

AGENDA

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

Date: October 3, 2016
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Ready-Notify Notification System

FINANCE & CLAIMS COMMITTEE – Clark

Contract for 2016 Auditing Services – Julian and Grube

Deposit of Public Funds

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

Ohio Department of Transportation – Bridge Inspections

RECREATION & PARK IMPROVEMENT COMMITTEE-Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

Award of Contract for Network Switches to Bailey Communications

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Agenda, Bay Village City Council
Regular Meeting, Council Chambers

October 3, 2016
8:00 p.m.

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

Paul Koomar, President of Council, Presiding
Roll Call/Pledge of Allegiance led by Councilman-at-large Dwight Clark, Councilman-at-large
Reading of Minutes – Special Meeting of Council held September 26, 2016

ANNOUNCEMENTS

Oath of Office: Interim Mayor Gary Ebert
Police Officer Scott Chase
Police Officer Nicholas Yodice
Police Dispatcher Courtney Hengartner
Police Dispatcher Kelly Uber

REPORTS

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

COMMUNICATIONS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

Ordinance 16-65 amending Chapter 513 of the Codified Ordinances by enacting Sections 513.15 and 513.16 prohibiting the establishment and operation of Medical Marijuana dispensaries, the indoor and outdoor cultivation of Medical Marijuana, and the delivery of Marijuana, and declaring an emergency. (Second Reading) (First Reading 9-19-16).

Ordinance 16-66 amending Codified Ordinance 513.01 regarding Drug Abuse Control/Definitions, and declaring an emergency. (Second Reading) (First Reading 9-19-16).

FINANCE AND CLAIMS- Mr. Clark

Ordinance authorizing the Mayor to enter into an agreement with Julian and Grube and the Auditor of the State as to auditing services for the City of Bay Village for the period January 1, 2016 through December 31, 2017, and declaring an emergency. (First Reading)

October 3, 2016
Agenda
Regular Meeting of Council

Ordinance authorizing the Mayor to enter into depository contracts with Fifth Third Bank, Huntington National Bank and Key Corporation, for Active and Interim Funds, and declaring an emergency. (First Reading)

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

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

Ordinance authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation to conduct bridge inspections, and declaring an emergency. (First Reading)

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Ordinance authorizing the Mayor to enter into an agreement with Bailey Communications to install new Cisco Switches, and declaring an emergency. (First Reading)

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

October 3, 2016
Agenda
Regular Meeting of Council

Procedure

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

Roll call on suspension of Charter Rules:

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

Roll call on suspension of Council Rules:

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

Roll call on inclusion of the emergency.

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

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

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

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:00 p.m.
President of Council Paul A. Koomar, presiding

September 26, 2016

Present: Henderson, Koomar, Lieske, Mace, Tadych, Vincent, Acting Mayor Ebert

Excused: Mayor Sutherland, Mr. Clark

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons.

AUDIENCE

The following audience members signed in this evening: Kathy Taylor, Betsy Kapp, Jan Keberle, Tom Moran, Dennis Driscoll, Clare Banasiak

President of Council Koomar called the meeting to order at 8:00 p.m. with roll call and the Pledge of Allegiance, led by Councilman Tom Henderson, Ward 4.

Mr. Dennis Driscoll, Willoway Drive, stated that he supports the adoption of the proposed amendment to Codified Ordinance Section 505.01, Dogs Running At Large that City Council plans to vote on tonight, particularly in light of the decision to drop the three strike rule at this time. The proposed amendment is to the point and simply addresses the issues while the Council members consider an overall review and revision of all the dog ordinances. Mr. Driscoll stated further that he supports and it is important to have the hiring of an animal control office because he believes an effective animal control officer is important to insure the effective enforcement of the domestic animal ordinances. It will go a long way in helping so that we don't have any incidents again.

Betsy Kapp, Crestview Drive, addressed Mr. Vincent to verify that the last sentence in Section (d) (1) is coming out. Mr. Vincent responded affirmatively.

Clare Banasiak reminded everyone that the League of Women Voters west side is having a quorum tomorrow, September 27, 2016 for State District 16 Ohio Representation, Tommy Greene, a Bay Village native, and Dave Greenspan, and Ohio Senate District 24 Candidate Matt Dolan, and Emily Hagan. The quorum will be held at 7 p.m. at the Porter Library.

Mr. Koomar asked Fire Chief Lyons for copies of the Fire Department Mutual Aid runs which remain to be submitted to Council.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held September 19, 2016. Mr. Tadych **MOVED** to dispense with the reading and accept the minutes of the Regular Meeting of Council held September 19, 2016 as prepared and distributed. Motion passed 5-0, with one abstention by Mr. Henderson.

Mr. Vincent read **Ordinance No. 16-64** amending Codified Ordinance Section 505.01, Dogs, Cats and other Animals Running At Large and Repealing Section 505.99 Penalties, and declaring an emergency, and moved for adoption. Mr. Vincent commented that the Environment, Safety and Community Services Committee, as well as all the members of Council, the Director of Law, and the residents of the City with their input, have done a good job in revising this ordinance. The ordinance includes a one strike provision where if the animal leaves the owner's control and injures another person or dog the effect of this ordinance will result in penalties. It will be a third degree misdemeanor if the animal bites a domestic animal without provocation, and a second degree misdemeanor if the animal bites a human without provocation. If the animal injures another person or dog severely, according to the Ohio Revised Code 955.11(A) (5), it will be a first degree misdemeanor if convicted.

Mr. Vincent commented further that there was a three strike provision that was introduced initially but due to comments from residents in the audience tonight and social media, the three strike provision is removed and will be discussed further by the Environment, Safety and Community Services Committee.

The former Section (d) regarding the incremental increases in misdemeanor degrees with repeated offenses that occur within the first twelve 12 months of the first offense has been eliminated and Section 505.99 will be repealed with the passage of the ordinance.

Mr. Tom Moran commented stated that he believes the Council and Law Director have done a nice job of taking a two-phase approach to this by looking at penalties for existing laws in the first phase and a more comprehensive review over a longer period of time so we can be thoughtful about the more detailed changes. Mr. Moran supports the changes and is in favor of them.

Councilman Mace asked about section (d) (1) stating that "Whoever violates this section" and the eliminated words "or fails to comply." Mr. Mace questioned whether the words "or fails to comply" should still be in the ordinance since the ordinance talks about restraining the animal and having control over it at all times.

Mr. Vincent referred to the Law Director for his comments. Mr. Ebert stated that this was brought up before but he believes the wording is fine the way it is in the interest of enforceability. Mr. Koomar noted that this can always be taken under advisement for future changes. Mr. Ebert noted that there will be future changes. Mr. Vincent advised that the Environment, Safety and Community Services Committee will meet on October 10, 2016 at 5:30 p.m. at the Bay Village City Hall to discuss the remaining items in Chapter 505 and the Green Paper created by Mr. Henderson.

Mr. Tadych pointed out the need for the correction of a typographical error in the spelling of the word "fourth."

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-64, as amended.

Special Meeting of Council
September 26, 2016

Roll Call on Suspension of Charter Rules:

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

Roll Call on Suspension of Council Rules:

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

Roll Call on Use of the Emergency Clause:

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

Roll Call on Adoption:

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

Mr. Koomar announced adoption of Ordinance No. 16-64 as amended, an emergency measure, by a vote of 6-0.

There being no further business to discuss, the meeting adjourned at 8:11 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO. 16-65
INTRODUCED BY: Mr. Vincent

First Reading 9-19-16

AN ORDINANCE
**AMENDING CHAPTER 513 OF THE CODIFIED ORDINANCES BY
ENACTING SECTIONS 513.15 AND 513.16 PROHIBITING THE ESTABLISHMENT
AND OPERATION OF MEDICAL MARIHUANA DISPENSARIES, THE INDOOR AND
OUTDOOR CULTIVATION OF MEDICAL MARIHUANA,
AND THE DELIVERY OF MARIHUANA, AND
DECLARING AN EMERGENCY**

WHEREAS, on June 8, 2016 Ohio Governor John Kasich signed House Bill 523 into law after it passed the Ohio General Assembly; and

WHEREAS, House Bill 523 will become effective on September 8, 2016; and

WHEREAS, House Bill 523 provides for the regulation and legalization of medical marihuana within the State of Ohio; and

WHEREAS, House Bill 523 allows for the Department of Commerce to award licenses to medical marihuana cultivators, processors, and testing laboratories; and

WHEREAS, House Bill 523 allows for the State Board of Pharmacy to award licenses to medical marihuana dispensaries; and

WHEREAS, the act included the adoption of Ohio Revised Code Section 3796.29 which authorized the legislation of a municipal corporation to adopt by Ordinance restrictions including the prohibition of cultivators, processors or retail dispensaries within said municipal corporation; and

WHEREAS, the Bay Village City Council takes legislative notice that the use, possession, cultivation, distribution, and sale of marihuana, whether for medical or recreational use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841, and that federal courts have recognized that the federal government may enforce the Controlled Substances Act notwithstanding contrary laws of any State; and

WHEREAS, in light of the continuing conflict between state and federal law, the City of Bay Village must resolve for itself whether, as a land use matter, medical marihuana cultivators, dispensaries, and processors, as defined by House Bill 523, should be permitted, regulated, or prohibited; and

WHEREAS, the Bay Village City Council finds and declares that it is necessary to retain local control over the regulation of commercial medical marihuana activities in order to protect the public health, safety, and welfare while it further considers whether future regulations may allow for the safe and responsible operation of medical marihuana cultivators, processors, and dispensaries within the City of Bay Village.

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

SECTION 1. That Chapter 513 of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Sections 513.15 and 513.16 which shall read as follows:

513.15 PROHIBITED ACTIVITIES RELATING TO MEDICAL MARIHUANA

The following prohibitions apply to all property within the boundaries of the City of Bay Village, regardless of the zone, adopted specific plan, overlay zone, or any other development or use classification or other designation of property:

- a) It is unlawful for any person to engage in the indoor or outdoor cultivation of medical marihuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical marihuana cultivation facility.
- b) It is unlawful for any person to engage in the processing of medical marihuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical marihuana processing facility.
- c) It is unlawful for any person to establish or operate, or to allow, cause create, suffer, or permit the establishment or operation of a medical marihuana dispensary.
- d) It is unlawful for any person to deliver medical marihuana, or to allow, cause, create, suffer, or permit the delivery of medical marihuana, except that a patient or caregiver as registered by the State Board of Pharmacy under Section 3796.08 of the Ohio Revised Code may engage in all activities allowed pursuant to Sections 3796.22 and 3796.23 of the Ohio Revised Code.
- e) No zoning permit, building permit, certificate of occupancy or any other permit shall be granted to a business for opening, using any land or devoting any floor area of the business for the purposes of operating a medical marihuana cultivation facility, processing facility, or dispensary.

513.16 PUBLIC NUISANCE; VIOLATION; REMEDIES NOT EXCLUSIVE; PENALTY

- a) Engaging in any activity or using property to engage in any activity, prohibited under this chapter constitutes a public nuisance subject to abatement.
- b) Notwithstanding any other provision of the zoning ordinances of the City of Bay Village, any person who violates this chapter shall be guilty of a misdemeanor of the first degree. Each day or any portion thereof that a person violates any provision of this chapter shall constitute a separate offense.
- c) Any enforcement action taken pursuant to this chapter shall not prejudice or adversely affect any other action, whether administrative, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. An administrative, civil, or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

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

9-2-16 ll

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 513.01 REGARDING
DRUG ABUSE CONTROL/DEFINITIONS,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Section 1373.01 which presently reads as follows:

513.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
 - (1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
 - (2) "Marihuana" does not include hashish. (ORC 2925.01)
- (h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

(k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.

(l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.

(m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

(n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.

(o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)

(s) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of controlled substance analogs, marijuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I

hallucinogen other than tetrahydrocannabinol, or lysergic acid amide, or a Schedule I stimulant or depressant;

D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

G. An amount equal to or exceeding three grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.

(5) An amount equal to or exceeding 200 solid dosage units, sixteen grams or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid.

(t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(u) "Cultivate" includes planting, watering, fertilizing or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

(x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:

A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

B. Any aerosol propellant;

C. Any fluorocarbon refrigerant;

D. Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

(z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(cc) "Juvenile" means a person under eighteen years of age.

(dd) "School" means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

(ee) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, any community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(gg) "Counterfeit controlled substance" means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ll) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

(mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

be and the same is amended to read:

513.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
 - (1) "Marihuana" means all parts of a plant of the genus *cannabis*, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
 - (2) "Marihuana" does not include hashish. (ORC 2925.01)
- (h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
- (k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.
- (l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.
- (m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.
- (o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)

(s) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol, or lysergic acid amide, or a Schedule I stimulant or depressant;

D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the

Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

G. An amount equal to or exceeding three grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.

(5) An amount equal to or exceeding 200 solid dosage units, sixteen grams or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid.

(t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(u) "Cultivate" includes planting, watering, fertilizing or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Ohio R.C.. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

(x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior,

depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:

A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

B. Any aerosol propellant;

C. Any fluorocarbon refrigerant;

D. Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

(z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(cc) "Juvenile" means a person under eighteen years of age.

(dd) "School" means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

(ee) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, any community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(gg) "Counterfeit controlled substance" means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ll) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

(mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

(oo) "Medical marihuana" has the same meaning as in Section 3796.01(A)(2) of the Ohio Revised Code.

(pp) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, storing, or trimming of medical marihuana.

(qq) "Cultivation facility" means a person that engages in the cultivation of medical marihuana and that is licensed by the Department of Commerce pursuant to Section 3796.09 of the Ohio Revised Code.

(rr) "Processing" means any activity involving the extraction of medical marihuana into a form described in Section 3796.06 of the Ohio Revised Code, including without limitation the creation of medical marihuana extracts, oils, tinctures, edibles, patches, or any other product containing tetrahydrocannabinol or cannabidiol;

(ss) “Processing facility” means a person that engages in the processing of medical marihuana and that is licensed by the Department of Commerce pursuant to Section 3796.09 of the Ohio Revised Code.

(tt) “Dispensary” means a person that dispenses, transfers, or sells medical marihuana and that is licensed by the Ohio State Board of Pharmacy pursuant to Section 3796.10 of the Ohio Revised Code.

(uu) “Person” means any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization or entity, however formed.

and present Section 513.01 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

9-1-16 LL

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH JULIAN AND GRUBE AND THE AUDITOR OF THE STATE AS TO
AUDITING SERVICES FOR THE CITY OF BAY VILLAGE FOR THE PERIOD
JANUARY 1, 2016 THROUGH DECEMBER 31, 2017,
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Bay Village, as a political subdivision of the State of Ohio, must have their financial records audited yearly by the State Auditor's Office; and

WHEREAS, for the fiscal years 2016 and 2017, the State Auditor has informed the City that the audits will once again be conducted by an Independent Public Accounting Firm; and

WHEREAS, the Director of Finance, with the concurrence of the Mayor, has recommended that the Agreement with Julian and Grube and the Auditor of State be executed for the performance of professional services related to the audit of the City of Bay Village; and

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

SECTION 1. That the Mayor hereby authorized to enter into an Agreement for the fiscal years 2016 and 2017 for auditing services related to the Financial Records of the city of Bay Village with Julian and Grube and the Auditor of the State.

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 provide for auditing services for the Financial Records of the City of Bay Village, 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
9-23-16 LL

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO DEPOSITORY
CONTRACTS WITH FIFTH THIRD BANK, HUNTINGTON NATIONAL BANK
AND KEY CORPORATION, ACTIVE AND INTERIM FUNDS,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Mayor is hereby authorized to enter into depository contracts with Fifth Third Bank, Huntington National Bank and Key Corporation, for the deposit of active and interim funds of the City. Said financial institutions shall become the depositories, from November 1, 2016 to October 31, 2021, for the monies of the City as follows:

(a) Demand and time deposits shall be accepted by the Bank subject to posted rules and regulations of the Bank, the Comptroller of the Currency, Federal Reserve System and the Federal Deposit Insurance Corporation (FDIC);

(b) Collateral shall be pledged to secure all deposits in excess of FDIC insurance in the manner provided by the Ohio Revised Code Chapter 135; and

(c) Banks agree to comply with Codified Ordinance Chapter 171 dealing with investment of Treasury Funds; and

(d) Said depository contracts may be canceled at any time for any reason by either party by giving thirty days written notice to the other party.

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 provide for the deposit of municipal funds due to the expirations of the current depository contracts, 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
9-23-16 LL

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
THE OHIO DEPARTMENT OF TRANSPORTATION TO
CONDUCT BRIDGE INSPECTIONS**

WHEREAS, the City of Bay Village has determined the need for Bridge Inspection Program Services, including but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development;

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

SECTION 1. That the Mayor is hereby authorized in the name of the City of Bay Village to enter into an agreement with the Ohio Department of Transportation to complete the above described project.

SECTION 2. The State shall assume and bear 100% of all the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract which is on file at the City.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and to expedite the highway project and to promote highway safety, 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

9-21-16 ll

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH BAILEY COMMUNICATIONS TO INSTALL NEW CISCO SWITCHES,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Bailey Communications, 33360 Liberty Parkway, North Ridgeville, Ohio, 44039, to install Cisco Switches at a price not to exceed Forty-Eight Thousand Two Hundred and Fifty-Five Dollars (\$48,255.00). Payment shall be made from the Equipment Replacement Fund (240.111.55230).

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 for the further reason that it is immediately necessary for the efficient operation of 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