June 7, 2019

A Special Meeting of the Bay Village City Council will be held on Monday, June 10, 2019 at 8:00 p.m., following the Committee Meeting of Council at 7:30 p.m., in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call; Pledge of Allegiance led by Ward 2 Councilwoman Lydia DeGeorge.

2. Motion to approve the Minutes of the Regular Meeting of Council held June 3, 2019. *Tadych*

3. Motion to approve the Minutes of the Cahoon Memorial Park Trustees meeting held June 3, 2019.*Tadych*

4. Ordinance No. 19-45 enacting revised Codified Ordinance Chapter 151, Employment Provisions, and declaring an emergency. (Second Reading June 3, 2019) (First Reading May 20, 2019).*Tadych*

5. Ordinance No. 19-50 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. (Second Reading) (First Reading June 3, 2019)*Mace*

6. Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the Bay Village City School District for the provision of a School Resource Officer, and declaring an emergency. (First Reading and Consideration for Adoption)*Mace*

7. 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 June 3, 2019) (First Reading May 20, 2019)*Tadych*

8. Ordinance No. 19-52 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. (Second Reading and consideration for adoption) (First Reading June 3, 2019)*Tadych*

9. Resolution No. 19-53 certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading) (First Reading June 3, 2019)*Tadych*

10. Resolution No. 19-54 certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading) (First Reading June 3, 2019)*Tadych*
11. **Resolution No. 19-55** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading) (First Reading June 3, 2019)*Tadych*

12. **Resolution No. 19-56** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading) (First Reading June 3, 2019)*Tadych*

13. **Ordinance No. 19-57**, as amended, fixing the salary of the President and Members of Council and repealing Ordinance No. 17-56, and declaring an emergency. (Second Reading) (First Reading June 3, 2019)*Tadych*

14. **Ordinance** to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2019 as previously appropriated in the Annual Appropriations 18-95, 19-07, 19-13, 19-27 and 19-41, and declaring an emergency.*Tadych*

15. **Ordinance** amending Part 5 of the Codified Ordinances of the City of Bay Village by enacting Chapter 555 relating to Lakeside Cemetery Regulations and declaring an emergency. (First Reading)*Maier*

16. **Motion** to authorize the Director of Public Service and Properties to advertise for bids for Infrastructure Improvements to Sunset area as slated for 2019.*Stainbrook*

17. **Motion** to authorize the Director of Public Service and Properties to advertise for bids for Roadway Improvements to Sunset area as slated for 2019.*Stainbrook*

18. **Ordinance** authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering, Ltd. for construction observation services for the Columbia Road Culvert Project, and declaring an emergency.*Winzig*

19. **Motion** to authorize the Director of Public Service and Properties to advertise for bids for the renovation of Reese Park tennis courts.*Winzig*

20. Announcements/Audience/Miscellaneous

21. Adjournment

Dwight A. Clark  
President of Council

Charter Reference 2.11
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 clause:

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 provisions. 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
June 3, 2019
Council Chambers 9:27 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, Police Chief Spaetzel, Director of Community Services Selig, Recreation Director Enovitch, Building Director Eric Tuck-Macalla.

AUDIENCE

Tom Kelly, Dennis Driscoll, Susan Murnane, Mary Slaman.

Mr. Clark called the Regular Meeting of Council to order at 9:27 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Vice President of Council and Ward 1 Councilman David L. Tadych.

Mr. Clark called for a reading of the minutes of the Regular Meeting of Council held May 20, 2019. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Regular Meeting of Council held May 20, 2019 as prepared and distributed.

Motion carried 7-0.

Mr. Clark commented on the wonderful Memorial Day ceremony held this past Memorial Day, May 27, 2019 in the City of Bay Village.

Mr. Clark called for a moment of silence on the passing of Mr. Skip Engle, a long-time resident of the City of Bay Village. Condolences were expressed to the entire Engle family.

REPORTS

Law Director Barbour had no report this evening.

Finance Director Mahoney had no report this evening.

Director of Recreation Enovitch reported that the Family Aquatic Center officially opened this past Saturday, with about 650 attendees while the good weather lasted during the day. The pool will open full time on Wednesday, June 5. All Bay Village Recreation summer programs will begin on Monday, June 10.

Director of Public Service and Properties Liskovec reported that work is progressing at the Queenswood Bridge Replacement site, with headwalls being formed in spite of a minor setback.
Minutes of Regular Meeting  
Bay Village City Council  
June 3, 2019

last week during the rainstorms. Mr. Liskovec gave an update on the Lake Road Bridge Project, which is moving forward as scheduled. The new pump for the pump station has been received and will be installed. The four new Service Department specialists are working out very well.

Mayor Koomar stated that overall the City fared well during the recent storms insofar as basement flooding. There were just a handful of reports, with one on Bruce Road as a result of a collapsed pipe. There were areas where two inches of rain fell within 24 hours, and one inch during one hour. Concerns were expressed by residents of backyards puddling with the significant amount of rain that fell.

**Director of Community Services Selig** was welcomed back by Mr. Clark. Mrs. Selig reported that there are two new Community Services Advisory Board members.

**Police Chief Spaetzel** reported that the police officers are active in the schools, visiting the schools every day, with the teachers and students becoming more comfortable with their presence.

Officer Zack Perkey will graduate from the Police Academy on June 27, 2019. On May 17, 2019 Sergeant Eric Tuiski graduated from the Police Executive Leadership College. All of Chief Spaetzel’s staff have now been through the very extensive, three week leadership program.

Touch-a-Truck is planned for September 14, 2019 with bigger and better plans for this year’s event.

Safety Town begins June 10, 2019 and ends July 5, 2019.

A Police Chief Civil Service Promotional Examination will be held in September or October of this year in anticipation of Chief Spaetzel’s retirement in 2020.

**Fire Chief Lyons** reported that Firefighter Matt Gubanich completed his Fire Safety Inspector trainee and will replace Firefighter Tim Matanick as Fire Safety Inspector, who will move on to other duties after completing five years as an inspector.

Hydrant flushing is 75% complete with the project to be completed before the end of July.

**Building Director Tuck-Macalla** reported that this past week that before the City swimming pool opened the Building Department conducted electrical inspections with minor violations corrected. Additional long-term items will be taken care of post season. A few issues were found at the Bay Boat Club that have also been taken care of by the staff. The Building Department is working with The Village Project for the installation of a new soup kettle with plans being reviewed by the Fire Inspector. Mr. Tuck-Macalla noted that safety is a priority, especially with the large staff of volunteers. The Building Department staff continues to monitor the Knickerbocker Apartments renovation. They will inspect the fire alarm system at that site.
Minutes of Regular Meeting  
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June 3, 2019

**Mayor Koomar** reported talking with Mr. Dru Siley of Liberty Development regarding the project at the former Shell Station site on Wolf Road. They have received a verbal okay from the state, and are awaiting paperwork. They are looking at the plans that have been approved by the Planning Commission, and will return to the Planning Commission, possibly in July, with altered plans due to remediation required at the site.

The Mayor reported that the Police Department conducted a tribute to deceased Bay Village Police Officer David Kunikis. Mayor Koomar acknowledged the work of Officer Ian Moore who worked with the Mayor on the Saturday before Memorial Day for a ceremony and the placement of a stone and plaque by the Police Station flag in honor of Officer Kunikis. Family and friends were very appreciative of this tribute.

**AUDIENCE**

There were no comments from the audience this evening.

**COMMUNICATIONS**

The following communications have been received in addition to the communications received previously regarding fence regulations:

In support of change:

Julie Vangelos  
Doug Borchert  
Jeffrey Moisio  
Anthony Petrello

**COMMITTEE OF THE WHOLE**

**Mr. Tadych** read, by title only, **Ordinance No. 19-45** enacting revised Codified Ordinance Chapter 151, Employment Provisions, and declaring an emergency. (Second Reading) (First Reading May 20, 2019).

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

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

**Mr. Mace** introduced and read **Ordinance No. 19-50** 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) Mr. Mace pointed out that the changes in the option being brought forward this evening, known as Option II, by the Committee of the Whole. Mr. Mace noted a change in Section (c) *Any yard, Number (3)*, striking of terms and reading hereafter as “A chain link fence not used as a sight barrier, privacy screen or windbreak shall not exceed four feet, four inches in height. The posts shall not exceed four feet, six inches
Minutes of Regular Meeting  
Bay Village City Council  
June 3, 2019

in height. The stricken language was “substantially open fence” pertaining to consideration of increasing the height of an open fence. The next change is in Section (h), 1163.05, where a privacy screen may be constructed only behind the established building so that the line of the screen shall not exceed 32 feet in total. Additionally, the privacy screen may have additional transitional sections not to exceed eight feet in length in either direction. Also, Item (3) was stricken from the original ordinance with renumbering of the remainder of the sections.

Mr. Barbour announced that Ordinance No. 19-50 is placed on first reading.

Mr. Clark stated that this matter has not been finalized, but Council is trying to have an outcome on this before Council recess.

Mr. Mace introduced and read Resolution No. 19-51 approving use by Craig and Lauri Hartman of Submerged Lands of Lake Erie for Shoreline Improvements, 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. 19-51.

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. 19-51, an emergency measure, with a vote of 7-0.

FINANCE AND CLAIMS-Mr. Tadych

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. (Second Reading) (First Reading May 20, 2019).

Mr. Barbour announced that Resolution No. 19-46 is placed on second reading.
Minutes of Regular Meeting
Bay Village City Council
June 3, 2019

Mr. Tadych read, by title only, Ordinance No. 19-52 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)

Mr. Barbour announced that Ordinance No. 19-52 is placed on first reading, with a caveat that additional coverage may be added for cyber security, as recommended by Finance Director Mahoney. Second reading and adoption will be considered on Monday, June 10, 2019 to meet the June 15, 2019 renewal date of the insurance.

Mr. Tadych introduced and read, by title only, Resolution No. 19-53 certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Mr. Barbour announced that Resolution No. 19-53 is placed on first reading.

Mr. Tadych introduced and read, by title only, Resolution No. 19-54 certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Mr. Barbour announced that Resolution No. 19-54 is placed on first reading.

Mr. Tadych introduced and read, by title only, Resolution No. 19-55 certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Mr. Barbour announced that Resolution No. 19-55 is placed on first reading.

Mr. Tadych introduced and read, by title only, Resolution No. 19-56 certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (First Reading)

Mr. Barbour announced that Resolution No. 19-56 is placed on first reading.

Mr. Tadych introduced and read Ordinance No. 19-57 fixing the salary of the President and Members of Council and repealing Ordinance No. 17-56, and declaring an emergency. (First Reading)

Mr. Barbour announced that Ordinance No. 19-57 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

Motion by Stainbrook 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.

Motion carried 7-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig

Mr. Winzig advised that the agenda item of a motion to authorize the Director of Public Service and Properties to advertise for bids for renovation of Reese Park Tennis Courts will be placed on hold until further information is received from Director of Public Service and Properties Liskovec. It is expected that the motion will be introduced on Monday, June 10, 2019.

Mr. Winzig introduced and 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. (Consideration for Adoption) (First Reading May 13, 2019) (Second Reading May 20, 2019).

Mr. Winzig thanked the members of the Recreation and Parks Improvements Committee for their work and the Committee of the Whole for the fine tuning that was done on the ordinance. It was quite lengthy and a number of items were removed to make it very clear and very specific.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-43.

Roll Call on Suspension of the Charter Rules:
    Yeas- DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
    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. 19-43, an emergency measure, with a vote of 7-0.
SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Ms. DeGeorge

Ms. DeGeorge had no report this evening.

MISCELLANEOUS

Mr. Winzig suggested a possible audit with Bailey Communications of the City’s current data systems to confirm security or advise of any upgrades. Mrs. Mahoney stated that she has been advised by Bailey Communications that Bay Village has a better security system than most other cities. Mayor Koomar stated that this will be checked to see if security is stable through the Police Department and apply the same steps in this regard as is done with the disaster planning that is in place for the City.

Mr. Winzig stated that he does not know a specific vendor that may be experts in security. Bailey Communications may be perfect, and we could start there and find out if they could provide a written document, and come in and talk to Council about where we are with data security as a City.

Mr. Clark stated that the timing may be in order because the Bailey Communications contract expires at the end of this year. Mayor Koomar stated that there will be time this summer to review this matter further. Mr. Winzig reiterated that his request is for an audit and reassurance.

Ms. DeGeorge expressed appreciation to Director of Public Service and Properties Liskovec for the plantings displayed on the Wolf Road Bridge, noting that this is appreciated by many residents who have said that it is the little things that make the difference in the City.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session at 9:55 p.m. regarding Contracts- Capital Projects. Roll Call Vote: Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge. Nays – None.

Motion carried 7-0.

Also in attendance in Executive Session were Mayor Koomar, Law Director Barbour and Finance Director Mahoney.

ADJOURNMENT

Council reconvened in an open meeting at 10:21 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 10:38 p.m.
President of Council Clark called the meeting called to order in the Conference Room of Bay Village City Hall at 7:30 p.m.

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

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Engineer Don Bierut, Police Chief Spaetzel, Community Services Director Selig, Recreation Director Enovitch, Building Director Tuck-Macalla, Bay High School Principal Sean McAndrews.

AUDIENCE

Mary Slaman, Dennis Driscoll, Susan Murnane, Greg Baeppler, Tom Kelly, Denise Day, Girl Scout Troop No. 734/729 Bay United Methodist Church, Patrick Muscenti of McGowan Insurance Agency.

Motion by Mr. Winzig to approve the request of Denise Day, Bay Village resident, for Girl Scout Troop No. 734, Bay United Methodist Church to hold an overnight in tents near Cahoon Cabin beginning Friday evening, June 7, and ending at 9:00 a.m. on Saturday, June 8, pending receipt of insurance.

Ms. Day stated that they are forming a new Girl Scout Troop in Bay Village, with Troop No. 40 currently up and running. Troop 734 will be meeting at Bay United Methodist Church and would like to do an overnighter in Cahoon Memorial Park as a welcome and encouraging girls to join and try camping. The activity would start at 6:30 p.m. on Friday, June 7 in tents near the Cahoon Cabin. A night hike will be led by two Eagle Scouts from Troop No. 729. There will not be any fires built, but a camp stove will be used for evening treats. Twenty people have been invited and the hope is to have five families in attendance.

Mr. Clark noted that a similar request was held some years ago, but it was for a different purpose. A Boy Scout Troop was making a trek through and they wanted to stop in Bay Village. This situation is different, and our support of local Scouts is important. Mr. Clark opened the request for comments and concerns of the Trustees.

Mr. Barbour stated that a Certificate of Insurance has been received for this activity.

Ms. Stainbrook called upon the Fire Chief and Police Chief for their comments.

Fire Chief Lyons stated that permits are required for any camp fires. Ms. Day stated they are not planning any camp fires.
Minutes of a Meeting of
Cahoon Memorial Park Trustees
June 3, 2019

Police Chief Spaetzel stated that the Police Department would like to be made aware of any of
these types of activities. He expressed no concern for this particular outing.

**Motion carried 8-0.**

There being no further business to be brought before the Trustees this evening, the meeting
adjourned at 7:32 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.
151.03 Mileage allowance. 151.13 Surety bonds.
151.031 Legitimate expenses. 151.14 Equal employment opportunity Policies.
151.04 Holidays. 151.15 Compensation payment.
151.05 Vacations. 151.16 Uniforms and uniform Allowances.
151.06 Health Insurance. 151.17 PERS pick up.
151.061 Health Insurance eligibility. 151.18 Drug free Workplace and Harassment Policy.
151.07 Physical examinations. 151.19 PERS pickup of additional service Credit.
151.08 Sick leave. 151.20 Whistleblower protection for Employees.
151.081 Family Medical Leave Act.
151.09 Longevity
151.10 Overtime Compensation.

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 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>Day</th>
<th>Day</th>
</tr>
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<tbody>
<tr>
<td>New Year's Day</td>
<td>Labor Day</td>
</tr>
<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.

(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>ACCRUALS 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:
   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 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:

- 5-9 years $500 each year
- 10-14 years $1,000 each year
- 15-19 years $1,500 each year
- 20-24 years $2,000 each year
- 25 years and above $2,500 each year

(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 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.

(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’

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”
**Ordinance – Chapter 151**

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

- New Year’s Day
- Martin Luther King Day
- Presidents Day
- Good Friday
- Memorial Day
- July 4th
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day
- After Thanksgiving
- Day
- Christmas Day
Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(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.

(a) 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 three weeks shall be forfeited if not used by the employee by December 31 of each year, unless otherwise authorized.
(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. 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 day of the City’s Health Plan. 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 elects 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 work, for fifteen (15) or more consecutive working scheduled days or more, the Mayor of work may require the employee be required 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, comply with this requirement 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.
ORDINANCE – Chapter 151

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 the limit of 48 hours with pay. Such employees may accumulate a maximum of 120 sick leave, upon approval of the responsible administrative officer of the employing department, for absence hours per calendar year. 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; pregnancy, due to scheduled doctor appointments; documented 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. (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; to care for an ill or injured member of the employee’s immediate family or any other relative residing with the employee. Full-time paid vacation time shall be defined as that term is described and paid sick time contained in the Compensation Ordinance.

(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) Any employee who, without resigning or retiring, transfers from 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 Sick Leave; Payment of Leave in Lieu of Sick Leave

(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>Year of Service</th>
<th>Payment Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 - 24</td>
<td>$30.00</td>
</tr>
<tr>
<td>25 - 44</td>
<td>$35.00</td>
</tr>
<tr>
<td>45 - 64</td>
<td>$40.00</td>
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<tr>
<td>65 - 84</td>
<td>$45.00</td>
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<tr>
<td>85 - 104</td>
<td>$50.00</td>
</tr>
<tr>
<td>105 - 124</td>
<td>$55.00</td>
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<tr>
<td>125 - 144</td>
<td>$60.00</td>
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<tr>
<td>145 - 164</td>
<td>$65.00</td>
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<tr>
<td>165 - 184</td>
<td>$70.00</td>
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<tr>
<td>185 - 204</td>
<td>$75.00</td>
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<tr>
<td>205 - 224</td>
<td>$80.00</td>
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<tr>
<td>225 - 244</td>
<td>$85.00</td>
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<tr>
<td>245 - 264</td>
<td>$90.00</td>
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<tr>
<td>265 - 284</td>
<td>$95.00</td>
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<tr>
<td>285 - 304</td>
<td>$100.00</td>
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<tr>
<td>305 - 324</td>
<td>$105.00</td>
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<tr>
<td>325 - 344</td>
<td>$110.00</td>
</tr>
<tr>
<td>345 - 364</td>
<td>$115.00</td>
</tr>
<tr>
<td>365 - 384</td>
<td>$120.00</td>
</tr>
</tbody>
</table>

(g) Compensated service shall be defined as actual hours worked, vacation, sick and holiday hours. Eligible employees shall receive paid leave at their current rate of pay, if during scheduled work hours they are absent due to personal illness, or non-work related injury or non-work related accident; documented exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death as set forth in the Employee Handbook.
<table>
<thead>
<tr>
<th>Ordinance – Chapter 151</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twenty-five percent (25%) after ten years of service</td>
</tr>
<tr>
<td>Forty percent (40%) after fifteen years of service</td>
</tr>
<tr>
<td>Fifty percent (50%) after twenty years of service</td>
</tr>
</tbody>
</table>

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 with lapse of one year if not recalled.

#(g) 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 accrued 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.

#(b) 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 - 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, 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 151.07 (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 ACT10 - Family Medical Leave Act (FMLA).

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

151.10 LONGEVITY11 - Longevity.
(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 additional compensation:

- 5-9 years: $500 each year
- 10-14 years: $1,000 each year
- 15-19 years: $1,500 each year
- 20-24 years: $2,000 each year
- 25 years and above: $2,500 each year

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

<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>

(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 defined 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.

151.12 - Overtime compensation.

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

(b) Hourly/Non-exempt employees shall receive overtime compensation 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 serve the City in more than one capacity may not combine his/her total work hours for the week for the purposes of overtime computation, but work hours in each position work hours are to be counted 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

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.

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. Coverage 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.

(g) 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. 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. 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 “pickup” 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 “pickup” 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 “pickup.”

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 “pickup” has been made as provided by the statute.
(b) The “pick up” pickup by the City provided by this section shall apply to all persons that:

Are 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 pickup 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 pickup 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 pickup 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 pickup 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 pickup 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 an impartial and confidential 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 bonafide 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 19. 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 pickup 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.

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.
PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK

__________________________
MAYOR

05.16.19 jt
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.
(Ord. 10-70. Passed 6-21-10.)”

be and the same is amended to read:

“CHAPTER 1163.05 – FENCE REGULATIONS

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

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

(c) Any yard.

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

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

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

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

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

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

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

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

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

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

(h) **Privacy screen.**

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

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

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

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

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

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

(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
AN ORDINANCE
AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH THE BAY VILLAGE CITY SCHOOL DISTRICT
FOR THE PROVISION OF A SCHOOL RESOURCE OFFICER,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Bay Village and the Bay Village City School District
desire to enter into an agreement for the hiring and use of a School Resource Officer, and

WHEREAS, the City of Bay Village and the Bay Village City School District
shall share all costs associated with the School Resource Officer;

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

SECTION 1. That the Mayor be and he is hereby authorized to enter into a
Memorandum of Understanding with the Bay Village City School District establishing
and delineating the mission of the School Resource Officer Program, as more fully set
forth in the Memorandum of Understanding on file with the City of Bay Village with
such revisions which may be approved by the Mayor and the Director of Law.

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 OF COUNCIL

APPROVED:

________________________________________
MAYOR
06.06.19
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
05/17/19
ORDINANCE NO. 19-52
INTRODUCED BY: Mr. Tadych

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
RESOLUTION NO. 19-53
INTRODUCED BY: Mr. Tadych

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

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

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

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

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

PASSED:

__________________________________
PRESIDENT OF COUNCIL

__________________________________
CLERK OF COUNCIL

APPROVED:

__________________________________
MAYOR

053019
jk
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
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
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>$13,500 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$13,500 per annum</td>
<td>1/1/2021</td>
</tr>
<tr>
<td></td>
<td>$13,500 per annum</td>
<td>1/1/2022</td>
</tr>
<tr>
<td></td>
<td>$13,500 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>$12,500.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td>Councilman-at-Large whose Term expires 12/31/19</td>
<td>$8,983.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td>Councilman-at-Large whose Term expires 12/31/2021</td>
<td>$9,520.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td></td>
<td>$9,996.00 per annum</td>
<td>1/1/2020</td>
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<td>$10,496.00 per annum</td>
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</tr>
<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2023</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
OVERVIEW

1. Action Requested
   - Adjustments to the Annual Appropriation Ordinance

2. Previous Action
   Last amendment was 19-41 passed 5/13/19

3. Background/Justification for Current Action
   - Add $20,000 for Reese Park Tennis Court project to be appropriated from 494 Infrastructure Improvement to allow for change in scope from original capital appropriation. See Agenda request from Director Liskovec for more information.
   - Appropriated $128,808 advance repayment in relation to the Westcomm project. Grant monies were receipted and need to be repaid to General Fund from Emergency Paramedic Fund.
   - Correct Sewer Fund by decreasing Capital Improvement by $100,000. This is in relation to cancelling the Walker Road Park improvement project.
   - Increase appropriation in General Insurance (Fund 601) to allow for increase in liability and property and to add cyber coverage. Originally budgeted $142,670 but new total is $158,298; therefore need to add $15,628 to appropriation amount.

4. Financial Impact
   - Reese Park Tennis Courts appropriation will lower unencumbered balance in Fund 494 to $537,000.
   - Westcomm project was originally funded by transfer from General Fund. The grant funds have been received and now needs to be repaid thus increasing General Fund balance and lowering Emergency Paramedic.
   - No financial impact on the Sewer Fund.
   - Insurance will decrease the reserves in the General Insurance (Fund 601) to estimated $24,500.

5. Affected Parties
   Service Department

6. Implementation Plan
   Amend budgets as indicated after Council passage.
To make appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2019, as previously appropriated in the annual appropriations 18-95, 19-07, 13, 27 and 19-41.

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

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2019, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedules attached hereto as Exhibit "A" and incorporated herein:

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Total General Fund</td>
<td>$8,065,799</td>
<td>$3,738,239</td>
<td>$65,700</td>
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<tr>
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<table>
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<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
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<td>$4,868,477</td>
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### Capital Project Fund Group - 400

<table>
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<th>Fund Activity</th>
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<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
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<td>220</td>
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<tr>
<td>490</td>
<td>Public Improvement</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>494</td>
<td>Infrastructure Improvements</td>
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<td>45,000</td>
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<tr>
<td>496</td>
<td>Public Building Roof Improvements</td>
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<tr>
<td>400</td>
<td>Total Capital Project Fund Group</td>
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<td>$220</td>
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### Enterprise Fund Group - 500

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<th>Person Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Pool</td>
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<td>580</td>
<td>Sewer</td>
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### Internal Service Fund Group - 500

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<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>600</td>
<td>Health Insurance</td>
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<td>$1,426,764</td>
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<td>601</td>
<td>General Insurance</td>
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<td>-</td>
<td>170,198</td>
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<tr>
<td>602</td>
<td>Workers Compensation</td>
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<td>-</td>
<td>109,770</td>
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<td>600</td>
<td>Total Internal Service Fund Group</td>
<td>$1,536,534</td>
<td>$170,198</td>
<td>$-</td>
<td>$-</td>
<td>$1,706,732</td>
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### Trust Fund Group - 800

<table>
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<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Person Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>801</td>
<td>Unclaimed Monies</td>
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<td>810</td>
<td>Cahoon Park</td>
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<tr>
<td>820</td>
<td>Cahoon Memorial</td>
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</tr>
<tr>
<td>830</td>
<td>Cahoon Library</td>
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<td>-</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>840</td>
<td>Waldeck</td>
<td>-</td>
<td>8,215</td>
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<td>8,215</td>
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<tr>
<td>860</td>
<td>Dwyer</td>
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<td>-</td>
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<tr>
<td>800</td>
<td>Total Trust Fund Group</td>
<td>$-</td>
<td>$23,215</td>
<td>$-</td>
<td>$-</td>
<td>$23,215</td>
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### Deposit Fund Group - 800

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<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Person Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/ Advances</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>930</td>
<td>Building Deposits</td>
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<tr>
<td>920</td>
<td>Employee FSA</td>
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<td>931</td>
<td>Security Deposits</td>
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<td>22,000</td>
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<td>22,000</td>
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<td>900</td>
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<td>$117,000</td>
<td>$-</td>
<td>$-</td>
<td>$117,000</td>
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Grand Total All Funds $14,327,656 $11,607,689 $6,991,633 $1,314,277 $34,241,255

### Itemized list of Transfers and Advances by Fund

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>General Fund to Parks and Recreation</td>
<td>$350,000</td>
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<tr>
<td>General Fund to General Capital</td>
<td>$300,000</td>
</tr>
<tr>
<td>General Fund to Pool</td>
<td>$100,000</td>
</tr>
<tr>
<td>General Fund to Community Gym</td>
<td>$9,076</td>
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<tr>
<td>General Fund to Bay Family Services</td>
<td>$76,580</td>
</tr>
<tr>
<td>General Fund to Community Diversion</td>
<td>$5,800</td>
</tr>
<tr>
<td>General Fund to Fire Pension</td>
<td>$60,000</td>
</tr>
<tr>
<td>Infrastructure Improvement to General Capital</td>
<td>$12,413</td>
</tr>
<tr>
<td><strong>Total Transfers</strong></td>
<td>$913,839</td>
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<tr>
<td>Emergency Paramedic to General Fund (Advance Repay)</td>
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<td>Emergency Paramedic to General Fund (Advance Repay)</td>
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<tr>
<td>Grants Fund to General Fund (Advance Repay)</td>
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<tr>
<td>General Capital to Infrastructure Improvement (Advance Repay)</td>
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<td><strong>Total Advances and Advance Repay</strong></td>
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<tr>
<td><strong>Total Transfers and Advances</strong></td>
<td>$1,314,277</td>
</tr>
</tbody>
</table>
Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.

Section 4: That all expenditures within the fiscal year ending December 31, 2019 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund). For any Capital Project Funds (400 Series) the appropriation herein approved shall lapse only upon completion of all specified projects; therefore, any appropriation balance unexpended at the end of the fiscal year shall be carried forward to subsequent fiscal years.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

_____________________________
PRESIDENT OF COUNCIL

_____________________________
CLERK OF COUNCIL

_____________________________
MAYOR

_____________________________
DATE
### EXHIBIT "A"

**SCHEDULE OF BUDGETS BY DEPARTMENT FOR GENERAL FUND**

<table>
<thead>
<tr>
<th>Department</th>
<th>Personal Service</th>
<th>Other</th>
<th>Equipment Replacement</th>
<th>Transfers</th>
<th>Total</th>
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<td>20,100.00</td>
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<td>Walker Road Park Stormwater Improvements</td>
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<td><strong>GRAND TOTAL</strong></td>
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Total amount appropriated by fund may not be exceeded.
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING PART 5 OF THE CODIFIED ORDINANCES OF
THE CITY OF BAY VILLAGE BY ENACTING CHAPTER 555 RELATING TO
LAKESIDE CEMETERY REGULATIONS AND DECLARING AN EMERGENCY

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

SECTION 1. That Part 5 of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Chapter 555 which shall read as follows:

CHAPTER 555
Cemetery Regulations

555.01 Short title  555.08 Cemetery lots
555.02 Definitions  555.09 Interment and burial
555.03 Cemetery property  555.10 Removals or disinterments
555.04 Sanitation  555.11 Interment and disinterment fees
555.05 Traffic  555.12 Enforcement
555.06 Behavior  555.13 Trustees
555.07 Cemetery operating policy  555.14 Designation of historical area
555.08 555.99 Penalty

CROSS REFERENCES
Criminal mischief – see GEN. OFF. 541.04
Destruction of shrubs or trees – see GEN. OFF. 541.06

555.01 SHORT TITLE.
This chapter shall be known and may be cited as the “Bay Village ordinance regulating operations and conduct in Lakeside Cemetery.”

555.02 DEFINITIONS.
For the purpose 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) “Ash Grave” means land where cremated remains in an urn are buried.
(b) “Burial” means disposition of human remains below ground, also called interment.
(c) “Casket” means a container manufactured of wood or metal designed for the viewing of a body in the funeral home. The casket then acts as storage and protection for the body during transportation and protection for the body during transportation to the cemetery for interment.
(d) “Cemetery” means the parcel of land designated as Lakeside Cemetery in Bay Village.
(e) “City” means City of Bay Village.
(f) “Deed for Cemetery Lot” means the document by which the City conveys the sale of a lot described upon the plat of Lakeside Cemetery. A Deed for Cemetery Lot is also a Deed for Interment Rights.
(g) “Director” means Director of Public Service and Public Properties, which is the person immediately in charge of the cemetery and its operations.
(h) “Disinterment” means to remove a vault or urn from a grave site.
(i) “Foundation” means the base or footing on which a memorial is installed.
(j) “Grave Site” means a space of land reserved for the burial of an individual or where an individual is buried.
(k) “Interment” means to bury a vault below the surface of the ground in a grave space.
(l) “Interment Right” means the particular right to place the remains of a deceased person in a specific interment space within a cemetery, subject to the limitations set forth by the cemetery.
(m) “Inurnment” means to bury cremated remains in an urn below the surface of the ground, in an ash grave.
(n) “Lot” refers to the section in the Cemetery as described upon the plat of said Cemetery purchased for the purpose of interment rights.
(o) “Marker” means a flat memorial quarried from granite or cast in bronze and placed at ground level at the head or foot of a grave.
(p) “Memorial” means a monument, grave marker, or headstone identifying a grave or graves.
(q) “Opening and Closing” means digging and closing the grave for burial of a vault or urn.
(r) “Owner” means the person or persons to whom the City has conveyed interment right(s) or who hold such right(s) by inheritance.
(s) “Person” means any individual, firm, partnership, association, corporation, company, or organization of any kind.
(t) “Trustees” mean the Cahoon Memorial Park Trustees.
(u) “Urn” means a container for cremated remains. In Lakeside Cemetery, the urn must be of retrievable materials such as bronze, plastic or cultured marble.
(v) “Vault” means an outer container manufactured of concrete, fiberglass, or steel into which a casket is placed for burial. Its purpose is to prevent the ground from sinking after burial, as well as providing protection for the casket.
(w) “Vehicle” means any wheeled conveyance whether motor-powered 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 Department, Police Department or Fire Department.

555.03 CEMETERY PROPERTY.
No person shall:
(a) Disfiguration and Removal. Willfully mark, deface, disfigure, tamper with or displace or remove any headstones, grave markers, benches, fences, flags, paving materials, signs, notice of placards, whether temporary or permanent, monuments,
stake, posts or other boundary markers, or other structures or equipment facilities, grounds, graves, or cemetery property or appurtenances whatsoever, either real or personal.

(b) Removal of Natural Resources. Dig or remove any soil, rock, stones, trees, shrubs or plants, downed timber, 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.

(c) 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.

(d) Trees, Shrubbery, Lawns. 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 of tree or plant, or dig in or otherwise disturb the grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, without prior written consent of the Director.

555.04 SANITATION.
No person in the cemetery shall:

(a) Pollution of Waters. Throw, discharge or otherwise place or cause to be placed in the waters of the lake, 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 the cemetery or dump, deposit or leave in the cemetery 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 the cemetery, 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 cemetery by the person responsible for its presence and properly disposed of elsewhere.

555.05 TRAFFIC.
No person in the cemetery 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 city employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in or out of the cemetery and on the street 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 five miles an hour through the cemetery unless otherwise posted by the Director.

(e) **Operation Confined to Roads.** Drive any vehicle on any area except the cemetery drive, 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 established or designated parking area which is on the side of the drive.

   (2) **Full-Parking.** Full-park on the drive at any time.

   (3) **Night Parking.** Leave a vehicle standing or parked after sunset without lights clearly visible on the cemetery drive.

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

555.06 **BEHAVIOR.**

No person in the cemetery shall:

(a) **Intoxicating Beverages**

   (1) **Prohibition.** Bring intoxicating liquor, alcoholic beverages or beer into the cemetery 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 the cemetery.

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

(b) **Fireworks and Explosives.** Bring into the cemetery 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 explosive of inflammable material, or discharge them or throw them into any such area from land or a highway adjacent thereto. 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 the cemetery.

(d) **Fires.** Build or attempt to build a fire except in a fireplace provided for such purpose 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 the cemetery.

(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) **Remain in Cemetery After Closing Hours.** Enter, be in or remain in the cemetery after the designated closing hour of such cemetery.

555.07 **CEMETERY OPERATING POLICY.**

(a) **Hours.** Except for unusual and unforeseen emergencies, the cemetery shall be open to the public every day of the year during the hours between dawn and dusk. The Director may allow the cemetery to be open during the hours the cemetery is normally closed, for person or groups designated in advance by such Director.
555.08 CEMETERY LOTS.
(a) **Sale of Lots.** The availability of cemetery lots, cost, and sale shall be determined and approved by the Trustees.
(b) **Deed for Cemetery Lot.** A Deed for Cemetery Lot shall be issued by the Director of Law to each person(s) purchasing a lot.
(c) **Fees.** The Director of Finance shall deposit all funds collected from the sale of lots and interment fees into the Cahoon Memorial Park Income Fund for perpetual care of the cemetery as set forth in 540.14.
(d) Lots and interment rights cannot be transferred or sold to another person; however, the lot and interment rights do pass by inheritance. Lots may be transferred back to the City for the original purchase amount as approved by the Trustees.
(e) **Memorials.** All new and replacement memorials and their location must be submitted to, and approved by, the Director.
(f) **Foundation.** All memorials and markers shall be placed upon a foundation to be installed by the company providing such memorial or marker.
(g) **Structures.** No person shall install or have installed vases, permanent military markers, or any type of permanent structure without the prior written consent of the Director.
(h) **Trees, Shrubbery, Plants and Flowers.** No person shall plant or have planted trees, shrubbery, plants or flowers on any cemetery lot without the prior written consent of the Director.
(i) **Wreaths, Cut Flowers, and Seasonal Items.** Wreaths, cut flowers, flags, and seasonal items may be placed at any grave site for the period of time that the items remain healthy and in season. The Director may remove or have removed any items which are no longer applicable or need to be removed to complete mowing and maintenance.

555.09 INTERMENT AND BURIAL.
(a) Interments are not permitted on Sundays or New Years Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day, or Christmas Day unless authorized by the Director.
(b) The person requesting the order for interment shall provide to the Director the Burial Certificate from Vital Statistician, the time of the funeral and expected time to enter the cemetery, complete pre-payment of interment costs, including cemetery lot costs, if not already paid.
(c) For burial, caskets must be placed in a vault provided by the owner. Urns do not need a vault, but must be made of retrievable materials such as bronze, plastic, or cultured marble. The vault company shall be responsible to lower the vault.
(d) The opening and closing shall be completed by the Director.
(e) Any existing lots in the cemetery made available for sale by the Trustees shall be designated for inurnment only.
(f) Should a disinterment occur at a gravesite in the cemetery, the Trustees shall determine the future availability of the lot and if the gravesite is eligible for an interment or only an inurnment.
(g) One gravesite designated for inurnment only may hold two urns. One gravesite designated for a full interment may hold one adult vault or one adult vault plus
one urn, or one adult vault plus one infant vault, or two urns, unless otherwise indicated in the deed for cemetery lot.

555.10 REMOVALS OR DISINTERMENTS.
(a) When remains are to be removed from the cemetery, or moved within the cemetery, a permit must be presented from the Board of Health, in accordance with the Statutes of Ohio governing the disinterment and removal of bodies.
(b) When remains are to be removed from a grave, written consent must first be received from the person who paid for the interment, the gravesite owner, or the next of kin of the deceased. If none of these can be obtained, an order from a court of competent jurisdiction may be substituted.

555.11 INTERMENT AND DISINTERMENT FEES.
(a) Opening and closing for an adult vault $900.00
(b) Opening and closing for an infant vault or urn $350.00

555.12 ENFORCEMENT.
(a) Officials. The Director, Service Department 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 Service Department attendant or Police Officer shall have the authority to eject from the cemetery any person acting in violation of this chapter.

555.13 TRUSTEES.
Nothing in this chapter shall be deemed to abrogate, restrict, modify, alter or change the rights, duties or obligations of the Cahoon Memorial Park Trustees as set forth in the Will of Ida Marie Cahoon dated June 16, 1917.

555.14 DESIGNATION OF HISTORICAL AREA.
Lakeside Cemetery is hereby designated as an historical area to be preserved, cared for, and protected as set for in the Will of Ida Marie Cahoon, dated June 16, 1917. More specifically, said area is described as permanent parcel 202-04-02, which is approximately half an acre made up from portions of Lot 93 and Lot 94 purchased by the Trustees of Dover.

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

and present Part 5 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

06.04.19 jt
AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. FOR CONSTRUCTION OBSERVATION SERVICES FOR THE COLUMBIA ROAD CULVERT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City is in need of professional construction observation services to oversee the construction activities at the Columbia Road Culvert work site; and

WHEREAS, the City has received a proposal for that project from Chagrin Valley Engineering, Ltd., 22999 Forbes Road, Suite B, Cleveland, Ohio 44146, which has previously provided services on various city projects;

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 agreement with Chagrin Valley Engineering, Ltd. to proceed with the construction observation services for the Columbia Road Culvert project at a cost not to exceed Twenty-Three Thousand, Three Hundred Twenty Dollars ($23,320.00).

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, property and safety, and for the further reason that it is immediately necessary to provide said construction observation services, 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

06.07.19 jt