AGENDA

Date: April 29, 2019
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Submerged Land Lease for 29336 Lake Road.
Update on Fire Station Improvements.
School Resource Officer Agreement.

FINANCE & CLAIMS COMMITTEE-Tadych

Amended Appropriation Ordinance.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Osborn Engineering Contract for Design and Engineering Services for the Ashton Lane Bridge Replacement Project.
Removal of Sunset Improvement Project from Matters Pending before Council Committees.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Banning of Smoking in Parks.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

MISCELLANEOUS

AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES
City of Bay Village

Council Minutes, Committee Session                               April 15, 2019
Dwight A. Clark, President of Council, presiding                     Conference Room 7:30 p.m.

Note: This meeting was preceded by the 6:30 P.M. Homeowners Information Session, presented by The Cleveland Restoration Society.

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 Liskovec, Fire Chief Lyons, Recreation Director Enovitch, Human Resource Director Demaline, Building Director Eric Tuck-Macalla.

AUDIENCE

Tom Kelly, Russell Thompson, Taylor Evans, Clare Banasiak.

ANNOUNCEMENTS

Mayor Koomar advised that the Homeowners Information Session of the Heritage Home Program was presented this evening by Elizabeth Cardarelli and Jessica Beam, of the Cleveland Restoration Society. The Mayor noted a good turn-out, with at least 35 people present from the community. Ms. Cardarelli distributed the quarterly report for Bay Village for the period January through March, 2019, with signed loans already occurring in 2019.

COMMITTEE OF THE WHOLE

Elizabeth Cardarelli, Cleveland Restoration Society
Heritage Home Loan Program

Ms. Elizabeth Cardarelli addressed City Council stating that what they have noticed with homeowners is that they get really excited about the program, really want to move forward with their projects, see their estimate, and then pause for a period before proceeding. There is more activity being seen in the first six months of the year, with loans coming in and being signed. Great numbers are being seen in inquiries, phone calls, and discussions with Bay Village homeowners and their project. Loan numbers and what people are requesting for loans is getting higher and higher, which is a testament to the values in Bay Village and the increase in valuation as the work is being done.

Key Bank and Third Federal Savings and Loan are the two lenders taking part in this program. Key Bank is the only lender in Bay Village. Their rate is 2% fixed, 5, 7, or 10 years. Third
Federal is at 2.99% rate, but there are income restrictions on the Third Federal program. Their maximum income to qualify for a loan is $54,000.

Success for this year’s program to date is attributed to the Mayor’s letter sent to 7,260 Bay Village residents on March 11, 2019. A post card is also sent in the fall of the year to maintain attraction to the program.

Mr. Winzig passed on a question from one of the audience members at the information session this evening, who asked if the Building Department gives recommendations for contractors. Mayor Koomar stated that a list of those contractors who are registered with the City is available in the Building Department. Historically, cities do not give out recommendations.

Mr. Clark noted that there are a large number of homes that meet the requirement of being more than 50 years old to qualify for this program. Mayor Koomar commented that the list is growing every year, and as homes reach that 50 year mark they are rolled into the list of those eligible.

Ms. Cardarelli noted that the renewal letter for the program is being sent to participating cities earlier in the fall for the coming year, to give Council adequate time for consideration and approval.

A monthly newsletter, Field Notes, is sent out by the Cleveland Restoration Society to keep participants informed of the latest news within the program, and events sponsored by the Cleveland Restoration Society.

Ms. Cardarelli was thanked for her work and presentations this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Order for Repair of Public Sidewalk, Permanent Parcel No. 203-31-090.

**Mr. Mace** will present a resolution this evening ordering the repair of a public sidewalk on Huntmere Drive. The homeowner will be advised that they have thirty days to repair the sidewalk, and if not repaired by the homeowner within that time period, the City of Bay Village will make the required repairs and bill the homeowner. If the charges are not paid by the homeowner, the amount will be certified to the County Auditor for collection with the owner’s property tax bill.

Upgrade of current City Hall surveillance capabilities.

Mr. Mace advised that the request for upgrading the current City Hall surveillance capabilities has come from the Chief of Police, in the interest of monitoring the building and parking area.

**Police Chief Spaetzel** stated that currently there are three cameras that monitor Bay Village City Hall. The system is crude and the quality poor. Chief Spaetzel obtained quotations to expand and upgrade the system to six total cameras, including one outside and five within the public areas of City Hall. These would be connected to the current system at the Police Department so
that viewing can be done 24 hours per day, seven days per week, with recording capability to go back and view whatever is necessary. Two quotations have been received: Southwest Security in the amount of $10,788.62, and Paladin in the amount of $11,018.32. Chief Spaetzel has advised in his letter of April 10, 2019 to Mayor Koomar that it is his recommendation to accept the quotation from Southwest Security in the amount of $10,788.62 for the multisensory option.

Mayor Koomar advised that the existing cameras in Bay Village City Hall are not connected to the police station. There were a couple of instances in the first part of the year where the cameras would have been useful, and the system was not functioning.

Mr. Clark asked Chief Spaetzel if he had any knowledge about the firm that would be providing the security. Chief Spaetzel stated that Southwest Security is the firm that provided all of the camera systems at the police station. They are familiar with the system, and have provided a successful contract.

Mrs. Stainbrook noted that two options have been quoted. One is a PTZ option, and the second is a multisensory option. Chief Spaetzel stated that the PTZ is called Pantel Zoom, and can be remotely controlled. The multisensory is basically four cameras that take a better view, and those can be zoomed in. The difference is that you risk viewing the entire area with the PTZ option, whereas the multisensory picks up everything. The reason the PTZ is more expensive is because it has more moving parts.

Ms. Maier asked if there are maintenance costs associated with the cameras. Chief Spaetzel stated that there is an annual cost for the current police department’s Milestone surveillance system software, and this should be included. One camera will be located outside the building, on the north side of the building, one as you walk into the lobby, and one in the Council Chambers.

Mr. Mace asked if the capacity of the existing software is able to take on more cameras throughout the City. Chief Spaetzel stated that it is capable of adding more cameras. The only limitation would be storage, and there is plenty of storage now.

Mr. Tadych asked if the cameras can be turned on and off at will. Chief Spaetzel stated that the cameras run 24 hours per day, 7 days per week.

Mr. Clark verified with Chief Spaetzel that the cameras are all to be located in public areas. Chief Spaetzel stated that there will not be any cameras in any private offices.

Ms. DeGeorge asked the name of the company that installed the system in 2015. Chief Spaetzel stated that former Service Director Scott Thomas bought the system and installed it.

Mr. Clark commented that the amended appropriation ordinance on the agenda this evening will include the funds for the purchase of the security cameras. Mr. Clark endorses the purchase and installation of the recommended system. Installation time is four to six weeks after receipt of equipment. Mrs. Mahoney noted that the expenditure is included in the Service Department Buildings budget.
Committee Meeting of Council
April 15, 2019

FINANCE & CLAIMS COMMITTEE-Tadych

Amended Appropriation Ordinance.

Mr. Tadych advised that Ordinance No. 19-27 will be amended by reading this evening. The ordinance was introduced and placed on first reading on April 1, 2019. The amendment this evening will include the security cameras, in the amount of $10,788.62, and the engineering and design contract for the Ashton Lane Bridge Replacement Project, in the amount of $12,413.00.

March 2019 Financial Statements of the City of Bay Village.

Mr. Tadych will move to acknowledge receipt of the March 2019 financial statements of the City of Bay Village at the Regular Meeting of Council this evening. A Finance Committee meeting will be held on May 6, 2019 at 6:30 p.m. in the conference room of Bay Village City Hall.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Ms. Maier had no report this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Ashton Lane Bridge Replacement Project.

Mrs. Stainbrook will read the ordinance this evening to enter into a contract with Osborn Engineering Company for the engineering and design work associated with the Ashton Lane Bridge Replacement Project. The contract includes a few additional costs identified as “If Authorized” costs. Those include items such as design exceptions, an RMR assessment, a waterway permit and architectural survey as additional add-ins, if needed.

A memorandum dated April 11, 2019 to Director of Public Service and Properties Jon Liskovec from Donald Bierut, P.E., Chagrin Valley Engineering, LTD, recommends the design proposal be accepted in the amount of $201,413.00 which includes the “If Authorized” costs of work that may be necessary. The Council has passed the 2019 Capital Budget Expenditures in Ordinance 19-13, appropriating $205,000.00 from the General Capital Improvement Fund for the Ashton Lane Bridge replacement. The amount of $12,543.00 will be included in the amended appropriation ordinance to be amended by reading this evening to cover the additional costs.

Mr. Mace asked if the contract is being authorized this evening. Mr. Liskovec stated that when meeting with Osborn Engineering it was recommended that the additional items were to be included if, during the design phases, it is learned that a waterway permit is needed. Mr. Liskovec noted that the Queenswood Bridge Project also included “If Authorized” options, of which one was utilized. The Ohio Department of Transportation is the authority that would require the additional items, if needed.
Mr. Clark asked Mr. Liskovec to comment on the work that Osborn Engineering has done for the City of Bay Village in the past.

Mr. Liskovec stated that most recently they did the engineering and design for the Queenswood Bridge Project. Prior to that, Osborn engineered the replacement structure of the transfer station at the City Service Department. They have also done other structural analysis work for the City in the past.

Mr. Clark noted that the plan of the Ohio Department of Transportation is to replace the Ashton Lane Bridge in 2021. Mr. Clark suggested that the City authorize the repaving of Ashton Lane following the bridge replacement.

In regard to the Queenswood Bridge Project and the Lake Road Bridge Project, demolition is complete for both projects. Preparation is underway for the Queenswood Bridge foundation. Elevations are being built at the Lake Road Bridge project site from the creek bed up. The Columbia Road Culvert Project is expected to begin the week of April 22, 2019.

Ms. Maier asked Director Liskovec if this will be a full three stage preview, or, they can’t collapse two and three together because it’s a bridge? Director Liskovec stated that they asked that question, and that is what they did on Queenswood, stage one and two, and they said, they want full three. Ms. Maier asked about the design exceptions. Mr. Liskovec said that it was not discussed.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Mr. Winzig distributed a draft of the current Chapter 539 Park Regulations, with proposed language prohibiting smoking in parks (Section 539.07{i}). Mr. Winzig met with Law Director Barbour, and has given a copy of this to Police Chief Spaetzel for review as well. In the near future the committee will further review the draft.

Mr. Winzig noted that the Mayor mentioned that Partners Environmental was in the City and provided an update on the Cahoon Memorial Park work that they were contracted to accomplish.

Mayor Koomar stated that Partners Environmental came in with some leg work they have done on the test sites. The area around the existing bathrooms and pavilions should be good to go for the state capital dollars. We are also looking at a spot on the far side for a concrete building to be set into place, which would give the soccer club storage where they would like it to be, at the west end of the parking lot. Those options will be under consideration very soon. Partners is working on a draft report and when it is prepared Council will be given a formal update.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Ms. DeGeorge had no report this evening.

MISCELLANEOUS
Mrs. Stainbrook asked if now would be the appropriate time to remove the Sunset Area Improvements item from the Matters Pending before Council Committee list. Mayor Koomar suggested holding this for two weeks.

Mrs. Stainbrook stated that late last year there was a request regarding microfilming of city records for historical purposes. Ms. Kerber was going to do further research, and there was a reference to the county to talk about their microfilming services.

Mayor Koomar stated that he would have an update at the next meeting of Council.

Mr. Clark advised that the Council meeting of Monday, April 22, 2019 will not be held due to the Easter holiday and spring break. It is anticipated that there will be a meeting on April 29, 2019, as well as May 6, 2019.

AUDIENCE

There were no comments from the audience.

Traffic Rerouting due to Bridge Construction

Ms. DeGeorge stated that residents have asked about the traffic pattern since Lake Road is closed, and whether a left turn signal could be installed at West Oviatt and Dover Center Road. When proceeding north, traffic must wait for many cycles of the traffic light, and only one car is able to get through.

Mayor Koomar stated that there have been several requests of that nature. They continue to try to tweak the traffic pattern. Police Chief Spaetzel has reached out to St. Raphael’s School, because one of the problems has been the school busses and the slow turn. It was asked if the busses could go to Oviatt and Cahoon and then west. Parents have been asked to take Oviatt to Cahoon because it is not getting a lot of travel. Part of it is people finding a new way to travel because of the detour. The Mayor stated that he has been out there and observing about every hour. It has improved vastly the last couple of days.

Chief Spaetzel stated that on Wednesday and Thursday of last week, the tie-up was bad. He started timing vehicles, and the longest to get through was eight minutes, the average was about 4 ½ minutes. That has dropped considerably, as far as the number of cars. It is just a matter of people getting used to it and finding alternatives. There is going to be a delay, there is no way around it. A left turn signal would be a considerable expense and probably would be installed after the project is over. Mayor Koomar added that today there were seven to nine cars, and they were all making it through in a cycle.

Chief Spaetzel noted that timings of the traffic cycles have been adjusted. Times during rush hours have been increased east and west on Wolf Road, and north and south on Dover Center Road at the same time. It seems to be clearing better now. Mr. Tadych noted that part of the problem is the school guards activating the signal for one child. Mayor Koomar stated that they
Committee Meeting of Council  
April 15, 2019

are holding them until there are a couple of children to cross. He stated that the school guards have been great.

Tree Incident

Mr. Winzig asked for an update on the tree falling on Northfield Road. Mayor Koomar stated that he was at the site on Friday afternoon, speaking to residents. Mr. Liskovec stated that he was at the site during clean-up on Friday. He advised that the tree that fell was in the process of being scheduled for removal. They met with Bartlett Tree Experts Company at the end of 2018 to do a tree inventory and management for our street trees and public trees. The last time an inventory was done was in the mid-nineties, and Mr. Liskovec felt it very important to have a current inventory to have the best and most efficient way to manage the tree canopy. Mayor Koomar added that the tree that fell had an issue with the root system, which is somewhat rare. Mr. Liskovec stated that it is very hard to detect root failure of that nature. It is very expensive and costly to go around trying to diagnose that type of failure. The tree itself was very solid. It was an unfortunate event, and bad timing. In less than a week it would have been down before it fell. Four others in the area are tagged for removal. Nine were removed in 2017. There are approximately fifty more in that area that will need removal at some time. The Service Department is watching for red flags or telltale signs as trees start to stress and decline. Bartlett Tree Experts were out there starting the inventory for the City. They also shared that the tree would be a good candidate for removal.

Mayor Koomar commented that Silver Maple trees are not something that they would plant anywhere in the City. The Mayor noted that he used to have a Silver Maple tree in his backyard and had it taken down because it is prone to dropping branches. It would have cost $2,500 to take down the tree that fell. One resident suggested taking them all down. That would mean an appropriation of $200,000 to get all of the trees taken down in that area.

Ms. Maier asked if this tree is just in the Northfield area. Mr. Liskovec stated that there are 117 trees total, 50 of which are Silver Maples and Norway Maples, which have similar growth patterns. Mr. Liskovec stated that he was shocked to find that many trees crammed in the public right of ways there.

Mr. Winzig asked if there is any plan to talk to the residents. They are expecting some kind of report and it would be good to give them a list of trees that have been looked at, trees that are identified or marked, or a general plan. Mr. Winzig recommended a letter be delivered to the residents. He stated that Ms. DeGeorge and he met with a few people that were really concerned. Mr. Liskovec stated that the inventory creation by Bartlett Tree Experts is a long process. The City has a lot of trees and it is a costly process, but it is a needed thing to do. That area in particular, knowing the nature of the trees, and as they mature, is the primary area for Bartlett to go into. They went back there and cataloged that whole area. They were also able to find some other areas of concern so base line information can be collected and out of that once they get all of the data compiled they will put it into their ArborScope program. ArborScope is going to be the program the City uses on a day-to-day, year-to-year basis to manage the tree inventory.
Mr. Barbour asked Mr. Liskovec when the tree that fell was slated for removal. He noted that one of the residents said that the tree was marked for removal four years ago. Mr. Liskovec stated that there is misconception there. The story he was given, and being with the department for the last fifteen to sixteen years, he does remember hearing it. Someone had defaced the tree with orange paint and an obscenity. It was misconstrued that it was going to be removed. The Service Department looked at it and decided to watch it, but it wasn’t a huge concern at that point in time, about four years ago. The resident did call this year in April, and the staff went out within the next couple of days, looked at it, made their first assessment, and Bartlett Tree Experts made the confirmation that we were on the right path.

Mr. Clark stated that we are thankful there were no casualties, it could have been a lot more significant. He did not realize we hadn’t done a catalog of the number of trees for almost twenty-five years. Mr. Clark asked Mr. Liskovec to keep Council up-to-date.

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

Dwight A. Clark, President of Council  Joan Kemper, Clerk of Council
LETTER OF TRANSMITTAL

To: City of Bay Village
    Clerk of Counsel
    Bay Village city Hall
    350 Dover Center road
    Bay Village, OH 44140

Date: 4/09/19

KS Job No.: 17259

BG:

Attention: Clerk of Counsel

RE: Resolution for submerged Lands lease at 29336 Lake Road,
    Bay Village, OH

WE ARE SENDING YOU ☑ Attached    ☐ Under separate cover via    the following items

☐ Shop drawings    ☐ Prints    ☐ Plans    ☐ Samples    ☐ Specifications
☐ Copy of Letter    ☐ Change order ☑ Permit Applications

<table>
<thead>
<tr>
<th>COPIES</th>
<th>DATE</th>
<th>NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4/09/19</td>
<td>17259</td>
<td>ODNR &amp; Corps of Engineers Permit Applications</td>
</tr>
</tbody>
</table>

THESE ARE TRANSMITTED as checked below:

☑ For approval    ☐ Approved as submitted    ☐ Resubmit    copies for approval

☐ For your use    ☐ Approved as noted    ☐ Resubmit    copies for distribution

☐ As requested    ☐ Return for collections    ☐ Return    corrected prints

☐ PRINTS RETURNED AFTER LOAN TO US    ☐ FOR BID USE

REMARKS:

Please have City Counsel issue a resolution to allow D. Scott Morrison to obtain a submerged lands lease for the attached ODNR permit application for proposed work at 29336 Lake Road, Bay Village, OH. Please send an original copy of the resolution to ODNR and a copy to me. Please let me know if you have any questions.

COPY TO: ODNR, Scott Morrison

Signed: John S. Matricardi, P.E.

If enclosures are not as noted, kindly notify us at once.
**General Information**

1. Property owner name: D. Scott Morrison

2. Mailing address: 29336 Lake Road
   Bay Village, OH 44140

3. Home telephone number: 440-821-9513

4. Alternate telephone number:

5. Email address: shoresidevb@gmail.com

6. Authorized agent/representative name: John S. Matricardi, P.E.

7. Mailing address: KS Associates
   260 Burns Road, Suite 100
   Elyria, OH 44035

8. Telephone number: 440-365-4730 Ext. 331

9. Fax Number: 440-365-4790

10. Email address: matricardi@ksassociates.com

11. Street address: 29336 Lake Road

12. Permanent parcel number(s): 02-03-036

13. City or township: Bay Village

14. County: Cuyahoga

15. Site location description (If necessary):
   See Vicinity Map

16. Submittals (check if enclosed):
   ✓ Location map

17. Name of adjoining shoreline property owner(s):

   Nevenka Rajsel

   Thomas C. Sullivan Jr.

   Street address/city/state/zip code (include permanent mailing and local)

   29324 Lake Road, Bay Village, OH 44140

   29360 Lake Road, Bay Village, OH 44140

18. Brief description of the proposed structure or project (attach additional sheets if necessary):

   To construct 37 LF of new steel crib 4' wide filled with ODOT "B" stone and a 4' wide steel crib access structure filled with ODOT "B" stone and capped with a new concrete slab along the shoreline of the property. The existing concrete seawall along the property will also be raised to elevation 579.0 with a new concrete slab on top of the existing deteriorated concrete seawall. The existing concrete seawall is scouring away at the toe due to sand and wave action abrading the concrete face of the seawall and during the two April 2018 NE storms waves caused the existing concrete access stairs to be broken off of the face of the concrete seawall.

19. Anticipated start date: 11/18

20. Anticipated finish date: 12/18

21. To apply for an authorization, check the box below and complete the application on the reverse page:

   ✓ Shore Structure Permit   ✓ Submerged Lands Lease
   ☐ Shore Structure Permit Modification   ☐ Submerged Lands Lease Modification   ✓ Consistency Statement

**Agency Use Only**

Application Reference #: Date Received:

Lease Reference #: This copy to: ☐ SSP   ☐ SLL   ☐ CEA   ☐ Other

Form DNR 2012 Rev. 05/2012 Application page 1 of 2
### SHORE STRUCTURE PERMIT APPLICATION

<table>
<thead>
<tr>
<th>1. Professional Engineer: John S. Matricardi, P.E.</th>
<th>2. Ohio registration number: 044003</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Mailing address: KS Associates, 260 Burns Road, Elyria, OH 44035</td>
<td>4. Phone number: 440-365-4730 Ext. 331</td>
</tr>
<tr>
<td></td>
<td>5. Fax number: 440-365-4790</td>
</tr>
<tr>
<td></td>
<td>6. Email address: <a href="mailto:matricardij@ksassociates.com">matricardij@ksassociates.com</a></td>
</tr>
<tr>
<td></td>
<td>7. Submittals (check if enclosed)</td>
</tr>
<tr>
<td></td>
<td>✔ Construction drawings (by professional engineer)</td>
</tr>
<tr>
<td></td>
<td>✔ Design information</td>
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### SUBMERGED LANDS LEASE APPLICATION

<table>
<thead>
<tr>
<th>1. Total Area of Submerged Lands to be Occupied:</th>
</tr>
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<tbody>
<tr>
<td>3. Local Authority Issuing Resolution: City of Bay Village</td>
</tr>
<tr>
<td>4. Was any Portion of the Structure Erected in Lake Erie Prior to October 13, 1955?</td>
</tr>
<tr>
<td>Date issued: To Be Submitted</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>5. Brief Explanation of the Purpose of the Structure or Project <em>(attach additional sheets if necessary)</em>:</td>
</tr>
<tr>
<td>The new crib structure is required to provide long term erosion protection to the existing deteriorated concrete seawall and to prevent wave splashing onto the top deck on the concrete seawall</td>
</tr>
<tr>
<td>6. Submittals (check if enclosed):</td>
</tr>
<tr>
<td>✔ Construction drawings</td>
</tr>
<tr>
<td>✔ Copy of title deed</td>
</tr>
<tr>
<td>☐ Metes &amp; bounds description and plat</td>
</tr>
<tr>
<td>☐ Local resolution or ordinance</td>
</tr>
<tr>
<td>☐ Legal documentation of signature authority</td>
</tr>
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### COASTAL EROSION AREA PERMIT APPLICATION

<table>
<thead>
<tr>
<th>1. Authorization Type: Existing New Measure Date Built (if existing):</th>
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</thead>
<tbody>
<tr>
<td>2. Upland deed recording information [Deed book] [Deed page] 39</td>
</tr>
<tr>
<td>3. Construction start date for the building or addition:</td>
</tr>
<tr>
<td>4. Brief description of the building or addition <em>(attach additional sheets if necessary)</em>:</td>
</tr>
<tr>
<td>5. Submittals (check if enclosed):</td>
</tr>
<tr>
<td>✔ Construction drawings</td>
</tr>
<tr>
<td>✔ Permanent structure drawings</td>
</tr>
<tr>
<td>✔ Copy of title deed</td>
</tr>
<tr>
<td>✔ Construction schedule</td>
</tr>
<tr>
<td>✔ Design information</td>
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</table>

### SIGNATURE AND CONSISTENCY STATEMENT

I certify that the proposed activity identified in this application shall comply with Ohio's approved Coastal Management Program and will be conducted in a manner consistent with such program (15 CFR 930.57 and ORC 1506.03).

I do additionally certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate.

[Signature]

Date: August 8, 2018

Signature of Property Owner or Authorized Agent

MAIL TO: Ohio DNR Office of Coastal Management, 105 West Shoreline Drive, Sandusky OH 44870
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 326. The proponent agency is CECW-CO-R.

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS

1. APPLICATION NO. 2. FIELD OFFICE CODE 3. DATE RECEIVED 4. DATE APPLICATION COMPLETE

ITEMS BELOW TO BE FILLED BY APPLICANT

5. APPLICANT'S NAME
First - D. Middle - Scott Last - Morrison
Company -
E-mail Address - shoreisidebv@gmail.com

6. APPLICANT'S ADDRESS:
Address- 29336 Lake Road
City - Bay Village State - OH Zip - 44140 Country - Cuy.

7. APPLICANT'S PHONE NO. w/AREA CODE
  a. Residence  440-821-9513
  b. Business
  c. Fax

8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - John Middle - S. Last - Matricardi
Company - KS Associates
E-mail Address - matricardij@ksassociates.com

9. AGENT'S ADDRESS:
Address- 260 Burns Road, Suite 100
City - Elyria State - OH Zip - 44035 Country - Lor.

10. AGENTS PHONE NO. w/AREA CODE
  a. Residence  440-365-4730
  b. Business
  c. Fax  440-365-4790

STATEMENT OF AUTHORIZATION

11. I hereby authorize, KS Associates to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT

DATE 5/17/18

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see Instructions)
New Steel Crib Shoreline Protection & Lake Access at 29336 lake Road, Bay Village, OH

13. NAME OF WATERBODY, IF KNOWN (if applicable)
Lake Erie

14. PROJECT STREET ADDRESS (if applicable)
Address 29336 Lake Road
City - Bay Village State - OH Zip - 44140

15. LOCATION OF PROJECT
Latitude: N 41 29' 32.45"
Longitude: W 81 56' 36.51"

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
State Tax Parcel ID 02-03-036 Municipality City of Bay Village
Section - Township - Municipality City of Bay Village
Range -

ENG FORM 4345, DEC 2014 PREVIOUS EDITIONS ARE OBSOLETE. Page 1 of 3
17. DIRECTIONS TO THE SITE
Take route 90 West from Cleveland to Columbia Road (Route 250 Exit North). Following Columbia Road to Lake Road and Turn left and go to 29336 Lake Road.

18. Nature of Activity (Description of project, include all features)
To construct 37 LF of new steel crib filled with ODOT "B" stone and a 4 foot wide steel crib access structure filled with ODOT "B" stone and capped with a new concrete slab along the shoreline of the property. The existing concrete seawall along the property will also be raised to elevation 579.0 with a new concrete slab on top of the existing deteriorated concrete seawall.
A variance is requested to eliminate the need for sand prefll material since the existing shoreline has been covered with a concrete seawall since at least 1956 and has not had any loss of existing backfill material since the original construction of the concrete seawall therefore sand prefll mitigation should not be required.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)
The purpose of the project is to provide a long term erosion protection system to the shoreline of the property. The present concrete seawall is scouring away at the toe due to sand and wave action abrading the concrete face of the seawall and during storms waves are reflected off of the seawall and splash on top of the seawall and wood deck above the seawall. The 2 recent NE storms in April 2018 caused the existing concrete access stairs to be broken off of the face of the seawall.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge
The install the new ODOT "B" stone in the steel crib and steel crib access stair structure and to install concrete between the new steel crib and the existing concrete seawall.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount in Cubic Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;B&quot; Stone</td>
<td>70.8 CY (39.7 CY Below OHW)</td>
</tr>
<tr>
<td>Concrete</td>
<td>54.7 CY (5.9 CY Below OHW)</td>
</tr>
</tbody>
</table>

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)
- Acres: 257 SF or 0.005899 Acres
- or
- Linear Feet: 41 LF

23. Description of Avoidance, Minimization, and Compensation (see instructions)
Considered using an armor stone revetment to provide erosion protection but an armor stone revetment at a 1:1.5 slope would occupy 473 SF and require 58 CY of material below OHW.
24. Is Any Portion of the Work Already Complete? [ ] Yes [ ] No If Yes, Describe the Completed Work

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

a. Address: 29360 Lake Road
   City: Bay Village  State: OH  Zip: 44140

b. Address: 29324 Lake Road
   City: Bay Village  State: OH  Zip: 44140

c. Address:
   City:  State:  Zip:

d. Address:
   City:  State:  Zip:

e. Address:
   City:  State:  Zip:

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>TYPE APPROVAL*</th>
<th>IDENTIFICATION NUMBER</th>
<th>DATE APPLIED</th>
<th>DATE APPROVED</th>
<th>DATE DENIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ODNR</td>
<td>Emergency Shore</td>
<td></td>
<td>2018-05-23</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Structure permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

[Signature]

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.
MORRISON PROPERTY, 29336 LAKE ROAD, BAY VILLAGE, OH

1. LOOKING WEST ALONG SEAWALL FROM EAST ADJACENT PROPERTY
MORRISON PROPERTY, 29336 LAKE ROAD, BAY VILLAGE, OH

2. LOOKING EAST ALONG SEAWALL FROM WEST ADJACENT PROPERTY, 5/8/18.
MORRISON PROPERTY, 29336 LAKE ROAD, BAY VILLAGE, OH

3. LOOKING AT AREA WHERE CONCRETE STAIRS WERE REMOVED DURING DURING RECENT STORM IN APRIL 2018.
Rubblemound Breakwater Design

Design Water Level

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>OHW</td>
<td>573.4 ft IGLD 1985</td>
</tr>
<tr>
<td>TLW</td>
<td>568 ft IGLD 1985</td>
</tr>
<tr>
<td>Lake Bed</td>
<td>569 ft IGLD 1985</td>
</tr>
<tr>
<td>Crest</td>
<td>578.8 ft IGLD 1985</td>
</tr>
</tbody>
</table>

Design Wave Height

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth Limited</td>
<td>$H = 0.78 * d$</td>
</tr>
<tr>
<td>$H$</td>
<td>3.43 ft</td>
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</table>

Eqn. 2-72a SPM

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Fetch Limited</td>
<td>$g = 32.174 \text{ ft/s}^2$</td>
</tr>
<tr>
<td>Fetch</td>
<td>263000 ft</td>
</tr>
<tr>
<td>$U$</td>
<td>90 mph</td>
</tr>
<tr>
<td>$U_A$</td>
<td>149.2</td>
</tr>
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Eqn. 3-28a SPM

<p>| | |</p>
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<thead>
<tr>
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<tbody>
<tr>
<td>Depth</td>
<td>25 ft</td>
</tr>
<tr>
<td>$H$</td>
<td>8.483 ft</td>
</tr>
<tr>
<td>$T$</td>
<td>6.774 s</td>
</tr>
</tbody>
</table>

Eqn. 3-39 SPM

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<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Design Height &amp; Period</td>
<td>Waves are depth limited</td>
</tr>
<tr>
<td>$H$</td>
<td>3.432 ft</td>
</tr>
<tr>
<td>$T$</td>
<td>6.774 sec</td>
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</table>

Structural Steel Design

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Density</td>
<td>2 slug/ft$^3$</td>
</tr>
<tr>
<td>$C_m$</td>
<td>2</td>
</tr>
<tr>
<td>$C_d$</td>
<td>1.25</td>
</tr>
<tr>
<td>$u_{\text{max}}$</td>
<td>4.64 ft/s</td>
</tr>
<tr>
<td>$a_{\text{max}}$</td>
<td>4.30 ft/s$^2$</td>
</tr>
<tr>
<td>Area</td>
<td>24.7 sft</td>
</tr>
<tr>
<td>Volume</td>
<td>1.04 cft</td>
</tr>
<tr>
<td>$F_d$</td>
<td>26.9152 lb</td>
</tr>
<tr>
<td>$F_i$</td>
<td>17.8726 lb</td>
</tr>
<tr>
<td>Force</td>
<td>44.79 lb</td>
</tr>
</tbody>
</table>

*conservative estimate using both max (they are off phase)

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<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Stress</td>
<td>11.09 psi</td>
</tr>
<tr>
<td>Yield</td>
<td>23.4 psi</td>
</tr>
<tr>
<td>SF</td>
<td>2.11</td>
</tr>
</tbody>
</table>
Wave Run-up & Overtopping

Iribarren No.

\[ \xi = \frac{\tan \Theta}{\sqrt{2\pi \cdot Hb/g\cdot T^2}} \]

Empirical Formula

\[ R = \frac{Hb(a \cdot \xi)}{1 + b \cdot \xi} \]

\[ \cot \Theta = 1 \]

\[ g = 32.174 \text{ ft/s}^2 \]

\[ a = 0.775 \]

\[ b = 0.361 \]

\[ \xi = 8.274 \]

\[ Hb = 3.43 \text{ ft} \]

\[ R = 5.52 \text{ ft} \]

578.92 ft IGLD 1985

Overtopping Occurs

*Some overtopping acceptable for design of structure
LEGAL DESCRIPTION
SUBMERGED LANDS LEASE PARCEL
0.0103 ACRES

Situated in the City of Bay Village, County of Cuyahoga, and State of Ohio and known as being submerged lands lying adjacent to lands conveyed to D. Scott Morrison by deed recorded in Volume 87-5469, Page 39 of Cuyahoga County Records, of part of Original Dover Township Lot Number 93, Township 7 North, Range 15 West of the Connecticut Western Reserve and being more particularly described as follows:

Beginning at the southwesterly corner of said lands conveyed to D. Scott Morrison, also being on the northerly line of Lake Road (60 feet in width), said point being witnessed by a 1/2 inch iron pin found South 79 degrees 09 minutes East, 0.28 feet therefrom; Thence along the westerly line of said Morrison lands, North 13 degrees 28 minutes 30 seconds East a distance of 158.87 feet to an angle point therein, said point being witnessed by a 5/8 inch iron pin found North 58 degrees 09 minutes East, 0.17 feet therefrom; Thence continuing along the westerly line of said Morrison lands, North 70 degrees 24 minutes 10 seconds East a distance of 14.54 feet to an angle point therein at which point a monument cannot be set; Thence continuing along the westerly line of said Morrison lands, North 16 degrees 39 minutes 40 seconds East a distance of 71.53 feet to a point on the 1956 historical shoreline of Lake Erie and the PRINCIPAL PLACE OF BEGINNING of the parcel described herein;

Course 1) Thence continuing along the westerly line of said Morrison lands, also being the easterly line of submerged land lease SUB-0552-CU, North 16 degrees 39 minutes 40 seconds East a distance of 4.08 feet;

Course 2) Thence South 56 degrees 50 minutes 05 seconds East a distance of 2.09 feet;

Course 3) Thence North 16 degrees 39 minutes 40 seconds East a distance of 4.01 feet;

Course 4) Thence South 69 degrees 55 minutes 31 seconds East a distance of 37.35 feet;

Course 5) Thence North 20 degrees 04 minutes 29 seconds East a distance of 7.00 feet;

Course 6) Thence South 69 degrees 55 minutes 31 seconds East a distance of 4.00 feet;

Course 7) Thence South 20 degrees 36 minutes 57 seconds West a distance of 11.02 feet;

Course 8) Thence South 82 degrees 17 minutes 07 seconds East a distance of 3.28 feet to a point on the littoral rights line extension of the easterly line of said Morrison lands;

Course 9) Thence along said littoral rights line extension, South 07 degrees 29 minutes 07 seconds West a distance of 2.93 feet to a point on the easterly line of said Morrison lands;
Course 10) Thence along the easterly line of said Morrison lands South 21 degrees 15 minutes 10 seconds West a distance of 1.31 feet to a point on the 1956 historical shoreline of Lake Erie;

Course 11) Thence along the 1956 historical shoreline, North 81 degrees 35 minutes 04 seconds West a distance of 17.56 feet to an angle point therein;

Course 12) Thence continuing along the 1956 historical shoreline, North 69 degrees 02 minutes 27 seconds West a distance of 4.35 feet to an angle point therein;

Course 13) Thence continuing along the 1956 historical shoreline, North 62 degrees 15 minutes 49 seconds West a distance of 25.28 feet to the Principal Place of Beginning and containing 0.0103 acres (447 square feet) of land, according to a survey by Christopher J. Dempsey, Professional Land Surveyor No. 6914 of Dempsey Surveying Company on November 8, 2017.

BASIS OF BEARINGS: Bearings are based on a bearing of North 72 degrees 01 minutes 30 seconds West on the northerly line of Lake Road as referenced from the deed to D. Scott Morrison as recorded in Volume 87-5469, Page 39 of Cuyahoga County Records.

Christopher J. Dempsey  Date
Ohio Professional Surveyor #6914
the Grantors who claim title by or through instrument, recorded in Volume 86-566 Page 31, County Recorder's Office, for the consideration of TEN and 00/100----------------------------------------Dollars ($ 10.00 ), received to full satisfaction of D. SCOTT MORRISON, A Married Man

whose TAX MAILING ADDRESS will be 29336 Lake Road Bay Village, Ohio

Give, Grant, Bargain, Sell and Convey unto the said Grantee, his heirs and assigns, the following described premises, situated in the City of Bay Village, County of Cuyahoga and State of Ohio:

And known as being part of Original Dover Township No. 03, bounded and described as follows:

Beginning on the Northerly line of Lake Road (60 feet wide) at a point distant North 72 degrees 01' 30" West 85.76 feet, as measured along said Northerly line from its point of intersection with the Easterly line of a parcel of land conveyed to Alice M. Barker, by deed as recorded in Volume 1316, Page 83 of Cuyahoga County Deed Records; thence North 72 degrees 01' 30" West along the Northerly line of Lake Road, a distance of 76.45 feet to a point; thence North 13 degrees 28' 30" East, a distance of 158.97 feet to a point; thence North 70 degrees 24' 10" East, a distance of 14.50 feet to a point; thence North 16 degrees 39' 40" East, a distance of 138.30 feet to the low water mark of Lake Erie; thence along the low water mark of Lake Erie South 68 degrees 31' 30" East, a distance of 4.70 feet to a point; thence continuing along the low water mark of Lake Erie South 72 degrees 01' 30" East, a distance of 47.32 feet to a point; thence South 21 degrees 15' 10" West a distance of 94.08 feet to a point; thence South 03 degrees 00' 00" West a distance of 94.08 feet to a point, thence South 13 degrees 28' 30" West a distance of 120.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL NO. 053-09-036
CONVEYANCE IS IN COMPLIANCE WITH Sec. 319.202 O.R.C.

PAID

THOMAS J. NEFF P.E., P.S.
COUNTY ENGINEER
TAX MAP DIVISION

RE-3 TRS JATE:

R-9 J.C. RECORDER
Memorandum of Understanding
School Resource Officer

This Agreement is made, this _______ day of ________________________, by and between the BAY VILLAGE CITY SCHOOL DISTRICT (hereinafter “School District”), and the CITY OF BAY VILLAGE (hereinafter “City”) as follows:

W I T N E S S E T H:

WHEREAS, the City and School District desire to enter into an agreement for the hiring and use of a School Resource Officer (hereinafter “SRO”); and

WHEREAS, the School District and the City now desire to set forth in this Agreement (hereinafter “MOU” or “Agreement”) the specific terms and conditions of the services to be performed and provided by the SRO to be hired prior to the 2019-2020 school year.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

I. Purpose.

This MOU establishes and delineates the mission of the School Resource Officer Program, as a joint cooperative effort. Additionally, the MOU clarifies roles and expectations and formalizes relationships between the participating entities to foster an efficient and cohesive program that will build a positive relationship between police officers, school staff, and the students, promote a safe and positive learning environment and decrease the number of youth formally referred to the juvenile justice system.

II. Mission.

The mission of the SRO Program is to promote school safety by building a positive school climate in which everyone feels safe and students are supported to succeed. The SRO Program also seeks to reduce violent crime committed by and against youth in our community. The SRO Program accomplishes this mission by supporting safe, secure, and orderly learning environments for students, teachers and staff. The SRO will establish a trusting channel of communication with students, parents, and teachers and establish regular feedback opportunities. The role of the SRO is not to enforce school discipline or punish students. The SRO will serve as a positive role model to instill in students good moral standards, good judgment and discretion, respect for other students, and a sincere concern for the school community. The SRO will provide information on community resources available to students and parents. Goals and objectives are designed to develop and enhance rapport between youth, families, police officers, school administrators, and the community in order to promote overall student achievement and success.

III. Goals of the SRO Program.

SRO program goals include:

A. To ensure a safe learning environment for all children and adults who enter the building.
B. To prevent and reduce potential harm related to incidents of school violence.
C. To foster a positive school climate based on respect for all children and adults in the school.
D. To create partnerships with behavioral health and other care providers in the community for student and family referral.
This SRO program is unique to the community, based on input from the school administration, teachers, faculty, students, families and community members. The program is designed to fulfill three overall roles:

1) Law Enforcement  
2) Fostering Positive School Climate /Crime Prevention  
3) Education

**Law Enforcement Role** – The SRO is responsible for the majority of law enforcement activities occurring at the school during school hours but not general student discipline. Parents, students, teachers and other school personnel should bring complaints about student misbehavior to the school principal and/or designee, rather than the SRO.

While the enforcement is the role of the SRO, alternatives to arrest should be used whenever possible, and arrest of students should be a measure of last resort. The SROs discretion to act remains the same as that of any other police officer.

**Fostering Positive School Climate /Crime Prevention** – One of the primary roles the SRO fulfills is fostering a positive school climate through relationship-building and crime prevention. The SRO will engage in various activities, in consultation with school administration, teachers, and students, and should strive to build a school culture of open communication and trust between and among students and adults by focusing on officers getting to know students at the school, serving as a role model, and working with teachers and administrators to identify students who may be facing challenges and need additional resources or attention to be successful in school. Crime prevention activities include foot patrols, monitoring previous crime locations, speaking to teachers about reducing the opportunity for crimes to occur, analyzing possible crime patterns, investigating crimes, and patrolling the parking lots. The SRO may also complete security surveys analyzing the physical safety of school property and facilities.

**Education** – The SRO should participate in the school community by becoming a member of the educational team where appropriate, and by representing the law enforcement community to build positive relationships with youth, their families, and school staff.

Whether talking to students in the hallway or delivering a presentation in the classroom, the SRO is embedded in the education fabric within the school. The SRO is expected to be proactive in creating and taking advantage of educational situations, and school administrators are encouraged to leverage this resource.

**IV. Cost of the SRO Program.**

A. The cost of the SRO Program shall be paid by the parties as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

**V. Organizational Structure.**

A. Composition. The SRO Program will consist of part-time Bay Village Police Department personnel that are certified Peace Officers for the State of Ohio and meet all requirements as set forth by the Bay Village Police Department and by applicable laws including Ohio Revised Code 3313.951. The SRO shall be an employee of the City of Bay Village and shall be subject to all policies and procedures of the City of Bay Village, the Bay Village Police Department, and the policies and procedures of the School District. Any issues with the SRO or the SRO program shall be resolved through mutual cooperation between the Superintendent and the Chief of Police.

B. Officer Recruitment & Selection. The selection process of the SRO shall be performed by the Bay Village Police Department in consultation with the School District and the ultimate appointment process shall be completed by the Bay Village Police Department.

General criteria for a SRO:
1. Experience as a police officer– SRO must have a minimum of five years’ experience as a police officer. The SRO shall have and maintain all required training, certifications and qualifications of the Bay Village Police Department.

2. Successful performance – The SRO should have proven performance as reflected by prior performance evaluations. Candidates should be free of significant disciplinary action. Complaints against the SRO shall follow the normal complaint process of the Bay Village Police Department and include notice to the appropriate school administrators. This process will be made known to parents and students through the School District’s Handbook.

3. College or degree coursework – The SRO is in an educational atmosphere and will be instructing in elementary/ middle/ high school classes. To increase credibility in this area a college education would be beneficial and preferred.

4. Commitment to community and youth well-being. Experience working with youth and an interest in student success, juvenile justice, child and adolescent development and psychology, and creating a positive school climate are essential. The SRO shall prioritize their role as a law enforcement officer, charged with providing for the safety of the students and staff.

C. Training Requirements. Prior to entering service as an SRO, the officer shall complete a minimum of 40 hours of initial training that satisfies the training requirements in Ohio Revised Code 3313.951 and that covers responsibilities or and limitations of the SRO, Ohio school laws, MOUs, child development, conflict resolution, developmentally informed de-escalation and crisis intervention techniques, working with youth in a school setting and integrating SRO into a positive school environment.

D. Employment of the School Resource Officer.

   1. The SRO shall be an employee of the City and shall be subject to the administration, supervision and control of the City.
   2. The SRO shall be subject to all personnel policies and practices of the City/Police Department except as such policies or practices may be modified by the terms and conditions of this Agreement.
   3. The City, in its sole discretion, shall have the power and authority to hire, discharge, and discipline SRO.
   4. In the performance of their duties, SRO shall coordinate and communicate with the principal or the principals’ designee of the school to which they are assigned.

VI. Daily Schedule and assignments.

A. SRO duty hours shall be determined by the Police Department working in cooperation with the School District. Whenever possible, it is the intent of the parties that the SRO’s duty hours shall conform to the school day.

B. It is understood and agreed that time spent by SROs attending municipal court, juvenile court, and/or criminal cases arising from and/or out of their employment as an SRO shall be considered as hours worked under this Agreement.

C. In the event of an emergency, if the SRO is ordered by the City to leave the school during normal duty hours as described above and perform other services for the City, then the time spent shall not be considered hours worked under this Agreement. In such an event, the compensation paid by the School District to the City shall be reduced by the number of hours of SRO service not provided to the School District or the hours shall be made up in a manner determined by mutual agreement of the parties.

D. In the event the SRO is absent from work, the SRO shall notify his or her supervisor in the City. The City will not be in a position to provide a substitute SRO.
VII. **Term of Agreement.**

This Agreement shall remain in effect for three years, commencing on _______, 2019 and terminating on _______, 2022. This agreement may be extended by mutual written agreement of the parties.

VIII. **Duties of School Resource Officer.**

The SRO’s duties will include, but not be limited to, the following:

A. The SRO is first and foremost a law enforcement officer.

B. To be an extension of the principal’s office for assignments consistent with this Agreement.

C. To be a visible, active law enforcement figure on campus dealing with law enforcement matters.

D. To act as the designee of the school administrator to provide a safe environment as to law enforcement matters. This includes building(s), grounds, parking lot(s), lockers and other public school property.

E. To provide a classroom resource for education using approved materials.

F. To be a resource for students which will enable them to be associated with a law enforcement figure in the students’ environment.

G. To be a resource for teachers, parents and students for conferences on an individual basis dealing with individual problems or questions, particularly in the area of substance control.

H. To make appearances before the School Board, City Council, student councils, parent groups and other such organizations, whether public or private, as a speaker on a variety of requested topics, particularly drug and alcohol abuse.

I. The SRO will not be involved in ordinary school discipline, unless it pertains to preventing a potential disruption and/or climate that places students at risk of harm. Disciplining students is a School District responsibility, and only when the principal and the SRO agree that the SRO’s assistance is needed to maintain a safe and proper school environment would the principal request SRO involvement.

J. If the principal believes that in a given situation or incident there is a law violation, the principal may request SRO involvement.

K. It will be the responsibility of the SRO to report all crimes originating on campus. Information on cases that are worked off-campus by the City or other agencies involving students on a campus served by the SRO will be provided to the SRO, but the SRO will not normally be actively involved in off-campus investigation(s).

L. The SRO will coordinate his/her actions with his/her supervisor for law enforcement cases.

M. All local law enforcement and state agencies requesting to conduct formal police interviews, interrogations, and arrests of any student should be referred to the SRO.

N. The SRO will be familiar with helpful community agencies, such as mental health clinics, drug treatment centers, etc., that offer assistance to dependency- and delinquency-prone youths and their families. The SRO will work closely and cooperatively with the Bay Family Services. Referrals will be made when necessary.
O. The SRO and the principal will develop plans and strategies to prevent and/or minimize dangerous situations which might result in student unrest.

P. The SRO will coordinate all of his/her activities with the principal and staff members concerned and will seek permission, guidance, and advice prior to enacting any programs within the school.

Q. The SRO will provide community-wide crime prevention presentations.

R. The SRO will wear the department issued uniform and the required authorized equipment in accordance with department policy.

IX. **Transporting Students.**

   A. The SRO shall not transport students in City vehicles except when the students are victims of a crime, under arrest, or some other emergency circumstances exist.

   B. Students shall not be transported to any location unless it is determined that the student’s parent, guardian or custodian is at the destination to which the student is being transported. The SRO shall not transport students in their personal vehicles.

   C. The SRO shall notify school personnel upon removing a student from campus.

X. **Sharing of Information.**

Communication and information sharing is essential to the success of the SRO program. The following procedures should be followed to facilitate a free flow of information between school officials and the SRO:

   A. Sharing of information will be governed by the Ohio Revised Code, the Ohio Administrative Code, Ohio’s Public Records Law, and relevant Bay Village Police Department and School District policies.

   B. The sharing of arrest related information by the SRO with school administration upon request or at the direction of the SRO will involve the dissemination of arrest reports and calls for service filed with the Bay Village Police Department or from other law enforcement agencies coming into contact with students from School District.

   C. Juvenile fingerprints and photos as part of the arrest record will not be shared by the SRO.

   D. If the SRO is aware of information on a student that is officially obtained by the Bay Village Police Department, which reflects that the student is in violation of school policies (Student Handbook or Athletic Code), the SRO may forward that information to school administration.

   E. If a juvenile is an uncharged suspect in a crime, his/her information will not be released unless authorized by the Chief of Police.

   F. Information which the SRO obtains from school personnel which deals with criminal or possible criminal intelligence will be maintained by the SRO as a criminal justice file. This file may be shared with other law enforcement agencies, but will not be part of the student’s school record.

   G. Hearsay information or rumors will alone not be the basis for any formal action by Bay Village Police Department. It can be used in an intelligence capacity or to validate the need for further investigation.

   H. Any information that is obtained by the SRO that pertains to criminal activity occurring outside the City of Bay Village shall be relayed to the police department of jurisdiction.
I. When any felony occurs or any crime that prompts a Public Information Officer response from the School District or the City or if a school building is evacuated, the SRO shall contact his immediate supervisor as soon as possible.

J. The SRO shall have access to any public records maintained by the school to the extent allowed by law. Law enforcement officials may need confidential information in emergency situations based on the seriousness of the threat to someone’s health or safety, time sensitivity, and the direct relationship of the information to the emergency.

K. The SRO shall respect the sensitive nature of student privacy and shall abide by all applicable confidentiality, privacy policies, and applicable laws.

XI. **Role in Responding to Criminal Activity.**

One of the roles of the SRO, as a law enforcement officer is to engage in traditional criminal investigation and report taking. As a police officer, the SRO has the authority to issue warnings, make arrests and use alternatives to arrest at their discretion. The SRO should perform his/her duties mindful of the parties’ common goal of supporting student success. The following procedures will help the SRO be as effective as possible in this role:

A. School staff will contact the SRO to inform them of all violent or other criminal activity that creates a safety risk that occurs on the school campus. The SRO and school officials shall discuss and agree in writing on what levels of violent activity would prompt school officials to notify the SRO. This information will be conveyed to all school staff. In turn, the SRO will inform school administration of all criminal activity they observe on the school campus.

B. For any offense on school property, the SRO, working cooperatively with the school administration, will endeavor to avoid arrest and criminal involvement for misdemeanor activity. Certain offenses (felonies), such as sex offenses, weapons offenses, and any offenses of violence, will normally require the filing of charges in consultation with school officials, but should be evaluated on a case-by-case basis. The SRO’s powers to arrest will be governed by the Ohio Revised Code.

C. The SRO and school officials shall put into place plans, such as de-escalation techniques, conflict resolution and restorative justice practices, to serve as an alternative to arrest, which will be distributed to school staff.

XII. **Role in School Policy Violations.**

The SRO is not a school disciplinarian and violations of the student code of conduct or schools rules that are not criminal matters should always be handled by school faculty and staff, not the SRO. The SRO should not directly intervene unless the situation directly affects an imminent threat to the health, safety, and security of the student or another person in the school and will employ de-escalation techniques as appropriate. School discipline is the responsibility of the appropriate school administrator and clear guidelines on SRO involvement should be developed and distributed to school staff. The SRO, as a staff member, will report school policy violations through the proper channels to be handled by school administration. It is the responsibility of the SRO to become familiar with the Student Handbook or Student Code of Conduct, but it is not the responsibility of the SRO to enforce the rules in these documents.

XIII. **Data Collection.**

The SRO should submit a monthly activity report to the Superintendent, building principals, and the Chief of Police or his/her designee. The report should include descriptions of all activities engaged in by the SRO, including teaching of State of Ohio approved education/prevention classes, meetings, presentations, incidents or calls for service, names of students and/or staff involved, student searches, arrests, citations and/or summons issued, and other referrals to the juvenile justice system.
XIV. **Role in Locker, Vehicle, Personal, and Other Searches.**

The SRO may participate in a search of a student’s person, possessions, locker, or vehicle only where there is probable cause to believe that the search will turn up evidence that the student has committed or is committing a criminal offense or delinquent act and the search is reasonable in its scope. The SRO will not ask a school employee to conduct a search for law enforcement purposes.

Unless there is a serious and immediate threat to student, teacher, or school safety, the Superintendent of Schools in concert with the building principals shall have final authority in the building.

The SRO may perform searches independent of the school administration only during emergency situations and where criminal activity is suspected.

A. Strip searches of students by the SRO are prohibited.

B. Unless there is a serious and immediate threat to a student, a teacher, or public safety, the SRO shall not initiate or participate in other physically invasive searches of a student.

XV. **Limits on Interrogations and Arrests.**

A. **Interrogations** – The SRO may participate in the questioning of a student about conduct that could result in criminal charges only after informing the student of his or her Miranda rights in age-appropriate language and informing the student’s parent(s) or guardian(s). Parents/guardians should be allowed sufficient time to arrive at school to be present for interrogation.

B. **Arrests** – Incidents involving public order offenses, including disorderly conduct, profanity, and fighting that do not involve serious physical injury or a weapon, should be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

1. Building principals and the Superintendent or his/her designee shall be consulted prior to an arrest of a student when practical.
2. The student’s parent(s) or guardian(s) shall be notified of his or her arrest immediately or as soon as practical and in a timely manner.
3. Unless there is a serious and immediate threat to student, teacher, or public safety, the SRO shall not use physical force or restraints on students. All use of force must conform with the law and the policies of the Bay Village Police Department.

XVI. **Role in Critical Incidents.**

The SRO will be familiar with the emergency operations manual of the School District. During critical incidents occurring when the SRO is present, the SRO will normally act as a liaison between school administration, police personnel, and other emergency resources if practical.

XVII. **Role in Truancy Issues.**

Truancy will be handled by school personnel. The SRO will not take an active role in the tracking of truants. The SRO will act as a liaison between the school and police personnel should police involvement become necessary due to safety concerns.

XVIII. **School District Responsibilities.**

The School District shall provide the SRO and any SRO supervisor the following materials and facilities, which are deemed necessary to the performance of the SRO’s duties:
A. Access to a properly lighted private office, which shall contain a telephone, a secure computer and printer, which may be used for general business purposes.

B. A location for files and records which can be properly locked and secured.

C. A desk with drawers, chair, work table, filing cabinet, and office supplies.

D. The opportunity for the SRO to address teachers, school administrators and student families about the SRO program, goals, and objectives.

E. The opportunity to provide counseling to students, and to provide input regarding criminal justice problems relating to students.

F. The opportunity to address teachers and school administrators about criminal justice problems relating to students during in-service workdays.

G. The opportunity to provide instruction to the students of curriculum from State of Ohio approved prevention/education programs.


I. The SRO shall respect the sensitive nature of student privacy and shall abide by all applicable confidentiality, privacy policies and laws.

J. School staff designee for referrals for counseling and other school-based and/or community based supportive services for students and families.

K. Encourage attendance for secondary Assistant Principals at NASRO Basic SRO training.

L. Provide training to teachers, administrators, staff and SRO about when to directly involve SRO with student misconduct and about available alternatives to arrest.

XIX. Crisis Planning.

Bay Village City School District and the City of Bay Village Police and Fire Departments will coordinate Crisis Planning and training. Each entity will be involved in updates and creation of new Crisis Plans. Consistency throughout the School District should be adhered to.

Lock down drills shall be included as part of the District’s preparedness plan. The Bay Village Police Department shall be included in the creation of lock down procedures so that first responders are familiar with procedures. The SRO shall participate in the evaluation of lock down drills whenever practical. The SRO should also consult on crisis plans, including providing proposed updates to school crisis plans based on the SRO’s experience and training.

XX. Reviewing the MOU and SRO Program.

Both the School District and the City will be involved in the evaluation process of the SRO program.

The assigned parties shall review the MOU/SRO Program annually and make adjustments as needed. Any revisions will be reflected in an updated MOU.
XXI. **Problem Resolution.**

Any difficulties or questions will be resolved by negotiation between the Superintendent of the Bay Village School District and the Chief of Police of the Bay Village Police Department or their designees.

XXII. **Miscellaneous.**

A. **Insurance:** The parties agree that in order to protect themselves, they shall maintain and keep in full force and effect, general liability insurance and in addition, the City of Bay Village shall maintain automobile liability and police professional liability insurance that will fully protect the parties against claims of any and all persons arising out of or resulting from the SRO Program. The limits shall not be less than one million dollars ($1,000,000.00) with respect to any one occurrence resulting in injury, death or property damage. The parties shall each name the other as an additional insured and certificates of insurance shall be exchanged between the parties.

B. **All SROs employed under this MOU will be subject to the criminal record and background check requirements applicable to Ohio school district employees as well as the criminal records and background check applicable to Bay Village Police Department Police Officers.**

C. **All SROs employed under this MOU understand and acknowledge that they are subject to the mandatory requirement to report all known or suspected child abuse as set forth in Ohio Revised Code §2151.421.**

D. **Entire Agreement:** This MOU constitutes the entire Agreement between the parties and supersedes all prior oral or written agreements, representations, statements, negotiations, understandings, proposals and undertakings with respect to the subject matter hereof. This MOU may only be modified as amended by mutual written agreement of the parties.

E. **Notice:** Any notices required pursuant to this Agreement, shall be made by U.S. Mail or electronic mail to the following:

<table>
<thead>
<tr>
<th>City of Bay Village</th>
<th>Bay Village City School District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Mark Spaetzel</td>
<td>Superintendent Jodie Hausmann</td>
</tr>
<tr>
<td>28000 Wolf Road</td>
<td>377 Dover Center Road</td>
</tr>
<tr>
<td>Bay Village, Ohio 44140</td>
<td>Bay Village, Ohio 44140</td>
</tr>
</tbody>
</table>

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written above.

By:  
Jodie Hausmann  
Superintendent, Bay Village City School District

By:  
Paul Koomar  
Mayor, City of Bay Village

Approved to Form:  
By:  
Mark E. Barbour  
Law Director, City of Bay Village

Approved to Form:  
By:  
Mark Spaetzel  
Chief of Police, City of Bay Village

Christine T. Cossler  
Legal Counsel, Bay Village City School District
Exhibit A

I. **Salary and Benefits.**

A. The salary and benefits of the SRO shall be split between the School District, which shall be responsible for 70% of the salary and benefits, and the City which shall be responsible for 30% of the salary and benefits.

B. Any overtime requested by either entity shall be the responsibility of the requesting entity.

C. Upon receipt of the monthly invoice from the City, the School District shall remit payment for its share of the salary and benefits to the City.

D. Overtime incurred at the request of the School District shall be billed monthly.

E. The SRO shall be a regular part time employee of the City of Bay Village not to be regularly scheduled more than 29 hours per week for 48 weeks per calendar year.

F. The cost of any Worker’s Compensation Claim of Injury filed by the SRO shall be charged back to the School District if the claim occurs while the SRO is performing duties related to the School District. If the claim occurs during travel between the City and the School District, the parties will share the cost of the claim 70% charged to the School District and 30% charged to the City.

G. Cost of uniforms will be paid by the city and reimbursed 70% by the School District.

H. Training required to maintain Peace Officer certification and compliance with Bay Village Police requirements shall be the financial responsibility of the City. Training required or encouraged by the School District shall be the financial responsibility of the School District.

I. Any other costs and expenses attributable to the SRO not set forth herein shall be shared between the parties at the rate of 70% attributable to the School District and 30% to the City.

II. **Drug Use Prevention Grant.**

A. The City will apply for the Drug Use Prevention Grant (hereinafter “Grant”) annually.

B. **(who from ?)** The School District shall be responsible for maintaining and providing all information and documentation necessary to apply for said grant.

C. The School District shall provide the educational materials associated with the Grant funding.

D. Monies awarded through the grant shall be applied to the School District’s share of the SRO’s salary and benefits. The share of salaries and benefits of the City shall not exceed 50% after reduction of the School District’s share due to a grant award.

E. Should monies need to be returned from the Grant for any reason, the School District shall be responsible for the return of funds.
Renee

Ready for 3rd Reading Monday. Please see attached Agenda Request and Appropriation Ordinance for Monday April 29 - this is the completion of the two prior readings of the ordinance.

Appropriation Ordinance #4.dks: Appropriation Ordinance Analys for Wages.xlsx Agenda Request - Approp 4. dcox

Renee Mahoney

Attachments:

Subject:

To:

Sent:

From:

Joan Kemper
OVERVIEW

1. Action Requested
Adjust Appropriation ordinance for the following:

- to account for new collective bargaining agreements and wage increases associated with as well as non-union wages. Also, to move Bob Lyons' salary and benefits from Service to Building Department (General Fund).

--to appropriate $11,000 out of General Fund, Service, Buildings to allow for new camera surveillance system at City Hall

- to appropriate additional $12,543 from General Capital to allow for additional engineering for Ashton Lane Bridge. This additional to be funded by transfer from Infrastructure Improvement.

- to appropriate additional $8,000 from Infrastructure Improvement to allow for completion of Parkside resurfacing.

2. Detail of Changes
Final contract was approved by Council on March 25 which makes all contracts approved for the 2019-2021 period. Budget originally was calculated at 0% raises so now must be adjusted. Generally all units received 2.5% increase for 2019 and healthcare employee contribution increased from 13% to 14%. Detail of changes are attached to this request.

See Agenda Request prepared by Chief Spaetzel dated April 11, 2019 for detail of camera installation.

See Agenda Request prepared by Jon Liskovec dated April 10, 2019 for detail of Ashton Lane Bridge.

Council amended by reading Ord 19-24 to allow for additional street resurfacing to Parkside, however, the appropriation was not increased to allow for this. Therefore need to Increase Fund 494 appropriation by additional $8,000.
City of Bay Village  
Appropriation Ordinance Analysis  
Wage Adjustments Due to CBAs

### 100 General Fund

<table>
<thead>
<tr>
<th>Category</th>
<th>Prior Ordinance 19-13</th>
<th>Revised Ordinance</th>
<th>% Change</th>
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<tr>
<td>Council</td>
<td>$67,400</td>
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<td>Clerk of Council</td>
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<td>Planning Commission</td>
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<td>Zoning Board of Appeals</td>
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<td>Service</td>
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<td>Building</td>
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<tr>
<td>Community Services</td>
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<td><strong>Total General Fund</strong></td>
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<tr>
<td>210 Emergency Paramedic</td>
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<td>230 Parks and Recreation</td>
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<td>245 Private Property Maintenance</td>
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<td>270 Street Construction</td>
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<td>280 Police Pension</td>
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<td>281 Fire Pension</td>
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<tr>
<td>282 Accrued Benefits</td>
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<td><strong>Total Special Benefits</strong></td>
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<td>520 Pool</td>
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<td>580 Sewer</td>
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<td><strong>Total Enterprise Fund Group</strong></td>
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<td>602 Workers Compensation</td>
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<td><strong>Total Internal Service Fund Group</strong></td>
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<td><strong>$1,536,534</strong></td>
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**Grand Total All Funds**

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<tr>
<th>Category</th>
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<tbody>
<tr>
<td></td>
<td>$14,045,561</td>
<td>$14,327,656</td>
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ORDINANCE
INTRODUCED BY:

ORDINANCE
AMENDING CHAPTER 539 OF THE CODIFIED ORDINANCES OF
THE CITY OF BAY VILLAGE BY ENACTING SECTION 539.07(i) RELATING TO
PROHIBITING SMOKING IN PARKS AND DECLARING AN EMERGENCY

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

SECTION 1. That Chapter 539.07 of the Codified Ordinances of the City of Bay Village is
hereby amended by enacting new Section 539.07(i) which shall read as follows:

"Chapter 539 - PARK REGULATIONS

539.01 - Short title.

This chapter shall be known and may be cited as the "Bay Village ordinance regulating
conduct in public parks."

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

539.02 - Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall
have the meanings given herein. When not in consistent with the context, words used in the
present tense include the future, words in the plural number include the singular number and
words in the singular number include the plural number. The word "shall" is always mandatory
and not merely directory.

(a) City means the City of Bay Village.

(b) Director means a person immediately in charge of any park area and its activities and to
whom all park attendants of such area are responsible.

(c) Park means a park reservation, playground, beach, recreation center or any other area in the
City, owned or used by the City, and devoted to active or passive recreation, including Cahoon
Memorial Park.

(d) Person means any individual, firm, partnership, association, corporation, company or
organization of any kind.

(e) Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn or self-
propelled. The term shall include any trailer in tow of any size, kind or description. Exception
is made for baby carriages and vehicles in the service of the City parks.

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

539.03 - Park property.
Ordinance – Enacting Section 539.07(i)

No person in a park shall:

(a) Buildings and other property.

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

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

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

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

(b) Trees, shrubbery, lawns.

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

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

(c) Wild animals, birds, etc.

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

(2) Feeding. Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.
Ordinance – Enacting Section 539.07(i)

(d) Deer.

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

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

(Ord. No. 17-92, § 1, 12-11-2017)

539.04 - Sanitation.

No person in a park shall:

(a) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(b) Refuse and trash. Have brought into a park or dump, deposit or leave in a park any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

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

539.05 - Traffic.

No person in a park shall:

(a) State motor vehicle laws apply. Fail to comply with all applicable provisions of the State and City motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.

(b) Enforcement of traffic regulations. Fail to obey all law enforcement officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

(c) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(d) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.
(e) Operation confined to roads. Drive any vehicle on any area except the park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(f) Parking.

(1) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereof and with the instructions of any attendant who may be present.

(2) Full-parking. Full-park on a road or driveway at any time.

(3) Night parking. Leave a vehicle standing or parked after sunset without lights clearly visible on any driveway or road area except legally established parking areas.

(4) Emergency procedure. Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

(5) Double-parking. Double-park any vehicle on any road or parkway unless directed by a park official.

(6) Muffler required. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(g) Bicycles.

(1) Confined to roads. Ride a bicycle on other than a vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any area reserved for pedestrian use.

(2) Operation. Ride a bicycle other than on the right-hand side of the road as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their vehicles with reasonable regard to the safety of others.

(3) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(4) Immobile. Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(5) Night operation. Ride a bicycle on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red tail light or red reflector plainly visible from at least 200 feet from the rear of, such bicycle.

(h) Snowmobiles prohibited. The operation of snowmobiles in any park is hereby prohibited.
Ordinance – Enacting Section 539.07(i)

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

539.06 - Recreational activities.

No person in a park shall:

(a) Bathing and swimming.

(1) Designated areas. Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(2) Certain hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as are designated by the Director for such purposes for each individual area.

(3) Structure on beach. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

(4) Bath houses. Dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(b) Boating.

(1) Designated areas. Bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(2) Operation of boats. Navigate, direct or handle any boat in such manner as to unjustifiably or unnecessarily annoy or frighten or endanger any other person, or fail to operate any boat in accordance with the laws, rules and regulations of the State regarding the operation of watercraft.

(c) Picnic areas and use.

(1) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
(2) Availability. Violate the regulation that use of the individual fireplaces, together with tables and benches, follows generally the rule of "first come, first served."

(3) Nonexclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(4) Duty of picnicker. Leave a picnic area before the fire is completely extinguished; trash or refuse shall not be burned in fireplaces.

(d) Camping. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp-trailer, camp-wagon or the like.

(e) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except in the fields and courts or areas provided therefor.

(f) Horseback riding. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken, properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

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

539.07 - Behavior.

No person in a park shall:

(a) Intoxicating beverages.

(1) Prohibition. Bring intoxicating liquor, alcoholic beverages or beer into a park, nor shall any person have upon his person, in his possession or under his control, or buy or sell or drink, alcoholic beverages or beer at any time in a park.

(2) Drunkenness. Enter a park or be in a park under the influence of intoxicating liquor or beer.

(b) Fireworks and explosives. Bring into a park or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or a highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This section shall not apply to persons to
whom the Fire Chief has granted a permit for the discharge of fireworks pursuant to Section 549.11.

(c) Domestic animals. Allow a dog or other domestic animal to run at large in a park.

(d) Fires. Build or attempt to build a fire except in a fireplace provided for such purpose or in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(c) Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

(f) Games of chance. Gamble in any manner whatsoever, or participate in or abet any game of chance.

(g) Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(h) Remain in a park after closing hours. Enter, be in or remain in a park after the designated closing hour of such park.

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

(i) Smoking prohibited. Smoking of tobacco, natural, synthetic, powder or manufactured substances, the use of smokeless tobacco, and smoking of any kind, including, but not limited to, the use of a cigar, cigarette, pipe, clip, electronic or vaporized smoking device, are prohibited in any City park, playground, trail, beachfront or recreation facility owned by the City or within 100 feet of sporting fields, spectator area, the entrances to all recreation facilities, and all sport and play areas including natural and man-made trails, unless within a City-designated smoking area.

(1) No person found to be smoking or using smokeless tobacco products in such designated non-smoking and tobacco/smoke-free zones in a park shall fail to immediately cease said activity when requested to do so by City staff, a Police Officer, or a person charged with the management, operation or care of any City-owned park.

(2) Lack of intent to violate a provision of this chapter shall not be a defense to a violation.

539.08 - Merchandising, advertising and signs.

No person in a park shall:

(a) Vending and peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or
thing without approval pursuant to the established rules and regulations by the Department of Parks and Recreation and approval by City Council or Cahoon Park Trustees.

(Ord. 75-88. Passed 6-16-75.)

(b) Advertising. Announce, advertise, or call public attention in any way to any article or service for sale or hire except with the prior consent of the Director.

(c) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park except with the prior consent of the Director.

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

539.09 - Park operating policy.

(a) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the hours between 5:00 a.m. and 11:00 p.m. unless otherwise specified for each individual park by the Director. The opening and closing hours for each individual park shall be posted therein for the public information. The Director may allow the use of any park, during the hours such park is normally closed, by persons or groups designated in advance by such Director. No boating, bathing, games or sports shall be permitted in Cahoon Memorial Park on Sunday.

(b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

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

539.10 - Enforcement.

(a) Officials. The Director, park attendants and all other law enforcement officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) Ejectment. The Director and any park attendant or police officer shall have the authority to eject from the park any person acting in violation of this chapter.

(c) Fees and charges. The Director has the duty to collect fees and charges for any activity for which fees and charges are made by the Recreation Department, and any person failing to pay the same, or who acts in violation of this chapter shall be subject to penalty as provided in Section 539.99.

(Ord. 77-92. Passed 8-15-77.)

539.11 - Use of Cahoon Memorial Park.
Ordinance – Enacting Section 539.07(i)

Only residents or their invited guests may use Cahoon Memorial Park. No person who is not a resident of the City or an invited guest of such resident shall use the facilities of Cahoon Memorial Park.

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

539.12 - Trustees.

Nothing in this chapter shall be deemed to abrogate, restrict, modify, alter or change the rights, duties or obligations of the Trustees of the Cahoon Memorial Park as set forth in the Will of Ida Maria Cahoon dated June 16, 1917. (See page 28D of the Preliminary Unit).

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

539.99 - Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(Ord. 79-82. Passed 6-18-79.)”

and present 539.07 is hereby repealed.

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

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

PASSED:

__________________________________________
PRESIDENT OF COUNCIL

__________________________________________
CLERK

__________________________________________
MAYOR

022319 jt