AGENDA

Agenda, Bay Village City Council  Date: December 18, 2017
Committee Meeting  Time: 7:30 p.m.
Conference Room
Dwight A. Clark, President of Council, Presiding

ANNOUNCEMENTS


Appointment of Mark Chernisky to the Architectural Board of Review for a three year term expiring December 31, 2020.

Appointment of Jack Norton to the Board of Zoning Appeals for a five year term expiring December 31, 2022.


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

Amended Appropriation Ordinance Year 2017

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Codified Ordinance Section 1141.04 – Accessory Buildings, Structures and Uses

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE- Henderson

2017 Road Projects

Memorandum of Understanding – Cuyahoga County Soil and Water Conservation District

RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace
SERVICES, UTILITIES & EQUIPMENT COMMITTEE - Tadych

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES
City of Bay Village

Council Minutes, Committee Session
David L. Tadych, Vice President of Council, presiding
December 11, 2017
Conference Room 7:30 p.m.

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

Excused: President of Council Clark

Vice President of Council Tadych called the meeting called to order in the Conference Room of Bay Village City Hall at 7:30 p.m.

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

AUDIENCE

The following audience members signed in this evening: Council Elect Lydia DeGeorge, Council Elect Sara Byrnes Maior, Claire Banasiak, Council Elect Peter Winzig, Tara Wendell, Denny Wendell, Susan Murnane, Dennis Driscoll, Tom Kelly, Jeff Gallatin.

ANNOUNCEMENTS

There were no announcements this evening.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Mr. Vincent will present the Ordinances 17-89 through 17-95 establishing the regulations for the deer management plan this evening for final reading and adoption.

Mr. Henderson asked if there are any plans for Animal Control Legislation to be presented to Council. Police Chief Spaetz stated that he has been working on legislation and has sent Mr. Ebert and Mr. Vincent some very rough drafts. Chief Spaetz and Mr. Vincent stated that there is a lot involved, it touches many small parts.

Mr. Henderson stated that this is something that has been on the radar for quite a while and we held off earlier this year on moving forward because we were planning on waiting until the Animal Control Officer was hired so we could incorporate that person’s input, which is very valuable. If the legislation is not going to happen by the end of the year, Mr. Henderson would like to ask that it be added to the Matters Pending before Council. It is something that is very important to the people in Ward 4. Many of the people on Council agree that it is important. The small dog, Charlotte, brought a lot of attention to this issue and it is important that we do what we can to prevent a similar issue from occurring in the future. Mr. Tadych stated that he absolutely agrees that it is time we start moving.
FINANCE & CLAIMS COMMITTEE-Clark

Administrative Compensation Ordinance

Mr. Henderson stated that the Administrative Compensation Ordinance for the Building Director was adopted last week. The ordinance on reading this evening is the entirely new structure. The ordinance will move to second reading this evening, with the intent of an Executive Session on Monday, December 18, 2017. Following the Executive Session there will be a vote for third and final reading. Mr. Henderson stated he appreciates Councilwoman Stainbrook getting back to him regarding issues he has been bringing up in the confines of Executive Session.

Mr. Henderson stated that he sent an email to Mrs. Stainbrook about some minor, technical, proposed amendments. After looking at the detail, it is noticed that the non-exempt wage/salary structure for non-bargaining employees lists hourly wage equivalents in three decimals. Mayor Koomar stated that the figures can be rounded; they were taking the annual and dividing it out. Mr. Henderson stated that many of the non-exempt wages are based on the hourly rate rather than on a salary basis. The hourly rate is as important as the salary equivalent. Mrs. Mahoney stated that the system of the Finance Department goes to four digits. Mrs. Mahoney stated that she was thinking that the exempt wage/salary structure should show the hourly rate next to it. Mayor Koomar agreed, stating that those figures will be prepared. The ordinance will be changed and sent out to Council this week.

Mr. Henderson stated that in the past Mrs. Lieske has brought up the question of which employees are paid for how many hours. When working with this document he thought one proposed amendment might be for each of these two tables with the job classification and pay range listed, both non-exempt and exempt. A third column could be added which lists which of the employment categories each is assigned to being full time statutory, or full time regular, part time regular or part time seasonal. That way one document would allow everyone to see the job classifications, the pay grade which ties to the ranges, and which of the categories applies to specific positions.

Mayor Koomar will check with the Human Resource Manager and have her check with the Human Resource Consultant. Mayor Koomar stated that he does not know if at certain times it fluctuates so he would not want to limit that by ordinance if it is seasonal part time or full time. Mrs. Stainbrook stated that if it is a one to one situation and would not cause confusion it would be helpful. Finance Director Mahoney noted that the position of Police Dispatcher is both part time and full time. Mr. Henderson noted that some of the positions in the prior ordinance were listed at an hourly rate. The part time Human Resource Director was a title on the prior ordinance. In the new ordinance it is not clear whether or not that position is full time. Mrs. Stainbrook says it is part of the job description which becomes a question of how much to include in the ordinance and if there are fluctuations and variations. Mr. Henderson noted that at some point in the past there hasn’t been a complete set of job descriptions. Mr. Tadych noted that he and Councilwoman Stainbrook spent some time last week talking about the job descriptions and what should be included. Mrs. Stainbrook added that the descriptions should include the title, pay grade and the category.
Committee Meeting of Council
December 11, 2017

Director of Law and Prosecutor Compensation Ordinance

Mr. Henderson stated that it is his understanding that the dollar values in this ordinance are the same as in Ordinance 17-86 passed on December 4, 2017. Mr. Tadych noted that in the first reading of the ordinance it was discussed that the salary for the two positions will remain the same in 2018 as in 2017.

November 2017 City of Bay Village Financial Reports

Mr. Tadych noted that Municipal Income Taxes have not increased. He asked Finance Director Mahoney if it usually goes up in December. Mrs. Mahoney stated that there are two installments per month, the first and the fifteenth of the month. The first of December was not favorable. The 2018 Budget indicates a one percent increase in Municipal Income Tax collections.

Ordinance No. 17-96 Annual Appropriation Ordinance for 2018

Mr. Henderson stated that a new version of the ordinance that was provided in the Council packets this week shows an increase of $5000 for trees.

Mr. Tadych stated that the planting of trees was unable to be completed in 2017 because of lack of funds. This $5000 will provide for the completion of plantings on the west side of Glen Park, south of Wolf Road in 2018.

Mr. Henderson asked Finance Director Mahoney if implementation of the new administrative compensation ordinance structure will fit within the appropriations to be passed this evening. Mayor Koomar stated that that the structure of the new ordinance will fit within the appropriations for 2018.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske advised that the Planning, Zoning, Public Grounds and Buildings Committee meeting held this evening was very productive. The front end parking and monopole issues will need to carry over into 2018 on the Matters Pending before Council list. In terms of revising the Accessory Structure Ordinance, they will remove two sections under the new version of Section 1141.04. Part J (2) will be removed saying that the structures shall only be located in the rear yard, and No. (5) which says no floodlights, light poles, or lighting of courts is permitted. The committee believes that the other things are basic and the grade level is currently addressed. The recreational courts and fences are already addressed with the zoning code. Fencing is addressed. The total recreational and court area is already addressed with the zoning code and the building permit is addressed. The committee felt that modifying the ordinance and taking out J (2) and (5) is something that can be done at this time. In the future, if things are warranted, Council can revisit the ordinance. Mayor Koomar hopes to have a legal opinion to City Council by Wednesday, December 13, 2017.
Committee Meeting of Council
December 11, 2017

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.

At the Special Meeting of Council this evening, Mrs. Lieske will move to extend the time for the Planning Commission to review the application of Bay Interfaith Housing for the renovations to the Knickerbocker Apartments for a period of 60 days to February 28, 2018.

Coastal Management Assistant Grants Application

Mayor Koomar stated that the administration will apply for a grant that is only open to coastal areas, and in Bay Village this area would be Lake Road north, which is somewhat limited. Since the City did not receive the special Northeast Ohio Areawide Coordinating Agency (NOACA) grant, the Mayor would like to use this grant to place the crosswalk for Columbia Road Park, and create a crosswalk at Cahoon and Lake Road which is part of the connectivity study. When the Ohio Department of Transportation (ODOT) puts the Lake Road Bridge in 2019 they will put in a walking path. There is a difference in grade there. This would allow to pick up a trail to get out to the point, and wouldn’t have anything to do with developing the point. This would be a start to make it functional with eventually steps up to connect to the walking trail. The City has gone through the preapplication process for the grant and was given a green light to proceed. The deadline for the application is January 5, 2018.

Mrs. Lieske asked if there is a cost share to the City for the grant. Mayor Koomar stated that the grant requires 50% participation by the City. Obtaining a letter of recommendation from NOACA and ODOT is always helpful. Much of the grant application is being written internally and there is a small firm, Envision, that the administration has talked to for guidance.

Mr. Tadych asked the dollar value of the grant. Mayor Koomar stated that the grant, if applying for steps and the whole project, could reach $125,000 to $150,000 total. A portion of that could be received.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

Karvo Companies, Inc. Contract Change Order (Deduction)

Interim Director of Public Service and Properties Liskovec stated that when the Lake Road parking lots were repaved, part of the project was to remove and reinstall the parking bumpers, and do the restriping of the lots. Since the Columbia Road lot has not been striped yet, they have removed from the contract the reinstallation of the parking bumpers. The City will reinstall them when the striping is completed in the spring. The ordinance for the change order to the contract will be presented for first reading and adoption by Mr. Henderson at the Special Meeting of Council to be held this evening.

A&A Safety Contract for Lake Road Pavement Marking and Road Diet
Mr. Liskovec stated that continuing on the connectivity theme, one of the movements is to address the overcrowding of the Lake Road pavement area in front of Huntington Park and through Cahoon Memorial Park. With the advent of the NOACA Connectivity Study, it reconfirmed the notion that this is actually a very valid project. Bramhall Engineering put together a package to submit to contractors. The information was sent to five contractors, one of them declined, and of the four remaining, A&A Safety was the only firm that submitted a proposal.

Mr. Henderson stated that Mr. Liskovec and he spoke about this project on the telephone today. Mr. Henderson noted that he has no problem with the project whatsoever. There are two issues for discussion. It is the administration’s observation that the entire expenditure for the 2017 Budget is below that which is appropriated. It is proposed that we undertake this project from the municipal budget, but the project is not going to occur until 2018. The intent was for the Capital Projects Budget for 2018 to be decided by the next incoming Council. Mr. Henderson stated that he will not recommend this project for adoption this evening because it affects the 2018 Capital Budget from a cash flow perspective because it will not occur until 2018. The other item is that the construction estimate was $41,727. The total for the base and alternate works out to 11.4% above the construction estimate. Given that there were five contractors contacted and only one bid, perhaps if this would be done at a later date it would be closer to the timing of the 2018 Capital Budget it might be closer to the construction estimate. Mr. Henderson asked for thoughts on the concerns he expressed.

Finance Director Mahoney stated that this is where her example of appropriating funds and carrying over from one year to the next would be discretionary. Council approved the $750,000 for street projects this year. This project is definitely a street project. Partial of this funding was debt money, so that money has to be spent on a street project. The new Council cannot say we are going to take $50,000 and put it toward equipment; it has to be spent on street projects. Mrs. Mahoney stated that in her opinion it is fair enough to approve the contract either now, or just carry over the funds in 2018 and it would be for this or a similar road project.

Mr. Henderson stated that he agrees on the bonding issue. This proposal for this alternative treatment has not been decided. He holds the opinion that this decision should be a component of the 2018 Capital Budget rather than a decision for tonight.

Mr. Tadych stated he sees no reason not to move it forward. Mayor Koomar said they were trying to lock in prices. They were going to guarantee the price for now and do the project the first thing in the spring. It is a smaller project and they were trying to fit it into an overall objective. The goal was to have it striped in October of this year, but by the time the drawings were completed by the engineer it took a little longer than anticipated.

Mr. Mace asked if the City has used the bidder that did respond in any other projects in the City in the past. Mr. Liskovec stated that he does not have an answer to that question immediately, but will provide Mr. Mace with that information. They are a prominent striping company.
Committee Meeting of Council  
December 11, 2017

Mr. Tadych asked the preference of the Council members. Mr. Henderson stated that he is happy to bring it to Council consideration tonight, but he is not likely to vote for it based on his prior comments.

Mr. Vincent stated that Mr. Henderson made some good points. Mr. Vincent’s point of view is that if it is going to get used now or later, he is fine with it passing now.

Mrs. Stainbrook stated that she does like to try to maximize the dollars that are put to debt and keep things moving along. Since it is a smaller project, Mrs. Stainbrook is fine with moving forward.

Mrs. Lieske is considering what everyone has said. It is a smaller project and we are locking the bid. We don’t know if we go out again what that bid might be. Mrs. Lieske is okay with going forward.

Mr. Mace stated he is fine with it, but would like to know that we have used this company in the past. It is important that we lock in the price now and make sure that the project is in the books ready to go first thing in the spring.

Mayor Koomar stated that a cycle for future years will be to try to get crack sealing done in the spring followed by the striping and the road program. Many times the crack sealing has occurred later in the year. We have had cracks develop and to seal the roads sooner makes more sense, and then do the road striping right after it. Part of locking that up is to get those vendors in the que and lock that in. Next year it is planned to get the roads program out in January so that we are ready to go ahead when the weather breaks and it is good enough for our service crews to go out and do what we are going to do in house on crack sealing and bid out what we need to do for external crack sealing. They would come in right after that and do the road striping.

Mr. Tadych stated that it is not going to be a savings of a significantly large amount, but it will help. We will go forward with the contract this evening.

RECREATION & PARKS IMPROVEMENT COMMITTEE - Mace

Mr. Mace had no further report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE - Tadych

There was no report this evening.

AUDIENCE

There were no comments from the audience.

CAHOON MEMORIAL PARK TRUSTEES

There was no business to be conducted by the Cahoon Memorial Park Trustees this evening.
Committee Meeting of Council
December 11, 2017

There being no further discussion, the meeting adjourned at 8:05 p.m.

David L. Tadych, Vice President of Council

Joan Kemper, Clerk of Council
Thank you,

Please take a look and let me know if you recommend any further changes.

"occurring twice a year."

I have attached the salary ordinance with (4) decimal places. The wording "bi-annually" was left unchanged as I confirmed the definition of bi-annual to mean

Hello Dwight,

Subject: Ordinance

cc: Paul Koomar <poomar@cityofbayville.com>
To: Dwight Clark <clark@cityofbayville.com>
Sent: Wednesday, December 13, 2017 9:52 AM
From: Jeannette Dematile

Jen

Thanks,

Dwight has approved this final version of the comp ordinance. Please include in the packets for Monday.

Hello Joanie,

Attachments:

Subject: FW: Ordinance

cc: Joan Kemper
To: Dwight Clark, Paul Koomar
Sent: Wednesday, December 13, 2017 3:13 PM
From: Jeannette Dematile

Joan Kemper
ORDINANCE NO.
INTRODUCED BY:

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 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(41.3462)</td>
<td>$103,200(49.6154)</td>
<td>$123,840(59.5385)</td>
</tr>
<tr>
<td>7</td>
<td>71,670(34.4572)</td>
<td>86,000(41.3462)</td>
<td>103,200(49.6154)</td>
</tr>
<tr>
<td>6</td>
<td>59,725(28.7139)</td>
<td>71,670(34.4572)</td>
<td>86,000(41.3462)</td>
</tr>
<tr>
<td>5</td>
<td>49,770(23.9279)</td>
<td>59,725(28.7139)</td>
<td>71,670(34.4572)</td>
</tr>
<tr>
<td>4</td>
<td>41,475(19.9399)</td>
<td>49,770(23.9279)</td>
<td>59,725(28.7139)</td>
</tr>
<tr>
<td>3</td>
<td>34,560(16.6154)</td>
<td>41,475(19.9399)</td>
<td>49,770(23.9279)</td>
</tr>
<tr>
<td>2</td>
<td>28,800(13.8462)</td>
<td>34,560(16.6154)</td>
<td>41,475(19.9399)</td>
</tr>
<tr>
<td>1</td>
<td>24,000(11.5385)</td>
<td>28,800(13.8462)</td>
<td>34,560(16.6154)</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. The Administration and Council will meet bi-annually to review the salary and wage administration.

SECTION 5. 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 6. 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

12-13-17 JD
OVERVIEW

1. Action Requested
   Year-end clean up appropriation ordinance

2. Previous Action
   Council has passed various amendments to the original appropriation ordinance for 2017. This is to clean up some balances in order to be in compliance for year end.

3. Background/Justification for Current Action
   The requested increases are as follows:
   
   Transfer from General Fund (100) to Equipment Replacement (240) $750,000
   Advance from General Fund (100) to Emergency Paramedic (210) $128,808
   Increase in Emergency Paramedic (210) $5,000 for Personal Services, $10,000 for Equipment.
   Increase in Police Pension Fund (281) $4,000.
   Increase in Law Enforcement Trust Fund (292) $550
   Increase in Bond Retirement Fund (340) $1,001
   Increase in Public Improvements Fund (490) $110

   All other changes are a net zero budget effect.

   Please see attached for detailed description on changes.

4. Financial Impact
   Overall minimal impact to revised budget

5. Affected Parties
   All departments

6. Implementation Plan
   Once approved Director of Finance will adjust budgets on City's books.
**Detail of Material Requested Budget Changes:**

**General Fund (Fund 100)**

Transfer from General Fund to Equipment Replacement – In previous year's excess General Fund balance was used to replenish the General Fund Reserve. Now that the Reserve Fund has an adequate balance to protect against future economic downturns it is appropriate to start to assist in funding equipment and infrastructure improvements rather than use debt to pay for them. Anticipating excess up to $750,000 to be available to transfer at the end of 2017.

Planning Commission/Zoning Board - Secretary originally budgeted for 520 hours – appears she will work closer to 540 hours this year. Increase total between the two by $400 and adjust down General Administration by the same.

Fire – In calculating the salary budget for Fire I had not considered special pays that fire receives. In past years budget savings from retirements were able to accommodate the extra pays. In 2017 there was only one retirement which netted a savings of $35,000 but these extra pays accounted for over $86,200; therefore an additional $51,200 needs to be appropriated for these special pays as calculated below:

<table>
<thead>
<tr>
<th>Type</th>
<th>2017 Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Squad Pay</td>
<td>$14,500 (est.)</td>
</tr>
<tr>
<td>Vacation Buyback</td>
<td>33,000</td>
</tr>
<tr>
<td>Acting Pay</td>
<td>9,700 (est.)</td>
</tr>
<tr>
<td>Paramedic Bonus</td>
<td>29,000 (est.)</td>
</tr>
<tr>
<td>Retirement Savings</td>
<td>(35,000)</td>
</tr>
<tr>
<td>Additional Needed</td>
<td>$51,200</td>
</tr>
</tbody>
</table>

$46,200 of this relates to General Fund expenditures and $5,000 relates to Emergency Paramedic (Fund 210). There is budget available in Police to cover the additional needed for General Fund; Emergency Paramedic total budget will need to be increased by $5,000.

In relation to these wages Fire Pension was under budgeted by $12,000; an increase of the transfer from General Fund to Fire Pension of $12,000 is needed. This increase is able to be funded through excess budget fund from General Administration Other.

Police – Transfer $11,000 from "Other" to "Equipment Replacement". The police had budget available in the "Other" category and were in need of replacing the video surveillance equipment in the Interrogation Room. The equipment had failed in past interrogations.

Community Service – Computer used by the seniors died and was replaced. Transfer $900 from Finance to Community Service Equipment Replacement.
**Emergency Paramedic (Fund 210)**

In addition to the additional $5,000 as noted above an additional $10,000 needs to be appropriated in for the purchase of a piece of water rescue equipment. The cost of the equipment is $16,160 of which $6,160 is available from remaining budget and $10,000 donation received this year.

Earlier in 2017 Council approved the improvements to Westcomm that will be reimbursed by grant and matching funds. The project is encumbered and will be paid for and expenses reimbursed in 2018. In order to ensure the year end fund balance is positive in the fund an advance from General Fund to Emergency Paramedic needs to be made for the amount of the project which is $128,808. This will be repaid to General Fund in early 2018.

**Police Pension (Fund 281)**

Increase appropriation by $4,000 to allow for Police Pension costs. Overtime was needed because of lack of available deputy police officers.

**Law Enforcement Trust Fund (Fund 292)**

Increase appropriation by $550 to allow for purchases from available fund balance.

**Bond Retirement (Fund 340)**

Originally budgeted $12,000 for Outside Legal, actual cost $13,001; need to increase budget to accommodate additional cost.

**Public Improvement (Fund 490)**

Permit for Cahoon sign was not originally figured in budget. Need to appropriate $110 to allow for permit.
City of Bay Village
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE
December 11, 2017
City Hall Conference Room
6:30 p.m.

Member Present:  Councilwoman Karen Lieske, Chairman
               Councilman Marty Mace
               Councilman Paul Vincent

Also Present:  Mayor Koomar, Law Director Ebert, Councilman Henderson, Councilman Tadych, Councilwoman Stainbrook, and Chief Building Official Vogel, Property Maintenance Inspector Bob Lyons.

AUDIENCE

Council Elect DeGeorge, Council Elect Winzig, Bobby Drake, Joe Krall.

Mrs. Lieske opened the meeting at 6:30 p.m. and welcomed all in attendance.

Front End Parking Update

Law Director Ebert advised that the Mayor and he met with representatives of the owners of the businesses on Dover Center Road. There is a parking lot behind Malley’s Ice Cream Store and on that parking lot is a guard rail. The intent of Mr. Ebert and Mayor Koomar was to try to accommodate the cars coming out of the front of the properties directly onto Dover Center Road, by providing access from the parking lot behind Malley’s. Unfortunately, this will not be possible. The City will move forward with removing the front parking spaces and creating a tree lawn in the spring of 2018. A commitment has been made to the property owner of Malley’s that no work will be done around the holidays, including Christmas and Valentine’s Day. There is no cost estimate available at this time. Measures will be taken, including the installation of a mirror, to insure safety for those cars that must exit directly onto Dover Center Road.

Mayor Koomar commented that the two business owners next to Malley’s cannot provide access through the Malley’s parking lot because of the guard rail. There are many senior citizen clients that will not use the alleyway because it is too narrow for them to navigate out of the lot. Consequently, the Mayor is trying to talk through the possibility of leaving a parking spot or two out front to balance out the needs of the older residents.

Mr. Mace asked how many parking spaces are available north of Malley’s guard rail in the rear lot for the businesses north of Malley’s. Mr. Ebert stated that there doesn’t seem to be a lack of spaces, they were just trying to have the guard rail removed for ingress and egress from the back lot. Malley’s will not remove the guardrail. Mr. Mace noted that the zoning code requires a specific number of parking spaces. The Mayor noted that leaving a couple of spaces in the front for the older residents may be an interim step to provide safety. Mrs. Lieske stated that if the
Planning and Zoning Committee
December 11, 2017

tenant should change in the future the City could revisit the matter and possibly remove those spaces.

Mr. Mace stated that he does not want Dr. Kelly’s Eye Center to be inadvertently affected because he has parking spaces along the side of the building and people may start to utilize his spaces to go to the dentist or investment firm. Mr. Ebert stated that the business owners may erect signs indicating specific parking for their establishments.

Mrs. Lieske stated that the matter of Front End Parking on Dover Center Road will remain on the Matters Pending before Council List.

Monopoles Update

Mayor Koomar advised that there has been a lot of discussion and conference calls regarding small cell towers. Most of the cities, including Bay Village, entered into litigation last year. The attempt is to work this out at the state level with the legislature and some of the larger utilities. The Mayors and City Managers Association discussed this matter at some length last Thursday, and Mayor Koomar participated in an hour and a half conference call on Wednesday, December 6, 2017. The discussion continues at the state level. This would bring all cities from a 4G system to a 5G system, which allows for more operability from a technology standpoint, but the question remains about the public right-of-way and the utilities’ rights, especially concerning the size of things. They are now pitching antennae on poles which would be a small box, but then on the bottom, intermittently, all of the other equipment would be maintained in something no larger than 26 cubic feet, not a small piece. Hence, the litigation and how that can be placed and would we have the ability to pull it out of residential areas and use some public space such as municipal buildings to put these in and not have hardship for residents in different areas.

The request is limited to larger license providers, which is a benefit because that takes it down to Sprint, AT&T, Verizon, and T-Mobile. Then, you are dealing only with larger providers that are licensed only by the State and Federal Governments. They will have the ability to put in their own systems, and we are trying to see if they will work together to avoid different systems on many poles. It is a work in progress. The state legislature will have something by the end of the year or sometime in January for discussion, and at some point in the future will vote on it. There is also the issue of operators coming and being able to put up thirty locations on one application at a time. We could also have the other three operators come in and have that same request. Simultaneously, we could be dealing with 120 locations at once in Bay Village for installations. From a manpower standpoint and a timing standpoint, and what the cities have to do to respond to that is problematic. Bay Village is on the fringe and not too affected at this time. Other areas like Warrensville Heights that are near I-480 have been more involved. We have good representation at the state level and Tim Cosgrove from the Mayors and City Managers Association has been working on the matter. It is a fluid process at this point.

Mrs. Lieske stated that the matter of Monopoles will remain on the list of Matters Pending before Council Committee.
Planning and Zoning Committee
December 11, 2017

Codified Ordinance 1149 Accessory Structures

Mrs. Lieske stated that Ordinance No. 17-79 amending Section 1141.04 of the Codified Ordinances of the City of Bay Village regarding First Residence District/Accessory Buildings, Structures and Uses has been on second reading since October 16, 2017. The purpose of the meeting tonight is to go through the ordinance one last time for specific questions raised for the Planning and Zoning Committee to clarify before things are finalized. The matters are the type of lighting, the height limit for swing sets, and the discussion about rear yard placement with exceptions based on the location of the dwelling.

At the Council meeting held December 4, 2017, Council requested a legal opinion concerning the moratorium that is in effect until December 31, 2017. Mrs. Lieske asked for an update on that request.

Mayor Koomar stated that he found a Law Director on the east side of the Cleveland that is willing to give an opinion. It is expected to have that opinion in the next day or two. The Mayor noted that he wanted to find someone independent so he went through Mr. Joe Lencewicz, the Human Resource Consultant who works with many cities. Mayor Koomar asked for the name of someone who is not connected with any Westshore communities. The Mayor provided the independent Law Director with the information and connected him with Steve Vogel, the Chief Building Official of the City, for code information. The Mayor asked the independent Law Director to review the situation with knowing the information that has been provided thus far.

Mrs. Lieske stated that if the Council could have that information from the independent Law Director by Wednesday, December 13 that would still allow time to review and have ready for the Council meeting on Monday, December 18, 2017.

Mrs. Lieske stated that the first item that was raised asked the question of what to do with the type of lighting. There is a reference with J (5), “No floodlights, light poles, or lighting of courts is permitted.” This would mean that if anyone wanted any type of lighting of these recreational courts the request would have to go before the Board of Zoning Appeals.

Mr. Ebert stated that he asked Property Maintenance Inspector Bob Lyons to be in attendance this evening because he has been heavily involved in this matter. Mr. Ebert stated that he does not feel this issue will be resolved by the end of the year. He has done a lot of research, and talked to many cities. No one has legislation that actually prohibits the recreational courts. They suggested going directly to the residents involved with neighborhood disputes because of these recreational courts and resolving the issue. Any legislation change would involve eliminating basketball courts in front yards. This will affect more than just the one ice rink installation in Bay Village. Mr. Ebert noted that in his thirty-year history in Bay Village there never has been an issue.

Mr. Ebert also consulted with the City of Westlake. Bay Village allows a 30% use of the backyard for accessory structures. Westlake allows 30%, Rocky River allows 28%. The City of
Avon just addresses setbacks for these types of facilities. Ice rinks are a permitted use right now, similar to the swing set at a Lake Road residence which was subject to litigation.

In adding to the modification of the ordinance, they tried to identify the section concerning the maximum coverage by referring to Section 1149.02, the zoning code. They also indicated that a building permit is required per Sections 1304 and 1305 of the Building Code, prior to the installation of a recreational court. The term recreational court must be defined, which could be a basketball court or a tennis court as well.

The Planning and Zoning Committee should make the determination as to size. The best way of approaching this is to determine what an average court should be and anything over that goes to the Board of Zoning Appeals with notification to neighboring properties, or requires the application for a building permit, which involves sign notification to neighbors.

Mr. Ebert noted that from his standpoint there is a resolution for the ice rink problem on Elmwood that can be worked out between Mr. Krall and Mr. Drake, who are in attendance this evening. The committee has to take into consideration that it is one isolated issue, but when discussing recreational courts it affects more than just an ice rink.

Property Maintenance Inspector Bob Lyons stated that in the past 19 years that he has been with the City there has only been three complaints about recreational uses. One complaint was on the south side of Lake Road. A full size court was placed towards the rear of the property with lighting. The second was the same issue with a basketball court and lighting, in the rear yard at a residence on the north side of Lake Road. This was more of a visual problem than the location. The third complaint is the ice rink on Elmwood Road. This ice rink is a zoning matter, and not necessarily a building matter. It is a temporary set-up, taken down in the summer. It is different than any other kind of permit issued, e.g., fences. There is nothing in the ordinance that addresses recreational uses, courts, structures, etc. The Building Department has never wanted building permits attached to recreational uses for the reason that there is no standard for reference.

Concerning the ice rink, Mr. Lyons and Mr. Vogel conferred regarding the areas. What they found in the area was that the rear yard area which starts at the furthest point back of the house is about 2961 square feet. The rink area is 754 square feet. There is also a 10x12 foot shed in the rear yard. The coverage area is roughly 874 square feet, and 30% of that rear yard is 888 square feet. It is at the edge of what it could be if you considered it an accessory structure. Mr. Lyons stated he would consider it a recreational use rather than structure because it is not a permanent structure that stays up all year.

The issue of a non-conforming use was brought up being not in use for more than six months, which is dealt with in Section 1125. It is not a non-conforming use; there is nothing in our code that says it is any use, it is not addressed so it cannot be non-conforming. A permit was issued for the chiller equipment. It received BZA approval for the lighting in the rear yard. The City has looked at it in two capacities and it has always been fine.
There has been talk in the past about now allowing recreational use in the front yard. This would be difficult to enforce. To change Section 1149 would involve many of the Building Code ordinances. In nineteen plus years, we have had three or four complaints on those uses. It has always been dealt with when residents call asking if there are any restrictions on putting a swing set in a yard. We could never say you cannot put it in the front yard or side yard. It has to be in the rear yard. Now, you would be able to say that if we limited where it can be in the zoning ordinance.

Mr. Ebert stated that before he made his statement to Council on Monday, December 4, he had done research and had given the information concerning the cases he had reviewed regarding the moratorium. There was actually case law concerning the issue. This is more of trying to work out an amicable settlement as far as buffering among the two neighbors. The lighting and hours of operation has been addressed by the Board of Zoning Appeals. If the rink becomes a private or public nuisance, we have ordinances that prohibit that and there is action that can be taken.

Mr. Ebert stated that in preparing the ordinance he put in the changes in the existing code with enforceability provisions. The only one that he would specifically highlight that was in the prior ordinance, would be “No floodlights, light poles or lighting of courts is permitted.” That should be stricken. Lighting should be allowed if it does not create a private or public nuisance. Anything other than standard lighting should be subject to permit or entertained by the Board of Zoning Appeals, as was done in the Elmwood situation. Mr. Ebert noted that he was at the meeting of the Board of Zoning Appeals when they discussed the whole operation of the ice rink on Elmwood. The hours and lighting were the main topic because it was the original complaint.

Mr. Ebert noted that if legislation is drafted to affect one isolated case there may be a number of litigation cases to follow. It is not prudent to have this done until there is some definition of what is to be controlled.

Mr. Mace stated that in Mr. Ebert’s memorandum regarding questions to be asked at this committee meeting, there was a notation that lighting was addressed by ordinance already. Mr. Ebert stated that it was addressed by the Board of Zoning Appeals regarding the application. There is code to address lighting, evidenced by the construction of the Westerly School. The lighting was a nuisance to the neighbors to the east and they had to change the reflectors. The nuisance ordinance can address these problems.

Mr. Vincent noted that the nuisance ordinance can also address use, if use of the facility goes beyond the time limit set.

Mr. Mace stated that he had suggested that the ordinance be broad because we do not know what is going to come in the future. Mr. Ebert stated that the owners of the property with the tennis courts on Lake Road put in pine trees and fencing for buffering. The issue concerning a basketball court at Bradley and Lake is where the court is partially in a side yard and partially in a front yard. The owners installed screening. These have been addressed on a case by case basis.
Planning and Zoning Committee
December 11, 2017

Mr. Vincent asked if the ice rink matter could have gone through the nuisance protocol, or was it necessary to go through the Board of Zoning Appeals. Mr. Ebert stated that it could have gone through the nuisance protocol to determine if it was a nuisance.

Mr. Mace asked Mr. Lyons if he was at the property on Elmwood to look at the ice rink. Mr. Lyons stated that he looked at the ice rink last year when the complaint first came in to the City. It was off the property line. There is a fence on the south side, the north side is open, and the rear of the property is all pine trees to the neighbor to the rear. The only issue that came up when Mr. Lyons was there was the drainage issue.

Mr. Vincent noted that the only issue would be electricity running near water. A permit was issued for the chiller unit. Mr. Vincent commented about the importance of this, noting that folks might want to do something like this on their own. Mr. Lyons stated that a permit is required for a chiller.

Mr. Mace asked if the area would be required to be bonded like a pool, with grounding around the rink, somewhat like a swimming pool. Mr. Vogel stated that this is a good question. The equipment has the electrical running to it and it pumps the cold water out of the unit. There is no electricity going through the rink area. Mr. Mace noted that this would be similar to a pool heater. Mr. Lyons stated that the difference with a pool is that people are submerged in the water with electrical equipment around it and a rink is frozen as people are skating.

Mrs. Lieske stated that the committee was also looking at the definitions for swing sets. Play structures have changed over the years. From some of the basic checking on line there are various sizes. Mr. Mace has a version of one of the newer structures that are built. Mr. Ebert stated that the structure at a residence on Lake Road that went to litigation was massive. There has to be a determination as to the size of the swing set that would set the building permit requirement in place.

Mr. Vincent noted that permits are required for storage sheds. Mr. Lyons stated that sheds are considered a construction item.

Mayor Koomar brought up the question of soccer nets. Some are very large.

Mr. Vincent noted that if someone put a basketball court in their backyard, and there became an issue with lighting, sound and time of use, the neighbors would have the ability to require enforcement through the normal channels of the nuisance law.

Mr. Krall, the neighbor of the property owner of the ice rink on Elmwood, stated that the hours set by the Board of Zoning Appeals for use of the ice rink are too late. When discussing size, in addition to the ice rink size, there are hoses and plumbing that come off the rink, as well as the dirt and grade. The lighting has no special lenses or shading and reflect everywhere. All of these things have not been considered in anything discussed this evening. The noise is an issue, the number of kids there is an issue, all a nuisance problem. Somehow it has to be calmed down and quieted down. You cannot escape it unless you leave your house. These are problems that
they have dealt with for three years now. They did not know it was going to be a problem until last year when the chiller showed up. He stated that they were never informed about the BZA meeting; they would have been there if they knew about the meeting. Mr. Krall stated that he cannot live there with the noise next door.

Mrs. Lieske stated that she understands Mr. Krall’s concerns, but some of the things he mentioned are not things that could be incorporated into the ordinance.

Mr. Ebert stated that as long as a property owner drains their water onto their drain the City is not involved. Mr. Krall stated to envision ten inches of height in the back yard with cooling coils on top of that. It makes his four foot fence look like a two foot fence from the other side.

Mr. Ebert stated that possibly Mr. Krall’s fence should be higher. Mr. Krall may have a situation unique to his property that would entitle him to apply to the Board of Zoning Appeals for a higher buffering. Mr. Krall noted that hockey pucks are continually coming into his yard.

Mrs. Lieske stated that some of these concerns should be addressed in another manner, as Mr. Ebert has proposed, and she would like to focus this evening on this particular ordinance and the redraft. The committee has invested a great deal of time on this ordinance thinking in terms of all types of structures and getting at something that would keep the massive structures of going up without some guidelines.

Mr. Vincent stated that the size of a structure will be difficult to legislate. He asked if other cities legislate a recreational use time across the board. Mr. Ebert stated that Westlake and Rocky River do not. The Board of Zoning Appeals has addressed the time of use.

Mr. Lyons noted the existence of one ice rink on Cahoon Road and many basketball rims and hoops off of driveways in the City. Mrs. Lieske noted that this would be different than a structure that is built.

Mr. Vincent stated that part of the problem is what you do as a neighbor when you see something going up. If you see someone building a giant ice rink in their backyard, what should be done? If something is in place, you hope there is some protection against that type of construction. What is in place to protect that neighbor for something coming up, or trying to undo something that has been there for some time?

Mr. Lyons stated that it is common for neighbors to call the Building Department when they see something being installed.

Mr. Mace stated that he had intended with this ordinance to make sure when we do come up against accessory buildings and structures that we have something that is controlling, e.g., it has to be off the property line and only a certain percentage of the back yard.

Mr. Vincent stated that at some point it was probably considered outrageous that someone is going to tell you how to put up a pool. Mr. Ebert stated that the City ordinances regulate pools
Planning and Zoning Committee
December 11, 2017

as far as the height (1 ft.) coming out of the ground. That is why you do not see above ground pools in the City.

Mr. Vincent stated that if you follow the lead of what other cities have done, there might be a way to regulate structures such as ice rinks. Mr. Ebert stated that the 30% of the backyard is one regulation. Another regulation for playsets would be that you would not be permitted to have a playset that exceeds a certain number of square feet and addresses height and length as well. If a building permit is required, there would be a posting for neighbors to be aware that there is something to be built.

Mrs. Lieske stated that if it is not possible to come up with something to address every situation, we could proceed as we did with Chapter 1158 and doing something for now that we could keep in some sections.

Is there a need to refer to First Residence District at the top of the ordinance? This would be referring to things anywhere in the City. Mr. Mace stated that if someone is looking at this ordinance, and they live in an Third Residence District and they want to do an accessory structure, they may feel the ordinance does not refer to their district. Mr. Ebert stated that it is referenced back to Third Residence District. Taking things out makes it more restrictive as to what they can and can’t do. Mrs. Lieske agreed and the reference to First Residence District will remain.

The existing draft reads as follows:

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

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

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

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

(3) Recreational courts, fences and appurtenances shall conform to the setback requirements as set forth in Section 1149.01 of this Zoning Code;

(4) Fencing of the recreational courts shall comply with Chapter 1163, Fence Regulations;

(5) No floodlights, light poles or lighting of courts is permitted;
Planning and Zoning Committee
December 11, 2017

(6) The total recreational court area plus all other accessory uses on property shall not exceed the maximum percent of lot coverage as permitted in Section 1149.02 of this Zoning Code; and

(7) A building permit shall be required as set forth in Chapters 1303 and 1305 of the Building Code prior to the installation of any recreational court.

Mrs. Lieske suggested the following:

- Keep the Definition
- Keep J (1) which addresses Grade Level.
- Remove (J) (2)
- Keep in J (3) referring to setback
- Keep in J (4) regarding fence regulations
- Take out J (5) because lighting can be addressed in other ways
- Keep in J (6)
- Keep in J (7)

Mr. Ebert agreed to make the changes suggested by Mrs. Lieske.

Mr. Ebert addressed Mr. Krall stating that there is an argument to be made to the Board of Zoning Appeals based on what his property is adjoining.

Mr. Vincent asked the process for a resident if there is a violation by a neighbor. Mr. Ebert stated that Mr. Lyons will inspect the area, and allow time for correction. If not corrected, a complaint will be filed with the Rocky River Courts.

Mr. Vincent and Mr. Mace agreed with the suggestions by Mrs. Lieske. Mr. Ebert will prepare a new draft of the ordinance for the committee to be included in the information in the Council packets.

Mr. Ebert and Mr. Vogel will meet privately with Mr. Krall and his neighbor, Mr. Drake to address some of the issues regarding Mr. Drake’s ice skating rink.

Mrs. Lieske thanked everyone for their attendance and participation this evening. The meeting adjourned at 7:32 p.m.

Karen Lieske, Chairman

Joan Kemper, Secretary
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 1141.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING FIRST RESIDENCE DISTRICT/ACCESSORY BUILDINGS, STRUCTURES AND USES, AND DECLARING AN EMERGENCY.

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

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

1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.
The following accessory buildings, structures and uses are permitted on a lot in a First Residence District.
(A.1) Air conditioners, as governed by C.O. Chapter 1359.
(A.2) Swimming pools, as governed by C.O. Chapter 1349.
(Ord. 71-80. Passed 6-7-71.)
(B) (EDITOR'S NOTE: This subsection was repealed by Ordinance 73-146, passed December 17, 1973. See Chapter 1163 for fence regulations.)
(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.
(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C. O. 1179.10(B)1.
(Ord. 76-62. Passed 6-7-76.)
(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.
(Ord. 54-42. Passed 4-9-54, Art. V, §4.)
(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant's family, shall be permitted to occupy such premises.
(Ord. 61-201. Passed 12-4-61.)
(G) On a lot occupied by an apartment house: community garage.
(H) Off-street parking spaces as required by Chapter 1191.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
(I) Signs as governed by C.O. Chapter 1179.
(Ord. 76-62. Passed 6-7-76.)
(J) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
be and the same is hereby amended to read:

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

(A) Air conditioners, as governed by C.O. Chapter 1359.
(B) Swimming pools, as governed by C.O. Chapter 1349.
(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.
(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C.O. 1179.10(B)1.
(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.
(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant’s family, shall be permitted to occupy such premises.
(G) On a lot occupied by an apartment house: community garage.
(H) Off-street parking spaces as required by Chapter 1191.
(I) Signs as governed by C.O. Chapter 1179.
(J) Any building, structure or use customarily accessory or incidental to a permitted use, including basketball courts, ice skating rinks, playground equipment, including all illumination, on special permit per the following conditions:

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

1. Recreational uses shall be constructed at grade level and be comprised of clay, grass, asphalt, concrete or other similar hard surface material;
2. Recreational uses, fences and appurtenances shall conform to the setback requirements as set forth in Section 1149.01 of this Zoning Code;
3. Fencing of the recreational uses shall comply with Chapter 1163, Fence Regulations;
(4) The total recreational uses area plus all other accessory uses on property shall not exceed the maximum percentage of 30% of lot coverage as permitted in Section 1149.02 of this Zoning Code; and

(5) The height of any recreational use shall be in compliance with 1148.03

(6) A building permit shall be required as set forth in Chapters 1303 and 1305 of the Building Code prior to the installation of any recreational use.

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

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

10-5-17 LL 12-14-17 LL
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 1141.04 OF THE CODIFIED ORDINANCES OF THE CITY OF
BAY VILLAGE REGARDING FIRST RESIDENCE DISTRICT/ACCESSORY
BUILDINGS, STRUCTURES AND USES,
AND DECLARING AN EMERGENCY.

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

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

1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.
The following accessory buildings, structures and uses are permitted on a lot in a First
Residence District.
(A.1) Air conditioners, as governed by C.O. Chapter 1359.
(A.2) Swimming pools, as governed by C.O. Chapter 1349.
(Ord. 71-80. Passed 6-7-71.)
(B) (EDITOR'S NOTE: This subsection was repealed by Ordinance 73-146, passed December
17, 1973. See Chapter 1163 for fence regulations.)
(C) Beach house or boat house not used for human habitation and so located that no part of
such structure projects above the grade of the lot at the street line.
(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence:
office of such physician, surgeon or dentist, provided, however, that no window display or sign
shall be used to advertise such use other than a sign permitted by C.O. 1179.10(B)(1).
(Ord. 76-62. Passed 6-7-76.)
(E) In a dwelling or apartment used by a person as a private residence: a customary home
occupation carried on by such person, provided, however, that no person other than members of
the household shall be employed in connection therewith, and provided also, however, that no
window display or sign shall be used to advertise such occupation.
(Ord. 54-42. Passed 4-9-54, Art. V, §4.)
(F) In a dwelling or apartment occupied as a private residence: rooms may be rented,
provided, however, that no window display or sign is used to advertise such use. Not more than
two rooms per residence may be so rented and not more than two persons per residence, other
than the principal occupant's family, shall be permitted to occupy such premises.
(Ord. 61-201. Passed 12-4-61.)
(G) On a lot occupied by an apartment house: community garage.
(H) Off-street parking spaces as required by Chapter 1191.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
(I) Signs as governed by C.O. Chapter 1179.
(Ord. 76-62. Passed 6-7-76.)
(J) Any building, structure or use customarily accessory or incidental to a permitted use, on
special permit.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
be and the same is hereby amended to read:

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

(A.1) Air conditioners, as governed by C.O. Chapter 1359.
(A.2) Swimming pools, as governed by C.O. Chapter 1349.
(Ord. 71-80. Passed 6-7-71.)

(B) (EDITOR’S NOTE: This subsection was repealed by Ordinance 73-146, passed December 17, 1973. See Chapter 1163 for fence regulations.)
(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.
(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C. O. 1179.10(B)).
(Ord. 76-62. Passed 6-7-76.)
(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.
(Ord. 54-42. Passed 4-9-54, Art. V, §4.)
(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant’s family, shall be permitted to occupy such premises.
(Ord. 61-201. Passed 12-4-61.)
(G) On a lot occupied by an apartment house: community garage.
(H) Off-street parking spaces as required by Chapter 1191.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
(I) Signs as governed by C.O. Chapter 1179.
(Ord. 76-62. Passed 6-7-76.)
(J) Any building, structure or use customarily accessory or incidental to a permitted use, including basketball courts, ice skating rinks, playground equipment, including all illumination, on special permit per the following conditions:

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

1. Recreational uses shall be constructed at grade level and be comprised of clay, grass, asphalt, concrete or other similar hard surface material;
2. Recreational uses, fences and appurtenances shall conform to the setback requirements as set forth in Section 1149.01 of this Zoning Code;
3. Fencing of the recreational uses shall comply with Chapter 1163, Fence Regulations;
(4) The total recreational uses area plus all other accessory uses on property shall not exceed the maximum percentage of 30% of lot coverage as permitted in Section 1149.02 of this Zoning Code; and

(5) The height of any recreational use shall be in compliance with 1148.03

(6) A building permit shall be required as set forth in Chapters 1303 and 1305 of the Building Code prior to the installation of any recreational use.

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

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_________________________________
PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

_________________________________
MAYOR

12-14-17 LL
# 2017 Capital Roads Budget Summary

**Account:** 270.310.55430

**Current as of:** 12/11/2017

<table>
<thead>
<tr>
<th>Contract Description</th>
<th>Ord. No.</th>
<th>PO #</th>
<th>Original Contract</th>
<th>Change Orders</th>
<th>Paid to Date</th>
<th>Current Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbicas Construction Co. - Road Resurfacing Program</td>
<td>17-27, 17-51, 17-82</td>
<td>115655</td>
<td>$531,415.00</td>
<td>$17,914.01</td>
<td>$229,489.22</td>
<td>$549,329.01</td>
</tr>
<tr>
<td>Bidding &amp; Spec Books</td>
<td>N/A</td>
<td>103916</td>
<td>$212.40</td>
<td>$0.00</td>
<td>$212.40</td>
<td>$212.40</td>
</tr>
<tr>
<td>Shelly Materials - Stone for Pavement Base Repairs</td>
<td>N/A</td>
<td>104833</td>
<td>$4,540.11</td>
<td>$0.00</td>
<td>$4,540.11</td>
<td>$4,540.11</td>
</tr>
<tr>
<td>Lakewood Supply - ADA Truncated Dome Pad Inserts</td>
<td>N/A</td>
<td>114835</td>
<td>$1,673.38</td>
<td>$0.00</td>
<td>$1,673.38</td>
<td>$1,673.38</td>
</tr>
<tr>
<td>Columbia Gas - Repair Claim OH17-1876</td>
<td>N/A</td>
<td>N/A</td>
<td>$728.53</td>
<td>$0.00</td>
<td>$728.53</td>
<td>$728.53</td>
</tr>
<tr>
<td>Signal Service - Traffic Signal Loop Detectors</td>
<td>N/A</td>
<td>104743</td>
<td>$2,598.75</td>
<td>$0.00</td>
<td>$2,598.75</td>
<td>$2,598.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>105157</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Karvo Companies - Lake Road Parking Lots</td>
<td>17-83</td>
<td>113720</td>
<td>$45,246.50</td>
<td>-$300.00</td>
<td>$0.00</td>
<td>$44,946.50</td>
</tr>
<tr>
<td>Premier Paving Co. - Police Station Parking Lot Repairs</td>
<td>N/A</td>
<td>114213</td>
<td>$11,703.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$11,703.00</td>
</tr>
<tr>
<td>Specialized Construction - Crack Seal Program</td>
<td>17-80</td>
<td>113719</td>
<td>$49,600.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$49,600.00</td>
</tr>
<tr>
<td>A&amp;A Safety - Lake Road Pavement Marking - Road Diet</td>
<td>TBD</td>
<td>TBD</td>
<td>$43,707.30</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$43,707.30</td>
</tr>
<tr>
<td>Bike Safe Catch Basin Castings</td>
<td>TBD</td>
<td>TBD</td>
<td>$5,758.45</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$5,758.45</td>
</tr>
<tr>
<td><strong>Totals:</strong></td>
<td></td>
<td></td>
<td>$697,183.42</td>
<td>$17,614.01</td>
<td>$239,242.39</td>
<td>$714,797.43</td>
</tr>
</tbody>
</table>

**Overall Cost:** $714,797.43

**Reimbursement from County:** $-17,500.00

**Adjusted Total:** $697,297.43

**2017 Budget:** $700,000.00

**Reallocated Columbia & Lake Road Signal Budget:** $50,000.00

**Adjusted Budget:** $750,000.00

**Remaining Funds:** $52,702.57
MEMORANDUM OF UNDERSTANDING
Between the Cuyahoga Soil and Water Conservation District
and the
City of Bay Village

This Memorandum of Understanding ("MOU") is made this ___ day of ___________, 20___ ("Effective Date"), between the Cuyahoga Soil and Water Conservation District (SWCD) and City of Bay Village ("City"), for providing assistance with technical assistance in implementing soil and water conservation measures.

Purpose – Implementation of conservation education, stewardship and public involvement activities that also corresponds to the City’s Municipal Separate Storm Sewer System (MS4) permit.

Recognizing the need for effective collaboration in raising awareness through education, stewardship opportunities and public involvement and working to change the perceptions and behaviors of the public for a cleaner, healthier environment, such as what is required in the national pollutant discharge elimination system permit, the City of Bay Village and the Cuyahoga Soil and Water Conservation District (SWCD) accept this agreement as the document which describes the process for exchange. Cooperation between these two units of government facilitates better awareness of environmental issues and potential solutions for a healthier environment. In providing conservation education assistance and expertise to the City, the SWCD hopes to influence citizens to better protect and conserve soil and water resources. The Ohio Revised Code, Ch. 940, describes the District’s authority for engaging in this Mutual Agreement.

The SWCD and the City have mutually agreed to this scope of assistance related to education, stewardship and public involvement for the conservation of soil and water resources.

Cuyahoga SWCD Conservation Program

The SWCD will work with the City to provide a conservation program that includes public education and public involvement, such as that listed in the City’s Storm Water Management Plan, local watershed action plan, and/or balanced growth plans, or others as mutually agreed upon. The goal of the education, stewardship and public involvement program is to reach diverse stakeholders, including City residents, City staff, school children, etc. through the following services:

1. SWCD staff will coordinate activities and facilitate program implementation with feedback from the City’s designee and/or through an annual stakeholder meeting.

2. SWCD staff will attend City council meetings, as requested.

3. SWCD will assist the City in planning and promotion of a local pollution prevention or clean water event and assist in identifying partnerships with various community stakeholders. Events may include stream clean ups, drain stenciling, water festivals or other activities to engage the public.

4. SWCD will create a variety of educational materials, including brochures, fact sheets, newsletters, newsletter articles, web-based information for the City’s use, special mailings, educational posters and school programs, such as age-specific student programs and teacher workshops related to conservation concerns, including watershed issues, soils and water.
5. SWCD will provide opportunities for student involvement in local, state and national programs and competitions.

6. On the City’s behalf, the SWCD will participate in the Northeast Ohio Public Involvement and Public Education Work group (NEO PIPE). Products produced by the NEO PIPE Work Group will be shared with the City.

7. The SWCD will seek opportunities to maximize impact and minimize additional program costs related to printing large quantities of selected materials that become available to the public.

8. The SWCD will provide an annual report of all activities undertaken, including copies of all fliers, notices, and types of stakeholders reached, attendance records and any data collected.

9. The SWCD may also provide limited technical advisory services to the City on matters related to:
   
   - Sound storm water management through accepted best management practices
   - General evaluation of sensitive areas such as creeks, floodplains, soils, slopes, wetlands, watersheds, woodlands or other unique areas that are planned for development
   - Protection of sensitive natural areas and conservation easements
   - Small drainage systems and wildlife habitat enhancements

City of Bay Village Role

1. The City will designate someone to serve as the liaison to the Cuyahoga SWCD and to help provide guidance regarding conservation education and public involvement and with coordination of activities such as improvement days, storm drain stenciling, and watershed planning activities.

2. The City will help to identify potential leaders, including civic leaders, civic groups, senior organizations, fraternal groups, scout leaders, school liaisons, business leaders and anyone else that should be contacted through an outreach program.

3. The City will disseminate program information in a timely manner.

4. The City will assume full responsibility for completion and submittal of their required annual reports.

Agreed Procedures

- The City agrees to grant an annual conservation appropriation to the SWCD, not to exceed $5,500 per twelve month period following the Effective Date and the Cuyahoga SWCD agrees to use the grant funds to provide a conservation program for the City.

- The City will provide a resolution to the SWCD that acknowledges this working agreement and provides documentation to facilitate dispersal of funds to the SWCD on an annual basis.

- That the SWCD is a conservation technical and education service agency and therefore is not granted regulatory authority in the Ohio Revised Code.

- That the working relationship will be defined to include lines of communications with appropriate departments. The SWCD and the City will meet at least once a year to coordinate a work plan and exchange information with the goal of developing a multi-disciplinary approach to resource management.
• SWCD will provide a written annual report, relevant to its role, as outlined in this MOU.

• That credit will be given jointly to the SWCD and the City in any conservation publications produced.

• That all parties will review quality of service and address concerns as they arise.

• The City recognizes the SWCD’s obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.

• All services of the SWCD are offered on a non-discriminatory basis without regard to race, age, marital status, handicap or political persuasion.

**Term, Renewal, Termination**

The term of this MOU shall commence on the date (the “Initial Effective Date”) SWCD receives written notice from the City, in a form approved by SWCD and in accordance with Sections 5705.41 and 5705.44 of the Ohio Revised Code, as applicable, indicating that the City has agreed to grant funds, in an amount agreed to by the parties, to support SWCD’s general operations for the following 12-month period (the “Initial City Notice”). The parties acknowledge, understand, and agree that any such funding shall be for the purposes of the District’s general operations for a period of 12 calendar months following the Initial Effective Date (the “Initial MOU Term”) and that this MOU shall terminate on the 12-month anniversary of the Initial Effective Date in the event the City does not renew this MOU as set forth herein.

This MOU may be renewed by City for any 12-month period following the Initial MOU Term (a “Subsequent MOU Term”) provided that the SWCD receives written notice, as described above (a “Subsequent City Notice”), not less than 30 days prior to expiration of the Initial MOU Term (the date the District receives a Subsequent City Notice, a “Subsequent Effective Date”), and shall continue to renew for any 12-month period provided that the SWCD receives a Subsequent City Notice not less than 30 days prior to expiration of any Subsequent MOU Term then in effect.

This MOU may be amended or terminated at any time by mutual consent of both parties, or the agreement may be terminated by either party giving thirty (30) day’s advance written notice to the other.

In witness thereof, the Memorandum executed and agreed to on the latest day, month and year written below:

Cuyahoga Soil & Water Conservation District

By: Ruth Skuly  
Chair

Date:

City of Bay Village

By: Paul Koomar  
Mayor

Date: