AGENDA

Agenda, Bay Village City Council                                   Date: July 10, 2018
Committee Meeting                                                  Time: 6:00 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

FINANCE & CLAIMS COMMITTEE-Tadych

June 2018 Financial Reports.

Approval of sale of Service Department Vehicle for an amount in excess of $5,000, per Codified Ordinance No. 125.29.

Amended Appropriation Ordinance.

Creation of new fund to account for grants, including current police “Amy” grant.

Creation of new fund to account for Recreation Department Gift Cards.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Small Cell Wireless Facilities Legislation – Amendments.


PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-

Stainbrook

Repair of Public Sidewalks.

Queenswood Drive Bridge Project.

Ashton Lane Bridge Update.

O.R. Colan and Associates Contract.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Coulton Courts at Bradley Park Update.
SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

City Computer Server System.

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES
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, Director of Public Service and Properties Liskovac, Fire Chief Lyons, Police Chief Spaetzel, Recreation Director Enovitch, Human Resource Director Demaline, Chief Building Official of SAFEbuilt, Inc., Steve Vogel.

AUDIENCE

The following audience members signed in this evening:

Claire Banasiak, Tom Kelly, Warren Remein, George Christ, John Suter, Jeff Gallatin, Tara Wendell.

ANNOUNCEMENTS

Mayor Koomar advised that an administration meeting is scheduled next week relative to Bay Days’ safety. The State of Ohio, Department of Agriculture, certifies the rides for safety. The Cuyahoga County Board of Health inspects the food establishments. SAFEbuilt, Inc. and the Fire Department walk the grounds, checking the electrical connections. The Fire Department also looks at ride safety, and even if they have a certificate of inspection there have been cases where the ride has been shut down by the City. The Fire Department checks the fireworks and the owner of the fireworks company is on site all day while everything is set up. When considering the accident last year at the Ohio State Fair, it is important that the structural steel is checked.

Chief Lyons stated that safety is the primary consideration when choosing the fireworks company. The Fire Chief is very impressed with the Hamburg Fireworks Company.

Regarding the library, there is a meeting scheduled with the Cuyahoga County Library Board next week to review the time line and how they will proceed. The Mayor plans to attend a Library Board meeting on Tuesday, June 19, 2018 at 6 p.m. with the agenda item of design services.

The Mayor and Mr. Winzig have been working with the company Partners Environmental. Mr. Winzig will provide information when he presents his committee report.

The new ambulance has arrived.
The Mayor stated that they have been working with two firms on the matter of the Community House renovation. The firms of Weber Murphy Fox, and Platt Construction have both been donating their time on the plans. Clete Miller, former Councilman and current member of the Board of Zoning Appeals, is associated with Weber Murphy and the Jerry Smith family runs Platt Construction. They have had a number of contractors from all the different trades that they trust to give a scope of what that project would look like. The Mayor noted that the Capital Process with the State is that they like to see a plan in place and a strategy, and not just an ask. This contributed to the success in some of the funding. Both firms have been donating services to put some parameters around the project.

Mr. Clark asked if there is any estimate on what the cost of the project would be, based on the scope of the project. Mayor Koomar stated that they are in the process of collecting that information from their contractors. It is expected to have an update by July 4, 2018.

Mayor Koomar advised that he met with Bramhall Engineering earlier this afternoon regarding the Walker Road Park property. A rough update has been received from them concerning the retention pond that was originally built with a 50-year flood in mind. Design standards now are for 100-year floods. One of the recommendations is for a dry, overflow area. When the water would raise it would fill that area. The project would be split with the City of Avon Lake. The lower number at this time is $455,000. There has never been a problem with that retention pond cresting, but considering the long term development of the Kopf property it is something worth considering. Hydrosphere is the same firm that is doing the Clague Road modeling and an update is expected on that project on July 4.

Mr. Clark asked the Mayor if there is any possibility that the developer could be a partner in this initiative from a financial standpoint. Mayor Koomar stated that all avenues are open at this point.

A Walker Road Park Committee meeting will be held as necessary. The Mayor stated it is important to get that committee involved at this point. Mr. Winzig will work with Director of Public Service and Properties Liskovec to schedule a meeting.

Mayor Koomar stated that he has spoken with Council Mace, as Chairman of the Environment, Safety and Community Services Committee, Fire Chief Lyons, and Mr. Clark to put together a committee to review the purchase of the next piece of fire apparatus, do some preplanning, and come back with a recommendation six to eight months from now. The idea is to go with a more hybrid unit, which would be a single axle, smaller and more nimble. The City of Rocky River just purchased a new ladder truck for $1.3 million. It is felt that Bay’s purchase could come in somewhere around the $900,000 range and use the difference in making some improvements to the Fire Station. Some of the benefits would be being able to get a slightly smaller unit into spaces such as Cashelmara, and the new Liberty Development. The Mayor noted that the ladder truck in Rocky River could never get into the Yacht Club Basin. The committee will look at all possibilities, including demo models that might be on the market.

Mr. Tadych asked Fire Chief Lyons whether a smaller vehicle would support the required number of men in the front cabin. Chief Lyons stated that the standard cab for a truck is for four
Committee Meeting of Council  
June 18, 2018

Men. They do not typically have four individuals riding because they do not have that many people. It falls under National Fire Association (NFA) standards. The Chief stated that you do not save money by losing a seat position because the cabs are a standard size, but we are looking to save money by making the vehicle smaller.

Mayor Koomar advised that he met with Congresswoman Marcy Kaptur in Washington, and Representative Dave Greenspan, Senator Matt Dolan, and County Councilwoman Nan Baker regarding the Lakeside Cemetery. The county is not a realistic funding option, but in that discussion something was uncovered that might be valuable for the Bay Point area down the road. The City was not successful on any grants in a variety of avenues for the Police Station IT Room, but is close to getting final quotes together from competitive bids. The quotations are in the area of $35,000 to $40,000 for the project.

Some work will be done in house by the City electrician. The time frame for the electrical component would be either in tandem with or ahead of the other portions of the project, and would require about one week’s time. The largest component of the project would be the Uninterrupted Power Supply (UPS) which is a four to six week process from the acceptance of the quotation, building of the system, and installation. A majority of the circuits run off a battery supply, 24 hours per day, 7 days per week. In the event of failure, there is the UPS service.

Mr. Clark suggested that Mr. Liskovec keep Council informed as further action by Council is necessary.

Mr. Tadych asked Mayor Koomar if there has been anything done with the Ohio Department of Natural Resources for assistance with the Lakeside Cemetery problems. Mayor Koomar stated that he met with Representative Greenspan last Friday. Representative Greenspan will talk with Senator Matt Dolan regarding what options the City may engage. It is possible, that with the grant application last year for the path on Lake Road through the Costal Management Act, that something for the cemetery might fit into that funding. There is also something in the budget appropriation that may be another option.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Chapter 505, Animals and Fowl – Final Reading.

Mr. Mace will present for third reading and adoption this evening, Chapter 505, Animals and Fowl, with an amendment by reading to Section 505.20 (b) (5) to change the word “nuisance” to “dangerous or vicious” in reference to dogs.

Mr. Mace stated that this ordinance serves the City well in classifying the dangerous, vicious and nuisance dogs, setting forth penalties, and incorporating the deer ordinances. The Environment, Safety and Community Services Committee recommends approval of this ordinance. Mr. Mace expressed appreciation to Police Chief Spaetzl and Assistant to the Law Director Kathryn Kerber for their efforts in preparing this legislation.

Submerged Land Lease Request, 29404 Lake Road.
Mr. Mace will introduce a resolution for a Submerged Land Lease at 29404 Lake Road. Council was provided with all of the required documentation, including a map of the area. The project is being undertaken by the property owner for erosion control, similar to requests that Council has received in the past. With the passage of the resolution, the City declares that they have no need for the submerged land in the foreseeable future.

**Submerged Land Lease Request, 28900 Lake Road.**

Mr. Mace will introduce a resolution for a Submerged Land Lease at 28900 Lake Road which was granted by virtue of Resolution 18-33 on May 8, 2018. The resolution needs a correction to the lease application number that was provided by the Ohio Department of Natural Resources.

**HIPAA (Health Insurance Portability and Accountability Act) Resolution.**

A resolution declaring the City of Bay Village as a hybrid entity to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH), and regulations promulgated thereunder requiring public and private entities that provide certain health care services to comply with regulations related to the collection, use, disclosure and security of individually identifiable health information, will be introduced by Mr. Mace this evening.

Law Director Barbour advised that this resolution is to ensure that the City continues to be HIPAA-compliant by making certain designations and designating our covered functions in this ordinance, because the City has both covered and non-covered functions. It designates certain responsibilities of people who are likely to come in contact with personal health information and the overall responsibility of the administration, and designates Fire Chief Lyons as the officer for those purposes. The regulations are complicated, but important, and the resolution is necessary for compliance. Mr. Barbour noted that the City has been following these regulations, but it needs to be spelled out in a resolution designating the people that are handling personal health information, as spelled out in Section 2 of the resolution.

Chief Lyons thanked Law Director Barbour, Special Counsel Ebert, and Mayor Koomar for their assistance in the preparation of this resolution.

Mr. Mace asked if there will be an educational component for the training of personnel. Chief Lyons stated that they look to a third party for some of the legal information and forms that are used. They also provide training that the City people will designees once per year. Mayor Koomar stated that public health information requests are processed through the Law Department.

**FINANCE & CLAIMS COMMITTEE-Tadych**

**May 2018 Financial Reports.**

Mr. Tadych advised that the May 2018 Financial Reports prepared by Finance Director Mahoney have been received by Council. Municipal Income Tax collections are up by 6% over
Committee Meeting of Council
June 18, 2018

last year which is good, and the Health Fund costs are up 24.5%, which is not good. Mr. Tadych noted that the percentages vary from time to time.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Small Cell Wireless Facilities Legislation – Amendments.

Ms. Maier advised that a Planning, Zoning, Public Grounds and Buildings Committee meeting was held earlier this evening. The small cell wireless legislation will remain on second reading.

Banner Installation Request – Bay Boat Club

The Bay Boat Club has requested permission to hang a 2’ x 8’ banner in honor of their 75th Anniversary. The banner would be hung when permission is received and will remain in place until the end of September, 2018.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Ms. Stainbrook announced that a Public Improvements, Streets, Sewers and Drainage Committee meeting will be held on Monday, June 25, 2018 at 6:30 p.m. at the Bay Village City Hall, with the topic of the Sunset Area the sole item on the agenda. Ms. Stainbrook acknowledged the effort and research by the committee to move this project forward.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Partners Environmental Consulting, Inc.

Mr. Winzig stated that Mr. Dan Brown of Partners Environmental Consulting, Inc., who represented the City years ago in the police station issue as far as the environmental matters, has made a recommendation relative to the Bay Soccer Club’s proposed donation of dirt to the City for the soccer fields. This triggered a number of concerns and investigations by the City to find out if it is a good idea, where it would be located, and a future plan. Mr. Brown put together a proposal for the Mayor of a very succinct recommendation of taking a look at the park, mapping out the history, all the way back to the early days of aerial photography, showing the development of the site and where materials were put. They are also going to locate all of the utilities and drainage, and the end of the project is a map and recommendation from the organization on how to utilize Cahoon Park. That would set the stage for any future development by the Soccer Club in partnership with the walking path that would be the link between the pool, the park and Metroparks, and also the project of redoing the structure building and restrooms. The Mayor has looked at his budget and a decision will be made, but the thought is that it is a good investment to have this on record to set the stage for anything to be done in the future. It sets the guidelines for what has existed in the past, the buffer zone by the Environmental Protection Agency, and the areas that can be properly developed. Mr. Winzig stated that it is a very good recommendation.
Mayor Koomar commented further that the records refer to topographical conditions and conceptual planning. The range of $13,500 to $14,500 would provide for the study. As the state notification for the grant for the soccer shed is received, they would map out the landfill sites and with the margin of about 30 feet perimeter, and the 300 foot buffer zone, this will help us understand where the shed is currently and what options there are. There is also a section in the bottom of the sledding hill that may have been used in some form or fashion, so some of the trails that are under consideration and the bridge across Cahoon Creek come into play. We need to know where those zones are, and what we can and cannot do. As part of this, they would come back with two conceptual layouts based on what they find in the topographical conditions and the other information they uncover. More funds may be needed for the engineering appropriations toward the end of the year.

Mr. Clark asked if it is fair to say that this project and scope of work memorializes the history on this location that we have not had previously.

Mr. Winzig stated that when Mr. Brown brought his folder of information he had data in front of him that they had used on the police station. He said they would do a full review and put together both a visual and detailed engineering report on the entire site. This would provide a foundation to make decisions for the future. Mr. Winzig noted that Mr. Carl Frey of the Bay Soccer Club has worked on this project for many years and put together impressive drawings and plans for recommendations of drainage, but without putting these two ideas together it is hard to move forward.

Mr. Tadych commented that the donor dirt in Avon is being removed. Mr. Winzig noted that the Avon project needed to move forward. It is unfortunate that we could not easily accept the material, but given this information the decision is easier. He noted that part of the Partners Environmental proposal is a full dirt material testing recommendation, taking samples and testing it for many different things such as metals and things we wouldn’t want in the material.

Mr. Mace asked if the work would include any surveying of the park and the boundaries with Metroparks. Mr. Winzig stated that it would include the line and any utilities. When walking the site, there was a catch basin seen behind the police station and south of the road. Mr. Liskovec is going to test it to see where the water goes. There is no existing map to let us know that information, and Partners Environmental will provide that information. Part of the recommendation is that in the event the fields were improved upon, what is the best way to manage the water, and what is the best drainage, and how is that connected to all of the utilities. The plan from Mr. Frey centralized the drain to the middle of the field and ran it out to Lake Road. Without having the analysis, it is hard to approve that plan. Mayor Koomar noted that those drains would be in the middle of the landfill which could be problematic. The report of Partners Environmental would provide information to consider the option of moving the water north and how it would be accepted by the entire storm water system. Through the Ohio Department of Transportation we have the advantage of aerial photography, so we can carve that out of the engagement. Mr. Liskovec is checking on the drainage information, and Partners Environmental is fine with carving out whatever we can do on our own.
Mr. Winzig stated that they also discussed the value of informational knowledge. Former Service Director Jim Sears was in the City and on site and could take everyone back to the time when he managed the property. He talked about receiving dirt from builders when the fields were reconditioned for Brad Friedel when he ran his International Camp at the site, when the water line was brought in from the gazebo and the sprinkler feed was put in. Mr. Sears was very helpful. The idea is to get all of the information and document it in records so that the City and Council can make informed decisions going forward.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

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

Ms. DeGeorge will introduce a resolution for the purchase of a 2018 Dodge Grand Caravan for the Service Department. Ms. DeGeorge called upon Director of Public Service and Properties Liskovec for further comments.

Mr. Liskovec stated that the vehicle is a replacement for the Community Services Department van which was approved as part of the 2018 Capital Budget. The current van will be reassigned to the Recreation Department to replace the Ford Explorer which has significant mileage. The cost of the new vehicle is $23,600.00 which is well within the estimated budget of $37,000.

Mayor Koomar advised that he received an email from the Northeast Ohio Areawide Coordinating Agency (NOACA) on potential funding for a vehicle that would accommodate a wheel chair. Currently, the Community Services Department has the large van that is used a few times per year for transportation for one person in a wheel chair. It is a very bumpy and loud ride. Director of Community Services Selig is working with Kathryn Kerber to see if a grant is available for a smaller van that would accommodate one wheelchair with a better ride.

The grant for the kitchen renovation at the Dwyer Memorial Center has been submitted by Ms. Kerber. Mayor Koomar will check with the county to see how many applications were submitted.

The Mayor noted that word should be received soon on the Costal Management Grant application. Eight cities are still in the running.

AUDIENCE

There were no comments from the audience.

MISCELLANEOUS

Council Summer Adjournment.

A motion for Council to adjourn until September 4, 2018, with special meetings called as necessary, will be presented at the Regular Meeting of Council to be held this evening. Summer recess is provided under Section 2.10 of the City Charter.
Mayor Koomar stated that Destination Bay held June 16, 2018 was an outstanding success. Kudos to the Fire Department who provided the ladder truck with a water mister enjoyed by both kids and adults alike on the very hot day. One little boy told Chief Lyons it “was just like Disney.” Over 500 hot dogs were served by the Fire Department. Through the generosity of Marco’s Pizza and Chernisky’s Designs over thirty or forty very large pizzas were enjoyed by the visitors.

Ms. DeGeorge stated that she has observed some matters discussed by the Board of Zoning Appeals that need attention by City Council. One of those matters is the fence ordinance. The previous Law Director has stated that the ordinance needs to be reviewed before Council. The home occupation ordinance has also been discussed over a couple of years, with the recommendation that it come before a committee of Council. Ms. DeGeorge stated that she would like to see something moving forward with these ordinances in the fall.

Additionally, a couple of months ago, Council was given a great presentation by the Tree Commission and a draft of a tree ordinance. Ms. DeGeorge noted that this time of the year she gets many calls regarding traffic and speeders, and trees. Last year when going door to door, many of the comments received were about the need of the City to do a better job with their trees, and what can be done about trees on private property. A lot of that is addressed in the ordinance. Council was given the ordinance, but nothing further was ever heard.

Mr. Clark stated that a resident came to a Council meeting recently regarding the fence ordinance, and that review does need to be expedited. The fact that we have had some Board of Zoning Appeals rulings and the Board of Zoning Appeals is just interpreting the ordinance, we must make sure it is relevant. Mr. Clark suggested that the ordinance be looked at this summer.

Mr. Clark advised that Chapter 1141 addresses the home based occupation. It was introduced but we did not go too deep into it because the small cell matter took priority. It is something we need to revisit. It has only been 65 years since it was reviewed previously.

Mr. Clark stated that relative to the tree ordinance, it is important that we insure a healthy tree environment in the City as well. Mr. Tadych stated that the Tree Commission did present the draft of the new ordinance. Many people stopped at the Cahoon in June tree display as part of Destination Bay last weekend. The complaints were basically about the dead trees in the area. The new ordinance does cover some of that and should be reviewed. The Tree Commission gave a whole report to Council, they did a marvelous job and at the Tree Commission meetings it is questioned frequently as to what is holding up the ordinance from moving forward. Mr. Tadych stated that he would like to move it forward.

Mr. Clark stated that the small cell legislation will be on the agenda for a Special Meeting of Council in July. He suggested that the tree ordinance be one of the items to be addressed.

Mr. Tadych noted that the request for the ordinance came from then serving Mayor Ebert at the time. He felt it was quite necessary. The Tree Commission spent months putting this together and looking at other ordinances throughout the area in Ohio, not just local areas. They have done a good job.
Copies of the fence ordinance, tree ordinance and Chapter 1141 will be included in Council packets. Mr. Clark suggested waiting for Chapter 1141 review until the fall, noting the other priorities pending.

Mrs. Stainbrook stated that all Council members received an email from Councilman Tadych about cutoff dates and times for materials into the Council packets. Mrs. Stainbrook stated that she would like to discuss the time for cutoffs, whether it is Noon or the end of the business day on Wednesdays.

Mr. Clark stated that they had been working with Acting Mayor Ebert and Mayor Koomar on trying to get legislation to us by the end of Wednesday. There will be occasional things that will come up. Mayor Koomar noted that the agenda is received on Wednesday and set on Thursday morning. It is important for Finance Director Mahoney to look at it to see that funds are appropriated. With this meeting tonight being the last meeting, the submerged land lease came through and was accepted for the agenda.

Mr. Winzig stated that as far as setting the agenda, would it make sense that the agenda is set and the materials are due the end of the day Thursday?

Mr. Clark stated that a normal Council meeting agenda review is held around 9 a.m. or 10 a.m. on Thursday morning. Some of the things we had tonight were with the idea that Council would recess after this evening. Mr. Clark stated that he has no problem in getting the materials and agenda done by the end of Wednesday. Mayor Koomar noted that he has talked with Mr. Clark about trying to get things done in three meetings a month. The Directors would like to be home an extra Monday night a month, and have been good about getting things in to Kathryn Kerber ahead of time for legislation on Wednesday and to the Clerk on Thursday.

There being no further discussion, the meeting adjourned at 8:22 p.m.

__________________________________   ______________ ______________
Dwight A. Clark, President of Council          Joan Kemper, Clerk of Council
CITY OF BAY VILLAGE
AGENDA REQUEST
JULY 5, 2018

OVERVIEW

1. Action Requested
   Motion to accept the sale of (1) 2001 F450 Super Duty with utility body (truck #14) for a sum of $5,400.00 through Greater Cleveland Auto Auction

2. Background/Justification for Current Action
   Vehicle was removed from active service and replaced by a new unit per the vehicle replacement schedule.

3. Financial Impact
   Addition of $5,400.00 to city funds as a result of sale.
The following is Bay Village Codified Ordinance Section 125.29:

- 125.29 - Sale of personal property.

Personal property not needed for municipal purposes, the estimated value of which is less than $5,000.00, may be sold by the board or officer having supervision or management thereof. If the estimated value of such property exceeds $5,000.00, it shall be sold as set forth in Ohio R.C. 721.15.

(Ord. 88-27. Passed 3-7-88.)
MEMORANDUM

SEELEY, SAVIDGE, EBERT & GOURASH CO., LPA

To: Renee Mahoney
CC: Paul Koomar, Mark Barbour, Fire Chief, Police Chief and City Council
From: Gary A. Ebert
Date: June 19, 2018
Re: Sale of Municipal Personal Property

Bay Village Ordinance 125.29 states that “Personal property not needed for municipal purposes, the estimated value of which is less than $5,000.00 may be sold by the Board or Officer having supervision or management thereof. If the estimated value of such property exceeds $5,000.00, it shall be sold as set forth in Ohio Revised Code 721.15.”

Below is a summary of Ohio Revised Code 721.15 Disposition of property unneeded, obsolete or unfit for municipal purposes. (Code 721.15 is attached).

(A) Personal property not needed for municipal purposes with an estimated value of less than $1,000.00, it may be sold by the board or officer having supervision or management of that property. If the estimated value is more than $1,000.00, it shall be sold only when authorized by an ordinance of the legislative authority of the municipal corporation and approved by the board, officer or director having supervision or management of that property. When so authorized, a written contract will be made with the highest and best bidder after advertisement for not less than 2 nor more than 4 consecutive weeks in a newspaper of general circulation or as provided in section 7.16 of the Revised Code (attached), or with a board of county commissioners upon such lawful terms as are agreed upon, as provided by division (B)(1) of section 721.27 of the Revised Code (attached).

(B) When the municipal corporation has vehicles, equipment or machinery which is obsolete or is not needed or is unfit for public use, and the municipal corporation has need of others of the same type and it will be in the best interest of the municipal corporation that the sale be made simultaneously with the purchase of the new vehicles, the property may be offered to sell and the selling price credited against the purchase price and to consummate the sale/purchase by a single contract with the lowest and best bidder. When advertising for bids, a notice of willingness to accept bids and to have the amount of those bids subtracted from the selling price may be included in the advertisement.

(C) If it’s determined that the property is not needed or is obsolete or unfit and that property has no value, it may be discarded or salvaged.
(D) Notwithstanding (A) or (B), regardless of property's value, personal property may be sold by internet auction. A resolution shall be adopted expressing the intent to sell that property by internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding, which shall be no less than 10 days, including Saturdays, Sundays and legal holidays. It shall state by whom the auction will be conducted and will establish the general terms and conditions of sale. If known, the resolution shall provide contact information.

i. After the adoption of the resolution, it shall be published in a newspaper as provided in ORC 7.16 (attached). The notice shall include a summary of the information provided in the resolution and shall be published twice. The second notice shall be published not less than 10 nor more than 20 days after the previous notice. If the municipal corporation maintains a website, the notice shall be posted continually throughout the calendar year.

ii. A minimum price may be established and any other terms/conditions for the sale, including requirements for pick-up or delivery, method of payment and sales tax. This information shall be provided on the internet at the time of the auction.
7.16 Abbreviated publication.

(A) As used in this section:

(1) "State agency" means any organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government, including state institutions of higher education, as defined in section 3345.011 of the Revised Code.

(2) "Political subdivision" has the meaning defined in section 2744.01 of the Revised Code.

(B) If a section of the Revised Code or an administrative rule requires a state agency or a political subdivision to publish a notice or advertisement two or more times in a newspaper of general circulation and the section or administrative rule refers to this section, the first publication of the notice or advertisement shall be made in its entirety in a newspaper of general circulation and may be made in a preprinted insert in the newspaper, but the second publication otherwise required by that section or administrative rule may be made in abbreviated form in a newspaper of general circulation in the state or in the political subdivision, as designated in that section or administrative rule, and on the newspaper's internet web site, if the newspaper has one. The state agency or political subdivision may eliminate any further newspaper publications required by that section or administrative rule, provided that the second, abbreviated notice or advertisement meets all of the following requirements:

(1) It is published in the newspaper of general circulation in which the first publication of the notice or advertisement was made.

(2) It is posted by the publisher of the newspaper on the official public notice web site established under section 125.182 of the Revised Code. The publisher shall post the required notice or advertisement on the web site at no additional cost.

(3) It includes a title, followed by a summary paragraph or statement that clearly describes the specific purpose of the notice or advertisement, and includes a statement that the notice or advertisement is posted in its entirety on the official public notice web site. The notice or advertisement also may be posted on the state agency's or political subdivision's internet web site.

(4) It includes the internet address of the official public notice web site and the name, address, telephone number, and electronic mail address of the state agency, political subdivision, or other party responsible for publication of the notice or advertisement.

(C) A notice or advertisement published under this section on an internet web site shall be published in its entirety in accordance with the section of the Revised Code or the administrative rule that requires the publication.

(D) If the official public notice web site established under section 125.182 of the Revised Code is not operational, the state agency or political subdivision shall not publish a notice or advertisement under this section, but instead shall comply with the publication requirements of the section of the Revised Code or the administrative rule that refers to this section.

Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 9/15/2014.

Amended by 129th General Assembly File No.127, HB 487, §101.01, eff. 9/10/2012.

Added by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.
721.15 Disposition of property unneeded, obsolete or unfit for municipal purposes.

(A) Personal property not needed for municipal purposes, the estimated value of which is less than one thousand dollars, may be sold by the board or officer having supervision or management of that property. If the estimated value of that property is one thousand dollars or more, it shall be sold only when authorized by an ordinance of the legislative authority of the municipal corporation and approved by the board, officer, or director having supervision or management of that property. When so authorized, the board, officer, or director shall make a written contract with the highest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipal corporation or as provided in section 716 of the Revised Code, or with a board of county commissioners upon such lawful terms as are agreed upon, as provided by division (B)(1) of section 721.27 of the Revised Code.

(B) When the legislative authority finds, by resolution, that the municipal corporation has vehicles, equipment, or machinery which is obsolete, or is not needed or is unfit for public use, that the municipal corporation has need of other vehicles, equipment, or machinery of the same type, and that it will be in the best interest of the municipal corporation that the sale of obsolete, unneeded, or unfit vehicles, equipment, or machinery be made simultaneously with the purchase of the new vehicles, equipment, or machinery of the same type, the legislative authority may offer to sell, or authorize a board, officer, or director of the municipal corporation having supervision or management of the property to offer to sell, those vehicles, equipment, or machinery and to have the selling price credited against the purchase price of other vehicles, equipment, or machinery and to consummate the sale and purchase by a single contract with the lowest and best bidder to be determined by subtracting from the selling price of the vehicles, equipment, or machinery to be purchased by the municipal corporation the purchase price offered for the municipally-owned vehicles, equipment, or machinery. When the legislative authority or the authorized board, officer, or director of a municipal corporation advertises for bids for the sale of new vehicles, equipment, or machinery to the municipal corporation, they may include in the same advertisement a notice of willingness to accept bids for the purchase of municipally-owned vehicles, equipment, or machinery which is obsolete, or is not needed or is unfit for public use, and to have the amount of those bids subtracted from the selling price as a means of determining the lowest and best bidder.

(C) If the legislative authority of the municipal corporation determines that municipal personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the legislative authority may discard or salvage that property.

(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by Internet auction. The legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by Internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than ten days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the municipal corporation will conduct the auction or the legislative authority will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

After adoption of the resolution, the legislative authority shall publish, in a newspaper of general circulation in the municipal corporation or as provided in section 716 of the Revised Code, notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by Internet auction. The notice shall include a summary of the information provided in the resolution and shall be published twice. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the village clerk or city auditor, and the legislative authority. If the municipal corporation maintains a web site on the Internet, the notice shall be posted continually throughout the calendar year at that web site.

When the property is to be sold by Internet auction, the legislative authority or its representative may establish a minimum price that will be accepted for specific items and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This type of information shall be provided on the Internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the legislative authority or its representative.

Amended by 129th General AssemblyFile No.28, HB 153, §101.01, eff. 9/29/2011.

Amended by 128th General AssemblyFile No.9, HB 1, §101.01, eff. 10/16/2009.
Law Title: ORC - 721.15 Disposition of property unneeded, obsolete or unfit for municipal purposes.

Effective Date: 01-25-2002; 11-05-2004; 04-27-2005
721.27 Transfer, lease or conveyance of hospital property by municipal corporation to county.

(A) The actions specified in division (B) of this section may be taken without competitive bidding as required by sections 721.03 and 721.15 of the Revised Code.

(B) A municipal corporation may, by ordinance, authorize the transfer, lease, or conveyance of any real property, upon which it has acquired, established, erected, or maintained a hospital, together with any personal property suitable for such hospital, to either of the following:

1. A board of county commissioners, upon such lawful terms as are agreed upon between the municipal corporation and the board of county commissioners;

2. Any person for purposes of providing medical services other than hospital services, if the municipal corporation determines that the transfer, lease, or conveyance is reasonably related to the proper operation of the hospital.

Effective Date: 10-12-1959; 04-27-2005.
Please find attached appropriation ordinance adjusting for the following:

-New Fund 299 Grants – to account for current PD “Amy” grant $30,000 and also adjusting General Fund to transfer City share of $7500 to that grant fund

-Appropriate for OR Colon contract for Queenswood Bridge ($21,250) and allowance of $2,750 for additional fees to be determined. Appropriate funds from General Capital Fund 400 total of $24,000. Also appropriate Advance from Infrastructure Improvement Fund 494 of General Capital to cover expenditures until funds received in 2019 for the project.

-Also move $15,000 from “Capital” to “Other” in Sewer Fund 580 to allow for interceptor cleaning. Originally budgeted for as a capital expense but in reality it is Repair and Maintenance.

Please note I am on vacation beginning tomorrow and through next week but am planning to attend Tuesday meeting. I will be available other than this weekend to answer any questions that might arise.

Thank you,

Renee
Corrected ordinance to correct amount of 3rd party review for the Queenswood Project.

Thank you,

Renee
OVERVIEW

1. Action Requested
   New fund to account for funds received for specific grants. Create Fund 299: Grants.
   This Fund will also be able to be used in the future to account for other similar grant types.

2. Previous Action
   Approved City match appropriated in 2018 annual budget.

3. Background/Justification for Current Action
   It has been determined that a special fund needs to be used to account for the "Amy Grant" received by the Police Department in 2017. Currently is accounted for in General Fund but I learned recently this needs to be in a separate fund. Total grant awarded was $30,000 - $22,500 to be paid by OCJS and $7,500 is the City's match.

4. Financial Impact
   In total no impact. There will need to be transfer from General Fund to new Grants Fund to account for City match of $7,500.

5. Affected Parties
   Police Department

   Implementation Plan
   Once approved and funds appropriated reclassify appropriate expenditures and receipts from General Fund to new Fund 299.

6. High-Level Timeline/Schedule
   As soon as fund established journals will be created to move funds and going forward direct expenditures and receipts will be accounted for in such fund.
OVERVIEW

1. Action Requested
   New fund established to account for receipts of gift card program in Recreation; Fund 232 Gift Card Fund.

2. Previous Action
   None

3. Background/Justification for Current Action
   There is a new option in the Recreation Department to purchase gift cards to be used for patrons to pay for anything available in the department including pool passes, programs and concessions. Fund needs to be established to account for receipts of gift card purchases. When a gift card is used to purchase something the funds will be moved from this Gift Card fund to the appropriate fund where program takes place (i.e. Pool Fund or Parks and Recreation Fund).

4. Financial Impact
   City could be holding balance of gift cards in the fund for some time if patrons do not use the funds quickly.

5. Affected Parties
   Recreation Department

6. Implementation Plan
   Once approved Fund will account for receipt of gift card purchases and used to track outstanding gift card balances.

7. High-Level Timeline/Schedule
   Recreation Department has gift cards and is ready to sell them immediately.
OVERVIEW

1. Action Requested
   Implement 2018 Sidewalk Correction Program. Cost to residents will be $6.00 per square foot. Estimated cost for average 5 ft. x 5 ft. block (25 sq. ft.) is $150.00.

2. Previous Action
   Yearly program

3. Background/Justification for Current Action
   Yearly program

4. Financial Impact
   Residents are invoiced for sidewalk replacement

5. Affected Parties
   Residents in 2018 Sidewalk Correction Program area with non-compliant sidewalk blocks: Manhasset, east side of Bradley Road, Webster, Eagle Cliff, Roxbury Park, Anna Lane, balance of Huntington Woods Parkway, and Winston.

6. Implementation Plan
   September 2018

7. High-Level Timeline/Schedule
   September 2018.
OVERVIEW

1. Action Requested
   Appropriation of funds to conduct the right of way acquisition process for the Queenswood bridge replacement project. Funding will be needed for right of way acquisition preparation and appraisal review by an independent third party.

   Approval of contract for OR Colan for preparation of right-of-way acquisition for $21,250.00

2. Previous Action
   Engineering study and survey determined the need to replace the structure. Award and approval of municipal bridge funding through Ohio Department of Transportation for replacement of the structure.

3. Background/Justification for Current Action
   Upon completion of engineering for the project, project criteria will require the acquisition of permanent right-of-way from three of the four adjacent parcels and temporary right-of-way from all four adjacent parcels.

4. Financial Impact
   Appropriation $24,000 from General Capital fund 400 and advance of $24,000 from Infrastructure Improvement Fund 494 to General Capital fund 400. Advance will be repaid once funds received through 2019 debt issuance.

5. Implementation Plan
   Execution of contract upon approval to proceed with the project

6. High-Level Timeline/Schedule
   Immediate execution upon approval
OVERVIEW

1. Action Requested
Appropriation of funds to conduct the right of way acquisition process for the Queenswood bridge replacement project. Funding will be needed for right of way acquisition preparation and appraisal review by an independent third party.

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5. Implementation Plan
Execution of contract upon approval to proceed with the project

6. High-Level Timeline/Schedule
Immediate execution upon approval
June 8, 2018

Mr. Jonathon Liskovec  
City of Bay Village  
350 Dover Center Road  
Bay Village, OH 44140

Dear Mr. Liskovec:

The Ohio Department of Transportation (ODOT) is pleased to inform you that the Ashton Lane Bridge replacement project (SFN 1863495) has been selected for funding in the Municipal Bridge Program. The project selections are contingent upon the availability of future federal funds.

In the past, ODOT has provided 80% of the eligible costs in Federal funds through the Municipal Bridge Program. This year the program is utilizing Toll Revenue Credit (TRC) to provide 95% of the eligible costs, up to a maximum of $583,283 in Federal funds through the Municipal Bridge Program, in State Fiscal Year (SFY) 2021.

Please provide written acceptance of the awarded Municipal Bridge funds by Friday, July 13th, 2018 via email to Nichole.Wade@dot.ohio.gov. If acceptance is not received by this date, the funds will be rescinded and awarded to another project in order to ensure a fully funded program.

Please contact Natalie Conley, in the ODOT District 12 office at (216) 584-2103, to schedule a project scope meeting and to start the process of programming your project. It is very important to establish solid commitment dates for your project. Failure to meet the agreed upon dates could result in funding being withdrawn.

If you have any questions, please feel free to contact me at (614) 752-6581 or at the email address provided above.

Respectfully,

[Signature]

Nichole Wade  
Program Manager  
Office of Local Programs

c: Natalie Conley, ODOT District 12
June 11, 2018

Shelley Kiwala, P.E.
Manager of Transportation
Osborn Engineering
1201 E. Market Street, Suite 200
Akron, OH 44305

RE: Right of Way Acquisition Services
Cost Proposal – City of Bay Village – Queenswood Drive

Dear Mrs. Kiwala:

O.R. Colan Associates (ORC) is pleased to provide a cost proposal to perform turnkey right of way acquisition services for the City of Bay Village Queenswood Drive Bridge Replacement project. The services, scope and fees proposed are based on ORC following the Ohio Department of Transportation’s (ODOT) Policy and Procedures related to property acquisition. Exhibit A provides a unit breakdown, Exhibit B details our scope of services and Exhibit C is a parcel breakdown.

Our cost proposal is presented as per parcel, based on ORC completing turnkey easement acquisitions for the 4 parcels outlined in Exhibit C. Our proposed fees include Project Management, Title Research, Appraisal, Negotiation and Closings. I have reviewed the provided plans and estimated the appraisal formats based upon the information that is available. It is my understanding that the Appraisal Reviewer will be contracted directly by the City of Bay Village therefore that task has not been included in our cost proposal. ORC’s fees are based on a Notice to Proceed (NTP) being provided by 12/11/18, and can be reassessed if NTP is provided after this date.

ORC greatly appreciates that Osborn Engineering contacted ORC to perform the needed R/W Acquisition on this project. If you have any questions or require further information, please do not hesitate to contact me at (440) 827-6116 ext. 205. I look forward to the opportunity to work together on this project.

Respectfully,

Benjamen Zera
Project Manager

cc: Project File
### EXHIBIT A - RW ACQUISITION SERVICES COST PROPOSAL

Company Name: O.R. Colan Associates  
District: N/A  
PID NO.: N/A  
Date: 6/10/18  
Task No.: N/A  
Project CRS: City of Bay Village

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**SECTION SUBTOTAL**  
$5,875.00

3. Appraisal Review  
a. R/W Appraisal Report(RE 25-16) | parcel | | | $0.00 |
| b. Limited Scope R/W Appraisal Report (RE 25-16) | parcel | | | $0.00 |
| c. Value Finding (RE 25-14) | parcel | | | $0.00 |
| d. Value Analysis (RE 25-13) | parcel | | | $0.00 |
| e. USPAP Review (RE 25-12) | parcel | | | $0.00 |
| f. Parcel Impact Note | parcel | | | $0.00 |
| g. Appraisal Problem Analysis | parcel | | | $0.00 |
| h. Project Management | parcel | | | $0.00 |

**SECTION SUBTOTAL**  
$0.00

4. Title Researches  
a. Abbreviated Titles | parcel | | | $0.00 |
| b. Full Title (42 year) | parcel | 4 | $650.00 | $2,600.00 |
| c. Title Update | parcel | 2 | $225.00 | $450.00 |
| d. Project Management | parcel | 4 | $250.00 | $1,000.00 |

**SECTION SUBTOTAL**  
$4,950.00
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**SECTION SUBTOTAL**

$0.00

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**SECTION SUBTOTAL**

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**SECTION SUBTOTAL**

$300.00

**SECTION TOTAL**

$11,325.00

**GRAND TOTAL**

$21,250.00
EXHIBIT B

City of Bay Village - Bridge No. CUY-Queen- 00.21
Osborn Engineering / O.R. Colan Associates
Real Estate Acquisition/Right-of-Way Clearance
Scope of Services

DEFINITIONS AND DESCRIPTIONS OF DUTIES TO BE PERFORMED

Local Public Agency – References to “Local Public Agency” in this Scope of Services shall mean the City of Bay Village.

Design Consultant – References to “Design Consultant” in this Scope of Services shall mean Osborn Engineering.

Consultant – References to “Consultant” in this Scope of Services shall mean the right of way acquisition consultant, O. R. Colan Associates, LLC.

Standards – For the purposes of preparing this Scope of Services and Cost Proposal, the Consultant will follow accepted real estate acquisition standards that are in compliance with the Ohio Revised Code, the Federal Uniform Act, and as outlined in the most current edition of the Ohio Department of Transportation’s Real Estate Policy & Procedures Manual.

Project Authorization – Project authorization shall remain a Local Public Agency function. The Local Public Agency shall ensure a project has been properly authorized.

Evidence of Insurance – The Consultant will provide a Certificate of Insurance meeting all of the requirements of the Local Public Agency with the proposal or after a contract is executed between the Local Public Agency and the Consultant.

Labor Payments – All labor payments to the Consultant will be the responsibility of the Local Public Agency.

Encumbrances – Encumbrances shall remain a Local Public Agency-managed function. The Local Public Agency shall ensure funds for a project have been properly encumbered. Labor funds will be based on contracted amounts. Acquisition costs shall be based on the Design Consultant’s estimate (if available) or the Consultant’s estimate if included in the Cost Proposal.

TITLES:

Title Research - All title research activities will be the responsibility of the Consultant. Title activities include the following:

- Preparation of Report on ODOT Form RE 46 (Title Report) and RE 46-1 (Chain of Title). A title report will be completed for each common ownership which may contain multiple Auditor Parcel Numbers (APN’s);
- Consultant will be responsible for a 42-year minimum title search back to a warranty deed for all parcel numbers;
EXHIBIT B

- On Non-Complex ownership parcels the Consultant will provide up to one (1) chain of title per title report. A non-complex ownership is a residential parcel identified as one (1) individual owner, a married couple or a trust;
- On Complex ownership parcels the Consultant will provide a minimum of one (1) chain of title or up to three (3) chains of title per report. A complex ownership is identified as a parcel owned by a Limited Liability Company, Corporation, Limited or General Partnership, Sole Proprietor, Public Agency or Church;
- Additional research is required on Non-complex or Complex parcels that have more than five (5) fractional interests, more than 10 (ten) active liens associated with the parcel or more than ten (10) easements per title report.

Consultant reserves the right to request additional funds through a contract modification when additional research beyond the criteria outlined above for any such affected parcel.

The following will be completed as part of the standard title research:

- Complete copy of the current deed of record and additional deeds vesting fee simple title in the current owner and the root deed of title;
- Copy of Auditor’s card showing land and improvement values;
- Tax mailing address;
- Copy of taxes for each auditor’s parcel number and payment status;
- Copies of mortgages, mortgage assignments, tax liens, judgment liens, workers compensation liens, unemployment liens and other liens that encumber each auditor’s parcel number that is subject of the title report;
- Copies of leases (in the case of Oil and Gas Leases no search will performed on the assignment of various lease interest);
- Copies of easements and rights of way found within the time frame searched, or referenced on current documents found;
- Copies of subdivision plats, annexation plats, splits and combines of property (only provided if they indicate easements or restrictions on the subject parcel);
- Docket entries for pending suits;
- Corporate Documents (if available on the Secretary of State’s website);

The following research is not part of the Title Report and will not be provided:

- Auditor’s Tax Maps (If Available);
- Copies of all the deeds in the chain of title for the time period searched, other than the current deed of record and root deed as identified under Title Research;
- Subdivision plats, annexation plats, split plats and combine plats not showing easements or restrictions;
- Search chain of Oil & Gas lease assignments or mineral rights, reserved or conveyed out.

APPRASIALS:

Scope of Appraisal Meeting – A scoping meeting shall be held at the project site to finalize appraisal formats. It is recommended that a representative from the Local Public
EXHIBIT B

Agency, Consultant Appraiser and Review Appraiser be in attendance. All formats will be in compliance with the current edition of the appropriate DOT Real Estate Policy and Procedures Manual and shall comply with current USPAP appraisal standards. This meeting attendance is strictly for appraisal scoping and does not include any kick-off meeting or public meeting attendance.

Parcel Impact Notes – Parcel Impact Notes (PIN) otherwise known as an Appraisal Problem Analysis (APA) is a document that identifies extraordinary or non-typical items that need to be addressed within each appraisal. This document will call these items to the attention of the appraiser for each parcel in the project and are prepared by the Review Appraiser. The costs associated with the development of the PIN’s/APA’s are not included in the appraisal review fee unless otherwise noted in the proposal.

Right of Accompaniment – Owners of property where value finding and summary appraisals are being conducted will be given the right of accompaniment. Only one meeting/accompaniment per property is included in the scope of services. Contact will be made by telephone or certified letter form depending upon the project timeline. If no response is made by the owner before the indicated deadline to do so, then it is implied that the owners have declined their right of accompaniment and no subsequent trip to provide accompaniment will be granted unless other arrangements have been made or additional compensation is agreed upon between Consultant and LPA.

Appraisal Process – The appraisal function will be consistent with The Uniform Standards of Professional Appraisal Practice USPAP and the appropriate agency appraisal guidelines and requirements of the client such as: State DOT Policy & Procedures, FAA, FEMA, The Uniform Appraisal Standards for Federal Land Acquisitions “Yellow Book” and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 “Uniform Act”.

In the course of the Appraisal Review process reviewers are required to submit a formal deficiency letter or an informal request for corrections to the appraiser for all necessary corrections. The reviewer shall request all corrections per appraisal report from the appraiser in one request in order to complete the appraisal review. If multiple requests for corrections on the same appraisal report are required then the appraiser may seek additional compensation for appraisal services rendered.

Appraisal/Appraisal Updates – The Consultant will be responsible for all appraisal activities. All valuation activities will be done in accordance with USPAP appraisal standards and the appropriate DOT Policy and Procedures Manual, unless otherwise directed by the Local Public Agency. Appraisal and Appraisal updates will be the responsibility of the Consultant. Any appraisal update will require prior approval from the client at the consultant’s pre-negotiated fee.

Appraisal Reviews – The Appraisal Review process is required if either: (1) directed by the Local Public Agency or (2) State or Federal funds are used on any phase of this project. Review appraisers are not part of Appraisal Scope of Services and this price proposal does not include fees for a Review Appraiser unless otherwise stated in the proposal.

The Appraisal Review process is considered necessary and a required element when State or Federal funding is provided. The appraisal review quote implies one review per
EXHIBIT B

parcel. Should more than one review per parcel be necessary resulting from plan changes, multiple reviews of the same appraisal report, etc. then the review appraiser may seek additional compensation for additional review services.

Continued Appraisal Support – A certain level of continued appraisal support is included during the negotiation process in order to explain a complicated appraisal process or to answer a simple question. This is implied in the scope as an effort to aid the negotiating team. However, should a significant block of time be required to be set aside to answer issues or prepare additional documentation, not otherwise requested in the appraisal review process, the appraiser retains the right to submit a contract modification for additional time and expenses accrued outside the limits of the original appraisal scope.

Sign Value Estimates – When acquiring right of way, especially within a commercial corridor it becomes necessary to provide a sign valuation estimate. This task is generally provided by someone experienced in the field of sign valuation and comes at an additional cost. The cost of the sign valuation will be incurred by the client unless otherwise specifically stated in the proposal.

ACQUISITION:

Preparation of Individual Parcel Files – The Consultant shall be responsible for the assemblage and maintenance of all acquisition and relocation files. All files will be maintained in accordance with the ODOT Real Estate Policy and Procedures Manual and as directed by the Local Public Agency.

Negotiations – The Consultant will be responsible for all negotiation activities. All negotiation activities will be done in accordance with the ODOT Real Estate Policy and Procedures Manual Section 5000 et seq., unless otherwise directed by the Local Public Agency. Consultant is responsible for the preparation and distribution of the Notification Letters and Brochures; and the preparation and distribution of Offer Letters. During negotiations, the Consultant shall supply the fee owner with a copy of the applicable Appraisal or Value Analysis. Consultant will prepare and supply a Local Public Agency approved Brochure or ODOT Brochure, as directed by the Local Public Agency. Consultant will complete a maximum of ten (10) contacts (face to face meetings, phone calls, faxes, mail, and/or e-mails) per acquisition parcel within a sixty (60) day period from the date of the Initial Offer, in order to secure the parcel. All contacts will be logged in the Acquisition Agent’s notes, as part of the parcel file records. Should the Local Public Agency wish to extend negotiations beyond ten (10) contacts or beyond a sixty (60) day period, Consultant reserves the right to request a contract modification for additional Negotiation labor fee(s) with the affected property owner(s).

Property Inventory Classification – One of the early items of work will be the preparation of a Property Inventory Classification (typically using Ohio Department of Transportation (ODOT) Form RE-95), if needed for specific parcels on this project. This will identify signs, fences, light poles, etc... being removed as part of the project, which are located in the Warranty Deed (WD), Permanent Easement and Temporary Easement areas. This form will establish ownership of these items and identify which improvements are real property and which are personal property. These forms will be provided to the appraiser(s) so that the owners/tenants are accurately compensated for their site improvements.
EXHIBIT B

Bill of Sale – Bill of sale parcels are encountered when a third party (or more) owns the improvement(s) in the take area. As such, a Bill of Sale parcel is treated as a separation negotiation with the owner(s) of the improvement(s) and a separate negotiating fee is provided for in the Cost Proposal for each owner of an improvement. Bill of Sale parcels require the completion of ODOT Forms RE 56, RE 68 and RE 69, per ODOT Policy and Procedures.

Legal Descriptions – Legal Descriptions will be supplied by the Design Consultant and should be approved by the applicable County(s). The Design Consultant shall secure “pre-approved” legal descriptions with the applicable County(s) where appropriate and whenever possible.

Legal (Conveyance) Instruments – Legal (Conveyance) Instruments will be provided by the Local Public Agency. In the absence of the Local Public Agency providing their own Instruments, the Consultant will use ODOT’s LPA instruments; with the understanding that they will be reviewed and approved by the Local Public Agency’s legal counsel prior to use on this project.

Local Public Agency Representative may Accompany Consultant – At the request of the Local Public Agency, employees of the Local Public Agency may accompany the Consultant on any or all phases of the acquisition process; but on a schedule and at times set by the Consultant.

CLOSING & TITLE UPDATE:

Closings – All closing activities are to be the responsibility of the Consultant. Closing activities include the following:

- Title Update (listed as a separate fee in the cost proposal)
- Preparation of ODOT Form RE-57 and submission of the completed form to the County Auditor’s Office for determination of pro-rated taxes and unpaid assessments;
- Preparation of mortgage and lien releases;
- Securing of said releases on encumbered property from the property owners or the mortgage/lien holders;
- Conducting of closings and the disbursement and collecting of monies as required;
- Assisting the property owner in the execution of required instruments and forms, including but not limited to the Closing & Settlement Statement (RE-44/44-1) and Affidavit by Seller (RE-45);
- Securing the necessary approvals from required local agencies to permit the transfer of ownership of property rights in the County Auditor’s Office;
- Recording the instruments and releases with the County Recorder’s Office;
- Depositing the pro-rated taxes with the required County office and obtaining a receipt;
- Monitoring the property owner for compliance with performance withholding requirements on non-structure parcels involving retention of signs, etc.; Paying owner(s) and securing receipt upon property owners’ compliance with requirements.

The Local Public Agency will be responsible for the following:

- Completing and submitting to the specific County offices the tax exemptions (DTE 23 Forms);
EXHIBIT B

- The Local Public Agency will be responsible for payment of any taxes from the date of deed transfer to obtaining tax exemption status.

**Title Updates** – Consultant will be responsible to provide one (1) title update per parcel prior to closing a parcel or filing a parcel for appropriation. If additional title updates are required, by the Local Public Agency, an additional title update fee will be charged to complete this work.

**Mortgage Releases** – Consultant will be responsible to secure Mortgage Releases for each parcel; which includes contacting, providing documents and continued coordination with the Lending Institution(s) or Lien Holder(s). The Consultant assumes an average of one (1) mortgage and/or lien release per parcel. If additional releases are required beyond the estimated number of releases provided for in this proposal, an additional fee will be charged to perform this work, with approval of the Local Public Agency. Mortgage Release fees charged by the Lending Institution will be invoiced as actual costs to the project, as pre-approved by the Local Public Agency.

**PROJECT ADMINISTRATION:**

**Project Mobilization Meeting** – A Project Mobilization Meeting is held to introduce each other and to clarify any questions relating to project scope. A Project Mobilization Meeting will outline contact persons and communication protocol. At this meeting, all issues related to the specific job and its division of responsibilities will be resolved.

**Project Timeline** – A Project Timeline will be submitted by the Consultant. It will indicate the critical path of the project as it relates to overall project development.

**Administrative Reviews** – The Local Public Agency shall be the primary contact for settlement authority requested by the Consultant for administrative reviews. All requests for administrative reviews shall be in writing and shall contain all appropriate documentation to support a request. A recommendation will be provided by the Consultant. The Consultant shall have the authority to approve Administrative Reviews up to 10% over the original offer (the established fair market value estimate), said 10% not to exceed $500.00. Inter-agency coordination, if required, for this task will be performed by the Consultant to secure all approvals and signatures on Administrative Settlements.

**Appropriation Coordination** – The Local Public Agency’s legal counsel or other official as designated by the Local Public Agency shall be the primary contact for all appropriation coordination activities. Upon receipt of the appropriation billing package from the Consultant, the Local Public Agency will be responsible for filing in the appropriate court of law. The Local Public Agency will file the DTE 23 upon receipt of a final court entry.

This Scope of Service and Cost Proposal provides for the preparation of the appropriation package only. Follow-up meetings during or after the filing process (after the parcel has been submitted for appropriation and the Local Public Agency directs the Consultant to re-enter into negotiations); mediation hearings, court deposition and testimony, or assisting legal counsel is not included with this Scope and Fee. However, these services can be provided by the Consultant if a scope and fee can be mutually agreed upon between the Local Public Agency and the Consultant.
EXHIBIT B

Billing – Complete billing packages (signed parcels or appropriations) shall be submitted to the Local Public Agency for processing. Billing package contents will be consistent with the particular section of the ODOT Policies and Procedures Manual being utilized. All forms/negotiator and relocation notes must be typed or computer generated. Specific items of information to be included in the billing package will be defined during the Project Mobilization meeting. All billing requests will be reviewed and warrants processed by appropriate Local Public Agency personnel. Deficient packages returned to the Consultant for correction shall be completed and returned to the Local Public Agency within ten (10) business days. In the case of signed parcels, the warrant shall be prepared by the Local Public Agency and then forwarded to the Consultant for payment to the owner(s). In the case of appropriations, the warrant will be forwarded to the Local Public Agency’s legal counsel to be placed on deposit with the Court. In all cases, the Local Public Agency will prepare the 1099-S forms, in conjunction with the processing of the warrants to pay each property owner.

Project Status Reports – The Consultant shall provide a monthly status report to the Local Public Agency on a form acceptable to the Local Public Agency. The status report shall be a stand-alone document indicating the current acquisition status of the project.

Project Meetings – The Consultant will meet with Local Public Agency personnel once per month after the Project Mobilization Meeting to discuss project status. If additional meetings are requested by the Local Public Agency, the Consultant reserves the right to request a contract modification for attending or participating in additional meetings beyond the schedule outlined above.

Project Certification – Upon completion of all acquisition activities for the project, the Consultant shall certify to the Local Public Agency that all acquisition activities are completed in accordance with ODOT Real Estate Policy and Procedures.

Final File Disposition – Upon receipt of recorded instruments for signed parcels or the filing of an appropriation case, the Consultant shall submit the individual parcel file(s) to the City; either individually or at the end of the project during the project closeout.

Quality Assurance Reviews – Consultant shall fully cooperate with the Local Public Agency and ODOT during the auditing of the project by the Local Public Agency and/or ODOT personnel.

Invoicing by Consultant – Consultant shall invoice the Local Public Agency on a monthly basis for labor payments. Invoices shall contain the Project Status Report (unless provided for separately) and a separate brief description of items contained on said invoice.

Utility Coordination Process – The utility service providers will work with the Design Consultant to identify specific utility relocation needs critical to the advancement and completion of the project. Utility coordination is the responsibility of the Design Consultant or other third party, and is not part of this Scope of Services.

RESPONSIBILITY OF THE CONSULTANT

The Consultant shall be responsible for the following acquisition services under the Scope of Services for this project:
EXHIBIT B

- Property Inventory Classifications (ODOT Form RE-95)
- Project Schedule
- Title/Title Updates
- Preparation of Individual Parcel Files
- Value Analyses/Appraisals/Updates
- All Phases of Acquisition (Negotiations) including all necessary written correspondence to owners (Notification Letters, Offer Letters, etc…)
- Preparation of Billing Packages
- Closings
- Project Administration
- Project Status Reports - Monthly Submittals
- Project Certification to the Local Public Agency
- Final File Disposition

RESPONSIBILITY OF THE LOCAL PUBLIC AGENCY

The Local Public Agency shall be responsible for the following acquisition activities under the Scope of Services for this project:
- Project Authorization
- Encumbrances
- Administrative Reviews
- Appropriation Coordination
- Billings for Owner Settlement Checks or Checks for Deposit in Court
- The Local Public Agency will file the DTE 23 upon receipt of a final recorded document or final court entry
- Payment of taxes after deed transfer
- Completion of IRS Form 1099-S
- Labor payments to the Consultant

RESPONSIBILITY OF THE DESIGN CONSULTANT

The Design Consultant shall be responsible for the following acquisition activities under the Scope of Services for this project:

- Highway Construction and Right-of-Way Plans showing the properties to be acquired, and all currently available information relative to the parcels to be acquired
- Preparation of Legal Descriptions
- Pre-approval of Legal Descriptions with specific County(s) (if applicable)

**Reference Documents** — Applicable provisions of the following documents shall be incorporated by reference into this Scope of Service:
- Ohio Department of Transportation, Office of Real Estate’s Policy and Procedures Manual
- The Ohio Revised Code
- The Ohio Administrative Code
- USPAP