July 5, 2019

A Special Meeting of the Bay Village City Council will be held on Monday, July 8, 2019 at 6:30 p.m., following the Committee Meeting at 6 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 4 Councilman Peter J. Winzig.

2. **Motion** to approve the Minutes of the Special Meeting of Council held June 24, 2019. *Tadych*

3. **Motion** to approve the Minutes of the Cahoon Memorial Park Trustees meeting held June 24, 2019.*Tadych*

4. **Motion** to acknowledge receipt of June 2019 Financial Statements of the City of Bay Village as prepared by Finance Director Renee Mahoney.*Tadych*

5. **Ordinance** approving an agreement with Squire Patton Boggs for 2019 Legal Services for the 2019 Labor Negotiations, and declaring an emergency.*Tadych*

6. **Ordinance** authorizing the purchase of a new financial system, and declaring an emergency. (First Reading and Consideration for Adoption).*Tadych*

7. **Motion** to remove Review of Codified Ordinance No. 1163.05 Fence Regulations from Matters Pending before Council.*Mace*

8. **Resolution** authorizing the filing of a Healthy Urban Tree Canopy Grant Application with Cuyahoga County, and declaring an emergency.*Mace*

9. **Motion** to remove Vacant Homes from Matters Pending before Council.*Maier*

10. **Motion** to grant permission to the Director of Public Service and Properties to advertise for bids for the Rose Hill Slope Stabilization Project.*Stainbrook*

11. **Motion** to grant permission to the Director of Public Service and Properties to re-advertise for bids for Sunset Area Utilities Improvements.*Stainbrook*

12. **Ordinance** authorizing a contract with R.J. Platten Contracting Company for Lake Road Crosswalk Installations, and declaring an emergency.*Stainbrook*

13. **Resolution** authorizing the Ohio Department of Transportation to replace the Ashton Lane Bridge, and declaring an emergency.*Stainbrook*
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14. **Ordinance** authorizing a contract with Carron Asphalt Paving, Inc. for the Reese Park Tennis/Pickle Ball Court Renovation and declaring an emergency.*Winzig*

15. Announcements/ Audience/Miscellaneous

16. Adjournment

Dwight A. Clark
President of Council

Charter Reference 2.11
City of Bay Village

Council Minutes, Special Meeting  
June 24, 2019
Council Chambers 8:15 p.m.
President of Council Dwight A. Clark, 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, Community Services Director Selig, Building Director Tuck-Macalla.

AUDIENCE

Claire Banasiak, Susan Murnane, Tom Kelly, Sylvia Milhoan, Roberta Dalton, Nancy Jones, Joyce Eldred, Mary and Bill Bennett, Mary Slaman, Larry Bennett, Greg Baeppler, Lynn Cartellone, Tara and Denny Wendell, Virginia Nord.

President of Council Clark called the meeting to order at 8:15 p.m. with roll call and the Pledge of Allegiance led by Councilwoman Sara Byrnes Maier, Ward 3.

Motion by Tadych to dispense with the reading of the minutes of the meeting of the Special Meeting of Council held June 10, 2019 and approve the minutes as prepared and distributed. Motion passed 7-0.

Mr. Mace read, by title only, 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, and moved for adoption. (Second Reading June 10, 2019, as amended) (First Reading June 3, 2019).

Mrs. Stainbrook stated that she will be submitting comments to Clerk of Council Joan Kemper for the record. Mrs. Stainbrook's comments received June 26, 2019, and attached to these minutes.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-50.

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.
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Nays – Stainbrook, Tadych, Winzig.  
Roll Call on Adoption:  
Yeas– Clark, DeGeorge, Mace.  
Nays – Maier, Stainbrook, Tadych, Winzig.  

Mr. Clark announced that Ordinance No. 19-50 has failed, with a vote of 4 Nays and 3 Yeas.  

Mr. Mace introduced and read Resolution No. 19-62 approving use by Hayden and Rachel Stafford 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. 19-62.  

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 Resolution No. 19-62, an emergency measure, with a vote of 7-0.  

Mr. Mace introduced and read Resolution No. 19-63 authorizing the purchase of a Fire Department vehicle, 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. 19-63.  

Mr. Tadych asked the trade-in allowance for the old vehicle.  Fire Chief Lyons stated that the amount of $32,000 is being allowed for the trade of the old vehicle.  

Mr. Winzig asked the Chief if the new truck is a 2018 or 2019 model.  Chief Lyons stated that it is a 2018 model.  The Resolution is hereby amended by reading to state that the new truck is a 2018 model.  

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

Mr. Barbour announced adoption of Resolution No. 19-63, amended by reading to show that the
model year of the vehicle being purchased is a 2018 model, and not a 2019 model, an emergency
measure, is adopted with a vote of 7-0.

Mr. Clark expressed appreciation to Councilman Mace, Fire Chief Lyons, and the entire
committee on doing their due diligence for a purchase of this magnitude.

Mr. Tadych 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, and moved for adoption. (Second Reading June 10, 2019) (First Reading June 3,
2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of
Ordinance No. 19-53.

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

Mr. Barbour announced adoption of Resolution No. 19-53, an emergency measure, with a vote of
7-0.

Mr. Tadych 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 and moved for
adoption. (Second Reading June 10, 2019) (First Reading June 3, 2019).
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There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-54.

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

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

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

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

Mr. Barbour announced adoption of Resolution No. 19-54, an emergency measure, with a vote of 7-0.

Mr. Tadych 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, and moved for adoption. (Second Reading June 10, 2019) (First Reading June 3, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-55.

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

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

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

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

Mr. Barbour announced adoption of Resolution No. 19-55, an emergency measure, with a vote of 7-0.

Mr. Tadych 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, and moved for adoption. (Second Reading June 10, 2019) (First Reading June 3, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-56.

Roll Call on Suspension of the Charter Rules:
Yea – Winzig, Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych.
Nay – None.

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

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

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

Mr. Barbour announced adoption of Resolution No. 19-56, an emergency measure, with a vote of 7-0.

Mr. Tadych read 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, and moved for adoption. (Second Reading June 10, 2019) (First Reading June 3, 2019).

Mr. Mace commented that he would like to restate his opposition in making the increases in excess of the increases received by the general employees of the City.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-57.

Roll Call on Suspension of the Charter Rules:
Yea – Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nay – None.

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

Roll Call on Inclusion of the Emergency Clause:
Yea – Clark, DeGeorge, Maier, Stainbrook, Tadych, Winzig.
Nay – Mace.

Roll Call on Adoption:
Yea – Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nay – Mace
Mr. Barbour announced adoption of Ordinance No. 19-57, an emergency measure, with a vote of 6-1.

**Motion** by **Tadych** to acknowledge receipt of May 2019 Financial Statements of the City of Bay Village as prepared by the office of Renee Mahoney, Director of Finance. Mr. Clark commented that this is the typical monthly protocol and best practice and Director of Finance Mahoney is very good at circulating the documents the first week of the month.

**Motion carried 7-0.**

**Ms. Maier** read, by title only. **Ordinance 19-60** 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, and moved for adoption. (Second Reading and consideration for adoption) (First Reading June 10, 2019).

Mr. Clark commented that normally three readings are held on matters like this, but given the fact this needs to be finalized, and this is a well-written ordinance, he suggested adoption this evening.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-60.

- **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. 19-60, an emergency measure, with a vote of 7-0.

**Ms. Maier** introduced and read **Ordinance No. 19-64** amending Part 13 of the Codified Ordinances of the City of Bay Village by enacting Chapter 1375 relating to Vacant Buildings, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-64.
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Roll Call on Suspension of the Charter Rules:
   Yeas- Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
   Nays- None.

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

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

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

Mr. Barbour announced adoption of Ordinance No. 19-64, an emergency measure, with a vote of 7-0.

Mrs. Stainbrook introduced and read Resolution No. 19-65, amending by reading to add a missing word, “repair”, in Section 2, ordering the repair of the public sidewalks abutting certain premises in the City of Bay Village, and declaring an emergency, and moved for adoption.

Mr. Clark asked Finance Director Mahoney how many property owners pay for their sidewalk repair and do not have the charges submitted to the county to be placed on their tax duplicate. Mrs. Mahoney stated that most pay; last year only nine parcels were assessed. Mr. Tadych noted that the cost of sidewalk replacement is $6.00 per square feet.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-65.

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

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

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

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

Mr. Barbour announced adoption of Resolution No. 19-65, an emergency measure, with a vote of 7-0.

Motion by Winzig to confirm the reappointment by Mayor Koomar of Stewart Watterson to a four-year term to the Parks and Recreation Commission ending June 30, 2023.
Motion carried 7-0.

Motion by Winzig to remove Prohibition of Smoking in City Parks from the Matters Pending before Council list.

Motion carried 7-0.

Ms. DeGeorge introduced and read Ordinance No. 19-66 amending Ordinance 15-80 authorizing the Mayor to enter into an agreement with Browning-Ferris Industries of Ohio, Inc., for Solid Waste Collection and Disposal, Yard Waste, and Recycling Material Collection and Processing, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-66.

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

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

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

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

Mr. Barbour announced adoption of Ordinance No. 19-66, an emergency measure, with a vote of 7-0.

Ms. DeGeorge introduced and read Resolution No. 19-67 authorizing the purchase of Service Department vehicles, and declaring an emergency, and moved for adoption.

Mr. Clark noted that these are two vehicles for which Council gave prior approval when reviewing the 2019 Capital Budget.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-67.

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

Roll Call on Suspension of the Council Rules:
   Yeas –Tadych, Winzig, Clark, DeGeorge, Mace, Maier, Stainbrook.
Mr. Barbour announced adoption of Resolution No. 19-67, an emergency measure, with a vote of 7-0.

**Motion** by Tadych to adjourn Regular Meetings of Bay Village City Council during the months of July and August in accordance with City Charter Section 2.10 with Special Meetings called as necessary.

**Motion carried 7-0.**

**ANNOUNCEMENTS, AUDIENCE, MISCELLANEOUS**

There were no comments from the audience.

**COMMUNICATIONS**

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

In opposition to changing the current fence ordinance:

Bill and Mary Bennett  
Gary and Connie Clifford  
Joel & Barb Loufman  
Warren Remein  
Karen Lieske  
Brenda Warner (telephone call to Mrs. Stainbrook)  
Mary Saloka Morrison  
Kimberly Moore

Information from the City of Cleveland, Division of Water regarding discount programs for eligible residents within the Cleveland Water’s service area.

Email communication from Tim Doyle expressing deep concern over the cutting down of trees in Bay Village.

**Ms. DeGeorge** thanked Clerk of Council Joan Kemper for all the work she did, putting all of the data together regarding the fence ordinance. Ms. DeGeorge stated that she has a binder of information that she could not have gathered on her own. Mr. Clark expressed appreciation to
Ms. Kemper for her public service.

A Special Meeting of Council is planned for Monday, July 8 at 6 p.m.

**Mayor Koomar** stated that there was one item of agreement relative to the privacy screening in the fence ordinance, which is to clarify the wording for the Board of Zoning Appeals. He asked if it will be possible to clarify that section. Mr. Clark stated that this can certainly be brought forward if something needs to be done.

Mr. Clark wished everyone a good summer. There being no further business to come before Council this evening, the meeting adjourned at 8:45 p.m.

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

(Mrs. Stainbrook’s comments for the record received June 26, 2019)

**Fence Ordinance – For Council Consideration and Vote 2019-06-24**

**Stainbrook Summary Comments-Submitted for the record**

“The fence ordinance being presented, would overturn the current ordinance which has served Bay Village well for decades. It has stood the test of time and contributes to our exceptional aesthetic and sense of community. Recently BV was recognized by 3 publications for our quality of life. These quality awards don’t just happen. They occur, in part due to thoughtful legislation being adopted to create and maintain excellence over time. A few additional points:

- Safety is compromised by higher fences, and makes the jobs of our safety forces more difficult.
- The issues brought to Council by residents aren’t fence issues they are animal control, property maintenance, and privacy issues.
- The privacy issue is adequately managed by the privacy screen section of the current ordinance and a 5ft. 75% opacity fence doesn’t solve animal control or property maintenance issues.
- Many residents believe as I do that once you break the 4ft. barrier, it will go to 6ft. It’s been said that going to 5ft. is only a 1ft. increase, it’s actually a 25% height increase.
- This ordinance allows Lake Rd residents protected views by maintaining the 4ft. fence height, while all other residents’ views would be unprotected.
- Lastly, in walking the city in 2017, talking to hundreds of residents while campaigning, changing our fence ordinance didn’t come up. It also wasn’t a community concern as part of the latest Master Plan discussions.
President of Council Clark called the meeting called to order in the Council Chambers of Bay Village City Hall at 8:13 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, Community Services Director Selig, Police Chief Spaetzel, Building Director Tuck-Macalla.

AUDIENCE

Claire Banasiak, Susan Murnane, Tom Kelly, Sylvia Milhoan, Roberta Dalton, Nancy Jones, Joyce Eldred, Mary and Bill Bennett, Mary Slaman, Larry Bennet, Greg Baeppler, Lynn Cartellone, Tara and Denny Wendell, Virginia Nord.

Lakeside Cemetery Regulations.

MOTION to approve the Lakeside Cemetery regulations, as distributed and reviewed by the City Council and the Cahoon Memorial Park Trustees.

Motion carried 8-0.

There being no further business to be brought before the Trustees this evening, the meeting adjourned at 8:15 p.m.
AN ORDINANCE
APPROVING AN AGREEMENT WITH SQUIRE PATTON BOGGS FOR 2019 LEGAL SERVICES FOR THE 2019 LABOR NEGOTIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City is in need of legal services to negotiate labor contracts; and

WHEREAS, the City has previously appropriated and approved expenditures for legal services from Squire Patton Boggs, 4900 Key Tower, 127 Public Square, Cleveland, Ohio 44114, for labor negotiations;

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

SECTION 1. That the personal service contract with Squire Patton Boggs for legal services to negotiate labor contracts in 2019 in the amount of Twenty-Three Thousand, Four Hundred Fifty-Two Dollars and Fifty Cents ($23,452.50) is hereby approved.

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 payment for said legal 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

07.05.19 JT
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE PURCHASE OF A NEW FINANCIAL SYSTEM,
AND DECLARING AN EMERGENCY.

WHEREAS, the Finance Department is in need of a new Finance System in order to meet today’s technological demands, improve efficiencies, increase information security, enhance customer service; and

WHEREAS, after advertising for bids according to law, it has been determined that Tyler Technologies is the best bid. The agreement with said provider shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

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 Tyler Technologies, 5519 53rd Street, Lubbock, TX 79414, for a new Financial System. Total cost of the contract, including five (5) year maintenance services, in the amount of Three Hundred Forty-Two Thousand, Eight Hundred Fifty-Three Dollars ($342,853.00), with the 2019 cash outlay not to exceed One Hundred Twenty-Five Thousand Dollars ($125,000.00).

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, safety, and for the further reason that it is immediately necessary for the efficient operation 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

07.05.19 jt
A RESOLUTION
AUTHORIZING THE FILING OF A HEALTHY URBAN TREE CANOPY GRANT APPLICATION WITH CUYAHOGA COUNTY, AND DECLARING AN EMERGENCY.

WHEREAS, Cuyahoga County has created a Healthy Urban Tree Canopy Grant Program that will encourage the strategies published in the Cuyahoga County Climate Change Action Plan to combat the deleterious effects of climate change and its impacts to residents by protecting, expanding, and establishing new tree canopy.

WHEREAS, the City of Bay Village desires financial assistance under this program to assess and improve the City’s tree canopy, and will prepare the grant application for submission;

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

SECTION 1. That Council hereby authorizes the application to Cuyahoga County for financial assistance in an amount not to exceed $50,000.00, provision of all information and documentation required to become eligible for possible funding assistance, and execution of any agreements necessary to receive any awarded funds.

SECTION 2. That Council hereby agrees to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the grant program, and a local match of 5% of the grant award, not to exceed $2,500.00.

SECTION 3. That 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 necessary to authorize the filing of said application in a timely manner, 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

070219 kek
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING A CONTRACT WITH R.J. PLATTEN CONTRACTING COMPANY
FOR LAKE ROAD CROSSWALK INSTALLATIONS,
AND DECLARING AN EMERGENCY.

WHEREAS, the City is in need of installation services for the Lake Road Crosswalk project; and

WHEREAS, the City has selected a proposed Scope of Services for that project from R.J. Platten Contracting Company, 14490 York Road, North Royalton, Ohio 44133;

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 R.J. Platten Contracting Company to proceed with the proposed services for the Lake Road Crosswalk Installation project at a cost not to exceed Ninety-Three Thousand, Two Hundred Fifty Dollars ($93,250.00).

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 installation 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

07.05.19 jt
ORDINANCE 

AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO REPLACE THE ASHTON LANE BRIDGE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village, Ohio, hereinafter referred to as the Local Public Agency (LPA), has determined the need for the described project:

Replace the Ashton Lane bridge over Porter Creek in the City of Bay Village.

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

SECTION 1. Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA Federal ODOT-Let Agreement entered into between the parties, if applicable.

SECTION 2. Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into an LPA Federal ODOT-Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. The LPA agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation.

The LPA agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the LPA, which is determined by the Director not to be part of or made necessary by the improvement.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.
The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT’s “Specifications for Consulting Services” as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT’s current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

SECTION 3. Authority to Sign

The LPA hereby authorizes the Mayor of said City to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 4. Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5. Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6. Open Meeting

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 7. Emergency Measure

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 to expedite the highway project and promote highway safety, 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

__________________________
MAYOR

070119 jt

CERTIFICATE OF COPY
STATE OF OHIO

The City of Bay Village, Cuyahoga County, Ohio

I, ____________________________, as Clerk of the City of Bay Village, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Bay Village on the ______ day of ____________, 2019.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this ______ day of ____________, 2019.

__________________________
SEAL
Clerk
CITY OF BAY VILLAGE OF CUYAHOGA COUNTY, OHIO

(If the LPA is designated as a City then the “City Seal” is required. If no Seal, then a letter stating “No Seal is required to accompany the executed legislation.”)
AN ORDINANCE
AUTHORIZING A CONTRACT WITH CARRON ASPHALT PAVING, INC. FOR THE
REESE PARK TENNIS/PICKLE BALL COURT RENOVATION,
AND DECLARING AN EMERGENCY.

WHEREAS, the City is in need of construction services for the Reese Park Tennis/Pickle Ball Court renovation project; and

WHEREAS, the City has selected a proposed Scope of Services for that project from Carron Asphalt Paving, Inc., 7615 Bond Street, Solon, Ohio 44139;

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 Carron Asphalt Paving, Inc. to proceed with the proposed services for the Reese Park Tennis/Pickle Ball Court renovation project at a cost not to exceed Ninety-Seven Thousand, Two Hundred Fifty-Eight Dollars ($97,258.00).

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 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

07.05.19 jt