Agenda, Bay Village City Council
Regular Meeting, Council Chambers

November 6, 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 30, 2017
Cahoon Memorial Park Trustees meeting held October 30, 2017

ANNOUNCEMENTS

Mayor Koomar

Appointment of Dominic Giovannazzo to the Parks and Recreation Commission for a four-year term expiring November 6, 2021.

REPORTS
Mayor Koomar
Director of Law Ebert
Director of Finance Mahoney
Director of Recreation Enovitch
Interim Director of Public Service and Properties Liskovec
Human Resources Administrator Demaline

Director of Community Services Selig
Police Chief Spactzel
Fire Chief Lyons
Chief Building Official Steve Vogel

AUDIENCE

COMMUNICATIONS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

FINANCE AND CLAIMS- Mr. Clark

Ordinance 17-74 amending Section 1 of Ordinance 17-57 regarding rates of compensation for the officers and employees of the General Administration Department and those employees of the City not covered by separate labor contract for the calendar year 2018 and thereafter, and declaring an emergency. (First Reading September 18, 2017) (Second Reading October 2, 2017)

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske
November 6, 2017
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PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Henderson

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

Motion to confirm the appointment of Dominic Giovannazzo to the Parks and Recreation Commission for a four-year term expiring November 6, 2021

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Resolution authorizing the Mayor to enter into a Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District, and declaring an emergency.

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES
November 6, 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
Council Chambers 8:00 p.m.
President of Council Dwight Clark, presiding

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

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetzel, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Chief Building Official Vogel (SAFEbuilt, Inc.).

AUDIENCE

Dave Barker, Lydia DeGeorge, Joe Krall, Cheryll McCarty, Bill Selong, Jerrie Barnett, Pete Winzig, Tom Kelly, Tara and Denny Wendell, Jeff Gallatin, Dick Majewski, Mary Krauss, Al Paulus, Michael Parks, Annie Nock and family and friends

President of Council Clark called the meeting to order at 8:00 p.m. with roll call, and the Pledge of Allegiance led by the family of Annie and Michael Nock: Annie, Mike, Michael and Madeline.

Motion by Tadych to approve the minutes of the Regular Meeting of Council held Monday, October 16, 2017, as prepared and distributed. Motion carried 6-0.

Motion by Tadych to approve the minutes of the Cahoon Memorial Park Trustees Meeting held Monday, October 16, 2017, as prepared and distributed. Motion carried 7-0.

Presentation of Certificate of Appreciation to Annie Nock and Friends for the Community Garage Sale Fund Raising Initiative in support of Hurricane Victims. Donation of $10,000 presented by Mr. Al Paulus, The Village Foundation, to Mr. Michael Parks, Regional Director, American Red Cross.

Mayor Koomar announced that Annie Nock came forward with the idea of helping the hurricane victims through a community-wide garage sale. With the help of the Mayor's Administrative Assistant, the Mayor, and Annie, they worked out the idea of having the sale at the Bay Way Cabin. Mr. Al Paulus, President of the Bay Village Foundation worked with them to make the proceeds and tax deductible gifts to the fund a donation through the Village Foundation. The Mayor noted that this is an important function that the Bay Village Foundation performs. They are a conduit for so many things in the community and give back in so many ways. This was one of the very special ways they were able to help again this year.

Mayor Koomar read the Certificate of Appreciation:
Special Meeting of Council  
October 30, 2017  

"Be it remembered that Bay Village resident Annie Nock was so moved by the plight of Hurricane Harvey, Irma, and Maria's victims, that she took it upon herself to organize a Community Yard Sale to raise funds for the American Red Cross Disaster Relief Fund in order to assist those affected by these devastating hurricanes. Once she received the support of the Bay Village Foundation, and secured the location, she went about assembling a group of volunteers who tirelessly took donations from generous residents over the course of four days, organizing, setting-up and pricing the many donations that filled the Bayway Cabin to capacity. This was no small feat, the sale lasted two days and by all counts was a huge success, raising over $10,000 for the American Red Cross Disaster Relief Fund."

"Now, therefore, I Paul A. Koomar, Mayor of the City of Bay Village, on behalf of the administration and the members of City Council and the American Red Cross do hereby express a sincere gratitude and congratulations to Annie Nock and her team of volunteers, the residents who donated, and all the shoppers for their successful fund raising efforts."

Mr. Al Paulus, President of The Village Foundation, presented a check to Mr. Michael Parks, Regional Director of the American Red Cross, in the amount of $10,154.73 for the dollars raised at the Community Rummage Sale.

Mr. Michael Parks thanked Annie Nock for the inspiration, noting that the difference between brilliance and success is execution. He stated that this shows an incredible amount of effort, and as someone who was actually deployed to the Hurricane Irma area, he can say that this type of generosity is a demonstration of what a wonderful community in which we are blessed to live. Mr. Parks presented Annie Nock with a Red Cross coin as a token of appreciation, as he thanked her, the Village Foundation, and everyone involved in this successful effort.

Mrs. Nock stated that none of this could have happened without all of the amazing volunteers. A group of about thirty volunteers showed up to make donations, stayed to work, kept coming back and working some more. It was an amazing, energizing experience just to see the community come together and want to help so much.

Mr. Clark stated that he has been involved in philanthropic and fund raising efforts over his thirty plus years in Bay Village, and being a part of this was one of the most satisfying events in which he had ever participated. Mr. Clark thanked Mr. and Mrs. Nock and their children for their hard work, noting that they make Bay Village a great place to live.

ANNOUNCEMENTS

**Mayor Koomar** stated that Law Director Ebert has provided Council with a memorandum on the Eagle Cliff Park situation. He asked Mr. Ebert to provide an update of where his research on this matter stands.

Mr. Ebert stated that there are several associations such as the Eagle Cliff Association in Bay Village. Some are formed legally, some are voluntary associations, and some actually have restrictions on their deeds as to access to the lake. Various members have come forward to the
City as far as enforcement of these associations. The Eagle Cliff Park Association goes back to when the original developer developed the lake front along those properties. Eagle Cliff is directly south of Lake Road, west of Bradley Road. The developer had a number of plots, and he showed that all of the plots had access to Lake Erie. This goes back fifty years, and since those times the various big sublots have been subdivided into individual lots. Some of those lots have access to Lake Erie through a strip of land that went on the north side of Lake Road. Others were lost when the properties were transferred from owner to owner to owner. Looking at the Eagle Cliff area, they not only had lake access, but they had access to the east and west along the lake. Since that time people have built fences and structures that were part of the association back when the association was formed. The problem is how the City can or cannot enforce the lake road access. The Board of Zoning Appeals is very cognizant of the situation and will advise that a walkway can be constructed, but not a structure because it is part of the Eagle Cliff allotment. It is the same situation for the other associations in Bay Village.

The City has a problem of enforcement for these property owners. It is a private property right. The only way for enforcement is an Action to Quiet Title, hire counsel, and get all of the owners involved who may have been promised this when they purchased their homes. Some have access to the lake noted on their deed. Others do not. It is not an inexpensive endeavor to seek the legal solution. It was attempted through Mr. Ebert’s office as far as title search, and a lot of time was spent going back through the records of the county to see which ones have the lake access, and which ones don’t, which can be enforced, and which cannot. Now there are structures on some of the right-of-way that was part of the association, and an owner can claim what is known as adverse possession. They use it for twenty one years, open notorious to the public, therefore they acquire the property if they ever went for an action to quiet title. Unfortunately, those are private property rights that have to be enforced through a private attorney or through the courts or title company.

Mr. Ebert provided Council with a memorandum for the Eagle Cliff situation, because this is one on which they spent a lot of time. He stated that Jerrie Barnett has one for the Bay Beach Club that she is working on right now. There are several in Bay Village. It is a private matter, some of the property owners have deeds that show access. The access is limited, and some of the access to the lake is gone. There was another in the Lake Park area and the cliff and staircase is no longer there as a result of erosion. People have put up erosion control devices where the private access used to be. It is a private matter, and when it gets down to enforcing it that will be through the courts and title company for title searches. It is a private property right, and not though the City.

Mr. Ebert noted that there is a strip of land shown as undeveloped land that goes behind properties. When mentioned to a couple of home owners they stated that they do not want to push that right because it would become lake front property if acquired. The land is void in the County Auditor’s Office. Mr. Ebert noted this is one of the many issues that comes up regarding these properties. He stated that he is on top of it as much as he can on behalf of the City helping out where they can, but it is something that may involve a private attorney to enforce the rights of the association members.
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October 30, 2017

Mayor Koomar advised that the Ohio Power City Board is proposing wind power generation out in the lake. There will be a public meeting at Cleveland City Hall in the Council Chambers on November 8, 2017 at 6 p.m. The proposed construction, from the diagram that was given, looks to be about eight to ten miles off the shoreline over the western edge of Lakewood.

The Mayor announced that resident Sharon Mazur has send a complimentary note in appreciation of assistance from the new Animal Control Officer.

The City of Avon Lake has notified Chief Spaetzel that they are in the process of gearing up for deer culling in Walker Road Park. The same process that has been used in the past to secure the area and notify abutting property owners in Bay Village will be followed again this year.

There was very positive interaction with the Army Corps of Engineers for a few projects in Cahoon Memorial Park for which the Army Corps may be able to offer assistance. The process is being followed through and Interim Director of Public Service and Properties Liskovic is filling out related paper work for the Army Corps of Engineers.

Mr. Henderson verified with Mayor Koomar that the residents bordering the Walker Road Park will be given the door-to-door notification of deer culling as they were in the past. Mayor Koomar stated that the personal, door-to-door notification will be done.

Mr. Mace advised that the Northeast Ohio City Council Association (NOCCA) forum that is scheduled for Thursday, November 9, is dealing with combatting the Opioid Crisis and Mobilizing Adequate Resources. They have organized a panel of guest speakers that will be starting at 6:30 p.m., after a light supper served at 5:30 p.m. Dr. Gilson, from the Cuyahoga County Examiner’s Office, Lieutenant Mike Connelly, Ohio High Intensity Drug Trafficking Area, which was just stationed in Cleveland, and Eliza Wing, Cuyahoga County Chief Communications Officers, will offer an overview of the strategies and resources needed to combat the Opioid Crisis. Mr. Mace stated that this is a forum that would be good for the Council members and the administration. Reservations can be made through the Clerk of Council by November 7.

Mayor Koomar stated that he has heard Eliza Wing speak. She has a very nice presentation and is also a Bay Village resident.

Mr. Mace sadly announced the passing of life-long resident, Hubert O. “Hubie” Gillespie, retired Captain of the City of Bay Village Fire Department. Hubie served as a Bay Village Firefighter for 29 years and continued his career with the Bay Village Service Department, serving the City of Bay Village for over 40 years. Mr. Mace noted that Hubie began his career as a volunteer firefighter, and served as Mr. Mace’s first Captain when Mr. Mace was a Bay firefighter. The Funeral Mass will be held at St. Raphael Church on Friday, November 3 at 10:30 a.m. Friends may call at the McGorray-Hanna Funeral Home of Westlake on Thursday from 4 p.m. to 8 p.m.

Mr. Henderson introduced and read Ordinance No. 17-84, to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2017, as previously
Special Meeting of Council  
October 30, 2017

appropriated in Annual Appropriation No. 16-84, and amended in Ordinances No. 17-10, 17-19, 17-26, 17-42, 17-49, 17-53, 17-60 and 17-64, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-84.

Roll Call on Suspension of the Charter Rules:  
Yea—Clark, Henderson, Lieske, Mace, Stainbrook, Tadych  
Nay—None

Roll Call on Suspension of the Council Rules:  
Yea—Clark, Henderson, Lieske, Mace, Stainbrook, Tadych  
Nay—None.

Roll Call on Inclusion of the Emergency Clause:  
Yea—Clark, Henderson, Lieske, Mace, Stainbrook, Tadych  
Nay—None.

Roll Call on Adoption:  
Yea—Clark, Henderson, Lieske, Mace, Stainbrook, Tadych  
Nay—None.

Mr. Clark announced the passage of Ordinance No. 17-84, an emergency measure, with a vote of 6-0.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session regarding contracts: SAFEbuilt, Inc.

Roll Call Vote: Yea—Henderson, Lieske, Mace, Stainbrook, Tadych, Clark. Nay—None. Motion passed 6-0.

Also present in Executive Session were Mayor Koomar and Law Director Ebert.

Council reconvened in an open meeting at 8:50 p.m. Present were: Clark, Henderson, Lieske, Mace, Stainbrook, Tadych.

There being no further business to discuss, the meeting adjourned at 8:54 p.m.

Dwight Clark, President of Council  
Joan Kemper, Clerk of Council
Dwight Clark, President of Council, presiding.

President of Council Clark called the meeting to order at 7:52 p.m. in the Conference Room of Bay Village City Hall.

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

Excused: Mr. Vincent

Also Present: Law Director Ebert, Finance Director Mahoney, Police Chief Spaetz, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Chief Building Official Vogel (SAFEbuilt, Inc.).

Dave Barker, Lydia DeGeorge, Joe Krall, Cherryl McCarty, Bill Selong, Jerrie Barnett, Pete Winzig, Tom Kelly, Tara and Denny Wendell, Jeff Gallatin, Dick Majewski, Mary Krauss.

**Motion by Mace** to approve the use of Cahoon Memorial Park near the City Hall Parking Lot for “Food Truck Friday” to be held on Fridays, from May 18, 2018 through September 17, 2018.

Mr. Clark stated that this is an activity that was introduced this year. The Dwyer Memorial Center Emergency Fund was the beneficiary of $1,100 donated back to the City from the food truck vendors.

**Motion carried 7-0.**

**Granting of Right-of-Way for Lake Road Bridge Construction over Cahoon Creek.**

**Motion by Mace** to grant 0.57 acres of permanent right-of-way of property adjacent to Lake Road to the Ohio Department of Transportation in connection with the construction of a new bridge and required stormwater management.

Mr. Mace explained that this right-of-way is for the bridge over Cahoon Creek on Lake Road and the additional easement will make it possible to increase the span of the bridge so that it can be used for the lakefront access project and accessibility to the park. Mayor Koomar added that it is for the construction of a new bridge. The foundation that is currently in place was built in 1917. The widening will include bike lanes and attention to provide pedestrian safety. The foundation below will require just a small amount of extra room for construction.

Mr. Tadych asked if the bridge will be any higher. Mayor Koomar stated that it will be relatively the same height. Mr. Liskovic stated that the project is in the second phase of engineering. The first phase of engineering included some preliminary review and there was a negligible change.

Mr. Clark noted that the information included in the packets indicated that the 0.57 acres was basically hillside, vegetation and a non-traveled area. The fact that they are installing new, wider...
Minutes of a Meeting of  
Cahoon Memorial Park Trustees  
October 30, 2017  

bike paths on the bridge is a positive. The lanes will be 6 ft. wide with 5 ft. sidewalks, providing a cushion for the pedestrians.

Mayor Koomar stated that they walked the area with the engineer that has the contract of trying to work with them outside the actual bridge dimensions and looking at the sidewalks and how they come in and intersect and be matched up to the bridge. They have been very good in that regard. The current time line would be to let the construction contract in January of 2019. The completion date is proposed for the end of August, 2019. There is a lot of biking to school in the spring and the thought would be to get it started in late winter, early spring and completed by the time school starts again.

Mr. Tadych asked if this will include the light that may go at Columbia and Lake because of the bridge being closed. Mayor Koomar stated that they have asked about that and haven’t received any confirmation back. The initial response was that it would just be an “L” shaped turn from Lake to Columbia for state routes. The alternative would be Columbia then back down on Route 83. They were looking at that whether they thought it was necessary or not.

Motion carried 7-0.

Meeting adjourned at 7:57 p.m.

Dwight A. Clark, President of Council  
Joan Kemper, Clerk of Council
AN ORDINANCE
AMENDING SECTION 1 OF ORDINANCE 17-57 REGARDING RATES OF COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE GENERAL ADMINISTRATION DEPARTMENT AND THOSE EMPLOYEES OF THE CITY NOT COVERED BY SEPARATE LABOR CONTRACT FOR THE CALENDAR YEAR 2018 AND THEREAFTER, AND DECLARING AN EMERGENCY.

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

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

<table>
<thead>
<tr>
<th>Position</th>
<th>August 7, 2017 and Thereafter</th>
<th>January 1, 2018 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Director of Finance</td>
<td>$97,397</td>
<td>$97,397</td>
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<tr>
<td>2. Finance Specialist-Full Time</td>
<td>19.95-29.57 per hour</td>
<td>19.95-29.57 per hour</td>
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<td>3. Administrative Project Leader</td>
<td></td>
<td>$38,400 - $57,600</td>
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<tr>
<td>4. Part-time Human Resources Administrator</td>
<td>29.20 per hour</td>
<td>29.20 per hour</td>
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<tr>
<td>5. Part-time Clerical</td>
<td>$12.18 - $16.60 per hour</td>
<td>$12.18 - $16.60 per hour</td>
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<tr>
<td>6. Director of Law</td>
<td>$75,401</td>
<td>$75,401</td>
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<tr>
<td>7. Administrative Assistant</td>
<td></td>
<td>$13.46 - $19.38 per hr.</td>
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<td>8. Prosecutor</td>
<td>$35,379</td>
<td>$35,379</td>
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<tr>
<td>9. Interim Dir. Public Service &amp; Properties</td>
<td>$80,000</td>
<td>$80,000</td>
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<tr>
<td>11. Public Works Supervisor</td>
<td>$73,007</td>
<td>$73,007</td>
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<tr>
<td>12. Sewer Maintenance Supervisor</td>
<td>$63,787</td>
<td>$63,787</td>
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<tr>
<td>Position</td>
<td>Salary Range</td>
<td>Current Hourly Rate</td>
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<tr>
<td>13. Infrastructure Manager</td>
<td>$67,020</td>
<td>$67,020</td>
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<tr>
<td>14. Property Maintenance Inspector</td>
<td>$61,701</td>
<td>$61,701</td>
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<tr>
<td>15. Projects Coordinator</td>
<td>$31.91 per hour</td>
<td>$31.91 per hour</td>
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<tr>
<td>16. Part-time</td>
<td>$8.15 – $17.96 per hour</td>
<td>$8.15 – $17.96 per hour</td>
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<tr>
<td>17. Seasonal</td>
<td>$8.15 – $17.35 per hour</td>
<td>$8.15 – $17.35 per hour</td>
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<tr>
<td>18. Director of Recreation</td>
<td>$75,012</td>
<td>$75,012</td>
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<tr>
<td>19. Asst. Recreation Director</td>
<td>$46,311</td>
<td>$46,311</td>
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<tr>
<td>20. Assistant to Mayor</td>
<td>$47,463</td>
<td>$47,463</td>
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<tr>
<td>21. Clerk of Council</td>
<td>$52,366</td>
<td>$52,366</td>
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<tr>
<td>22. Fire Chief</td>
<td>$105,196</td>
<td>$105,196</td>
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<tr>
<td>22. Police Chief</td>
<td>$105,196</td>
<td>$105,196</td>
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<tr>
<td>23. Deputy Police Officer</td>
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<tr>
<td>Start</td>
<td>$23.87 per hour</td>
<td>$23.87 per hour</td>
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<tr>
<td>After 2080 hours</td>
<td>$26.52 per hour</td>
<td>$26.52 per hour</td>
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<tr>
<td>After 4160 hours</td>
<td>$30.06 per hour</td>
<td>$30.06 per hour</td>
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<tr>
<td>After 6240 hours</td>
<td>$34.24 per hour</td>
<td>$34.24 per hour</td>
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<tr>
<td>25 Animal Control Officer</td>
<td>$(full time) $18.00-22.00 per hour</td>
<td>$(full time) $18.00-22.00 per hour</td>
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<tr>
<td>26. Jailer/Matron</td>
<td>$14.78 per hour</td>
<td>$14.78 per hour</td>
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<tr>
<td>27. Full time Dispatch</td>
<td>$17.89-22.50 per hour</td>
<td>$17.89-22.50 per hour</td>
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<tr>
<td>28. Part time Dispatch</td>
<td>$16.10-20.25 per hour</td>
<td>$16.10-20.25 per hour</td>
</tr>
<tr>
<td>29. Director of Community Services</td>
<td>$61,701</td>
<td>$61,701</td>
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</tr>
<tr>
<td>30. Assistant Director of Community Services</td>
<td>$37,233</td>
<td>$37,233</td>
</tr>
<tr>
<td>32. Safety Director</td>
<td>$5,000</td>
<td>$5,000</td>
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</tbody>
</table>

The individual who may serve pro-tem as Secretary to Council or as Secretary to Planning Commission, Board of Zoning Appeals, Recreation Commission, Civil Service Commission, Architectural Board of Review, Tree Commission or Charter Review Committee shall be paid fifty dollars ($50.00) for the first two hours of attendance and his or her hourly rate thereafter per regular or special meeting attended in lieu of wages.”

and present Section 1 of Ordinance 17-57 is hereby repealed.

SECTION 2. That it is found and determined that all formal actions concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City’s needs, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

______________________________
PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

9-15-17 LL
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH THE
CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT,
AND DECLARING AND EMERGENCY

WHEREAS, cooperation between the Cuyahoga Soil and Water Conservation District (SWCD) and the City facilitates solutions to problems encountered by the City as it plans for the development/redevelopment and conservation of its environment, as well as, water quality improvements; and

WHEREAS, in making technical assistance and expertise available to the City, the SWCD seeks to influence local planning and regulatory capability toward better conservation of soil and water resources; and

WHEREAS, the SWCD has authority to enter into this Memorandum of Understanding (MOU) with the City pursuant to Chapter 1515 of the Ohio Revised Code; and

WHEREAS, recognizing the need for effective collaboration in carrying out mandated responsibilities, especially related to the Minimum Control Measures for the National Pollutant Discharge Elimination System (NPDES) for Storm Water as defined with the Ohio Revised Code 3745-39-04(B)(1) through (6), the City and SWCD agree to enter into this MOU as the document which describes the process for collaboration between the parties.

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

SECTION 1: The Mayor is hereby authorized in the name of the City of Bay Village to enter into a Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District for conservation of natural resources and storm water program technical assistance for the twelve month period effective upon execution of the Memorandum of Understanding and with an annual conservation appropriation (grant), not to exceed $4,120.00 to be paid annually.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 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 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

11-3-17 LL