Agenda, Bay Village City Council
Regular Meeting, Council Chambers

June 3, 2019
8:00 p.m.

Dwight A. Clark, President of Council, Presiding
Roll Call
Pledge of Allegiance led by Vice President of Council and Ward 1 Councilman David L. Tadych

Reading of Minutes – Regular Meeting of Council held May 20, 2019

ANNOUNCEMENTS

REPORTS

Mayor Koomar
Director of Law Barbour
Director of Finance Mahoney
Director of Recreation Enovitch
Director of Public Service and Properties Liskovec
Human Resources Director Demaline
Director of Community Services Selig
Police Chief Spetzel
Fire Chief Lyons
Director of Building Eric Tuck-Macalla

AUDIENCE

COMMUNICATIONS

COMMITTEE OF THE WHOLE

Ordinance No. 19-45 enacting revised Codified Ordinance Chapter 151, Employment Provisions, and declaring an emergency. (Second Reading) (First Reading May 20, 2019).

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace

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. (First Reading)

Resolution approving use by Craig and Lauri Hartman of Submerged Lands of Lake Erie for Shoreline Improvements, and declaring an emergency.

FINANCE AND CLAIMS-Mr. Tadych

RESOLUTION No. 19-46 adopting a Tax Budget for the City of Bay Village for the Fiscal Year Beginning January 1, 2020, submitting same to the County Fiscal Officer, and declaring an emergency. (Second Reading) (First Reading May 20, 2019).
Ordinance amending Ordinance No. 18-52 authorizing the Mayor to enter into an agreement with McGowan Insurance Agency as agents of Argonaut Insurance, and declaring an emergency. (First Reading)

Resolution certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Resolution certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Resolution certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Resolution certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Ordinance fixing the salary of the President and Members of Council and repealing Ordinance No. 17-56, and declaring an emergency. (First Reading)

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE-Ms. Maier

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mrs. Stainbrook

Motion to authorize the Director of Public Service and Properties to advertise for bids for the installation of two crosswalks, one at Lake Road and Cahoon Road, and one at Lake Road and Columbia Road.

RECREATION AND PARK IMPROVEMENTS COMMITTEE -Mr. Winzig

Motion to authorize the Director of Public Service and Properties to advertise for bids for renovation of Reese Park Tennis Courts.

ORDINANCE No. 19-43 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. (Consideration for Adoption) (First Reading May 13, 2019) (Second Reading May 20, 2019).

SERVICES, UTILITIES & EQUIPMENT COMMITTEE -Ms. DeGeorge
MISCELLANEOUS

Motion to convene to Executive Session regarding Contracts – Capital Projects.

ADJOURNMENT
June 3, 2019
Agenda
Regular Meeting of Council

Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency.

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.
CITY OF BAY VILLAGE

Council Minutes, Regular Meeting                         May 20, 2019
Council Chambers 8:16 p.m.

Dwight A. Clark, President of Council, presiding

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 Eric Tuck-Macalla.

AUDIENCE

Mary Slaman, Sylvia Milhoan.

Mr. Clark called the Regular Meeting of Council to order at 8:16 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Councilwoman-at-large Nancy Stainbrook.

Mr. Clark called for a reading of the minutes of the Special Meeting of Council held May 13, 2019. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Special Meeting of Council held May 13, 2019 as prepared and distributed.

Motion carried 5-0-2 (Mr. Clark and Mr. Winzig abstained).

REPORTS

Law Director Barbour had no report this evening.

Finance Director Mahoney had no report this evening.

Director of Recreation Enovitch reported that the City swimming pool is about 80% filled and will be opening on Saturday, June 1. Director Enovitch encouraged the purchase of pool passes and noted that pass photographs will be updated this year.

Director of Public Service and Properties Liskovec stated that the Queenswood Bridge Project is ten to fourteen days behind schedule due to excavation and shale problems, but still on a good pace to finish close to the original target date. Project costs remain the same at this point in time. The extra excavation does result in an additional $25,000 for which there are contingencies built into the contract.

The Lake Road Bridge Project is progressing with the abutment form work, pouring those in different lifts as the concrete curing process allows them to move forward.
Minutes of Regular Meeting  
Bay Village City Council  
May 20, 2019

The Road Resurfacing Project is proceeding satisfactorily with the contractor making casting adjustments and concrete repairs, which are about 50% complete.

The start date for the Columbia Road Culvert Project is June 15, 2019. There were conflicts with the coordination of utilities that delayed the original start date.

Sixmo Architects will move forward with the Fire Station Project and the Cahoon Memorial Park Multi-Purpose Facility.

Mr. Clark noted that road resurfacing is underway in Ward 3 at this time, and it appears that much of the infrastructure work has been done. He asked if the contractor is on pace for completion as scheduled. Mr. Liskovec stated that they are ahead of schedule, with crews assigned to different sections, and more staff on site than has been seen from other companies in the past.

Mayor Koomar stated that getting the projects out to bid early in the year is helpful and it is positive to have much of this work done before the warm weather arrives.

Mr. Clark commented that there are different qualities of crews out as well, and the earlier the contracts are signed seems to work better for the City.

Mr. Clark asked if there is any update on the Sunset Improvement Project at this time. Mr. Liskovec stated that Chagrin Valley Engineering is still working on the preparation of easement documents. Mayor Koomar stated that he is expecting a motion to approve advertising for bids on the June 3, 2019 agenda of Council.

Mr. Clark stated that as these construction and pre-construction meetings are held, Council would like to have as much information as possible about these various projects and where they stand. Mayor Koomar stated that City Engineer Don Bierut will be at the June 3 meeting of Council to provide an update.

**Human Resource Director Demaline** reported that the City of Bay Village is the recipient of the Workplace Wellness Grant through the Bureau of Workers’ Compensation for the second year of a three year grant application. The amount of $3,075 has been received for the City’s Wellness Plan.

The City will change their rating plans with the Bureau of Workers’ Compensation beginning January 1, 2020 from an Individual Retro Rated Plan to a Group Retro Plan with 86 other municipalities in the State of Ohio, including 16 municipalities in Cuyahoga County. Mr. Clark noted that sharing the risk will hopefully reduce the financial liability in the future. The City must re-enroll into the group rating plan annually.

**Fire Chief Lyons** reported of the recent purchase of equipment and training of firefighters to increase their level of safety. The department purchased, for each of the firefighters, a bail-out setup which was created after an incident in New York City some years ago when six firefighters
lost their lives when being trapped a few stories up in a building. Since that incident there has been a nationwide movement to provide firefighters with a bail-out option, where they can hook into something and actually let themselves out a window. National experts trained the Bay Village firefighters last week, and they are now safer for a relatively small investment. Chief Lyons expressed appreciation to the City for this additional equipment and training.

**Building Director Tuck-Macalla** reported that the Residential Code of the State of Ohio will be changed on July 1. Director Tuck-Macalla and his staff attended classes last week to be brought up to date on the changes. Additional classes will be held before July 1.

Mr. Clark asked if the progress of the Building Department in relation to contractors continues to be good. Director Tuck-Macalla stated that they have had a lot of positive feedback. Mr. Clark noted that he has heard good words. Mr. Barbour noted that the calls to the Law Department have diminished. Mayor Koomar stated that there are still ancillary duties as part of the process and fine tuning of returning the Building Department to the City.

Mayor Koomar noted that **Director of Community Services Leslie Selig** returned to work on a 6-hour per day basis for this week, and full strength beginning next week. The team at the Community Services Department did a wonderful job of pinch hitting while Mrs. Selig was out.

**AUDIENCE**

**Sylvia Milhoan**, Canterbury Road, stated that she is opposed to changes in the fencing regulations. Ms. Milhoan is a realtor in Bay Village and shows houses here, and commented that one of the great things is to be able to have open views.

**COMMITTEE OF THE WHOLE**

**Mr. Clark** introduced Ordinance No. 19-45 enacting revised Codified Ordinance Chapter 151, Employment Provisions, and declaring an emergency.

Mr. Barbour announced that Ordinance No. 19-45 is placed on first reading.

**ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace**

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

**FINANCE AND CLAIMS-Mr. Tadych**

**Mr. Tadych** read, by title only, ORDINANCE 19-34, as amended, providing for the issuance and sale of $727,202 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving streets and related bridges by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency, and moved for adoption. (First Reading May 6, 2019) (Second Reading May 13, 2019).
There being no further discussion, Mr. Clark called for a vote on the motion for adoption of **Ordinance No. 19-34**.

**Roll Call on Suspension of the Charter Rules:**
- Yeas- Clark, DeGeorge, Maier, Stainbrook, Tadych, Winzig.
- Nays- None.
- Abstained – Mace

**Roll Call on Suspension of the Council Rules:**
- Yeas –Clark, DeGeorge, Maier, Stainbrook, Tadych, Winzig.
- Nays –None.
- Abstained - Mace

**Roll Call on Inclusion of the Emergency Clause:**
- Yeas – Clark, DeGeorge, Maier, Stainbrook, Tadych, Winzig.
- Nays – None.
- Abstained - Mace

**Roll Call on Adoption:**
- Yeas– Clark, DeGeorge, Maier, Stainbrook, Tadych, Winzig.
- Nays –None.
- Abstained – Mace

Mr. Barbour announced adoption of Ordinance No. 19-34, an emergency measure, with a vote of 6-0-1.

**Mr. Tadych** read, by title only, **Ordinance No. 35**, as amended, providing for the issuance and sale of $2,715,933 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by council and (ii) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the city’s department of public services and properties, and declaring an emergency, and moved for adoption. (First Reading May 6, 2013) (Second Reading May 13, 2019).

Mr. Tadych commented that these are last year’s notes that have rolled over. Mr. Clark stated that the combination of these ordinances are some new money and some refinancing of existing debt.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of **Ordinance No. 19-35**.

**Roll Call on Suspension of the Charter Rules:**
- Yeas- DeGeorge, Maier, Stainbrook, Tadych, Winzig, Clark.
- Nays- None.
- Abstained – Mace

**Roll Call on Suspension of the Council Rules:**
Minutes of Regular Meeting  
Bay Village City Council  
May 20, 2019

Yeas – DeGeorge, Maier, Stainbrook, Tadych, Winzig, Clark.  
Nays – None.  
Abstained - Mace  

Roll Call on Inclusion of the Emergency Clause:  
Yeas – DeGeorge, Maier, Stainbrook, Tadych, Winzig, Clark.  
Nays – None.  
Abstained - Mace  

Roll Call on Adoption:  
Yeas – DeGeorge, Maier, Stainbrook, Tadych, Winzig, Clark.  
Nays – None.  
Abstained – Mace  

Mr. Barbour announced adoption of Ordinance No. 19-35, an emergency measure, with a vote of 6-0-1.

Mr. Tadych read, by title only, ORDINANCE No. 19-36, as amended, providing for the issuance and sale of $387,865 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the city’s parks and recreational facilities by constructing improvements to the rose hill museum, tennis courts and restroom facilities and the Lake Erie shoreline, and declaring an emergency, and moved for adoption. (First Reading May 6, 2013) (Second Reading May 13, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-36.

Roll Call on Suspension of the Charter Rules:  
Yeas- Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.  
Nays- None.  
Abstained – Mace  

Roll Call on Suspension of the Council Rules:  
Yeas –Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.  
Nays –None.  
Abstained - Mace  

Roll Call on Inclusion of the Emergency Clause:  
Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.  
Nays – None.  
Abstained - Mace  

Roll Call on Adoption:  
Yeas– Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.  
Nays –None.  
Abstained – Mace  

Mr. Barbour announced adoption of Ordinance No. 19-36, an emergency measure, with a vote of 6-0-1.
Mr. Tadych read, by title only, ORDINANCE No. 19-37, as amended, providing for the issuance and sale of $850,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring a fire truck and appurtenant equipment for use in performing the functions of the city’s fire department, and declaring an emergency, and moved for adoption. (First Reading May 6, 2013) (Second Reading May 13, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-37.

Roll Call on Suspension of the Charter Rules:
Yeas- Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays- None.
Abstained – Mace

Roll Call on Suspension of the Council Rules:
Yeas –Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays –None.
Abstained - Mace

Roll Call on Inclusion of the Emergency Clause:
Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.
Abstained - Mace

Roll Call on Adoption:
Yeas– Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays –None.
Abstained – Mace

Mr. Barbour announced adoption of Ordinance No. 19-37, an emergency measure, with a vote of 6-0-1.

Mr. Tadych read, by title only, ORDINANCE No. 19-38, as amended, providing for the issuance and sale of $125,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring computer software for use in performing the administrative functions of the city, and declaring an emergency, and moved for adoption. (First Reading May 6, 2013) (Second Reading May 13, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-38.

Roll Call on Suspension of the Charter Rules:
Yeas- Stainbrook, Tadych, Winzig, Clark, DeGeorge, Maier
Nays- None.
Abstained – Mace

Roll Call on Suspension of the Council Rules:
Yeas –Stainbrook, Tadych, Winzig, Clark, DeGeorge, Maier.
Nays – None.
Abstained - Mace

Roll Call on Inclusion of the Emergency Clause:
Yeas – Stainbrook, Tadych, Winzig, Clark, DeGeorge, Maier.
Nays – None.
Abstained - Mace

Roll Call on Adoption:
Yeas – Stainbrook, Tadych, Winzig, Clark, DeGeorge, Maier.
Nays – None.
Abstained – Mace

Mr. Barbour announced adoption of Ordinance No. 19-38, an emergency measure, with a vote of 6-0-1.

Mr. Tadych read, by title only, ORDINANCE No. 19-39 providing for the issuance and sale of $494,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the city’s department of public services and properties, and declaring an emergency, and moved for adoption.. (First Reading May 6, 2019) (Second Reading May 13, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-39.

Roll Call on Suspension of the Charter Rules:
Yeas- Tadych, Winzig, Clark, DeGeorge, Maier, Stainbrook.
Nays- None.
Abstained – Mace

Roll Call on Suspension of the Council Rules:
Yeas –Tadych, Winzig, Clark, DeGeorge, Maier, Stainbrook.
Nays –None.
Abstained - Mace

Roll Call on Inclusion of the Emergency Clause:
Yeas – Tadych, Winzig, Clark, DeGeorge, Maier, Stainbrook.
Nays – None.
Abstained - Mace

Roll Call on Adoption:
Yeas, Tadych, Winzig, Clark, DeGeorge, Maier, Stainbrook.
Nays –None.
Abstained – Mace

Mr. Barbour announced adoption of Ordinance No. 19-39, an emergency measure, with a vote of 6-0-1.
Mr. Clark advised that with the adoption of these ordinances the City has provided approval of license for Finance Director Mahoney to seek bids for the note program which will close in June. Bids will be opened on Wednesday, May 22, 2019. Mr. Clark thanked Mayor Koomar, the administration, the Finance Director, department heads, the Finance Committee lead by Mr. Tadych, and Council members in taking this very seriously. This was a very deep discussion this year and this is a debt never seen before, but are for projects that are necessary for the City. The City still has strong financial standing. Mr. Clark expressed appreciation also to Squire Patton Boggs who does this work for the City every year.

Mr. Tadych read, by title only RESOLUTION No. 19-46 adopting a Tax Budget for the City of Bay Village for the Fiscal Year Beginning January 1, 2020, submitting same to the County Fiscal Officer, and declaring an emergency. (First Reading).

Mr. Barbour announced that Resolution No. 19-46 is placed on first reading.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE-Ms. Maier

Ms. Maier had no report this evening.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mrs. Stainbrook

Mrs. Stainbrook introduced and read ORDINANCE No. 19-47 authorizing the Mayor to enter into an agreement with American Pavements, Inc. for the 2019 Pavement Crack Seal of areas on Lake Road and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-47.

Roll Call on Suspension of the Charter Rules:
  Yeas- Winzig, DeGeorge, Mace, Maier, Stainbrook, Tadych, Clark.
  Nays- None.

Roll Call on Suspension of the Council Rules:
  Yeas –Winzig, DeGeorge, Mace, Maier, Stainbrook, Tadych, Clark.
  Nays –None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas –Winzig, DeGeorge, Mace, Maier, Stainbrook, Tadych, Clark.
  Nays – None.

Roll Call on Adoption:
  Yeas– Winzig, DeGeorge, Mace, Maier, Stainbrook, Tadych, Clark.
  Nays –None.

Mr. Barbour announced adoption of Ordinance No. 19-47, an emergency measure, with a vote of 7-0.
RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig

Mr. Winzig read, by title only, ORDINANCE No. 19-43 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. (Second Reading) (First Reading May 13, 2019).

Mr. Barbour announced that Ordinance No. 19-43 is placed on second reading.

Mr. Winzig introduced and read RESOLUTION No. 19-48 authorizing the filing of a NatureWorks Grant Application with the Ohio Department of Natural Resources, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-48.

Roll Call on Suspension of the Charter Rules:
Yeas- Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nays- None.

Roll Call on Suspension of the Council Rules:
Yeas – Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas – Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nays – None.

Roll Call on Adoption:
Yeas – Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nays – None.

Mr. Barbour announced adoption of Resolution No. 19-48, an emergency measure, with a vote of 7-0.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Ms. DeGeorge

Ms. DeGeorge introduced and read ORDINANCE No. 19-49 authorizing the Mayor to enter into an agreement with FirstEnergy Solutions Corp. (FES), for the supply of utility services to the inhabitants of the city of Bay Village as Governmental Aggregators, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-49.

Roll Call on Suspension of the Charter Rules:
Yeas- DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
Minutes of Regular Meeting
Bay Village City Council
May 20, 2019

Nays- None.
Roll Call on Suspension of the Council Rules:
  Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
  Nays –None.
Roll Call on Inclusion of the Emergency Clause:
  Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
  Nays – None.
Roll Call on Adoption:
  Yeas– DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
  Nays –None.

Mr. Barbour announced adoption of Ordinance No. 19-49, an emergency measure, with a vote of 7-0.

Mr. Clark expressed appreciation for the good work of Tom and Laura Sherman of Sustainable Energy Services (SES) in locking in electric rates for the City of Bay Village residents for a period of four years.

MISCELLANEOUS

Mrs. Stainbrook stated that the resurfacing project this year is taking place in Ward 3, which is in her neighborhood. The paving company cut the cable as they were working on the improvement related to digging out and resetting manholes. The paving company did not let anyone know, but when service went out residents called in. Spectrum, at first, said there was no outage in the area. The next day Spectrum send out a crew and identified where the paving company cut the cable in one of the areas. They were responsive in terms of splicing it together and getting it back and running, but even by their own admission they aren’t burying their cables deep enough, at six or eight inches. In talking to the people in the neighborhood, everyone had their horror stories about the cables even to the point of where utility companies are running cables through storm and sanitary sewers causing blockage. There are three spots in Mrs. Stainbrook’s area where the cables are above ground. They are not trenching as they should. Mrs. Stainbrook noted that the paving company has been very professional even to the point of offering to move their vehicles to allow residents to park in front of their homes. Mrs. Stainbrook suggested that discussion be brought to the Services and Utilities Company around the proper protocol and perhaps it becomes similar to First Energy where they need to come to a Council meeting once a year and talk about their best practices, or processes and procedures so they understand that things are not as they should be.

Councilwoman DeGeorge asked Law Director Barbour if there are any regulations that cable companies have to follow on a federal or state basis. Mr. Barbour stated that almost all the regulations that apply to cable companies that would come to a place like Bay Village are all state regulations. Communities used to be able to have regulations for the cable providers but that went away several years ago.
Ms. DeGeorge asked if there is anything required in terms of depth of the cable. Mr. Barbour stated that he did not know at this moment, but will research the matter further.

Mr. Liskovec stated that there should be prescribed depths for safety purposes. Ms. Stainbrook stated that many years ago utilities would have to notify cities that they would be doing work and what type of work they would be doing. That went away, and would this be something that could be brought back?

Mayor Koomar stated that a year ago they found a good contact that was able to help residents out that needed some assistance. Mrs. Stainbrook asked that the Mayor let the company know that things are not as they should be. Mr. Liskovec stated that they did have this discussion today in the field with the contractor and they did admit that the line was definitely more shallow. A lot of it has to do with over-trenching for utilities. It can be difficult to find the proper depth, but they do their best.

Mr. Clark noted that the City collects a maximum franchise fee for these cable companies so it is incumbent upon the City to follow up. He noted that he also has exposed cable in his yard.

Mr. Clark stated that Council will not meet on Monday, May 27, 2019 and will participate in the annual Memorial Day parade. The parade will kick off from Huntington Beach at 8:30 a.m.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session at 8:55 p.m. regarding contracts – Chagrin Valley Engineering for Lakeside Cemetery, and Pending Litigation: Workers’ Compensation.

Roll Call Vote: Yeas –Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig. Nays – None.

Motion passed 7-0.

Also in attendance in Executive Session were Mayor Koomar, Law Director Barbour, Finance Director Mahoney, Fire Chief Lyons and Director of Public Service and Properties Liskovec.

Council reconvened in an open meeting at 9:41 p.m. Present were: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, and Winzig.

ADJOURNMENT

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 9:45 p.m.

Dwight A. Clark, President of Council                Joan Kemper, Clerk of Council
NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance of the City of Bay Village Chapter 151 which presently reads as follows:

“CHAPTER 151 - Employment Provisions

EDITOR’S NOTE: Compensation and bond requirements are not included in these Codified Ordinances due to the fact that they are subject to constant change.

151.01 Payment to employees on Military leave. 151.11 Life insurance.
151.02 Payment of City wages during Jury duty. 151.12 Privacy Act rules.
Jury duty. 151.03 Mileage allowance. 151.13 Surety bonds.
151.031 Legitimate expenses. 151.04 Holidays. 151.14 Equal employment opportunity Policies.
151.04 Holidays. 151.05 Vacations. 151.15 Compensation payment.
151.06 Health Insurance. 151.07 Physical examinations. 151.16 Uniforms and uniform Allowances.
151.061 Health Insurance eligibility. 151.08 Sick leave. 151.17 PERS pick up.
151.07 Physical examinations. 151.081 Family Medical Leave Act. 151.18 Drug free Workplace and Harassment Policy.
151.09 Longevity 151.10 Overtime Compensation. 151.19 PERS pickup of additional service Credit.
151.10 Overtime Compensation. 151.20 Whistleblower protection for Employees.

151.01 PAYMENT TO EMPLOYEES ON MILITARY LEAVE.

(a) All regular full-time employees of the City who are on leaves of absence from their Municipal duties in and attendance in the military service, field training or other active duty of the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia, or as members of other Reserve components of the Armed Forces of the United States, shall be entitled to receive for the period of such service, training or active duty not in excess of thirty-one days in any one calendar year, their regular pay, less the pay received for participation in such service, training or other active duty. Reimbursed expenses, travel and subsistence pay and other similar allowances shall not be considered in determining the amount of pay received for such service, training or active duty.
Provisions of this section shall not apply if such military service, field training or other active duty is less than seventy-two consecutive hours or longer than thirty-one consecutive days.

(b) Any such City employee may, at his election, credit all or any portion of such military leave of absence against his regular annual vacation and for such period so charged the employee shall receive his regular vacation pay without deduction for the pay received for such service, training or active duty.

151.02 PAYMENT OF CITY WAGES DURING JURY DUTY.

(a) All City employees shall receive their regular wages for time lost from their work with the City while serving as a member of a municipal, common pleas or federal court jury panel.

(b) In order to qualify for such pay, the employee shall notify his supervisor of such service in advance and upon completion of such service present proof satisfactory to the Director of Finance from the court as to the time spent in such service.

(c) No time spent in such service shall be counted or used for purposes of determining eligibility for overtime pay or compensatory time off.

(d) The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service.

151.03 MILEAGE ALLOWANCE.

All employees and elected officials of the City shall receive, as reimbursement for the use of their personal motor vehicles on City business, a sum in accordance with the mileage allowance under the Internal Revenue Service Regulations, plus parking fees. The Director of Finance shall approve such reimbursement.

151.031 LEGITIMATE EXPENSES.

Tips and gratuities which are included in any legitimate expense shall be paid by the City.

151.04 HOLIDAYS.

(a) (1) All full-time employees of the City, excluding employees covered under separate labor contract, shall have the following days off with pay:

<table>
<thead>
<tr>
<th>New Year's Day</th>
<th>Labor Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin Luther King Day</td>
<td>Veterans Day</td>
</tr>
<tr>
<td>Presidents Day</td>
<td>Thanksgiving Day</td>
</tr>
<tr>
<td>Good Friday</td>
<td>Day After Thanksgiving</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Christmas Day</td>
</tr>
<tr>
<td>July 4th</td>
<td></td>
</tr>
</tbody>
</table>
(2) In the event that any of the aforesaid holidays shall fall on a Saturday or Sunday, when such holiday is not being observed on the preceding Friday or succeeding Monday, such employee shall receive comparable time off with pay on a date designated by the Mayor or the department or division head.

(3) The preceding provision shall not apply to swimming pool personnel or temporary, seasonal or per diem personnel. Refusal on the part of an employee to work on a holiday when requested to do so shall constitute a forfeiture of all benefits of holiday pay under this section. Failure of an employee to work on the scheduled work day preceding and the scheduled work day succeeding the holiday, unless excused by the Mayor or department or division head, or unless on vacation, shall constitute a forfeiture of all benefits of holiday pay under this section.

(b) No employee shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(c) No part time or seasonal employee will receive holiday pay.

151.05 VACATIONS.

(a) Effective January 1, 2014, full time employees shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract. An increase in accrual rate due to increase in longevity will be implemented in the next full pay period following the anniversary date. The Finance Director is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of all City employees entitled to vacation time.

(1) More than thirty but less than forty hour employees. Employees who work less than a forty-hour week shall accrue vacation hours pro-rated, on the basis of a forty-hour week.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year.

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>ANNUAL VACATION IN WEEKS</th>
<th>BI-WEEKLY 35 Hour Week</th>
<th>BI-WEEKLY 40 Hour Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Months to 4 Years</td>
<td>2</td>
<td>2.69 Hours</td>
<td>3.08 Hours</td>
</tr>
<tr>
<td>4 to 10 Years</td>
<td>3</td>
<td>4.04 Hours</td>
<td>4.62 Hours</td>
</tr>
<tr>
<td>10 to 17 Years</td>
<td>4</td>
<td>5.38 Hours</td>
<td>6.15 Hours</td>
</tr>
<tr>
<td>17 to 25 Years</td>
<td>5</td>
<td>6.73 Hours</td>
<td>7.69 Hours</td>
</tr>
<tr>
<td>25 or More Years</td>
<td>6</td>
<td>8.08 Hours</td>
<td>9.23 Hours</td>
</tr>
</tbody>
</table>

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year.
(c) Effective January 1, 2014, unless otherwise agreed by contract, all employees that have accumulated vacation time in excess of three weeks shall be permitted to sell back to the City any accrued time in excess of three weeks by November 30 of each year. The employee shall receive a one-time payment from the City in the first regular pay date in December. No employee will be paid more than three weeks of time under this provision unless approved by both the Mayor and Director of Finance. Any accrued time in excess of three weeks that an employee does not sell back or use prior to December 31 shall be forfeited.

(d) When an employee resigns, retires or dies, salary payments in lieu of unused vacation allowance shall be granted in accordance with the schedule set forth above, provided the employee is leaving in good standing and has given two weeks' notice of the separation, where applicable:

(1) Any employee who has less than one year of service shall not be entitled to a salary payment in lieu of vacation.

(e) Full time years of service accumulated by any employee in one department or division shall be credited to such employee who transfers to another department or division for purposes of computation of vacation time.

(f) No employee of the City shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(g) The period of vacation shall be designated by the Mayor or the appropriate department or division head, or in the case of employees of Council, by Council.

(h) Effective January 1, 2014, no employee of the City shall be permitted to perform work for the City, in any capacity, while simultaneously receiving vacation pay.

(i) No part-time or seasonal employee will receive vacation pay.

(j) Any employee who becomes an employee of the City of Bay Village in a position of Director or Assistant Director after being employed by another political subdivision shall for the purposes of computation of vacation time be credited with the total years of his prior service with such political subdivision. The maximum vacation allowance for such an employee may not exceed 4 weeks for their first year of employment with the City of Bay Village and shall increase by 1 week for each year of continued service until the employee meets the vacation schedule in Section 151.06(a).

151.06 HEALTH INSURANCE.

(a) Effective January 1, 2010, the City shall pay the cost of health insurance determined by the Plan adopted annually by the City of Bay Village.
(b) An election to participate in the group shall be made only at such times as permitted by the insurance carrier.

151.061 HEALTH INSURANCE ELIGIBILITY.

(a) Effective January 1, 2012, the City will provide health, dental, vision and hearing insurance to eligible employees, in accordance with state and federal law. The employee’s share of the cost of such benefits shall be determined annually by the City, unless otherwise agreed by contract.

(b) Eligible employees may receive family or employee only coverage per state and/or federal law and in accordance with the terms of the City of Bay Village's Health Plan.

(c) In lieu of employer sponsored health insurance an opt-out provision is offered as long as proof of coverage from another source is provided to the City, provided that such coverage was not purchased through a public health insurance exchange/marketplace. An employee who elects the opt-out will receive $100 per month in lieu of employee-only coverage or $250 per month in lieu of family coverage.

(d) Health insurance and the opt-out provision will only be offered to employees required to be offered health insurance under the Patient Protection and Affordable Care Act and related regulations.

151.07 PHYSICAL EXAMINATIONS.

(a) Every new employee of the City, except seasonal employees, shall submit to a physical examination, if necessary to the performance of their job duties.

(b) After a period of illness which requires any employee to be absent from his employment for ten consecutive working days or more, the Mayor may require the employee to submit to a physical examination prior to being returned to employment.

(c) Any employee who refuses to undergo such physical examinations as required in subsections (a) through (b) hereof, may be subject to discharge from his employment by the City.

(d) The Mayor shall designate the person who is to perform such physical examinations, and the expenditure of the City funds from the correct account is hereby authorized.

151.08 SICK LEAVE.

(a) Every full-time employee shall be entitled for each completed eighty hours of compensated service to sick leave of 4.6 hours with pay. Such employees may use sick leave, upon approval of the responsible administrative officer of the employing department, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death as set forth in the Employee
Handbook. Said Employee Handbook is incorporated herein and made a part hereof as if fully rewritten herein. For the purpose of this section:

(1) Department heads (excepting the Director of Law) and division chiefs shall be considered to have a work week of 40 hours; and

(2) “Completed compensated service” shall include paid holiday time, paid vacation time and paid sick time.

(b) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job related injury and that employee has entered into a wage continuation agreement with the City.

(c) Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be credited with the unused balance of his accumulated sick leave.

(d) The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted an employee upon or after his retirement or termination of employment.

(e) Payment at Resignation, Retirement or Death.

(1) Each employee with ten or more years of service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Percentage of Annual Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten</td>
<td>25%</td>
</tr>
<tr>
<td>Fifteen</td>
<td>40%</td>
</tr>
<tr>
<td>Twenty</td>
<td>50%</td>
</tr>
</tbody>
</table>

up to a maximum payment of fifty percent (50%) of the employee's annual compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate. Employees who are discharged for cause forfeit all rights to payment under this subsection.

(2) Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

(f) The following circumstances will control the use of "sick leave" time for all employees of the City of Bay Village:

(1) Illness of employee: All regularly scheduled working hours.
(2) Death of employee's: son-in-law, daughter-in-law, or other relatives at the discretion of the respective department director. Sufficient time to attend funeral if scheduled to work, four hours maximum time.

(3) Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee's household.
   A. Days of admittance to and discharge from hospital.
   B. Day of surgery, including child birth.
   C. Time certified as "critical" by attending physician.

(4) Sudden illness or injury: To anyone living in the employee's household. Sufficient time to make temporary arrangements, but no more than four hours.

(g) The following circumstances shall control "bereavement leave" for all employees of the City of Bay Village, which excused leave shall not be charged against accumulated but unused sick leave time and for which the employee shall be compensated as though present in his or her employment with the City.

(1) Death of employee's: employee's spouse, children, step-children, parents, parents-in-law, siblings and/or other relative living in the employee's household.
   Scheduled working hours from time of death through and including day of funeral or memorial services.

(2) Death of employee's: employee's siblings-in-law, grandparents, grandchildren, aunt, uncle and spouses grandparents, grandchildren, aunt and uncle. Day of funeral or memorial services if scheduled to work.

(i) For the purpose of administering the provisions of this section the following procedures shall be followed:

   (1) The Director of Finance shall establish for each employee and each department a sick leave time account.

   (2) Charges against the sum of such accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.

151.09 PAID TIME OFF

(a) Permanent part-time employees compensated on an hourly basis shall earn paid time off at a rate of .0575 hours earned per hour worked, per pay period. When paid time off is used, it shall be deducted from the employee’s credit on the basis of one hour for every one hour absence from scheduled work.

(b) Paid time off may be used when an employee requests scheduled time off upon a twenty-four (24) hour advance notice by the employee and the approval of the employee’s supervisor. Paid time off may be taken with less than a twenty-four (24) hour advance notice at the employee’s supervisor’s discretion.

(c) The maximum amount of paid time off an employee can use in one (1) calendar year is one hundred twenty (120) hours. In the event an employee is on an approved Family
Medical Leave Act (FMLA) absence, any amount of accrued paid time off can be used during the length of the approved FMLA absence.

(d) If PTO is used for an illness or injury refer to Section 151.08-Sick Leave. This article also applies to unused PTO in the event of resignation, retirement or death.

151.091 FAMILY MEDICAL LEAVE ACT (FMLA).

Family Medical Leave shall be granted and administered in accordance with applicable Federal and State laws.

151.10 LONGEVITY.

(a) Effective January 1, 2001, there shall be paid to all non-elected regular full-time employees, excluding employees covered under separate labor contract, additional compensation based on their years of service, at the rate of one hundred dollars ($100.00) per year of service, after completion of five years, to a maximum of three thousand dollars ($3,000).

(b) For new hires after January 1, 2016 the following amendment shall apply: full-time employees shall receive longevity payments after five (5) years of continuous full-time employment in the following table:

<table>
<thead>
<tr>
<th>Years</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-9 years</td>
<td>$500 each year</td>
</tr>
<tr>
<td>10-14 years</td>
<td>$1,000 each year</td>
</tr>
<tr>
<td>15-19 years</td>
<td>$1,500 each year</td>
</tr>
<tr>
<td>20-24 years</td>
<td>$2,000 each year</td>
</tr>
<tr>
<td>25 years and above</td>
<td>$2,500 each year</td>
</tr>
</tbody>
</table>

(c) The calculation of "years of service" shall begin on the anniversary date of the employee's original date of hire by the City.

(d) No individual employed by the City in more than one capacity shall be entitled to the benefits of this compensation in other than his primary department.

(e) Termination of employment, for any reason, either voluntary or involuntary, shall terminate all rights and accrued benefits and eligibility under this section, except that those retiring shall be paid a pro-rated amount at time of retirement. Any employee who retires and is hired full-time by another department of the City shall accrue benefits hereunder as if the employee were a new employee and prior service with the City shall not be counted.

(f) For the purpose of determining the eligibility for longevity only, "full-time" shall be defined as an employee working 35 hours or more each week. The Mayor shall receive longevity only if specifically provided for in the compensation ordinance for the term in question.

(g) The amounts due hereunder shall be paid only to full-time employees, as defined in Section 151.10(e), on the first regular pay date in December.
(h) In addition to the cash payments provided for in this chapter, the Mayor is authorized to present Service Award Pins to those full-time or part-time employees, members of boards and commissions, and such other persons as the Mayor may designate from time to time, whether paid or unpaid, who have at least five years’ service with the City.

(i) Part-time and seasonal employees shall not be eligible for longevity compensation hereunder

151.11 OVERTIME COMPENSATION.

(a) Salaried/Exempt employees shall not be paid overtime for hours worked in excess of forty in workweek, unless otherwise agreed by contract.

(b) Hourly/Non-exempt employees shall receive overtime for hours worked in excess of forty in a workweek

(c) No employee who serves the City in more than one capacity may combine his total work hours for the calendar week for the purposes of overtime computation, but each position work hours are to be counted separately.

(d) Holiday, vacation and sick leave time shall be included in the computation of overtime hours for the calendar week.

(e) Payment of overtime compensation (except that for the Department of Public Safety) shall be made on the first regular payday occurring after the hours have been worked.

151.12 LIFE INSURANCE.

The City shall pay the cost of group term life and accidental death and dismemberment insurance up to a maximum benefit of $50,000 for employees who work thirty (30) hours or more in a given workweek, elect to participate, and are acceptable to the insurance company. However, once obtaining the age of sixty-five (65) said life insurance will be reduced to thirty-two thousand five hundred dollars ($32,500.00) and once obtaining the age of seventy (70) said life insurance will be reduced to twenty five thousand dollars ($25,000.00).

151.13 PRIVACY ACT RULES.

The Mayor is hereby authorized to adopt such written rules and regulations as may be necessary for the purpose of interpreting and enforcing the Ohio Privacy Act, being Ohio R.C. 1347.01 et seq. Such rules and regulations shall not conflict with or waive any privileges as provided by this City's Charter or ordinances. Such rules and regulations shall be on file with the City, and all parties affected shall be advised of their contents.

151.14 SURETY BONDS.
The surety bonds covering the employees of the City shall be as follows:
(a) Mayor - $15,000 public official bond for term of office.
(b) Director of Finance - $50,000 public official bond for an indefinite term.
(c) All other City employees - $25,000 honesty blanket position bond.

151.15 EQUAL EMPLOYMENT OPPORTUNITY POLICIES.

(a) Council formally declares that the City shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), genetic information, marital status, amnesty status as a covered veteran or pregnancy in accordance with applicable federal, state and local laws. The City shall comply with all applicable state and local laws governing non –discrimination in the employment in every location or facility. This policy applies to all terms and conditions of employment, including but not limited to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of personnel practices.

(c) The City expressly prohibits any form of unlawful employee harassment based on sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age or handicap, veteran status or pregnancy. Improper interference with the ability of the City’s employees to perform their expected job duties is absolutely not tolerated.

(d) The Director of Finance, by direction of the Mayor, will have overall responsibility for the implementation of this policy. With the cooperation of appropriate personnel, the Director of Finance will conduct periodic reviews to determine whether or not this policy is being adhered to. Reports of these reviews will be the basis for appropriate action to correct deficiencies.

(e) When outside sources of recruitment are used they shall be informed that the City is an Equal Opportunity Employer and that legal advertisements for bids include the wording, "AN EQUAL OPPORTUNITY EMPLOYER" and that Equal Opportunity clauses be included in all major single purchase orders, leases and contracts.

(f) The Clerk of Council is hereby directed to post, or have posted, a copy of this resolution on all departmental bulletin boards as well as provide a copy of this resolution to all employees of the City.

151.16 COMPENSATION PAYMENT.

(a) Payment dates shall be:
(1) For hourly employees. On February 14, 1975, and every other Friday thereafter, all hourly paid employees shall be paid for all hours worked during the previous two weeks;
(2) For salaried employees and elected officials. All salaried employees and elected officials shall receive their appropriate annual compensation on a bi-weekly basis, payment to be made on the same dates as payment is made to hourly personnel. The Director of Finance shall adjust the pay period rate so that in each calendar year the precise annual compensation is paid regardless of the number of bi-weekly payment dates during the year.

(c) Should any payment date referred to herein fall on a holiday, payment shall be made on the last working day preceding such holiday.

151.17 UNIFORMS AND UNIFORM ALLOWANCES.

(a) Department of Public Safety. Effective January 1, 1998, deputy police officers in the Division of Police shall receive a five hundred dollar ($500.00) uniform allowance at the completion of each 1,040 hours of service.

(2) The above payments may be made at any time during the thirty days following the date on which they are due as may be convenient to the Director of Finance.

(b) Department of Public Service and Properties. Effective January 1, 2016, the Director of Public Services and Properties shall receive a Two Hundred Fifty Dollar ($250.00) uniform allowance, and the Department of Public Service and Properties shall provide a uniform allowance of Eight Hundred Dollars ($800.00) for all full-time employees of the Department whose job requires manual labor outside the office of the Department. This allowance is to be paid within the 1st pay period in February.

(c) Police Chief and Fire Chief. Effective January 1, 2016, the Chief of the Fire Division and the Chief of the Police Division shall receive an allowance of nine hundred dollars ($900.00) uniform allowance. This allowance is to be paid within the 1st pay period in February.

151.18 PERS PICK UP.

(a) Effective July 1, 1993, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof and shall be "picked up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

The City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employee's contribution for each person subject to this "pick up" has been made as provided by the statute.
(b) The "pick up" by the City provided by this section shall apply to all persons that: Are employees of the City who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The City's method of payment of salary to employees who are participants in PERS is hereby modified as follows, in order to provide for a salary reduction pick-up of employee contributions to PERS.

(d) The total salary for each employee shall be the salary otherwise payable under the City policies. Such total salary of each employee shall be payable by the City in two parts: (1) deferred salary and (2) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by PERS to be paid as an employee contribution by that employee, and shall be paid by the City to PERS on behalf of that employee as a pick-up and in lieu of the PERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to PERS based upon an employee's total salary. The total combined expenditures of the City for each employees' total salaries payable under applicable City policies and the pick-up provisions of this section shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The Director of Finance is hereby authorized and directed to implement the provisions of this section to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof so as to enable them to obtain the result in Federal and State tax deferments and other benefits.

151.19 DRUGFREE WORKPLACE.

(a) All employees shall agree to a drug-free workplace program as defined by the State of Ohio Bureau of Workers' Compensation and in accordance with the Ohio Bureau of Workers' Compensation Drug-Free Safety Program-Advanced Level.

151.20 HARASSMENT POLICY.

(a) It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Each person has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate either explicitly or implicitly that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory or non-employees is also prohibited. This conduct includes, but is not limited to:
(1) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions;
(2) Verbal abuse of a sexual nature;
(3) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body;
(4) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs;
(5) Demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct or offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age or military status or sexually orientation is also prohibited.

Any employee who believes that a supervisor's, manager's, other employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible.

The report or complaint should be made to the employee's supervisor or to the department head or personnel manager if the complaint involves the supervisor or manager.

Complaints of harassment are to be handled and investigated under the City's grievance policy, unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be investigated properly in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

Any employee, supervisor or manager who is found to have violated this harassment policy will be subject to appropriate disciplinary action, up to and including termination of employment. The City prohibits any form of retaliation against employees for bringing bonifide complaints or providing information of harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

(b) It is the policy of the City that an employee should have an opportunity to present complaints regarding harassment and to appeal the decision through a dispute resolution or grievance procedure. The City will attempt to resolve promptly all complaints. Employees who believe that they have been improperly harassed are to proceed as follows:

Step 1: Promptly bring the complaint to the attention of the immediate supervisor. If the complaint involves the supervisor, then it is permissible to proceed directly to Step 2.

Step 1a: The supervisor is to investigate the complaint, attempt to resolve it and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the complaint and proposed resolution for file purposes.
Step 2: Appeal the decision of the department head if dissatisfied with the supervisor's decision or initiate the procedure with the department head if Step 1 has been bypassed, because the immediate supervisor is the subject of complaint. Such an appeal or initial complaint must be made in a timely fashion in a written form. The supervisor's version of the complaint and decision will then be submitted in writing as well. The department head will, in a timely fashion, confer with the employee, supervisor, and any other persons considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.

Step 3: Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and the procedures to be followed are similar to those in Step 2. The Mayor may take the necessary steps to review and investigate the complaint and will then issue a written, final and binding decision.

Final decisions on complaints will not be precedent or binding on future complaints. When appropriate, the decisions will be retroactive to the date of the employee's original complaint. Information concerning a complaint is to be held in confidence. Supervisors, department heads and other persons who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Employees are not to be penalized for proper use of the complaint procedure, however, it is not considered proper use if an employee raises complaints in bad faith if solely for the purpose of delay or harassment or repeatedly raises meritless grievance complaints. Implementation of the complaint procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the complaint procedure. The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

151.21 PERS PICKUP OF ADDITIONAL SERVICE CREDIT.

(a) Effective October 1, 1997, employees of the City of Bay Village, described in subsection (b) hereof, may purchase additional service credit, tax-deferred, and the City of Bay Village shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick up (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this pick up deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the City of Bay Village. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the pickup deduction.

(b) The pickup deduction by the City provided by this section shall apply to all persons making the election within the following classes:
All employees, other than seasonal, of the City who are contributing members of the Public Employees Retirement System of Ohio.

(c) The Director of Finance is hereby authorized and directed to implement the provisions of this section to effect the pickup of the payroll deduction for the purchase of additional
service credit to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof.

151.22 WHISTLEBLOWER PROTECTION FOR EMPLOYEES.

(a) If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee’s supervisor or Mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or Mayor, the employee may file a written report with the office of internal auditing created under Section 126.45 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to the Prosecutor, Director of Law, to the Chief of Police, the President of Council, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with Section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in subsection (c) hereof, no employee shall take any disciplinary action against any employee for making any report authorized by subsection (a) hereof, including, without limitation, doing any of the following:

(1) Removing or suspending the employee from employment
(2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled
(3) Transferring or reassigning the employee
(4) Denying the employee promotion that otherwise would have been received;
(5) Reducing the employee in pay or position

(c) Any employee shall make a reasonable effort to determine the accuracy of any information reported under subsection (a) hereof. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee’s appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) hereof.

be and the same is amended to read:

“CHAPTER 151 - EMPLOYMENT PROVISIONS”
151.01 Payment to employees on military leave. 

(a) All regular full-time employees of the City who are on leaves of absence from their Municipal duties and in attendance in the military service, field training or other active duty of the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia, or as members of other Reserve components of the Armed Forces of the United States, shall be entitled to receive for the period of such service, training or other active duty not in excess of thirty-one days in any one calendar year, their regular pay, less the pay received for participation in such service, training or other active duty. Reimbursed expenses, travel and subsistence pay and other similar allowances shall not be considered in determining the amount of pay received for such service, training or other active duty. Provisions of this section shall not apply if such military service, field training or other active duty is less than seventy-two consecutive hours or longer than thirty-one consecutive days. Full-time shall be defined as that term is described and contained in the Compensation Ordinance.
(b) Any such City employee may, at his election, credit all or any portion of such military leave of absence against his regular annual vacation and for such period so charged the employee shall receive his regular vacation pay without deduction for the pay received for such service, training or active duty.

151.02 PAYMENT OF CITY WAGES DURING JURY DUTY. Payment of city wages during jury duty.

(i) All City employees shall receive their regular wages for time lost from their work with the City while serving as a member of a municipal, common pleas or federal court jury panel. Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) In order to qualify for such pay, the employee shall notify his supervisor of such service in advance and upon completion of such service present proof satisfactory to the Director of Finance from the court as to the time spent in such service.

(c) No time spent in such service shall be counted or used for purposes of determining eligibility for overtime pay or compensatory time off.

(d) The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service.

151.03 MILEAGE ALLOWANCE. Holidays.

All employees and elected officials of the City shall receive, as reimbursement for the use of their personal motor vehicles on City business, a sum in accordance with the mileage allowance under the Internal Revenue Service Regulations, plus parking fees. The Director of Finance shall approve such reimbursement.

151.031 LEGITIMATE EXPENSES.

Tips and gratuities which are included in any legitimate expense shall be paid by the City.

151.04 HOLIDAYS.

(a) (1) Full-time employees of the City, excluding employees covered under a separate labor contract, shall have the following days off with pay:

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>January 1</td>
</tr>
<tr>
<td>Martin Luther King Day</td>
<td>January 15</td>
</tr>
<tr>
<td>Presidents Day</td>
<td>January 20</td>
</tr>
<tr>
<td>Good Friday</td>
<td>November 28</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>November 11</td>
</tr>
<tr>
<td>July 4th</td>
<td>July 4</td>
</tr>
<tr>
<td>Labor Day</td>
<td>September 2</td>
</tr>
<tr>
<td>Veterans Day</td>
<td>November 11</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>November 28</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>December 25</td>
</tr>
</tbody>
</table>

Page 2 of 34
151.05 VACATIONS

(a) Effective January 1, 2014, full-time employees shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract. An increase in accrual rate due to increase in longevity will be implemented in the next full pay period following the anniversary date. The Finance Director is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of all City employees entitled to vacation time.

(1) More than thirty but less than forty hour employees. Employees who work more than thirty, but less than a forty-hour week shall accrue vacation hours pro-rated, on the basis of a forty-hour week. Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year, unless otherwise authorized.
Ordinance – Chapter 151

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year.

Mayor. Full time length of service shall be defined as length of service from the last date of hire as a full-time employee.

(c) Effective January 1, 2014, unless otherwise agreed by contract, all employees that have accumulated vacation time in excess of three weeks shall be permitted to sell back to the City any accrued time in excess of three weeks by November 30 of each year. The employee shall receive a one-time payment from the City in the first regular pay date in December. No employee will be paid more than three weeks of time under this provision unless approved by both the Mayor and Director of Finance. Any accrued time in excess of three weeks that an employee does not sell back or use prior to December 31 shall be forfeited.

(d) When an employee with more than one year of service resigns, retires or dies, salary payments in lieu of unused vacation allowance shall be granted in accordance with the schedule set forth above, provided the employee is leaving in good standing and has given two weeks’ notice of the separation, where applicable.

(1) Any employee who has less than one year of service shall not be entitled to a salary payment in lieu of vacation.
(e) Full time years of service accumulated by any employee in one department or division shall be credited to such employee who transfers to another department or division for purposes of computation of vacation time.

(f) No employee of the City shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(g) The period of vacation shall be designated by the Mayor or the appropriate department or division head, or in the case of employees of Council, by Council.

(h) Effective January 1, 2014, no employee of the City shall be permitted to perform work for the City, in any capacity, while simultaneously receiving vacation pay.

(i) No part-time or seasonal employee will receive vacation pay.

(j) Any employee who becomes an employee of the City of Bay Village in a position of Director or Assistant Director after being employed by another political subdivision shall for the purposes of computation of vacation time be credited with the total years of his prior service with such political subdivision. However, the Mayor has discretion concerning the amount of vacation hours based on prior years of experience. The maximum vacation allowance for such an employee may not exceed (4) weeks for their first year of employment with the City of Bay Village and shall increase by (1) week for each year of continued service until the employee meets the vacation schedule in Section 151.06(a).

151.06 HEALTH INSURANCE

(a) Effective January 1, 2010, Full-time and Statutory Full-time employees of the City shall pay the cost of health insurance determined by the Plan adopted annually by the City of Bay Village.

(b) An election are eligible to participate in the group shall be made only at such times as permitted by the insurance carrier.

151.061 HEALTH INSURANCE ELIGIBILITY

(a) Effective January 1, 2012, the City will provide City’s health, dental, vision and hearing insurance to eligible plans. Eligible employees may receive family or employee only coverage in accordance with state and federal law and in accordance with the terms of the City’s Healthcare Plan(s). The City and eligible employees will share the cost of such insurance plans. The employee’s share of the cost of such benefits shall be determined annually by the City, unless otherwise agreed by contract. Full-time and Statutory Full-time shall be defined as the terms that are described and contained in the Compensation Ordinance.
Ordinance – Chapter 151

(b) Eligible employees may receive family or employee only Full coverage per state and/or federal law and in accordance with begins on the second first day of the City month following the date of Bay Village’s Health Plan hire. Coverage terminates on the last day of the month of termination.

(c) In lieu of employer sponsored health insurance an opt-out provision is offered as long as proof of coverage from another source is provided to the City, provided that such coverage was not purchased through a public health insurance exchange/marketplace. An employee who selects the opt-out incentive will receive $100 per month in lieu of employee-only coverage or $250 per month in lieu of family coverage.

(d) Health insurance plans and the opt-out provision will only be offered to employees required to be offered eligible for health insurance under the Patient Protection and Affordable Care Act and related regulations in accordance with state and federal law.

151.07 PHYSICAL EXAMINATIONS.

(a) Every new employee of the City, except seasonal employees, and/or family members on the City’s insurance plan who are regular tobacco users shall submit to a pay a $50 per month total family surcharge.

(f) Working spouses of City employees who are eligible for group health insurance coverage through their employer’s plan shall pay a $75 per month surcharge in 2020 and a $100 per month surcharge in 2021 in order to participate in the City’s health insurance plan, including medical, hospitalization, dental, vision and prescription coverage.

151.06 - Physical examinations.

(a) As a condition of employment, candidates for employment may be required to take and pass a medical/physical examination. The Mayor or his/her designee shall determine the appropriate medical/physical examination necessary to the performance of their job duties and the facility(s) to perform the examination. The City shall be responsible for the costs involved.

(b) After a period of illness which requires any employee to be absent from his employment for twelve (12) or more consecutive working scheduled days or more, the Mayor of the city may require the employee to submit to a medical/physical examination prior to being returned to employment.

(c) Any employee who refuses to undergo such physical examinations as required in subsections (a) through (b) hereof may be subject to discharge from his employment by the City.

(d) The Mayor shall designate the person who is to perform such physical examinations, and the expenditure of the City funds from the correct account is hereby authorized.
151.07 SICK LEAVE

(a) Every full-time employee shall be entitled to receive sick leave hours on the basis of 4.6 hours for each completed eighty (80) hours of compensated service to a maximum of 120 sick leave, upon approval of the responsible administrative officer of the employing department, for absence from work due to illness. Compensated service shall be defined as actual hours worked, vacation, sick and holiday hours. Eligible employees shall receive sick leave pay at their current rate of pay. If during scheduled work hours they are absent due to personal illness, or non-work related injury or exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death as set forth in the Employee Handbook, the responsible administrative officer of the employing department may require an employee upon or after his retirement or termination of employment.

(b) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from an employee’s credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job related injury and that employee has entered into a wage continuation agreement with the City.

(c) Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be credited with the unused balance of his accumulated sick leave.

(d) Any employee who, without resigning or retiring, transfers from another full-time, paid position with another public entity to the City shall be able to transfer the unused balance of accumulated sick leave to the City. Unused balance must be documented by prior public entity before being credited to employee’s account.

(e) The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician’s certificate shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted to an employee upon or after his retirement or termination of employment.

(f) Payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:
Twenty-five percent (25%) after ten years of service
Forty percent (40%) after fifteen years of service
Fifty percent (50%) after twenty years of service
up to a maximum payment of fifty percent (50%) of the employee’s annual base compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee’s estate. Employees who are discharged for cause forfeit all rights to payment under this subsection.

(2) Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

(f) The following circumstances will control the use of “sick leave” time for all employees of the City of Bay Village:

(1) Illness of employee: All regularly scheduled working hours.

(2) Death of employee’s: son-in-law, daughter-in-law, or other relatives at the discretion of the respective department director. Sufficient time to attend funeral if scheduled to work, four hours maximum time.

(3) Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee’s household.
   A. Days of admittance to and discharge from hospital.
   B. Day of surgery, including child birth.
   C. Time certified as “critical” by attending physician.

(4) Sudden illness or injury: To anyone living in the employee’s household. Sufficient time to make temporary arrangements, but no more than four hours.

(g) The following circumstances shall control “bereavement leave” for all employees of the City of Bay Village, which excused leave shall not be charged against accumulated but unused sick leave time and for which the employee shall be compensated as though present in his or her employment with the City.

(1) Death of employee’s: employee’s spouse, children, step-children, parents, parents-in-law, siblings and/or other relative living in the employee’s household.
   Scheduled working hours from time of death through and including day of funeral or memorial services.

(2) Death of employee’s: employee’s siblings-in-law; grandparents; grandchildren; aunt, uncle and spouse; grandparents; grandchildren; aunt and uncle. Day of funeral or memorial services if scheduled to work.

(h) For the purpose of administering the provisions of this section the following procedures shall be followed:

(1) The Director of Finance shall establish for each employee and each department a sick leave time account.

(2) Charges against the sum of such accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.
151.08 - Bereavement Leave

(a) All Full-time, Statutory Full-time and Regular Part-time employees of the City of Bay Village, shall be granted a three day leave of absence, with pay, for the death of an immediate family member. Full-time, Statutory Full-time and Regular Part-time shall be defined as the terms that are described and contained in the Compensation Ordinance.

   (1) For purposes of this section “immediate family” includes: employee’s spouse, children, step-children, parents, step-parents, parents-in-law, siblings, siblings-in-law, grandparents, grandchildren and/or other relative living in the employee’s household.

(b) Employees will be permitted with proper authorization to take additional days off for bereavement leave at the Employer’s discretion, which shall be charged against any accumulated leave.

151.09 - Paid Time Off

(a) Permanent part

Statutory Full-time and Regular Part-time employees compensated on an hourly basis shall earn paid time off at a rate of .0575 hours earned per hour worked, per pay period. When paid time off is used, it shall be deducted from the employee’s credit on the basis of one hour for every one hour absence from scheduled work. Statutory Full-time and Regular Part-time shall be defined as the terms that are described and contained in the Compensation Ordinance.

(b) Paid time off may be used when an employee requests scheduled time off upon a twenty-four (24) hour advance notice by the employee and the approval of the employee’s supervisor. Paid time off may be taken with less than a twenty-four (24) hour advance notice at the employee’s supervisor’s discretion.

(c) The maximum amount of paid time off an employee can use in one (1) calendar year is one hundred twenty (120) hours. In the event an employee is, unless on an approved Family Medical Leave Act (FMLA) absence, any amount of accrued paid time off can be used during the length of the approved FMLA absence.

(d) If PTO is used for an illness or injury refer to sick leave purposes the same requirements as contained in Section 151.08-07 (Sick Leave). This article also applies to unused PTO in) above shall apply.

(e) In the event of resignation, retirement or death of a Statutory Full-time or Regular Part-time employee, Section 151.07(f) above shall apply.

151.09 - Family Medical Leave Act

Family Medical Leave shall be granted and administered in accordance with applicable Federal and State laws.

151.10 - Longevity

Page 8 of 34
(a) Effective January 1, 2001, there shall be paid to all Full-time, non-elected, regular, non-bargaining employees, excluding employees covered under separate labor contracts, hired on or before January 1, 2016 and after completion of five (5) years of continuous full-time service, shall be entitled to additional compensation based on their years of service, at the rate of one-hundred dollars ($100.00) per year of service, after completion of five years, up to a maximum of three-thousand dollars ($3,000.00). Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) For new hires, Full-time non-elected, non-bargaining employees hired on or after January 1, 2016, the following amendment shall apply: full-time employees shall receive longevity payments and after completion of five (5) years of continuous full-time employment in service shall be eligible for the following table additional compensation:

<table>
<thead>
<tr>
<th>Full-time length of service</th>
<th>Compensation rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-9 years</td>
<td>$500 each year</td>
</tr>
<tr>
<td>10-14 years</td>
<td>$1,000 each year</td>
</tr>
<tr>
<td>15-19 years</td>
<td>$1,500 each year</td>
</tr>
<tr>
<td>20-24 years</td>
<td>$2,000 each year</td>
</tr>
<tr>
<td>25 years and above</td>
<td>$2,500 each year</td>
</tr>
</tbody>
</table>

(c) The calculation of "years full-time length of service" shall begin on the date of the employee's original date of hire by the City.

(d) No individual employed by the City in more than one capacity as a full-time employee shall be entitled to the benefits of this compensation in other than his primary department as that term is described and contained in the Compensation Ordinance.

(e) Termination of employment, for any reason, either voluntary or involuntary, shall terminate all rights and accrued benefits and eligibility under this section, except that those retiring shall be paid a pro-rated amount at time of retirement. Any employee who retires and is re-hired...
full-time by another department of the City shall accrue benefits hereunder as if the employee were a new employee and prior service with the City shall not be counted.

(f) For the purpose of determining the eligibility for longevity only, "full-time" shall be defined as an employee working 35 hours or more each week.  

(d) The Mayor shall receive longevity only if specifically provided for in the compensation ordinance for the term in question.

(g) The amounts due hereunder shall be paid only to full-time employees, as defined in Section 151.10(e), on the first regular pay date in December.

(i) Part-time and seasonal employees shall not be eligible for longevity compensation hereunder.

151.11 OVERTIME COMPENSATION.

(a) Salaried/Exempt employees shall not be paid overtime for hours worked in excess of forty in workweek, unless otherwise agreed by contract.

(b) Hourly/Non-exempt employees shall receive overtime be compensated at the rate of 1 1/2 times their hourly rate for all hours worked in excess of forty (40) in a workweek consistent with the Fair Labor Standards Act (FLSA). Hours of work shall be defined as actual hours worked including pay for holidays and vacation. Sick leave pay is excluded from overtime computation.

(c) No employee Consistent with the Fair Labor Standards Act (FLSA), employees who serves the City in more than one (1) capacity may not combine his/her total work hours for the calendar week for the purposes of overtime computation, but individual work hours in each position work hours are to be computed capacity shall be computed separately.

(d) Holiday, vacation and sick leave time shall be included in the computation of overtime hours for the calendar week.

(e) Payment of overtime compensation (except that for the Department of Public Safety) shall be made on the first regular payday occurring after the hours have been worked.
151.12 LIFE INSURANCE

(a) The City shall pay the cost of group term life and accidental death and dismemberment insurance up to a maximum benefit of $50,000 for employees who work thirty (30) hours or more in a given workweek, elect to participate, and are acceptable to the insurance company. $00 each for Full-time employee. However, once obtaining the age of sixty-five (65) said life insurance will be reduced to thirty-two thousand five hundred dollars ($32,500.00) and once obtaining the age of seventy (70) said life insurance will be reduced to twenty five thousand dollars ($25,000.00). Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) Coverage begins on the first day of the month following the date of Full-time employment. Coverage terminates on the last day of Full-time employment.

151.13 PRIVACY ACT RULES

The Mayor is hereby authorized to adopt such written rules and regulations as may be necessary for the purpose of interpreting and enforcing the Ohio Privacy Act, being Ohio R.C. 1347.01 et seq. Such rules and regulations shall not conflict with or waive any privileges as provided by this City’s Charter or ordinances. Such rules and regulations shall be on file with the City, and all parties affected shall be advised of their contents.

151.14 SURETY BONDS

151.15 Employee Dishonesty Insurance Coverage

The surety bonds covering the employees of the City shall be as follows:

(a) Mayor - $15,000 public official bond for term of office.

(b) Director of Finance - $50,000 public official bond for an indefinite term.

(c) All other City employees - $25,000 honesty blanket position bond.

151.15 EQUAL EMPLOYMENT OPPORTUNITY POLICIES

(a) Council formally declares that the City shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job employee honesty and faithful performance), genetic information, marital status, amnesty status as a covered veteran or pregnancy in accordance with applicable federal, state and local laws. The City shall comply with all applicable state and local laws governing non-discrimination in the employment in every location or facility. This policy applies to all terms and conditions of employment.
including but not limited to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training of duty coverage at a minimum of $50,000 limit.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of personnel practices.

c) The City expressly prohibits any form of unlawful employee harassment based on sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status or pregnancy. Improper interference with the ability of the City's employees to perform their expected job duties is absolutely not tolerated.

d) The Director of Finance, by direction of the Mayor, will have overall responsibility for the implementation of this policy. With the cooperation of appropriate personnel, the Director of Finance will conduct periodic reviews to determine whether or not this policy is being adhered to. Reports of these reviews will be the basis for appropriate action to correct deficiencies.

e) When outside sources of recruitment are used they shall be informed that the City is an Equal Opportunity Employer and that legal advertisements for bids include the wording, "AN EQUAL OPPORTUNITY EMPLOYER" and that equal opportunity clauses be included in all major single-purchase orders, leases and contracts.

(f) The Clerk of Council is hereby directed to post, or have posted, a copy of this resolution on all departmental bulletin boards as well as provide a copy of this resolution to all employees of the City.

151.16 COMPENSATION PAYMENT - Compensation payment

(a) Payment dates shall be:

(1) For hourly non-salaried employees: On February 14, 1975, and are paid every other Friday thereafter, all hourly paid employees shall be paid for all hours worked during the previous two weeks;

(2) For salaried employees and elected officials: All salaried employees and elected officials shall receive their appropriate annual compensation on a bi-weekly basis, payment to be made on the same dates as payment is made to hourly personnel. The Director of Finance shall adjust the pay period rate so that in each calendar year the precise annual compensation is paid regardless of the number of bi-weekly payment dates during the year.

(b) Effective January 1, 2021 all employees with the exception of elected officials will be paid every other Friday for the hours worked during the previous two weeks. Elected officials will continue to be paid an annual compensation on a bi-weekly basis, payment to be made on the same dates as all other employees are paid.

(b) Should any payment date referred to herein fall on a holiday, payment shall be made on the last working day preceding such holiday.
151.17 UNIFORMS AND UNIFORM ALLOWANCES

(a) Department of Public Safety.

(1) Effective January 1, 1998, deputy police officers in the Division of Police shall receive a five hundred dollar ($500.00) uniform allowance at the completion of each 1,040 hours of service.

(2) The above payments may be made at any time during the thirty days following the date on which they are due as may be convenient to the Director of Finance.

(b) Department of Public Service and Properties.

Effective January 1, 2016, the Director of Public Services and Properties shall receive a Two Hundred Fifty Dollar ($250.00) uniform allowance, and the Department of Public Service and Properties shall provide a uniform allowance of Eight Hundred Dollars ($800.00) for all Full-time non-bargaining employees of the Department whose job requires manual labor outside the office of the Department, equivalent to the amount negotiated in the collective bargaining agreement. This allowance is to be paid within the 1st pay period in February.

Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(c) Police Chief and Fire Chief. Effective January 1, 2016, the Chief of the Fire Division and the Chief of the Police Division shall receive an allowance of Nine Hundred Dollars ($900.00), uniform allowance equivalent to the amount negotiated in the collective bargaining agreement. This allowance is to be paid within the 1st pay period in February.

151.18 PERS PICK UP

(a) Effective July 1, 1993, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof and shall be "picked up", (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

pick up. The City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employee's contribution for each person subject to this "pick up" has been made as provided by the statute.
(b) The "pick up" by the City provided by this section shall apply to all persons who are employees of the City and who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The City's method of payment of salary to employees who are participants in PERS is hereby modified as follows, in order to provide for a salary reduction "pick up" of employee contributions to PERS.

(d) The total salary for each employee shall be the salary otherwise payable under the City policies. Such total salary of each employee shall be payable by the City in two parts: (1) deferred salary and (2) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by PERS to be paid as an employee contribution by that employee and shall be paid by the City to PERS on behalf of that employee as a "pick up" and in lieu of the PERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the "pick up" for that employee and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to PERS based upon an employee's total salary. The total combined expenditures of the City for each employee's total salaries payable under applicable City policies and the "pick up" provisions of this section shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The Director of Finance is hereby authorized and directed to implement the provisions of this section to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof so as to enable them to obtain the result in Federal and State tax deferments and other benefits.

151.18 DRUGFREE WORKPLACE.

(a) All employees shall agree to a drug free workplace program as defined by the State of Ohio Bureau of Workers’ Compensation and in accordance with the Ohio Bureau of Workers’ Compensation Drug Free Safety Program-Advanced Level.

151.19 HARASSMENT POLICY.

(a) It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Each person has a responsibility to keep the workplace free of any
form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or
insinuate either explicitly or implicitly that an employee’s refusal or willingness to submit to sexual
advances will affect the employee’s terms or conditions of employment. Other sexually harassing or
offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory or
non-employees is also prohibited. This conduct includes, but is not limited to:

(1) Unwanted physical contact or conduct of any kind, including sexual flirtations,
touching, advances or propositions;

(2) Verbal abuse of a sexual nature;

(3) Demeaning, insulting, intimidating, or sexually suggestive comments about an
individual’s dress or body;

(4) The display in the workplace of demeaning, insulting, intimidating, or sexually
suggestive objects or pictures, including nude photographs;

(5) Demeaning, insulting, intimidating or sexually suggestive written, recorded, or
electronically transmitted messages.

Any of the above conduct or offensive conduct, directed at individuals because of their race,
national origin, religion, disability, pregnancy, age or military status or sexually orientation is also
prohibited.

Any employee who believes that a supervisor’s, manager’s, other employee’s or non-employee’s
actions or words constitute unwelcome harassment has a responsibility to report or complain about the
situation as soon as possible.

The report or complaint should be made to the employee’s supervisor or to the department head
or personnel manager if the complaint involves the supervisor or manager.

Complaints of harassment are to be handled and investigated under the City’s grievance policy,
unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be
investigated properly in as impartial and confidential a manner as possible. Employees are required to
cooperate in any investigation. A timely resolution of each complaint should be reached and
communicated to the parties involved. Retaliation against any employee for filing a complaint or
participating in an investigation is strictly prohibited.

Any employee, supervisor or manager who is found to have violated this harassment policy will
be subject to appropriate disciplinary action, up to and including termination of employment. The City
prohibits any form of retaliation against employees for bringing bona fide complaints or providing
information of harassment. However, if an investigation of a complaint shows that the complaint or
information was false, the individual who provided the false information will be subject to disciplinary
action, up to and including termination.

(b) It is the policy of the City that an employee should have an opportunity to present
complaints regarding harassment and to appeal the decision through a dispute resolution or grievance
procedure. The City will attempt to resolve promptly all complaints. Employees who believe that they
have been improperly harassed are to proceed as follows:

Step 1: Promptly bring the complaint to the attention of the immediate supervisor. If the
complaint involves the supervisor, then it is permissible to proceed directly to Step 2.

Step 2: The supervisor is to investigate the complaint, attempt to resolve it and give a decision to
the employee within a reasonable time. The supervisor should prepare a written and dated summary of
the complaint and proposed resolution for file purposes.

Step 3: Appeal the decision of the department head if dissatisfied with the supervisor’s
decision or initiate the procedure with the department head if Step 1 has been bypassed, because the
immediate supervisor is the subject of complaint. Such an appeal or initial complaint must be made in a
timely fashion in a written form. The supervisor’s version of the complaint and decision will then be submitted in writing as well. The department head will, in a timely fashion, confer with the employee, supervisor, and any other persons considered appropriate, investigate the issues, and communicate a decision in writing to all parties involved.

Step 3: Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and the procedures to be followed are similar to those in Step 2. The Mayor may take the necessary steps to review and investigate the complaint and will then issue a written, final and binding decision.

Final decisions on complaints will not be precedent or binding on future complaints. When appropriate, the decisions will be retroactive to the date of the employee’s original complaint. Information concerning a complaint is to be held in confidence. Supervisors, department heads and other persons who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Employees are not to be penalized for proper use of the complaint procedure, however, it is not considered proper use if an employee raises complaints in bad faith if solely for the purpose of delay or harassment or repeatedly raises meritless grievance complaints. Implementation of the complaint procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the complaint procedure. The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

151.20 PERS PICKUP OF ADDITIONAL SERVICE CREDIT

(a) Effective October 1, 1997, employees of the City of Bay Village, described in subsection (b) hereof, may purchase additional service credit, tax-deferred, and the City of Bay Village shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick up (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the City of Bay Village. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the pickup deduction.

(b) The pickup deduction by the City provided by this section shall apply to all persons making the election within the following classes:

All who are employees, other than seasonal, of the City and who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The Director of Finance is hereby authorized and directed to implement the provisions of this section to effect the pickup of the payroll deduction for the purchase of additional service credit to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof.

151.21 WHISTLEBLOWER PROTECTION FOR EMPLOYEES

(a) If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee’s supervisor or Mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or Mayor, the employee may file a written report.
With the office of internal auditing created under Section 126.45 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to the Prosecutor, Director of Law, to the Chief of Police, the President of Council, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with Section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in subsection (c) hereof, no employee shall take any disciplinary action against any employee for making any report authorized by subsection (a) hereof, including, without limitation, doing any of the following:

(1) Removing or suspending the employee from employment

(2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled

(3) Transferring or reassigning the employee

(4) Denying the employee promotion that otherwise would have been received

(5) Reducing the employee in pay or position

(c) Any employee shall make a reasonable effort to determine the accuracy of any information reported under subsection (a) hereof. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) hereof.

And present Chapter 151 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 will be in full force and take effect at the earliest time permitted by law.
Ordinance – Chapter 151

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK

__________________________
MAYOR

05.16.19 jt
Page 7: [51] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Indent: Left: 0", First line: 0", Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 7: [52] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 7: [53] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Indent: Left: 0", First line: 0", Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 7: [54] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 7: [55] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 7: [56] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Indent: Left: 0", First line: 0", Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 7: [57] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Indent: Left: 0", First line: 0", Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 7: [58] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Justified, Space After: 0 pt, Line spacing: single

Page 13: [59] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Font: Times New Roman, 12 pt

Page 13: [60] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 13: [61] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Font: Times New Roman, 12 pt

Page 13: [62] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Font: Times New Roman, 12 pt

Page 13: [63] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Space After: 0 pt, Line spacing: single, Widow/Orphan control

Page 13: [64] Formatted
Jennifer Demaline
5/16/2019 8:54:00 AM
Indent: Left: 0", First line: 0", Space After: 0 pt, Line spacing: single, Widow/Orphan control
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.
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.) 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, 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.)

The fences 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) 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.
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:

(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

05.21.19 jt
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
RESOLUTION
ADOPTING A TAX BUDGET FOR THE CITY OF BAY VILLAGE FOR THE
FISCAL YEAR BEGINNING JANUARY 1, 2020, SUBMITTING SAME
TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

WHEREAS, there has been prepared a tentative tax budget for the City of Bay Village for
the fiscal year beginning January 1, 2020, showing detailed estimates of all balances that will be
available at the beginning of the year 2020 for the purpose of such year and of all revenues to be
received for such fiscal year, including all general and special taxes, fees, costs, percentages,
penalties, allowances, prerequisites and all other types or classes of revenues; also estimates of all
said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, the budget will be available for public inspection; and

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

SECTION 1. That the tax budget of the City of Bay Village for the fiscal year
beginning January 1, 2020 as prepared and submitted to Council, copies of which are on file in the
offices of the Finance Director and Clerk of Council, is hereby adopted as the official tax budget
for the City of Bay Village for the fiscal year beginning January 1, 2020.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of said tax
budget and a copy of this Resolution to the Cuyahoga County Fiscal Officer, Ohio.

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 reason that it is immediately necessary to adopt such tax budget to provide funds for
2019, wherefore this Resolution shall be in full force and take effect immediately upon its passage
and approval by the Mayor.

ADOPTED:

_________________________
PRESIDENT OF COUNCIL

_________________________
CLERK OF COUNCIL

APPROVED:

_________________________
MAYOR
051719 jt
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING ORDINANCE NO. 18-52 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MCGOWAN INSURANCE AGENCY AS AGENTS OF ARGONAUT INSURANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the agreement between the City of Bay Village and McGowan Insurance Agency as agents of Argonaut Insurance for the City’s general liability and property insurance coverage expired on June 15, 2018, and,

WHEREAS, Ordinance No. 18-52 adopted June 11, 2018 authorized an agreement with McGowan Insurance Agency as agents of Argonaut Insurance for a three-year period beginning June 15, 2018 at an annual premium of $138,516.00, and,

WHEREAS, there has been an increase in the amount of the annual premium to $154,235.00 for the years 2019 and 2020;

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

SECTION 1. That the Mayor is hereby authorized to enter into an amendment to the participating agreement with McGowan Insurance Agency as agents of Argonaut Insurance which will provide insurance coverage for the City in accordance with their proposal, incorporated herein by reference, for a three-year period beginning June 15, 2018. The annual premium for the years 2019 and 2020 will be $154,235.00 and Ordinance No. 18-52 is hereby amended. Payments shall be made from the appropriate account.

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 committees 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, and for the further reason that it is immediately necessary to provide uninterrupted insurance coverage to protect the assets of the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: ________________________________

PRESIDENT OF COUNCIL

______________________________

CLERK OF COUNCIL

APPROVED:

______________________________

MAYOR

053019 jk
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID GRASS CUTTING AND CLEANING CHARGES
TO THE CUHYOGA 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
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>
</tr>
</thead>
<tbody>
<tr>
<td>President of Council</td>
<td>$10,794 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td></td>
<td>$12,750 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$12,750 per annum</td>
<td>1/1/2021</td>
</tr>
<tr>
<td></td>
<td>$12,750 per annum</td>
<td>1/1/2022</td>
</tr>
<tr>
<td></td>
<td>$12,750 per annum</td>
<td>1/1/2023</td>
</tr>
<tr>
<td>Ward Councilman</td>
<td>$9,520.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td></td>
<td>$12,000.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$12,000.00 per annum</td>
<td>1/1/2021</td>
</tr>
<tr>
<td>Councilman-at-Large whose</td>
<td>$8,983.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td>Term expires 12/31/19</td>
<td>$12,000.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$12,000.00 per annum</td>
<td>1/1/2021</td>
</tr>
<tr>
<td></td>
<td>$12,000.00 per annum</td>
<td>1/1/2022</td>
</tr>
<tr>
<td></td>
<td>$12,000.00 per annum</td>
<td>1/1/2023</td>
</tr>
<tr>
<td>Councilman-at-Large whose</td>
<td>$9,520.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td>Term expires 12/31/2021</td>
<td>$9,996.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$10,496.00 per annum</td>
<td>1/1/2021</td>
</tr>
</tbody>
</table>

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
ORDINANCE AMENDING CHAPTER 539 OF THE CODIFIED ORDNANCES 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 inconsistent 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.
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.
(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 thereat 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.
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, javelines 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 on 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.

(e) 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. Smoke tobacco, natural, synthetic, powder or manufactured substances use smokeless tobacco, or use an electronic or vaporized smoking device 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.

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.

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

05.07.19 jt