A Special Meeting of the Bay Village City Council will be held on **Monday, June 12, 2017** at **8:00 p.m., following the 7:30 p.m. Committee Meeting of Council**, 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 led by Paul W. Vincent, Councilman, Ward 2.

2. Announcements/Audience/Miscellaneous

3. **Motion** to approve minutes of Regular Meeting of Council held June 5, 2017.*Tadych*

4. **Motion** to approve minutes of the meeting of the Cahoon Memorial Park Trustees held June 5, 2017.*Tadych*

5. **Motion** to acknowledge receipt of May 2017 financial reports of the City of Bay Village as prepared and submitted by Director of Finance Renee Mahoney.*Henderson*

6. **Resolution** accepting Settlement Funds received by the City of Bay Village in connection with a Class Action involving the Ohio Department of Natural Resources (ODNR) and declaring an emergency.*Henderson*

7. **Ordinance** amending Section 1351 of the Codified Ordinances of the City of Bay Village regarding determination of grade lines, and declaring an emergency.*Lieske* (First Reading)

8. **Resolution** approving use by Jeffrey and Pamela Barker of submerged lands of Lake Erie for shoreline improvements, and declaring an emergency.*Lieske*

9. **Motion** to convene to Executive Session – Personnel: Mayor and Council Compensation; Litigation: Frances Mentch v. Mayor/City Council, Complaint for Declaratory Judgement.

10. **Ordinance** fixing the salary of the Mayor of the City of Bay Village, repealing Ordinance No. 17-3, and declaring an emergency.*Tadych* (First Reading)

11. **Ordinance** fixing the salary of the President and Members of Council and repealing Ordinance No. 15-56, and declaring an emergency.*Tadych*(First Reading)

12. Adjournment
Charter Reference 2.11

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.
Dwight Clark, President of Council, presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons, Interim Director of Public Service and Properties Liskovec, Director of Community Services Selig, Human Resources Administrator Demaline.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Jerrie Barnett, Lydia DeGeorge, Suzanne Graham, Alex Dade, Claire Banasiak, Bill Selong, Cheryl McCarty, Todd and Holly Tramba, Dennis Lekan, Susan and Halle Krebs, Roger Faulb, Martha Krebs, Tom Kelly, Patrick McGannon.

Mr. Clark called the Regular Meeting of Council to order at 8:40 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Councilman-at-large Marty Mace.

Following the roll call, Mr. Clark called for a reading of the minutes of the Special Meeting of Council held May 22, 2017. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Special Meeting of Council held May 22, 2017 as prepared and distributed. Motion carried 7-0. Mr. Clark called for a reading or the minutes of the Cahoon Memorial Park Trustees meeting held May 22, 2017. Mrs. Tadych MOVED to dispense with the reading and accept the minutes of the Cahoon Memorial Park Trustees meeting held May 22, 2017 as prepared and distributed. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Koomar presented the following proclamation to Martha Krebs upon her retirement as a member of the Bay Village Civil Service Commission:

The Mayor and City Council of the City of Bay Village join with members of the Administration and the citizens of the Bay Village community in extending sincere good wishes for a well-earned retirement from the Civil Service Commission to Martha (Marty) Krebs; and

WHEREAS, Marty is married to Roger Faulb, and mother of son David (Susan) and daughter Kim (Bob) and grandmother to Tyler, Halle, Riley, Perry, and Mallory: and

WHEREAS, Marty was appointed to the Civil Service Commission on January 25, 2002 for a six year term and was reappointed for two additional terms. She attended all entry level testing for the Police and Fire Departments; and
WHEREAS, Martha is a graduate of Magnificat High School and studied law at Cleveland-Marshall College of Law. She ran her own law firm, MHK Law firm downtown until her retirement; and

WHEREAS, Marty volunteers with the ACLU, and has been on the Board of Rainbow Babies and Children’s Hospital for a number of years; and

WHEREAS, Marty has been an integral part of the Civil Service Commission for over 15 years bringing a legal emphasis to their deliberations; and

WHEREAS, Marty now wishes to retire in order to have time to enjoy time with her children and grandchildren and spending time volunteering; and

NOW THEREFORE, I, Paul A. Koomar, Mayor of the City of Bay Village, on behalf of the Administration, City Council, and residents of the Bay Village community do hereby extend our sincere appreciation to Marty Krebs for her 15 years of dedicated service, and add our best wishes for a busy, happy, and healthy retirement. Thank you for a job well done, you will be missed.

In Witness whereof I have hereunto set my hand and seal this 5th day of June, 2017.

/s/ Paul A. Koomar
Paul A. Koomar, Mayor

Mrs. Krebs thanked everyone, commenting that it was a very enjoyable time working with the Civil Service Commission and the administration, and a wonderful way to serve the community.

A reception for the friends and family of Marty Krebs was held following the presentation of the proclamation.

Mayor Koomar appointed Thomas Wynne to the Civil Service Commission of the City of Bay Village to complete the unexpired term of Martha Krebs ending January 24, 2020.

The appointment of Mr. Wynne was confirmed by Council by a vote of 7-0.

REPORTS

Mayor Koomar advised that the paving in Ward 2 is scheduled to start June 12, 2017, with the timing to coincide with the end of the academic year for Normandy School.

C&K Industrial Services has done sewer interceptor cleaning on Lake Road and other parts of the City, and they have bid approximately $1,000 below the budget for this year’s sewer cleaning project from Bradley Road to Long Beach Parkway, and down Long Beach Parkway to the lift
station. A second bid will be sought, with approval by Council prior to summer recess. However, the work will not be done until the testing of strength and flow for the Rocky River Wastewater Treatment Plant is completed at the end of June.

Mr. Mace asked if sewer cameras have been run through the area to be cleaned. Mayor Koomar stated that they have popped manhole covers and done the due diligence they normally provide. Mr. Mace suggested using the cameras, and Mr. Clark noted the importance of getting all of the preparation work done before approval.

**Finance Director Mahoney** had no report this evening.

**Recreation Director Enovitch** stated that the aquatic center officially opened today. The hours through Thursday, June 8 are 3 p.m. to 7 p.m., and on Friday, June 9, 3 p.m. to 9 p.m. Beginning Saturday, June 10, and Monday, June 12, normal pool hours will begin.

**Interim Director of Public Service and Properties Liskovec** advised that restoration to the Reese Park restrooms is moving along with the rough-in plumbing completed, and electrical rough-in to be done next. The exterior has been painted, with a goal for completion of the project of June 14, 2017. The White Creek Project is underway, with a one-week late start due to weather delays.

**Human Resources Administrator Demaline** had no report this evening.

**Community Services Director Selig** stated that she has met with VFW Post 9693 Commander Fred Green and determined a location at the Dwyer Memorial Center for the hanging of plaques of veterans at the center.

Mrs. Selig stated that she has been working with the Community Services Advisory Board on a strategic plan, which includes a survey to be completed by seniors in two age groups: 60 to 70, and 71 and older. The sewer bills have been used for distribution of the survey, and on-line access for completion of the survey is also provided.

**Police Chief Spaetzle** expressed appreciation to Martha Krebs for lending her expertise, thoughtfulness and experience to the Civil Service Commission. He stated that it was a pleasure working with her and noted that she did a tremendous job for which he is most appreciative.

**Fire Chief Lyons** echoed the comments about Martha Krebs, noting that she was great to work with for many years. Chief Lyons thanked Director Selig and the Community Services Department for hosting the May 19 luncheon at the Dwyer Memorial Center where the Fire Department was permitted to hold a Ready/Notify sign up event. Thirty more seniors were registered for the Ready/Notify free notification service with the Cuyahoga County Emergency Management Team.

The Fire Chief advised that there are many visitors to the Fire Station, ranging from civic groups to individual families. The firefighters enjoy interacting with the community. On May 26, a Girl
Scout troop visited City Hall for their civic day assignment, and the Fire Department sent three firefighters to speak to the troop. The interaction is recorded and available for enjoyable listening on the City’s web site where the City Council minutes are posted.

Chief Lyons stated that four firefighters attended the recent State Fire School at Bowling Green State University, an event that is hosted by Bowling Green twice per year. This is an opportunity for firefighters to receive advanced training. Two firefighters and an officer attended as part of their normal duties, with an opportunity to perfect their skills.

The fourth annual Fire Department Open House will be held Saturday, June 17 from Noon to 3 p.m. Residents and families are encouraged to attend.

**Chief Building Official Grassi** had no report this evening.

**Mayor Koomar** announced that Liberty Development will be at the Bay Village City Council Chambers on June 13, 2017 at 7 p.m. to meet the requirements of Chapter 1158.05 for a public hearing prior to a formal submission to the Planning Commission. Neighboring property owners have been notified of the meeting by secretary Kristine Jones.

The Porter Creek overflow pipe project was scheduled to be done in-house last year but it has been found that the project is too large. An Environmental Protection Agency permit for the project has expired but there is a clause that will allow completion by March of 2018. The project was not in the budget, but numbers are being put together and the administration would like to move forward. Mayor Koomar will advise Mr. Henderson, Chairman of the Public Improvements Committee, when cost figures are completed.

**AUDIENCE**

**Jerrie Barnett,** Bayview Drive asked Fire Chief Lyons what the firefighters were doing on Bayview Drive before the recent home demolition on that street. Chief Lyons stated that the owner of the home at 305 Bayview Drive donated the house for training exercises for the Fire Department prior to the demolition. The Fire Department is very appreciative of the opportunity to conduct rescue drills, breaching of walls, and going through the roof. Mrs. Barnett noted that the firemen were dressed in their full gear during very hot weather.

**Carolyn Young,** 29039 Lake Road, asked where the Council stands on conversations regarding the erosion problem behind the cemetery.

Mayor Koomar stated that Special Projects Coordinator Jim Sears and he have been looking at that and the Mayor will provide Ms. Young with an update after he has an opportunity to talk with Mr. Sears next week.

**ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent**
Mr. Vincent introduced and read Resolution No. 17-43 authorizing the filing of an Edward Byrne Memorial Justice Grant Application, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 17-43.

Roll Call on Suspension of the Charter Rules:
Yeas- Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays -None

Roll Call on Suspension of the Council Rules:
Yeas – Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas–Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays–None.

Roll Call on Adoption:
Yeas–Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays–None.

Mr. Clark announced adoption of Resolution No. 17-43, an emergency measure, by a vote of 7-0.

FINANCE AND CLAIMS- Mr. Clark

Mr. Henderson introduced and read Ordinance 17-44 amending Chapter 125 of the Codified Ordinances by enacting Section 125.57 relating to the establishment of a Community House Renovation Fund, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-44.

Roll Call on Suspension of the Charter Rules:
Yeas- Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
Nays -None

Roll Call on Suspension of the Council Rules:
Yeas – Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas–Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
Nays–None.

Roll Call on Adoption:
Yeas–Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
Nays–None.
Mr. Clark announced adoption of Ordinance No. 17-44, an emergency measure, by a vote of 7-0.

Motion by Tadych to donate abandoned property, 59 bicycles, to the Bay Village Bicycle Cooperative.

Motion passed 7-0.

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

Mr. Clark advised that an ordinance amending Section 1351 of the Codified Ordinances of the City of Bay Village regarding determination of grade lines, and declaring an emergency, has been pulled from this evening’s agenda for further refinement, and will be included on the agenda of Council for June 12, 2017.

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

Mr. Henderson had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

Mr. Mace had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Motion by Tadych to authorize the Interim Director of Public Service and Properties to request proposals to install fiber optic lines to the Bay Village Library, 502 Cahoon Road, in anticipation of a cost feasibility study for future operations of the library building.

Motion passed 7-0.

MISCELLANEOUS

Mr. Mace asked if there is an estimate on the Osborn Road sewer project. Interim Director of Public Service and Properties Liskovic stated that this item will be discussed on Tuesday, June 6 with the City’s Consulting Engineer Bob Greytak. Mr. Clark commented that the project is much more than they had thought originally, but it is better to do the project prior to the road overlay. Mr. Liskovic will keep Council informed.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session for Personnel- Mayor and Council compensation; Litigation: Frances Mentch v. Mayor/City Council, Complaint for Declaratory Judgement.

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

Motion carried 7-0.

In addition to the members of Council, Law Director Ebert, Mayor Koomar, Human Resources Administrator Demaline, and Finance Director Mahoney were present in Executive Session.

Council reconvened in an open meeting at 10:28 p.m. Present were: Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 10:30 p.m.
CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

President of Council Clark called the meeting to order at 9:04 p.m. in the Council Chambers of Bay Village City Hall.

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

Also Present: Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community Services Director Selig, Police Chief Spaetzel, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Human Resources Administrator Demaline, Chief Building Official Grassi.

AUDIENCE

Dick Majewski, Jerrie Barnett, Lydia DeGeorge, Suzanne Graham, Alex Dade, Claire Banasiak, Bill Selong, Cheryl McCarty, Todd and Holly Tramba, Tom Kelly, Patrick McGannon.

Mr. Ebert referred to a letter dated May 16, 2017 from the J. Barker Landscaping Company advising that they have contracted with Mr. Robert Bensman and Mr. Frank Sullivan to stabilize the portions of their residential properties adjacent to Lake Erie. They have submitted their engineering drawings and have obtained the necessary permits for the project. In order to complete the scope of the project, they are respectfully requesting access to the lakeside of the Bensman and Sullivan properties through Cahoon Memorial Park, which is immediately adjacent to the Sullivan’s property. Specifically, they are requesting use of approximately sixty (60) feet of grass area located between the public parking area and the Sullivan’s property line. There is limited space between the Bensman’s and Sullivan’s properties, so access through the park is the only viable way to deliver the Redi-Rock wall system and washed river gravel for the construction of the wall. Landscape fabric, approximately 12 feet wide, from the parking lot to the opening in the fence will be installed with limestone on top of the fabric to create a temporary construction road. Small five-ton trucks will deliver the materials to the back yards. The work schedule will be limited to Monday-Friday, between 8 a.m. and 5 p.m. with the project requiring two months for completion. Upon completion, the construction road and fabric will be removed and the area re-seeded with premium grass seed. In consideration for the use of the area for the project, three (3) ornamental flowering trees within the area will be installed to enhance the park.

A certificate of liability insurance for the contractor has been provided to the City of Bay Village.

Mrs. Lieske stated that she drove to the area this evening, parking by the loop by the first house. She walked over there but could not quite visualize where the vehicles will access. Mr. Ebert stated that the fence is going to be taken down.

Mrs. Lieske questioned whether sod could be planted instead of grass due to the need for the watering of the grass seed when it is planted in the middle of summer. Mr. Ebert stated that sod would not survive. Mayor Koomar stated that the watering truck for the City’s hanging, annual...
Minutes of a Meeting of
Cahoon Memorial Park Trustees
March 27, 2017

flower pots would be utilized for watering.

Mr. Mace commented about the restoration of the site when the project is completed, noting the importance of making sure the area is restored. Mr. Ebert assured Mr. Mace that when considering the individuals who are having this project done, they are sure of satisfactory completion.

Motion by Mace to permit lake access through Cahoon Memorial Park for residents Robert Bensman, 27308 Lake Road and Frank Sullivan, 27320 Lake Road for work on their property erosion projects.

Motion passed 8-0.

Meeting adjourned at 9:11 p.m.

Dwight A. Clark, President of Council          Joan Kemper, Clerk of Council
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ACCEPTING SETTLEMENT FUNDS RECEIVED BY THE CITY OF BAY VILLAGE
IN CONNECTION WITH A CLASS ACTION INVOLVING THE OHIO DEPARTMENT
OF NATURAL RESOURCES (ODNR),
AND DECLARING AN EMERGENCY.

WHEREAS, there was a class action matter (State ex rel. Robert Merrill, Trustee, et al v. State of Ohio Department of Natural Resources, et al. Case No. 04CV001080 filed in connection with the Ohio Department of Natural Resources (ODNR) which action involves an issue concerning alleged taking of property as to the determination as to ownership of property adjacent to Lake Erie; and

WHEREAS, a dispute existed between the high water mark and property to water’s edge and the definition thereof as to ownership; and

WHEREAS, a class action settlement was reached in connection with this dispute;

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

SECTION 1. That the City received as a result of the class action suit two checks, one in the sum of Three Thousand Five Hundred Seventy-Six Dollars and Thirty-Eight Cents ($3,576.38) and a second in the sum of One Thousand Seven Hundred Eight- Eight Dollars and Nineteen Cents ($1,788.19) which is the City’s settlement proportion in connection with submerged land leases for property owned by the City of Bay Village.

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 necessary to authorize the filing of said application in a timely manner, 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
AN ORDINANCE
AMENDING SECTION 1351 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING DETERMINATION OF GRADE LINES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 1351 which presently reads 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. 16-49. Passed 6-27-16.)

1351.02 FEE FOR DETERMINING GRADES.
No person shall be issued a building permit for any structure whatsoever until a fifty-five dollar ($55.00) fee is paid to the Building Director to cover costs in determining, reviewing or fixing grades.
(Ord. 16-49. Passed 6-27-16.)

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. 16-49. Passed 6-27-16.)

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) 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 Section 1351.08.
(d) 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.
(e) Final finished grade shall comply with Sections 1351.06, 1351.07 and 1351.08.

(Ord. 16-49. Passed 6-27-16.)

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.
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.
(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.

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.

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.

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 fourth degree misdemeanor.
(b) Each day such violation is committed or permitted to continue shall constitute a separate offense.
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 The Building Department or its Designee 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.
1351.09 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. 16-49. Passed 6-27-16.)

1351.02 FEE FOR DETERMINING GRADES.
No person shall be issued a building permit for any structure whatsoever until a fifty-five dollar ($55.00) fee is paid to the Building Department or its Designee to cover costs in determining, reviewing or fixing grades.
(Ord. 16-49. Passed 6-27-16.)

1351.03 GRADE LINES.
No building permit shall be issued until grade lines have been determined or reviewed by the Building Department or its Designee 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 Building Department or its Designee, such work does not require the setting of a grade line different from the grade line already established.
(Ord. 16-49. Passed 6-27-16.)

1351.04 THE BUILDING DEPARTMENT OR ITS DESIGNEE TO ESTABLISH GRADES.
(a) Building Department or its Designee 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) 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 Section 1351.08.
(d) 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.
(e) Final finished grade shall comply with Sections 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 Department or its Designee 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 Department or its Designee 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 Department or its Designee 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 Building Department or its Designee as to the proper grade line.

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.
(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. 16-49. Passed 6-27-16.)

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. 16-49. Passed 6-27-16.)

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 Building Department or its Designee 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. 16-49. Passed 6-27-16.)

1351.99 PENALTY.
(a) Whoever violates any provisions of this chapter or fails to conform to the grade line set or reviewed by the Building Department or its Designee shall be deemed guilty of a fourth degree misdemeanor.
(b) Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 16-49. Passed 6-27-16.)

and present Chapter 1351 is 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

6-5-17 LL
RESOLUTION NO.  
INTRODUCED BY:

**A RESOLUTION**  
APPROVING USE BY JEFFREY AND PAMELA BARKER OF SUBMERGED LANDS OF LAKE ERIE FOR SHORELINE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

**WHEREAS,** Jeffrey and Pamela Barker, 27238 Lake Road, Bay Village, Ohio 44140, will be in need of a lease with the Ohio Department of Natural Resources for use of submerged lands to construct a new 10’ wide by 34.5 long steel crib in an east-west direction at the end of the existing north steel crib and install 50L.F. of new 3-54 ton armor stone revetment along the toe of the existing shale flub, and install 100cy of sand prefill (if necessary) as mitigation for the new revetment along the existing shoreline; and

**WHEREAS,** said improvements will take place in submerged lands of Lake Erie, which is under the jurisdiction of the State of Ohio and Cuyahoga County, Ohio; and

**WHEREAS,** it is determined by the Council of the City of Bay Village, Ohio, pursuant to ORC §1506.11 (B) that the City of Bay Village has no need for said designated parcel of submerged lands for any planned use such as ports or docks, nor any other contemplated use for such submerged lands; and further has no objection to said use and does hereby approve said use of the submerged lands for the purpose herein stated;

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

**SECTION 1.** That Jeffrey and Pamela Barker be permitted to proceed with such construction as requested on said submerged lands, subject to any other necessary approvals, and pursuant to a lease to be executed for and in consideration as will be hereinafter determined by the State of Ohio.

**SECTION 2.** The Council of the City of Bay Village through its action on the submerged land lease resolution, has considered only the needs of the City for the future use of the land and water involved in the request and has not reviewed the impact of said lease on the landowners which adjoin or abut the property involved in the lease application. This impact should be expressed to the Ohio Department of Natural Resources or through the public hearing process held by that office on the submerged land lease application.

**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 reasons stated in the preamble hereof, 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

6-7-17 LL
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
FIXING THE SALARY OF THE MAYOR OF THE CITY OF BAY VILLAGE,
REPEALING ORDINANCE 17-3 AND DECLARING AN EMERGENCY.

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

SECTION 1. That the salary for the Mayor of the City of Bay Village shall be as follows:

<table>
<thead>
<tr>
<th>Salary</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>$86,120.00</td>
<td>1/1/2017</td>
</tr>
<tr>
<td>$90,000.00</td>
<td>1/1/2018</td>
</tr>
<tr>
<td>$90,000.00</td>
<td>1/1/2019</td>
</tr>
<tr>
<td>$90,000.00</td>
<td>1/1/2020</td>
</tr>
<tr>
<td>$90,000.00</td>
<td>1/1/2021</td>
</tr>
</tbody>
</table>

SECTION 2. In addition, the Mayor’s salary will increase by $1,000.00 per year, up to $8,000.00, for each year of City of Bay Village Municipal experience as an elected official or in a Director level position after 4 years of experience.

SECTION 3. Beginning 1/1/2019 the Mayor’s base salary will increase at the same percentage agreed upon in the Collective Bargaining Agreements.

SECTION 3. That the Mayor shall be entitled to hospitalization insurance and all other fringe benefits provided for by the City which are not excluded by ordinance.

SECTION 4. That Ordinance No. 17-3 be and the same is hereby repealed.

SECTION 5. That the Clerk of Council is directed to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County immediately upon its adoption and approval by the Mayor.

SECTION 6. 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, property and safety, and for the further reason that it is immediately necessary to provide said compensation before filing deadline, 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

5-30-17 LL
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
FIXING THE SALARY OF THE PRESIDENT AND MEMBERS OF COUNCIL AND REPEALING ORDINANCE NO 15-56,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That effective on the dates listed below, the salaries for the office of President of Council and Member of Council shall be as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>President of Council</td>
<td>$9,410.00 per annum</td>
<td>1/1/2015</td>
</tr>
<tr>
<td></td>
<td>$9,598.00 per annum</td>
<td>1/1/2016</td>
</tr>
<tr>
<td></td>
<td>$9,790.00 per annum</td>
<td>1/1/2017</td>
</tr>
<tr>
<td></td>
<td>$9,985.00 11,000 per annum</td>
<td>1/1/2018</td>
</tr>
<tr>
<td></td>
<td>$10,184.00 11,500 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td>Ward Councilman</td>
<td>$8,635.00 per annum</td>
<td>1/1/2017</td>
</tr>
<tr>
<td></td>
<td>$9,500.00 per annum</td>
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<tr>
<td></td>
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</tr>
<tr>
<td>Councilman-at-Large</td>
<td>$8,300.00 per annum</td>
<td>1/1/2015</td>
</tr>
<tr>
<td></td>
<td>$8,466.00 per annum</td>
<td>1/1/2016</td>
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<tr>
<td></td>
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<td>1/1/2017</td>
</tr>
<tr>
<td></td>
<td>$8,807.00 9,500.00 per annum</td>
<td>1/1/2018</td>
</tr>
<tr>
<td></td>
<td>$8,983.00 10,000.00 per annum</td>
<td>1/1/2019</td>
</tr>
</tbody>
</table>

SECTION 2. That ordinance No. 15-56 be and the same is hereby repealed.

SECTION 3. That the Clerk of Council is directed to forward a certified copy of this ordinance to the board of Elections of Cuyahoga County immediately upon its adoption and approval by the Mayor.

SECTION 4. 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 5. 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 said compensation before deadline, 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

5-30-17 LL
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
FIXING THE SALARY OF THE PRESIDENT AND MEMBERS OF COUNCIL AND REPEALING ORDINANCE NO 15-56, AND DECLARING AN EMERGENCY.

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

SECTION 1. That effective on the dates listed below, the salaries for the office of President of Council and Member of Council shall be as follows:

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<tr>
<td></td>
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<td>1/1/2018</td>
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<tr>
<td></td>
<td>10,010 per annum</td>
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</tr>
<tr>
<td></td>
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<td>1/1/2018</td>
</tr>
<tr>
<td></td>
<td>8829.00 per annum</td>
<td>1/1/2018</td>
</tr>
<tr>
<td></td>
<td>9028.00 per annum</td>
<td>1/1/2019</td>
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</tbody>
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SECTION 2. That ordinance No. 15-56 be and the same is hereby repealed.

SECTION 3. That the Clerk of Council is directed to forward a certified copy of this ordinance to the board of Elections of Cuyahoga County immediately upon its adoption and approval by the Mayor.

SECTION 4. 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.

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the further reason that it is immediately necessary to provide said compensation before deadline, 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

5-30-17 LL