

June 9, 2016

A Special Meeting of the Bay Village City Council will be held on **Monday, June 13, 2016**, immediately following the Committee Meeting of Council at **7:30 p.m.** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call/Pledge of Allegiance/Paul W. Vincent, Councilman, Ward 2
2. Announcements/Audience/Miscellaneous
3. **Motion** to approve the minutes of the Regular Meeting of Council held June 6, 2016. ***Clark***
4. **Resolution No. 16-39** adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2017, submitting same to the County Fiscal Officer, and declaring an emergency. ***Clark*** (Second Reading) (First Reading 6-6-16)
5. **Resolution No. 16-40** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. ***Clark*** (Second Reading) (First Reading 6-6-16)
6. **Resolution No. 16-41** certifying sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. ***Clark*** (Second Reading) (First Reading 6-6-16)
7. **Resolution No. 16-42** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency (Second Reading) (First Reading 6-6-16)
8. **Resolution No. 16-43** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. ***Clark*** (Second Reading) (First Reading 6-6-16)
9. **Ordinance No. 16-44** enacting revised Codified Ordinance Chapter 151 entitled Employment Provisions. ***Clark*** (Second Reading) (First Reading 6-6-16)
10. **Ordinance** amending Section 1 of Ordinance 15-64 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 2016 and thereafter, and declaring an emergency. ***Clark*** (First Reading)
11. **Ordinance No. 15-79** amending Codified Ordinance Section 1158 regarding Attached Residence District, and declaring an emergency. ***Lieske*** (Second Reading) (First Reading 11-16-15)
12. **Ordinance** amending Chapter 1351 "Determination of Grade Lines." ***Lieske***

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13. Adjournment

Charter Reference 2.11

Paul A. Koomar, President of Council

Agenda
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Procedure

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

Roll call on suspension of Charter Rules:

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

Roll call on suspension of Council Rules:

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

Roll call on inclusion of the emergency clause:

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

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

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

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:30 p.m.

June 6, 2016

Paul A. Koomar, President of Council, presiding

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

Also Present: Law Director, Ebert, Finance Director Mahoney, Director of Community Services Selig, Director of Public Safety/Service Thomas, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Chief Building Official of SAFEbuilt, Inc., John Cheatham, Director of Operations Landers.

AUDIENCE

The following audience members signed in this evening: Lydia DeGeorge, Dick Majewski, Suzanne Graham, Tara Wendell, Warren Remein, Michael Sathre, Emily Taylor.

Mr. Koomar called the Regular Meeting of Council to order at 8:30 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Emily Taylor.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held May 23, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Special Meeting of Council held May 23, 2016 as prepared and distributed. Motion carried 7-0. Mr. Koomar called for a reading of the Minutes of the Cahoon Memorial Park Trustees meeting held May 23, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Cahoon Memorial Park Trustees meeting held May 23, 2016 as prepared and distributed. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Sutherland stated that she received a letter from Doctors Becky Stark and Joe Knapp from the Cleveland Clinic Avon Hospital thanking the City of Bay Village for first responders' quick response and call to action during a fire and an explosion at the Richard E. Jacobs Family Health Center.

A sign was unveiled last week for Coulton Courts at Bradley Road Park. Mr. Coulton came in for the event which was celebrated at the tennis courts. Mr. Coulton has donated \$60,000 in \$10,000 annual increments for maintenance and enhancement of the tennis courts.

The Mayor announced three levels of participation for the Master Plan Process. The first committee is going to be the project team and implementation team. Those participants are:

Tara Wendell, The Green Team

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Jeff Foster, Planning Commission
Leo Mahoney, Tree Commission
Clete Miller, Board of Zoning Appeals
Renee Mahoney, Finance Director
Scott Thomas, Director of Public Safety/Service
Clint Kenner, Bay Schools
Tracy Strohl, Cuyahoga County Public Library
Kelly Kaufman, Cleveland Metroparks
Greg Ernst, Architectural Board of Review
Leslie Selig, Community Services Director
Dan Enovitch, Recreation Director
Fire Chief Lyons
Police Chief Spaetzel
Councilman-at-large Dwight Clark

The implementation team will be working with Cuyahoga County and meeting on a monthly basis.

A call was extended to the community for who might be interested in serving on the Steering Committee, which is going to meet every other month. Twenty-three resumes were received. The Mayor noted that it was a very difficult decision; they are always amazed at the talent and experience of residents. The following fifteen people were named:

Dennis Lekan, Civil Service Commission, and resident of Ward 1
Emily Taylor, Senior at Bay High School, Ward 2
Dave Adams, Ward 1
Bill Selong, Ward 4, former member of the Bay Village Board of Education
Jessica Breslin, Ward 4, Director of the Bay Village Library
Jennifer Walsh, Ward 2, Marketing Director for General Electric
Ray Negrelli, Owner of Dover Junction Shopping Center
Sara Byrnes Maier, Ward 3, Urban Planner, Cleveland Metroparks, formerly NOACA
Mark Richardson, Ward 3, Hudson Community Development Director
Bryan Stanton, Ward 3, MPA in Economic Development
Juan Granja, Ward 3, an Engineer
David Semler, Ward 2, VP of Rycon Construction
Chuck Aquino, Ward 4, Managing Director of Western Reserve Partners
Marissa Wilk, Ward 4, Senior Business Growth Strategist
Michael Shea, Ward 3, Director of Modernization and Development, CMHA

The third level of participation will be open to the public. The first meeting of the Steering Committee is going to be on June 15 at 7 p.m. at the Dwyer Memorial Center. The public visioning meeting is going to be on June 28, at 7 p.m. at the Dwyer Center.

The entire process will be facilitated by the Cuyahoga County Planning Commission and their staff.

REPORTS

Finance Director Mahoney stated that in the newspapers recently there was a Notice of Unclaimed Funds. If anyone wants to learn if they have outstanding funds that might be available to them, the County directs the search to [www.unclaimedfundstreasurehunt.ohio](http://www.unclaimedfundstreasurehunt.ohio.gov), or call 216-443-7478.

Recreation Director Enovitch reported that the first week of the pool opening went swimmingly well. The staff has sold over 2600 memberships to date, and last year only sold a total of 2800 memberships. Regular hours at the pool began today, beginning at 10 a.m. at the tots' pool. The main pool opens at 12 Noon. On Saturdays the tot pool opens at 10:30 a.m. and the main pool opens at 1 p.m.

Mr. Vincent asked when chairs were last purchased for the pool. Recreation Director Enovitch stated he received delivery of 30 chairs this past Thursday.

Public Safety/Service Director Thomas advised that all road projects have started. The first layers have been laid down, and it will take about thirty days before the final layer is placed on Lincoln and Lake Park. The reason for that is the need for concrete repair and ADA ramps. All of the concrete has to be replaced in some areas and some bases need to be fixed, but the projects are moving along nicely.

Director of Community Services Selig had no report this evening.

Police Chief Spaetzel updated Council on the situation with landscaping vehicles parked on Lake Road. In late April, letters were sent to dozens of contractors and landscaping companies. A great response was received. Reports of landscaping trucks blocking traffic are way down, and actually no complaints have been received so far this year.

Fire Chief Lyons advised that hydrant inspection and annual flushing of hydrants is completed. The Fire Department has launched their Rescue Swimmer Program again this summer. There were two near-drownings this past week, but after responding everyone was safe. The annual Fire Department Open House will be held in conjunction with Destination Bay on Saturday, June 18, 2016. Everyone is welcome!

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Mr. Vincent had no report this evening.

FINANCE AND CLAIMS

Mr. Clark introduced and read **Ordinance No. 16-32, as amended, and amending by reading**, approving certain Capital Expenditures and Personal Services Contracts previously approved by budget that exceed Twenty Thousand Dollars (\$20,000), and declaring an emergency. (First Reading 5-9-16) (Second Reading 5-16-16), and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-32.

Roll Call on Suspension of the Charter Rules:

Yeas- Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays -None

Roll Call on Suspension of the Council Rules:

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

Roll Call on Use of the Emergency Clause:

Yeas- Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays -None

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 16-32, as amended, an emergency measure, by a vote of 7-0.

Motion by Clark to acknowledge receipt of the May, 2016 Financial Reports of the City of Bay Village as prepared by Finance Director Renee Mahoney.

Motion carried 7-0.

Mr. Clark introduced and read **Resolution 16-39** adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2017, submitting same to the County Fiscal Officer, and declaring an emergency.

Mr. Koomar announced that Resolution No. 16-39 is placed on first reading.

Mr. Clark introduced and read **Resolution 16-40** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency.

Mr. Koomar announced that Resolution No. 16-40 is placed on first reading.

Mr. Clark introduced and read **Resolution 16-41** certifying sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency.

Mr. Koomar announced that Resolution No. 16-41 is placed on first reading.

Mr. Clark introduced and read **Resolution 16-42** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency (First Reading)

Mr. Koomar announced that Resolution No. 16-42 is placed on first reading.

Mr. Clark introduced and read **Resolution 16-43** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency

Mr. Koomar announced that Resolution No. 16-43 is placed on first reading.

Mr. Clark introduced and read **Ordinance 16-44, amending by reading Sections 151.07, 151.061** enacting revised Codified Ordinance Chapter 151 entitled Employment Provisions.

Mr. Koomar announced that Ordinance No. 16-44, as amended, is placed on first reading.

Mr. Clark introduced and read **Ordinance 16-45** authorizing the Mayor to enter into an agreement with the McGowan Insurance Agency as agents of Argonaut Insurance for Public Officials Liability, Law Enforcement Professional and Firefighters Professional Liability, General Liability, Automobile Physical Damage and Liability, Property and Equipment, Boiler and Machinery, and Crime Coverage and Umbrella Insurance, and declaring an emergency, and moved for adoption.

Mr. Henderson commented that Mrs. Mahoney mentioned in her cover memo for the Ordinance that the premium increased to \$151,718, whereas the ordinance reads, \$153,376. Mrs. Mahoney explained that \$153,376 was the original amount, but the amount should be \$151,718. Mr. Clark amended the ordinance by reading to correct the amount in Section 1 to read \$151,718.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-45.

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-45, as amended, an emergency measure by a vote of 7-0.

Mr. Clark introduced and read **Ordinance 16-46** to amend appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2016 as previously appropriated in Annual Appropriation 16-09, and Ordinance No. 16-23, and moved for adoption.

Mr. Henderson expressed appreciation to Finance Director Mahoney for including both the original and revised versions of the appropriation ordinance.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-46

Roll Call on Suspension of the Charter Rules:

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

Nays -None

Roll Call on Suspension of the Council Rules:

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

Nays – None.

Roll Call on Use of the Emergency Clause:

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

Nays -None

Roll Call on Adoption:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-46, an emergency measure by a vote of 7-0.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Mrs. Lieske had no report this evening.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE

Mr. Henderson had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mr. Mace had no report this evening.

SERVICES, UTILITIES AND EQUIPMENT COMMITTEE

Mr. Tadych introduced and read **Ordinance No. 16-47** authorizing the Mayor to enter into an agreement with Direct Energy Business, LLC for PSC Services and Electricity for all Bay Village Municipal Buildings, and declaring an emergency, and moved for adoption. Mr. Tadych advised that the agreement will realize savings of approximately \$13,000 per year, and does not include electricity for street lights. Mr. Clark asked if a report will be received each year to show the savings. Mrs. Mahoney will provide that information to Council.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-47.

Roll Call on Suspension of the Charter Rules:

Yeas- Lieske, Mace, Tadych, Vincent, Clark, Henderson, Koomar,
Nays -None

Roll Call on Suspension of the Council Rules:

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

Roll Call on Use of the Emergency Clause:

Yeas- Lieske, Mace, Tadych, Vincent, Clark, Henderson, Koomar
Nays -None

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 16-47 an emergency measure, by a vote of 7-0.

MISCELLANEOUS

Mr. Ebert sadly announced the passing of Elizabeth (Betsy) Martin on Memorial Day this year. Mrs. Martin was the widow of former Council President T. Richard Martin. Mr. and Mrs. Martin were very active in the community and, most notably, Mr. Martin inaugurated the Bay Village Foundation several years ago. A Memorial Service for Betsy Martin will be held on Friday, July 22, at 1 p.m. at the Bay Presbyterian Church on Lake Road and Columbia Road.

In compliance with Section 121.22 of the Ohio Revised Code, **Mr. Clark** moved to convene to Executive Session regarding Personnel: Administrative Compensation; Contracts: Medical Mutual.

Roll Call Vote: Yeas – Mace, Tadych, Vincent. Clark, Henderson, Koomar, Lieske
Nays – None

Motion passed 7-0.

Also present in Executive Session were Mayor Sutherland, Finance Director Mahoney, Law Director Ebert, Director of Public Safety/Service Thomas

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Council reconvened in an open meeting following the Executive Session at 9:47 p.m. Present were: Clark, Henderson, Koomar, Mace, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 9:48 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

RESOLUTION NO. 16-39
INTRODUCED BY: Mr. Clark

First Reading 6-6-16

A RESOLUTION
**ADOPTING A TAX BUDGET FOR THE CITY OF BAY VILLAGE FOR THE
FISCAL YEAR BEGINNING JANUARY 1, 2017 SUBMITTING SAME
TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.**

WHEREAS, there has heretofore been prepared a tentative tax budget for the City of Bay Village for the fiscal year beginning January 1, 2017 showing detailed estimates of all balances that will be available at the beginning of the year 2017 for the purpose of such year and of all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types or classes of revenues; also estimates of all said revenues or balances; and otherwise conforming with the requirements of law; and

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

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

SECTION 1. That the tax budget of the City of Bay Village for the fiscal year beginning January 1, 2017 as heretofore prepared and submitted to Council, copies of which are on file in the office of the Director of Finance of the City and the Clerk of Council, be and it is hereby adopted as the official tax budget for the City of Bay Village for the fiscal year beginning January 1, 2017.

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

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to adopt such tax budget to provide funds for 2017 wherefore this Resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

5/19/16 LL

RESOLUTION NO. 16-40
INTRODUCED BY: Mr. Clark

First Reading 6-6-16

A RESOLUTION
**CERTIFYING UNPAID TREE REMOVAL CHARGES TO THE
CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. That pursuant to Section 547.15 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of tree removal charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid tree removal charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2016 tax duplicate for collection in semi-annual installments.

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 cause said charges to be certified for collection in order to make funds available to 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

5/19/16 LL

RESOLUTION NO. 16-41
INTRODUCED BY: Mr. Clark

First Reading 6-6-16

A RESOLUTION
**CERTIFYING UNPAID SIDEWALK REPAIR AND/OR CONSTRUCTION
CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of sidewalk repair and/or construction charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid sidewalk repair and/or construction charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2016 tax duplicate for collection in semi-annual installments.

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 cause said charges to be certified for collection in order to make funds available to the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

5/19/16 LL

RESOLUTION NO. 16-42
INTRODUCED BY: Mr. Clark

First Reading 6-6-16

A RESOLUTION
**CERTIFYING UNPAID SEWER RENTAL AND REFUSE COLLECTION
CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. That pursuant to Section 921.05 and Section 923.04 of the Codified Ordinances of the City of Bay Village it is hereby determined and declared the list of sewer rental and refuse collection charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid sewer rental and refuse collection charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested, pursuant to statute, to cause said sewer rental charges to be extended in the 2016 tax duplicate for collection in semi-annual installments.

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 cause said charges to be certified for collection in order to make funds available to 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

05/19/16 LL

RESOLUTION NO. 16-43
INTRODUCED BY: Mr. Clark

First Reading 6-6-16

A RESOLUTION
**CERTIFYING UNPAID GRASS CUTTING AND CLEANING CHARGES
TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. That pursuant to Section 521.11 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of grass cutting and cleaning charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid grass cutting and cleaning charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2016 tax duplicate for collection in semi-annual installments.

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 cause said charges to be certified for collection in order to make funds available to 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

5/19/16 LL

AN ORDINANCE
ENACTING REVISED CODIFIED ORDINANCE CHAPTER 151
ENTITLED EMPLOYMENT PROVISIONS

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

SECTION 1. That the Codified Ordinances of the City of Bay Village are hereby amended by enacting revised Chapter 151 to read as follows:

“CHAPTER 151
Employment Provisions

EDITOR’S NOTE: Compensation and bond requirements are not included in these Codified Ordinances due to the fact that they are subject to constant change.

151.01	Payment to employees on Military leave.	151.11	Life insurance.
151.02	Payment of City wages during Jury duty.	151.12	Privacy Act rules.
151.03	Mileage allowance.	151.13	Surety bonds.
151.031	Legitimate expenses.	151.14	Equal employment opportunity Policies.
151.04	Holidays.	151.15	Compensation payment.
151.05	Vacations.	151.16	Uniforms and uniform Allowances.
151.06	Hospitalization Health Insurance.	151.17	PERS pick up.
151.061	Hospitalization Health Insurance eligibility.	151.18	Drug free Workplace and Harassment Policy.
151.07	Physical examinations.	151.19	PERS pickup of additional service Credit.
151.08	Sick leave.	151.20	Whistleblower protection for Employees.
151.081	Family Medical Leave Act.		
151.09	Longevity		
151.10	Overtime Compensation.		

151.01 PAYMENT TO EMPLOYEES ON MILITARY LEAVE.

(a) All regular full-time employees of the City who are on leaves of absence from their Municipal duties and in attendance in the military service, field training or other active duty of the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia, or as members of other Reserve components of the Armed Forces of the United States, shall be entitled to receive for the period of such service, training or active duty not in excess of thirty-one days in any one calendar year, their regular pay, less the pay received for participation in such service, training or other active duty. Reimbursed expenses, travel and subsistence pay and other similar allowances shall not be considered in determining the amount of pay received for such service, training or active duty. Provisions of this section shall not apply if such military service, field training or other active duty is less than seventy-two consecutive hours or longer than thirty-one consecutive days.

(b) Any such City employee may, at his election, credit all or any portion of such military leave of absence against his regular annual vacation and for such period so charged the employee shall receive his regular vacation pay without deduction for the pay received for such service, training or active duty.

151.02 PAYMENT OF CITY WAGES DURING JURY DUTY.

(a) All City employees shall receive their regular wages for time lost from their work with the City while serving as a member of a municipal, common pleas or federal court jury panel.

(b) In order to qualify for such pay, the employee shall notify his supervisor of such

service in advance and upon completion of such service present proof satisfactory to the Director of Finance from the court as to the time spent in such service.

(c) No time spent in such service shall be counted or used for purposes of determining eligibility for overtime pay or compensatory time off.

(d) The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service.

151.03 MILEAGE ALLOWANCE.

All employees and elected officials of the City shall receive, as reimbursement for the use of their personal motor vehicles on City business, a sum in accordance with the mileage allowance under the Internal Revenue Service Regulations, plus parking fees. The Director of Finance shall approve such reimbursement

151.031 LEGITIMATE EXPENSES.

Tips and gratuities which are included in any legitimate expense shall be paid by the City.

151.04 HOLIDAYS.

(a) (1) All full-time employees of the City, excluding employees covered under separate labor contract, shall have the following days off with pay:

New Year's Day	Columbus Day <u>Day After Thanksgiving</u>
Presidents' Day	Veterans' Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day
July 4th	Martin Luther King Day
Labor Day	

(2) In the event that any of the aforesaid holidays shall fall on a Saturday or Sunday, when such holiday is not being observed on the preceding Friday or succeeding Monday, such employee shall receive comparable time off with pay on a date designated by the Mayor or the department or division head, ~~except that regular hourly employees in the Service Department and full-time employees of the Parks and Recreation Department for hours worked on the holiday shall receive one and one-half times the employee's regular rate of pay, which compensation shall be in addition to the regular holiday pay for the day involved. The above referred to employees of the Service Department and Parks and Recreation Department shall receive double time in addition to holiday pay for all emergency call-ins midnight to midnight on Christmas Day. (December 25th)~~

(3) The preceding provision shall not apply to swimming pool personnel or temporary, seasonal or per diem personnel. Refusal on the part of an employee to work on a holiday when requested to do so shall constitute a forfeiture of all benefits of holiday pay under this section. Failure of an employee to work on the scheduled work day preceding and the scheduled work day succeeding the holiday, unless excused by the Mayor or department or division head, or unless on vacation, shall constitute a forfeiture of all benefits of holiday pay under this section.

(b) No employee shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(c) No part time or seasonal employee will receive holiday pay.

151.05 VACATIONS.

(a) Effective January 1, 2014, full time employees shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract. An increase in accrual rate due to increase in longevity will be implemented in the next full pay period following the anniversary date. The Finance Director is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of all City employees entitled to vacation time.

LENGTH OF SERVICE	ANNUAL VACATION IN WEEKS	BI-WEEKLY	ACCRUALS
		35 Hour Week	40 Hour Week
0 Months to 4 Years	2	2.69 Hours	3.08 Hours
4 to 10 Years	3	4.04 Hours	4.62 Hours
10 to 17 Years	4	5.38 Hours	6.15 Hours
17 to 25 Years	5	6.73 Hours	7.69 Hours
25 or More Years	6	8.08 Hours	9.23 Hours

(1) More than thirty but less than forty hour employees. Employees who work less than a forty-hour week shall accrue vacation hours pro-rated, on the basis of a forty-hour week.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year.

(c) Effective January 1, 2014, unless otherwise agreed by contract, all employees that have accumulated vacation time in excess of three weeks shall be permitted to sell back to the City any accrued time in excess of three weeks by November 30 of each year. The employee shall receive a one-time payment from the City in the first regular pay date in December. No employee will be paid more than three weeks of time under this provision unless approved by both the Mayor and Director of Finance. Any accrued time in excess of three weeks that an employee does not sell back or use prior to December 31 shall be forfeited.

(d) When an employee resigns, retires or dies, salary payments in lieu of unused vacation allowance shall be granted in accordance with the schedule set forth above, provided the employee is leaving in good standing and has given two weeks' notice of the separation, where applicable:

(1) Any employee who has less than one year of service shall not be entitled to a salary payment in lieu of vacation.

(e) Full time years of service accumulated by any employee in one department or division shall be credited to such employee who transfers to another department or division for purposes of computation of vacation time.

(f) No employee of the City shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(g) The period of vacation shall be designated by the Mayor or the appropriate department or division head, or in the case of employees of Council, by Council.

(h) Effective January 1, 2014, no employee of the City shall be permitted to perform work for the City, in any capacity, while simultaneously receiving vacation pay.

~~_____~~(i) No part-time or seasonal employee will receive vacation pay.

~~_____~~(j) Any employee who becomes an employee of the City of Bay Village in a position of Director or Assistant Director after being employed by another political subdivision shall for the purposes of computation of vacation time be credited with the total years of his prior service with such political subdivision. The maximum vacation allowance for such an employee may not exceed 4 weeks for their first year of employment with the City of Bay Village and shall increase by 1 week for each year of continued service until the employee meets the vacation schedule in Section 151.06(a).

151.06 ~~HOSPITALIZATION~~HEALTH INSURANCE.

(a) Effective January 1, 2010, the City shall pay the cost of ~~hospitalization~~health insurance determined by the Plan adopted annually by the City of Bay Village.

(b) An election to participate in the group shall be made only at such times as permitted by the insurance carrier.

151.061 ~~HOSPITALIZATION~~HEALTH INSURANCE-ELIGIBILITY.

(a) Effective January 1, 2012, the City will provide ~~medical~~health, dental, vision and hearing ~~benefits~~insurance to eligible employees, in accordance with state and federal law. The employee's share of the cost of such benefits shall be determined annually by the City, unless otherwise agreed by contract.

(b) Eligible employees may receive family or employee only coverage per state and/or federal law and in accordance with the terms of the City of Bay Village's Health Plan.

(c) ~~In lieu of employer provided~~sponsored coverage~~health insurance an opt-out provision is offered as long as proof of coverage from another source is provided to the City, provided that such coverage was not purchased through a public health insurance exchange/marketplace. An employee who elects the~~this opt-out amount will receive~~be \$100 per month in lieu of employee-only single coverage or \$250 per month in lieu of~~for family coverage.

~~_____~~(d) ~~No part time employee shall receive health care.~~ Health insurance and the opt-out provision will only be offered to employees required to be offered health insurance under the Patient Protection and Affordable Care Act and related regulations.

151.07 PHYSICAL EXAMINATIONS.

(a) Every new employee of the City, except seasonal employees, shall submit to a physical examination, if necessary to the performance of their job duties.

(b) After a period of illness which requires any employee to be absent from his employment for ten consecutive working days or more, the Mayor may require the employee to submit to a physical examination prior to being returned to employment.

(c) Any employee who refuses to undergo such physical examinations as required in subsections (a) through (b) hereof, may be subject to discharge from his employment by the City.

(d) The Mayor shall designate the person who is to perform such physical examinations, and the expenditure of the City funds from the correct account is hereby authorized.

151.08 SICK LEAVE.

(a) Every full-time employee shall be entitled for each completed eighty hours of compensated service to sick leave of 4.6 hours with pay. Such employees may use sick leave, upon approval of the responsible administrative officer of the employing department, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death as set forth in the Employee Handbook. Said Employee Handbook is incorporated herein and made a part hereof as if fully rewritten herein. For the purpose of this section:

- (1) Department heads (excepting the Director of Law) and division chiefs shall be considered to have a work week of 40 hours; and
- (2) "Completed compensated service" shall include paid holiday time, paid vacation time and paid sick time.

~~(b) Effective January 1, 2010 permanent part-time employees compensated on an hourly basis shall receive sick leave as provided in Section 151.09(a) for salaried employees.~~

(b) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job related injury and that employee has entered into a wage continuation agreement with the City.

(c) Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be credited with the unused balance of his accumulated sick leave.

(d) The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted an employee upon or after his retirement or termination of employment.

(e) Payment at Resignation, Retirement or Death.

- (1) Each employee with ten or more years of service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:

Twenty-five percent (25%) after ten years of service

Forty percent (40%) after fifteen years of service

Fifty percent (50%) after twenty years of service

up to a maximum payment of fifty percent (50%) of the employee's annual compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate. Employees who are discharged for cause forfeit all

rights to payment under this subsection.

- (2) Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

(f) The following circumstances will control the use of "sick leave" time for all employees of the City of Bay Village:

- (1) Illness of employee: All regularly scheduled working hours.
- (2) Death of employee's: son-in-law, daughter-in-law, or other relatives at the discretion of the respective department director. Sufficient time to attend funeral if scheduled to work, four hours maximum time.
- (3) Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee's household.
 - A. Days of admittance to and discharge from hospital.
 - B. Day of surgery, including child birth.
 - C. Time certified as "critical" by attending physician.
- (4) Sudden illness or injury: To anyone living in the employee's household. Sufficient time to make temporary arrangements, but no more than four hours.

(g) The following circumstances shall control "bereavement leave" for all employees of the City of Bay Village, which excused leave shall not be charged against accumulated but unused sick leave time and for which the employee shall be compensated as though present in his or her employment with the City.

- (1) Death of employee's: employee's spouse, children, step-children, parents, parents-in-law, siblings and/or other relative living in the employee's household.
Scheduled working hours from time of death through and including day of funeral or memorial services.
- (2) Death of employee's: employee's siblings-in-law, grandparents, grandchildren, aunt, uncle and spouses grandparents, grandchildren, aunt and uncle. Day of funeral or memorial services if scheduled to work.

(i) For the purpose of administering the provisions of this section the following procedures shall be followed:

- (1) The Director of Finance shall establish for each employee and each department a sick leave time account.
- (2) Charges against the sum of such accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.

~~151.09-XXX~~ PAID TIME OFF

~~(a) (a)~~ Permanent part-time employees compensated on an hourly basis shall earn paid time off at a rate of .0575 hours earned per hour worked, per pay period. When paid time off is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour absence from scheduled work.

~~(b) (b)~~ Paid time off may be used when an employee requests scheduled time off upon

-twenty-four (24) hour advance notice by the employee and the approval of the employee's supervisor. Paid time off may be taken with less than a twenty-four (24) hour advance notice at the employee's supervisor's discretion.

(c) ~~(e)~~The maximum amount of paid time off an employee can use in one (1) calendar year is one hundred twenty (120) hours. In the event an employee is on an approved Family Medical Leave Act (FMLA) absence, any amount of accrued paid time off can be used during the length of the approved FMLA absence.

(d) ~~(f)~~If PTO is used for an illness or injury refer to Section 151.08-Sick Leave. This article also applies to unused PTO in the event of resignation, retirement or death.

151.0~~98~~⁹ FAMILY MEDICAL LEAVE ACT (FMLA).

Family Medical Leave shall be granted and administered in accordance with applicable Federal and State laws

151.10~~09~~ LONGEVITY.

(a) Effective January 1, 2001, there shall be paid to all non-elected regular full-time employees, excluding employees covered under separate labor contract, additional compensation based on their years of service, at the rate of one hundred dollars (\$100.00) per year of service, after completion of five years, to a maximum of three thousand dollars (\$3,000).

(b) For new hires after January 1, 2016 the following amendment shall apply: full-time employees shall receive longevity payments after five (5) years of continuous full-time employment in the following table:

5-9 years \$500 each year

10-14 years \$1,000 each year

15-19 years \$1,500 each year

20-24 years \$2,000 each year

25 years and above \$2,500 each year

(bc) The calculation of "years of service" shall begin on the anniversary date of the employee's original date of hire by the City.

(ed) No individual employed by the City in more than one capacity shall be entitled to the benefits of this compensation in other than his primary department.

(de) Termination of employment, for any reason, either voluntary or involuntary, shall terminate all rights and accrued benefits and eligibility under this section, except that those retiring shall be paid a pro-rated amount at time of retirement. Any employee who retires and is hired full-time by another department of the City shall accrue benefits hereunder as if the employee were a new employee and prior service with the City shall not be counted.

(ef) For the purpose of determining the eligibility for longevity only, "full-time" shall be defined as an employee working 35 hours or more each week. The Mayor shall receive longevity only if specifically provided for in the compensation ordinance for the term in question.

(fg) The amounts due hereunder shall be paid only to full-time employees, as defined

in Section 151.10(e), on the first regular pay date in December.

(gh) In addition to the cash payments provided for in this chapter, the Mayor is authorized to present Service Award Pins to those full-time or part-time employees, members of boards and commissions, and such other persons as the Mayor may designate from time to time, whether paid or unpaid, who have at least five years' service with the City.

(hi) Part-time and seasonal employees shall not be eligible for longevity compensation hereunder

151.1~~10~~ OVERTIME COMPENSATION.

(a) Salaried/Exempt employees shall not be paid overtime for hours worked in excess of forty in workweek, unless otherwise agreed by contract.

(b) Hourly/Non-exempt employees shall receive overtime for hours worked in excess of forty in a workweek

(c) No employee who serves the City in more than one capacity may combine his total work hours for the calendar week for the purposes of overtime computation, but each position work hours are to be counted separately.

(d) Holiday, vacation and sick leave time shall be included in the computation of overtime hours for the calendar week.

(e) Payment of overtime compensation (except that for the Department of Public Safety) shall be made on the first regular payday occurring after the hours have been worked.

151.1~~12~~ LIFE INSURANCE.

The City shall pay the cost of group term life and accidental death and dismemberment insurance up to a maximum benefit of \$50,000 for employees who work thirty (30) hours or more in a given workweek, elect to participate, and are acceptable to the insurance company. However, once obtaining the age of sixty-five (65) said life insurance will be reduced to thirty-two ~~five~~ thousand five hundred dollars (\$325,500.00) and once obtaining the age of seventy (70) said life insurance will be reduced to twenty five thousand dollars (\$25,000.00).

151.1~~32~~ PRIVACY ACT RULES.

The Mayor is hereby authorized to adopt such written rules and regulations as may be necessary for the purpose of interpreting and enforcing the Ohio Privacy Act, being Ohio R.C. 1347.01 et seq. Such rules and regulations shall not conflict with or waive any privileges as provided by this City's Charter or ordinances. Such rules and regulations shall be on file with the City, and all parties affected shall be advised of their contents.

151.1~~34~~ SURETY BONDS.

The surety bonds covering the employees of the City shall be as follows:

- (a) Mayor - \$15,000 public official bond for term of office.
- (b) Director of Finance - \$50,000 public official bond for an indefinite term.
- (c) All other City employees - \$25,000 honesty blanket position bond.

151.1~~45~~ EQUAL EMPLOYMENT OPPORTUNITY POLICIES.

(a) Council formally declares that the City shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), genetic information, marital status, amnesty status as a covered veteran or pregnancy in accordance with applicable federal, state and local laws. The City shall comply with a all applicable state and local laws governing

non –discrimination in the employment in every location or facility. This policy applies to all terms and conditions of employment, including but not limited to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of personnel practices.

(c) The City expressly prohibits any form of unlawful employee harassment based on sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age genetic information, disability, veteran status or pregnancy. Improper interference with the ability of the City’s employees to perform their expected job duties is absolutely not tolerated.

(d) The Director of Finance, by direction of the Mayor, will have overall responsibility for the implementation of this policy. With the cooperation of appropriate personnel, the Director of Finance will conduct periodic reviews to determine whether or not this policy is being adhered to. Reports of these reviews will be the basis for appropriate action to correct deficiencies.

(e) When outside sources of recruitment are used they shall be informed that the City is an Equal Opportunity Employer and that legal advertisements for bids include the wording, "AN EQUAL OPPORTUNITY EMPLOYER" and that Equal Opportunity clauses be included in all major single purchase orders, leases and contracts.

(f) The Clerk of Council is hereby directed to post, or have posted, a copy of this resolution on all departmental bulletin boards as well as provide a copy of this resolution to all employees of the City.

151.1~~56~~ COMPENSATION PAYMENT.

(a) Payment dates shall be:

- (1) For hourly employees. On February 14, 1975, and every other Friday thereafter, all hourly paid employees shall be paid for all hours worked during the previous two weeks;
- (2) For salaried employees and elected officials. All salaried employees and elected officials shall receive their appropriate annual compensation on a bi-weekly basis, payment to be made on the same dates as payment is made to hourly personnel. The Director of Finance shall adjust the pay period rate so that in each calendar year the precise annual compensation is paid regardless of the number of bi-weekly payment dates during the year.

(c) Should any payment date referred to herein fall on a holiday, payment shall be made on the last working day preceding such holiday.

151.1~~67~~ UNIFORMS AND UNIFORM ALLOWANCES.

(a) Department of Public Safety.

- (1) Effective January 1, 1998, deputy police officers in the Division of Police shall receive a five hundred dollar (\$500.00) uniform allowance at the completion of each 1,040 hours of service.
- (2) The above payments may be made at any time during the thirty days following the date on which they are due as may be convenient to the Director of Finance.

(b) Department of Public Service and Properties. Effective January 1, 201~~4~~⁶, the Director of Public Services and Properties shall receive a Two Hundred Fifty Dollar (\$250.00) uniform allowance, and the Department of Public Service and Properties shall provide a uniform ~~voucher allowance~~ of ~~Five Hundred Seventy Five Dollars (\$575.00)~~ ~~Eight Hundered~~ ~~Hundred~~

Dollars (\$800.00)—for all full-time employees of the Department whose job requires manual labor outside the office of the Department. This allowance is to be paid within the 1st pay period in February.

(c) Police Chief and Fire Chief. Effective January 1, 2014~~6~~, the Chief of the Fire Division and the Chief of the Police Division shall receive an allowance of ~~Thirteen Seven Hundred Fifty Five Dollar (\$7501350.00)~~ nine hundred dollars (\$900.00) uniform allowance. This allowance is to be paid within the 1st pay period in February.

151.17~~8~~ PERS PICK UP.

(a) Effective July 1, 1993, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof and shall be "picked up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

The City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employee's contribution for each person subject to this "pick up" has been made as provided by the statute.

(b) The "pick up" by the City provided by this section shall apply to all persons that:
Are employees of the City who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The City's method of payment of salary to employees who are participants in PERS is hereby modified as follows, in order to provide for a salary reduction pick-up of employee contributions to PERS.

(d) The total salary for each employee shall be the salary otherwise payable under the City policies. Such total salary of each employee shall be payable by the City in two parts: (1) deferred salary and (2) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by PERS to be paid as an employee contribution by that employee, and shall be paid by the City to PERS on behalf of that employee as a pick-up and in lieu of the PERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to PERS based upon an employee's total salary. The total combined expenditures of the City for each employees' total salaries payable under applicable City policies and the pick-up provisions of this section shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The Director of Finance is hereby authorized and directed to implement the provisions of this section to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof so as to enable them to obtain the result in Federal and State tax deferments and other benefits.

(a) 44.01 All employees shall agree to a drug-free workplace program as defined by the State of Ohio Bureau of Workers' Compensation and in accordance with the Ohio Bureau of Workers' Compensation Drug-Free Safety Program-Advanced Level.

~~It is the policy of the City to maintain a workplace that is free from the effects of drug and alcohol abuse.~~

~~(1) Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, unauthorized prescription drugs, controlled substances, narcotics, or alcoholic beverages on City premises or work sites. In addition, the City prohibits the off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when those activities adversely affect job performance, job safety, or the City's reputation.~~

~~(2) The City will not hire, subject to legal restrictions, alcoholics or drug abusers whose current use of those substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others. Whenever applicants for employment are to be tested for the presence of illegal drugs or alcohol, they are to be informed in advance and in writing.~~

~~(3) Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on City premises and work sites. Employees, their possessions, and City issued equipment and containers under their control are subject to search and surveillance at all times while on City premises or work sites or while conducting City business. Employees subject to the Drug Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the Personnel Department within five days, and the Personnel Department is then to take appropriate action as required by law.~~

~~(4) Upon reasonable suspicion, employees may be asked to take a test at any time to determine the presence of drugs, narcotics, or alcohol, unless the tests are prohibited by law. Employees that agree to take the test must sign a consent form authorizing the test and the City's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the City are the property of the City, and the examination records will be treated as confidential and held in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.~~

~~(5) Supervisors should report immediately to the Personnel Department any action by an employee who demonstrates an unusual pattern of behavior. The Personnel Department will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises.~~

~~(6) Employees must report their use of over the counter or prescribed medications to the Personnel Department if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.~~

~~(7) Employees who are experiencing work related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek counseling help. Participation in counseling, including City sponsored or required counseling, is confidential and should not have any influence on performance appraisals. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.~~

~~(8) Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the Personnel Department that the employee is capable of performing his job. Failure to cooperate with an agreed upon treatment plan may result in~~

~~discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other City policies.~~

~~(9) The City will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse.~~

151.19 HARASSMENT POLICY.

(~~ab~~) It is the policy of the City to promote a productive work environment -and not to tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Each person has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate either explicitly or implicitly that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory or non-employees is also prohibited. This conduct includes, but is not limited to:

- (1) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions;
- (2) Verbal abuse of a sexual nature;
- (3) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body;
- (4) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs;
- (5) Demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct or offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age or military status or sexually orientation is also prohibited.

Any employee who believes that a supervisor's, manager's, other employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible.

The report or complaint should be made to the employee's supervisor or to the department head or personnel manager if the complaint involves the supervisor or manager.

Complaints of harassment are to be handled and investigated under the City's grievance policy, unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be investigated properly in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

Any employee, supervisor or manager who is found to have violated this harassment policy will be subject to appropriate disciplinary action, up to and including termination of employment. The City prohibits any form of retaliation against employees for bringing bonifide complaints or providing information of harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

(~~eb~~) It is the policy of the City that an employee should have an opportunity to present complaints regarding harassment and to appeal the decision through a dispute resolution or grievance procedure. The City will attempt to resolve promptly all complaints. Employees who believe that they have been improperly harassed are to proceed as follows:

- Step 1: Promptly bring the complaint to the attention of the immediate supervisor. If the complaint involves the supervisor, then it is permissible to proceed directly to Step 2.
- Step 1a: The supervisor is to investigate the complaint, attempt to resolve it and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the complaint and

- proposed resolution for file purposes.
- Step 2: Appeal the decision of the department head if dissatisfied with the supervisor's decision or initiate the procedure with the department head if Step 1 has been bypassed, because the immediate supervisor is the subject of complaint. Such an appeal or initial complaint must be made in a timely fashion in a written form. The supervisor's version of the complaint and decision will then be submitted in writing as well. The department head will, in a timely fashion, confer with the employee, supervisor, and any other persons considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.
- Step 3: Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and the procedures to be followed are similar to those in Step 2. The Mayor may take the necessary steps to review and investigate the complaint and will then issue a written, final and binding decision.

Final decisions on complaints will not be precedent or binding on future complaints. When appropriate, the decisions will be retroactive to the date of the employee's original complaint. Information concerning a complaint is to be held in confidence. Supervisors, department heads and other persons who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Employees are not to be penalized for proper use of the complaint procedure, however, it is not considered proper use if an employee raises complaints in bad faith if solely for the purpose of delay or harassment or repeatedly raises meritless grievance complaints. Implementation of the complaint procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the complaint procedure. The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

151.2019 PERS PICKUP OF ADDITIONAL SERVICE CREDIT.

(a) Effective October 1, 1997, employees of the City of Bay Village, described in subsection (b) hereof, may purchase additional service credit, tax-deferred, and the City of Bay Village shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick up (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this pick up deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the City of Bay Village. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the pickup deduction.

(b) The pickup deduction by the City provided by this section shall apply to all persons making the election within the following classes:
All employees, other than seasonal, of the City who are contributing members of the Public Employees Retirement System of Ohio.

(c) The Director of Finance is hereby authorized and directed to implement the provisions of this section to effect the pickup of the payroll deduction for the purchase of additional service credit to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof.

151.201 WHISTLEBLOWER PROTECTION FOR EMPLOYEES.

(a) If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or Mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or Mayor, the employee may file a written report with the office of internal auditing created under Section 126.45 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to the Prosecutor, Director of Law, to the Chief of Police, the President of Council, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with Section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in subsection (c) hereof, no employee shall take any disciplinary action against any employee for making any report authorized by subsection (a) hereof, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled
- (3) Transferring or reassigning the employee
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position

(c) Any employee shall make a reasonable effort to determine the accuracy of any information reported under subsection (a) hereof. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) hereof.

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 will be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

MAYOR

3/X/2016/29/20144-8-2016 4/20/16

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AMENDING SECTION 1 OF ORDINANCE 15-64 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 2016 AND THEREAFTER,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. That January 1, 2016 the compensation to be paid to the officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

	September 29, 2015 and thereafter	January 1, 2016 and Thereafter
1. Director of Finance	\$93,386	\$95,254
2. Assistant Finance Director	\$67,713	\$69,067
3. Accounts Payable Coordinator	\$17.57 – \$20.12 per hour	\$17.92 – \$20.52 per hour
4. Part-time Human Resources Administrator	28.00	28.56 per hour
5. Part-time Clerical	\$11.68 – \$15.91 per hour	\$11.91 – \$16.23 per hour
6. Director of Law	\$72,296	\$73,742
7. Prosecutor	\$33,922	\$34,600
8. Dir. Public Service & Properties	\$90,515	\$92,325
9. Public Works Supervisor of Operations	\$75,485	\$76,995
10. Public Works Supervisor	\$70,000	\$71,400
11. Sewer Maintenance Supervisor	\$61,160	\$62,383
12. Infrastructure Manager	\$64,260	\$65,545
13. Property Maintenance Inspector	\$59,160	\$60,343

14. Projects Coordinator	\$30.60 per hour	\$31.21 per hour
15. Part-time	\$8.10 – \$17.22 per hour	\$8.10 – \$17.56 per hour
16. Seasonal	\$8.10– \$16.64 per hour	\$8.10 – \$16.97 per hour
17. Director of Recreation	\$73,361	\$73,361
18. Asst. Recreation Director	\$43,135	\$45,292
19. Assistant to Mayor	\$45,509	\$46,419
20. Clerk of Council	\$50,210	\$51,214
21. Fire Chief	\$100,864	\$102,881
22. Police Chief	\$100,864	\$102,881
23. Deputy Police Officer		
Start	\$22.88 per hour	\$23.34 per hour
After 2080 hours	\$25.43 per hour	\$25.94 per hour
After 4160 hours	\$28.82 per hour	\$29.40 per hour
After 6240 hours	\$32.83 per hour	\$33.49 per hour
24. School Guard	\$9.61 – \$14.17 per hour	\$9.61 – \$14.45 per hour
25. Jailer/Matron	\$14.17 per hour	\$14.45 per hour
26. Full time Dispatch	\$17.50-22.00 per hour	\$17.50-22.00 per hour
27. Part time Dispatch	\$15.75-19.80 per hour	\$15.75-19.80 per hour
28. Director of Community Services	\$59,160	\$60,343
29. Assistant Director of Community Services	\$35,700	\$36,414
30. Senior Van Driver	\$8.94 – \$12.55 per hour	\$8.94 – \$12.80 per hour

31. Safety Director	\$5,000	\$5,000
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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 15-64 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

ORDINANCE NO. 15-79
INTRODUCED BY: Mrs. Lieske

First Reading 11-16-15

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 1158
REGARDING ATTACHED RESIDENCE DISTRICT, AND
DECLARING AN EMERGENCY

SECTION 1. That Codified Ordinance Section 1158 which presently reads as follows:

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:

- Commission.
- (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:

Dwelling Unit Minimum Area (Sq. Ft.)

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 + ½L

60° - 120° B + H

120° - 150° B + H ½L

- 150° - 180° B + H + L
- DO NOT Overlap
- 0° - 30° ½ (B + H)
- 30° - 60° ¾ (B + H)
- 60° - 120° B + H
- 120° - 150° ¾ (B + H)
- 150° - 180° ½ (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:

Minimum Distances (Feet)

From Dwelling

Accessory Use:	Main Wall	End Wall	From Boundary Line
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:

Projecting Feature	Maximum Projection Into Required Front or Side Yard (Ft.)
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.)

be and the same is amended to read:

CHAPTER 1158

~~R-4~~, Attached Residential District

- 1158.01 Intent.**
- 1158.02 ~~Applicability-Qualifying Condition.~~**
- 1158.03 Permitted Buildings and Structures.**
- 1158.04 Development Requirements.**
- 1158.05 Review and approval.**
- 1158.06 Reserved.**

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 protect the desirable characteristics of both existing and planned residential development, to maintain stability;
- (D) To provide an appropriate transitional use between single family residential and non-residential uses;

Commented [LL1]: "R-4" was removed throughout per discussions with Planning Commission and Consultant at conference call.

Commented [LL2]: See Planning Commission Comment Number 1

- (E) To enhance the vibrancy of the City’s central core business district; and
- (F) To offer a viable redevelopment option to ensure the City’s continued sustainability.

1158.02 APPLICABILITY-QUALIFYING CONDITION.

Consistent with the intent, this district ~~may shall only~~ be established in locations specifically identified in the ~~current approved Master Plan for the City of Bay Village 1999 Master Plan~~ and the 2004 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 adjacent~~ 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 (See Section 1349.01), 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) Detached garages.

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)			Maximum of 10	
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	Feet		35	

Commented [LL3]: See Planning Commission Comment Number 2

building height (feet)	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 10 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 <i>Section 1149</i>		
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	
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>		

Commented [LL4]: See Planning Commission Comment Number 2

Table 1158-4a Projections into Required Yard **Setbacks**

Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
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.

Commented [LL4]: See Planning Commission Comment Number 2

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.

(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 Planning Commission. 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, 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. the City, 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, the following requirements shall be met:

- (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. hardie-plank 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.

Commented [LL5]: See Planning Commission Comment Number 3

1158.05 REVIEW AND APPROVAL

- (A) **Pre-application Meeting:** Prior to submitting an application for rezoning to or development plan approval, the applicant shall conduct a meeting with surrounding property owners for the purpose of explaining the proposed development and soliciting comments and suggestions relative to the proposal. It is suggested that such meeting be conducted as a work session to obtain feedback that can be incorporated into the design and layout of the proposed project prior to formally submitting an application.
- (B) **Application:** Applications for rezoning property to an **R-4** District shall be submitted in compliance with Bay Village Charter 7.6.
- (C) **Development Plan:** The development plan shall contain, at a minimum, the information specified in Section 1129.01.
- (D) **Planning Commission Review:** The complete application and all required documents shall be forwarded to the Planning Commission for review and approval under Chapter 1129. The applicant shall attend the review meeting and present the proposed project to the Commission.
- (E) **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

Commented [LL6]: See Planning Commission Comment Number 4

zoned as an Attached Residence District and the applicant is seeking approval of the development plan, a public hearing shall not be required.

(F) 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, 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 two-thirds vote of its members, reverse or modify the Planning Commission decision.
- (2) If the subject property is already zoned, 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.

(G) 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. District; provided, any approval by Council shall be subject to Section 7.6 of the City Charter.

(D)(H) 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.

and present Section 1158 is hereby repealed.

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

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

PASSED:

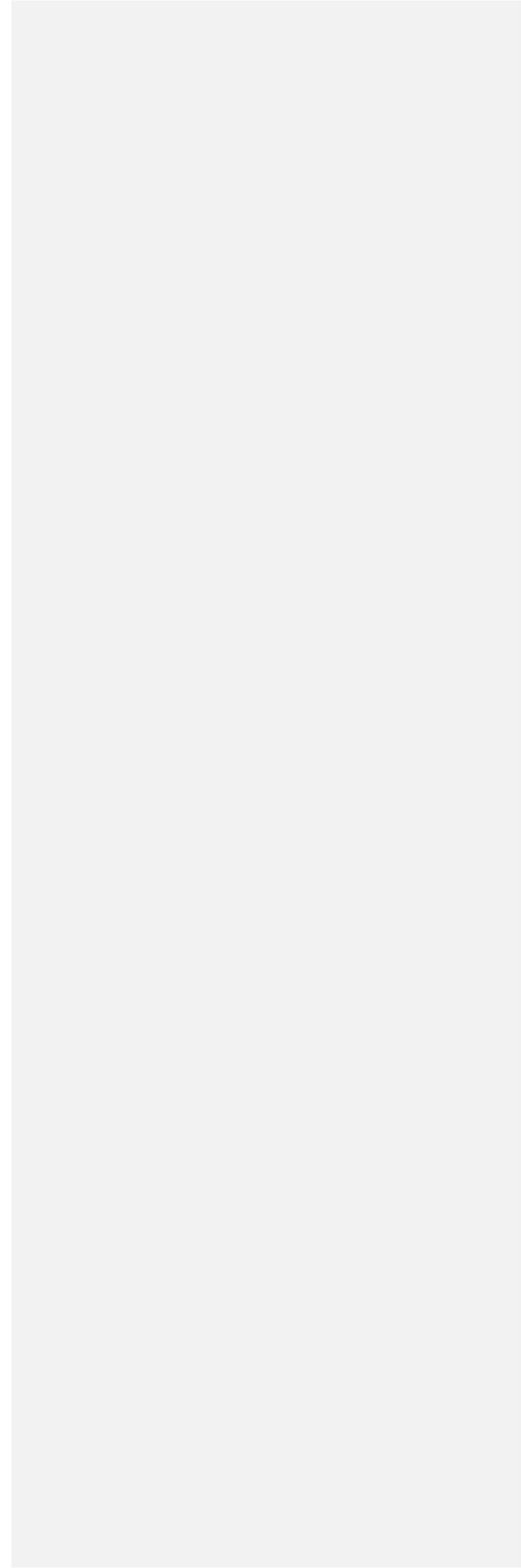
PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

[12/3/15](#)
[1/20/16](#) II



ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CHAPTER 1351 “DETERMINATION OF GRADE LINES”

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

SECTION 1. That the Codified Ordinances of the City of Bay Village are hereby Amended by enacting revised Chapter 1351 to read as follows:

CHAPTER 1351
Determination of Grade Lines

- 1351.01** Natural grade and finished grade defined.
- 1351.02** Fee for determining grades.
- 1351.03** Grade lines.
- 1351.04** Director of Public Service and Properties to establish grades.
- 1351.05** Grade line permits.
- 1351.06** Drainage of surface water.
- 1351.07** Positive drainage to be provided; nuisances abated.
- 1351.08** Drainage protection to adjoining lots.
- 1351.99** Penalty.

1351.01 NATURAL GRADE AND FINISHED GRADE DEFINED.

For the purposes of this chapter the following terms, phrases, words and their derivatives shall have the meaning given in this section:

- (a) “Natural grade” is the elevation of the undisturbed natural surface of the ground.
- (b) “Finished grade” is the elevation of the finished surface, in its slope in reference to a horizontal plane of the ground adjoining any structure.

(Ord. 01-24. Passed 3-5-01.)

1351.02 FEE FOR DETERMINING GRADES.

No person shall be issued a building permit for any new structure whatsoever until a fifty-five dollar (\$55.00) fee is paid to the Building Director to cover costs in determining, reviewing or ~~and~~ fixing grades.

~~(Ord. 01-24. Passed 3-5-01.)~~

1351.03 GRADE LINES.

No building permit shall be issued until grade lines have been determined or reviewed by the Director of Public Service and Properties and established and indicated on the plans submitted; provided, however, no grade line permit shall be necessary nor shall a fee be charged therefor when the work called for in the application for a building permit either (i) consists entirely of interior work to an existing structure; or (ii) consists of exterior work to an existing structure or the construction of a building accessory to an existing main use when, in the opinion of the Director of Public Service and Properties, such work does not require the setting of a grade line different from the grade line already established.

~~(Ord. 01-24. Passed 3-5-01.)~~

1351.04 DIRECTOR OF PUBLIC SERVICE AND PROPERTIES TO ESTABLISH GRADES.

(a) The Director of Public Service and Properties shall be charged with the duty and final determination of natural grade lines and shall review or establish grade lines for all streets, sidewalks, boulevard, sanitary and storm sewers and structures of every kind and description.

(b) ~~The Director of Public Service and Properties shall be responsible for performing an inspection of the finished foundation to determine compliance with ground grade prior to framing. (Ord. 01-24. Passed 3-5-01.)~~ Prior to requesting a footer inspection and Certificate of Occupancy, the builder or owner shall request verification of the bottom of footer elevation and finished ground grade, to be certified by the City's engineer that the grade complies with the submitted plot plan.

(c) All grade sheet/plot plans shall be based on the natural grade found on the existing lot and shall remain consistent with the grade on adjoining lots. Finished grade at the foundation of new structures shall not be set in excess of 6" higher than the highest elevation existing at the lot lines on adjoining lots. If existing grades of adjoining lots are at different elevations, grade for subject lot will be set at the average height of the adjoining lots. Any changes to approved grade plan must be submitted for review prior to commencing construction. Exceptions will be made in extreme situations if surface run-off can be maintained on this lot and conveyed to the storm sewer or natural watercourse, without creating a nuisance per 1351.08.

The required plot plans shall show natural grade elevations along property lines at 25' intervals, location of all structures and corresponding elevations of its foundation components, yard drain locations, swales and drainage direction lines. In the case of minor subdivisions, drainage plans, for all lots, must be submitted and reviewed prior to issuance of a building permit for any of the lots.

Final finished grade shall comply with 1351.06, 1351.07 and 1351.08.

1351.05 GRADE LINE PERMITS.

(a) Permit Required. A grade line permit must be obtained from the Building Director by any person before said person or another, (i) begins construction of a new sidewalk, curb, curb-cut, driveway or driveway apron, or (ii) before any existing sidewalk, curb-cut, driveway or driveway apron is altered or repaired, where, as a result of such alteration or repair, the grade line as set by the City, or the existing grade line where no grade line has been set, will be changed.

(b) Application. An applicant for a permit hereunder shall file with the Building Director an application showing:

- (1) Name and address of the owner;
- (2) Name and address of the party doing the work;
- (3) Location of the work area;
- (4) Attached plans showing details of the proposed alteration;

(5) Such other information as the Building Director shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(c) Issuance. Such permit shall be issued upon the filing of the application required in subsection (b) above and the payment of a fee of fifty-five dollars (\$55.00), and the determination of the Director of Public Service and Properties as to the proper grade line. (Ord. 01-24. Passed 3-5-01.)

1351.06 DRAINAGE OF SURFACE WATER.

(a) Whenever the surface of a lot or plot, or portion thereof, is excavated, filled, graded or hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance will not be created.

(b) Catch basins properly connected to storm sewer or other approved provisions, such as underdrains, shall be made where water may pocket, to preclude the accumulation of surface water.

(c) Existing natural ground drainage of the ground area surrounding the lot or plot excavated, filled or graded shall not be impeded.

(d) Surface water shall not be drained onto adjacent properties. ~~not in the same ownership without written permission from the owner of the adjacent property.~~

(e) When a lot or section of ground is graded, it shall be incumbent upon the owner of such lot to provide that the lot is graded to the natural grade of the lots adjoining such lot, on both sides, and to the lot in the rear of such lot and, in such a manner, that surface water does not drain onto the aforesaid adjoining lots or lands.

~~(Ord. 01-24. Passed 3-5-01.)~~

1351.07 POSITIVE DRAINAGE TO BE PROVIDED; NUISANCES ABATED.

No condition shall be created nor any existing condition maintained whereby there will be upon any lot or plot excavations, depressions, pits, holes, gullies or similar depressions which may accumulate and retain surface water and which may become a public hazard or nuisance. Any such condition shall be properly abated and protected by filling or by providing positive drainage.

(Ord. 01-24. Passed 3-5-01.)

1351.08 DRAINAGE PROTECTION TO ADJOINING LOTS.

When it is found necessary to grade a lot higher or lower finished grade than the natural grade of adjoining property on the sides and to the rear of such lot, it shall be incumbent upon the owner of the lot to get permission from the Director of Public Service and Properties to change to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to provide suitable retaining walls or other approved protection on his property to protect the adjacent property from the drainage of surface and sub-surface waters and further to protect the adjacent property from caving of earth and to assist in the maintaining of the existing natural grade of such adjacent property.

(Ord. 01-24. Passed 3-5-01.)

1351.99 PENALTY.

(a) Whoever violates any provisions of this chapter or fails to conform to the grade line set or reviewed by the Director of Public Service and Properties shall be deemed guilty of a ~~minor~~ fourth degree misdemeanor.

(b) Each day such violation is committed or permitted to continue shall constitute a separate offense. (~~Ord. 01-24. Passed 3-5-01.~~)

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 will be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

MAYOR

4/5/16 LL