Agenda, Bay Village City Council  
Regular Meeting, Council Chambers  
October 16, 2017  
8:00 p.m.  
Committee 7:30 p.m. Conference Room  
(Public Welcome)

Dwight A. Clark, President of Council, Presiding  
Roll Call/Pledge of Allegiance led by Councilman Paul Vincent, Ward 2  
Reading of Minutes – Special Meeting of Council held October 9, 2017

ANNOUNCEMENTS

Mayor Koomar

Ceremonial Oath of Office administered to Police Dispatchers Abbey Sinatra and Amer Abouhmoud, and Animal Control Officer Mark Adkins.

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 Steve Vogel
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

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

Ordinance 17-79 amending Section 1141.04 of the Codified Ordinances of the City of Bay Village regarding First Residence District/Accessory Buildings, Structures and Uses, and declaring an emergency. Second Reading (First Reading October 9, 2017.)
Ordinance declaring a moratorium until the amendment to Section 1141.04(J) has been adopted for Recreational Structures, Accessory Building Structures and Uses, in the City of Bay Village, and declaring an emergency.

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

Ordinance authorizing the Mayor to execute the final change order with Barbicas Construction Company for the 2017 Asphalt Resurfacing Contract, and declaring an emergency.

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Motion to approve the use of Cahoon Memorial Park for the event “Light up Bay Village for the Holiday Season” hosted by the Bay Village Historical Society and the Bay Village Kiwanis on Sunday, December 3, 2017 from 2 p.m. to 6 p.m., which will include holiday stories, caroling, crafts and sale of Christmas merchandise at the Rose Hill Museum and the Bay Village Community House, and the lighting ceremony of the Community Tree in Cahoon Memorial Park Gazebo.
October 16, 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.
President of Council Dwight Clark, presiding

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

Excused: Mayor Koomar

Also Present: Law Director Ebert, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic.

AUDIENCE

Dave Barker, Lydia DeGeorge, Joe Krall, Cheryll McCarty, Bill Selong, Jerrie Barnett, Pete Winzig, Richard Fink, Tara and Denny Wendell, Jeff Gallatin.

President of Council Clark called the meeting to order at 8:00 p.m. with roll call, and the Pledge of Allegiance led by David L. Tadych, Councilman of Ward 1.

Motion by Tadych to approve the minutes of the Regular Meeting of Council held Monday, October 2, 2017, as prepared and distributed. Motion carried 7-0.

Motion by Tadych to approve the minutes of the Cahoon Memorial Park Trustees Meeting held Monday, October 2, 2017, as prepared and distributed. Motion carried 7-0.

Announcements/Audience/Miscellaneous

Nancy Brown, Wolf Road, advised that she had the opportunity today to work with Bay Village’s new Animal Control Officer, Mark Adkins. Ms. Brown stated that she talked with Mark about the past, present and future, and provided great information to him so that he could work with somebody in the City to pursue grants. Ms. Brown introduced Mark to some of the rescue organizations with whom the City networks. Connie Fields with Love-a-Stray who is the partner with the Avon Lake Police Department, is going to be working with Mark to set up everything he needs in North Olmsted. Ms. Brown stated that she is very excited that the City of Bay Village has an animal advocate, and thanked Council for allowing that person to come on board.

Chief Spaetzel stated that Council will have an opportunity to meet Mark Adkins on Monday, October 16, 2017 during the ceremonial swearing in, and at the Deer Management meeting scheduled by the Environment, Safety and Community Services Committee at 6:30 p.m. on October 16.

Motion by Tadych to acknowledge receipt of September 2017 Financial Reports of the City of
Mr. Vincent introduced and read **Ordinance No. 17-77** authorizing the Mayor to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District to provide Public Health Services for the City of Bay Village during the Calendar Year 2018, 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 Ordinance No. 17-77.

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

Mr. Clark announced adoption of Ordinance No. 17-77, an emergency measure, by a vote of 7-0.

Mr. Vincent introduced and read **Resolution No. 17-78** approving the adoption of the 2017-2022 Countywide All Natural Hazards Mitigation Plan for Cuyahoga County, 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. 17-78.

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 Resolution No. 17-78, an emergency measure, by a vote of 7-0.

**Mrs. Lieske** introduced and read **Ordinance 17-79** amending Section 1141.04 of the Codified Ordinances of the City of Bay Village regarding First Residence District/Accessory Buildings, Structures and Uses, and declaring an emergency. (First Reading).

A motion for a moratorium on permits for Accessory Structures per Section 1141.04 will be placed on the agenda for consideration at the October 16, 2017 meeting of Council.

Mr. Clark announced that Ordinance No. 17-79 is placed on First Reading.

**Mr. Henderson** introduced and read **Ordinance No. 17-80** authorizing the Mayor to enter into an agreement with Specialized Construction, Inc. for the 2017 Pavement Crack Seal of areas on Wolf Road and Lake Road, 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 Ordinance No. 17-80.

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

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

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

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

Mr. Clark announced adoption of Ordinance No. 17-80, an emergency measure, by a vote of 7-0.

There being no further business to discuss, the meeting adjourned at 8:15 p.m.

___________________________    ____________________ ____
Dwight Clark, President of Council    Joan Kemper, Clerk of Council
AN ORDINANCE
AMENDING SECTION 1141.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING FIRST RESIDENCE DISTRICT/ACCESSORY BUILDINGS, STRUCTURES AND USES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 1141.04 which presently reads as follows:

1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.
The following accessory buildings, structures and uses are permitted on a lot in a First Residence District.

(A.1) Air conditioners, as governed by C.O. Chapter 1359.

(A.2) Swimming pools, as governed by C.O. Chapter 1349.

(Ord. 71-80. Passed 6-7-71.)

(B) (EDITOR’S NOTE: This subsection was repealed by Ordinance 73-146, passed December 17, 1973. See Chapter 1163 for fence regulations.)

(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.

(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C. O. 1179.10(B)1).

(Ord. 76-62. Passed 6-7-76.)

(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.

(Ord. 54-42. Passed 4-9-54, Art. V, §4.)

(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant's family, shall be permitted to occupy such premises.

(Ord. 61-201. Passed 12-4-61.)

(G) On a lot occupied by an apartment house: community garage.

(H) Off-street parking spaces as required by Chapter 1191.

(Ord. 54-42. Passed 4-29-54, Art. V, §4.)

(I) Signs as governed by C.O. Chapter 1179.

(Ord. 76-62. Passed 6-7-76.)

(J) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.

(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
be and the same is hereby amended to read:

**1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.**

The following accessory buildings, structures and uses are permitted on a lot in a First Residence District.

(A.1) Air conditioners, as governed by C.O. Chapter 1359.

(A.2) Swimming pools, as governed by C.O. Chapter 1349.

(Ord. 71-80. Passed 6-7-71.)

(B) (EDITOR'S NOTE: This subsection was repealed by Ordinance 73-146, passed December 17, 1973. See Chapter 1163 for fence regulations.)

(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.

(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C. O. 1179.10(B)1).

(Ord. 76-62. Passed 6-7-76.)

(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.

(Ord. 54-42. Passed 4-9-54, Art. V, §4.)

(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant’s family, shall be permitted to occupy such premises.

(Ord. 61-201. Passed 12-4-61.)

(G) On a lot occupied by an apartment house: community garage.

(H) Off-street parking spaces as required by Chapter 1191.

(Ord. 54-42. Passed 4-29-54, Art. V, §4.)

(I) Signs as governed by C.O. Chapter 1179.

(Ord. 76-62. Passed 6-7-76.)

(J) Any building, structure or use customarily accessory or incidental to a permitted use, including basketball courts, ice skating rinks, playground equipment, including all illumination, on special permit per the following conditions:

Recreational Courts. The term “recreational courts” means the surface area and permanent installation of structures, recreation equipment and appurtenants thereto, used in conjunction with recreation activities including tennis, basketball and any other similar recreational uses. Recreational courts shall not be used for go carts, motorcycles or other motorized vehicles.

(1) Recreational courts shall be constructed at grade level and be comprised of clay, grass, asphalt, concrete or other similar hard surface material;

(2) Recreational courts shall only be located in the rear yard;

(3) Recreational courts, fences and appurtenances shall conform to the setback requirements as set forth in Section 1149.01 of this Zoning Code;
(4) Fencing of the recreational courts shall comply with Chapter 1163, Fence Regulations;
(5) No floodlights, light poles or lighting of courts is permitted;
(6) The total recreational court area plus all other accessory uses on property shall not exceed the maximum percent of lot coverage as permitted in Section 1149.02 of this Zoning Code; and
(7) A building permit shall be required as set forth in Chapters 1303 and 1305 of the Building Code prior to the installation of any recreational court.

This Section shall not apply to any buildings, structures or uses erected prior to the effective date of this ordinance.

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
10-5-17 LL
ORDINANCE NO:
INTRODUCED BY:

AN ORDINANCE
DECLARING A MORATORIUM UNTIL THE AMENDMENT TO
SECTION 1141.04(J) HAS BEEN ADOPTED FOR RECREATIONAL
STRUCTURES, ACCESSORY BUILDING STRUCTURES AND
USES IN THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that there is a need to request further time to study the impact of Section 1141.04(J) on Accessory Building Structures and Uses in the City of Bay Village;

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

SECTION 1. That Council hereby enacts a moratorium until the enactment of the amendment to Section 1141.04(J) on development by City Council, Planning Commission, Board of Zoning Appeals, and any committee appointed by Council.

SECTION 2. That the Clerk of Council is hereby directed to forward a copy of this legislation to the Building Director, the Planning Commission, Board of Zoning Appeals, and any committee appointed by City Council for review of this legislation.

SECTION 3. 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 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons that it is immediately necessary to protect the planning process, 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

10-12-17 LL
AN ORDINANCE
AUTHORIZING THE MAYOR TO EXECUTE THE FINAL CHANGE ORDER WITH BARBICAS CONSTRUCTION COMPANY FOR THE 2017 ASPHALT RESURFACING CONTRACT, AND DECLARING AN EMERGENCY

WHEREAS, the City had 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, the City directed Barbicas Construction Company Inc. to DELETE the milling and resurfacing of Osborn Road from the Scope of Work for an estimated amount of $60,000.00 and ADD “Alternate #1” for the milling and resurfacing of Glen Park Drive for the added amount of $154,309.50, adjusting the Contract Amount to $625,724.50, as authorized by Ordinance No. 17-51 passed on June 19, 2017; and

WHEREAS, the Work is complete and the final quantities for the Project have been determined; and

WHEREAS, Barbicas Construction Company submitted Change Order 1F for approval by the City;

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

SECTION 1. That the Mayor be and he is hereby authorized to execute Change Order 1F for Barbicas Construction Company, Inc. 124 Darrow Road, Suite 1, Akron, Ohio 44305, deducting the amount $76,395.49 of from the total of said Contract amount and bringing the Final Contract Price to $549,329.01 and payments 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 that it is immediately necessary to replace the damaged transfer station with a new transfer station, 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
10/11/17 II