AGENDA

Agenda, Bay Village City Council                                   Date: December 11, 2017
Committee Meeting                                                  Time: 7:30 p.m.
Conference Room
David L. Tadych, Vice President of Council, Presiding

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

FINANCE & CLAIMS COMMITTEE-Clark

Administrative Compensation Ordinance

Director of Law and Prosecutor Compensation Ordinance

November 2017 City of Bay Village Financial Reports

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Extension of time for the Planning Commission to review the application of Bay Interfaith Housing for the Knickerbocker Apartments Renovation Project, from December 30, 2017 to February 28, 2018.

Coastal Management Assistant Grants Application

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE- Henderson

Karvo Companies, Inc. Contract Change Order (Deduction)

A&A Safety Contract for Lake Road Pavement Marking and Road Diet

RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

AUDIENCE

MISCELLANEOUS
December 8, 2017

A Special Meeting of the Bay Village City Council will be held on Monday, December 11, 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 Nancy Stainbrook, Council-at-large.

2. **Motion** to approve the Minutes of Regular Meeting of Council held December 4, 2017. *Henderson*

3. Announcements/Audience/Miscellaneous

4. **Ordinance 17-89** amending Section 505.06 of the Codified Ordinances of the City of Bay Village regarding poisoning animals, and declaring an emergency. *Vincent* (Second Reading 12-4-17) (First Reading 11-27-17).

5. **Ordinance 17-90** amending Section 505.33 of the Codified Ordinances of the City of Bay Village regarding feeding of deer prohibited, and declaring an emergency. *Vincent* (Second Reading 12-4-17) (First Reading 11-27-17).

6. **Ordinance 17-92** amending Section 539.03 of the Codified Ordinances of the City of Bay Village regarding park property, and declaring an emergency. *Vincent* (Second Reading 12-4-17) (First Reading 11-27-17).

7. **Ordinance 17-93** amending Section 549.08 of the Codified Ordinances of the City of Bay Village regarding discharging of firearms, and declaring an emergency. *Vincent* (Second Reading 12-4-17) (First Reading 11-27-17).

8. **Ordinance 17-94** amending Section 549.09 of the Codified Ordinances of the City of Bay Village regarding throwing or shooting missiles, and declaring an emergency. *Vincent* (Second Reading 12-4-17) (First Reading 11-27-17).

9. **Ordinance 17-95, as amended**, allowing the City to manage the White-Tailed Deer Population within the City of Bay Village and amending Section 505.16 “Hunting Prohibited,” and declaring an emergency. *Vincent* (Second Reading 12-4-17) (First Reading 11-27-17).

10. **Ordinance 17-96** to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2018. *Henderson* (Second Reading 12-4-17) (First Reading 11-27-17).
11. Ordinance 17-98 amending Section 1 of Ordinance No. 17-86 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. *Henderson* (Second Reading) (First Reading 12-4-17).

12. Ordinance 17-99 providing the compensation of the Director of Law and Prosecutor for the year commencing January 1, 2018 and ending December 31, 2018. *Henderson* (Second Reading) (First Reading 12-4-17).

13. Motion to acknowledge receipt of the November 2017 Financial Reports prepared by Finance Director Renee Mahoney.*Henderson*

14. Motion to grant an additional 60 days, from December 30, 2017 to February 28, 2018, for the Planning Commission to review the plans of Bay Interfaith Housing for the Knickerbocker Apartments Renovation Project.*Lieske*

15. Resolution authorizing the filing and acceptance of a Coastal Management Assistance Grants through the Ohio Department of Natural Resources, and declaring an emergency.*Lieske*

16. Ordinance authorizing the Mayor to authorize the final change order with Karvo Companies, Inc. for resurfacing two (2) Lake Road parking lots, and declaring an emergency.*Henderson*

17. Ordinance authorizing the Mayor to enter into an agreement with A&A Safety for the Lake Road Pavement Marking and Road Diet, and declaring an emergency.*Henderson*

18. Adjournment

Dwight Clark, President of Council

Charter Reference 2.11
Agenda
Special Meeting of Council
December 11, 2017

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.
CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:15 p.m. 

December 4, 2017

Dwight Clark, President of Council, presiding

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

Also Present: Finance Director Mahoney, Police Chief Spaetzle, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovec, Director of Community Services Selig, Chief Building Official of SAFEbuilt, Inc., Steve Vogel.

AUDIENCE

The following audience members signed in this evening: Council Elect Lydia DeGeorge, Council Elect Sara Byrnes Maier, Scott K. Jordan, Sophia Jordan, Bob Drake, Joe Krall, Council Elect Pete Winzig, and Jeff Gallatin.

Mr. Clark called the Regular Meeting of Council to order at 8:15 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Marty Mace, Councilman-at-large.

Following the roll call, Mr. Clark called for a reading of the minutes of the Special Meeting of Council held November 27, 2017 Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Special Meeting of Council held November 27, 2017 as prepared and distributed. Motion carried 7-0. Mr. Clark called for a reading of the minutes of the Cahoon Memorial Park Trustees held November 27, 2017. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Cahoon Memorial Park Trustees held November 27, 2017 as prepared and distributed. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Koomar advised that Tuesday, December 5 is the last date for yard waste pick-up for this season. Bulk pick-ups will continue but yard waste in bags/cans will be completed for the season.

The Cuyahoga County supplemental grant for the Police Station Technology Room in the amount of $50,000 has been filed.

The clock tower at City Hall has been repaired. The software that was not working correctly was covered under warranty.

Mr. Clark commented that the Light up the Holidays in Cahoon Memorial Park on Sunday, December 3 was enjoyed by many. Santa visited the Community House after riding through the City on a fire truck and greeting children as he passed through.
REPORTS

Law Director Ebert addressed Mr. Bob Drake of Elmwood Road, who was seated in the audience, stating that Mr. Drake is grandfathered in for the operation of the ice skating rink in his back yard, regardless of what happens to the moratorium going forward. There was a building permit issued for the chiller for the ice rink. Mr. Ebert stated that he saw the building permit today, and noted that Mr. Drake spent $10,000 for the chiller. Mr. Steve Vogel, Chief Building Official with SABELt, Inc., inspected the chiller. This gives Mr. Drake the right to operate a skating rink, regardless of what happens on the moratorium. However, that does not preclude the operational issues that need to be complied with as far as the building. Mr. Ebert stated further that Mr. Vogel can go over with Mr. Drake as far as when that was built. The permit is in place for the chiller, and then Mr. Drake went to the Board of Zoning Appeals for the lighting issue. The Board of Zoning Appeals gave prerequisite as far as hours of operation, shade, etc. concerning the facility. The City, through the Building Department, was cognizant of the operation of an ice rink. They were not cognizant of the size. The size, grading and drainage need to comply with the current code. Mr. Ebert suggested Mr. Drake talk with Mr. Vogel so he can go over those issues with Mr. Drake. Mr. Ebert reiterated that regardless of the moratorium Mr. Drake can have the operation of an ice rink, however, there are operational issues.

Mayor Koomar added that this is the same as a fence issue that occurred a number of years ago. The fence comes down and goes back up. If we would require a survey now, or something along that line, Mr. Drake would have to comply. If any grading would change from year to year, Mr. Drake would be subject to the rules. The Mayor does not believe there are any this year, but just as a process, that is what would be followed.

Mrs. Lieske asked if the same permit would carry over for this structure, considering the fact that some accessory structures are more permanent in nature, such as a basketball court or shed, whereas this structure is seasonal, taken down and put back up every year.

Mr. Ebert stated that it would except for various issues as far as size, grading and draining. The chiller unit was noted by the City and a permit was authorized by SABELt, Inc. There was money expended by Mr. Drake for the chiller unit. The operational issue concerning the size, drainage, and lighting, which was part of the Board of Zoning Appeals variance, have to be in compliance.

Mrs. Lieske addressed Mr. Ebert and stated that based on their prior discussions, she did not think this would be grandfathered.

Mr. Ebert stated that the City gave the permit for the $10,000 chiller unit. It then went to the Board of Zoning Appeals (BZA) concerning the lighting issue because there was a complaint. They acknowledge it was an ice rink. The BZA acknowledged there was a lighting issue, they set the times for lighting and the shading to keep lighting away from the neighbors. He is allowed to have it. You cannot prohibit something grandfathered. It can't be retroactive for
someone who spent $10,000 to build it and say this year now we are eliminating that use. He is grandfathered in by law.

Mrs. Stainbrook asked Mr. Ebert, when you have a temporary structure, and it comes down, any laws that are changed in the interim, in this case the moratorium, doesn’t affect it.

Mr. Ebert stated that the ordinances state that after a non-conforming use exists for one year or more you are then restricted as far as what you can do with the current law. He is within the one year. However, a building permit was issued for a chiller unit. He then went to the Board of Zoning Appeals concerning a complaint about lighting. They restricted how lighting could be, the hours of operation. Then, you put a moratorium for future expansion of accessory uses on Chapter 1141, specifically concerning basketball courts, ice rinks, things of that nature. That moratorium holds, but he is grandfathered in. However, he has to comply with the building code as to size and drainage. You can control the operational, which is the drainage and the size by a building permit, but you can’t say it is prohibited after someone expended capital, under your current code, to build it, and went to your Building Department and went to your Board of Zoning Appeals.

Mr. Clark asked if the Building Permit also covers the hours of usage. Mr. Ebert stated that the Board of Zoning Appeals controls the operation.

Mr. Mace asked if a temporary structure has offset requirements for property lines, electrical lines, etc. Mr. Ebert stated that those have to comply with the Building Code.

Mr. Ebert stated that he looked at the permit. The chiller unit was inspected by the Building Department. This was an application for a chiller unit at an estimated cost of $10,000. A permit was granted after inspection concerning the electrical. It is in the file. The next issue that came up was the lighting issue went to the Board of Zoning Appeals. They set times of operation, the type of lighting with proper shade. That was also noted in the minutes. He must comply with the current Building Code, but you cannot prohibit him from operating that year as long as he operates in compliance with the Building Code.

Mr. Tadych asked if the City has inspected this structure. Mr. Vogel stated that he was there today and Mr. Drake has his equipment ready for installation. Mr. Vogel asked for a clarification. If Mr. Drake comes for a building permit, that is a new permit, there is currently a moratorium in effect. Mr. Vogel asks how he deals with that situation.

Mr. Ebert stated that the operation of that structure cannot be prohibited because he was grandfathered in prior to the moratorium. It is a seasonal operation, but he has to comply with the Building Code: building permit, setbacks, size, and the lighting determined by the Board of Zoning Appeals.

Mayor Koomar asked if the structure had not had Board of Zoning Appeals approval, the moratorium would hold. Mr. Ebert stated that this is correct.
Minutes of Regular Meeting  
Bay Village City Council  
December 4, 2017  

Mr. Henderson stated that this is new information from his perspective. He asked Mr. Ebert why he did not inform Council that this moratorium they voted on would be handled this way. Mr. Ebert stated that he thought he did. He stated that you cannot think about it retroactively. The resident spent $10,000. He was granted a building permit. He indicated that it would be torn down every year. This is not something new.

Mr. Henderson stated that he is not questioning Mr. Ebert’s legal interpretation. What he is saying is he would have preferred if Mr. Ebert could have shared this information with Council in a more clear manner when the moratorium was discussed. Mr. Henderson stated that his understanding when they passed the moratorium is not consistent with what Mr. Ebert is explaining now, because the new information given tonight is new, at least based on Mr. Henderson’s recollection.

Mr. Ebert stated that he apologizes if that was the case but he did not ever think anything other than that, other than the operational issues concerning the structure. You have a building permit granted; he knows it’s seasonal, everyone knew it is not being operated in the summer. You have a resident who spent $10,000 for a chiller unit. If there is a mistake or a misinterpretation, it should have been caught by the City during that period of time.

Mr. Henderson stated that his understanding, when having those conversations earlier, was that this moratorium was to give Council time to make those kinds of decisions. Mr. Ebert stated that it was for time, to prevent another if there was a reason such as the size of an ice rink, basketball courts, swing sets, all those types of structures. Mr. Ebert cited as an example the litigation regarding a play set on Lake Road property. They are allowed to have it. The ordinance says you can have a swing set. Swing sets have evolved as far as structures. The court said you cannot prohibit that structure. There can be future control of the size. That is how this whole thing came up.

Mr. Henderson asked Mr. Ebert about a situation where someone had a swing set that was large that was already up, and an ordinance concerning the maximum size of a swing set was passed, and someone tore down that swing set and built a new swing set. Mr. Ebert stated that it is determined by the length of time; we have an ordinance regarding non-conforming uses. The prime case was Martin’s Deli where there was a non-conforming use that existed there. The building was torn down. They were allowed to rebuild that Martin’s Deli on the same footprint as long as it was built within one year. That is where this whole thing started as far as the Court of Appeals’ decision.

Mrs. Stainbrook stated that she did not know that based on previous discussions.

Mr. Tadych stated that he has no recollection of it either.

Mrs. Stainbrook asked if it is a new permit, grandfathered in.

Mr. Henderson asked if the City should evaluate it based on the old laws.
Minutes of Regular Meeting  
Bay Village City Council  
December 4, 2017

Mr. Ebert stated that the size requirement still needs to be met, which is thirty percent of the backyard area. The setback from the sideyard and the drainage issue will have to be addressed. The lighting was addressed by the Board of Zoning Appeals.

Mr. Henderson asked Mr. Ebert, when the Council in the future considers regulations pertaining to ice rinks, if they make new operational requirements, would those then apply, or would it perpetually be grandfathered?

Mr. Ebert stated that Mr. Drake’s will be perpetually grandfathered as far as the operation. The setback and things of that nature must still be in compliance.

Mr. Tadych asked Mr. Ebert if the City went out and inspected this today, then we know whether the pre-requisites or the requisites for the skating rink are in compliance today, and are they?

Mr. Ebert stated that he does not know; it has not been built.

Mr. Vogel stated that he received an email from Mrs. Lieske stating that there was a complaint that Mr. Drake is putting the ice rink back up. Mr. Vogel went to the site and it looks like the materials for the structure are there, but not installed yet.

Mr. Vogel stated that there is no building permit, just an electrical permit for the chiller. There is no building permit. That is the issue.

Mrs. Lieske asked if all this approval is based on a permit for a chiller, not a building permit.

Mr. Ebert stated that it went to the Board of Zoning Appeals. There was a hearing. This was not private.

Mrs. Lieske stated that Mr. Vogel just stated there was no building permit.

Mr. Ebert stated that there was a chiller permit building an ice rink back when this was built.

Mr. Vogel stated that it was an electrical permit, but they were well aware of what it was for. At the time they probably should have questioned.

Mr. Ebert stated that if there was a question about the size or what was being built the City should have raised it at that time.

Mrs. Lieske stated that she raised it last year.

Mr. Ebert stated that you have legislation based on the code, you get complaints and you start looking at it and say that is not what we wanted at the time. You change your ordinances based on situations like that. In this situation it was already built. My legal opinion is he is entitled to have it; he has to have a building permit when he takes it down every year, but he is grandfathered in as far as the use is concerned.
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

Mr. Tadych stated that he does not want to see anything happen like what happened on Humiston with the basement, and we refused to have it removed. He stated that he suggested that the builder rebuild properly. It went on and on and created a citywide mess for weeks, months, and years. Mr. Tadych stated that he hopes we follow this as exactly as we are supposed to follow through.

Mr. Ebert stated that there was a meeting today. Mr. Vogel is going to monitor the situation. Mr. Ebert stated that in regard to Chapter 1141 concerning the accessory structures, it is his legal opinion that from day one, the moratorium is preventing any future construction of those, but you cannot prohibit retroactive and be punitive to someone who has already spent the money to build something like that.

Mr. Clark asked if this is the only project that falls under that grandfathered category. Mr. Ebert stated that it is the only one that is before the City right now.

Mr. Clark asked if the Board of Zoning Appeals rulings that occurred last time are grandfathered and all of those apply as well? Mr. Ebert stated that they are grandfathered.

Mr. Clark asked what would trigger a new Board of Zoning Appeals meeting. Mr. Ebert stated that if there was something different in the structure itself. The Board of Zoning Appeals weighed in on the lighting issue, they talked about the lighting and the ice rink going up. There was no prohibition of ice rink back when they applied. Mr. Ebert gave an example of an installation of a basketball court in Westlake that took up the whole back yard of the property. They changed their legislation in Westlake because of these types of recreational structures, based on the size of the lots.

Mr. Clark stated that Mrs. Lieske has a Planning and Zoning Committee meeting scheduled for December 11, 2017 to talk about Chapter 1141, so there is still some work to be done. The point comes down to the fact that we have to enforce what is appropriate under the code regarding the setbacks and drainage. Mr. Clark asked Mr. Vogel if this is what needs to be done.

Mr. Vogel stated that the only question is whether we are waiving the moratorium in this case.

Mr. Ebert stated that his legal opinion is that the moratorium does not affect the operation of the ice rink because it was legal when he built it. Mr. Vogel asked if he can then look at it under the current code. Mr. Ebert stated that his legal opinion is, yes.

Mr. Tadych asked if a new set of plans is necessary to get the permit. Mr. Ebert stated that whatever plans he has, new or old can be used. Mr. Tadych stated that old plans won’t work. We know what the old one was. Mr. Ebert stated that he would need plans. The operation of it is subject to a building permit under the current code. The use of it is grandfathered in at the time he applied for a permit for the chiller.
Minutes of Regular Meeting  
Bay Village City Council  
December 4, 2017

Mr. Henderson asked if those are engineered plans. Mr. Vogel stated that engineered plans are not necessary. If the grade is changed there will be a deposit for grading. We will have to have our engineer approve new grading.

Mr. Drake approached the dais and showed Mrs. Lieske a picture of the ice rink and stated that this document is what he used to fill out his original application. Everyone on the Board of Zoning Appeals received a copy of that for lighting.

Mrs. Lieske stated that the picture shows the dimension of the rink but not the dimensions of the property.

Mrs. Lieske stated that it seems as all Council members, noting that she has not heard from Mr. Vincent, are of a different opinion as to the understanding with the moratorium. Mrs. Lieske asked what point in time Council would request an additional legal opinion to see if another attorney reviewed this if they would be in agreement. Mrs. Lieske noted that she was really taken with the number of comments from Council colleagues as to what they recall hearing and the discussion, and at what point in time will the Mayor chime in? It doesn’t mean faulting Mr. Ebert, but Mr. Henderson, Mr. Tadych, Mrs. Stainbrook, and myself – this is not what we recalled. She asked if this would be appropriate.

Mayor Koomar stated that we can, if that is what Council would request. Mr. Ebert stated he has no problem with that whatsoever. Mrs. Lieske stated that she would like to initiate that request.

Mr. Vincent suggested looking at the ordinance that discusses the one year non-conforming use. The moratorium doesn’t necessarily have the effect to protect against what we want it to protect against. If we wipe out that one year clause it would have that effect.

Mr. Clark stated that there are a number of different issues colliding. There is a moratorium issue, a building permit issue, a Board of Zoning Appeals approval issue, and we are talking about a unique project. Mr. Clark stated that he would support an outside legal opinion.

Mr. Henderson stated that he would support an outside legal opinion. It is not meant to be derogatory against Mr. Ebert, it is just that he would have preferred Mr. Ebert would have informed Council of this interpretation earlier. Mr. Ebert stated that he thought he did, he would like to see the minutes of the Planning and Zoning Committee meeting. Mr. Henderson stated that if this is the case he did not understand Mr. Ebert accurately.

Mr. Tadych stated that he would support an outside legal opinion. Mrs. Stainbrook agreed.

Mr. Ebert stated that he has no problem with that; he would not be doing his job if he didn’t tell Council his legal opinion.

Mr. Vincent stated that Council must also be considerate of property rights. If you want to have this in your backyard we can’t all just focus on one particular issue. He suggested looking at what the neighboring cities are doing.
Mr. Tadych asked how Council goes about selecting an outside legal opinion. He stated that he does not particularly care about having an outside legal from Rocky River.

Mr. Clark asked if Council can have something available to them by the time of the December 11 meeting of the Planning and Zoning Committee. Mr. Vincent stated that we will need to know before Mr. Vogel issues the permit. If someone decides differently than Gary, we have to decide if we follow this stranger we never met, or do we follow Gary. At that point, if we follow the stranger who might be different than we don’t issue a permit. Even if we get another opinion, I don’t necessarily know if that is the way we want to go. It is something to think about.

Mr. Tadych stated that it is only fair we move swiftly on this for the purpose of the gentleman putting in the ice rink and also our understanding.

Mrs. Stainbrook stated that we want to be judicious and get it right.

Mr. Clark stated that he will rely on the administration to utilize outside Council and to move this timely.

Mrs. Lieske addressed Mayor Koomar and stated that if there is some issue in terms of the timing, Mrs. Lieske can discuss with her committee members the date for the Planning and Zoning Committee.

Mayor Koomar stated that he will call Mrs. Lieske on December 5.

REPORTS

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch announced that this Friday, December 8, 2017 at the Bayway Cabin, from 6:30 p.m. to 8:00 p.m., the Recreation Department will hold their Christmas Holiday Family Night. The offerings include pictures with Santa, music, dancing, arts and crafts, and lots of fun.

Interim Director of Public Service and Properties Liskovec reiterated Mayor Koomar’s earlier message that the clock tower is back in operation with the faulty circuit board, which was under warranty, was repaired. The dials were affected, but the rest of the operation was maintained. City Hall elevator repairs have been made and the elevator will be put back into operation following the state inspection. It is hoped to have all leaves picked up throughout the City by December 10, 2017. The crews started back on the east side of town today, and everyone in the City should get one more pass.

Director of Community Services Selig reported that the generator has been installed and the window installation on the east side of the building has been completed. The only remaining window replacement are the front Bay windows.
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

Police Chief Spaetzel had no report this evening.

Chief Building Official Vogel stated that the Knickerbocker project has been reviewed by the Architectural Board of Review. The Planning Commission will review the chiller location and screening for the chiller before considering final approval. The Planning Commission will meet again on December 20, 2017. The application has been extended until February 14, 2018 and Mr. Vogel is optimistic that the approval process will be worked through by that time.

Mr. Vogel reported attending a Federal Emergency Management Agency (FEMA) seminar last week with many topics covered including the insurance aspect. FEMA does provide approval for insurance for property owners in floodplain areas. It is important that the City has adopted the permit ordinances.

The Board of Zoning Appeals and Planning Commission have discussed the Accessory Use ordinance.

Mr. Clark asked how many Bay Village homes are in the floodplain area. Mr. Vogel stated that the properties include those along Cahoon Creek, Wischmeyer Creek, and Porter Creek, included in all five tributaries.

AUDIENCE

Mr. Scott Jordan, stated that he and his daughter, Sophia Jordan, are at the Council meeting this evening to present an alternate library location.

Mr. Clark gave permission to Mr. Jordan to do so, noting, however, that it is a little unique because of where the City is in the process. He noted that he tries to be fair and will allow Mr. Jordan time to give his presentation.

Mr. Jordan asked where the City is in the process. Mr. Clark stated that a site has been chosen by the Cuyahoga County Library Trustees, and funding has been set aside, and the square footage requirement of the library has been met. The biggest issue was having to go to Probate Court to make sure there was no violation of the Cahoon Will, which was accomplished by the Law Director and the City administration. One of the challenges was to be sure that there was no violation of the Will, and it was learned that there was actually a library that existed in Cahoon Memorial Park at Rose Hill for a number of years.

Mayor Koomar added that the location selected by the Cuyahoga County Library Board echoes the recommendation of the County Planning Commission Master Plan process.

Mr. Jordan stated that the Master Plan process did not consider what he considers to be an amazing site.
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

Mr. Ebert reiterated the comments of Mayor Koomar as to the location of the site, and the preference of the Library Board in choosing the site as an ideal location across from the schools and near the Dwyer Memorial Center, swimming pool, shopping center, and the center of town. The review process included the approval of the Cahoon Memorial Park Trustees, Cuyahoga County Probate Court, the Office of the Attorney General, Internal Trust Division of the State of Ohio, and the State Teachers’ Retirement Association.

Mr. Jordan asked if any of these processes included residents of Bay Village, noting that he does not recall any open forums regarding library location. Mr. Ebert stated that there was nothing held behind closed doors. Demolition of the Bayway Cabin was even discussed. We talked about when the cabin was moved to that location, and the fact that it wasn’t a permanent structure. The Will was discussed as well as the site of the former library at the Rose Hill Museum.

Mr. Jordan stated that the idea he has is to put the library on the lake, across from the Bay Boat Club. There is the walking trail there, and the old Gun Club parking lot on the opposite side of that piece of land. It would sit right where the beach is being planned. It would sit on that corner and go down the embankment. It would go right where the Bay Village Park is planned. Aesthetically from the road there would be only one layer; the rest would be down under the embankment, looking at the City of Cleveland or the wonderful sunsets we have. It would be an amazing, inspiring location. It would still be in the Cahoon Memorial Park, so much of the work that has been done would be in place. It is a completely inspiring piece of property compared to the one that has been picked. It would change our Bay Village in a nice way. Mr. Jordan noted that none of the studies that were ever done considered this piece of property.

Mayor Koomar stated that one of the big points from the library perspective, of them investing in Bay Village, is that they wanted the library to be maintained close to the Middle School. There are a large amount of Middle School students that come there after school. There is safe crossing with the crossing guards at Wolf Road and Dover Center Road. Another thought was to keep it close to the existing location.

Mr. Jordan stated that the same group of people would continue to go to the library that go there now, compared to a location we would all love.

Mayor Koomar noted that the location suggested by Mr. Jordan north of Lake Road would require a fair amount of parking.

Mr. Jordan stated that there is parking there, and parking along the road. He noted that he does not have the design done. He is looking for the Council’s support on an alternate location and is here to open the minds on a subject matter that no one has thought of. Mr. Jordan noted that his daughter thought of the location and that is why they are here. He stated his belief that the location would do quite a bit of things for the city, and would draw many residents to the library on the lake. He suggested the youth would have a place to go with a beach and a book. He noted the advantage he has of living on one of the tributaries to the lake and the beauty of being close to the lake. He stated this would give that experience to every resident in Bay Village.
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

Mrs. Lieske stated that Mr. Jordan called her last week and they had this discussion. Mrs. Lieske shared the information provided by Mr. Ebert this evening. Mrs. Lieske suggested to Mr. Jordan that he communicate with the Council, either in terms of a written communication or reaching out by attending a Council meeting. Mr. Jordan did a lot of research as to what has already transpired. Mrs. Lieske thanked Mr. Jordan for taking the time to present to Council this evening.

Mr. Mace added that there was a requirement of acreage needed for the library’s purpose. Mayor Koomar stated that the acreage required was an excess of 3.5 acres of land. Mr. Mace stated that he does not believe that the small point of land suggested by Mr. Jordan is 3.5 acres. Mr. Jordan stated that different levels would be along the hill, the acreage on the top and anything that would go along the walking trail would be included.

Mayor Koomar stated that one of the key components from the Library Board other than being close to the schools was access to enough parking spots per our zoning ordinances. With the walking trail there, there would not be enough parking for the library. He noted that Mr. Jordan’s plan is a very interesting plan, but there are the pragmatic considerations of having enough parking from the Library Board perspective. The Trustees would not want to disturb the existing walking track area for parking. Also, the walking path parking area is very small and often filled by cars of people who use the area for walking. You would have to look at the bigger picture of where people would park and how they would cross the road.

Mr. Henderson stated that the Library Board has already set aside funds for the project and he would infer from Mr. Jordan’s descriptions it would cost significantly more than the current budget.

Mr. Jordan suggested taking a vote with the residents and anyone else concerned. They would give up square footage to have a great view and an inspirational building.

Mr. Jordan asked the present timing of the library project. Mayor Koomar stated that they are working on a land lease with the Library Board for the current location. The Library Board is working on architectural renderings. This is the Library Board’s funding, and they are very happy with the site. The trustees have approved that site understanding it will create a town center. He noted that from Mr. Jordan’s viewpoint the location could be very uninspiring, but many city planners have a different viewpoint and feel this location could create a town center.

Mr. Jordan asked if Council has any interest in considering any other site. Mr. Clark stated that at this point in time, he doubts it. We have talked about this for a number of months. Mr. Clark stated that Mr. Jordan must have known this project has been going on for a while, and asked why it is coming up today. Mr. Jordan stated that as soon as he saw the document sent out in November he immediately called his Councilperson and got here within days of the idea. He moved as quickly as he possibly could based on information he received in the mail.
Minutes of Regular Meeting  
Bay Village City Council  
December 4, 2017

Mr. Clark stated that Council appreciates the comments of Mr. Jordan this evening. In the interest of keeping this an open forum, enough time has been given to this matter this evening. Mr. Clark noted that the library process is moving ahead, and no one has any interest in doing anything differently.

COMMUNICATIONS

A communication was received from Scout Troop No. 70961 who would like people to stop smoking in public places with a lot of kids around. Smoking can make children sick, and some kids might be allergic. They asked to please put up no smoking signs next to kids places, like playgrounds and soccer fields. Their troop would even help make the signs.

Mayor Koomar stated that he has asked Jen Demaline, the Human Resource Manager, to look at this request. The mother and several scouts did stop into his office and shared their request. They are looking at specific locations like the pool and playground as a starting point. The Mayor stated that he was touched by their letter and thinks their request is worthy of consideration.

A letter was received today addressed to Council President Clark from the Cuyahoga County Council stating that they have enacted an ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy county motor vehicle license taxes upon the operation of motor vehicles on public roads and highways, pursuant to Chapter 4504 of the Ohio Revised Code. The letter indicates that it will be an additional $5.00 per vehicle on all vehicles registered in Cuyahoga County. Members of Council will receive a copy of the letter.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

Mr. Vincent read, by title only, Ordinance 17-89 amending Section 505.06 of the Codified Ordinances of the City of Bay Village regarding poisoning animals, and declaring an emergency. (Second Reading) (First Reading 11-27-17).

Mr. Clark announced that Ordinance No. 17-89 is placed on second reading.

Mr. Vincent read, by title only, Ordinance 17-90 amending Section 505.33 of the Codified Ordinances of the City of Bay Village regarding feeding of deer prohibited, and declaring an emergency. (Second Reading) (First Reading 11-27-17).

Mr. Clark announced that Ordinance No. 17-90 is placed on second reading.

Ordinance 17-91 amending Section 505.99 of the Codified Ordinances of the City of Bay Village regarding penalty, and declaring an emergency. (Second Reading) (First Reading 11-27-
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

17). (Ordinance No. 17-91 is withdrawn due to duplication in another ordinance, as requested by Councilman Mace.)

Mr. Vincent read, by title only, Ordinance 17-92 amending Section 539.03 of the Codified Ordinances of the City of Bay Village regarding park property, and declaring an emergency. (Second Reading) (First Reading 11-27-17).

Mr. Clark announced that Ordinance No. 17-92 is placed on second reading.

Mr. Vincent read, by title only, Ordinance 17-93 amending Section 549.08 of the Codified Ordinances of the City of Bay Village regarding discharging of firearms, and declaring an emergency. (Second Reading) (First Reading 11-27-17).

Mr. Clark announced that Ordinance No. 17-93 is placed on second reading.

Mr. Vincent read, by title only, Ordinance 17-94 amending Section 549.09 of the Codified Ordinances of the City of Bay Village regarding throwing or shooting missiles, and declaring an emergency. (Second Reading) (First Reading 11-27-17).

Mr. Clark announced that Ordinance No. 17-94 is placed on second reading.

Mr. Vincent read, by title only, amending by reading, Ordinance 17-95 allowing the City to manage the White-Tailed Deer Population within the City of Bay Village and amending Section 505.16 “Hunting Prohibited,” and declaring an emergency. (Second Reading) (First Reading 11-27-17).

Mr. Clark announced that Ordinance No. 17-95 is placed on second reading.

FINANCE AND CLAIMS - Mr. Clark

Mr. Tadych read, by title only, Ordinance No. 17-86 amending Section 1 of Ordinance 17-74 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, and moved for adoption. (Second Reading 11-27-17) (First Reading 11-13-17).

Mr. Tadych noted that this ordinance provides for the hiring of a Building Director for a salary range of $72,000 to $108,000.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-86.

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

13
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

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 the passage of Ordinance No. 17-86, an emergency measure, with a vote of 7-0.

Mr. Tadych read, by title only, Ordinance 17-96 to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2018. (Second Reading) (First Reading 11-27-17).

Mr. Clark announced that Ordinance No. 17-96 is placed on second reading.

Mr. Tadych read, by title only, Ordinance 17-97 establishing the effective date for the Refuse Collection Fee, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-97.

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 the passage of Ordinance No. 17-97, an emergency measure, with a vote of 7-0.

Mr. Henderson introduced and read Ordinance 17-98 amending Section 1 of Ordinance No. 17-86 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)
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

Mr. Clark announced that Ordinance No. 17-98 is placed on first reading.

Mr. Henderson introduced and read, by title only, Ordinance No. 17-99 providing the compensation of the Director of Law and Prosecutor for the year commencing January 1, 2018 and ending December 31, 2018. (First Reading)

Mr. Henderson amended the ordinance by reading to include the words, “and declaring an emergency” in the title section of the ordinance.

Mr. Clark announced that Ordinance No. 17-99 is placed on first reading.

Mr. Henderson introduced and read, by title only, Ordinance 17-100 authorizing the Mayor to enter into a One Year Contract with the Jefferson Group to provide Administrative Services for the City’s Health and Hospitalization Plan, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-100.

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

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

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

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

Mr. Clark announced the passage of Ordinance No. 17-100, an emergency measure, with a vote of 7-0.

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

Mrs. Lieske had no further report this evening.

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

Mr. Henderson had no further report this evening.
Minutes of Regular Meeting
Bay Village City Council
December 4, 2017

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

Mr. Mace had no further report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych
Mr. Tadych had no further report this evening.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session for discussion concerning Administration Personnel, Salary and Wage, and Litigation – Probate Court.

Roll Call Vote: Yeas- Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent. Nays – None. Motion passed 7-0.

Also in attendance in Executive Session were Mayor Koomar, Law Director Ebert, Council Elect Sara Maier, Council Elect Lydia DeGeorge, Councilman Elect Winzig.

Council reconvened in an open meeting at 10:34 p.m. Present were: Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 10:37 p.m.

Dwight A. Clark, President of Council
Joan Kemper, Clerk of Council
AN ORDINANCE
AMENDING SECTION 505.06 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING POISONING ANIMALS, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 505.06 which presently reads as follows:

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal. No person shall, willfully place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in ORC.
(b) Whoever violates this section is guilty of a misdemeanor of the second degree. (Ord. 03-07. Passed 4-7-03.)

be and the same is hereby amended to read:

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry, deer or other domestic animal. No person shall, willfully place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in ORC.
(b) Whoever violates this section is guilty of a misdemeanor of the second degree.

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

11-16-17 LL

PRESIDENT OF COUNCIL
ORDINANCE No. 17-90
INTRODUCED BY: Mr. Vincent
First Reading 11-27-17
Second Reading 12-4-17

AN ORDINANCE
AMENDING SECTION 505.33 OF THE CODIFIED ORDINANCES OF THE CITY OF
BAY VILLAGE REGARDING FEEDING OF DEER PROHIBITED
AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 505.33 which presently reads as follows:

505.33 FEEDING OF DEER PROHIBITED.
(a) Definitions. In this section "food" means corn, fruit, oats, hay, wheat, alfalfa, salt or
mineral blocks, grain, vegetables, human food scraps, commercially sold wildlife feed, birdseed,
or livestock feed. "Food" does not include shrubs, live crops, plants, flowers, vegetation, gardens,
trees, and fruit or nuts that have fallen from trees to the ground.
(b) Feeding of Deer Prohibited. No person shall intentionally feed deer or make food available
for consumption by deer on private or public property within the City of Bay Village. A person
shall be presumed to have intentionally fed deer, or made food available for consumption by deer,
if the person places food or causes food to be placed on the ground or any alternative feed venue
outdoors.
(c) Affirmative Defense. It is an affirmative defense to prosecution under this section if a
person places food, in good faith, for the purpose of feeding domestic animals owned and located
on the involved property.
(d) Penalty. Whoever violates this Section shall receive a warning on the first offense, and is
guilty of a minor misdemeanor on subsequent offenses. Penalty shall be as provided in Section
501.99. (Ord. 12-37. Passed 5-7-12.)

be and the same is hereby amended to read:

505.33 FEEDING OF DEER PROHIBITED; EXCEPTION.
(a) Definitions. In this section "food" means corn, fruit, oats, hay, wheat, alfalfa, salt or
mineral blocks, grain, vegetables, human food scraps, commercially sold wildlife feed, birdseed,
or livestock feed. "Food" does not include shrubs, live crops, plants, flowers, vegetation, gardens,
trees, and fruit or nuts that have fallen from trees to the ground.
(b) Feeding of Deer Prohibited. No person shall intentionally feed deer or make food available
for consumption by deer on private or public property within the City of Bay Village. A person
shall be presumed to have intentionally fed deer, or made food available for consumption by deer,
if the person places food or causes food to be placed on the ground or any alternative feed venue
outdoors.
(c) Bait. The City is permitted to place bait for deer as part of the City’s Deer
Management Plan as approved by the Ohio Division of Wildlife.
(d) **Affirmative Defense.** It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic animals owned and located on the involved property.

(e) **Penalty.** Whoever violates this Section shall receive a warning on the first offense, and is guilty of a minor misdemeanor on subsequent offenses. Penalty shall be as provided in Section 501.99. (Ord. 12-37. Passed 5-7-12.)

**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

11-16-17 LL
AN ORDINANCE

AMENDING SECTION 539.03 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING PARK PROPERTY, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 539.03 which presently reads as follows:

539.03 PARK PROPERTY.
No person in a park shall:
(a) Buildings and Other Property.

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notice or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, grounds or park property or appurtenances whatsoever, either real or personal.

(2) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(3) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, downtimber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, without the prior written consent of the Director.

(4) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands without the prior written consent of the Director.

(b) Trees, Shrubbery, Lawns,

(1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, or attach any rope, wire or other contrivance to any tree or plant, or dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, without the prior written consent of the Director.

(2) Climbing trees, etc. Climb any tree or walk or stand or sit upon monuments, vases, fountains, railings, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Wild Animals, Birds, Etc.

(1) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird; nor collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen, alive or dead, of any of the group of tree snails. Exception to the foregoing is made in that snakes known
to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight.

(2) Feeding. Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(Ord. 70-41. Passed 4-6-70.)

be and the same is hereby amended to read:

539.03 PARK PROPERTY.

No person in a park shall:

(a) Buildings and Other Property.

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notice or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, grounds or park property or appurtenances whatsoever, either real or personal.

(2) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(3) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, downtimber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, without the prior written consent of the Director.

(4) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands without the prior written consent of the Director.

(b) Trees, Shrubbery, Lawns.

(1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, or attach any rope, wire or other contrivance to any tree or plant, or dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, without the prior written consent of the Director.

(2) Climbing trees, etc. Climb any tree or walk or stand or sit upon monuments, vases, fountains, railings, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Wild Animals, Birds, Etc.

(1) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird; nor collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen, alive or dead, of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as snakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight.

(2) Feeding. Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.
(d) **Deer**

(1) **Hunting.** Hunting of deer is permitted as part of the City’s Deer Management Plan as approved by the Ohio Division of Wildlife.

**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

11-16-17 LL

________________________________________

PRESIDENT OF COUNCIL
AN ORDINANCE
AMENDING SECTION 549.08 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING DISCHARGING OF FIREARMS, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 549.08 which presently reads as follows:

549.08 DISCHARGING FIREARMS.
(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the City.
(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized by Council such as a permit to operate a firing range.
(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

be and the same is hereby amended to read:

549.08 DISCHARGING FIREARMS.
(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the City.
(b) This section does not apply when firearms are used in self-defense, in the discharge of official duty or when otherwise lawfully authorized by Council such as a permit to operate a firing range.
(c) This section does not apply when firearms are used as part of the City’s Deer Management Plan as approved by the Ohio Division of Wildlife.
(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

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

11-16-17 LL
AN ORDINANCE
AMENDING SECTION 549.09 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING THROWING OR SHOOTING MISSILES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 549.09 which presently reads as follows:

549.09 THROWING OR SHOOTING MISSILES.
(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, within City limits, with the exception of the police shooting range facility.
(Ord. 08-71. Passed 7-7-08.)
(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

be and the same is hereby amended to read:

549.09 THROWING OR SHOOTING MISSILES.
(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, within City limits, with the exception of the police shooting range facility.
(Ord. 08-71. Passed 7-7-08.)
(b) This section does not apply when firearms and/or arrows are used as part of the City’s Deer Management Plan as approved by the Ohio Division of Wildlife.
(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

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

11-16-17 LL
AN ORDINANCE
ALLOWING THE CITY TO MANAGE THE WHITE-TAILED DEER POPULATION
WITHIN THE CITY OF BAY VILLAGE AND AMENDING SECTION 505.16
“HUNTING PROHIBITED”, AND DECLARING AN EMERGENCY.

WHEREAS, the overpopulation of white-tailed deer within the City of Bay Village negatively impacts public health and safety primarily due to an excessive number of deer-related vehicular accidents, as well as destruction of natural habitats and biodiversity, the increased risk of disease transmission to humans from deer parasites, and potential damage to private and public property; and

WHEREAS, the City has considered various options to control the deer population with the assistance of the Ohio Department of Natural Resources and recommends a comprehensive and multifaceted approach to managing the deer population as the most efficient strategy; and

WHEREAS, Council desires to provide the Mayor, as the Director of Public Safety, with a deer management program to address deer overpopulation.

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

SECTION 1: That Section 505.16 entitled “HUNTING PROHIBITED” be and the same is hereby amended to read:

505.16 HUNTING PROHIBITED; EXCEPTIONS

(a) The hunting of animals or fowl within the City is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means, except as follows:

(1) The limited hunting of white—tailed deer by crossbow or long bow may be permitted within the City as part of the Deer Management Plan under the following terms and conditions:
   (a) The Police Chief or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant;
   (b) As a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer;
   (c) In areas of not less than two (2) contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Police Chief may prescribe;
   (d) Hunting shall be conducted from an elevated platform;
(e) Written permission from each property owner that encompasses the required two (2) contiguous acres;

(f) Qualified archer shall be defined as an individual who meets all the requirements outlined in the rules established by the Police Chief;

(g) Compliance with all laws, rules and regulations of the City and State.

(h) All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts or damages committed by the applicant;

(i) Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police;

(j) Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulations necessary to insure public health and safely;

(k) Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.

(2) The City may utilize firearm trained personnel to cull white-tailed deer as part of a City Deer Management Plan. Culling may take place on city-owned land and on private properties that exceed 2 acres, either individually or combined, at the request of the property owner, provided all of the following conditions apply:

(a) The Chief of Police, or his designee, has determined that such culling can be conducted safely on such property;

(b) Such personnel are employed by or associated with a federal agency, state agency or local law enforcement;

(c) Such culling has been approved by the Ohio Department of Natural Resources, Division of Wildlife.

(b) No person shall, for the purpose of hindering or preventing the lawful culling of white-tailed deer or authorized bow hunting pursuant to this section, knowingly engage in any of the following conduct:

(1) Block, obstruct, impede or attempt to block, obstruct or impede a person lawfully engaged in such culling or hunting;

(2) Erect a barrier with the intent to deny ingress or egress from the areas where such culling or hunting is lawfully being conducted;

(3) Make or attempt to make loud noises or gestures, set out or attempt to set out animal baits, scents, lures or human scent, use any other natural or artificial visual, aural, olfactory or physical stimuli, or engage in or attempt to engage in any other similar action or activity in order to interfere with such culling or hunting.

(c) The prohibition set forth in section (a) does not apply to deer culling population management programs sponsored by and conducted on land owned or managed by the Cleveland Metropolitan Park District.
(d) No person shall trap by use of clam-type traps or similar devices game animals, game birds or other animals or birds within the City.

(e) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 505.99.

and present C.O. 505.16 is repealed.

SEC 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.

SEC 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 implement effective deer control measures, 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

12-1-17 LL
To make appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2018.

NOW, THEREFORE, be it ordained by the Council of the City of Bay Village, State of Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2018, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>General Fund - 100</th>
<th>Special Revenue Fund Group - 200</th>
<th>Debt Service Fund Group - 300</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Personal Service</td>
<td>Other</td>
<td>Personal Service</td>
</tr>
<tr>
<td>100</td>
<td>Total General Fund</td>
<td>$ 7,454,468</td>
<td>$ 3,682,720</td>
<td>$ 3,682,720</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 52,200</td>
<td>$ 1,057,173</td>
<td>$ 1,057,173</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 12,248,561</td>
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<td></td>
</tr>
<tr>
<td>210</td>
<td>Emergency Paramedic</td>
<td>$ 1,097,780</td>
<td>$ 92,075</td>
<td>$ 12,000</td>
</tr>
<tr>
<td>230</td>
<td>Parks and Recreation</td>
<td>589,940</td>
<td>307,750</td>
<td>5,000</td>
</tr>
<tr>
<td>231</td>
<td>Community Gym Capital Improvement</td>
<td></td>
<td>15,500</td>
<td>5,000</td>
</tr>
<tr>
<td>235</td>
<td>Bay Family Services</td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>236</td>
<td>Community Diversion</td>
<td></td>
<td></td>
<td>4,300</td>
</tr>
<tr>
<td>238</td>
<td>Tennis Court Maintenance</td>
<td></td>
<td></td>
<td>21,000</td>
</tr>
<tr>
<td>240</td>
<td>Equipment Replacement</td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>245</td>
<td>Private Property Maintenance</td>
<td></td>
<td></td>
<td>64,734</td>
</tr>
<tr>
<td>250</td>
<td>State Highway</td>
<td></td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>270</td>
<td>Street Construction</td>
<td>618,430</td>
<td>261,850</td>
<td>750,000</td>
</tr>
<tr>
<td>280</td>
<td>Police Pension</td>
<td>374,100</td>
<td></td>
<td>374,100</td>
</tr>
<tr>
<td>281</td>
<td>Fire Pension</td>
<td>504,800</td>
<td></td>
<td>504,800</td>
</tr>
<tr>
<td>282</td>
<td>Accrued Benefits</td>
<td>140,000</td>
<td></td>
<td>140,000</td>
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<tr>
<td>284</td>
<td>Endowment Trust</td>
<td></td>
<td></td>
<td>23,707</td>
</tr>
<tr>
<td>290</td>
<td>Senior Programs</td>
<td></td>
<td></td>
<td>49,500</td>
</tr>
<tr>
<td>292</td>
<td>Law Enforcement</td>
<td></td>
<td></td>
<td>28,000</td>
</tr>
<tr>
<td>293</td>
<td>Drug Fine/Bail Forfeiture</td>
<td></td>
<td></td>
<td>1,750</td>
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<tr>
<td>294</td>
<td>Alcohol Intervention</td>
<td></td>
<td></td>
<td>5,800</td>
</tr>
<tr>
<td>297</td>
<td>Federal Equitable Sharing</td>
<td></td>
<td></td>
<td>25,000</td>
</tr>
<tr>
<td>200</td>
<td>Total Special Revenue Funds</td>
<td>$ 3,387,284</td>
<td>$ 950,832</td>
<td>$ 782,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 1,201,855</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>General Bond Retirement</td>
<td>$ 5,264,941</td>
</tr>
</tbody>
</table>
### Capital Project Fund Group - 400

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>401</td>
<td>General Capital Improvement</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>440</td>
<td>Walker Road Park</td>
<td>$</td>
<td>220</td>
<td>-</td>
<td>-</td>
<td>220</td>
</tr>
<tr>
<td>490</td>
<td>Public Improvement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>494</td>
<td>Infrastructure Improvements</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>495</td>
<td>Municipal Building Improvements</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>496</td>
<td>Public Building Roof Improvements</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>400</td>
<td>Total Capital Project Fund Group</td>
<td>$</td>
<td>$</td>
<td>220</td>
<td>-</td>
<td>220</td>
</tr>
</tbody>
</table>

### Enterprise Fund Group - 600

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>520</td>
<td>Pool</td>
<td>$ 231,730</td>
<td>$ 131,600</td>
<td>$ 20,000</td>
<td>-</td>
<td>$ 383,330</td>
</tr>
<tr>
<td>530</td>
<td>Sewer</td>
<td>899,565</td>
<td>1,447,703</td>
<td>62,000</td>
<td>-</td>
<td>2,399,358</td>
</tr>
<tr>
<td>500</td>
<td>Total Enterprise Fund Group</td>
<td>$ 1,131,295</td>
<td>$ 1,579,393</td>
<td>$ 72,000</td>
<td>-</td>
<td>$ 2,779,088</td>
</tr>
</tbody>
</table>

### Internal Service Fund Group - 800

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>600</td>
<td>Health Insurance</td>
<td>$ 1,339,700</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$ 1,339,700</td>
</tr>
<tr>
<td>601</td>
<td>General Insurance</td>
<td>-</td>
<td>173,100</td>
<td>-</td>
<td>-</td>
<td>173,100</td>
</tr>
<tr>
<td>602</td>
<td>Workers Compensation</td>
<td>109,020</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>109,020</td>
</tr>
<tr>
<td>600</td>
<td>Total Internal Service Fund Group</td>
<td>$ 1,448,720</td>
<td>$ 173,100</td>
<td>-</td>
<td>-</td>
<td>$ 1,621,820</td>
</tr>
</tbody>
</table>

### Trust Fund Group - 800

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>801</td>
<td>Unclaimed Monies</td>
<td>$ 2,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$ 2,000</td>
</tr>
<tr>
<td>810</td>
<td>Cahoon Park</td>
<td>-</td>
<td>71,900</td>
<td>-</td>
<td>-</td>
<td>71,900</td>
</tr>
<tr>
<td>820</td>
<td>Cahoon Memorial</td>
<td>-</td>
<td>3,500</td>
<td>-</td>
<td>-</td>
<td>3,500</td>
</tr>
<tr>
<td>830</td>
<td>Cahoon Library</td>
<td>-</td>
<td>9,800</td>
<td>-</td>
<td>-</td>
<td>9,800</td>
</tr>
<tr>
<td>840</td>
<td>Water Department</td>
<td>-</td>
<td>6,200</td>
<td>-</td>
<td>-</td>
<td>6,200</td>
</tr>
<tr>
<td>860</td>
<td>Dryer</td>
<td>-</td>
<td>5,000</td>
<td>-</td>
<td>-</td>
<td>5,000</td>
</tr>
<tr>
<td>800</td>
<td>Total Trust Fund Group</td>
<td>$</td>
<td>88,400</td>
<td>-</td>
<td>-</td>
<td>$ 88,400</td>
</tr>
</tbody>
</table>

### Deposit Fund Group - 900

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>930</td>
<td>Building Deposits</td>
<td>$</td>
<td>$ 30,000</td>
<td>-</td>
<td>-</td>
<td>$ 30,000</td>
</tr>
<tr>
<td>931</td>
<td>Security Deposits</td>
<td>-</td>
<td>22,000</td>
<td>-</td>
<td>-</td>
<td>22,000</td>
</tr>
<tr>
<td>900</td>
<td>Total Deposit Fund Group</td>
<td>$</td>
<td>$ 52,000</td>
<td>-</td>
<td>-</td>
<td>$ 52,000</td>
</tr>
<tr>
<td></td>
<td><strong>Grand Total All Funds</strong></td>
<td><strong>$ 13,381,767</strong></td>
<td><strong>$ 11,768,406</strong></td>
<td><strong>$ 906,700</strong></td>
<td><strong>$ 1,057,173</strong></td>
<td><strong>$ 27,154,046</strong></td>
</tr>
</tbody>
</table>

### Transfers and Advances by Fund

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund to Parks and Recreation</td>
<td>$ 400,000</td>
</tr>
<tr>
<td>General Fund to Community Gym</td>
<td>$ 8,812</td>
</tr>
<tr>
<td>General Fund to Street Construction</td>
<td>$ 425,000</td>
</tr>
<tr>
<td>General Fund to Cahoon Income</td>
<td>$ 65,000</td>
</tr>
<tr>
<td>General Fund to Cahoon Trust</td>
<td>$ 2,000</td>
</tr>
<tr>
<td>General Fund to Cahoon Library</td>
<td>$ 10,000</td>
</tr>
<tr>
<td>General Fund to Bay Family Services</td>
<td>$ 48,361</td>
</tr>
<tr>
<td>General Fund to Fire Pension</td>
<td>$ 100,000</td>
</tr>
<tr>
<td><strong>Total Transfers</strong></td>
<td><strong>$ 1,057,173</strong></td>
</tr>
</tbody>
</table>

**Total Advances and Advance Repayments**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 1,057,173</td>
</tr>
</tbody>
</table>

**Total Transfers and Advances**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 1,057,173</td>
</tr>
</tbody>
</table>
Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.

Section 4: That all expenditures within the fiscal year ending December 31, 2018, shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund).

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

__________________________
MAYOR

__________________________
DATE
<table>
<thead>
<tr>
<th>Department</th>
<th>Personnel</th>
<th>Other</th>
<th>Equipment</th>
<th>Transfers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>$ 64,400.00</td>
<td>$ 8,650.00</td>
<td>$ -</td>
<td>$ -</td>
<td>$ 73,050.00</td>
</tr>
<tr>
<td>Clerk of Council</td>
<td>58,230.00</td>
<td>875.00</td>
<td>-</td>
<td>-</td>
<td>59,105.00</td>
</tr>
<tr>
<td>Mayor</td>
<td>243,200.00</td>
<td>10,000.00</td>
<td>1,000.00</td>
<td>-</td>
<td>254,200.00</td>
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<tr>
<td>Law</td>
<td>133,450.00</td>
<td>92,950.00</td>
<td>-</td>
<td>-</td>
<td>226,400.00</td>
</tr>
<tr>
<td>Finance</td>
<td>247,500.00</td>
<td>29,450.00</td>
<td>1,200.00</td>
<td>-</td>
<td>278,150.00</td>
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<tr>
<td>Taxation</td>
<td>-</td>
<td>192,000.00</td>
<td>-</td>
<td>-</td>
<td>192,000.00</td>
</tr>
<tr>
<td>General Administration</td>
<td>203,800.00</td>
<td>499,082.00</td>
<td>5,500.00</td>
<td>1,067,173.00</td>
<td>1,765,555.00</td>
</tr>
<tr>
<td>Civil Service</td>
<td>-</td>
<td>20,150.00</td>
<td>-</td>
<td>-</td>
<td>20,150.00</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>5,200.00</td>
<td>800.00</td>
<td>-</td>
<td>-</td>
<td>5,200.00</td>
</tr>
<tr>
<td>Zoning Board of Appeals</td>
<td>2,600.00</td>
<td>700.00</td>
<td>-</td>
<td>-</td>
<td>3,300.00</td>
</tr>
<tr>
<td>Service</td>
<td>1,849,176.00</td>
<td>2,030,038.00</td>
<td>10,500.00</td>
<td>-</td>
<td>3,889,714.00</td>
</tr>
<tr>
<td>Fire</td>
<td>1,394,540.00</td>
<td>104,000.00</td>
<td>14,000.00</td>
<td>-</td>
<td>1,512,540.00</td>
</tr>
<tr>
<td>Police</td>
<td>2,827,439.00</td>
<td>367,600.00</td>
<td>20,000.00</td>
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<td>3,205,039.00</td>
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<tr>
<td>Central Dispatch</td>
<td>-</td>
<td>128,000.00</td>
<td>-</td>
<td>-</td>
<td>128,000.00</td>
</tr>
<tr>
<td>Building</td>
<td>165,400.00</td>
<td>190,700.00</td>
<td>-</td>
<td>-</td>
<td>356,100.00</td>
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<tr>
<td>Architecture Board of Review</td>
<td>-</td>
<td>25.00</td>
<td>-</td>
<td>-</td>
<td>25.00</td>
</tr>
<tr>
<td>Community Services</td>
<td>259,533.00</td>
<td>17,700.00</td>
<td>-</td>
<td>-</td>
<td>277,233.00</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$ 7,454,468.00</td>
<td>$ 3,682,720.00</td>
<td>$ 62,200.00</td>
<td>$ 1,067,173.00</td>
<td>$ 12,246,551.00</td>
</tr>
</tbody>
</table>
AN ORDINANCE
AMENDING SECTION 1 OF ORDINANCE 17-86 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 NON-EXEMPT categorized officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

NON-EXEMPT WAGE/SALARY STRUCTURE FOR NON-BARGAINING EMPLOYEES

<table>
<thead>
<tr>
<th>PAYGRADE</th>
<th>MINIMUM</th>
<th>MIDPOINT</th>
<th>MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>$51,880 (24.942)</td>
<td>$62,260 (29.933)</td>
<td>$74,715 (35.921)</td>
</tr>
<tr>
<td>6</td>
<td>$43,235(20.786)</td>
<td>$51,880(24.942)</td>
<td>$62,260 (29.933)</td>
</tr>
<tr>
<td>5</td>
<td>$36,030(17.322)</td>
<td>$43,235(20.786)</td>
<td>$51,880 (24.942)</td>
</tr>
<tr>
<td>4</td>
<td>$30,025(14.435)</td>
<td>$36,030(17.322)</td>
<td>$43,235 (20.786)</td>
</tr>
<tr>
<td>2</td>
<td>$20,850(10.024)</td>
<td>$25,020(12.028)</td>
<td>$30,025 (14.435)</td>
</tr>
<tr>
<td>1</td>
<td>(minimum wage)</td>
<td>$20,850(10.024)</td>
<td>$25,020 (12.028)</td>
</tr>
</tbody>
</table>

Non-exempt employees hired in one of the following employment categories shall be positioned in one of the above paygrade levels, as determined by the Department Director and the Human Resource Director, and will be subject to the above wage/salary structure:

- Full-time – employees scheduled to work 37.5 to 40 hours per week.
- Statutory Full-time – employees scheduled to work more than 29 hours but less than 40 hours per week.
- Regular Part-time – employees scheduled to work a set number of hours per week not to exceed 29 hours per week.
- Intermittent Part-time – employees scheduled to work sporadic hours during a week not to exceed 29 hours per week.
- Seasonal – employees scheduled to work any number of hours per week for a specified period not to exceed six (6) consecutive months per year.
If an employee’s rate of pay at the time of assignment to a job classification exceeds the
maximum of the paygrade range for that job classification, the employee’s rate of pay, at the
Administration’s discretion, may be retained. However, the employee will not receive or be eligible
for a rate change until the employee vacates that classification or the salary structure maximum is
revised and exceeds the employee’s rate of pay.

If an employee’s rate of pay at the time of assignment to a job classification is below the
minimum of the paygrade range for that job classification, the employee’s rate of pay, at the
Administration’s discretion, may be adjusted between the minimum and the midpoint of the
paygrade range at the time of assignment or receive six (6) month incremental increases until the
employee’s rate of pay is within the paygrade range.

**NON-EXEMPT EMPLOYEE JOB CLASSIFICATION PAYGRADES**

<table>
<thead>
<tr>
<th>JOB CLASSIFICATION</th>
<th>PAYGRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Police Officer</td>
<td>7</td>
</tr>
<tr>
<td>Administrative Assistant (Mayor’s Office)</td>
<td>6</td>
</tr>
<tr>
<td>Administrative Assistant (Legal)</td>
<td>4</td>
</tr>
<tr>
<td>Office Coordinator</td>
<td>4</td>
</tr>
<tr>
<td>Police Dispatcher</td>
<td>4</td>
</tr>
<tr>
<td>Jailer</td>
<td>3</td>
</tr>
<tr>
<td>Receptionist/Clerk</td>
<td>3</td>
</tr>
<tr>
<td>Part-time</td>
<td>2</td>
</tr>
<tr>
<td>School Guard</td>
<td>2</td>
</tr>
<tr>
<td>Seasonal “A”</td>
<td>2</td>
</tr>
<tr>
<td>Senior Van Driver</td>
<td>2</td>
</tr>
<tr>
<td>Seasonal “B”</td>
<td>1</td>
</tr>
</tbody>
</table>

**SECTION 2.** That compensation to be paid to the EXEMPT categorized officers and
employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not
covered by separate labor contract shall be:

**EXEMPT EMPLOYEE SALARY STRUCTURE**

<table>
<thead>
<tr>
<th>PAYGRADE</th>
<th>MINIMUM</th>
<th>MIDPOINT</th>
<th>MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>$86,000</td>
<td>$103,200</td>
<td>$123,840</td>
</tr>
<tr>
<td>7</td>
<td>$71,670</td>
<td>$86,000</td>
<td>$103,200</td>
</tr>
<tr>
<td>6</td>
<td>$59,725</td>
<td>$71,670</td>
<td>$86,000</td>
</tr>
<tr>
<td>5</td>
<td>$49,770</td>
<td>$59,725</td>
<td>$71,670</td>
</tr>
<tr>
<td>4</td>
<td>$41,475</td>
<td>$49,770</td>
<td>$59,725</td>
</tr>
<tr>
<td>3</td>
<td>$34,560</td>
<td>$41,475</td>
<td>$49,770</td>
</tr>
<tr>
<td>2</td>
<td>$28,800</td>
<td>$34,560</td>
<td>$41,475</td>
</tr>
<tr>
<td>1</td>
<td>$24,000</td>
<td>$28,800</td>
<td>$34,560</td>
</tr>
</tbody>
</table>
Exempt employees hired in one of the following employment categories shall be positioned in one of the above paygrade levels, as determined by the Department Director, Human Resource Director and/or the Mayor, and will be subject to the above salary structure:

- Full-time – employees scheduled to work 40 hours per week.
- Statutory Full-time – employees scheduled to work more than 29 but less than 40 hours per week.
- Regular Part-time – employees scheduled to work a set number of hours per week not to exceed 29 hours per week.
- Intermittent Part-time – employees scheduled to work sporadic hours during a week not to exceed 29 hours per week.

If an employee’s rate of pay at the time of assignment to a job classification exceeds the maximum of the paygrade range for that job classification, the employee’s rate of pay, at the Administration’s discretion, may be retained. However, the employee will not receive or be eligible for a rate change until the employee vacates that job classification or the salary structure maximum is revised and exceeds the employee’s rate of pay.

If an employee’s rate of pay at the time of assignment to a classification is below the minimum of the paygrade range for that job classification, the employee’s rate of pay may be adjusted between the minimum and midpoint of the paygrade range at the time of assignment or receive six (6) month incremental increases until the employee’s rate of pay is within the paygrade range.

**EXEMPT EMPLOYEE JOB CLASSIFICATION PAYGRADES**

<table>
<thead>
<tr>
<th>JOB CLASSIFICATION</th>
<th>PAYGRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief of Police</td>
<td>8</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>8</td>
</tr>
<tr>
<td>Building Director</td>
<td>7</td>
</tr>
<tr>
<td>Director of Public Services &amp; Properties</td>
<td>7</td>
</tr>
<tr>
<td>Finance Director</td>
<td>7</td>
</tr>
<tr>
<td>Director of Community Services</td>
<td>6</td>
</tr>
<tr>
<td>Director of Recreation</td>
<td>6</td>
</tr>
<tr>
<td>Human Resources Director</td>
<td>6</td>
</tr>
<tr>
<td>Infrastructure Manager</td>
<td>6</td>
</tr>
<tr>
<td>Projects Coordinator</td>
<td>6</td>
</tr>
<tr>
<td>Public Works Supervisor</td>
<td>6</td>
</tr>
<tr>
<td>Public Works Supervisor of Operations</td>
<td>6</td>
</tr>
<tr>
<td>Sewer Maintenance Supervisor</td>
<td>6</td>
</tr>
<tr>
<td>Assistant Director of Recreation</td>
<td>5</td>
</tr>
<tr>
<td>Clerk of Council</td>
<td>5</td>
</tr>
<tr>
<td>Finance Assistant</td>
<td>5</td>
</tr>
<tr>
<td>Property Maintenance Inspector</td>
<td>5</td>
</tr>
<tr>
<td>Administrative Project Leader</td>
<td>4</td>
</tr>
<tr>
<td>Assistant Director of Community Services</td>
<td>4</td>
</tr>
</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 17-74 is hereby repealed.

SECTION 3. The individual who serves as Safety Director shall be compensated at an annualized amount of $5,000.00.

SECTION 4. 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 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 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

12-1-17 JD
AN ORDINANCE

PROVIDING THE COMPENSATION OF THE DIRECTOR OF LAW AND PROSECUTOR FOR THE YEAR COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the salary of the Director of Law shall be Seventy-Five Thousand Four Hundred and One Dollars ($75,401.00) for the year commencing January 1, 2018 and ending December 31, 2018, for which he will serve the Mayor, the administrative officers and departments, Council, officers and boards of the Municipality as legal counsel and attorney, and represents the City in all proceedings in court or before any administrative body.

SECTION 2. That the salary of the Prosecutor shall be Thirty-Five Thousand Three Hundred Seventy-Nine Dollars ($35,379.00) for the year commencing January 1, 2018 and ending December 31, 2018, for which he will prosecute all cases brought before the courts having criminal jurisdiction of violation of ordinances or statutes committed within the City or any appeal therefrom, and to perform the duties, as they are applicable thereto, as required of the prosecuting attorney of the County.

SECTION 3. 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 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, 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

11-30-17 JD
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE FILING AND ACCEPTANCE OF A
COASTAL MANAGEMENT ASSISTANCE GRANTS THROUGH
THE OHIO DEPARTMENT OF NATURAL RESOURCES,
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village desires financial assistance under the Coast
Management Assistance Grants Program;

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

SECTION 1. That this Council hereby authorizes the filing of an application for
Coastal Management Assistance Grants financial assistance.

SECTION 2. That the Mayor is hereby authorized and directed to execute and file an
application with the Ohio Department of Natural Resources and to provide all information and
documentation required to become eligible for possible funding assistance.

SECTION 3. That the City of Bay Village does agree to obligate the funds required
to satisfactorily complete the proposed project and become eligible for reimbursement under the
terms and conditions of the Coastal Management Assistance Grants Program.

SECTION 4. 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 5. 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
| Service # | Description          | Quantity | Unit | Unit Price | Previous | Current Quantity | Current Price | Initial Charge | Initial Price | Total Book     |
|-----------|----------------------|----------|------|------------|----------|------------------|---------------|----------------|---------------|----------------|----------------|
| 1         | PARKING LOT A        | 1740 SY  | 36.65| 26,971.00  | -        | 3,740.00         | 28,971.00     | 3,740.00       | 25,271.00     |                |
| 2         | PARKING LOT B        | 920 SY   | 84.78| 16,085.50  | -        | 930.00           | 15,715.50     | 930.00         | 14,685.50     |                |
| 3         | STRIPING LOT A       | 1.5      | 800  | 800.00     | -        | 1.00             | 800.00        | 1.00           | 800.00        |                |
| 4         | BUMPER BLOCKS LOT A  | 1.5      | 300  | 300.00     | -        | 0.50             | 300.00        | 0.50           | 300.00        |                |
| 5         | BUMPER BLOCKS LOT B  | 1.5      | 600  | 600.00     | -        | -                | -             | -              | -             |                |

**TOTALS**

|                | 45,266.50  | -  | 44,546.50  | 44,546.50 |

Karvo Companies, Inc.
4524 Hudson Drive
Stow OH 44224
330-929-5916

**REVIEWED & APPROVED BY:**

(12/4/17)

**FINAL INVOICE FOR P.O. 113720**
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO AUTHORIZE THE FINAL CHANGE ORDER
WITH KARVO COMPANIES, INC. FOR RESURFACING
TWO LAKE ROAD PARKING LOTS,
AND DECLARING AN EMERGENCY.

WHEREAS, the City had an original Agreement with Karvo Companies, Inc., 4524
Hudson Drive, Stow, Ohio 44224 for resurfacing two Lake Road Parking Lots; located at the
Walking Trail Parking Lot, north of Lake Road - Cahoon Road intersection and Columbia Beach
Parking Lot at Lake Road - Columbia Road intersection for a price of Forty Five Thousand, Two
Hundred Forty Six Dollars and Fifty Cents ($45,246.50); and

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

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

SECTION 1. That the Mayor be and is hereby authorized to execute a Final Change
Order for Karvo Companies, Inc., 4524 Hudson Drive, Stow, Ohio 44224, deducting the amount
of $300.00 from the total Contract amount and bringing the Final Contract Price to $44,946.50 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,
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
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
A&A SAFETY FOR THE LAKE ROAD PAVEMENT MARKING AND ROAD DIET,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with A&A Safety, 1126 Ferris Road, Amelia, Ohio 45102, in accordance with the base bid drawings and specifications. Total price for said improvements is Forty Three Thousand, Seven Hundred Seven Dollars and Thirty Cents ($43,707.30) and 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 to ensure that said project moves forward expeditiously, 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

12-8-17