Agenda, Bay Village City Council
Regular Meeting, Council Chambers

June 19, 2017
8:00 p.m.
Committee 7:30 p.m. Conference Room
(Public Welcome)

David L. Tadych, Vice President of Council, Presiding
Roll Call/Pledge of Allegiance led by Councilman of Ward 4, Thomas Henderson
Reading of Minutes – Special Meeting of Council held June 12, 2017

ANNOUNCEMENTS

REPORTS
Mayor Koomar                           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
Interim Director of Public Service and Properties Liskovec
Human Resources Administrator Demaline

AUDIENCE

COMMUNICATIONS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

FINANCE AND CLAIMS- Mr. Clark

Ordinance 17-48 fixing the salary of the Mayor of the City of Bay Village, repealing Ordinance No. 17-3, and declaring an emergency. (Second Reading) (First Reading 6-12-17)

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

ORDINANCE 17-46 amending Section 1351 of the Codified Ordinances of the City of Bay Village regarding determination of grade lines, and declaring an emergency. (Second Reading) (First Reading 6-12-17)

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

Ordinance authorizing the Mayor to direct Barbicas Construction Company to adjust the scope of work for the 2017 Asphalt Resurfacing Contract, and declaring an emergency.
RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

**Motion** to accept donation of Water Bottle Filling Station for City Hall from the Bay Village Green Team

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES
June 19, 2017
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
June 12, 2017
Council Chambers 8:18 p.m.
President of Council Dwight Clark, presiding

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

Also Present: Law Director Ebert, Fire Chief Lyons, Community Services Director Selig, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Human Resources Administrator Demaline.

AUDIENCE

Jerrie Barnett, Warren Remein, Jeff Gallatin, Lydia DeGeorge, Bill Selong, Claire Banasiak, Alex Dade, Cheryll McCarty, Richard Fink, Mary Krauss, Joe Krall.

President of Council Clark called the meeting to order at 8:18 p.m. with roll call by the Clerk of Council and the Pledge of Allegiance led by Paul Vincent, Councilman of Ward 2.

ANNOUNCEMENTS

Mayor Koomar announced that Destination Bay, sponsored by the Bay Village Foundation and the Westlake/Bay Village Observer, will be held Saturday, June 17, 2017, with free activities planned throughout the City and in Cahoon Memorial Park. Activities include Project Pedal, Fire Department Open House, BAYarts Art and Music Festival, Village Bicycle Open House and Activities, Lake Erie Nature and Science Center Activities, and Cahoon in June in Cahoon Memorial Park. Shuttle transportation to all activities is provided by O’Neill Healthcare. A flyer listing time and places of all activities is available in the Bay Village City Hall lobby and local business establishments.

AUDIENCE

There were no comments from the audience this evening.

Motion by Mr. Tadych to dispense with the reading and approve the minutes of the meeting of the Regular Meeting of Council held June 5, 2017 as prepared and submitted.

Motion carried 7-0.

Motion by Mr. Tadych to dispense with the reading and approve the minutes of the meeting of the Meeting of the Cahoon Memorial Park Trustees held June 5, 2017 as prepared and submitted.

Motion carried 7-0.
Motion by **Mr. Henderson** to acknowledge receipt of May 2017 financial reports of the City of Bay Village as prepared and submitted by Director of Finance Renee Mahoney. Mr. Clark commented that a mid-year review of the financial situation of the City of Bay Village for the six months ending June 30, 2017 will be held toward the end of summer by the Finance Committee.

Motion carried 7-0.

**Mr. Henderson** introduced and read **Resolution No. 17-45,** by title only, 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, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 17-45.

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. 17-45, an emergency measure, by a vote of 7-0.

**Mrs. Lieske** introduced and read **Ordinance No. 17-46,** by title only, amending Section 1351 of the Codified Ordinances of the City of Bay Village regarding determination of grade lines, and declaring an emergency. Mrs. Lieske commented that the ordinance addresses meeting the City’s current needs with how this is being done, and also allows flexibility if we were to have someone internal in the future who could determine the grade.

Mr. Clark announced that Ordinance No. 17-46 is placed on first reading.

**Mrs. Lieske** introduced and read **Resolution No. 17-47,** by title only, approving use by Jeffrey and Pamela Barker of submerged lands of Lake Erie for shoreline improvements, 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. 17-47.

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:
Special Meeting of Council  
June 12, 2017

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 Resolution No. 17-47, an emergency measure, by a vote of 7-0.

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 – Lieske, Mace, Stainbrook, Tadych, Vincent, Clark, Henderson
Nays – None.

Motion carried 7-0.

Prior to convening to Executive Session, Mayor Koomar announced that he has received feedback from the owners of rental properties advising that they have to submit an application and payment each year for a housing rental permit. For the past few years, SAFEbuilt, Inc. has not sent out a letter, but relied on the rental property owners to remember to submit their application and payment each year, or to be required to pay a penalty. The City has decided to waive the penalty for the handful of people that received that penalty. Mayor Koomar is of the mind that the property owners should receive the notification in advance of the due date, and that policy has now been implemented. The remaining rental property owners are receiving a letter advising of the need to submit their application and payment and the payment will be due thirty days after receipt of the letter. Those rental property owners who have paid the penalty will receive a refund.

Mrs. Lieske asked if the amount of the penalty has been researched. The rental property owners had been told it was $100. The ordinance states $75. Mayor Koomar said that John Cheatham, the former Chief Building Official, thought it had been changed to $100. He was asked to investigate that further.

Mrs. Lieske stated that this is a case where a resident contacted her and this shows how when residents take the time to contact their Council representative things can really happen to benefit them. If more residents called with concerns or issues it helps Council to do a better job.

Mr. Tadych stated that both Mrs. Lieske and he received calls and that is what perked his interest because if two or three people are complaining there must be something going on. Mr. Tadych stated that he did look at the ordinances and it definitely says the penalty is $75. Mayor Koomar
Special Meeting of Council  
June 12, 2017

agreed, stating that this is what he saw. Mr. Cheatham claims it was changed to $100. The Mayor stated that it is $75 until proven otherwise.

Mr. Vincent commented that this is a very nice gift the City does for the rental property owners. No other City does this. The rental owners in Bay Village should be very happy.

Council convened to Executive Session.

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

Council reconvened in an open meeting at 9:20 p.m. Present were: Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent

Mr. Tadych introduced and read Ordinance 17-48 fixing the salary of the Mayor of the City of Bay Village, repealing Ordinance No. 17-3, and declaring an emergency, and moved for adoption.

Mr. Clark announced that Ordinance No. 17-48 is placed on first reading.

Ordinance fixing the salary of the President and Members of Council and repealing Ordinance No. 15-56, and declaring an emergency was removed from the agenda this evening.

Mr. Clark thanked everyone for their presence this evening. There being no further business to discuss, the meeting adjourned at 9:30 p.m.

__________________________________   ____________________________
Dwight Clark, President of Council    Joan Kemper, Clerk of Council
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 base 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>
</tbody>
</table>

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

SECTION 3. Beginning 1/1/2019 and continuing through 12/31/2021 the Mayor’s base salary will increase annually at the same percentage agreed upon in the Collective Bargaining Agreements.

SECTION 4. 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 5. That Ordinance No. 17-3 be and the same is hereby repealed.

SECTION 6. 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 7. 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 8. 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. 17-48
INTRODUCED BY: Mr. Tadych

First Reading - June 12, 2017

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:

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<th>Salary</th>
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</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 as a Director level position after 4 years of experience.

SECTION 3. Beginning 1/1/2019 and continuing through 12/31/2021 the
Mayor’s base salary will increase annually at the same percentage agreed upon in the
Collective Bargaining Agreements.

SECTION 4. 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 5. That Ordinance No. 17-3 be and the same is hereby repealed.

SECTION 6. 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 7. 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 8. 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
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.
(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 Director of Public Service and Properties to change to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to provide suitable retaining walls or other approved protection on his property to protect the adjacent property from the drainage of surface and sub-surface waters and further to protect the adjacent property from caving of earth and to assist in the maintaining of the existing natural grade of such adjacent property.
(Ord. 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 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. (Ord. 16-49. Passed 6-27-16.)
be and the same is hereby amended to read:
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.
1351.99 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 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 therefore 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.

(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 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.

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

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:

CLERK OF COUNCIL

APPROVED:

MAYOR

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

AN ORDINANCE
AUTHORIZING THE MAYOR TO DIRECT
BARBICAS CONSTRUCTION COMPANY TO ADJUST THE SCOPE OF WORK FOR
THE 2017 ASPHALT RESURFACING CONTRACT AND DECLARING AN
EMERGENCY.

WHEREAS, the City has an original agreement with Barbicas Construction
Company, Inc. 124 Darrow Road, Suite 1, Akron, Ohio 44305 in the amount of Five Hundred
Thirty One Thousand Four Hundred and Fifteen Dollars ($531,415.00) as authorized by
Ordinance No. 17-27 passed on April 17, 2017; and

WHEREAS, a change in the original Scope of Work is required; and

WHEREAS, there is a deduction in the amount of $60,000 original contract
amount for the milling and resurfacing of Osborn Road, adjusting the contract amount to
$471,415.00; and,

WHEREAS, the addition of Alternate No. 1, the milling and resurfacing of Glen
Park Drive, will add the amount of $154,309.50, adjusting the final contract amount to
$625,724.50;

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

SECTION 1. That the Mayor is hereby authorized to direct Barbicas
Construction Company to DELETE the milling and resurfacing of Osborn Road in the estimated
amount of $60,000 from the streets scheduled within the Original Contract and ADD Glen Park
Drive in the amount of $154,309.50 to the Scope of Work, with the final contract to be in the
amount of $625,724.50. Costs of ALL Work will be based on Unit Prices included in the
Original Contract and based on final quantities measured and approved by the City. Payment
shall be made from the Street Maintenance and Repair Fund/Capital Road Improvements
(270.310.55430).

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 to ensure that construction will take place during the 2017
construction season, wherefore this ordinance shall be in full force and take effect immediately
upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL