AGENDA

Agenda, Bay Village City Council Committee Meeting
Conference Room, Bay Village City Hall
Dwight A. Clark, President of Council, Presiding

Date: June 3, 2019
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Bay Family Services – Sean McAndrews.

Comprehensive Liability Insurance – Patrick Muscenti, McGowan Companies.

Capital Projects Update.

Fence Ordinance Discussion.

Council Salaries Discussion.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Submerged Land Lease. Craig and Laura Hartman, 27126 Lake Road.

FINANCE & CLAIMS COMMITTEE-Tadych

Certification of Property Assessments to Cuyahoga County Auditor. (Grass Cutting, Tree Trimming or Removal, Sewer Rental and Refuse Collection, Sidewalk Repair).

Amended Appropriation Ordinance Discussion.

Summary of Bid Results for Note Issuance.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Advertisement for bids for installation of two crosswalks: Lake Road and Cahoon Road, Lake Road and Columbia Road.

RECREATION & PARKS IMPROVEMENT COMMITTEE-Winzig

Advertisement for bids for the renovation of Reese Park tennis courts.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge
MISCELLANEOUS

AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES

Request of Denise Day, Bay Village resident, for Boy Scout Troop No. 734, Bay United Methodist Church to hold an overnight in tents near Cahoon Cabin beginning Friday evening, June 7, and ending at 9:00 a.m. on Saturday, June 8, pending receipt of insurance.
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, Human Resource Director Demaline, Recreation Director Enovitch, Building Director Tuck-Macalla.

AUDIENCE

Mary Slaman, Sylvia Milhoan, Russell Thompson, Larry Bennet, Denny Wendell, Mary Morrison, Susan Murnane, Cappi Mercer.

ANNOUNCEMENTS

Mayor Koomar advised that he just came from the Bay Schools Scholarship ceremony where a new record this year was achieved in granting over $105,000 in scholarships donated by all of the various community groups.

The Mayor stated that the administration continues to work forward with the School Board on the provision of a Schools Resource Officer, working through some of the finer points of the contract. This will provide another set of eyes and ears in the schools for our police force.

The Mayor recalled the visit of a resident of Ward 4 last year, Kendall Travis, who was concerned about safety at the intersection of Bradley Road and Lake Road. The Northeast Ohio Areawide Coordinating Agency (NOACA) did a traffic study last fall and determined that the intersection did not warrant a traffic signal. Chagrin Valley Engineering met with two representatives of the Ohio Department of Transportation (ODOT), the Police Chief, and Director of Public Service in regard to the possibility of a crosswalk at Bradley and Lake Roads. Mayor Koomar stated that crosswalks have been installed in areas where children cross for schools or the park, and putting one in mid-section at that intersection would not be used by pedestrians which would create a false sense of safety. The Mayor will continue to work with Kendall Travis, who has pointed out a traffic signal in Rocky River at Lake Road and Elmwood Road, but that is a different situation. There is a city park on the south and north side of Lake Road, and Elmwood is a connector road to I-90 and Detroit Road with a little more pedestrian and flow-through traffic. Those conditions are not present at Bradley Road and Lake Road. The Mayor met with Mrs. Travis last week and still would like to do something. The nature of Bay Village is a lot of long, straight, roads and we have to be prudent where crosswalks are put in so that a false sense of safety is not created.
Mr. Clark stated that there were issues in the Bradley/Lake area where the school buses would stop to pick up children and the cars would be passing the bus. Safety was a concern at that point in time. The Mayor stated that these concerns continue, with one on Osborn recently. Kathryn Kerber has been working with the schools regarding grants for equipment such as cameras on buses. This will continue to be promoted so that video tape can aid in enforcement. There is also a bill at the state house to increase penalties for these violations.

COMMITTEE OF THE WHOLE

Amendment to Chapter 1163 of the Codified Ordinances of the City of Bay Village by amending Section 1163.05 relating to fence regulations.

Mr. Mace advised that most of the changes to Chapter 1163 were in Section 1163.05 which extends the rear yard and side yard fencing to a height of 5 feet as long as a minimum of 75% of the fence is open. In regard to privacy screening, the height permitted is 6’ for a total length of 10% of the perimeter of the lot, and 32’ in a single direction. It may also have a transitional section, not to exceed 8’ in length to graduate down from 6’ to 4’ in height, and that section would not be counted in the 32 feet permitted in a single direction. The Environment, Safety and Services Committee endorses these proposed changes to the Committee of the Whole. These changes were proposed in consideration of assistance to the Board of Zoning Appeals and the Building Department to have a better understanding of what Council would want the community to have in terms of fencing.

Mr. Clark stated that the Council had agreed that the ordinance would not be introduced for first reading until there was a recommendation from the Environment and Safety Committee. Mr. Clark called upon Councilman Tadych and Councilwoman DeGeorge, members of the Environment and Safety Committee for their thoughts.

Mr. Tadych stated that he personally does not want to see the regulations change. He stated that he is happy with the way things are right now.

Ms. DeGeorge stated that she is okay with the change because there was a lot of discussion about the 6’ high fences, privacy screen, and that is not what ended up in front of Council. This ordinance addresses the residents that do want 5’ in height, and not a solid wall, and with the 75% open area, it really doesn’t block anything. It is a fair change for those who wanted some extra height, and it is not a totally fair change for those that wanted more privacy, but she can support the ordinance the way it is.

Mr. Clark called for thoughts from the remainder of the Council members. He noted the ordinance is not on reading tonight, but is open for discussion prior to bringing it to reading.

Ms. Maier stated that she does have a question about the privacy screen. The interpretation of the 32 feet in a single direction and the consistencies of the application of the ordinance by the Board of Zoning Appeals were discussed previously. Ms. Maier asked if the Environment and Safety Committee has discussed this further or is there an interpretation of how this will be dealt with in the future.
Mr. Tadych stated that the members of the Environment and Safety Committee were at the Board of Zoning Appeals meeting and really did not discuss it.

Mayor Koomar stated that from his perspective the language needs to be adjusted so it is clear. Different people have interpreted it different ways, which tells you it can be written better.

Ms. Maier stated that she would be interested in the committee’s thoughts.

Mr. Mace stated that he would suggest cleaning up the language and making it understandable to everyone and not have any discrepancy that a 6’ privacy fence ends at 32 feet. The amount of privacy fence allowable is 32’ period, at 6’ in height.

Mr. Tadych stated that part of his problem is that Council keeps calling it a privacy fence and it is a privacy screen. It was originally put together, as Mr. Barbour pointed out last week, for screening of a patio or something like that. Suddenly, it became a fence, and we should either make it a fence or keep it a privacy screen. Mr. Tadych stated he is for a privacy screen, as that was the intent.

Mr. Mace stated that he understands Mr. Tadych’s point about it being for a patio or something similar, but it should be 32’ period, and take away the 10% of the perimeter, because that is not even anything that can be considered.

Mrs. Stainbrook addressed Law Director Barbour stating that she thought it was really interesting last week. She always understood it was called a privacy screen, and it sounded like the intent was originally just to screen a patio. Mrs. Stainbrook stated that she would like to see it go back to that original privacy screen for a particular intent of screening a patio. She noted her comments made at the May 13 meeting of Council regarding fencing. Mrs. Stainbrook stated that we are giving Lake Road residents the benefit of maintaining a 4’ high fence, and not allowing that same accommodation for the rest of the residents who also have beautiful views throughout their properties, not just Lake Road. We certainly don’t want to create any options for spot zoning. She does feel strongly that any of the issues legitimately brought up by residents are more a focus on pet containment and property maintenance issues. We definitely want to give direction to the Board of Zoning Appeals so that they don’t become a defacto legislative body as they have with the privacy screen option. Mrs. Stainbrook stated that she can’t overstate the rare aesthetic in Bay Village and feels there is a ton of value to that and also to the sense that once the 4’ barrier is broken the height will go to 6’.

Ms. Maier added that when the library design came around the first time, there was a very strong public outcry about the aesthetic of Bay Village and doing away with its charm, and that was also something that was carried through with the Master Plan, that people had a very strong sense of place and wanted to maintain that sense of place. We need to really think hard and be respectful of that. From the conversations that Ms. Maier had with people, and knowing that once it goes up a little bit, it has actually gone up a little bit and is 4’4” currently, we would be changing for the reasons of a pet containment issue or neighbor issue and it will have a very large effect on the aesthetic of Bay Village.
Mr. Clark called for comments from the City administration.

Mayor Koomar stated that he is going to go back to his time on City Council, which was a fair stretch. A majority of residents like the fence ordinance the way it is. Obviously, there are exceptions, and the Mayor stated he has heard both sides. Without the pet issue coming up and driving that as much, we would not have seen this as much as that is where it started. The question is, do you want to do something around that, with the 75% open. That is something we could enforce because of the safety issues. The current regulations, if they were cleaned up, serve us well.

Ms. DeGeorge stated that 75% transparency really doesn’t do a lot to change the aesthetic of Bay Village. From Ms. DeGeorge’s front yard the view is a baseball backstop, which is a chain link fence that is 8’ or 10’ tall, which can be seen through. Ms. DeGeorge stated that she can also see through the fence that the Middle School has, which is 75% transparent. She can see all the houses on Glendenning, their grass, their cars, the people, straight through to Wolf Road. So a 5’ high fence with 75% transparency…a lot of people have in their heads that if we do this we are going to go to 6’ in height privacy, and that is not on the table. We have had those discussions ad nauseam. That is not on the table. Ms. DeGeorge stated that she thinks 75% transparency, in her personal opinion, is not going to affect anything. She noted that she looks at this every day from her house, the school one way, the school and the library one way, it is all fenced that way. You have to be at a real particular angle to get the angle where it looks solid. And nobody does that. Ms. DeGeorge stated that this is why she is fine with this proposed ordinance, it really doesn’t change anything. If anything, the 4’ high fence you can have solid. The 5’ fence needs to be 75% transparent. So, what are we changing? You still have your view, you still have the nice look of a fence that is 75% open.

Mr. Clark stated that nobody is going to be totally happy. There is a set of people that want a 6’ high fence all the way around, and the other half is going to want something with no change. We are trying to look at something in the middle. But, if two-thirds of the Environment and Safety Committee is endorsing this, we will plan to put this on first reading on June 3, 2019. If we choose to vote it down, we choose to vote it down, but we said we would have an outcome on this before we went to recess and we are going to stay with it. There will be a final vote on this ordinance on June 24, 2019.

Mr. Barbour asked if the committee has a recommendation on the privacy screen. Mr. Mace raised the point about eliminating the 10% of the perimeter of the lot. Ms. DeGeorge stated that it is confusing otherwise. Mr. Barbour stated that basically Section H of the ordinance would allow up to 32’ of 6’ high privacy screen, but in no circumstances shall it exceed 32’ in length. Mr. Mace stated that he would also include the gradual decrease down to 4’ in height in the language of the ordinance, and that it doesn’t count toward the 32’ in length.

Mr. Barbour stated that this would be 6’4” in height with the posts. Mr. Mace noted that it would be on the fence line, not around the patio. Mr. Barbour stated that for the past many years they have interpreted that way. A lot of fences have been put up that fit the description of a privacy screen, but are actually a fence. There is no real restriction other than not installing it
less than 10’ from the neighbor’s house unless consented to in writing by the neighbor. It says specifically “house” in the current H (4) section.

Mrs. Stainbrook asked if anyone is interested in putting it back more to a screen as she mentioned earlier. Mr. Tadych stated that he mentioned the same thing. Ms. DeGeorge stated that the word “screen” was never changed. Mr. Tadych stated that we are calling it a fence.

Mr. Mace asked Mrs. Stainbrook if she is saying that the screen can’t be put on the property line as a fence would be. You are now putting in a requirement for it to have a setback off the property line?

Mrs. Stainbrook stated that she is actually suggesting it be a privacy screen specific to a defined patio area. Mr. Tadych stated that is where he is also. Mr. Barbour stated that this can always be taken up later.

Ms. DeGeorge asked why that would be done now, when it hasn’t been done all these years.

Mrs. Stainbrook stated that she thought it was very interesting last week when Mr. Barbour talked about the history of the original ordinance and the intent of it being a privacy screen, specifically not called a fence, because the intent of was to screen a patio area.

Mr. Winzing suggested clarifying the language so it is clear.

Building Director Tuck-Macalla stated that it would be difficult for him to enforce the requirement of a privacy screen around a patio, to be able to say what is a patio and what is not a patio, and how far away from the patio. Mr. Tuck-Macalla likes being able to have the 32’ and cut it off and that way it is clear and concise and there isn’t any gray area. A patio is a little bit gray. A lot of people do put up privacy screens along the street that is well away from their patio, but it does screen their patio.

Mr. Barbour noted that where a problem could occur is when they say that is screening their patio even though it is 50 feet from the patio. If you are trying to screen the patio, you would have to say that it can only be 3 feet from the patio or deck. It would need a lot more laying out. Mr. Barbour stated that he would suggest that if Council discusses that it would be at a later time.

Mayor Koomar suggested visiting his yard where he has a 4’ high fence and a neighbor with a pool and patio. There is a section of fence that goes up for a certain length, and it does screen their patio from his patio, but it is part of that. In smaller yards, and having some type of setback it becomes problematic. The important part is you are allowing a small section for screening for privacy, however you may want to do it as a homeowner.

Ms. Cappi Mercer asked if she could have 300 arborvitae put around her yard, even though it creates privacy and no one could see. Mr. Larry Bennet asked why that is okay and a fence is not. If you want views of the City, both deter, why is there a difference? He stated when he sits in his backyard he cannot see any of his neighbors because of bushes and fence. Vision is blocked and that’s okay, but he couldn’t be doing it with a fence.
Mr. Barbour stated that people would probably say that the landscaping is more aesthetically pleasing than a hard, solid surface.

Mr. Bennet stated that the argument is everybody wants a vision.

Mrs. Stainbrook stated her response is definitely aesthetics.

Mr. Bennet stated that when you say you want vision when you drive through the City, both do not provide that.

Mrs. Stainbrook stated that it is a natural aesthetic versus the hard surfaces.

Mayor Koomar stated that his brother lives in a newer development in Chicago and there is definitely a difference between 6’ high fences all around your property and evergreens and flowering bushes. There is a stark contrast.

Mr. Bennet asked where is the consensus that the committee is getting to go to 5’ in height and not 6’ in height. Are they talking to the public? I heard Mr. Tadych say personally he is against it.

Mr. Tadych stated that he had two calls today on fencing. The committee of three never took a vote, there was no consensus.

Mr. Bennet stated that there is a lot of talk in favor of 6’ in height. Mr. Barbour noted that there is a lot of talk against 6’ in height as well.

Mary Slaman stated that she is 100% against changing the ordinance. She does think it blocks going up to 5’, even at 75% open. There are lots of neighborhoods in Bay Village like mine. I have a street in front of my house, and a street behind. If you go up to 5’ in height, I am not going to be able to see when I back out of my driveway when I go out onto the street, unless you want me to increase my risk of hitting one of the children that may be there. I don’t think you are thinking clearly about this at all. I don’t think you are thinking about neighborhoods that have odd lots, and, again, a street in front and a street behind. I do not think you should take away the 10% because my house is set back farther than my neighbor’s back yard, so a number of feet is blocked just from my house. If he has a privacy fence starting at the back of my house all the way down, you have created a 6’ high fence. I do think it should be a screen, where basically people are going out of their house to their entertainment area, usually not at the back of the yard. Someone with a 200’ linear lot you would give them 20 feet, you would not give them 32 feet, but now you are going to give them 40 feet which is ridiculous because the gradient should be within the 32 feet. You shouldn’t extend it. The way it is written it says 32’ in any direction, so, if this is a law, then Bay has basically been breaking the law all these years adding all the 8’ in either direction or whatever they are doing to grade it down. Why would you continue to break the law and add it now? If there are supposed to be laws, you are supposed to abide by them. If Lake Road has an extension (exception), then I want Longbeach and Park Lane to have an extension as well. If you can’t grant that I think it is discriminatory. We also
have Longbeach Estates which has a longtime grouping of rules that says that fences can’t go higher than 4’ and I would be happy to bring that document in.

Ms. DeGeorge stated that she personally does not think Lake Road should have an exception. She suggested visiting her front yard and seeing that 75% transparency will not block a view.

Mary Slaman stated that she is born and raised in Bay Village, and has lived here her whole life. It is a slippery slope. Once you start getting to 5’ in height, everyone is going to want 6’ in height.

Ms. DeGeorge stated everyone already wants 6’ in height, but that is not how this works.

Ms. Slaman stated that if she were a City Councilman or a Mayor it would be such an honor to represent Bay Village and the Council should really be respecting the people that founded Bay Village. They established 10% perimeter and 4’ high fencing.

Mr. Clark stated that he has to close the discussion because there has already been input from the Committee of the Whole and there is a busy agenda this evening. There is no right answer. It is a very emotional issue, but Council needs to vote on it at some point of time. Mr. Barbour will prepare the changes for first reading on June 3, 2019. We run the risk of doing nothing. It can be voted down as is. Mr. Clark stated that he apologizes, but there are many other items to go through this evening.

Amendments to Chapter 151, Employment Provisions for Bay Village City Employees.

Mr. Clark called upon Human Resource Director Demaline for a summary on the amendments to Chapter 151, Employment Provisions.

Director Demaline stated that the proposed changes came out of the bargaining unit contracts and also suggested changes from an employment consultant who worked with the City previously. Effective January 1, 2020, a monthly surcharge will be placed on the health insurance plan for employees and their dependents who are tobacco users. If a spouse is offered health insurance through their employer and they choose to stay on the City of Bay Village’s plan, there will be a monthly surcharge to stay on the Bay Village plan. Bereavement leave has been changed from the previous policy of date of death to the service, and is now condensed to three days of paid bereavement leave. As of January 1, 2020, when a full time employee begins working they are eligible for health insurance on the first day of the month following the first date of employment. Coverage goes through the last day of the month when employment is ended. Life insurance coverage begins the first of the month following the date of hiring. Life insurance terminates on the last date of employment. This change is from the current policy of immediate coverage.

Mr. Tadych noted that these changes were proposed during wage negotiations. He stated that the changes are part of the contracts that have been agreed upon.

Mr. Clark noted that the surcharges are market standard in the private sector.
Mr. Winzig noted that the Drug Free Workplace and Harassment policies are being eliminated from the ordinance.

Ms. Demaline stated that these policies will be stated in the Employee Handbook which is currently under revision. It is more appropriate to be included in the Employee Handbook.

Mr. Tadych noted that some of the words were in the union contracts and it was decided to remove them from the contracts with the unions’ approval and put them in the Employee Handbook.

An ordinance amending Chapter 151, Employment Provisions, will be introduced for first reading this evening.

Tree Ordinance.

**Mr. Tadych** stated that the Tree Ordinance has been around for some time now and when Mr. Ebert was Acting Mayor he asked the Tree Commission to do something about saving more of the trees in the City. The Tree Commission has met with Council and discussed this issue. The Council minutes of that discussion were provided to Council as well as the existing ordinance and the proposed new ordinance. The attempt is to save trees in the City. In the springtime when we drive through the City and see trees, it is a reminder that this is Bay Village, how important the trees are, and how they make the City what it is. The Tree Ordinance is written to maintain the tree canopy of the City.

Mr. Clark stated that annually Council did increase the appropriation for trees. Mr. Tadych stated that this year monies are allocated for a tree inventory program. It is an interesting concept which allows the placement of a value on a tree by answering certain questions.

Mr. Tadych stated that he is open to receiving comments from the Council, not necessarily this evening, and to move forward with the new tree ordinance.

Mr. Clark suggested placing this on the agenda at one of the first meetings in June, noting that there is agreement that the tree canopy is what makes Bay Village special.

Mr. Tadych asked that questions concerning the Tree Ordinance be directed to him and he will respond prior to the meeting when the ordinance will be discussed.

**ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace**

**Mr. Mace** had no report this evening.

**FINANCE & CLAIMS COMMITTEE-Tadych**

Adoption of Note Ordinances at Regular Meeting of Council.
Mr. Tadych will move for adoption of the anticipatory bond notes at the Regular Meeting of Council this evening. The notes represent $5,300,000 in renewal and new debt for the City.

Tax Budget 2020.

Mr. Tadych will introduce a Resolution at the Regular Meeting of Council this evening for the 2020 Tax Budget of the City of Bay Village. The budget is standard millage that remains the same as previous years. He noted that there is millage that has not been used, although voted in by the residents, including the paramedic millage of the allowed 2.5 mills of which 2.2 mills is used. The total millage for the City is 8.26 which includes General Fund of 6.88 mills and Fire and Police Pension of .69 for each. Of the 9 mills that have been approved by the voters, the City is only using 8.26 mills.

Finance Director Mahoney stated that the Tax Budget must be presented to the Cuyahoga County Budget Commission by mid-July annually.

Comprehensive Liability Insurance Update.

Finance Director Mahoney stated that in 2018 the City did an extensive bidding process for Comprehensive Liability Insurance. Council voted to stay with the McGowan Insurance Agency for three years. The premium has gone up 11.35% from the previous $138,516 to $154,235 which includes increasing the deductible amount from $1,000 to $5,000. If the same deductible is kept, the actual premium goes up a little over 13% to $156,924.

A representative of McGowan Insurance Company will address Council on June 3, 2019. Mrs. Mahoney stated that the premium increase is based on revenue projection, as well as large claims during the past year. The 2017 to 2018 year had just over $143,000 in claims. This year to date the claims are just under $7,000. The average claim experience over the last four years is about $54,000.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Ms. Maier will schedule a Planning, Zoning, Public Grounds and Buildings Committee meeting for June 10, 2019 at 6:30 p.m. to discuss and bring forward the vacant housing legislation.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Approval of Contract for Crack Sealing of Roads.

Mrs. Stainbrook will introduce an ordinance to enter into a contract with American Pavement Company for the crack sealing of roads throughout the City. There were two bids for the project with a large difference of $109,000. Mr. Liskovec requested more detail and is pleased to present the proposed contract after extensive review of the proposals and checking of references with previous contract holders. Work will be completed by the end of August.
RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

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. Second Reading at Regular Meeting of Council.

Mr. Winzig will introduce an ordinance for second reading this evening at the Regular Meeting of Council enacting Section 539.07 (i) of the Codified Ordinances of the City of Bay Village to prohibit smoking in parks.

NatureWorks Grant Application for Bradley Park Playground.

Mr. Winzig will introduce a Resolution and move for adoption to approve an application for funding for additional playground equipment for Bradley Road Park playground, Phases 2 and 3 of renovation. The residents are quite pleased with the progress of the renovation to date. Mr. Winzig complimented the Service Department for their work in installing new equipment and Recreation Director Enovitch on the playground features that have been chosen.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Electrical Power Aggregation.

Ms. DeGeorge will introduce an ordinance, and move for adoption at the Regular Meeting of Council this evening to authorize an agreement with Sustainable Energy Services (SES) for utility services. Mayor Koomar stated that First Energy Solutions offer was the best at 5.04 cents per kilowatt hour and that is a fixed rate that represents a 7% savings for customers. A communication strategy will be created to inform residential customers.

Mr. Clark stated that this is a reduction of current electrical costs to residents who voted affirmatively on an aggregation plan in 2010.

There being no further discussion, the meeting adjourned at 8:12 p.m.

Dwight A. Clark, President of Council                Joan Kemper, Clerk of Council
To: Council

Date: May 31, 2019

Re: Fence Ordinance Option I or II

Two versions of the Fence Ordinance are included in your packet. Both address the necessary changes to the privacy screens. Option I includes the change to five feet, 75% open for rear and side yard fences. Option II leaves those sections untouched. After discussing as a Committee, having two options ready for your vote will hopefully advance this topic to the final stage.

Mark Barbour
Law Director, City of Bay Village

MEB:jt
ORDINANCE NO.
INTRODUCED BY: 

ORDINANCE
AMENDING CHAPTER 1163 OF THE CODIFIED ORDINANCES OF 
THE CITY OF BAY VILLAGE BY AMENDING SECTION 1163.05 RELATING TO 
FENCE REGULATIONS AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Chapter 1163.05 which presently reads as follows:

“1163.05 - Fence regulations.

(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) Any yard.

(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

(2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

(3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, windbreak or dog run, shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

(4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.

(5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

(6) No electrified or barbed wire fence shall be erected or installed in any location.

(7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) Front yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.
(e) **Rear yard.** Fences within the rear yard shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(f) **Side yards.** Fences within side yards shall not exceed four feet, four inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public sidewalk. (Ord. 04-140. Passed 11-15-04.)

(g) **Lakefront yard.** Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) **Privacy screen.**
   
   (1) A privacy screen may be constructed only behind the established building setback line or building line whichever is greater so that the length of the screen shall not exceed ten percent of the perimeter of the total lot.

   (2) The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

   (3) The privacy screen shall not exceed 32 feet in any direction.

   (4) No privacy screen between four feet, four inches and six feet, six inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) **Adjacent to nonresidential uses.** Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) **Temporary wildlife fences.** Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

   (1) Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

   (2) Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

   (3) Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.

   (4) Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.
be and the same is amended to read:

“CHAPTER 1163.05 – FENCE REGULATIONS

(a) **General.** Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) **Placement.** Fences shall be confined to the area within the lot line of the fence owner’s property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) **Any yard.**

   (1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

   (2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

   (3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, or windbreak or dog run, shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

   (4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.

   (5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

   (6) No electrified or barbed wire fence shall be erected or installed in any location.

   (7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) **Front yard.** Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.

(e) **Rear yard.** Fences within the rear yard shall not exceed four feet, five inches in height. The fence posts shall not exceed four feet, six inches in height. Fences shall be setback at least one foot from public sidewalk. **The fences any fence greater than four feet, four inches shall have a minimum of 75 percent open area.**

(f) **Side yards.** Fences within side yards shall not exceed four feet, five inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public
sidewalk. (Ord. 04-140. Passed 11-15-04.)

Any fence greater than four feet, four inches shall have a minimum of 75 percent open area.

(g) **Lakefront yard.** Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) **Privacy screen.**

(1) A privacy screen may be constructed only behind the established building setback line or building line, whichever is greater, so that the total length of the screen shall not exceed ten percent of the perimeter of the total lot 32 feet. In addition, the privacy screen may have a transitional section not to exceed eight feet in length in either direction that provides a gradual decrease in height from six feet, four inches to four feet four inches, to be approved by the Building Director.

(2) The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

(3) The privacy screen shall not exceed 32 feet in a single direction.

(4) (3) No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors’ houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) **Adjacent to nonresidential uses.** Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) **Temporary wildlife fences.** Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

(1) Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

(2) Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

(3) Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.

(4) Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.

(Ord. 10-70. Passed 6-21-10.)"
and present 1163.05 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 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.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK

__________________________
MAYOR

05.07.19 jt
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING CHAPTER 1163 OF THE CODIFIED ORDINANCES OF
THE CITY OF BAY VILLAGE BY AMENDING SECTION 1163.05 RELATING TO
FENCE REGULATIONS AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Chapter 1163.05 which presently reads as follows:

“1163.05 - Fence regulations.

(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) Any yard.

(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

(2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

(3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, windbreak or dog run, shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

(4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.

(5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

(6) No electrified or barbed wire fence shall be erected or installed in any location.

(7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) Front yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.
(e) **Rear yard.** Fences within the rear yard shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(f) **Side yards.** Fences within side yards shall not exceed four feet, four inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public sidewalk. (Ord. 04-140. Passed 11-15-04.)

(g) **Lakefront yard.** Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) **Privacy screen.**

(1) A privacy screen may be constructed only behind the established building setback line or building line whichever is greater so that the length of the screen shall not exceed ten percent of the perimeter of the total lot.

(2) The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

(3) The privacy screen shall not exceed 32 feet in any direction.

(4) No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) **Adjacent to nonresidential uses.** Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) **Temporary wildlife fences.** Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

(1) Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

(2) Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

(3) Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.

(4) Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.
Ordinance – Chapter 1163.05
Final Opt.2

(Ord. 10-70. Passed 6-21-10.)”

be and the same is amended to read:

“CHAPTER 1163.05 – FENCE REGULATIONS

(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) Any yard.

(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

(2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

(3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, or windbreak or dog run, shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

(4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.

(5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

(6) No electrified or barbed wire fence shall be erected or installed in any location.

(7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) Front yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.

(e) Rear yard. Fences within the rear yard shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(f) Side yards. Fences within side yards shall not exceed four feet, four inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public sidewalk. (Ord. 04-140. Passed 11-15-04.)
(g) **Lakefront yard.** Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) **Privacy screen.**

1. A privacy screen may be constructed only behind the established building setback line or building line, whichever is greater, so that the **total** length of the screen shall not exceed ten percent of the perimeter of the total lot **32** feet. **In addition, the privacy screen may have a transitional section not to exceed eight feet in length in either direction that provides a gradual decrease in height from six feet, four inches to four feet four inches, to be approved by the Building Director.**

2. The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

3. The privacy screen shall not exceed **32** feet in a single direction.

4. **No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.**

(i) **Adjacent to nonresidential uses.** Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) **Temporary wildlife fences.** Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

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2. Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

3. Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.

4. Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.

(Ord. 10-70. Passed 6-21-10.)”

**and present 1163.05 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 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.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK

__________________________
MAYOR

05.21.19 jt
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
FIXING THE SALARY OF THE PRESIDENT AND MEMBERS OF COUNCIL AND REPEALING ORDINANCE NO 17-56, AND DECLARING AN EMERGENCY.

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

SECTION 1. That effective on the dates listed below, the salaries for the office of President of Council and Members of Council shall be as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
<th>Effective Date</th>
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<tr>
<td>President of Council</td>
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<td>1/1/2020</td>
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<tr>
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<td>1/1/2021</td>
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<tr>
<td></td>
<td>$12,750 per annum</td>
<td>1/1/2022</td>
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<tr>
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<td>$12,000.00 per annum</td>
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<td></td>
<td>$12,000.00 per annum</td>
<td>1/1/2021</td>
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<tr>
<td>Councilman-at-Large whose</td>
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<td>1/1/2021</td>
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<td>$12,000.00 per annum</td>
<td>1/1/2023</td>
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<tr>
<td>Councilman-at-Large whose</td>
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<td>$10,496.00 per annum</td>
<td>1/1/2021</td>
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SECTION 2. That ordinance No. 17-56 be and the same is hereby repealed.

SECTION 3. That the Clerk of Council is directed to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County immediately upon its adoption and approval by the Mayor.

SECTION 4. 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 5. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide said compensation before deadline, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

5-30-19 jk
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<th>Bidder (firm, name, phone number)</th>
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<th>Coupon Rate</th>
<th>Par x Coupon</th>
<th>Premium</th>
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May 20, 2019

Ms. Kathryn Kerber
Administrative Project Leader
City of Bay Village
350 Dover Center Road
Bay Village, Ohio 44140

Dear Ms. Kerber,

This letter is a request for a resolution from the City of Bay Village as required by the Ohio Department of Natural Resources (ODNR) and the Army Corps of Engineers for a shore structure. Please forward the enclosed application to the appropriate personnel.

We are requesting a formal written resolution from the City regarding the approval of shore structure for the Hartman residence located at 27126 Lake Road, Bay Village, Ohio 44140, as enclosed, on the submerged lands of Lake Erie adjacent to the property; PP# 203-12-003, with the Submerged Lands Lease #SUB-2353-CU.

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

Per ODNR’s preference, please do not describe the proposed structures in detail. Instead, refer to the project as “the proposed shore structure,” so that it will be more easily accepted by ODNR.

Please consider and act on my request for this resolution or ordinance at: 27126 Lake Road, Bay Village, Ohio 44140.

Please let us know if you need anything further.

Thank you,

[Signature]
James Schilens
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
APPROVING USE BY CRAIG AND LAURI HARTMAN OF 
SUBMERGED LANDS OF LAKE ERIE FOR SHORELINE IMPROVEMENTS, 
AND DECLARING AN EMERGENCY.

WHEREAS, Craig and Lauri Hartman, 27126 Lake Road, Bay Village, Ohio 44140, are 
in need of a lease with the Ohio Department of Natural Resources for use of submerged lands to 
construct the proposed structure as described in Submerged Land Lease Application, SUB-2353- 
CU; and

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

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

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

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

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

SECTION 3. That this Council finds and determines that all formal actions of this 
Council concerning and relating to the passage of this resolution were taken in an open meeting of 
this 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 4. That this resolution is hereby declared to be an emergency measure 
immediately necessary for the preservation of the public peace, health, safety and welfare, and for 
the further reasons stated in the preamble hereof, wherefore this resolution shall be in full force 
and take effect immediately upon its passage and approval by the Mayor.
Resolution – Submerged Lands, Hartman

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

05.23.19 jt
A RESOLUTION
CERTIFYING UNPAID GRASS CUTTING AND CLEANING CHARGES
TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That pursuant to Section 521.11 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of grass cutting and cleaning charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid grass cutting and cleaning charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2019 tax duplicate for collection in semi-annual installments.

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

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

053019
jk
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID TREE REMOVAL CHARGES TO THE
CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That pursuant to Section 547.15 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of tree removal charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid tree removal charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2019 tax duplicate for collection in semi-annual installments.

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

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

______________________________  ______________________________
PRESIDENT OF COUNCIL  CLERK OF COUNCIL

APPROVED:

______________________________  ______________________________
MAYOR  053019 jk
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID SEWER RENTAL AND REFUSE COLLECTION
CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That pursuant to Section 921.05 and Section 923.04 of the Codified
Ordinances of the City of Bay Village it is hereby determined and declared the list of sewer rental
and refuse collection charges on file in the office of the Director of Finance of the City, which list
is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is
hereby directed to do all things necessary to cause said unpaid sewer rental and refuse collection
charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the
Fiscal Officer is hereby requested, pursuant to statute, to cause said sewer rental charges to be
extended in the 2019 tax duplicate for collection in semi-annual installments.

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

SECTION 3. That this resolution shall be in full force and effect at the earliest time
permitted by law.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

052019 jk
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID SIDEWALK REPAIR AND/OR CONSTRUCTION CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, AND DECLARING AN EMERGENCY.

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

SECTION 1. That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of sidewalk repair and/or construction charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid sidewalk repair and/or construction charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2019 tax duplicate for collection in semi-annual installments.

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

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

________________________________________
PRESIDENT OF COUNCIL

________________________________________
CLERK OF COUNCIL

APPROVED:

________________________________________
MAYOR

053019 jk
Joan Kemper

From: Sue Kohl
Sent: Thursday, May 23, 2019 3:37 PM
To: Joan Kemper
Cc: Mark Barbour
Subject: FW: Scout Troop information

Joan,

Please see highlighted info below and place on the Cahoon Park Trustees agenda for June 3rd. Paul asked Mark Barbour to speak to Denise about their request.

Thank you.
Sue

From: Paul Koomar
Sent: Thursday, May 23, 2019 3:24 PM
To: Sue Kohl <skohl@cityofbayvillage.com>; Mark Barbour <mbarbour@cityofbayvillage.com>
Subject: Re: Scout Troop information

Only trustees can grant approval. please connect them with Mark to discuss, there would be insurance requirements.

Paul A. Koomar
Mayor
City of Bay Village
440-899-3415
350 Dover Center Road
Bay Village, Ohio 44140

------- Original message -------
From: Sue Kohl <skohl@cityofbayvillage.com>
Date: 5/23/19 3:21 PM (GMT-05:00)
To: Paul Koomar <pkoomar@cityofbayvillage.com>, Mark Barbour <mbarbour@cityofbayvillage.com>
Subject: FW: Scout Troop information

Paul and Mark,

Please see information below about an overnight at the Cahoon Cabin. As it is in Cahoon Park won’t they need permission from the Trustees? Let me know and I will forward to Joan for the agenda.

Thanks.
Sue

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From: Denise Day [mailto:daydenise24@yahoo.com]
Sent: Thursday, May 23, 2019 2:33 PM
To: Sue Kohl <skohl@cityofbayvillage.com>
Subject: Scout Troop information

Hi Sue,
I have spoken with Eric Eakin at the Bay Village Histrocial Society about an overnight at the Cahoon Cabin on June 6/7th. The Historical Society has said it would be alright with them. They said to contact you to keep you in the loop. This is a simple over night - there will be no fire. We will walk in and set up some tents by the cabin. We will have some games to play and will cover the history of the cabin. We will have a light snack and then have lights out at 10:30 pm. We plan to leave by 9:00 am on Saturday.

Also, I have some Scout's who have made Eagle. What information do they need to provide to your office? I know you had sent this a couple years ago, but I can not locate what information was needed.

Thanks,

Denise Day
595 Columbia Road
Bay Village, Oh 44140
440-478-8840