AGENDA

Agenda, Bay Village City Council                           Date: June 18, 2018
Committee Meeting                                            Time: 7:30 p.m.
Conference Room, Bay Village City Hall
Dwight A. Clark, President of Council, Presiding

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Chapter 505, Animals and Fowl – Final Reading.

Submerged Land Lease Request, 29404 Lake Road.

Submerged Land Lease Request, 29800 Lake Road.

HIPAA (Health Insurance Portability and Accountability Act) Resolution.

FINANCE & CLAIMS COMMITTEE-Tadych

May 2018 Financial Reports.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Small Cell Wireless Facilities Legislation – Amendments.

Banner Installation Request – Bay Boat Club

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE- Stainbrook

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Approval to Purchase One (1) 2018 Dodge Grand Caravan for the Service Department.

AUDIENCE

MISCELLANEOUS

Council Summer Adjournment.
CAHOON MEMORIAL PARK TRUSTEES

Banner Installation Request – Bay Boat Club
President of Council Clark called the meeting called to order in the Conference Room of Bay Village City Hall at 7:30 p.m.

Present: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar.

Also Present: Law Director Barbour, Finance Director Mahoney, Fire Chief Lyons, Recreation Director Enovitch, Chief Building Official of SAFEbuilt, Inc., Steve Vogel.

AUDIENCE

The following members of the audience signed in this evening: Suzanne Graham, Jeff Gallatin, Claire Banasiak, Tara Wendell, Dave Madigan, Donald Friswold.

ANNOUNCEMENTS

Mayor Koomar stated that he is happy to announce that there is a Speaker of the House now in Columbus. They went eleven rounds and finally elected someone, because on the eleventh round it is a plurality and not a majority, so they were able to push it through. The importance there is Representative Dave Greenspan has a road bill and if there is a surplus some of that money will come back to the cities. Bay Village stands to gain about $50,000 to $60,000 to put in for improvements in the fall for crack sealing. Mayor Koomar will see Mr. Greenspan later this week and get an update.

Mayor Koomar reported on his trip to Washington, D.C. stating that he met with Cabinet members or their designees on Thursday of last week and had some good dialogue. There is an office of Intergovernmental Affairs with a lot of good networking through emails and phone numbers for help and guidance. On Friday the Mayor met with Congresswoman Marcy Kaptur with information regarding Lakeside Cemetery. Congresswoman Kaptur will get back to the Mayor on any funding options.

Mayor Koomar reported that the national statistics for Drug Take-Back Day for prescription pills show that in the 288 sites in Ohio, 40,509 pounds of drugs were collected. Nationally, that day, just short of 950,000 pounds of prescription medicines were turned in. It was noted that employers are having a hard time filling jobs because prospective employees cannot pass the drug screening.

The Mayor reported that last week a meeting was held with Partners Environmental concerning the City’s limited scope engagement with them. Mr. Winzig attended the meeting as part of the Recreation and Parks Committee, and relative to his activity with the Soccer Club. Former Service Director Jim Sears attended the meeting, as well as Mr. Ebert, Mr. Barbour, Jon Liskovec, Curtis Krakowski, Mayor Koomar and Kathryn Kerber. After the meeting the Mayor, Mr. Winzig, and
Mr. Liskovec walked the park with the representatives of Partners Environmental. There was a three hour visit in total with a lot of good information. The take-away from Partners Environmental perspective was that there is an opportunity to make improvements in the park, but care must be taken and a plan created. Things pulled into the discussion were not only the grading of the soccer fields, but a deed restricted piece of land behind the police station from past litigation. The Mayor wants to know how that affects the Cahoon Soccer Shed. Also, because Partners Environmental had done the police station litigation in the past, there may be a small site down in the Cahoon Valley. They will come back to the City and break out a proposal about all three areas. The Mayor’s goal would be to get a firm grasp of the landfill requirements of Rule 13, what can and cannot be done, and have that as a good roadmap for years to come.

One of the things they said relative to the dirt donation was that because of having to apply for Rule 13 to do some investigative work and things of that nature, they would not recommend placing that dirt in Cahoon Park or starting that project in any sense. The other thing discussed is that even though the dirt was being tested to make sure it would grow grass well, in this day and age, especially with kids playing soccer and lacrosse on it, looking at the environmental conditions of the soil is also important. What happened in 1950 with pesticides and other things may be a factor and they recommended before any donation is accepted that work would be performed, and to do it properly would be $5,000 to $10,000 and take two to three weeks. The take-away was there might be something we can do on this land, but we should proceed cautiously and it might be premature at this point in time to accept any donation of dirt.

A meeting is scheduled this week with the Soccer Club to let them know that the drainage will be analyzed. A lot of things enter into it because more than one acre is affected, and where the water would go in terms of storm water, they want to make sure the storm pipes would be large enough. Some of that will be done in-house to minimize cost, but looking at Cahoon Creek there is drainage that is between the soccer shed and the police station garage and there is a pathway behind the garage with a drainage inlet. Depending on where you push the water that is going to affect the capacity. There are many things to be considered before going forward, but they said it is doable, they have been successful in the past on certain items. The biggest thing is if there is anything in the fields themselves that could be done. Is it a possibility in certain areas to put drainage, or is that really just off limits? That affects the overall plan on what can be done.

Mr. Clark stated that going through the diligence is important, because if there is potential litigation, and we didn’t do the homework, it would far outweigh a $75,000 donation of soil.

Mayor Koomar stated that what they want to convey to the Soccer Club is if you are bringing dirt in without engineering you are just moving water around to a different puddle. The last thing you want to do is close fields down, re-seed them and go through the effort and find out that it doesn’t work and wasn’t a good plan. Partners Environmental has been successful, they do a lot of work for the City of Cleveland, Northeast Ohio Sewer District, and Metroparks. They are well suited to review and also have the history of the police station site, the litigation, and the $400,000 that the City experienced back then. If we can map out on a map with some GPS coordinates of what is off limits and what is doable, it will make the decisions in the future easier.
Mr. Tadych asked Mayor Koomar if there is a reason that the City cannot go through the field and look out for water indentations that we could fill prior to anything else going on. Mayor Koomar stated that small patching, aeration, cutting the fields shorter, all those things are fine to go ahead and do. Mr. Tadych stated that he would like to see that move forward. The Mayor stated that they have done that over the years and will continue to make those improvements.

CAHOON MEMORIAL PARK TRUSTEES

Request of Randy Risch, Boy Scout Troop 41 and Cub Scout Pack 39, for approval of “All-Bay Scout Day” Event on September 15, 2018, subject to receipt of insurance.

Mr. Clark acknowledged the presence of Mr. David Madigan and Mr. Donald Friswold who came to the meeting tonight regarding the request of Boy Scout Troop 41 and Cub Scout Pack 39 for approval of an “All-Bay Scout Day” event on September 15, 2018. The All-Bay Scout Campout would begin on Saturday, September 15, 2018 at 8 a.m., and conclude on Sunday, September 16 at 9:30 a.m. It would potentially include the following activities:

- Fire and Police Department Tours
- BAYarts Art
- Village Bicycle Cooperative
- Bay Village Historical Society- Rose Hill Museum, Reuben Osborn Learning Center and the Cahoon Log Cabin
- Lake Erie Nature and Science Center
- Bay Boat Club (Sea Scout Ship 41)
- Archery Range
- BB Gun Range
- Monkey Bridge
- Over Night Camping by the Gazebo
- Saturday Night Camp Fire Program

Mr. Friswold stated that they have previously done this event in Wellington, Ohio, and would like to have an opportunity to host it in Bay Village as a showcase to the rest of the community and to promote it to the citizenry and the Girl Scout organization.

There are soccer activities on September 15, but the activities for the All-Bay Scout Day would basically be conducted from Cahoon Road east.

Mayor Koomar asked if porta-pottys will be provided, and Mr. Friswold stated that they would provide those facilities.

Mayor Koomar asked the number of people expected to be in attendance. Mr. Friswold stated that their experience has been about 350 people attending. There may be a higher number for this event because it will be in Bay Village.
Committee Meeting of Council
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Mr. Barbour advised that a Certificate of Insurance must be submitted adding the City of Bay Village and the Cahoon Memorial Park Trustees.

Fire Chief Lyons noted that any fires need to be permitted through the City of Bay Village Fire Department.

Mr. Tadych commented that he does not know whether the BB Gun Shooting and Archery Range activities will be an issue. The Police Department will be consulted.

Mr. Mace questioned whether there would be organized activity on Sunday.

Mayor Koomar noted that the Chief of Police is on vacation, and suggested that a meeting be held with Mr. Madigan, Mr. Friswold, Mayor Koomar, and the Recreation Director to further discuss the plans for the event.

Mr. Clark suggested deferring the vote on the proposal until Monday, June 18, 2018 until all the facts are in order, the insurance certificate obtained, the input of the Police and Fire Chief as to their requirements is received, and the assurance that there would be no organized activities on Sunday, September 16, 2018. He expressed support of the mission since his son was a Troop 41 Eagle Scout and he knows that Troop 41 has a significant number of Eagle Scouts and generated fine young men over the years.

Mrs. Stainbrook suggested the option of changing the event to Friday and Saturday, rather than Saturday and Sunday.

Mayor Koomar asked about arrangements for feeding the participants. Mr. Friswold would like to use the Dwyer Center to serve dinner in the evening. It was noted that they would only need warming of food, and not cooking.

Mr. Barbour asked about activities planned for Sunday. Mr. Friswold stated that they would like to have a sunrise worship service with everyone leaving immediately after the service.

The request of Mr. Madigan and Mr. Friswold on behalf of Troop 41 will be revisited on Monday, June 18, after further details are worked through by the City administration.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Chapter 505, Animals and Fowl – Final Reading

Mr. Mace stated that Chapter 505 has been revised with the revisions being mostly stylistic in nature. The hunting and deer provisions have been moved within the ordinance, one definition has been added for an electric fence, and formatting was changed to be consistent throughout the ordinance. The final change was to Section 505.31, Report of Escape of Exotic or Dangerous Animal. The former version was written to follow the Ohio Revised Code, with the Clerk of Council as the number two person to notify. It has been changed to send second notification to the sheriff of the county where the escape occurred.
Mr. Mace stated that he is in favor of the revisions to Chapter 505 and the Environment, Safety and Community Services Committee looks forward to its adoption. The ordinance will be moved to second reading at the Special Meeting of Council to be held this evening.

Mr. Mace will present a Resolution authorizing the application for a Community Development Grant in the amount of $150,000 for renovation of the Dwyer Memorial Center kitchen at tonight’s Special Meeting of Council.

Community Services Director Selig stated that if the grant is obtained the project would be completed in a six month period of time. It is expected that the grant application will be received more favorably in this second round when considering that the Dwyer Memorial Center has been officially named as a Red Cross Shelter in times of emergency.

Mr. Clark asked if improvement to the storage space at the Dwyer Memorial Center will be encompassed in this particular grant. Mrs. Selig stated that they are looking at building some storage areas into the Dwyer Center, as part of the strategic plan for the center. Mrs. Stainbrook added that this recommendation came forth as part of the Building Sub-Committee working on the Strategic Plan for the Dwyer Memorial Center. Mr. Clark noted that funds are available from the Municipal Buildings Fund for more storage at the Dwyer Center, which is something that will have to be addressed at some point in time.

Mr. Mace noted that a Public Hearing for the grant application for the kitchen renovation will be held on Wednesday, June 13, 2018 at 6 p.m. in the Conference Room of Bay Village City Hall. The grant application must be filed by Friday, June 15, 2018.

Mr. Tadych asked if any addition or movement of storage areas will affect the Memorial Wall that is being installed the Dwyer Memorial Center in honor of war veterans. Mrs. Selig stated that the area for the Veterans Memorial Wall will be preserved.

FINANCE & CLAIMS COMMITTEE-Tadych

Mr. Tadych will present Resolution 18-47 adopting a Tax Budget for the Fiscal Year beginning January 1, 2019 for third reading and adoption at the Special Meeting of Council to be held this evening. There will be no change in taxes, and the resolution must be submitted to the Cuyahoga County Budget Commission by July 20, 2018.

Mr. Tadych will also introduce an ordinance authorizing the Mayor to enter into a three-year agreement with McGowan Insurance Agency for public liability and property damage insurance for the City, effective June 15, 2018. Mr. Tadych noted that both firms that were interested in providing the coverage were interviewed by the Finance Committee, with the final choice being the McGowan Insurance Agency as agents of Argonaut Insurance.

Amended Appropriation Ordinance, No. 18-49 will be moved for adoption on second reading this evening to allow for a small adjustment in the street improvement category and to provide funds for the Law Department compensation.
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Ordinance 18-50 providing the compensation of the Director of Law, Prosecutor, and Special Counsel through December 31, 2018 will also be moved for adoption on second reading this evening.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Small Cell Wireless Facilities Legislation – Amendments

Ms. Maier will present an amended version of Ordinance 18-46 adding Chapter 907 to the Codified Ordinances of the City of Bay Village, entitled “Small Cell Facilities and Wireless Support Structures within the Right-of-Way,” and declaring an emergency, which was placed on first reading on May 14, 2018.

A Planning, Zoning, Public Grounds and Buildings Committee meeting will be held on Monday, June 18, at 6:30 p.m. in the conference room of Bay Village City Hall, to further review the Small Cell Wireless Facilities Legislation and Guidelines.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE- Stainbrook

Mrs. Stainbrook announced her plans to hold a Public Improvements, Streets, Sewers and Drainage Committee meeting on Monday, June 25, 2018 at 6:30 p.m. which will review the Sunset Area Project and items discussed at the last meeting of the Public Improvements Committee. Notice and agenda will be posted appropriately.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Mr. Winzig referred to the update given earlier in the meeting regarding the proposed dirt donation for the City Soccer Fields. A recommendation from the Recreation and Parks Improvement Committee is forthcoming.

Mayor Koomar noted further that there is a cost for transferring the dirt and when taking all things into consideration it narrows down to a pragmatic decision.

The Bay Family Aquatic Center opened on Friday, June 8, 2018 for full hours. Attendance has been down due to weather. Passes sold to date number 2,275, tracking well over last year at this time.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Ms. DeGeorge had no report this evening.

AUDIENCE

MISCELLANEOUS
Mr. Clark reported that the Supreme Court has ruled in favor of the City of Bay Village in the Pietrangelo case regarding the library. Mr. Ebert will send a copy of the entry on Tuesday, June 12, 2018. Mr. Clark noted that it is time to segue back to the library project.

Mr. Winzig stated that a report has been sent from the Heritage Home Loan Program which includes a note about the Federal Pacific Breaker Box, and the fact that it is unsafe. Mr. Winzig suggested putting the information on the City website, or in the Mayor’s email to residents. Chief Building Official Vogel stated that they are unsafe, and are being replaced. Mr. Barbour stated that there should be an affirmative duty of an electrician to report a Federal Pacific Breaker Box when he encounters one during service.

Mr. Tadych commented on the funds to be made available through the State of Ohio for crack sealing. He stated that last year there was crack sealing done in the City through the first part of November. Some of the crack sealing work ended at Columbia Road. The crack sealing late in the fall resulted in the tar not sticking. It is all over residents’ driveways, aprons and grass. It was plowed up by the snow plows and is now adhering to people’s aprons. It is an ugly situation and he does not want to see that happen again. Mr. Tadych stated that he has been working with Infrastructure Manager Curtis Krakowski and Director of Public Service and Properties Jon Liskovec trying to get it corrected for the residents that do have the problem. There has been no satisfaction there. Mr. Tadych would like to point out that something needs to be done. He stated there are globs of this stuff, not small amounts. He brought one piece to show Mr. Curtis Krakowski over two feet long and about a foot wide. The grass isn’t growing, driveways are being destroyed, or at least gobbled up with tar, and something should be done.

There being no further discussion, the meeting adjourned at 8:07 p.m.

Dwight A. Clark, President of Council
Joan Kemper, Clerk of Council
June 8, 2018

City of Bay Village
Clerk of Council
Bay Village City Hall
350 Dover Center Rd.
Bay Village, OH 44140

RE: Submerged Lands Lease Resolution Request
KS Project #16308

Dear City of Bay Village:

One of the necessary components for obtaining a Submerged Lands Lease from the State of Ohio is an ordinance or resolution from the local authority stating that the area of submerged lands in question is not needed by the local authority for future improvements (i.e. breakwaters, harbors, marinas, piers, etc.) and that the land use complies with regulation of permissible land use of the local authority.

An application has been submitted to the U.S. Army Corps of Engineers and Ohio Department of Natural Resources to place a structure (drawings enclosed) on the submerged lands of Lake Erie adjacent to parcel 20202011 at 29404 Lake Road, Bay Village Ohio 44140. Please accept this request for a resolution or ordinance on behalf of our client, Robert P. and Ellis Jr.

Please consider and act on this request for a resolution or ordinance at your next possible meeting. Once issued, please send a copy of the resolution or ordinance to:

ODNR Office of Coastal Management
Attn: Virginia Bahs
105 West Shoreline Drive
Sandusky, Ohio 44870

Thank you for your attention to this matter. If you have any questions regarding the proposed project or requested resolution or ordinance, please let us know.

Sincerely,

KS ASSOCIATES, INC.

Mark P. Cencer, P.E.
Director, Coastal Engineering Services
Robert P. Ellis Jr., Trustee
Submerged Land Lease Erosion Control Parcel
4,104 Square Feet (0.0942 Acre)
Page 1 of 2

Situated in the City of Bay Village, County of Cuyahoga and State of Ohio, and known as being submerged land within Lake Erie adjacent to Original Dover Township Lot No. 93 (Fractional Township 7-N Range 15-W Connecticut Western Reserve). Also being adjacent to the land conveyed to Robert P. Ellis Jr., Trustee as recorded in AFN 201611010277 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at a 5/8" iron pin in a monument box found in the centerline of Lake Road (60 feet wide), said point being South 64° 10' 00" East, 25.03 feet along the centerline of Lake Road from the intersection of the centerline of Lake Road and the centerline of Ruth Street (40 feet wide);

Thence, along the centerline of Lake road, South 71° 20' 00" East, 1110.74 feet to the southwesterly corner of said land conveyed to Robert P. Ellis Jr., Trustee;

Thence, leaving said centerline, along Ellis' westerly line, North 00° 56' 00" East, 288.73 feet to the 1973 natural shoreline of Lake Erie and the True Point of Beginning for the parcel herein described;

Thence, along the littoral rights partition line between said land conveyed to Robert P. Ellis Jr., Trustee and land conveyed to Domenic F. Battaglia, Trustee as recorded in AFN 200908180376 of the Cuyahoga County Records, North 25° 57' 42" East, 27.07 feet;

Thence, leaving said littoral rights partition line, North 29° 12' 52" East, 9.16 feet;

Thence, along the arc of a curve which deflects to the right, 23.49 feet, said curve having a radius of 16.10 feet, a central angle of 83° 34' 13", and a chord of 21.46 feet which bears North 70° 10' 21" East;

Thence, South 63° 53' 39" East, 36.79 feet;

Thence, along the arc of a curve which deflects to the right, 10.33 feet, said curve having a radius of 8.07 feet, a central angle of 73° 19' 35", and a chord of 9.84 feet which bears South 25° 55' 54" East;

Thence, South 64° 25' 00" East, 7.00 feet;

Thence, along the arc of a curve which deflects to the right, 22.86 feet, said curve having a radius of 16.47 feet, a central angle of 79° 32' 49", and a chord of 21.07 feet which bears South 72° 17' 39" East;

Thence, along the arc of a curve which deflects to the right, 47.08 feet, said curve having a radius of 2168.27 feet, a central angle of 01° 14' 43", and a chord of 47.08 feet which bears South 42° 15' 35" East;

Thence, along the arc of a curve which deflects to the right, 34.59 feet to the 1986 natural shoreline of Lake Erie, said curve having a radius of 70.91 feet, a central angle of 27° 56' 49", and a chord of 34.25 feet which bears South 39° 43' 47" East;

Thence, along said 1986 natural shoreline of Lake Erie the following five courses;

North 68° 46' 09" West, 34.35 feet;

Thence, South 15° 27' 21" West, 4.57 feet;
Robert P. Ellis Jr., Trustee
Submerged Land Lease Erosion Control Parcel
4,104 Square Feet (0.0942 Acre)
Page 2 of 2

Thence, North 71° 48' 09" West, 4.64 feet;

Thence, South 22° 00' 15" West, 3.25 feet;

Thence, North 42° 57' 54" West, 20.57 feet to the 1973 natural shoreline of Lake Erie;

Thence, along said 1973 natural shoreline of Lake Erie the following eleven courses;

North 75° 47' 25" West, 1.48 feet;

Thence, North 86° 45' 45" West, 4.88 feet;

Thence, North 64° 49' 41" West, 5.01 feet;

Thence, North 74° 50' 53" West, 7.59 feet;

Thence, North 04° 50' 56" West, 16.23 feet;

Thence, North 64° 00' 18" West, 72.14 feet;

Thence, South 26° 04' 28" West, 20.13 feet;

Thence, North 55° 34' 42" West, 1.18 feet;

Thence, North 84° 36' 51" West, 4.48 feet;

Thence, South 60° 47' 48" West, 2.49 feet to the point of beginning.

Containing within said bounds 0.0942 acre (4,104 square feet) of land. The above description was prepared by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 and is based on a survey prepared by Polaris Engineering and Surveying dated November 17, 2016.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730
KS ASSOCIATES
Civil Engineers + Surveyors
260 Burre Road, Suite 100
Elyria, OH 44035
440 365 4730
R:\16000\16308-1\Legal Descriptions\16308 Erosion Control SLL.docx
Robert P. Ellis Jr., Trustee
Submerged Land Lease Existing Fill Parcel
1,673 Square Feet (0.0384 Acre)
Page 1 of 2

**Situated** in the City of Bay Village, County of Cuyahoga and State of Ohio, and known as being submerged land within Lake Erie adjacent to Original Dover Township Lot No. 93 (Fractional Township 7-N Range 15-W Connecticut Western Reserve). Also being adjacent to the land conveyed to Robert P. Ellis Jr., Trustee as recorded in AFN 201611010277 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at a 5/8' iron pin in a monument box found in the centerline of Lake Road (60 feet wide), said point being South 64° 10' 00" East, 25.03 feet along the centerline of Lake Road from the intersection of the centerline of Lake Road and the centerline of Ruth Street (40 feet wide);

Thence, along the centerline of Lake road, South 71° 20' 00" East, 1110.74 feet to the southwesterly corner of said land conveyed to Robert P. Ellis Jr., Trustee;

Thence, leaving said centerline, along Ellis' westerly line, North 00° 56' 00" East, 288.73 feet to the 1973 natural shoreline of Lake Erie;

Thence, along said 1973 natural shoreline of Lake Erie the following three courses;

North 60° 47' 48" East, 2.49 feet;

Thence, South 84° 36' 51" East, 4.48 feet;

Thence, South 55° 34' 42" East, 1.18 feet to the **True Point of Beginning** for the parcel herein described;

Thence, leaving said 1973 natural shoreline, North 26° 04' 28" East, 20.13 feet;

Thence, South 64° 00' 18" East, 72.14 feet;

Thence, South 04° 50' 56" East, 16.23 feet to the 1973 natural shoreline of Lake Erie;

Thence, along said 1973 natural shoreline of Lake Erie the following eighteen courses;

North 74° 50' 53" West, 7.18 feet;

Thence, North 82° 46' 01" West, 9.22 feet;

Thence, North 69° 29' 56" West, 8.73 feet;

Thence, North 66° 53' 57" West, 4.96 feet;

Thence, South 89° 23' 04" West, 5.17 feet;

Thence, North 80° 27' 42" West, 6.38 feet;

Thence, North 77° 07' 22" West, 8.87 feet;

Thence, North 58° 24' 33" West, 1.68 feet;
Robert P. Ellis Jr., Trustee  
Submerged Land Lease Existing Fill Parcel  
1,673 Square Feet (0.0384 Acre)  
Page 2 of 2

Thence, North 45° 01' 07'' West, 2.88 feet;  
Thence, North 85° 55' 01'' West, 5.41 feet;  
Thence, North 59° 31' 14'' West, 5.44 feet;  
Thence, North 43° 50' 58'' West, 2.92 feet;  
Thence, North 55° 25' 30'' West, 2.96 feet;  
Thence, North 85° 36' 15'' West, 4.39 feet;  
Thence, North 15° 39' 07'' West, 2.18 feet;  
Thence, North 13° 14' 56'' East, 2.94 feet;  
Thence, North 40° 15' 17'' West, 2.87 feet;  
Thence, North 55° 34' 42'' West, 2.39 feet to the point of beginning.

Containing within said bounds 0.0384 acre (1,673 square feet) of land. The above description was prepared by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 and is based on a survey prepared by Polaris Engineering and Surveying dated November 17, 2016.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Trevor A. Bixler, P.S.  
Professional Surveyor, Ohio No. 7730  
KS ASSOCIATES  
Civil Engineers + Surveyors  
260 Burns Road, Suite 100  
Elyria, OH 44035  
440 365 4730  

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June 14, 2018

Joan T. Kemper, Clerk of Council
City of Bay Village, Ohio
350 Dover Center Road
Bay Village, Ohio 44140-2299

Re: Submerged Lands Lease Application SUB-2476-CU

Dear Ms. Kemper:

Per our phone conversation on June 14, 2018 concerning Resolution 18-33 adopted by Council on May 8, 2018 (copy enclosed), amplifying paragraph one of the Resolution identifies a Submerged Lands Lease (SUB-2422-OT) that is not correct. The file number for the proposed Submerged Lands Lease for the Steven and Laura Sozio application to lease the submerged lands for an existing concrete block seawall and new armor stone revetment at and adjacent to 29800 Lake Road, Bay Village, Ohio 44140 is SUB-2476-CU.

Please have Council adopt a new or amended resolution that identifies the Submerged Lands Lease number as SUB-2476-CU.

Once adopted please forward the resolution to The Ohio Department of Natural Resources, 105 West Shoreline Drive, Sandusky, Ohio 44870.

If you have questions regarding this letter, please contact me at (419) 609-4121.

Sincerely,

[Signature]

Virginia Bahn
Property Management Specialist

Enclosure

c: Scudder D. Mackey, Ph.D., Chief, Office of Coastal Management
   Deborah L. Beck, P.E., Office of Coastal Management
   Steve Holland, Office of Coastal Management
   John Kessler, P.E., ODNR Office of Real Estate
   Brian Swartz, USACE
   James A. Schilens, Engineered Technical Solutions
   Christopher Huhnow, P.E., Engineered Technical Solutions
   Thomas M. Snezek, P.S., Snezek & Associates, LLC
RESOLUTION NO. 18-33
INTRODUCED BY: Mr. Mace

A RESOLUTION
APPROVING USE BY STEVEN AND LAURA SOZIO OF
SUBMERGED LANDS OF LAKE ERIE FOR SHORELINE IMPROVEMENTS,
AND DECLARING AN EMERGENCY.

WHEREAS, Steven and Laura Sozio, 28900 Lake Road, Bay Village, Ohio 44140, will
be in need of a lease with the Ohio Department of Natural Resources for use of submerged lands
to construct the proposed structure as described in Submerged Land Lease Application, SUB-
2422-OT; and

WHEREAS, said improvements will take place in submerged lands of Lake Erie, which
is under the jurisdiction of the State of Ohio and Cuyahoga County, Ohio; and

WHEREAS, it is determined by the Council of the City of Bay Village, Ohio, pursuant to
ORC §1506.11 (B) that the City of Bay Village has no need for said designated parcel of
submerged lands for any planned use such as ports or docks, nor any other contemplated use for
such submerged lands; and further has no objection to said use and does hereby approve said use
of the submerged lands for the purpose herein stated;

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

SECTION 1. That Scott and Laura Sozio be permitted to proceed with such construction
as requested on said submerged lands, subject to any other necessary approvals, and pursuant to a
lease to be executed for and in consideration as will be hereinafter determined by the State of Ohio.

SECTION 2. The Council of the City of Bay Village through its action on the submerged
land lease resolution, has considered only the needs of the City for the future use of the land and
water involved in the request and has not reviewed the impact of said lease on the landowners
which adjoin or abut the property involved in the lease application. This impact should be
expressed to the Ohio Department of Natural Resources or through the public hearing process held
by that office on the submerged land lease application.

SECTION 3. 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
Conseil, and that all deliberations of this Council and of any committee that resulted in those
formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this resolution is hereby declared to be an emergency measure
immediately necessary for the preservation of the public peace, health, safety and welfare, and for
the further reasons stated in the preamble hereof, wherefore this resolution shall be in full force
and take effect immediately upon its passage and approval by the Mayor.
Resolution – Submerged Lands, Szozio

PASSED: May 7, 2018

Dwight A. Clark
PRESIDENT OF COUNCIL

Jane Kupper
CLERK OF COUNCIL

APPROVED: May 8, 2018

Paul Kupper
MAYOR

050218 ksk

RECEIVED
MAY 11, 2018
OFFICE OF
COASTAL MANAGEMENT

1. Jane J. Kemper, Clerk of the Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 18-33, adopted by the Council of the Resolution No. 18-33 City of Bay Village May 7, 2018, and now on file in the office of the Clerk of Council.

Jane J. Kemper
Clerk of Council
This is the email chain that initiated the HIPAA resolution.

Best regards,
Kathryn

kkerber@cityofbayvillage.com

---

From: Gary Ebert [mailto:GAEbert@sselaw.com]
Sent: Wednesday, May 02, 2018 4:54 PM
To: Chris Lyons <clyons@cityofbayvillage.com>
Cc: Paul Koomar <pkoomar@cityofbayvillage.com>; Kathryn Kerber <kkerber@cityofbayvillage.com>
Subject: Re: BVFD HIPAA Memo- Further explanation of 1(b) & (c)

I will take a look at it

Sent from my iPhone

On May 2, 2018, at 4:08 PM, Chris Lyons <clyons@cityofbayvillage.com> wrote:

Gary – could you please draft language for a Council Resolution that would address section 1.c. below? We will need to incorporate whatever questions Mayor Koomar has regarding the designation of Hybrid Entities and how this applies to the various departments.

Thank you,

Chief Christopher Lyons, M.S., M.A., OFC
Division of Fire, City of Bay Village
440-899-3471 (direct office)
440-871-1214 (station)
440-871-3787 (fax)
<image002.jpg>
From: Gary Ebert <mailto:GAEbert@sseg-law.com>
Sent: Wednesday, April 25, 2018 8:33 AM
To: Chris Lyons <mailto:cyons@cityofbayvillage.com>
Cc: Paul Koomar <mailto:pkoomar@cityofbayvillage.com>; Kathryn Kerber <mailto:kkerber@cityofbayvillage.com>
Subject: FW: BVFD HIPAA Memo- Further explanation of 1(b) & (c)

Please see below concerning your questions:

1. b. The PWW package is a general package that should be tailored to each specific situation. The forms and policies should be customized correctly to fully protect the BVFD from any potential liability.

   **Explanation** – This is a general statement regarding the PWW package materials being raw documents. Once the PWW CD is inserted into the computer, it asks you to fill out information regarding the entity. This is where you would customize the forms and policies. I do not know who was in charge of this initial task and set up for BVFD. However, it has already been done. If BVFD purchases an updated package, we can set up the documents for them.

1. c. Recommend that the City of Bay Village be designated as a “Hybrid Entity.” “the City of Bay Village is a Hybrid Entity under HIPAA regulations and designate the departments that are HIPAA entities......, and those that are not. However, the non HIPAA entities may from time to time need access to PHI and will receive only the information allowed and in the manner allowed under HIPAA regulations.”

   **Explanation** - This is accomplished by the City of Bay Village passing a resolution containing the quoted language. Passing that resolution would sufficiently ensure blanket compliance with HIPAA rules for any ordinary or out of the ordinary PHI disclosure throughout the different entities of the City of Bay Village.

WWW.SSEG-LAW.COM
<image006.jpg> <image007.jpg> <image008.jpg>
1179.09 - Auxiliary design elements.

Code of Ordinances / Part Eleven - PLANNING AND ZONING CODE / Title Eleven - ZONING APARTMENT AND BUSINESS DISTRICTS / Chapter 1179 - SIGN CONTROL

(4) Banners are prohibited except by permission of Council.
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WWW.SSEG.LAW.COM
<image006.jpg> <image007.jpg> <image008.jpg>

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