

AGENDA

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

September 21, 2015
7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Presentation by Mr. Paul LeBlanc:
Recommendations - Chapter 1158 – Attached Residence District

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

FINANCE & CLAIMS COMMITTEE – Clark

Request for Tax Advancements before Settlement Dates – Fiscal Year 2016

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

MISCELLANEOUS

AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES

Sculpture Donation

City of Bay Village

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

September 14, 2015
7:30 p.m.

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

Also Present: Law Director Ebert, Director of Public Service/Safety Thomas, Police Chief Spaetzle, Operations Manager Landers, Bob Greytak, CT Consultants.

ANNOUNCEMENTS

Clerk of Council Joan Kemper introduced Thomas Kramer, a St. Ignatius High School Junior who will study with the Council this session as a Government Class intern. Thomas was welcomed with a round of applause.

Mr. Koomar announced that there will be no Council meeting on Monday, October 12, 2015, Columbus Day.

AUDIENCE

The following audience members signed in this evening: Jerrie Barnett, Marty Mace, Conda Boyd, Lydia DeGeorge, Russell Thompson, Denny and Tara Wendell, Jeff Gallatin, Lawrence Kuh, Jean Juhas, Jerrie Barnett, Joe Hochman, Mark Chernisky, Clete Miller, Susan and Dennis Driscoll, Rich Norcross, Elaine Mayer, Lois Murphy, Tom Stevens, Joe TePas, John and Carole Guska, Claire Banasiak.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Pending Ordinances:

Ordinance 15-37, Littering (Unsolicited Publications) Placed on First Reading 5-4-15

Mr. Lee advised that this ordinance was placed on first reading on May 4, 2015. There was a fair amount of discussion that evening as to whether this ordinance was necessary and whether we had other laws already in place that would address this matter. There was discussion as to whether the littering ordinance in place would pick up this issue of delivery of publications in driveways and sidewalks. Several residents had issues with their snow blowers hitting these publications under the snow and causing damage to their equipment. This legislation was drafted by the Law Director to restrict the ability to leave publications that are unsolicited. Unsolicited printed materials have to be left at the door, as opposed to on the sidewalk, driveway, and lawn. There has been further discussion since that May 4 meeting and many questions about whether we already have legislation that would address this. There was also discussion on May 4 about perhaps reaching out to the printers and/or distributors of these

publications and discussing this issue with them to see if there were solutions that wouldn't necessitate passing additional legislation. There has been discussion about restricting delivery to months of the year when snow is not likely to fall, or periods of time when there isn't snow on the ground or in the forecast.

Mr. Henderson asked if the City has reached out to the distributors of this material. Mr. Ebert stated that he has not reached out. The matter will come about in the late fall when snow begins to fall. Mr. Ebert noted that there are about three or four agencies that have phone books now. We would have to tell them the acceptable locations to leave their publications.

Mr. Lee noted that similar legislation did not pass in the City of Westlake, Ohio.

Mr. Henderson stated that he does not really support this legislation at this time. If a provision regarding snowfall is included, he would be more open for discussing it.

The Clerk will obtain a copy of the defeated ordinance from the City of Westlake. Mr. Koomar stated that when this information is received, he would suggest an additional Environment, Safety and Community Services Committee meeting for discussion and possible tweaks of the ordinance to address those periods of time when snowfall is anticipated.

Ordinance 15-38, Amending C.O. 543.11 regarding sidewalks to be cleared of ice and snow
Placed on First Reading 5-4-15

Mr. Koomar asked Law Director Ebert if he has investigated the possibility of addressing multiple offenses and using the existing ordinance relative to the requirement to clear sidewalks of ice and snow.

Mr. Ebert stated that there has probably been citations issued on very few occasions for the removal of snow from sidewalks. Many notices have been given, without court action.

Mr. Ebert noted that the cost to hire a contractor to come in and shovel snow is expensive. They are currently charging \$100.

Mr. Koomar noted that we have only one level of fines currently. The question is, do we consider tweaking that up and encouraging the homeowner to find someone that could do it less expensively than being charged \$100. While we do cut grass for residents, it is usually for an abandoned home, such as a foreclosure. This is a bit different. The feedback I am getting is the question of going on the property of a homeowner when they live there and imparting a steep fine. We would want to look at other ordinances.

Mr. Henderson stated that he does not support the current draft of the ordinance. One thought that he had was that he noticed this was passed in 1978, and a lot of time has passed since then. It is acceptable to talk about adjusting the fines for inflation. The idea of staging fines is also acceptable. The Police Chief has advised that there has only been one warning issued in the past five years. I would rather see us do a public relations campaign where you tell people this is

something we want to address and inform them of the law. Give the people a year to respond to that rather than putting in an option for the City to plow their sidewalks for \$100.

Mr. Lee and Mr. Ebert will work on this issue further. Mrs. Lieske confirmed with the Mayor that the Department of Community Services provides the names of students who shovel snow. Mrs. Lieske suggested doing a public relations blitz and let residents know that there are students that can be called. She stated that her concern is who the people that are not shoveling walks are. There are people who might go away for an extended time, which is different than a senior citizen or someone with some health issues. If we do have an idea, demographically, of who the people are at the houses that aren't being shoveled that would be helpful as we look at this ordinance.

Mayor Sutherland stated that a couple of issues over the past have been serious because they are so close to the elementary school, and involved snowbirds who were gone. They have someone doing their driveway, but not their sidewalks. The Mayor stated that they do advise in the newsletter and email blasts about the requirements for clearing the sidewalks, and suggest to help neighbors when help is needed.

Mr. Henderson stated that one citizen he spoke with asked if it would be possible for the City to buy a Bombardier type snow plow for sidewalks and have the City plow those areas near the schools. Mayor Sutherland stated that they have talked about in the past, but with the reductions in staffing the first priority is to clear the major roads, next the secondary roads, and then the neighborhoods. The schools will do around their school property, but that is not the problem. It is the private property the kids have to climb over to get to school. It is a safety issue.

Westwood Road Parking

Mr. Lee advised that the matter of parking on Westwood Road was discussed at an Environment, Safety and Community Services committee meeting on August 3, 2015. Residents of Westwood Road were in attendance at that meeting. Chief Spaetzel advised that temporary signage prohibiting parking was put up on August 25. Mr. Lee noted that the goal was to have that signage up before Labor Day, to address the Bay Challenge Cup traffic. The legislation to make those signs permanent is on the agenda of the Special Meeting of Council to be held this evening. The ordinance will be placed on first reading this evening with adoption on September 21 at the Regular Meeting of Council.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Project Updates – CT Consultants

Mr. Tadych advised that Ordinance No. 15-26, amending Chapter 916 Foundation Drain Disconnection, was put on first reading on April 13, 2015. He stated that it hasn't gone anywhere and he wants to hold it. He does not intend for it to go anyplace until we solidify and it gets back to the Public Improvements, Streets/Sewers and Drainage Committee for further review.

Director of Public Safety/Service Scott Thomas reported that since June 15, 2015, the Sewer Department has responded to 227 homes within the City, personally. But they have also hired an outside company to clean the main line from Walmar Road at Wolf Road, all the way to Bay High School, where it shoots over to the Huntington Long Beach Lift Station. In that time, they have cleaned 8,850 feet of line, ranging from 8 to 15 inches. They have cleaned everything out from mop heads, underwear, bricks and plaque, one being as large as 13 x 15. Pieces of metal were also found in the lines. Cleaning those lines has made a significant difference in the line on Wolf Road.

The Sewer Department Crews have cleaned 11,785 feet of lateral sewer on the private side since June. They have filmed 640 feet of storm lateral sewers on private property. They have filmed 1,980 feet of total sanitary main line, and 10,141 feet of storm main line, including Walker Road, Walmar Road, Timberlane, Manchester, and Bradley Road. They have flushed 10,500 feet of sanitary main lines, and 1,700 feet of storm main lines. In addition, on Bradley Road, at Huntington Woods, the Sewer Department found a particular problem area of 354 feet that shoots laterally from Bradley Road over to Lake Road and removed 4 yards of debris.

Mr. Thomas commended the Sewer Crew for the job they have done. They will continue with the cleaning and also develop a 5-year plan to address any particular problem areas they are seeing.

Russell/Bruce/Douglas Areas

Mr. Bob Greytak, CT Consultants, advised that there was discussion about installing sump pumps to intercept the foundation drains, and then pump those foundation drains into the storm sewer. Mr. Thomas asked if a gravity connection to the storm sewer would be solution. Mr. Greytak stated that a computer model of the storm and sanitary sewers in the area found that if they disconnect the foundation drain to the sanitary sewer there is plenty of capacity to handle the area. If they connect the foundation drain by gravity to the storm sewer the analysis showed that the storm sewer doesn't have the capacity to handle anything more than a two year storm. To connect any foundation drains by gravity would subject those folks to flooding in relatively minor storms, which we are already seeing in that area. They will maintain the recommendation that all the foundation drains be pumped into the storm sewer when they are removed from the sanitary sewer. They will evaluate the ramifications and cost to upgrade the storm sewer system in the area. Mr. Greytak noted that it makes sense to invest in sump pumps which gives a positive isolation from the storm sewer.

Sunset Area

Mr. Greytak advised that CT Consultants is 80% complete with plans, specifications and quantities. Some of the highlights of the project are to replace all of the water lines, based on the break record in the area, reline the sanitary sewers on Kenmore and Sunset Roads and replace the sanitary sewer on Lakeview Road. Many of the homes are now served by an old dilapidated

sewer that runs in the backyards. Access for maintenance makes it almost impossible for the City. The gas company will replace all gas lines. The storm sewer down Rockledge has adequate capacity to the point that CT Consultants can design a storm sewer for the area that is for a 100 year storm. They will make use of the Rockledge outfall, building the storm sewer down Lakeview, Sunset and all three of the north/south streets. There are no sidewalks in the project other than to replace any sidewalk damaged by the construction. The width of the road will be 18 feet with crown pavement, no curbs, and ditches on the side. There will be minimal impact on driveways because grade will not be changed on the streets. Right-of-way issues are in process.

Mr. Koomar noted that an additional Council Committee session might be held to dig into some of the details of the project. Mr. Koomar will work with Service Director Thomas to set an appropriate time for that meeting.

Mr. Tadych asked about gas wells in the area. Mayor Sutherland stated that there are many capped gas wells in the area. The homeowners work with the Ohio Department of Natural Resources (ODNR) who has jurisdiction with capped gas wells.

Rocky River Wastewater Treatment Plant Flow Testing

Mr. Thomas stated that he met with CarrieAnne Rosemark, the Superintendent of the Rocky River Wastewater Treatment Plant in regard to proposals for changes. Mr. Greytak was heavily involved with these proposed changes, and Mayor Sutherland will be speaking with the other Mayors involved soon. Mayor Sutherland stated that they are in the process of putting together a meeting.

Foundation Drain Disconnection

Mr. Thomas confirmed that it is his recommendation that Ordinance No. 15-26, referenced by Mr. Tadych, should remain on first reading until more testing is done. Mr. Tadych asked if there will be detail for the Public Improvements, Streets, Sewers and Drainage Committee to review. Mr. Thomas stated that there would not be details at this point for review. Mr. Thomas would like the Council to move forward with legislation prepared for downspout disconnections. Mr. Thomas noted that if rain barrels are to be used by residents, overflows should be required so that a resident would not flood their property. Mr. Tadych will have a meeting of the Public Improvements, Streets, Sewers and Drainage Committee to review disconnections and make recommendations for clear guidance defined in the legislation.

FINANCE & CLAIMS COMMITTEE – Clark

Village Bicycle Cooperative Lease Renewal – update from Law Department

Mr. Clark stated that terms of the lease are being finalized by the Law Department, and will soon be brought before the City Council and the Cahoon Memorial Park Trustees. Mr. Koomar stated that it is his recommendation to go forward and execute an extension based on the original lease.

Administrative Compensation Ordinance Amendments

The ordinance relates to the reconfiguration of the management in the Service Department. The ordinance will be placed on first reading this evening. Mr. Thomas commented that General Foreman Gordon Evans is retiring effective October 2. Mr. David Banjoff is going to be the new supervisor of the Service Department. Mr. Banjoff brings a wealth of experience with him and will do an outstanding job with the City of Bay Village. The Sewer Maintenance Supervisor will receive an increase due to being placed on-call. The supervisors are not paid overtime, and Council has always been good about granting a little-bit-better pay because they did not get paid overtime. So far this year, the supervisors have put in over 970 hours over 40 hours week. Mr. Thomas is very proud of what they do as supervisors and thought it very important to have three supervisors on call instead of two on call.

Mrs. Lieske encouraged Mr. Thomas to publicize this information about the additional hours worked through the Mayor's email blasts. This would be a good piece of information to share with the community, letting the residents know the numbers to show this hard work.

Mr. Clark stated that the compensation changes in the ordinance have minimal impact on the budget without an increase in full time employees. The compensation for Mr. Evans will be effective through October 31, 2015 and dropped from the ordinance at that time. The ordinance will be placed on first reading tonight with this amendment by reading.

Mr. Henderson thanked Mr. Thomas for the job descriptions included with the ordinance. He asked if the job descriptions have been reviewed by the part time Human Resource Director. Mr. Thomas stated that Mrs. Demaline did review the job descriptions and was very helpful in their preparation. Mrs. Lieske stated that it is nice to see the job descriptions in the same format.

Cuyahoga County Budget Commission certification of property tax rates

Mr. Clark stated that the City is required to certify the property tax rates annually to the County Fiscal Officer. Each year, before the end of July, the City must submit a tax budget to the County for approval. Those rates were submitted to the County Budget Commission and were unchanged from what they have been in the past.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Chapter 1158 – Attached Residence District - Moratorium

Mrs. Lieske advised that the existing ordinance declaring a moratorium on development under Chapter 1158, Attached Residence District will expire very shortly. Mrs. Lieske will introduce an ordinance this evening to extend the moratorium an additional 90 days. The Planning, Zoning, Public Grounds and Buildings Committee will meet on Monday, September 21, 2015 at 6:30 p.m. to review a new draft of Chapter 1158.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Microphones

Mr. Vincent called upon the President of the League of Women Voters, Claire Banasiak for an update.

Claire Banasiak stated that because the League of Women Voters feels so strongly about placing microphones both in the Council Chambers and the Committee Room, where a lot of the business of Council takes place, the League of Women Voters Bay Village Chapter would like to offer Council the remainder of the money necessary to get the project completed and take us through the 21st century. The original conditions stay, that this Council Chamber and the Committee Room be wired, with lights to show that the microphones are off, or whatever needs to be done to insure a comfort level about using the room. The League is willing to give the money.

Mr. Koomar stated that some type of removable microphone would be acceptable. Our Finance Director had a concern about the money, and moving the microphone from the committee room when there are other meetings in the room that would not be subject to public discussion was a concern that needed to be worked through.

Mr. Koomar asked Mr. Vincent to look at the proposal from the vendor that Finance Director Mahoney liked to see what the final cost would be. Mr. Vincent stated that he would look at the proposal to see if this vendor would do what the Council would like to have done. Mr. Koomar stated that he was informed by Mrs. Mahoney that they do a lot of work with other cities.

Conda Boyd of the League of Women Voters stated that they want to make sure that all of Council's questions that were asked in that last meeting get resolved to everyone's satisfaction and that a high quality system is bought. Also, a flexible system, so that later video could be added. The league would prefer to see a longer-term solution, a better, high-quality solution implemented, rather than to try to go with the lowest bidder.

Mr. Koomar suggested Mr. Vincent work off-line to move the project. Mr. Lee stated that one of the questions he heard was that we record the meetings now and put them on the city web site. In regard to the service space needed to continue to upload those recordings, and in compliance with the Sunshine laws, can we keep two years' worth on line and then remove them and not have to maintain them on the server? Or, once we put them up there do they have to be up there forever and thus eventually create a huge obligation with respect to our storage space?

Mr. Vincent asked the Clerk of Council and Law Director if there is some City policy for retention of this type of recording. Law Director Ebert stated that a policy will be established.

Mrs. Lieske noted that she heard a similar question from the Board of Education when they looked into it.

Mr. Koomar thanked Mrs. Banasiak for the kind offer of the League of Women Voters.

2015 Codification Update – Walter Drane Company

Mr. Vincent stated that he has been looking into our online ordinance platform. Municode has an online platform that is impressive. Mr. James Bonneville of Municode came to Bay Village to make a presentation of Municode's platform to the Services, Utilities and Equipment Committee meeting held recently. Mr. Vincent suggested that Council may wish to review the offerings of Municode for further consideration.

Mr. Koomar stated that the Walter Drane Company has updated the City's ordinance for 2015. An ordinance accepting the codification will be presented to Council on September 21, 2015. It is suggested that members of Council and the Law Director review what Walter Drane Company has relative to online ordinances and look at other firms as well.

Mr. Ebert stated that the City of Bay Village has used the Walter Drane Company for a long time and he would like them to have an opportunity for presentation.

AUDIENCE

Jerrie Barnett, Bayview Road, addressed Councilman-at-large Lee, stating that this summer the phone books were being put on the front steps. They are no longer putting them on the end of the driveway.

Mr. Lee stated that this is progress, and asked if this was in response to any communication from the City. Mr. Ebert stated that calls were received. Mr. Lee stated that due to the discussion in Westlake as well, perhaps the companies heard this was an issue and something they need to adjust in their procedures.

Susan Murnane, Willoway Lane, stated that she wants to speak strongly in favor of the proposed snow removal ordinance. This isn't like mowing grass. This is a safety issue. Whether you are forced out onto the road, or find yourself stumbling over broken ice on sidewalks, this is a safety issue. The police will knock on people's doors when there are complaints and gently prod them to remove their snow, which is why there are so few enforcement actions. Most people will comply. But, if they don't, and snowbirds go away and think plowing their driveway is sufficient, or the people don't care about the safety of their neighbors, the City needs to have the ability to remove the snow and keep the community safe.

Conda Boyd, West Oakland Road, stated that she lives behind the Middle School, and she and her neighbors have ongoing concerns about the signage on their block and the fact that it is not effective. Mr. Lee stated that an Environment, Safety and Community Services Committee meeting will be held, primarily focusing on the school guard issue, but also discussing the signage. There was discussion about no idling signage going up as an alternative, the Superintendent of Schools was currently looking at that issue. Mr. Lee asked Police Chief Spaetzle if he had been looking at any alternatives for the signage. Chief Spaetzle stated that the drop-off area actually assists with the traffic flow around the school. There is an ordinance that prohibits parking on West Oakland during the day, but it is not posted properly. The Police Department is looking at signage that will work out best for that area.

Ms. Boyd stated that her original question was if the new signs that are being put up on Westwood Road are working out for the people on Westwood Road. The question is, are they actually working. Chief Spaetzel stated that he has not had any complaints come across his desk.

Jean Juhas, Columbia Road, thanked the City Council and administration for keeping the City so beautifully maintained. In regarding the Chapter 1158, Attached Residence District, Ms. Juhas stated that she is favor of keeping the openness in Bay Village, and she would prefer six units per acre rather than 8 units per acre in regard to the requirements of the ordinance.

Mayor Sutherland stated that Mr. Paul LeBlanc, Professional Planner, is coming in from Michigan to present both to the Planning, Zoning, Public Buildings and Grounds Committee and City Council on Monday, September 21, 2015. Council will have to look at the provisions of the reworked Chapter 1158. This is a professional planner who will walk us all through his methodology and what is acceptable by the industry.

Mrs. Juhas asked if the review will be a full spectrum review, including the impact of attached residences on sewers and streets. Mr. Koomar stated that if a development is proposed the Planning Commission approval includes streets and sewer improvements necessary so that there are no adverse effect on existing residents.

Mrs. Lieske extended an invitation to Mrs. Juhas to attend the Planning, Zoning, Public Buildings and Grounds Committee meeting at 6:30 p.m. on Monday, September 21, and the Regular Meeting of Council on September 21 at 8:00 p.m.

Mark Chernisky, Lincolnshire Drive, asked how the snow shoveling ordinance addresses corner properties where the service plow trucks would plow in the walk to cross the street. Is there a provision that would say that the City will dig it out, or is it up to the homeowner?

Mr. Koomar stated that there have been complaints about the accumulation of snow after the plows come in and the piles of snow become icy and impossible to clean, and the fairness of requiring the residents to remove it or charge them \$100 to have it removed.

Mr. Lee stated that the current draft does not address that issue. Mr. Lee noted he is a corner lot person and has that issue all the time. Mr. Lee stated he is able to remove snow from his sidewalk but cannot cut from his sidewalk to the street because it is sometimes four feet high and solid ice. At the least, the person can walk the sidewalk and when they get to the driveway they can cross if they needed to. It is sometimes impossible to open up the intersection. The last few years have been very bad for that.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson reported on the items he will present in the Cahoon Memorial Park Trustees meeting to be held following this meeting

Disc Golf Improvement Eagle Scout Project -- David Russell

Mayor Sutherland stated that David Russell wants to do an improvement to the Disc Golf course in Cahoon Memorial Park as part of his Eagle Scout project. Originally, David had proposed putting concrete pads at the tees in the valley. Because of the fact that we are currently doing a study with NOACA, where we received \$50,000 in technical assistance, the Mayor does not want to do anything of a permanent nature in the park valley because it is unknown what will come forth from that study. David and his father came up with a good compromise which should work.

Mr. Koomar stated that he was an Eagle Scout and part of going through scouting is that there are certain merit badges and other rewards that need to be completed before going to the next rank. Eagle is very special. Only about two to four percent of the scouts nationally reach that rank. As part of that, they ask the scout to come forward and present a project in the community to better the community in some form or fashion. The scout must generate the idea, develop it, present it, and get approval within the City and at the Scout Board.

The presentation by David Russell is attached to these minutes as if fully incorporated herein.

The City Service Department will assist with the installation and provide the cement and materials needed. A family friend will provide the wood frame for the 4' x 8' cement pad. The project will include a concrete tee at Hole 1, the installation of shingles on top of the instruction sign, the clearing of brush at Hole 1, and a gravel path between Holes 7 and 8. The project will be finished within three days' time.

After the presentation, the Cahoon Memorial Park Trustees were given the opportunity to ask further questions. Mr. Tadych asked if the concrete pads will be level with the earth. Scout Russell stated that they will be up about one inch with the dirt and grass brought up to the level, similar to a sidewalk. Mr. Lawrence Kuh, who assisted David with the presentation, stated that in the Disc Golf world concrete pads are the perfect tee. He thought that doing one at this time will give everyone in the City a visual if there is a pursuit of others in the future. Mayor Sutherland stated that a tee at Hole 1 will work nicely because it is at the top of the sledding hill and will not interfere with any plans brought forth by NOACA through their study.

Mr. Henderson suggested having a specific proposal as a level of care for the Trustees before approving the project. He expressed appreciation to David Russell for his proposal ideas, and asked him to prepare a document for the Trustees delineating specifically the requests he would like approved by the Trustees. After further discussion, it was decided to proceed this evening at the Cahoon Memorial Park Trustees meeting to consider approval pending receipt of the documentation by Scout David Russell.

Fitness Trail Sign Design

Mr. Henderson advised that for the past two years, the details for the Fitness Trail in Cahoon Memorial Park have been worked through. Last November, the Cahoon Memorial Park Trustees and the City Council voted in favor of allowing this project to move forward. The trail will consist

of three fitness stations with three outdoor pieces of equipment at each of the three stations. Last November the approval was contingent upon private fund raising, and that was successful. The team that is present tonight, Clete Miller and Barry Tyo, collected \$11,000 from four local businesses, organizations, and individuals. Mr. Henderson thanked the donors for their support and commitment to help the wellness of our community.

What is being presented this evening is the very final approval. In order to make sure that the signs that go into Cahoon Memorial Park are aesthetically pleasing and in keeping with the look and feel of the park, illustrations have been presented of the signs. The signs will be 32 by 16 inches, and on the top will include information on how to use each piece of equipment, so that the users can use them safely and to the fullest extent of the exercise intended. Below each of the instructions, will include information as to who donated the money for that particular set of equipment. On the first illustration, Highland Consulting Associates, Inc. is listed as the donor. The second illustration lists O'Neill Healthcare as the donor, and the final illustration lists the donation of Arthur's Shoe Tree, Perfect Fit Health Club, the Bay Village Kiwanis, and the Bay Village Foundation. The last two images are renderings of the Welcome Sign, and the HeartCheck Cardiovascular Fitness Guide.

Mr. Henderson will present this to the Cahoon Memorial Park Trustees for approval of the design of the signs. Finance Director Mahoney has the paperwork in place to move forward with the project, and Service Director Thomas and his department will handle the installation this fall.

Mr. Henderson expressed appreciation to Clete Miller and Barry Tyo, the project champions, for working with the City for the past two years to bring this project to fruition. Mr. Henderson expressed his belief that this will be a very nice project for the community.

Mr. Lee confirmed with Mr. Henderson that the plans still include the fact that the signs will be installed perpendicular to Lake Road.

Mr. Clark confirmed with Mr. Henderson that the originally approved placement of the equipment has not changed.

Sculpture Donation - Family Aquatic Center

A photograph of a sculpture that was donated to the City and is in place at the Family Aquatic Center has been distributed to Council. Mr. Koomar asked Mayor Sutherland if this donation was from a Bay family, and the Mayor responded affirmatively. Mr. Koomar stated that normally the Cahoon Memorial Park Trustees give approval prior to things being installed, and he would like to officially bring this before the Trustees this evening for a vote.

Mr. Lieske stated that there is a great deal of pride in the look of the signage at City buildings and facilities. She asked if someone came forth with an idea for a sculpture and presented any type of a drawing before the sculpture actually was installed. The Mayor stated that the artist created the sculpture and offered to donate it to the City. They went out to look at it and tried to find an appropriate location for it and the pool is the lucky winner.

Committee Meeting of Council
September 14, 2015

Mr. Koomar stated that he would ask that these things come before the Trustees in the future. That is the only question he has in the process.

Mr. Henderson asked what the sculpture depicts. The Mayor stated that it is supposed to be representative of Bay Village. It is about 5 ½ feet tall.

Mr. Lee asked if there is any risk that kids will want to climb on it. Recreation Director Enovitch stated that there is no more of a risk than a bike rack or tree, or anything else that is out in front of the pool.

Mr. Vincent asked if the sculpture is secure to the ground. Mr. Ebert stated that it is bolted to the concrete.

The sculpture was installed by the City. The Mayor stated that she looked at it about a year-and-a-half ago. It was not in the City's possession until just recently.

Mr. Henderson asked if there is a normal process for accepting art. The Mayor stated that we have a process for accepting donations. The Law Director will prepare the necessary resolution.

Mrs. Lieske stated that her concern is the process. Some other well-meaning citizen might think that if this was able to be put there they would want something else in the park. The Trustees need to keep in mind the image of the park, and what it might mean if someone else came forth. Mr. Koomar agreed and stated that normally we look at these things before we accept them. The Mayor stated that she totally agrees with that.

Mr. Henderson asked if the Trustees will vote to keep or not keep the art sculpture this evening. Mr. Koomar stated that the Law Director will have the resolution for the acceptance prepared for the September 21, 2015 agenda of the Regular Meeting of City Council.

The meeting adjourned at 9:13 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

Disc Golf Course Improvement Project

David Russell

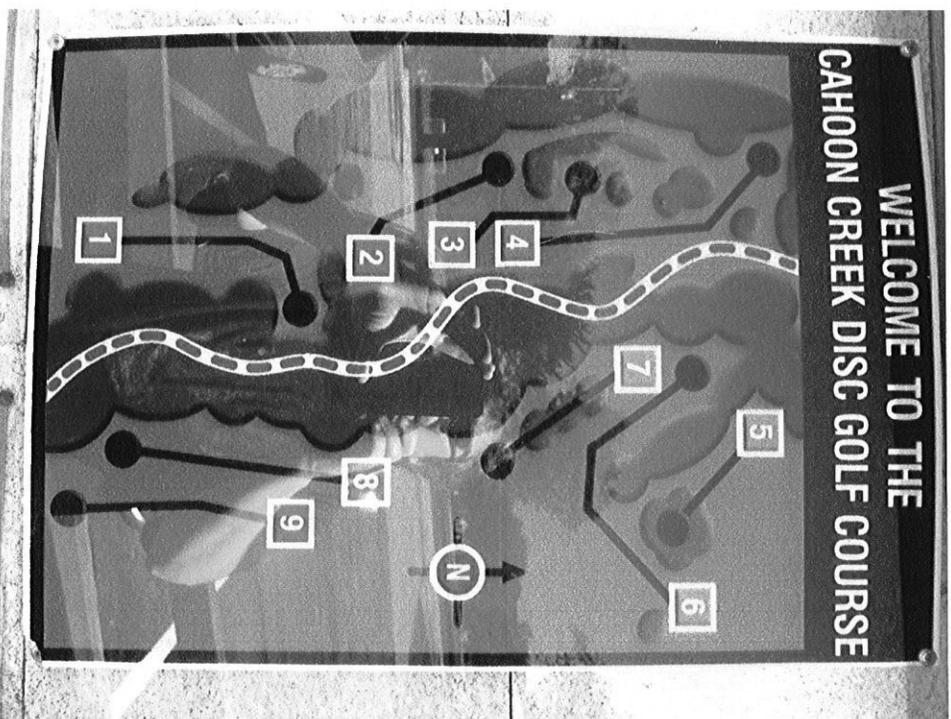


Eagle Scout Project Requirements

- While a Life Scout, plan, develop, and give leadership to others in a service project helpful to any religious institution, any school, or your community. A project proposal must be approved by the organization benefiting from the effort, your unit leader and unit committee, and the council or district before you start.
- The project must present an opportunity for planning, development, and leadership
- There are no required minimum hours for a project.
- Routine labor is not normally appropriate for a project.
- Projects may not be performed for the Boy Scouts of America
- Projects may not be of a commercial nature or for a business

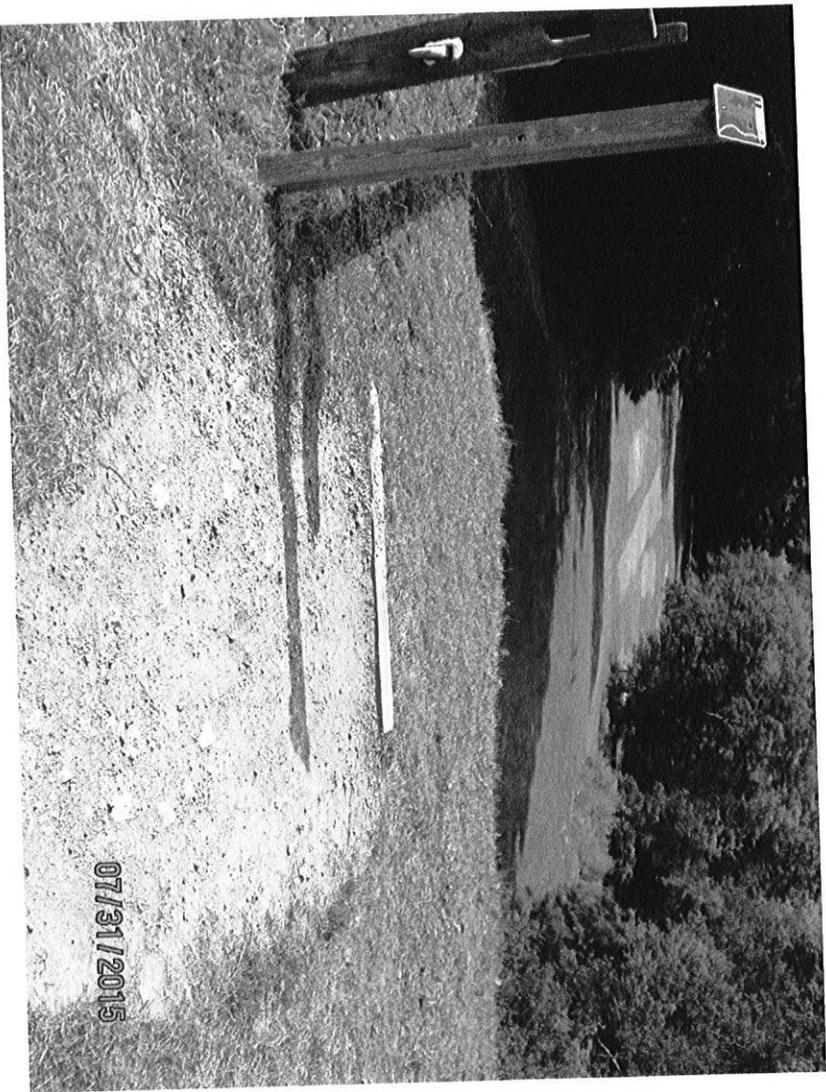
History and proposed improvements

- Hole 1:
 - Cement Tee
 - Wood Bridge
 - Tiles for Sign
 - Brush Clearing
- Hole 4: alternate hole
- Hole 7/8: Gravel Trail
- Hole 8 : Cement Tee
- Hole 9: Cement Tee



Hole 1 Proposal

- First Impression
- Easy Access
- Long Throw
- Ties in well with larger first tee project
- Build bench?
- Eventual French Drain and Bridge



Clear Foliage, Tile Sign, and Improve Gravel Path



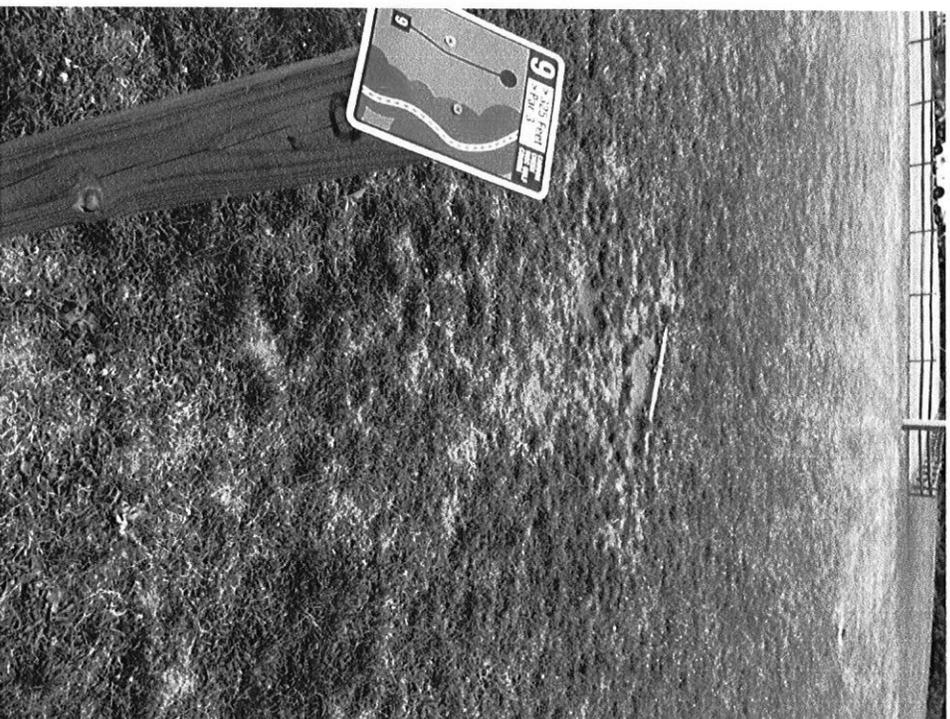
Hole 8 Proposal

- Long throw
- Easy Access to Tee
- High Visibility
- Could Move Tee to avoid construction and/or high erosion location

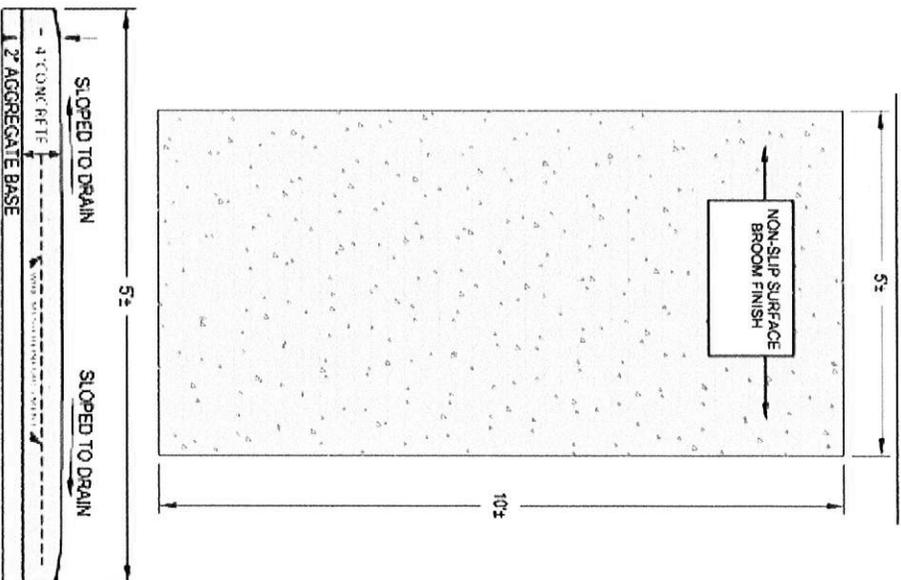
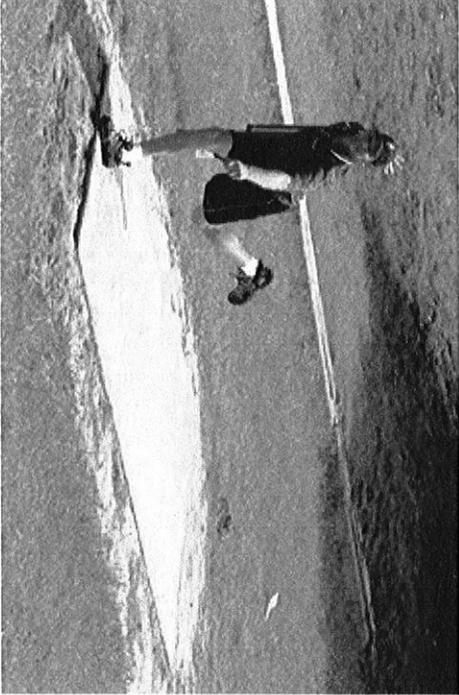


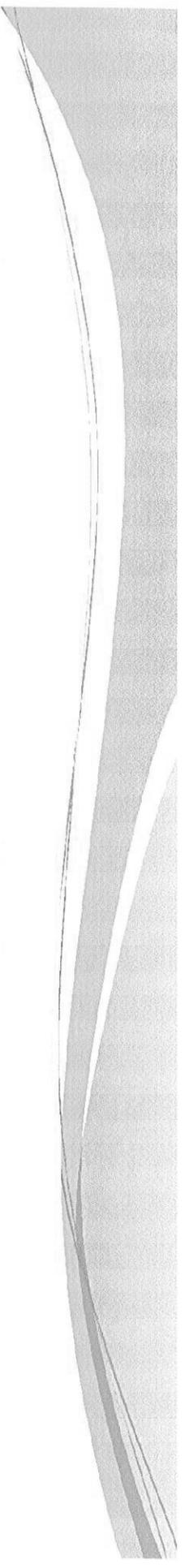
Hole 9 Proposal

- Long throw
- Easy Access to Tee
- High Visibility



Making a disc golf tee





Tools and Materials for 4' x 8' tee

- 24' of 2 x 6" lumber for frame
- 20 x 80 lb bags of cement
- 10 x80 lb bags of gravel (provided by Bay)
- Cement Mixer (rent)
- Wheelbarrow, Hoe, Shovels, Bristle Brush
- Resources: Lou Wenner as consultant, Quickrete Guide to Concrete, <http://www.innovadiscs.com/course/tee-installation.html> and <http://www.discgolf.com/disc-golf-education-development/disc-golf-course-design/concrete-tee-pad-installation/>

Thank you for your attention!

Questions?

Ed. Astery
Chapter 1158

CHAPTER 1158
Attached Residence District

- 1158.01 Intent.**
- 1158.02 Development plans.**
- 1158.03 Building and occupancy permits.**
- 1158.04 Permitted buildings, structures and uses.**
- 1158.05 Accessory buildings, structures and uses.**
- 1158.06 Definitions.**
- 1158.07 Area and height regulations.**
- 1158.08 Yard and related requirements.**
- 1158.09 Parking requirements.**
- 1158.10 Street and access requirements.**
- 1158.11 Open space requirements.**
- 1158.12 Landscape planting and design.**
- 1158.13 Other site improvements.**
- 1158.14 Maintenance and use of public and common areas.**
- 1158.15 Solid waste disposal.**
- 1158.16 Compliance with code.**

1158.01 INTENT.

An Attached Residence District and its regulations are established in order to achieve, among others, the following purposes:

- (A) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and
- (B) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services; and
- (C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability; and
- (D) To promote the most desirable and beneficial use of the land based on the Master Plan and directed to bring about the eventual conformity with said Master Plan as it may be amended.

(Ord. 74-51. Passed 7-1-74.)

1158.02 DEVELOPMENT PLANS

Preliminary and final development plans shall be required for all proposed development in an Attached Residence District.

(A) Preliminary Plans:

(1) Plan Requirements:

- (a) Survey. A survey of the property and topography, showing the land owned and proposed for development.

- (b) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color.
 - (c) Streets. The proposed pattern of vehicular circulation, including estimated traffic volumes, service access and relationship to existing streets.
 - (d) Utilities. Evidence of adequacy of all required utilities and services.
 - (e) Parking. General layout and estimate of spaces provided, both open and enclosed.
 - (f) Miscellaneous. Other site improvement, including general drainage pattern.
- (2) Submittal of Plans:
- (a) Presentation of preliminary plans shall be made concurrently with the Building Department (to file an application for construction) and to the Planning Commission.
 - (b) A nonreturnable application fee in the amount of \$10 per dwelling unit shall accompany application in the Building Department.
 - (c) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e. Fire, Police and Service.
- (3) Approval of Plans:
- (a) If preliminary plans are not acceptable to the Planning Commission, based on the requirements and intent of this chapter, a revised preliminary may be submitted.
 - (b) If preliminary or revised preliminary plans are acceptable to the Planning Commission with slight modification, final plans, including such modifications, may be submitted.
- (B) Final Development Plans:
- (1) Plan Requirements:
- (a) Site Plan. All items submitted for preliminary approval, with modifications as requested.
 - (b) Utilities Plan. Detailed drawings of all required utilities, including water, sewers and underground electric and telephone systems.
 - (c) Fire Protection Plan. Water mains, hydrants and other appurtenances.
 - (d) Landscape Plan. Landscaping, buffers, drainage and grading.
 - (e) Miscellaneous. Construction schedule and disposition program and any other information specifically required by the Planning Commission.
- (2) Submittal of Plans:
- (a) Presentation of final plans shall be made to the Planning Commission.

- (b) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e., Fire, Police, Service, and Building
 - (c) When development given preliminary approval is to be constructed in two or more phases, final plans shall be submitted separately for each phase, prior to scheduled construction.
- (3) Approval of Plans:
- (a) If final plans are not acceptable to the Planning Commission, based upon the requirements and intent of this chapter, revised final plans may be submitted.
 - (b) Only when final or revised final plans are acceptable to the Planning Commission without modification, shall final approval be given.
(Ord. 74-51. Passed 7-1-74.)

1158.03 BUILDING AND OCCUPANCY PERMITS.

(A) No building permit for the improvement of a parcel or a portion thereof or for the erection of any building shall be issued for any building or structure in an Attached Residence District unless and until a final development plan has been approved by the Planning Commission in accordance with the provisions of this Chapter. If and when any proposed final development plan has been so approved, the Building Commissioner shall then issue the necessary building and other permits upon payment of the required fees and compliance with applicable codes.

(B) An occupancy permit shall be issued by the Building Commissioner if the use qualifies under the various restrictions of the Planning and Zoning Code and the inspections required by Chapter 1304 of the Codified Ordinances have been made and the work approved.

(C) Occupancy permits will not be granted until all required improvements, including landscaping, are completed in compliance with this chapter.
(Ord. 74-51. Passed 7-1-74.)

1158.04 PERMITTED BUILDINGS, STRUCTURES AND USES.

In an Attached Residence District, the following buildings, structures and uses are permitted: Attached Residences including townhouses, four-plexes and other multiple dwellings having separate private entrances.
(Ord. 74-51. Passed 7-1-74.)

1158.05 ACCESSORY BUILDINGS, STRUCTURES AND USES.

The following accessory buildings, structures and uses are permitted on a lot in the Attached Residence District:

- (A) Automobile storage facilities including enclosed garages.

- (B) Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.
 - (C) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
 - (D) Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment as permitted under this chapter.
 - (E) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.
- (Ord. 74-51. Passed 7-1-74.)

1158.06 DEFINITIONS.

The various area and height regulations of the area to be developed are defined in this section and scheduled in the following section.

- (A) Land Area Per Dwelling Unit. "Land area per dwelling unit," means the minimum area required within a development area for each dwelling unit.
 - (B) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, excluding the whole area of garages and one-half the area of balconies, porches.
 - (C) Maximum Height. "Maximum height" refers to the height to which any main building may be constructed above the designed finished grade at center of front elevation.
 - (D) Dwelling Unit. "Dwelling unit," means a space within a dwelling comprising a living room, a dining room, kitchen, and a sleeping room or rooms, storage closets and space and equipment for bathing and toilet facilities, all used by one family.
- (Ord. 74-51. Passed 7-1-74.)

1158.07 AREA AND HEIGHT REGULATIONS.

Land and buildings shall be used in an Attached Residence District and buildings shall be designed, erected, altered, moved or maintained in such District in accordance with the following:

- (A) Development Area. The minimum development site in an Attached Residence District shall be 5 acres.
- (B) Density. The density of development for Attached Residences shall not exceed 6 dwelling units per acre.
- (C) Height of Buildings. Attached Residences shall exceed neither two and one-half (2-1/2) stories nor 30 feet in height.
- (D) Attached Residences per Building. Eight dwelling units, or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building (but not as a single dwelling unit). All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length.
- (E) Gross Floor Areas of Dwelling Units. Schedule as follows:

<u>Dwelling Unit</u>	<u>Minimum Area (Sq. Ft.)</u>
2 bedroom unit	1,200
3 bedroom unit	1,400
4 bedroom unit	1,600

- (F) Restrictions on Units. One-bedroom units are specifically not permitted. The total units shall be divided so that approximately one-third contains two bedrooms, one-third contains three bedrooms, and the remaining one-third may consist of the builder's choice of any mix of approved number of bedrooms.
(Ord. 74-51. Passed 7-1-74.)

1158.08 YARD AND RELATED REQUIREMENTS.

In an Attached Residence District, the following yard and related requirements shall be observed:

- (A) Frontage Requirement. Frontage at each entrance to the development shall be at least one hundred feet wide including a minimum buffer of 30 feet on each side of the paved access, except that frontage at pedestrian entrances need not exceed 50 feet in width including minimum buffers of 20 feet on each side of the walk.
- (B) Building Line Setbacks. Placement and erection of all buildings shall be 50 feet from the property line adjoining a dedicated street.
- (C) Minimum Yards. No building or structure, except as provided in (E) below, may be placed or erected within 40 feet of any site boundary, except that when such boundary is a present or planned dedicated street, the 50 feet setback as set forth in C.O. 1158.08(B) shall apply.
- (D) Distances Between Buildings. The minimum distance between any 2 adjacent buildings shall be determined by the relationships between their respective main walls according to the requirements of Schedule 1158.08(D) where:

B = the combined Base Factor of 2 adjacent buildings = 40 feet

H = the combined Height Factor = 5 feet per 10 feet of combined building height

L = the combined Length Factor of two adjacent buildings = One foot per 10 feet of combined main wall length

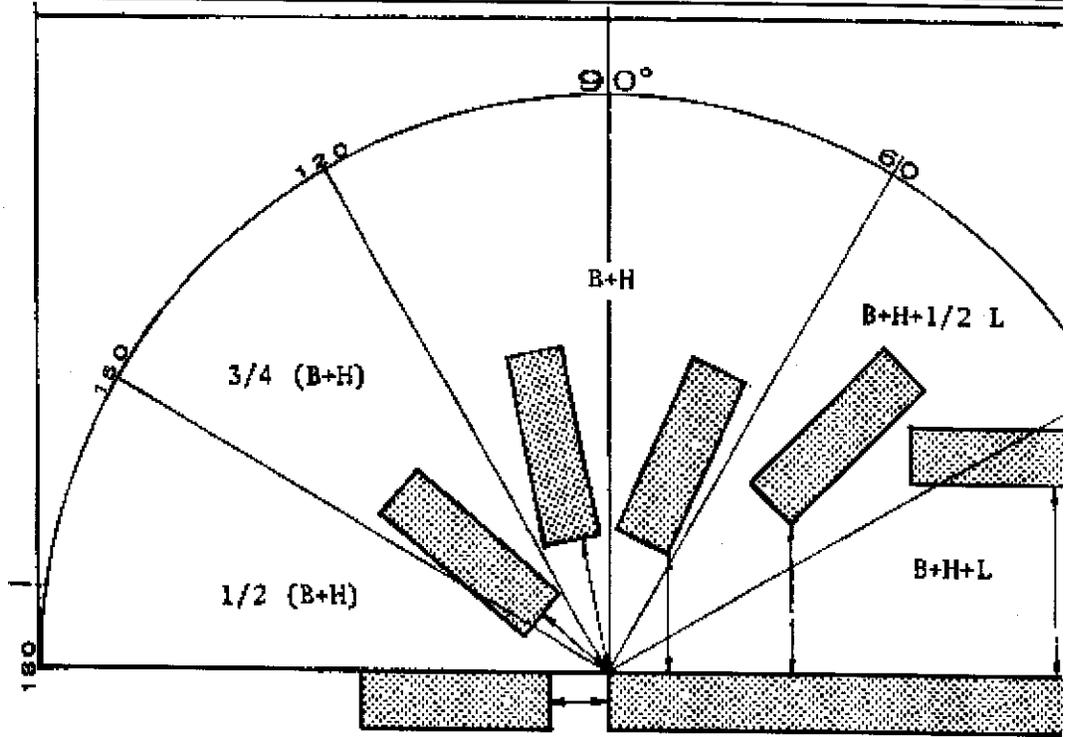
CROSS REFERENCES

See diagram 1 (insert)

MINIMUM DISTANCES BETWEEN BUILDINGS

Main Walls Do Not Overlap
Within 0° - 180°

Main Walls Overlap
Within 0° - 180°



Schedule 1158.08(D) - MINIMUM DISTANCES BETWEEN BUILDINGS

Where MAIN WALLS of Adjacent Buildings:	Within Degrees of Parallel:	Minimum Requirement
Overlap	0° - 30°	$B + H = L$
	30° - 60°	$B + H + \frac{1}{2}L$
	60° - 120°	$B + H$
	120° - 150°	$B + H \frac{1}{2}L$
	150° - 180°	$B + H + L$
DO NOT Overlap	0° - 30°	$\frac{1}{2} (B + H)$
	30° - 60°	$\frac{3}{4} (B + H)$
	60° - 120°	$B + H$
	120° - 150°	$\frac{3}{4} (B + H)$
	150° - 180°	$\frac{1}{2} (B + H)$

- (E) Distances from Accessory Uses to Main Buildings or Boundaries. The minimum distances from any Attached Residence to parking areas, driveways, walks and recreation areas and to the development area boundaries, as set forth below, are intended as desirable criteria and are to be applied in the site planning insofar as possible:

<u>Accessory Use:</u>	<u>Minimum Distances (Feet)</u>		
	<u>From Dwelling</u>		<u>From Boundary Line</u>
	<u>Main Wall</u>	<u>End Wall</u>	
Surface Garage	40*	30*	20
Open Parking Areas	20	20	20
Private Drives	30	10	20
Walks (Public Use)	15	10	20
Recreation Areas (Active Play)	40	30	40

* or attached to building

The minimum distances set forth in the above schedule are intended to be applied to:

- (1) The main wall, meaning any exterior wall containing the principal windows of a living, dining or sleeping room or rooms.
- (2) The end wall, meaning any exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of a kitchen or bathroom, or a blank surface.
- (3) Private drives at all locations except at the garage entrance or main entrance of the dwelling served.
- (4) Walks used by the public at all locations except at the entrance to the dwelling served.
- (5) Recreation areas, meaning areas used for active play.

- (F) Private Area. Each Attached Residence shall have a private area of not less than 200 square feet at an entrance and differentiated as such by approved patios, screens, walls and plantings.

- (G) Projections of Building Features:

(1) Intent. A projection is that part or feature of a building which extends outside of the enclosing walls and makes the enclosed space more usable. It is intended that certain features may project into required yards, but they shall be regulated as herein set forth so that they will not substantially interfere with the reception of sun, light and air on adjacent lots.

(2) Types of Projecting Features.

The following definitions shall apply to the terms used in the section:

- a. Architectural Feature. A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.
- b. Entrance Feature. A platform, landing, steps, terrace or other features not extending above the level of the floor of the first floor level of a building.
- c. Shelters, Enclosed. An enclosed entry or porch.
- d. Shelters, Unenclosed. An entrance hood or open but roofed porch.

(3) Projection Limitations. Building features may project into required front and side yards of a dwelling, but shall not project more than set forth in the following schedule:

<u>Projecting Feature</u>	<u>Maximum Projection Into Required Front or Side Yard (Ft.)</u>
Architectural	4
Entrance	5
Shelters, enclosed	None
Shelters, unenclosed	4

(Ord. 74-51. Passed 7-1-74.)

1158.09 PARKING REQUIREMENTS.

(A) The parking of automobiles and other motor vehicles on private or public streets within an Attached Residence District is prohibited. All automobile parking lots shall be screened from adjoining streets and properties by the planting of shrubbery or the construction of a decorative fence or wall. Parking areas shall be permitted at convenient locations throughout the development except that:

- (1) No parking areas or access drives shall be constructed within 20 feet of any Attached Residence building.
- (2) No parking area shall be closer than 20 feet from the side or rear property line abutting a street.
- (3) Landscaped islands and planting areas shall be designed so that no more than eight parking spaces shall be contiguous.

(B) Off-street parking shall be provided in an Attached Residence District as follows:

- (1) Resident Parking. Two spaces per unit, at least one of which shall be an immediately attached garage having at least 280 square feet of usable floor space; and
- (2) Guest Parking. One space per unit.

(C) In view of the desire to preserve natural open space within the development, off-street parking shall not exceed minimum requirements pursuant to C.O. 1158.09(B) by more than 20%.

(Ord. 74-51. Passed 7-1-74.)

1158.10 STREET AND ACCESS REQUIREMENTS.

(A) All proposed streets and access within an Attached Residence District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of automobiles and safety and service vehicles.

(B) All vehicular pavement in an Attached Residence District shall be constructed in accordance with the standards established by the City of Bay Village.

(C) Circulation and access shall be designed according to the following criteria:

- (1) Dedicated Streets. No dedicated street shall extend more than 1, 200 feet without juncture with another dedicated street.
- (2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to no more than 30 units.
- (3) Private Drives. Private drives shall be no more than 600 feet in length and provide direct or indirect access to no more than 30 units.
- (4) Private Cul-de-Sacs. Nondedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.
- (5) Individual Driveways. No individual driveway shall be more than 50 feet in length nor provide access to more than two units.

(D) Services to the building shall be separate from pedestrian and vehicular circulation routes.

(E) A comprehensive walkway system adequately separated from vehicular circulation shall be provided.

(Ord. 74-51. Passed 7-1-74.)

1158.11 OPEN SPACE REQUIREMENTS.

(A) Open Space as used in this Chapter means that portion of the total acreage not devoted to buildings and pavement. Open Space includes the spaces between buildings, required yards and setbacks, landscaped buffers and lawn areas, tennis courts, swimming pools or other recreational improvements.

(B) No less than 60%, of the total acreage shall be devoted to open space.

(Ord. 74-51. Passed 7-1-74.)

1158.12 LANDSCAPE PLANTING AND DESIGN.

All development within an Attached Residence District shall be landscaped according to a landscape plan accepted as part of the Final Development Plan. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances. Natural wooded areas shall be preserved whenever possible.

(Ord. 74-51. Passed 7-1-74.)

1158.13 OTHER SITE IMPROVEMENTS.

In an Attached Residence District the following other site improvements shall be required:

- (A) Water Supply. An adequate source of potable water shall be brought to the Attached Residence District from the City of Cleveland Water System and must be approved by the City of Bay Village, the City of Cleveland and the State of Ohio.
- (B) Sewer System. The Landowner shall at its sole expense construct a sanitary sewage system meeting all requirements of the City of Bay Village, title of which is recognized by Council by the acceptance of dedication of the street. Plans and specifications must be approved by the City of Bay Village Sanitary Engineering Department and the State Department of Water and Health.
- (C) Electric and Telephone Systems. Plans and specifications must be approved by the appropriate utilities serving this area.
- (D) Fire Protection. Plans and specifications must be approved by the Fire Prevention Bureau. (Ord. 74-51. Passed 7-1-74.)

1158.14 MAINTENANCE AND USE OF PUBLIC AND COMMON AREAS.

(A) As a condition to approval of a proposed development under provisions of this Chapter, plans for the care, maintenance, use and disposition of all public and common area, if any, shall be approved by the City Planning Commission providing for:

- (1) The public dedication and acceptance for maintenance by the City of property found by the Council to be of benefit to the general public, or
- (2) The retention of property in common ownership of the individual owners through appropriate legal means with appropriate legal provisions to insure continuous maintenance and use for the purpose intended.

(B) All areas proposed for dedication to the City must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to the general public. Title of all land dedicated to public use shall be unencumbered at the time of conveyance and all areas shall be fully improved by the applicant, as required by the City Planning Commission, including all utilities, public walkways and streets through or abutting the property.

(C) For all areas proposed for common ownership by the residents, all rights of development other than for the use specified in the approved Final Development Plan shall be subject to approval of the City. However, each proposal for such use, including parking areas, private access ways, private parks and recreational facilities, and common service facilities shall be accompanied by appropriate legal documents which provide for the management and maintenance of common facilities. Legal instruments providing for dedications, covenants, home associations and subdivision controls shall:

- (1) Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home association, cooperative, etc.
- (2) Appropriately limit the use of common property.
- (3) Place responsibility for management and maintenance of common property. Council, at its discretion may require the applicant to obtain City services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.
- (4) Place responsibility for enforcement of covenants.
- (5) Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.

(D) All common property shall be fully improved by the applicant, as required by the Council, including all utilities, public walkways and streets through or abutting the property.

(E) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.
(Ord. 74-51. Passed 7-1-74.)

1158.15 SOLID WASTE DISPOSAL.

Arrangements for the performance of rubbish and garbage collection and removal shall be set forth in writing and subject to City approval. Any subsequent modification of said arrangements shall be presented to the City for review.
(Ord. 74-51. Passed 7-1-74.)

1158.16 COMPLIANCE WITH CODE.

(A) All rules and regulations contained in the Codified Ordinances of the City of Bay Village shall be applicable except those which are specifically excepted by C.O. 1158.01 through 1158.16.

(B) Noncompliance with the provisions of this Chapter shall be subject to penalty as set forth in C.O. 1123.99.
(Ord. 74-51. Passed 7-1-74.)

CHAPTER 1158A
Existing Residential Building District

- 1158A.01 Intent.**
1158A.02 Permitted buildings, structures and uses.
1158A.03 Compliance with Attached Residence District; exceptions.

CROSS REFERENCE

Attached Residence District - see P. & Z. Ch. 1158

1158A.01 INTENT.

An Existing Residential Building District and its regulations are established in order to achieve, among others, the following purposes:

- (A) To provide for retention of an existing building in cases where it may be of historical importance or aesthetically valuable as approved by the Planning Commission and confirmed by duly adopted resolution of Council, especially when the building has been designated to the National Register of Historical Places by the National Park Service, U.S. Department of the Interior;
 - (B) To enhance the City's cultural, social, economic and architectural history;
 - (C) To safeguard the City's historic, aesthetic and cultural heritage; and
 - (D) To promote the most desirable and beneficial use of the land based on the Master Plan.
- (Ord. 80-59. Passed 7-21-80.)

1158A.02 PERMITTED BUILDINGS, STRUCTURES AND USES.

In an Existing Residential Building District the following buildings, structures and uses are permitted:

- (A) Any building, structure or use permitted and as regulated in an Attached Residence District; and
 - (B) The approved existing structure.
- (Ord. 80-59. Passed 7-21-80.)

**1158A.03 COMPLIANCE WITH ATTACHED RESIDENCE DISTRICT;
EXCEPTIONS.**

This chapter is considered to include all the provisions of Chapter 1158, Attached Residence District, with the following exceptions:

- (A) Density. The provisions of Section 1158.07(A) and (B) are modified to provide a minimum area for development of ten (10) acres. The density of new construction shall not exceed six and one-half (6-1/2) dwelling units per acre for the total developed area. The density of all dwelling units, including new construction and

the renovation of existing buildings, shall not exceed nine (9) dwelling units per acre for the total area.

- (B) Height. The provisions of Section 1158.07(C) are modified to provide that no attached residence dwelling unit shall exceed two and one-half (2-1/2) stories nor thirty (30) feet in height above the main entrance door grade. The above requirement shall not apply to an existing structure which is utilized in the development.
- (C) Attached Residences Per Building. The provisions of Section 1158.07(D) are modified to provide that eight (8) dwelling units or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building, but not as a single dwelling unit. All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length, except that the provision with respect to length, and maximum dwelling units in a single building shall not apply to an existing structure which is utilized in the development.
- (D) Distances Between Buildings. The provisions of Section 1158.08(D) are modified to provide that the minimum distance between any two adjacent buildings shall be determined by the relationships between their respective main walls according to the requirements of Section 1158.08(D), except when existing structures are being utilized in the development, then the height of those structures shall be deemed to be thirty (30) feet for the purpose of this section.
- (E) Private Area. The provisions of Section 1158.08(F) are modified to provide that each attached residence shall have a private area of not less than 200 square feet at an entrance and differentiated as such by approved patios, screens, walls and plantings, but this requirement shall not apply to the existing structures which are being utilized as part of the development.
- (F) Street and Access Requirements. The provisions of Section 1158.10 are modified to provide in an Existing Residential Building District that:
 - (1) Subsection (A) shall read: "All proposed streets, walkways, pedestrian and vehicular circulation routes including those for services, and access within an Existing Residential Building District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of pedestrians, automobiles, and safety and service vehicles."
 - (2) Subsections (C)(3), (4) and (5) shall not apply in an Existing Residential Building District and shall be replaced by the requirement that: "Each attached residence shall be served by individual driveways, connecting to private drives, which private drives shall connect onto a dedicated street at a location where the traffic can be effectively controlled."
 - (3) Subsections (D) and (E) shall not apply in an Existing Residential Building District.
- (G) Open Space Requirements. The provisions of Section 1158.11(B) are modified to provide that no less than 40% of the total acreage shall be devoted to open space.

- (H) Parking. The provisions of Section 1158.09 are modified to eliminate subsection (A)(1), (2) and (3), all of subsection (B) and all of subsection (C) in an Existing Residential Building District. The eliminated provisions are replaced by:
- (1) Resident Parking. At least one and one-half (1-1/2) spaces per dwelling unit, one of which shall be enclosed in a garage having at least 280 square feet of usable floor space;
 - (2) Guest Parking. One space per dwelling unit. Guest parking for the attached residences only may be considered to be located on the individual driveways; and
 - (3) In view of the desire to preserve natural open space within the development, off-street parking shall not exceed three spaces per dwelling unit.
- (Ord. 80-59. Passed 7-21-80.)
-

CHAPTER 1158A
Existing Residential Building District

- 1158A.01 Intent.**
1158A.02 Permitted buildings, structures and uses.
1158A.03 Compliance with Attached Residence District; exceptions.

CROSS REFERENCE

Attached Residence District - see P. & Z. Ch. 1158

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An Existing Residential Building District and its regulations are established in order to achieve, among others, the following purposes:

- (A) To provide for retention of an existing building in cases where it may be of historical importance or aesthetically valuable as approved by the Planning Commission and confirmed by duly adopted resolution of Council, especially when the building has been designated to the National Register of Historical Places by the National Park Service, U.S. Department of the Interior;
 - (B) To enhance the City's cultural, social, economic and architectural history;
 - (C) To safeguard the City's historic, aesthetic and cultural heritage; and
 - (D) To promote the most desirable and beneficial use of the land based on the Master Plan.
- (Ord. 80-59. Passed 7-21-80.)

1158A.02 PERMITTED BUILDINGS, STRUCTURES AND USES.

In an Existing Residential Building District the following buildings, structures and uses are permitted:

- (A) Any building, structure or use permitted and as regulated in an Attached Residence District; and
 - (B) The approved existing structure.
- (Ord. 80-59. Passed 7-21-80.)

**1158A.03 COMPLIANCE WITH ATTACHED RESIDENCE DISTRICT;
EXCEPTIONS.**

This chapter is considered to include all the provisions of Chapter 1158, Attached Residence District, with the following exceptions:

- (A) Density. The provisions of Section 1158.07(A) and (B) are modified to provide a minimum area for development of ten (10) acres. The density of new construction shall not exceed six and one-half (6-1/2) dwelling units per acre for the total developed area. The density of all dwelling units, including new construction and the renovation of existing buildings, shall not exceed nine (9) dwelling units per acre for the total area.

- (B) Height. The provisions of Section 1158.07(C) are modified to provide that no attached residence dwelling unit shall exceed two and one-half (2-1/2) stories nor thirty (30) feet in height above the main entrance door grade. The above requirement shall not apply to an existing structure which is utilized in the development.
- (C) Attached Residences Per Building. The provisions of Section 1158.07(D) are modified to provide that eight (8) dwelling units or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building, but not as a single dwelling unit. All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length, except that the provision with respect to length, and maximum dwelling units in a single building shall not apply to an existing structure which is utilized in the development.
- (D) Distances Between Buildings. The provisions of Section 1158.08(D) are modified to provide that the minimum distance between any two adjacent buildings shall be determined by the relationships between their respective main walls according to the requirements of Section 1158.08(D), except when existing structures are being utilized in the development, then the height of those structures shall be deemed to be thirty (30) feet for the purpose of this section.
- (E) Private Area. The provisions of Section 1158.08(F) are modified to provide that each attached residence shall have a private area of not less than 200 square feet at an entrance and differentiated as such by approved patios, screens, walls and plantings, but this requirement shall not apply to the existing structures which are being utilized as part of the development.
- (F) Street and Access Requirements. The provisions of Section 1158.10 are modified to provide in an Existing Residential Building District that:
- (1) Subsection (A) shall read: "All proposed streets, walkways, pedestrian and vehicular circulation routes including those for services, and access within an Existing Residential Building District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of pedestrians, automobiles, and safety and service vehicles."
 - (2) Subsections (C)(3), (4) and (5) shall not apply in an Existing Residential Building District and shall be replaced by the requirement that: "Each attached residence shall be served by individual driveways, connecting to private drives, which private drives shall connect onto a dedicated street at a location where the traffic can be effectively controlled."
 - (3) Subsections (D) and (E) shall not apply in an Existing Residential Building District.
- (G) Open Space Requirements. The provisions of Section 1158.11(B) are modified to provide that no less than 40% of the total acreage shall be devoted to open space.
- (H) Parking. The provisions of Section 1158.09 are modified to eliminate subsection (A)(1), (2) and (3), all of subsection (B) and all of subsection (C) in an Existing

Residential Building District. The eliminated provisions are replaced by:

- (1) Resident Parking. At least one and one-half (1-1/2) spaces per dwelling unit, one of which shall be enclosed in a garage having at least 280 square feet of usable floor space;
- (2) Guest Parking. One space per dwelling unit. Guest parking for the attached residences only may be considered to be located on the individual driveways; and
- (3) In view of the desire to preserve natural open space within the development, off-street parking shall not exceed three spaces per dwelling unit.

(Ord. 80-59. Passed 7-21-80.)



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a SAFEbuilt Company

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Great Communities.**

Community Planning

Zoning and Form-Based Codes

Transportation Planning

*Public Involvement and
Visioning*

Ongoing Planning Support

Core Values:

LSL Planning, a SAFEbuilt company, believes in a set of core values that provide a foundation for decisions and our professional approach:

Integrity

Improvement

Service

Teamwork

Respect

Principals:

Bradley K. Strader, Planning Director
Paul M. LeBlanc, Planning Manager

Corporate Status:

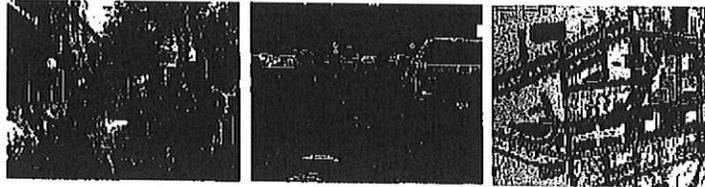
LSL Planning is a SAFEbuilt company organized as an S-Corp in the State of Delaware.
Federal ID: 27-131473

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Since 1996, LSL Planning has become well known and highly respected for innovation in community planning ... and so much more. LSL takes pride in working side-by-side with community leaders throughout the entire planning and implementation process.

Before diving in we get to know the community—its history, culture, leaders and aspirations. Then we customize an approach, inspired by national best practices, to meet the unique needs of each community. Community engagement is a vital part of the process. We effectively apply a wide range of techniques to build consensus and enthusiasm.

No matter which of our services a community might need, we can also serve as ongoing advisors, a role we provide to over 50 municipalities.

The LSL team has earned a reputation for advancing the science and art of community planning and is frequently asked to speak at regional, state and national conferences, webinars, seminars and workshops. Our team is comprised of community planners, designers, and transportation specialists that guide communities to envision, improve and build their own unique sense of place. What we provide:

- Customized best practice plans that meet the unique needs and culture of each community.
- Expertise in a wide range of planning including land use, comprehensive plans, subarea and corridor plans, transportation planning, downtown revitalization and planning, review of development proposals and development regulations.
- We craft and administer form-based codes and development regulations along with ongoing consulting and expert litigation assistance when needed.
- Management of project reviews, consultation with planning commissions and officials, leadership of public meetings and engagement programs.

We measure success by the continued satisfaction of our many clients. Nearly 95% of our clients have engaged us for multiple projects, and several have been with us since the year we opened. Professional and personal service are always quoted as highlights when clients are asked why they work with LSL.

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CBD: Specific Building Requirements: Apartment Buildings

Minimum	700 sq. ft. for each residential unit
Window Transparency Area	25% to 75% of front façade of each residential unit shall consist of windows and doors
Entrances	At least one usable door facing front lot line
Front stoop	Each dwelling shall have a front stoop with steps
Minimum depth	4 ft.
Minimum area	32 sq. ft.
Garages	Off-street parking lots and carports or garages shall be located in the side or rear yard.

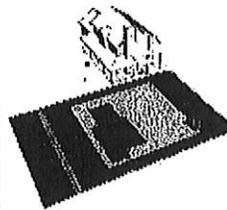
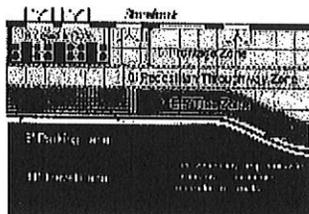
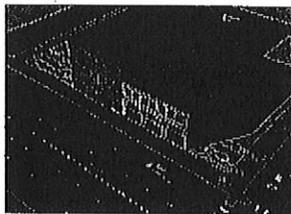
Flat roof with parapel or flat roof between 4:12 and 12:12.

Windows and doors comprises between 25% and 75% of the front facade.



Pedestrian entrance facing sidewalk. Parking to side or rear.

Flat floor elevat on min 2 ft max 6 ft above sidewalk.



Form-Based Codes

Representative Projects

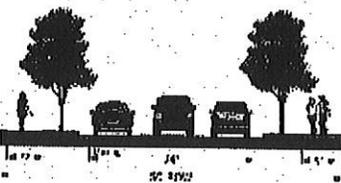
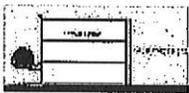
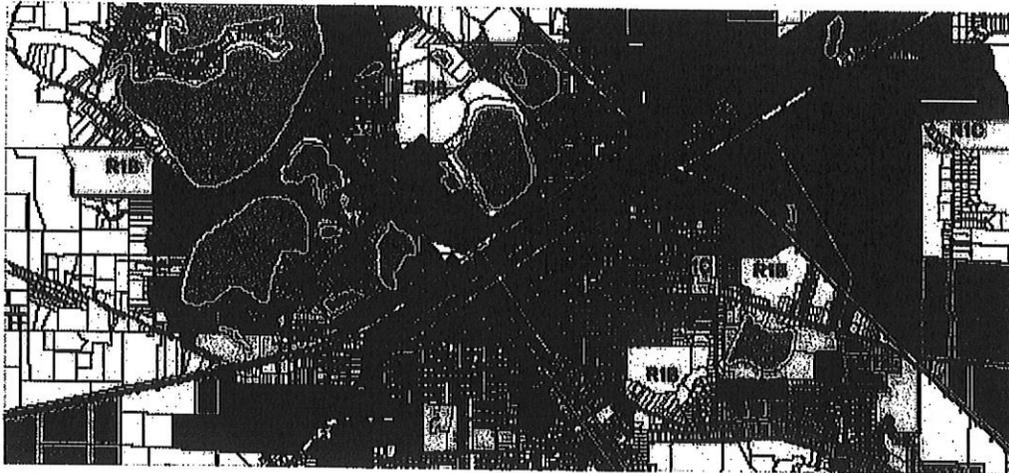
- Birmingham, MI
Triangle District FBC
- Leesburg, VA
Crescent District FBC
- Fremont, MI
Citywide Code
- Midland, MI
Downtown Transition Area Code

One of the freshest zoning concepts to be introduced in decades, Form-Based Code (FBC) is gaining widespread attention from local officials, interested citizens, and the development community. Form-Based Codes rely on design concepts and patterns intended to preserve the best of a community, creating more sustainable places. FBC emphasizes the physical form of the building and its relationship to the street and adjacent buildings. Compatibility of uses is achieved through design and orientation, instead of strict land use separation. The result is development in harmony with the established or desired character of a district supported by mixed uses, pedestrian-friendly systems and complementary scale.

LSL has helped many communities, large and small, achieve their goals for downtown, corridor and neighborhood improvement by incorporating Form-Based Code as an element of traditional zoning or as a community-wide regulatory approach.



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Zoning Ordinance	
Lot depth (feet)	25.0'
Lot width (feet)	25.0'
Setbacks (feet)	25.0'
Maximum building height (feet)	25.0'
Maximum building area (square feet)	25.0'
Maximum lot coverage (%)	25%
Minimum lot coverage (%)	25%

Zoning and Development Regulations

Representative Projects

Palmetto, GA
Zoning Ordinance and Form-Based Code

La Porte, IN
Joint City-County Zoning Ordinance

Midland, MI
Form-Based Code

Bluffton, SC
Unified Development Ordinance

Kodiak, AK
Zoning and Land Management Ordinances

Grandville, MI
User-Friendly Ordinance

The complexion of land development regulation is changing. Modern zoning ordinances are no longer just about separating uses into discreet districts and imposing one-size-fits-all setback, parking and sign regulations. They are being structured to incentivize quality development, integrate land use regulation with storm water management, create sustainable development, balance the interests of the community with the individual freedoms of the property owners and make the processes of review less onerous.

LSL has crafted zoning, subdivision and unified development regulations for nearly 100 communities across the country, ranging from large central cities to rapidly growing suburbs to rural enclaves. In addition to employing a range of advanced techniques to achieve local goals, LSL ordinances are clear, well organized and concise...in other words, user-friendly. We understand the benefits of making development regulations less intimidating and easier to interpret and apply. LSL's iZone™ formatting brings user-friendly to a new level, making the ordinances digitally interactive, with cross-referencing as easy as a mouse click.

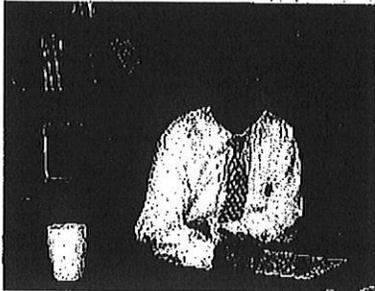


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Paul LeBlanc, AICP

Planning Manager



Paul is the planning manager in LSI's Grand Rapids office. His background in all aspects of community planning is extensive, having worked throughout the country with a multitude of public and private-sector clients. During his distinguished career, Paul has performed in a variety of general and specialized areas of planning practice – comprehensive planning, corridor studies, zoning, project reviews, parks & recreation, and public involvement, making him a valuable contributor on many varied assignments.

Prior to co-founding LSI, Paul was a Principal with a prominent design firm and before that was Vice President for a large architectural/ engineering firm, managing its Planning, Landscape Architecture, and Civil Engineering groups. He has also served in a variety of staff positions with county and regional planning agencies.

Most recently, Paul has been actively involved in a wide array of projects for county and municipal clients in Pennsylvania, Indiana, Kentucky, Ohio, Georgia, Tennessee, Alaska, and Michigan. In recognition of this extensive experience, he is frequently called upon to testify as an expert in zoning litigation.

EXPERIENCE

Since 1971

LSI EXPERIENCE

Since 1996

EDUCATION
B.A., Urban Analysis, University of Wisconsin
M.P.A., Public Administration, Western Michigan University

PROFESSIONAL ASSOCIATIONS
American Institute of Certified Planners
American Planning Association
Georgia APA
Michigan APA
Indiana APA
Member, GPA Legislative Committee

Partial Listing of Experience

Comprehensive and Master Plans

Peters Twp (PA) Comprehensive Plan | Valdosta (GA) Moody AFB Joint Land Use Study | Park Twp (MI) Comprehensive Plan | City of Belding (MI) Comprehensive Plan | Town of Cedar Lake (IN) Comprehensive Plan | Village of Fowlerville (MI) Master Plan | City of Richmond (IN) Comprehensive Plan | City of Portage (MI) Comprehensive Plan | City of Ludington (MI) Waterfront Plan (Planning Award Recipient) | Town of Lapel (IN) Comprehensive Plan | Town of Whiteland (IN) Comprehensive Plan | LaGrange Co. (IN) Subarea Plan | Isabella Co. (MI) Master Plan | Gratiot Co. (MI) Master Plan | Cass County (IN) Comprehensive Plan | Johnson County (IN) Comprehensive Plan

Zoning

Yellow Springs (OH) Zoning Ordinance | Porter County (IN) US 6 Overlay District | City of Palmetto (GA) | City of Wyoming (MI) | Town of Cedar Lake (IN) | Lexington/Fayette Co. (KY) Zoning Analysis | Kodiak Island Borough (AK) | Porter County, IN - US 6 Corridor Overlay | Cannon Twp. (MI) | City of Rockford (MI) | City of Kentwood (MI) | La Porte Co. (IN) | City of New Buffalo (MI) | Georgetown Township (MD) | Niles Township (MI) | Spring Lake Township (MI) | Steuben Co. (IN) | Oldham Co. (KY) PUD Analysis | Gratiot Co. (MI) | Ogemaw Co. (MI) | Isabella Co. (MI) | Ionia Co. (MI)

Business District Plans

City of Crown Point (IN) Downtown Parking/Circulation/Traffic Study | City of DePere (WI) Downtown Development Plan | City of East Grand Rapids (MI) Gaslight Village Master Plan | Lexington/Fayette Urban County Government (KY) Non-residential Infill & Redevelopment Study

Corridor Plans

City of Elkhart (IN) | Grand Rapids (MI) 28th Street Corridor Plan | Kentwood/Wyoming (MI) 44th Street Corridor Plan | Rockford (MI) Ten Mile Road Corridor Plan | Georgetown Twp. (MI) Chicago Drive Corridor Plan

Draft Ordinance (6/15/15)
Chapter 1158 – R-4, Attached Residential District

1158.01 INTENT.

The R-4, Attached Residential District and its regulations are established to achieve the following purposes:

- (A) To provide alternative housing choices to accommodate current residents as they enter new life phases;
- (B) To support the goals and recommendations of the City’s Master Plan and the Retail Improvement Strategy relative to housing options, redevelopment and infill;
- (C) To provide an appropriate transitional use between single family residential and non-residential uses;
- (D) To enhance the vibrancy of the City’s central core business district; and
- (E) To offer a viable redevelopment option to ensure the City’s continued sustainability.

1158.02 APPLICABILITY.

Consistent with the intent, this district may be established in locations specifically identified in the Bay Village Master Plan and Retail Improvement Strategy as development, redevelopment or infill sites for townhouse, condominium or multiple family residential. In addition, other sites may be appropriate to provide a suitable buffer or transition between disparate uses. Properties located along arterial or collector streets in close proximity to retail and service uses may also lend themselves to the uses permitted in this district.

1158.03 PERMITTED BUILDINGS AND STRUCTURES.

- (A) Principal Uses: The principal uses in this district shall be limited to townhouses, as defined in Section 1121.47A and two-family dwellings, as defined in Section 1121.48.
- (B) Accessory Uses: Accessory buildings, structures and uses including, but not limited to, the following are permitted on any lot in the R-4, Attached Residential District:
 - (1) Recreation facilities, such as swimming pools, clubhouses, sauna baths and tennis courts, for the exclusive use of residents and their guests.
 - (2) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
 - (3) Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment, as permitted under this chapter.
 - (4) Detached garages or carports.

1158.04 DEVELOPMENT REQUIREMENTS. The requirements of this section shall be the minimum standards for development within the R-4 District. If any requirement of this section conflicts with other provisions of the City of Bay Village Zoning Code, the provisions of this section shall apply.

- (A) Spatial Requirements: The following requirements, specified in Table 1158-4, shall apply to any development within the R-4 District:

TABLE 1158-4 Spatial Requirements				
		Townhouse	Two-family	
Minimum site area (sq. ft.)		0 ¹	11,000	
Minimum site width (feet)		100	80	
Density (units per gross acre)		8		
Minimum yard setback (feet)	Front yard ³	10 ²	25 ²	
	Rear yard ³	25	35	
	Side	Interior	20	10
		Street	30	25
	Min. separation between ends of buildings	25	N/A	
Maximum building height (feet)	Feet	35		
	Stories	2 ½		
Maximum lot coverage (percent)	Buildings	45	40	
	Pavement and buildings	50	45	
Maximum units per building		6	2	
Minimum finished livable floor area (square feet)	1 bedroom	900		
	2 bedroom	1,200		
	3 bedroom	1,400		
	Additional bedrooms	150/added bedroom		

¹ There is no required minimum area for a townhouse development; provided, the gross density shall not exceed the equivalent of 8 units per gross acre. A minimum lot size of 5,500 square feet per dwelling unit shall be required for two-family dwellings.

² If at least 50 percent of the lots on the same side of the street and within the same block as the subject property contain a principal building, the minimum front yard setback, measured from the front lot line, shall be the average of the setbacks established by those principal buildings within 200 feet on either side of the subject property (not including corner lots where the front setback is on the intersecting street).

³ Front and rear yard setback requirements shall be met for each two-family or townhouse unit.

(B) **Architectural Features:** A projection is that part or feature of a building which extends outside of the enclosing walls and makes the enclosed space more usable. It is intended that certain features may project into required yards, but shall be regulated as provided in Table 1158-4a so they will not substantially interfere with the reception of sun, light and air on adjacent lots or impede emergency access.

Table 1158-4a Projections into Required Yard Setbacks

Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Accessory structures, detached	See Section 1149		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a minimum 3-foot side yard setback		
Air conditioning units, generators and other mechanical equipment	None	3 ft.	3 ft.
		No more than 5 ft. from the building	

Table 1158-4a Projections into Required Yard Setbacks

Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies (uncovered)	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.
Fences and walls	See <i>Section 1163</i>		
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ¹	4 ft.	None	Up to 15 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed ¹	4 ft.	3 ft.	10 ft.
Stairways (not including steps to main floor entry) and below-grade stairwells	None	3 ft.	10 ft.
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

Footnotes:

¹ Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks for the principal building.

(C) Open Space: For townhouse developments, those areas of the site not covered by buildings, structures or pavement shall remain as open space. At a minimum, at least 40 percent of the total project site for townhouses shall be retained as open space, in accordance with the following:

(1) Open space shall meet the following standards:

- a. Provide spaces for the common use of all residents of the townhouse development or sufficient yards adjacent to each unit for the use of the residents of those units;
- b. Common open space areas shall be centrally located or distributed throughout the development to provide convenient access in close proximity to all residents;
- c. Preserve significant natural features on the site, including mature trees;
- d. The Planning Commission may reduce the open space requirement, based on a finding that one or more of the following conditions exists:
 - i. The subject site abuts or is directly across the street from a public park or similar dedicated public open space area;
 - ii. The site is adjacent to a dedicated non-motorized trail or pathway that provides access for pedestrians and cyclists to City parks in relative proximity to the subject site; or
 - iii. The proposed development will provide one or more natural preserves and/or common activity areas for its residents that are of significant size and configuration to fulfill the spirit and intent of the open space requirement.

- (2) As a condition to approval, plans for the care, maintenance, use and disposition of all open space shall be approved by the City Council, upon a recommendation from the Planning Commission, providing for:
 - a. The public dedication and acceptance of all or a portion of the open space, if found by the Council to be of benefit to the general public; or
 - b. The retention of property in common ownership of the individual owners through appropriate legal means to insure continuous preservation, maintenance and use for the purpose intended.
 - c. If a portion, but not all, of the open space is accepted by the City, the remainder of the open space not accepted shall be subject to the procedures and controls cited in subparagraph (2)b.
- (3) All areas proposed for dedication to the City must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to and accessible by the general public. Title of all land dedicated to public use shall be unencumbered at the time of conveyance, and all areas shall be fully improved by the applicant, as required by the City Council, including all utilities, public walkways and streets through or abutting the property.

(D) Common Areas:

- (1) For all areas proposed for common ownership in any residential development within the R-4 District, rights of development other than for the use specified in the approved final development plan shall be subject to approval of the City Council. The use of common areas such as, but not limited to: open space, parking areas, private streets and alleys, recreational facilities, and common service facilities shall be restricted by appropriate legal documents, approved by the City's Director of Law, which provide for the management and maintenance of all common facilities. Legal instruments providing for dedications, covenants, home owners association and subdivision controls shall:
 - a. Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home owners association, cooperative or similar legal entity.
 - b. Appropriately limit the use of common property.
 - c. Assign responsibility for management and maintenance of common property. Council, at its discretion may require the applicant to obtain City services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.
 - d. Place responsibility for enforcement of covenants.
 - e. Permit the subjection of each dwelling unit to assessment for its proportionate share of maintenance costs.
- (2) All common property shall be fully improved by the applicant prior to issuance of an occupancy permit, including all utilities, landscaping, lighting, walkways and streets through or abutting the property; provided, the chief building official may issue an occupancy permit prior to completion of landscaping if it is determined that weather conditions prevent timely completion of the landscaping and a financial guarantee is posted to assure that all improvements will be completed within 120 days of receiving the occupancy permit.

- (3) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.

(E) Streets and Access: All proposed streets and access within the R-4 District shall ensure efficient access and circulation of all vehicles and safe movement of non-motorized conveyances and pedestrians. The design and layout of streets and walkways within the development shall be established by the Planning Commission; provided, at a minimum, ~~meet the following requirements in addition to the~~ shall be met: ~~City of Bay Village construction standards for public streets~~:

- (1) Dedicated Streets. Dedicated streets shall not extend more than 1, 200 feet without intersecting another dedicated street.
- (2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to more than 30 units.
- (3) Private Streets. Private streets shall not exceed 600 feet in length without intersecting another private or dedicated street, nor provide direct or indirect access to more than 30 units.
- (4) Private Cul-de-Sacs. Non-dedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.
- (5) Alleys. Access to units, garages or parking areas may be from alleys; provided, the alley meets City design standards and connects on both ends to a public or private street.
- (6) Access to Perimeter Streets. Townhouse units may front upon any public street abutting the boundaries of the project site; provided, all vehicular access shall be via interior public or private streets and individual driveways shall not be permitted along the perimeter street.
- (7) Walkways. A walkway system shall be provided along perimeter streets abutting the R-4 District and on both sides of interior streets within any development. The walkways shall be ramped at all street intersections to provide handicapped accessibility and shall be separated from the adjacent dedicated or private street by a grass strip at least four feet wide.

(F) Parking: Off-street parking shall be provided in accordance with the following requirements:

- (1) Two spaces shall be provided for each dwelling unit, plus an additional .25 spaces per townhouse unit for visitors;
- (2) At least one of the required parking spaces per unit shall be within a garage attached to the unit which it serves;
- (3) Parking spaces shall be a minimum dimension of 20 feet long by 9 feet wide;
- (4) All parking spaces shall be hard-surfaced (asphalt or concrete) and striped; and
- (5) Parking areas and detached garages or carports shall not be permitted in any front or side yard and shall be set back at least 10 feet from any adjoining side or rear lot line; provided, if a garage or carport faces and is accessed from an alley, the minimum building setback shall be 20 feet from the rear lot line.

(G) Landscaping: For all residential development in the R-4 District, except a single building containing a two-family dwelling on one (1) lot, a landscape plan, prepared by a landscape architect registered in the State of Ohio, shall be submitted for Planning Commission approval in accordance with the following minimum requirements:

- (1) Front yard landscaping shall contain at least one shade tree for each dwelling unit with a minimum caliper of two and one-half (2½) inches and one ornamental tree for each two units. Shrubbery and/or other low plant material at least 24 inches high at time of planting and approved by the Planning Commission shall be installed along the foundation of each unit.
- (2) A perimeter buffer meeting the following minimum requirements shall be installed along the side and rear property boundaries for townhouse developments abutting property zoned First Residence or Third Residence:
 - a. Minimum width of 10 feet;
 - b. Equivalent of one (1) tree per 50 feet or fraction of buffer zone length, at least one-third (1/3) of all trees shall be evergreen trees. At the time of planting, deciduous trees shall be a minimum of two and one-half (2 ½) inch caliper and evergreens shall be at least six (6) feet tall;
 - c. Three (3) foot high continuous sight-obscuring screen composed of plant material, berms, walls, fences or any combination approved by the Planning Commission;
 - d. If berms are used for any part of the buffer, they shall contain one (1) shrub for every 10 feet of berm length in addition to the requirements of subsection (2)b. All required plant material shall be placed on the top or side slope of the berm facing the exterior property line;
 - e. If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub for every 10 feet of wall or fence shall be placed along the exterior side in addition to the requirements of subsection (2)b. At least half of all shrubs shall be a minimum of 24 inches high at the time of planting;
 - f. All areas within the buffer strip not containing trees, shrubs or planting beds shall be planted with grass and other living ground cover; and
 - g. In order to promote better design and a more natural appearance, the required trees and other plant material need not be uniformly spaced. Clusters or groupings of plant material may be permitted; provided, the intent of the buffer strip to provide separation and screening from adjoining uses is achieved.
- (3) Landscaped islands shall be provided within parking areas to reduce the visual impact of parking upon the development. At a minimum, a landscaped island at least nine (9) feet wide and 180 square feet in area shall separate each eight (8) contiguous parking spaces. Each island shall contain trees and/or other living plant material to provide visual relief and physical separation of parking spaces.
- (4) Screening shall be provided around all outdoor trash dumpsters, as follows:
 - a. Solid sight-obscuring fence or wall six (6) feet high;
 - b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use;
 - c. The fence or wall shall be constructed of masonry, treated wood or other material approved by the Planning Commission if determined to be attractive, durable, weather resistant, rust proof and easily maintained. Chain link and barbed wire fences are not permitted.

(H) Building Materials and Design Standards: Exterior design of all principal and accessory buildings shall complement the character of the adjacent neighborhood with respect to building materials, details, roof pitch, setbacks and scale. However, at a minimum, the following standards shall apply, unless a modification is permitted, as specified in Section 1158.05 H:

- (1) Exterior Materials.
 - a. Primary: At least 80 percent of the building exterior shall consist of:
 - i. brick and tile masonry (or synthetic equivalent),
 - ii. native stone (or synthetic equivalent),
 - iii. hardieplank or equivalent, and/or
 - iv. wood siding.
 - b. Accent: No more than 20 percent of any façade may consist of:
 - i. pre-cast masonry (for trim and cornice elements only),
 - ii. gypsum reinforced fiber concrete (GFRC – for trim elements only),
 - iii. metal (for beams, lintels, trim elements and ornamentation only), and/or
 - iv. split-faced block (for piers, foundation walls and chimneys only).
- (2) Building Facades. Long, monotonous building planes shall be avoided. The front façade of each row of townhouse units within a single building shall be articulated using means such as, but not limited to: offsetting the front setback of individual units; using gables; recessing front entries; varying colors and materials on each unit; using a variety of window sizes and styles and/or incorporating columns, dormers, overhangs or other architectural elements. In addition, the following requirements shall be met:
 - a. Transparency: Windows and doors shall comprise at least 25 percent of the front façade and the street side façade for units abutting a public street.
 - b. Front entry: Each dwelling unit shall have a front door facing a street or public open space that is accessed from a stoop or porch.
 - i. a stoop shall have a minimum depth of four feet and a minimum area of 24 square feet;
 - ii. a front porch must be at least eight feet deep, with a width equal to at least 40 percent of the width of the dwelling unit;
 - c. Roofs:
 - i. Pitched roofs shall have at least a 4:12 but not more than a 12:12 pitch. Mechanical equipment located on the roof shall be on the back half of the building and screened on all sides so as not to be visible as observed from the sidewalk or pavement edge of the street.
 - ii. Flat roofs shall be enclosed by a parapet which shall be high enough to conceal mechanical equipment as observed from the sidewalk or pavement edge of the street.

1158.05 REVIEW AND APPROVAL

- (A) Application: Applications for rezoning property to an R-4 District shall be submitted to the chief building official on a form for that purpose, along with a required fee. In addition, sufficient copies, as determined by the chief building official, of a development plan and other supporting information, materials and documentation shall be submitted to explain and support the request and assure the fullest presentation of facts. Incomplete applications shall not be considered. Each application shall be verified by the owner(s) or option holder of the property, attesting to the truth and correctness of all facts and information. The application, development plan and other supporting materials shall be distributed to all relevant department heads, boards or commissions that may have jurisdiction over any aspect of the proposed development.
- (B) Development Plan: The development plan shall contain, at a minimum, the information specified in Section 1129.01.

- (C) Planning Commission Review: The complete application and all required documents shall be forwarded to the Planning Commission for review. The applicant shall attend the review meeting and present the proposed project to the Commission.
- (D) Public Hearing: Following the initial review meeting, the Planning Commission shall schedule a public hearing, notice of which shall be given to owners of property adjoining the subject site and published in a newspaper of general circulation in the city, as required by Ohio law. A public hearing shall only be required if the subject property is to be rezoned. If the property is already zoned R-4 and the applicant is seeking approval of the development plan, a public hearing shall not be required.
- (E) Planning Commission Decision:
- (1) If the subject property is to be rezoned, the Planning Commission shall, upon conclusion of the public hearing, make a recommendation to the City Council to approve or disapprove the request and shall state the reasons and findings for its recommendation. In addition, if the Planning Commission recommendation is to approve the rezoning to R-4, it shall also transmit its decision with respect to approval, approval with conditions or disapproval of the development plan. The Planning Commission's action to approve the development plan or approve with conditions shall be contingent upon Council action to rezone the property and shall be based on the standards cited in 1158.05 (G). In the event the City Council approves the change in zoning, but differs with the Planning Commission regarding its decision relative to the development plan, the Council may, by ~~three-fourths~~two-thirds vote of its members, reverse or modify the Planning Commission decision.
 - (2) If the subject property is already zoned R-4, the Planning Commission shall review the development plan and approve, approve with conditions or disapprove the plan based on the standards cited in Section 1158.05 (G). The reasons for their action shall be stated for the record and provided, in writing, to the applicant. No public hearing or Council action shall be required.
- (F) City Council Action: Upon receiving the Planning Commission recommendation regarding the rezoning, the City Council shall vote to approve or disapprove the change in zoning to the R-4, District.
- (G) Review Standards: The development plan shall be approved upon a finding that the plan meets the following standards:
- (1) The development plan complies with all requirements of this chapter, all applicable requirements of this ordinance and all other applicable laws and regulations.
 - (2) The site is designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
 - (3) The site is designed in a way that minimizes impacts upon adjacent property and mitigates the potential negative effects of traffic, noise, and glare to the maximum extent reasonably possible.
 - (4) The development plan shall be found to be consistent with the Intent and Applicability provisions of this chapter, as stated in Sections 1158.01 and 1158.02, respectively.
 - (5) Unless a more specific design standard is required by the city through a different ordinance, all uses and structures subject to development plan review shall comply with the following:
 - a. Traffic Circulation. The number, location and size of access points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and

efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

- b. Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system.
- c. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscaping, buffers and greenbelts, as required by this chapter, shall adequately screen proposed buildings from surrounding property.
- d. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. Where necessary, screening shall be provided to shield abutting residential properties from headlights and glare.
- e. Utility Service. All utility service shall be underground, unless impractical.
- f. Exterior Uses. Outdoor storage areas, parking areas, trash receptacles, heating and cooling units and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
- g. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
- h. Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.

(H) Modification of Requirements: The Planning Commission may modify the requirements of this chapter with respect to building materials or by reducing parking, landscaping or open space provisions when it is demonstrated that development flexibility is needed, based on one or more of the following:

- (1) The property configuration, size and/or dimensions
- (2) Proximity and type of adjacent use(s)
- (3) Character of surrounding development
- (4) Presence site constraints
- (5) Existence of natural buffers on adjoining property

1158.06

RESERVED

Other Proposed Amendments

Section 1121.06, *Apartment House*: Delete. This is an archaic term and appears to not even be used in the zoning code.

Section 1121.13, *Double House*: Delete. This is not a standard term, appears not to be used in the code and adds potential confusion to the meaning of “two-family dwelling”.

Section 1121.14, *Duplex Dwelling*: Delete. This unnecessarily complicates the definition of “two-family dwelling”.

Section 1121.15, *Dwelling*: Revise, as follows:

DWELLING UNIT. “Dwelling unit” is a building or portion of a building designed for use and occupancy by one family and includes permanent provision for living, sleeping, cooking, eating and sanitation.”

Section 1121.25a, *Multiple-family dwelling*: Insert this new definition, as follows:

MULTIPLE FAMILY DWELLING. “Multiple family dwellings” is a building designed for occupancy by three or more families living independently of each other.

Section 1121.47a, *Townhouse dwelling*: Insert this new definition, as follows:

TOWNHOUSE DWELLING. “Townhouse dwelling” is a dwelling designed for occupancy by one family in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any adjoining unit by one (1) or more vertical common fire-resistant walls. May also be referred to as a rowhouse or attached single family dwelling.

Section 1121.48, *Two family dwelling*: Revise, as follows:

TWO FAMILY DWELLING. “Two family dwelling” is a detached building designed and used for occupancy exclusively by two (2) families living independently of one another. May also be referred to as a duplex.



City of Bay Village

350 DOVER CENTER ROAD
BAY VILLAGE, OHIO 44140-2299

Phone: 440/871-2200
Fax: 440/871-5751

Agenda, Bay Village City Council
Regular Meeting, Council Chambers

September 21, 2015
8:00 p.m.

Caucus 7:30 p.m. Conference Room
(Public Welcome)

Paul Koomar, President of Council, Presiding
Pledge of Allegiance/ David L. Tadych, Councilman, Ward 1
Roll Call
Reading of Minutes – Special Meeting of Council held September 14, 2015
Cahoon Memorial Park Trustees meeting held September 14, 2015

ANNOUNCEMENTS

Mayor's Proclamation

Reverend Dennis Stylski, Pastor, Bethesda-on-the-Bay Lutheran Church

REPORTS

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

COMMUNICATIONS

AUDIENCE

COMMITTEE OF THE WHOLE

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Vincent

Mr. Charles Ramer, Northeast Ohio Public Energy Council (NOPEC)
Natural Gas Aggregation – Explanation of Process and Questions and Answers

Ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Bay Village, Ohio, to approve, adopt and enact new matter in the Traffic, General Offenses, and Fire Codes, and declaring an emergency. **(First Reading and Adoption)**

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Lee

Ordinance 15-63 amending The Traffic Control Map and File of the City by enacting Two “No Parking” signs, and declaring an emergency. **(Second Reading and Adoption) (First Reading 9-14-15)**

FINANCE AND CLAIMS- Mr. Clark

Ordinance 15-64 amending Section 1 of Ordinance No. 15-16 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. **(Second Reading and Adoption) (First Reading 9-14-15)**

Resolution authorizing the Director of Finance to request tax advancements before settlement dates for the Fiscal Year 2016, and declaring an emergency.

Ordinance authorizing the Mayor to enter into an extension of the lease agreement with Village Bicycle Cooperative for the real estate located at 303 Cahoon Road and declaring an emergency.

Resolution accepting donation for the City of Bay Village Recreation Department, and declaring an emergency.

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

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

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Henderson

MISCELLANEOUS

Agenda
Regular Meeting of Council
September 21, 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.

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. 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 7:30 p.m.

September 14, 2015

Paul Koomar, President of Council, Presiding

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

Also Present: Law Director Ebert, Director of Public Service/Safety Thomas, Police Chief Spaetzel, Operations Manager Landers, Bob Greytak, CT Consultants

AUDIENCE

The following audience members signed in this evening: Jerrie Barnett, Marty Mace, Conda Boyd, Lydia DeGeorge, Russell Thompson, Denny and Tara Wendell, Jeff Gallatin, Lawrence Kuh, Jean Juhas, Jerrie Barnett, Joe Hochman, Mark Chernisky, Clete Miller, Susan and Dennis Driscoll, Rich Norcross, Elaine Mayer, Lois Murphy, Tom Stevens, Joe TePas, John and Carole Guska, Claire Banasiak.

President of Council Koomar called the meeting to order at 9:15 p.m. with a roll call and Pledge of Allegiance led by Steve Lee, Councilman-at-large.

Mr. Koomar called for comments from the audience.

Mr. Joe Hochman, Glen Park Drive, stated that he is present this evening to discuss major issues he has with erosion of the Glen Park culverts and erosion of energy control measures around the creek. Most of them are in pretty bad shape. He stated that he made the issue plain several years back before he took on the project for which he did not receive funding assistance from the City. He stated that there is a good chance there will be a major flood in the area and he would like it put on record that he would like someone from the City walk the creek that has the eyes and experience to gauge what has to be done to the structures. He has done all he could about maintaining the property. He has received a letter that says his property has issues and he would like to get that addressed sometime soon.

Mr. Koomar stated that an issue on Mr. Hochman's property would be a private property issue. In response to some of the concerns on Mr. Hochman's property, and that of adjacent property owners, Service Director Thomas went out and walked the property, and consulting engineer Bob Greytak has also come out to the property.

Service Director Thomas stated that in the second week of July he met with Mr. Hochman in regard to his property. On July 17, 2015, Mr. Thomas looked at the property, and took photographs. Mr. Hochman was informed that within a two week period, Mr. Thomas would talk about his concerns of safety for the area of Wischmeyer Creek, and that he would get Mr. Hochman in touch with consulting engineer Bob Greytak. Mr. Greytak and Mr. Thomas returned to Mr. Hochman's property.

Mr. Greytak reported that he and Mr. Thomas looked at the property, took photographs, and reviewed the file of the property back to 1994. Mr. Greytak's understanding is that there was an original timber wall that was cited for its condition and replaced by a concrete wall that was done by a contractor engaged by Mr. Hochman. The concrete wall was constructed under Mr. Hochman's supervision and the design was totally within his control. At this point, Mr. Hochman is concerned about the upstream end of the wall that is exposed to erosion. However, that termination was entirely under his control. The recommendation Mr. Hochman requested was to extend the wall onto his neighbor's property and terminate it into the hillside of the neighbor's property. Mr. Greytak's response to Mr. Hochman was that the design was his responsibility, he chose the design, the remediation that he is proposing falls on the neighbor's property, over which neither Mr. Hochman or the City has control. Therefore if he needs to do something he should do it within his own property under his direction and supervision. Mr. Greytak stated that he does not believe the City of Bay Village has any responsibility for this wall.

Mr. Koomar asked Mr. Greytak if he saw any issues with the creek flowing on the property out to the lake. Mr. Greytak stated that he did not walk any area other than Mr. Hochman's property.

Mr. Ebert stated that he did receive from Mr. Hochman the name of Mr. Bill Votruba who constructed Mr. Hochman's wall. Mr. Ebert did try to call Mr. Votruba on two occasions, and left a message for him to call Mr. Ebert back. Mr. Ebert stated that in the early 1990's Issue 2 funds covered the upstream widening of some of the culverts. The work ended around Mr. Hochman's property. Mr. Hochman engaged a private contractor to remove the timber wall that was there. Mr. Ebert stated that the City is not responsible for private property.

Mr. Koomar asked the Clerk of Council to enter into the record the letter that was given to Mr. Hochman from Mr. Greytak, as follows:

“September 4, 2015

Mr. Joseph S. Hochman
304 Glen Park
Bay Village, Ohio 44140-2219

Re: *Retaining Wall*
Permanent Parcel No. 203-15-015

Dear Mr. Hochman:

My understanding of the issue regarding this property is that you are concerned high water events in Wischmeyer Creek may impact the stability of your retaining wall on the east bank of the creek. This retaining wall is a precast concrete structure that was designed to replace a timber wall in the same location. You engaged the services of a contractor to construct the wall. The City of Bay Village was not contractually involved in the project.

Special Meeting of Council
September 14, 2015

During my site visit on August 3, 2015, you expressed concern about the south terminus of the retaining wall which is exposed to oncoming flow. You pointed out that the wall, composed of stacked straight sections of 2' x 2' x 6' long concrete block, was installed without an upstream abutment or return into the bank leaving the wall open to oncoming water at its south terminus. You indicated the wall needs to be extended to the south, turned and embedded into the east bank on the property located immediately south (310 Glen Park). You expressed a desire to sell the property, but feel that the state of the south end of the retaining wall will impact the marketability and value of this property. You voiced an opinion that the City of Bay Village should be responsible for taking corrective actions to prevent potential damage to the wall and that you are unable to undertake the modifications because it involves work on property that you do not own.

The design and construction of the current retaining wall was entirely under your control. The south end of the wall could have been embedded into the stream bank within the limits of your property at the time of construction but for whatever reason, this was not done. It may have been an oversight, but regardless, you did not construct the wall in the way that you now want it.

It is my opinion that the condition of this retaining wall is an issue that is separate and distinct from other stream bank issues along Wischmeyer Creek in that the construction details for the retaining wall were fully within your control, and not as a result of any directive from the City of Bay Village. I do not believe the City has any financial responsibility for adding to or modifying any portion of the retaining wall either on your property or adjacent to your property.

If you have any questions, please do not hesitate to contact our office.

Respectfully,

CT CONSULTANTS, INC.

Robert H. Greytak, P.E.
Bay Village City Engineer

RHG/saa

cc: Scott Thomas, Director of Public Services and Properties
Gary A. Ebert, Director of Law
John Cheatham, Building Official, SAFEbuilt™

Further discussion followed between Mr. Hochman and Mr. Koomar. Mr. Hochman expressed his concern of the condition of the erosion control structures. Mr. Hochman stated that he was not included in the funds for the project. Mr. Hochman stated that originally the culvert under Lake Road was supposed to be replaced, and the channels past his property and upstream were to be concrete lined. He asked if the City is planning on asking the state to replace the culvert or enlarge the culvert on Lake Road, and the stretchers between the two culverts.

Special Meeting of Council
September 14, 2015

Director Thomas stated that there are no such plans at this point. Mr. Koomar stated that the Service Department is putting together a five-year capital plan now. There have been improvements with the sewers and the streams are part of that. If the Service Department feels that in year three or five of that plan that something should be done, then Council will entertain that. If they feel it is in good working order right now and there are higher priorities, we will follow their recommendation.

Mr. Hochman stated that if anyone decides to walk that creek for an inspection, he would like a copy of that report as soon as possible. Mr. Hochman stated that this should be done at least once per year, as required by the state.

Mr. Ebert stated it has been twenty years since the work was done. The wall has done a good job. It will not last forever. Mr. Ebert did call Mr. Votruba to express Mr. Hochman's concern, and Mr. Ebert will report his response to Mr. Hochman.

Marty Mace, Elmwood Road, stated that during the conversations about the Panorama Restaurant that just opened, there was a suggestion that the parking lot behind the post office may be utilized for parking after hours of the post office. During recent activities at St. Raphael's Parish, attendees were asked to move their cars or face towing. He stated that this parking may not be a viable option for the restaurant. Mr. Tadych stated that he was at St. Raphael's when they announced that four cars were going to be towed by Bay Village if they weren't moved immediately.

Mr. Vincent suggested speaking with the post office management. Mr. Ebert will look into the matter further.

Mr. Koomar called for approval of the minutes of the Special Meeting of Council held August 17, 2015. Mr. Henderson called for a correction to the minutes on Page 5, third paragraph from the bottom to correctly attribute comments made by Mr. Henderson, rather than Mr. Thomas. **Motion by Clark** to dispense with the reading of the minutes of the Special Meeting of Council held August 17, 2015, and to approve as prepared, distributed and amended by Mr. Henderson. **Motion passed 7-0.**

Motion by Clark, to acknowledge receipt of the financial reports of the City of Bay Village for the month of August, 2015, as prepared by Finance Director Renee Mahoney.

Motion passed 7-0.

Mr. Lee introduced and read **Ordinance No. 15-63** amending The Traffic Control Map and File of the City by enacting Two "No Parking" signs, and declaring an emergency.

Ordinance No. 15-63 was placed on first reading. Mrs. Lieske asked for clarification of the word "side" in Section 1. The Law Director will advise if the word should be "side" or "sign."

Mr. Clark introduced and read **Ordinance No. 15-64** amending Section 1 of Ordinance No. 15-51 regarding rates of compensation for the officers and employees of the General Administration

Special Meeting of Council
September 14, 2015

Department and those employees of the City not covered by separate labor contract for the Calendar Year 2015 and thereafter, and declaring an emergency. Line No. 9 will be corrected to sunset as of October 31, 2015.

Ordinance No. 15-64 will be placed on first reading.

Mr. Clark introduced and read **Resolution No. 15-65** accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies and certifying them to the County Fiscal Officer, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 15-65.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays – None.

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-65, an emergency measure, by a vote of 7-0.

Mrs. Lieske introduced and read **Ordinance 15-66** extending the moratorium on the development under Chapter 1158, Attached Residences in the City of Bay Village, and declaring an emergency, and moved for adoption. Mrs. Lieske noted that since the existing moratorium will expire in the next day or two, the emergency clause to extend the moratorium makes sense.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 15-65.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the 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.

Special Meeting of Council
September 14, 2015

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 15-65, an emergency measure, by a vote of 7-0.

Item No. 10 on the agenda to convene to Executive Session regarding Outside Legal and Related Litigation Olson/Pavicic, Tasse, O'Donnell Updates has been removed. In its stead, Law Director Ebert stated that on the Olson/Pavicic matter a settlement has been signed and circulated. The Tasse matter with the City of Cleveland has been settled. The O'Donnell matter is still pending.

There being no further business to discuss, the meeting adjourned at 9:30 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

September 14, 2015

President of Council Koomar called the meeting to order at 9:13 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, Director of Public Service/Safety Thomas, Police Chief Spaetzle, Operations Manager Landers, Bob Greytak, CT Consultants

AUDIENCE

The following audience members signed in this evening: Jerrie Barnett, Marty Mace, Conda Boyd, Lydia DeGeorge, Russell Thompson, Denny and Tara Wendell, Jeff Gallatin, Lawrence Kuh, Jean Juhas, Jerrie Barnett, Joe Hochman, Mark Chernisky, Clete Miller, Susan and Dennis Driscoll, Rich Norcross, Elaine Mayer, Lois Murphy, Tom Stevens, Joe TePas, John and Carole Guska, Claire Banasiak.

Fitness Trail Sign Design

Motion by Henderson that the Cahoon Memorial Park Trustees accept the design as presented in Mr. Henderson's memorandum of August 26, 2015 to the Cahoon Memorial Park Trustees, and included in the Council packets on September 11, 2015, for the signs to be installed at the Fitness Trail in Cahoon Memorial Park.

Motion carried 8-0.

Disc Golf Improvement Eagle Scout Project – David Russell

Motion by Henderson that the Cahoon Memorial Park Trustees approve the Disc Golf Improvement Eagle Scout Project as verbally proposed this evening in the Committee Meeting of Bay Village City Council, pending receipt of a written document describing the project.

Motion carried 8-0.

There being no further business to discuss, the meeting adjourned at 9:15 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO.
INTRODUCED BY

AN ORDINANCE

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE, OHIO, TO APPROVE, ADOPT AND ENACT NEW MATTER IN THE TRAFFIC, GENERAL OFFENSES AND FIRE CODES AND DECLARING AN EMERGENCY.

WHEREAS, Bay Village Charter Section 2.13 authorizes Council to adopt codification ordinances, codifying, revising and rearranging the ordinances or any portion thereof; and

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the City of Bay Village, Ohio;

WHEREAS, Council wishes to adopt the 2015 Replacement Pages to the Traffic and General Offenses Codes to conform and comply with current State law; and

WHEREAS, it has authorized the Walter H. Drane Company to prepare and publish such Replacement Pages; and

WHEREAS, publication of the new Replacement Pages has been completed and such Replacement Pages are presently before Council for adoption:

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

SECTION 1. That the editing, arrangement and numbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City of Bay Village, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
14-81	9-15-14	129.02
14-104	12-15-14	921.02
14-105	12-15-14	923.01
14-106	12-15-14	181.36
15-05	3-16-15	1305.02
15-06	3-9-15	1307.02
15-54	6-29-15	129.02

SECTION 2. That the following sections are new matter in the Traffic and General Offenses Codes and are hereby approved, adopted and enacted:

Traffic Code

- 307.02 Impounding Vehicles on Private Residential Property. (Amended)
- 307.03 Tow Away Zones. (Amended)
- 331.45 Vehicular Operation on Street Closed Due to Rise in Water Level. (Added)
- 335.031 Driving With Probationary License; Curfew. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 335.09 Display of License Plates. (Amended)
- 335.10 Expired or Unlawful License Plates. (Amended)
- 341.01 Definitions. (Amended)
- 341.03 Prerequisites to Operation of a Commercial Vehicle. (Amended)
- 341.05 Criminal Offenses. (Amended)
- 341.06 Employment of Drivers of Commercial Vehicles. (Amended)
- 351.04 Parking Near Curb; Handicapped Parking. (Amended)

General Offenses Code

- 501.07 Requirements For Criminal Liability. (Amended)
- 501.08 Culpable Mental States. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.09 Soliciting. (Amended)
- 533.14 Unlawful Advertising of Massage. (Added)
- 537.05 Aggravated Menacing. (Amended)
- 537.051 Menacing by Stalking. (Amended)
- 537.06 Menacing. (Amended)
- 545.01 Theft and Fraud Definitions. (Amended)
- 545.02 Determining Property Value in Theft Offense. (Amended)
- 545.05 Petty Theft. (Amended)
- 545.15 Securing Writings by Deception. (Amended)
- 549.01 Weapons Definitions. (Amended)
- 553.03 Duties of Locomotive Engineer. (Amended)

SECTION 3. That a copy of such ordinances or parts of ordinances as edited, arranged and numbered or renumbered as parts of the Codified Ordinances and the complete text of the Traffic and General Offenses Code sections listed above are attached to this ordinance in the form of 2015 Replacement Pages to the Codified Ordinances.

SECTION 4. That Council mandates that this Ordinance be posted in full at the five (5) posting places for a minimum of fifteen (15) days, with notice to all residents and the public that the adopted 2015 Replacement Pages are available for viewing and examination at the office of the Clerk of Council during regular City Hall business hours.

SECTION 5. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 6. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, 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

ORDINANCE NO. 15-63
INTRODUCED BY: Mr. Lee

(First Reading 9-14-15)
Amended by reading (typo send paragraph- the
Word "side" changed to "sign" after the word
"Each."

AN ORDINANCE
AMENDING THE TRAFFIC CONTROL MAP AND FILE OF THE CITY BY
ENACTING TWO NO PARKING SIGNS,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Traffic Map and File of the City of Bay Village is hereby amended by enacting two no parking signs as follows:

"Two No Parking signs to be erected on the south side of Westwood in front of 29125 Westwood. Each sign would indicate *"No Parking, Stopping or Standing between signs (corresponding directional arrow on each sign)"* The western most sign would be placed on the tree lawn near the west terminus of the roadway. The second would be 90' east of the first sign, located on the tree lawn several feet east of the driveway apron of 29125 Westwood".

SECTION 2. That the Traffic Control Map of the City be and the same is hereby amended to designate the traffic control as stated, and the Traffic Control File be and the same is hereby amended to provide for the erection of the appropriate signs at said location.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to make said changes to provide for the safety of handicapped individuals, 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

7/31/15 II

ORDINANCE NO. 15-64
INTRODUCED BY: Mr. Clark

First Reading 9-14-15
Amended by Reading to sunset Line 9 on Oct. 31, 2015

AN ORDINANCE
**AMENDING SECTION 1 OF ORDINANCE 15-51 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.**

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

SECTION 1. That September 29, 2015 the compensation to be paid to the officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

	July 1, 2015 and thereafter	September 29, 2015 and Thereafter
1. Director of Finance	\$93,386	\$93,386
2. Assistant Finance Director	\$67,713	\$67,713
3. Accounts Payable Coordinator	\$17.57 – \$20.12 per hour	\$17.57 – \$20.12 per hour
4. Part-time Human Resources Administrator	28.00 per hour	28.00 per hour
5. Part-time Clerical	\$11.68 – \$15.91 per hour	\$11.68 – \$15.91 per hour
6. Director of Law	\$72,296	\$72,296
7. Prosecutor	\$33,922	\$33,922
8. Dir. Public Service & Properties	\$90,515	\$90,515
9. General Foreman	\$73,425	\$73,425**
10. Public Works Supervisor of Operations	\$75,485	\$75,485
11. Public Works Supervisor		\$70,000
12. Sewer Collections Maintenance Foreman Supervisor	\$59,160	\$61,160

13. Infrastructure Manager	\$64,260	\$64,260
14. Property Maintenance Inspector	\$59,160	\$59,160
15. Projects Coordinator	\$30.60 per hour	\$30.60 per hour
16. Part-time	\$8.10 – \$17.22 per hour	\$8.10 – \$17.22 per hour
17. Seasonal	\$8.10 – \$16.64 per hour	\$8.10 – \$16.64 per hour
18. Director of Recreation	\$73,361	\$73,361
19. Asst. Recreation Director	\$43,135	\$43,135
20. Assistant to Mayor	\$45,509	\$45,509
21. Clerk of Council	\$50,210	\$50,210
22. Fire Chief	\$100,864	\$100,864
23. Police Chief	\$100,864	\$100,864
24. Deputy Police Officer		
Start	\$22.88 per hour	\$22.88 per hour
After 2080 hours	\$25.43 per hour	\$25.43 per hour
After 4160 hours	\$28.82 per hour	\$28.82 per hour
After 6240 hours	\$32.83 per hour	\$32.83 per hour
25. Full-time Dispatch		\$17.50-\$22.00 per hour
26. Part-time Dispatch		\$15.75-\$19.80 per hour
27. School Guard	\$9.61 – \$14.17 per hour	\$9.61 – \$14.17 per hour
28. Jailer/Matron	\$14.17 per hour	\$14.17 per hour
29. Director of Community Services	\$59,160	\$59,160

30. Assistant Director of Community Services	\$35,700	\$35,700
31. Senior Van Driver	\$8.94 – \$12.55 per hour	\$8.94 – \$12.55 per hour
32. Safety Director	\$5,000	\$5,000

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

and present Section 1 of Ordinance 15-51 is hereby repealed.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City’s needs, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

7-15-15 jk

**** Effective through October 31, 2015**

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE DIRECTOR OF FINANCE TO REQUEST TAX
ADVANCEMENTS BEFORE SETTLEMENT DATES FOR FISCAL YEAR 2016,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. That the Director of Finance is hereby authorized to request the Cuyahoga County Auditor to issue an order to the Treasurer of said County to pay to the City of Bay Village such funds as may be available from time to time for disbursement by said County Treasurer, in advance of regular semi-annual settlements with said County Treasurer.

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

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to request said tax advancements in order that the City may obtain funds for the daily operations of its departments, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN EXTENSION
OF THE LEASE AGREEMENT WITH VILLAGE BIKE CO-OP
FOR THE REAL ESTATE LOCATED
AT 303 CAHOON ROAD
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village entered into a Lease Agreement with the Village Bike Co-op for one year commencing April 1, 2015 and ending March 31, 2016;

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 extension of the Lease Agreement on behalf of the city with Village Bike Co-op. 303 Cahoon Road, Bay Village, Ohio 44145. The term of said Lease Agreement shall be for one additional year.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to execute said Lease Agreement, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

VICE PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

5/28/15 ll

LEASE AGREEMENT

SECTION 1 - THE PARTIES.

- (a) Landlord: City of Bay Village
350 Dover Center Rd.
Bay Village, OH 44140
- (b) Tenant: Village Bike Co-op
c/o Jennifer Smillie
400 Forestview Rd.
Bay Village, OH 44140

SECTION 2 - BASIC PROVISIONS OF LEASE.

- (a) The Commencement Date of the Lease is April 1, 2015.
- (b) The Term of the Lease is one (1) year with one (1) year renewal option.
- (c) The annual rent shall be 18% of monthly utility charges for building, payable in Monthly Installments of 18% of monthly utility charges.
- (d) The Security Deposit is \$ -0-.
- (e) The Premises are located at 303 Cahoon Road, Bay Village, Ohio (Lower Level).

SECTION 3 - THE PREMISES. In accordance with the terms and conditions of this Lease, Landlord leases to Tenant and Tenant rents from Landlord the following described premises: 303 Cahoon Road, Bay Village, (Area 4 of the Lower Level as depicted on Exhibit A attached hereto measuring approximately 1310 square feet), (hereinafter referred to as "the Premises").

SECTION 4 - TERM OF LEASE. The term of this lease is one year (12 months) commencing on April 1, 2015, and terminating on March 31, 2016, unless sooner terminated as herein provided.

SECTION 5 - RENT. Tenant agrees to pay to Landlord, without demand, deduction, or set-off, rent in the amount of Eighteen % of the total cost of utilities for the entire building (18% total costs of utilities for the entire building) per lease year, payable in monthly installments, at the address of Landlord set forth in Paragraph 1 or at such other address as Landlord may designate in writing. If the payment is mailed, the postmark date will determine the date of payment.

SECTION 6 - LATE CHARGES. Tenant further agrees to pay a late payment charge of -0- (\$) for each installment not paid within ten days of its due date.

SECTION 7 - SECURITY DEPOSIT. Landlord hereby acknowledges receipt of -0- (\$) from Tenant to be held by Landlord as a security deposit. Such security deposit shall be held by Landlord as security for payment of all amounts due from Tenant to Landlord, for Tenant's performance of this Lease, and against any damages caused to the Premises or any other part of Landlord's property by Tenant. If Landlord applies the security deposit against any liability of Tenant, Tenant shall restore the full amount of the security deposit. Tenant understands and agrees that the security deposit may not be applied as rent or against any other amount due Landlord from Tenant. Within thirty (30) days following termination of this Lease, Landlord shall return the security deposit, less any deductions for amounts owed hereunder by Tenant, together with a written itemization of such deductions. Payment

shall be made by check and shall be mailed to a forwarding address furnished by Tenant in writing.

SECTION 8 - CONDITION AND CARE. Tenant acknowledges, after having examined the Premises, that the Premises are in a good, safe, and habitable condition as of the signing of this Lease and accepts the Premises in their present condition. Tenant agrees to maintain the Premises in a safe and sanitary condition and to maintain Landlord's appliances, if any, in good working order. Tenant shall inform Landlord of any need for repairs to the Premises. Tenant shall pay for all repairs to the Premises, its contents, and all other parts of Landlord's property which are necessitated by a lack of care or by the negligence of the Village Bicycle Co-op. Landlord shall make and pay for all repairs to the Premises necessary to keep the Premises in compliance with local housing codes affecting health and safety and shall make and pay for all repairs necessary to keep the Premises in a fit and habitable condition. Landlord shall also maintain, in good and safe working order, all electrical, plumbing, sanitary, and heating fixtures and all appliances supplied by Landlord. At the termination of this Lease, Tenant shall surrender the Premises in as good a condition as when taken, loss by insured casualty and ordinary wear and tear excepted.

SECTION 9 - LANDLORD'S LIABILITY. Tenant is required as a condition precedent to taking occupancy under this Lease to purchase a policy of renter's insurance in a form and amount sufficient to reimburse Tenant for the contents of the Premises. Under no circumstances will Landlord be responsible for any damage to or theft of personal property of Tenant. Any personal property left by Tenant after vacating the premises will be considered abandoned and will become the property of Landlord.

SECTION 10 - USE. The Premises shall be used only for the operation of a non-profit bicycle cooperative. Tenant shall not assign this Lease nor sublet the Premises without the express written consent of Landlord. Tenant agrees not to alter or make additions to the Premises without Landlord's written consent and agrees not to commit waste or do or permit any act that damages the Premises.

SECTION 11 - TENANT'S OBLIGATIONS. Tenant makes the following covenants, noncompliance with any one or more of which, in whole or in part, shall be a breach of this Lease sufficient to justify eviction, in addition to any other remedies available to Landlord:

- (a) to pay the 18% cost of utilities and other charges payable by Tenant herein stated promptly when due, without any deductions or offset whatsoever;
- (b) to repair any damage to the Premises caused by the act or neglect of Tenant, at Tenant's sole expense (subject to Section 21 hereof). Should Tenant fail or refuse to make such repairs to the Premises within fifteen (15) days after the occurrence of such damage, then Landlord shall have the right, but not the obligation, to make such repairs at the expense of Tenant, in which event Tenant shall thereupon reimburse Landlord, on demand, for the total cost and expense of repairing the damages so caused;
- (c) immediately to notify Landlord, in writing, of any structural defect or dangerous condition in the Premises affecting the habitability of the Premises when it appears, time of this notification being of the essence;
- (d) to keep the Premises safe and sanitary; to dispose of all rubbish, garbage, and other waste in a clean, sanitary manner; to keep all plumbing fixtures in the Premises as clean as their condition permits; to use and operate all electrical and plumbing fixtures properly; and to comply with the requirements imposed on Tenant by applicable federal, state, and local housing, health, and safety codes, rules, regulations, and orders;
- (e) to do or permit to be done no alteration of the Premises, except with the prior written consent of Landlord. All alterations and additions shall remain for the benefit of and become the property of

Landlord, unless otherwise provided in said written consent;

- (f) to add no additional locks and change no existing locks without the prior written consent of Landlord, and to provide Landlord with keys to any locks installed or changed in accordance with such consent;
- (g) to maintain the present decorating scheme of the Premises without change as to color, wall coverings, and the like, except with the prior written consent of Landlord; if any object is hung on the walls, then, upon vacating the Premises, to repair any nail holes and to remove any tape or the like and repair the damage caused thereby, including, if necessary, repainting; and
- (h) to cause or permit no waste, misuse, or neglect of water or the Premises, including, without limitation, the water, gas, oil, plumbing, or electrical fixtures.
- (i) to maintain insurance in a form approved by the Law Director naming the City of Bay Village as an additional named insured under the policy

SECTION 12 - USE OF EXTERIOR. This lease confers no rights on Tenant to use, for any purpose, any of the property of Landlord, other than the interior of the Premises hereby leased, except the walks and roadways giving access thereto and such other areas, if any, as Landlord may from time to time designate for the use of tenants. When the use by Tenant of any other portion of Landlord's property is permitted, it shall be subject to the rules and regulations established by Landlord.

SECTION 13 - COST OF UTILITIES. Tenant and Landlord agree that the cost of the utilities shall be paid as follows:

18% of the total cost of utilities for the entire building as determined by the Finance Director of the City, as provided in Section 5.

SECTION 14 - RIGHT OF WAY. Landlord or any person authorized by him may, when necessary, enter the Premises in order to inspect, care for, or make repairs to the Premises. Landlord may show the Premises to prospective new tenants during the last 60 days of the lease term, at reasonable hours and upon twenty-four (24) hours' notice to Tenant.

SECTION 15 - SUBORDINATION. This Lease is subject and subordinate to the lien of all mortgages now or at any time hereinafter placed upon any part of the Premises.

SECTION 16 - REMEDIES FOR DEFAULT. If Tenant fails to pay any sum to Landlord when due, or defaults in any other provision of this Lease, or abandons the Premises and removes or attempts to remove Tenant's possessions from the Premises, Landlord, in addition to all other remedies provided by law, may terminate this Lease, reenter into possession of the Premises, and sue for and recover all costs earned up to the date of such entry. Tenant shall indemnify and hold harmless Landlord against and from (1) any and all claims arising from Tenant's use of the Premises; (2) any and all claims arising from any breach or default in the performance of this Lease by Tenant; and (3) any and all claims arising from any act, neglect, fault, or omission of Tenant. Tenant shall further indemnify Landlord against all costs and attorney's fees and expenses incurred by reason of such claim or act.

SECTION 17 - DAMAGE BY FIRE OR OTHER CASUALTY. If the Premises are damaged by fire or other casualty, Landlord shall repair it within a reasonable time and rent shall continue unless the casualty renders the Premises untenable, in which case this Lease shall terminate and Tenant, upon payment of all rent to the date the Premises is surrendered, shall not be liable for any further rent. If only a portion of the Premises is rendered

untenantable, the Tenant may, with mutual agreement of Landlord, alternatively choose to continue in possession and shall thereupon be entitled to a pro rata reduction in the amount of rent, provided that election to proceed under this alternative shall not be a waiver of the Tenant's right to terminate this Lease if repairs are not made within a reasonable time.

SECTION 18 - PETS. No animals or pets shall be kept in the Premises.

SECTION 19 - QUIET ENJOYMENT. Landlord hereby promises to warrant and defend Tenant in the peaceable possession and quiet enjoyment of the Premises during the term of this Lease.

SECTION 20 - HOLDOVER. If Tenant continues to occupy the Premises after the expiration of this Lease without having entered into a new agreement with Landlord in writing, such occupancy shall be on a month-to-month basis at such rental as may be fixed by Landlord from time to time, but otherwise upon the same terms, provisions, and conditions set forth herein. This paragraph shall not give Tenant the right to holdover at the expiration of the term hereof without Landlord's permission.

SECTION 21 - WAIVER OF SUBROGATION. Landlord and Tenant mutually waive all rights of recovery and causes of action against the other or for any loss or damage to property of the other caused by any of the perils which may be insured against by a policy of "all risk" insurance, notwithstanding that any such loss or damage was caused by the negligence of either party or persons claiming under or through them. Landlord and Tenant agree to include standard waiver of subrogation clauses in their insurance policies.

SECTION 22 - COMPLIANCE. Landlord and Tenant shall each comply with Chapter 5321 of the Ohio Revised Code which sets forth the rights and obligations of landlords and tenants in the State of Ohio.

SECTION 23 - PARTIES BOUND. The terms, conditions, and provisions of this Lease shall inure to and be binding upon Landlord and Tenant and their respective heirs, executors, administrators, successors, and assigns.

SECTION 24 - ENTIRE AGREEMENT. This Lease contains the entire agreement between the parties hereto and shall not be modified in any manner except by an instrument in writing executed by the parties or their respective successors in interest. If Tenant consists of more than one party, each such party shall be jointly and severally liable under any and all obligations, covenants, and agreements of Tenant contained herein.

SECTION 25 - TERMINATION. Either party may terminate this lease at any time without cause by giving the other party written notice of termination sixty (60) days advance notice.

SECTION 26 - CAHOON WILL. Tenant acknowledges and agrees to abide by the terms and restrictions of the Cahoon Will concerning its operations as may be directed by the Trustees. In addition, Tenant acknowledges and agrees not to conduct any activities or be open on Sundays.

DATE:

By: _____

LANDLORD

By: _____
TENANT

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**ACCEPTING DONATION FOR THE CITY OF BAY VILLAGE RECREATION
DEPARTMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, a donation of a wooden sculpture to be placed at the Family Aquatic Center was given to the City of Bay Village Recreation Department; and

WHEREAS, Codified Ordinance Section 103.05 specifies conditions and procedures regulating the acceptance of property and/or services by the City; and

WHEREAS, in compliance with said Section, the donor has provided Council with satisfactory assurance that they are making the donation free and clear of any restrictions, and that there are no encumbrances thereon;

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

SECTION 1. That Council hereby accepts from Nazez Brek/Sami Saleh, the donation of a wooden sculpture to the City of Bay Village Recreation Department with an estimated value in excess of \$100.00.

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

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to comply with provisions of C.O. 103.05 in order that the donations may be accepted by the City, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9/11/15 ll

DEED OF GIFT

We, Nazeh Brek and Sami Saleh, hereby give, assign and transfer to the City of Bay Village, an Ohio Municipal Corporation, all of our rights, title and interest in our donation of a wooden sculpture for the Bay Village Recreation Department, being made free and clear of all restrictions. Assurance is hereby given that there are no encumbrances thereon.


By: Nazeh Brek
Bay Village, Ohio 44140


By: Sami Saleh
Bay Village, Ohio 44140

Dated: 9.11.2015

Accepted by: **CITY OF BAY VILLAGE**

Deborah L. Sutherland