Mrs. Lieske expressed agreement, noting that there are other problems that may occur if you don't have the receptacles for delivery of printed materials for which you subscribe. Mrs. Lieske thanked Mr. Ebert for the way he phrased the ordinance.

Mr. Ebert stated that the ordinance draft was modeled after ordinances in the cities of Westlake and North Olmsted. He will resubmit a new copy of the ordinance draft to Council.

Mr. Koomar asked if the delivery refers to "at the door." Mr. Ebert stated that the Westlake and North Olmsted ordinances say "on public property."

Mr. Tadych asked about the delivery of the Bay Directory. Mr. Ebert will readdress the draft of the ordinance in consideration of the comments this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Codified Ordinance Chapter 916 – Foundation Drain Disconnection

Mr. Tadych stated that his last Public Improvement, Streets, Sewers and Drainage Committee meeting on March 26, 2015 resulted in many questions regarding the proposed ordinance. Mr.

Tadych expressed that he does not think the ordinance is ready for first reading. Residents realize that the proposed ordinance exists and they can see copies of it. There have been questions about the length of the payment plan. The new maps of the districts were received today. Mr. Ebert stated that he has copies available of the maps. Mr. Tadych stated that he would like to hold off on presenting the ordinance for first reading and have another meeting of the Public Improvements, Streets, Sewers and Drainage Committee for further review.

Mr. Koomar stated that the unpaid charges are certified to the County Fiscal Officer in September of each year for placement on the property owners' tax bill. Mrs. Mahoney stated that if repairs are done this spring, the charge will not be certified this September. The shortest amount of time they would have to pay before certification to the County would be 15 months. Mrs. Mahoney stated that she would like to work on a one-to-one basis with each resident as to whether they want a 12-month or 24-month period for repayment before certifying the unpaid charges to the County. This is the same procedure that is followed for trees and all other private property services. Mrs. Mahoney stated that she would not like the payment plan to go beyond 27 months.

Mr. Tadych stated that the plan doesn't even come up with a correct total amount for a payment plan. Right now it is at \$2,000; in Mr. Tadych's opinion it could go up to \$5,000.

Mr. Koomar asked Director Thomas his best estimate for this work after he spoke with contractors. If someone had all connections incorrect, what would the worst case scenario be in price? Mr. Thomas stated that this is why they estimated \$2,000. He has estimates from \$1,500 to \$3,000; \$1,500 being the lowest estimate. That would include a two sump pump system and a clean out for the system directly into the storm from the foundation drain. The secondary sump pump would be going into the back yard in case of an overflow of the first sump pump. Mr. Thomas stated that he is confident in the price of \$1,500. Obviously, the price would go up if they have to go under the front porch. Mr. Thomas would like to add in a possible generator for about \$150. It is hopeful that everything could get done for \$1,750.

Mr. Ebert stated that discussion at the Public Improvements, Streets, Sewers and Drainage Committee included whether the homeowner goes out to contract for the corrections, or would there be better control if the City went out for bids. The contractor could be bonded, and there would be control of what is being done and the time frame. A better price point may also be able to be obtained.

Mr. Henderson stated that people are very busy and not excited about doing this project at all. If the City would arrange for the project to get done, that would relieve some of the burden of them having to be home, call the contractors, get quotations, etc.

Mr. Lee asked if this arrangement would expose the City to any liability. Mr. Ebert stated that there would be a bond from the contractor, just like other projects with the City.

Mr. Tadych noted that it would be a bid project. Mr. Ebert agreed, and stated that there might be one or two contractors based on the number of homes.

Mr. Lee asked if the residents would have to agree to make the payments. Mr. Ebert stated that this is correct. Any resident getting his own contract would not be part of the Payment Option Program.

Mr. Lee stated that if this is done with a master contractor with the city making the arrangements, the homeowner would still have to agree to the amounts and the scope of the work. If they are not satisfied with the work after it has been performed is the city at all exposed? Mr. Ebert stated that it would go against the contractor and if the City verifies the complaint is justified it would go against the bonding company. Mr. Ebert stated that the City would be supervising the work.

Mr. Lee asked if this is something the Service Director is interested in doing. Mr. Thomas stated that this is something that is already being done. They are taking proposals from contractors, and looking at the prices. They would then give that list to the homeowner.

Mr. Tadych reiterated that he would like to further review the proposed ordinance at an additional meeting of the Public Improvements, Streets, Sewers, and Drainage Committee. A meeting will be scheduled during the next week.

Mr. Lee asked if the homeowners have been notified at this point that their home is going to be one that is going to require reconnection. The Mayor stated that they have not been notified because they are waiting for Council to take action. Mr. Lee stated that his concern is that the homeowners who are going to be affected by this aren't aware at this point. They don't know to come to these meetings and say that they think this is unfair what the City is requiring, and the City should require it this way instead. It would be valuable for those homeowners to be aware this is coming to them and they are going to be the first ones in this program. It is understood that we can't tell them the details of the loan program until Council acts, but it would be beneficial for the homeowners to be aware that they are going to be faced with this in 2015.

Mr. Thomas pointed out that in April of 2014 letters were sent to every homeowner. First of all the sewer crews actually spoke with a number of the homeowners. Second of all, in the fourth paragraph of the letter it stated very simply we would be in contact when a solution is dealt with. Mr. Thomas read the following from a 2008 publication entitled "Facts for Our Residents." This was distributed at a meeting where people signed in and out.

"Bay residents continue to have sewer back-up issues when there is heavy rainfall. The Bay sewer systems are outdated and cannot handle the load. This is a known issue with no solution in sight for our residents. Residents are in jeopardy of not being renewed for homeowners insurance."

Mr. Thomas stated that they are looking at a possible solution to deal with these issues of homeowners having their basements flooded. He stated that he grew up in a home with basement flooding and it is miserable, waking up in the morning and stepping in raw sewage. This is why they want to move forward. Not only has the EPA said we need to do this, but asked the City to please move forward. Bob Greytak, the City Engineer, who is present this evening has been looking at this issue for a long time. Between his advice and what we have been

looking at in other cities across Ohio and in the country, this is a solution we feel very confident in.

Mr. Vincent asked how many months of the year this work can be performed. Mr. Thomas stated if the ground is too cold they cannot do the work. Mr. Vincent asked if we only have two contractors, can they get all the work done in the time period allowed. Mr. Thomas stated that the first contractor stated that they can absolutely handle 95 homes. Each home requires two days of work.

Mr. Warren Remein stated that he would like to see the results of the tests performed, and if this project is going to be done in the entire City. Mayor Sutherland stated that it will be done, section by section. District 11, that is first, is being affected by the EPA Findings and Orders.

Mr. Ebert stated that the City has a map that shows thousands of home in the City that have been checked over the years. Some are in compliance, and some are not. This year the EPA has stated that the City is in violation and needs to start a program. In 2009, Mayor Sutherland, Bob Greytak, and former Service Director Dan Galli went to the EPA offices in Chicago regarding the findings. EPA acknowledged that Bay Village has an on-going sewer dye testing and correctional program and will not penalize the City as long as the program is implemented.

Mr. Remein asked if calculations have been done to show the existing storm sewers can handle the now-increased sudden flow. Mr. Greytak stated that the storm sewer now is the old combined sewer. The old combined sewer used to take both the sanitary and storm waters. When they did the separation in the 1950's, they took the sanitary out of the combined sewer. After the program is completed the line will only carry storm water.

Mr. Remein said that was sized for the number of homes in 1950. Mr. Greytak stated that it was sized for those subdivisions.

Mr. O'Boyle asked if this discussion can be brought up at the Town Hall Meeting next month. There will be many residents there and if it becomes public knowledge at that point it would get around to others.

Mr. Koomar stated that Mr. Tadych will cover this under his committee report.

Mr. Vincent asked if bank-owned properties can be ordered to comply with the provisions of proposed Ordinance 916. Mr. Ebert stated that they can be ordered to comply, and there never has been much of a problem with bank-owned properties.

Mayor Sutherland asked Finance Director Mahoney if she has a recommendation on the timing of the repayment terms of the Payment Option Program. Mrs. Mahoney stated that she personally would like it to be 12 to 15 months, but if a resident is in a difficult situation and wants to go out to the following year it would be acceptable. Whatever is left on the balance after monthly payments would be certified to the County Fiscal Officer for placement on the tax duplicate.

Mr. Vincent asked if there is any way to incentivize people to do their project early, rather than to try to rush at the end of twelve months. Mr. Thomas stated that three homeowners have already come forward saying that they would like to get started. Mr. Thomas will reach out to all the homeowners early.

Mr. Henderson asked if the cap on the Payment Option Program should be higher to accommodate some of those higher than the average cost of \$2,000. Mrs. Mahoney stated that when we know home-by-home the cost, each homeowner will be advised. Mr. Henderson asked if the maximum that the ordinance allows should be increased. Mr. Lee stated that a resident who attended the last Public Improvements, Streets, Sewers and Drainage Committee commented that as a former plumbing contractor he is certain the cost could be as high as \$5,000 to \$6,000. There was concern that the \$2,000 maximum was low.

Mr. Thomas stated that he is confident of the amount of \$1,700 to \$3,000 is because a contractor last year in Westlake put in about 90 of the same systems and that was the average cost. The cost could vary slightly for some of the older homes.

Mr. Koomar asked at what point in time the City would be reimbursed for the funds that were certified to the County Fiscal Officer for placement on the tax duplicates. Mrs. Mahoney stated that taxes are paid a year behind; it would take the following year before the funds are received by the City.

A meeting of the Public Improvements, Streets, Sewers and Drainage Committee will be scheduled as soon as possible for further discussion of proposed Chapter 916, Foundation Drain Disconnection.

Participation with Ohio Department of Transportation for purchase of Sodium Chloride for the 2015/2016 Winter Season

Approximately 3,000 tons of salt will be ordered through participation with the State of Ohio bidding process for the 2015-2016 season. This year the price of salt was \$51.22 per ton, and it is expected to increase next year due to more cities participating, and the increased use of salt this year.

Award of Contract for 2015 Pavement Resurfacing Program

A total of six bids were received for the 2015 Pavement Resurfacing Program, with Chagrin Valley Engineering the lowest bidder at \$517,320. Mr. Koomar asked the amount that was budgeted for this work for 2015. Finance Director Mahoney stated that \$600,000 was budgeted. Mr. Koomar asked about any updates for the possibility of repairs to Wolf Road. Mayor Sutherland stated that material in the amount of \$20,000 was received from the county for Wolf Road. Because the bids came in low on the asphalt, the area of Wolf Road disintegrating in front of the Police and Fire Station and the park will be added. The asphalt plants open April 1 and it depends on the temperature as to how much road work can be done. Mr. Koomar asked the Mayor if there are any options for reapplying with the county again for Wolf Road resurfacing.

Committee Meeting of Council
March 30, 2015

Mayor Sutherland stated that there has been upheaval again with the leadership of the Public Works Department of the county, and they may be changing everything again.

Award of Contract for Concrete for Walmar Road Resurfacing Project

TRAX Construction Company was the low bidder for this project at \$117,425. An ordinance will be presented for approval of this contract this evening. The project will start as soon as possible depending on the weather. TRAX Construction has been used in the past for road rebuilding and Service Director Thomas is happy with their work.

FINANCE & CLAIMS COMMITTEE

Administrative Compensation Ordinance

Ordinance 15-16 providing for increases for the Property Maintenance Inspector, Director of Community Services, and Assistant Director of Community Services is scheduled for third and final reading this evening. The increases are effective April 1, 2015.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Placement of Banner 24 inches x 48 inches, advertising Bay Coop Preschool, in the yard of Bay Methodist Church, corner of Bassett and Lake Roads, for a period of one month after approval

RECREATION & PARK IMPROVEMENT COMMITTEE

Mr. Henderson had no report this evening. The dates were corrected for approval of the use of Cahoon Memorial Park under the agenda of the Cahoon Memorial Park Trustees. The correct dates of the tournament are September 4 through 7, with no use of Cahoon Memorial Park fields or facilities on Sunday, September 6. Mr. Henderson will bring this matter forward during tonight's meeting of the Cahoon Memorial Park Trustees.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Vincent had no report this evening.

MISCELLANEOUS

There being no further discussion, the meeting adjourned at 8:00 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council



CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2015-35:

REDLINED
**AN ORDINANCE SUPPLEMENTING
CHAPTER 521 "HEALTH, SAFETY
AND SANITATION" OF THE
CODIFIED ORDINANCES, AND
DECLARING AN EMERGENCY.**

WHEREAS, Council desires upon the recommendation of the Mayor and Chief of Police to supplement Chapter 521 "Health, Safety and Sanitation" through the enactment of new Section 521.10 "Residential Delivery of Printed or Other Materials."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1: That Chapter 521 "Health, Safety and Sanitation" be and the same is hereby supplemented with the enactment of new Section 521.10 "Residential Delivery of Printed or Other Materials" which as enacted shall read as follows:

521.10 RESIDENTIAL DELIVERY OF PRINTED OR OTHER MATERIALS

- (a) The delivery of any printed or other materials of any kind, including, but not limited to, newspapers, advertisements, circulars, telephone directories or product samples shall be made at the door of the subject residence or in a receptacle provided for such deliveries. Additionally, a property owner may designate an alternative site for delivery, which site shall not be as prohibited in subsection (b) below.**
- (b) The delivery of any printed or other materials of any kind as described in subsection (a) above shall not be made by placing the same onto the lawns or yard areas, driveways or sidewalks in Residential Areas.**
- (c) Whoever violates this section is guilty of a minor misdemeanor.**

Section 2: That any Ordinance or parts of Ordinance in conflict herewith are hereby repealed.

CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2015-35
PAGE 2

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this 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 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

Section 4: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to prevent safety hazards and unsightly buildup of garbage, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approved by the Mayor.

Passed: _____

Michael F. Killeen
President of Council

Presented to Mayor: _____

Approved: _____

ATTEST:

Denise L. Rosenbaum, Clerk of Council

Dennis M. Clough, Mayor

Joan Kemper

From: Marie Gallo <gallom@north-olmsted.com>
Sent: Wednesday, April 08, 2015 3:32 PM
To: Joan Kemper
Subject: RE: Ordinance prohibiting littering by dropping of newspapers and telephone books on sidewalks.

Hi Joan!

I do apologize for taking so long to get back to you. I was out of the office since Friday and just came back yesterday afternoon. Here is what we have for sidewalks below:

521.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no such case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

(f) Whoever violates this section is guilty of a minor misdemeanor.

I do not recall Council passing anything recently regarding newspaper and telephone book delivery. I double-checked and we have had no amendments over the past year and a half regarding this subject. Perhaps you can give me more detail about this one? I am not finding anything as of now. Thanks!

Marie Gallo, CMC
Clerk of Council
City of North Olmsted
5200 Dover Center Road
North Olmsted, OH 44070
Phone: 440.716.4143
Fax: 440.716.4213
Email: gallom@north-olmsted.com



Draft 3-25-2015

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CHAPTER 527 REGARDING LITTERING

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

SECTION 1. That Chapter 527 of the codified ordinances of the City of Bay Village is hereby amended by enacting new Section 527.05 which shall read as follows:

“527.05 RESIDENTIAL DELIVERY OF PRINTED OR OTHER MATERIALS

- (a) The delivery of any printed or other materials of any kind, including, but not limited to, newspapers, advertisements, circulars, telephone directories or product samples shall be made at the door of the subject residence or in a receptacle provided for such deliveries.
- (b) The delivery of any printed or other materials of any kind as described in subsection (a) above shall not be made by placing the same onto the lawns or yard areas, driveways or sidewalks in Residential Areas.
- (c) Whoever violates this section is guilty of a minor misdemeanor.”

SECTION 2. That Chapter 527 of the codified ordinances of the City of Bay Village is hereby amended by enacting new Section 527.05.

SECTION 3. 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 4. That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

3/25/2015 II

DRAFT
4-10-15

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 543.11
REGARDING SIDEWALKS TO BE CLEANED OF ICE AND SNOW,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Section 543.11 which presently reads as follows:

543.11 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.

(a) No owner of any parcel of real estate in the City abutting upon any sidewalk shall fail to keep such sidewalk abutting his premises free and clear of snow and ice to a width of twenty-four inches, and to remove therefrom snow and ice accumulated thereon to a width of twenty-four inches within a reasonable time, which will not ordinarily exceed twenty-four hours after the abatement of any storm during which snow and ice may have accumulated.
(Ord. 63-99. Passed 11-4-63.)

(b) Whoever violates this section shall be deemed guilty of a minor misdemeanor and shall be subject to the penalties set forth in Section 501.99, provided however, that any person who is cited for a violation under this section may appear at the police station within seventy-two hours of the time appearing on such citation and enter a plea of guilty and pay a waiver fine of five dollars (\$5.00). After the expiration of the seventy-two hour period, any person so cited may appear at the police station and enter a plea of guilty to such charge and pay a waiver fine of ten dollars (\$10.00), provided a summons has not been issued for such person or a warrant issued for the arrest of such person. In the event of the issuance of a summons or warrant, the matter shall be docketed in Rocky River Municipal Court and the penalties shall be as provided in Section 501.99.
(Ord. 78-32. Passed 3-20-78.)

be and the same is amended to read:

543.11 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.

(a) No owner of any parcel of real estate in the City abutting upon any sidewalk shall fail to keep such sidewalk abutting his premises free and clear of snow and ice to a width of twenty-four inches, and to remove therefrom snow and ice accumulated thereon to a width of twenty-four inches within a reasonable time, which will not ordinarily exceed twenty-four hours after the abatement of any storm during which snow and ice may have accumulated.
(Ord. 63-99. Passed 11-4-63.)

(b) **In the event such owner does not comply with the order to abate such nuisance as set forth in Section 543.11(a), within the time limit specified in Section 534.11(a), after proper "Notice of Violation" has been issued by the Service Director or his**

authorized agent, the Director or his authorized agent shall cause such snow and ice accumulation to be abated and may employ the necessary labor and equipment to perform such task, and collect for said services as provided in Codified Ordinance 521.10.

(c) Whoever violates this section shall be deemed guilty of a minor misdemeanor and shall be subject to the penalties set forth in Section 501.99, provided however, that any person who is cited for a violation under this section may appear at the police station within seventy-two hours of the time appearing on such citation and enter a plea of guilty and pay a waiver fine of five dollars (\$5.00). After the expiration of the seventy-two hour period, any person so cited may appear at the police station and enter a plea of guilty to such charge and pay a waiver fine of ten dollars (\$10.00), provided a summons has not been issued for such person or a warrant issued for the arrest of such person. In the event of the issuance of a summons or warrant, the matter shall be docketed in Rocky River Municipal Court and the penalties shall be as provided in Section 501.99.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, 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

2-18-15 II

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

held April 6, 2015
6:00 p.m.

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

Also Present: Mayor Sutherland, Law Director Ebert, Service/Safety Director
 Thomas

Audience: Richard Fink

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 March 26, 2015.

Mr. Tadych stated that the administration has stated that everything they have proposed is solid, and they can work with it. The ordinance was gone through point by point, as follows:

The following questions were presented to the committee members by Mr. Tadych:

1. Do you want a payment option program?

Answer: Mr. Henderson and Mr. Lee: Yes.
 Mr. Tadych agreed.

2. What is the maximum length you think it should be?

Answer: Mr. Lee stated he is comfortable with 24 months.
 Mr. Henderson stated he is comfortable with 24 months.
 Mr. Tadych agreed.
 Mayor Sutherland: 24 months.

3. Will the amount of payments be a set amount or varied?

Answer: Mr. Lee: From a bookkeeping standpoint and a management program standpoint it should be payments of a set amount.

 Mr. Henderson: Agreed
 Mayor Sutherland: A \$50 minimum until the end of the term.
 Mr. Tadych agreed.

4. Should we allow skipped payments?

Answer: Mr. Lee: No

Mr. Henderson: No
Mr. Tadych: No.

5. Should we run the program for the Foundation Drain Disconnection as we do the sidewalk program, with the city getting three contractors and giving the residents their choice of the three, or you can do it yourself with another contractor?

Answer: Mr. Lee: This is a more significant project than a sidewalk due to the subsurface connections, basement flooding, etc. A sidewalk project is a project that is less likely of having a bad outcome. The way the program has been presented thus far is that the residents can use any contractor they want if they get the contractor approved. It is beneficial for the City to vet the contractors and get the best pricing for the residents.

Mr. Henderson: If the resident is going to participate in the payment option program they should use a contractor from the approved list.

Service Director Thomas: The contractors that the City supplies to the residents are known to us as being bonded, capable of the work, and can get the job done in a timely manner, and pass inspection, at a tight cost.

Mr. Tadych: Agreed.

Mr. Henderson asked if it is possible for the City to take care of making arrangements for the work for those residents who are too busy and don't want to make the appointments for their homes. Mr. Thomas stated that this could be done as long as the resident clearly signs off on it.

6. If yes, will only the people using the city-sanctioned contractors be allowed to be in the payment option program?

Answer: Mr. Henderson: Yes

Mr. Lee: Yes

Mayor Sutherland: Yes

Mr. Tadych: Agreed.

7. Can residents use other contractors at their own expense, without the payment option program, to contract and pay on their own?

Answer: Mr. Lee, Yes – Or, they can do the work themselves.

Mr. Henderson: Yes

Service Director Thomas: Yes, as long as all of the city inspections are met.

Mr. Tadych: Agreed.

8. Should we limit city-sanctioned companies for the completion of all the homes?

Answer: Mayor Sutherland: I would caution on a time frame because with construction you might come up with an odd-ball thing that nobody even anticipated. Our intention is to try to get it done this year.

Service Director Thomas: One of the things that we added to the ordinance is understanding that we are looking at a 24 month term. We have to be very careful about how much time they have to apply for the payment option plan. For example, in the new draft of the ordinance, I have asked that they be given 90 days to apply for the program. If we have June 1 as an effective date, that would take us to September 1 when you apply the 90 days. That way if

they don't have the total amount paid within 24 months, at the end of September we can file with the county.

9. What dollar maximum should we use to allow for the payment option program?

Answer: Mr. Lee: \$2,000 is in the ordinance now based on Mr. Thomas' estimate of \$1,500. If that estimate is low, then we may need to consider a higher dollar amount.

Mr. Henderson: You mention the average cost to be expected is about \$1,500, but from an ordinance stand point, you should look at the higher end to catch 95% of the cases rather than the average.

Service Director Thomas: I believe it should be \$3,000, double the amount of the average of \$1,500.

Mayor Sutherland: If a homeowner has the contractor on site with their equipment mobilized, they may realize a savings on their side if they want additional work done. Any additional work will not fall under the terms of the payment option program of the City.

Mr. Henderson and Service Director Thomas: In Section 916.06 (2), a phrase should be added stating "the maximum funding available under this program shall be the lesser of the actual cost of making the foundation correction or \$3,000."

10. Should we allow the time to apply a certain number of days from the date the letter of notification is mailed?

Answer: Service Director Thomas: If there are three readings of the ordinance and passage of the ordinance in May, I would look at June 1 so that it gives the homeowner time. As soon as the ordinance is placed on first reading, I will let everyone know by letter that they failed or passed, and specifically it is in front of Council. Therefore, we are looking at a June 1 starting date for this district.

Mr. Lee asked if the 12 months to do the repair before the penalty kicks in would start June 1 until the next May 31. If people don't do the work until towards the end of that year, and they get it done next May and avoid the \$50 per month penalty charge, would the 24 month payment option plan begin at that point? Mr. Thomas stated that they would have had to apply within the 90-day requirement.

Mr. Lee stated that if they apply for it, does that mean they have to do the work in that 90-days. Or, they can do the work next May, but the 24 months will not begin until they finish the work? Mr. Thomas stated that he would suspect that most people who apply within the 90-day requirement will do the work right away.

Mr. Lee stated that he is unsure that the 90-day requirement to apply dictates when the work has to be done. Mr. Thomas stated that it does not, but from an administrative standpoint as soon as they apply they will move forward. Mr. Lee asked if the 24 months will not begin until the money has been dispersed to the contractor. Mr. Thomas stated that is correct. Mr. Thomas stated that he believes they can address all the ones they need to do in this district before September 1, 2015.

Public Improvements, Streets, Sewers and Drainage Committee
April 6, 2015

Mr. Tadych stated that he would really like to use the starting point for the time to apply as the date on the letter rather than the date the legislation is passed. Mayor Sutherland stated that she does not know if that can be done if there is some type of modification. Mr. Ebert added that there is no law until the ordinance is passed.

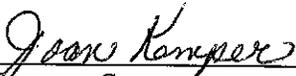
Mr. Lee asked Mr. Thomas if he has a dollar amount that will be appropriated for this project. Mr. Thomas stated that Council set aside \$30,000, which they know won't go very far. But, Finance Director Mahoney has money that she can set aside; she has the money available to do it. The worst case scenario for this district is 94 homes at \$3,000 or just under \$300,000.

Mr. Thomas stated that he will send two letters to the homeowners. The first letter will give the anticipated date, and the second letter will have the deadline date of June 1, 2016. The second letter will include a copy of the adopted ordinance.

Mr. Thomas presented the Committee with a revised copy of Ordinance enacting new Chapter 916, Foundation Drain Disconnection.

Mr. Tadych moved to send the Ordinance to the Council of the Whole for first reading on April 13, 2015. No disagreement was expressed.

The meeting adjourned at 6:25 p.m.



Joan Kemper, Secretary



David L. Tadych, Chairman

SlideRenu®

April 1, 2015

City of Bay Village
Mr. Dan Enovitch, Director of Recreation
350 Dover Center Road
Bay Village OH 44140

Re: RFP: Water Slide and Diving Tower Restoration Project

We have read and understand the Scope of Work and Specifications and submit our lump sum price as follows:

Water Slide Tower	
Labor:	\$24,960
Material:	\$22,677
Subtotal:	\$47,637

Diving Board Towers	
Labor:	\$ 4,800
Material:	\$ 6,917
Subtotal:	\$11,717

Project Lump Sum Total: \$59,354

Per the RFP, we are enclosing:

1. Data and Instruction Sheets for the following products which will be used for this project:
 - a. Calcitrol
 - b. SlideDetergent
 - c. SlideGloss
 - d. ColorShield UV4
 - e. ChloraShield UV115
2. Limited Warranty
3. Multiple Reference Lists
4. Bid Bond
5. Certificate of Insurance
6. Workers Compensation Certificate

Note, the owner of SlideRenu as well as all of our Certified Applicators have extensive experience in the aquatics maintenance industry, the application of specialized coatings, and fiberglass repairs. The owner of SlideRenu has 25 years of sales, marketing, R&D and management experience in the specialty coatings industry. All Certified Applicators have no less than 10 years (main criteria for Certification by SlideRenu) hands-on experience refinishing, repairing and installing water slides, aquatic play features, soft play features and water slide towers. All Applicators are insured and OSHA-certified.

Regards,

SLIDECARE, LLC



George M. Fischer



City of Bay Village

350 DOVER CENTER ROAD
BAY VILLAGE, OHIO 44140-2299

April 10, 2015

A Special Meeting of the Bay Village City Council will be held on Monday, April 13, 2015, immediately following the Committee session at 7:30 p.m., in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Pledge of Allegiance to the Flag/Paul Vincent, Ward 2
2. Roll Call
3. Announcements/Audience/Miscellaneous
4. **Motion** to approve the minutes of the Special Meeting of Council held March 30, 2015***Clark***
5. **Motion** to approve the minutes of the Cahoon Memorial Park Trustees Meeting held March 30, 2015.***Clark***
6. **Motion** to acknowledge receipt of the March, 2015 Financial Reports of the City of Bay Village prepared and submitted by Renee Mahoney, Director of Finance***Clark***
7. **Ordinance** enacting new Codified Ordinance Chapter 916, Foundation Drain Disconnection ***Tadych*** (First Reading)
8. **Ordinance** authorizing the Mayor to enter into an agreement with SlideCare, LLC "SlideRenu" for the Water Slide and Diving Tower Steel Restoration Project, and declaring an emergency***Henderson***
9. **Motion** to convene to Executive Session: Outside Legal – Olson, Pavicic litigation
10. Adjournment

Charter Reference 2.11

Paul A. Koomar, President of Council

Agenda
Special Meeting of Council
April 13, 2015

Procedure

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

Roll call on suspension of Charter Rules:

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

Roll call on suspension of Council Rules:

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

Roll call on inclusion of the emergency clause:

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

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

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

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:00 p.m.

March 30, 2015

Paul Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Safety/Service Director Thomas, Director of Operations Landers

President of Council Koomar called the meeting to order at 8:07 p.m. with a roll call and Pledge of Allegiance led by Councilman David L. Tadych, Ward 1.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Robert Tuneberg, Doug Gertz, Lydia DeGeorge, Russell Thompson, Pam Cottam, Mike O'Boyle, Denny Wendell, Warren Remein.

ANNOUNCEMENTS

Mayor Sutherland advised of the issue on the May 5, 2015 ballot regarding gas aggregation. We are currently aggregating electricity on behalf of the residents and now would like to be able to do the same thing for natural gas. There is an opt out provision so if the issue does pass and someone does wishes to opt out they can do without cost. Two mailings and an item in the newsletter will be forthcoming.

Mayor Sutherland announced that a home improvement workshop, taking the place of the traditional town hall meeting will be held on Monday, April 20, at 7 p.m. at the Dwyer Memorial Center. The focus will be how to connect residents with resources necessary to improve their homes. Representatives from the county, the Cleveland Restoration Society, and SAFEbuilt Chief Building Official John Cheatham will be present to talk about permits and the internal process.

The Mayor reported that a Mayors and City Managers Meeting was held on Thursday, March 26, 2015. One of the items on the agenda was Commissioner Alex Margevicius of the Cleveland Water Department who gave an update on all of the projects they have done. They have done 190 projects in the suburban communities to the tune of about \$75 million. They have leveraged another \$20 million in other projects and the mayors were extremely appreciative and very positive regarding the curriculum that they have. The \$1.2 million for Bay Village has been allocated to other communities.

Mr. Koomar stated that as part of the April 20, 2015 meeting there will be updates on the

Council Committees. It will be a combined effort.

Mr. Mike O'Boyle stated that it sounds as though the Mayor's intention is simply to have the town hall meeting directed to the home improvement issues. A town hall meeting, traditionally, involves all of the Council members talking about their various wards. I would hope that you are not going to deviate from that.

Mr. Koomar stated that was his intention from the start when he announced it several weeks ago. We are going to have a town hall meeting that everyone in the city is invited to attend. Last year a Property Maintenance Inspector was added to the staff because keeping up our property values is so important. What we have tried to do in these meetings is have a focus, whether it is our consulting engineer come in and talk about sewers, or talk about home improvement options. We are going to start walk-around home inspections again, something that during the downturn in the economy we had to suspend. That will be out there and what we want to do is connect residents with options in terms of low interest loans and professional guidance on how they can improve their properties, which we hope and believe will result in higher values for resale and higher tax values for the city and the community at large. Service Director Thomas and Mr. Koomar had talked about getting this information out in front of the residents. The City pays an administrative fee for participation in the Heritage Home Loan Program, on behalf of the residents, and for the providing of fixed rate ten-year loans for residents. We want to get all of this information out for the residents on April 20.

Motion by Mr. Clark to approve the minutes of the Regular Meeting of Council held March 16, 2015.

Motion passed 7-0.

Mr. Clark read Ordinance 15-16, as amended, amending Section 1 of Ordinance No. 14-112 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 2015 and thereafter, and declaring an emergency (First Reading 3-9-15) (Second Reading 3-16-15), and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-16.

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. 15-16, an emergency measure, by a vote of 7-0.

Special Meeting of Council
March 30, 2015

Mr. Koomar announced that Item No. 6 on this evening's agenda, an Ordinance enacting new Codified Ordinance Chapter 916, Foundation Drain Disconnection, has been removed from tonight's agenda.

Mr. Tadych introduced **Resolution No. 15-23** authorizing the participation in the Ohio Department of Transportation's Contract for Sodium Chloride for the 2015-2016 Winter Season, and declaring an emergency, and moved for adoption.

Mr. Koomar commented that working through the state program will be a benefit both administratively and from a price standpoint.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution 15-23.

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 Resolution No. 15-23, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced **Ordinance No. 15-24** authorizing the Mayor to enter into an agreement with Chagrin Valley Paving, Inc. for the 2015 Asphalt Resurfacing Contract of the 2015 Pavement Maintenance and Resurfacing Program, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-24.

Roll Call on Suspension of Charter Rules:

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

Nays – None

Roll Call on Suspension of Council Rules:

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

Nays - None

Roll Call on Use of the Emergency Clause:

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

Special Meeting of Council
March 30, 2015

Nays -None
Roll Call on Adoption:
Yeas–Koomar, Lee, Lieske, Tadych, Vincent, Clark, Henderson
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-24, an emergency measure, by a vote of 7-0.

Mr. Tadych introduced. **Ordinance No. 15-25** authorizing the Mayor to enter into an agreement with TRAX Construction Company for the Walmar Road-Concrete Repair Contract of the 2015 Pavement Maintenance and Resurfacing Program, and declaring an emergency, and moved for adoption.

Mr. Koomar commented that the area for which this ordinance will provide reconstruction has been very muddy this winter. Mr. Koomar has heard from residents that they are very appreciative of how quickly the City responded in the winter months to prevent any future flooding of their basements, and they are understanding of the need to move quickly on the work being approved this evening. Service/Safety Director Thomas thanked Mr. Koomar for his comments.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 15-25.

Roll Call on Suspension of Charter Rules:
Yeas –Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar
Nays – None
Roll Call on Suspension of Council Rules:
Yeas – Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar
Nays - None
Roll Call on Use of the Emergency Clause:
Yeas- Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar
Nays -None
Roll Call on Adoption:
Yeas–Lee, Lieske, Tadych, Vincent, Clark, Henderson, Koomar
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-25, an emergency measure, by a vote of 7-0.

Motion by Mrs. Lieske to approve the placement of a banner 24 inches x 48 inches, advertising the Bay Co-op Preschool, in the yard of Bay Methodist Church at the corner Bassett and Lake Roads for a period of one month expiring one month after approval.

Motion carried 7-0.

Special Meeting of Council
March 30, 2015

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

March 30, 2015

President of Council Koomar called the meeting to order at 8:03 p.m. in the Council Chambers of Bay Village City Hall.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Service/Safety Director Thomas, Operations Manager Landers

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Robert Tuneberg, Doug Gertz, Lydia DeGeorge, Russell Thompson, Pam Cottam, Mike O'Boyle, Denny Wendell, Warren Remein.

Cahoon in June Activity in Cahoon Memorial Park

Mr. Doug Gertz, representing the Bay Village Historical Society, was present and advised the trustees that the daytime hours of Friday, June 12, 2015 are also needed for the Civil War Camp Reenactment set-up that will be held on Saturday, June 13, from 8 a.m. to 5 p.m. as part of the Cahoon in June activity.

Mr. Tadych asked if fire pits will be used, noting that they have been used in the past for this activity. Mr. Gertz was referred to the Fire Department for this matter.

Motion by Henderson to approve Cahoon in June activity in Cahoon Memorial Park, from Noon to dusk on June 12, 2015, and from 8 a.m. to 5 p.m. on Saturday, June 13, 2015, as requested by the Bay Village Historical Society, subject to final approval by the Fire Department.

Motion carried 8-0.

Motion by Henderson to approve the use of Cahoon Memorial Park fields and facilities for the 38th Annual Bay Challenge Cup Soccer Tournament on September 4, 5, and 7, 2015, with the understanding that there will be no use of Cahoon Memorial Park Fields on Sunday, September 6, 2015, and pending receipt of insurance.

Motion carried 8-0.

Mr. Tadych noted that those performing the Civil War Reenactment in the past have stayed overnight in Memorial Park the evening prior to their performance. If this is the plan, Mr. Gertz was asked to inform the trustees so the motion can be extended. Mr. Gertz stated that at this time he is unaware of that, but will report back to the trustees if necessary.

Minutes of a Meeting of
Cahoon Memorial Park Trustees
March 30, 2015

There being no further business to discuss, the meeting adjourned at 8:07 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

**ORDINANCE NO.
INTRODUCED BY:**

**AN ORDINANCE
ENACTING NEW CODIFIED ORDINANCE CHAPTER 916 ENTITLED
“FOUNDATION DRAIN DISCONNECTION”
AND DECLARING AN EMERGENCY**

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

SECTION 1. That the Codified Ordinances of the City of Bay Village are hereby amended by enacting new Chapter 915 to read as follows:

**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, 24-month payment plans.
2. The maximum zero-interest funding available under this program shall be the lesser of the actual cost of the required corrections or \$3,000.

3. For payment plans under this section 916.06, minimum monthly payments of \$50.00 will be required until the end of the 24-month term with a final payment in full. Should minimum or final payments not be made, the plan balance and all applicable fees will be assessed against the property for collection in the same manner as property tax, as provided by law. 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.
4. The request must be made within 90 days of the effective date established for each district

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.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SLIDE CARE, LLC "SLIDERENU" FOR THE WATER SLIDE AND DIVING TOWER STEEL RESTORATION PROJECT AT THE AQUATIC CENTER, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Mayor be and she is hereby authorized to enter into an agreement with SlideCare, LLC "SlideRenu", 32961 Pin Oak Parkway, Suite 4, Avon Lake, Ohio, 44012, for the water slide and diving tower steel restoration project at the Aquatic Center, in accordance with the plans and specifications issued, it being hereby determined that the bid of said Company is the lowest and best received after advertising according to law. Total proposal price for said restoration at the Aquatic Center is Fifty-Nine Thousand Three Hundred and Fifty-Four Dollars (\$59,354.00) and payment shall be made from the Pool Fund (520.403.55200).

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and to ensure that said pool repairs move forward expeditiously, 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

4/10/15 ll