AGENDA

Agenda, Bay Village City Council                                  Date:  September 16, 2019
Committee Meeting                                             Time:  7:30 p.m.
Conference Room, Bay Village City Hall
Dwight A. Clark, President of Council, Presiding

(Prior to meeting, at 6:45 p.m., Council to see new Fire Department Ladder Truck)

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Trees Discussion.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

FINANCE & CLAIMS COMMITTEE-Tadych

August 2019 Financial Statements of the City of Bay Village.

Budget Planning Process for 2020 Year.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-
Stainbrook

Rocky River Wastewater Treatment Plant- Capital Projects Update.

Engineering Update -Lakeside Cemetery Erosion Project.

United States EPA-SSO Overflows/Engineering and Modeling.

Bridge Project Update.

Reclamite Application to Streets.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Reese Park Tennis/Pickleball Courts.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

MISCELLANEOUS

AUDIENCE
ADJOURNMENT

CAHOON MEMORIAL PARK TRUSTEES
City of Bay Village

Council Minutes, Committee Session 
Dwight A. Clark, President of Council, presiding

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, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar.

Excused:              Mr. Mace

Also Present:     Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Police Chief Spaetzel, Recreation Director Enovitch, Community Services Director Selig, Building Director Tuck-Macalla, Project Manager Kerber, Pat Thornton of Sixmo Architects.

AUDIENCE

Cheryl Gardiner, John Suter, Clare Banasiak, K Rowe, Marlene Medley, Tracy Flora, Linda Harris, Karen Donnelly.

ANNOUNCEMENTS

Electric Aggregation

Mayor Koomar distributed copies of a letter that will be sent to residents and small business owners, dated September 20, 2019, entitled “Electric Aggregation Enrollment Notification.” He explained that residents are automatically enrolled, unless they choose to opt out using the form to be received, and returning it by October 11, 2019. If someone is with another provider currently, they would have to opt out of that program to join this program. A majority of the residents in Bay Village are in the First Energy Solutions program, which was voted on in the fall of 2010. This program was ratified by the voters by an 80/20 percent majority. Mr. Clark commented that we are now fortunate to have residents Tom and Laura Sherman of Sustainable Energy Solutions (SES), who have a skill set in tracking electricity and gas prices.

Mr. Winzig stated that at one point the Sherman’s showed Council a timeline of costs and rates, which helped Council understand the highs and lows. He asked if there is a way to put this information on the City’s website. The Mayor stated that this will be part of the presentation of SES on Monday, October 7, 2019 in the City Hall Council Chambers at 6:30 p.m.

Mr. Tadych noted that the contract is for a term of 38 months, ending November 2022. Mr. Clark stated that Laura Sherman will be asked to come back to speak to Council periodically to update us on pricing, noting that they track prices every minute of the day in their job.
Committee Meeting of Council  
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Mayor Koomar stated that still on the radar is aggregation for residential natural gas. After completing the electric aggregation process, the natural gas will be looked at further, probably toward the end of this year. Bay Village is currently with NOPEC, an ongoing contract with no termination date.

Mr. Clark asked if there is a grant component to the electric aggregation program. He was informed that the incentive is rolled into the pricing.

Algae Bloom

Mayor Koomar advised that there was a siting of a potential algae bloom at Columbia Road Park. The original toxin result was a .427 Ugl which represents micrograms per liter. As a point of reference, a 6.0 Ugl is cause for concern. A week later the testing indicated a .27 Ugl. The hazardous signs have been removed from the beach. The Mayor complimented the County Board of Health on the information they passed to the City and the Bay Park Beach Association (Sunset), which is a private beach association. Due to the wave conditions over the holiday, the entrance to Columbia Park beach was closed. The steps are slippery due to green, natural growth.

Mr. Tadych asked if the intent is to keep the Columbia Park beach closed for a while. Mayor Koomar stated that the area will be watched this week. He noted that there are more north winds this time of the year which consistently would cause more waves against the steps and beach area.

Mandatory Safety Training

Mayor Koomar advised that mandatory safety training for employees will be given by the Police and Fire Departments. Further information will be provided by the Police and Fire Chiefs in their reports to be given at the Regular Meeting of Council this evening.

Special Improvement District

Law Director Barbour advised that the Ohio Revised Code permits the formation of a public entity called a Special Improvement District. There is a list of requirements that have to be met to form the district. When the Special Improvement District is created, different types of financing can be obtained that would not be available to an individual for one piece of property. Financing would be used for improvements for the entire district. He noted that the procedure is very complex. There was an article in Crain’s Cleveland Business that portrayed the process as super simple which prompted calls from lakefront residents.

Mr. Clark noted that the Lake County Port Authority has been the initializer of the project because there are also problems in Mentor, Eastlake and Willowick. If they run interference on the program it might give the City ballast in terms of doing something on the west side, including Rocky River, Lakewood, and Bay Village. It is still in the infancy stages; there is not a template that has worked yet. But, it is a real problem with the erosion issues. The premise of the initiative is to have the improvements move on from the current homeowner and stay with the property. More details will be forthcoming as the process is formulated.
Mr. Clark noted that a lot of homeowners north of Lake Road are facing increasing property tax bills and the cost of renovation and erosion work is substantial.

Ms. DeGeorge asked who is doing this type of Special Improvement District. Mr. Barbour stated that a few Lake County suburbs, along with the Lake County Port Authority are creating a district. He stated that private property owners can create their own Special Improvement District with the blessing of the municipalities involved. It is complex.

Ms. Maier stated that the City of Euclid is doing a lot of erosion work, but in doing that the homeowners had to give an easement over to the City so there is public access to build a trail and that is part of what is armoring the coastline there. Mr. Barbour stated that they gave up a piece of their property to create their waterfront trail.

Mr. Tadych asked if the payment stays with the property on the property tax duplicate. Mr. Barbour stated that it is not exactly like that. It is similar to a bond. A district is created and that allows an application for special financing, with terms to be negotiated.

Appointment of Frank Merecicky to the Community Services Advisory Board for a three year term expiring September 3, 2022.

Community Services Director Selig advised that Frank Merecicky was a member of one of the committees for the Strategic Planning and was very helpful in that regard. Mr. and Mrs. Merecicky moved to Bay Village from the Washington D.C. area three or four years ago, and would like to continue to give back to the community. The desire is to have a BV60+ person on the Community Services Advisory Board.

A resume for Frank Merecicky will be sent to City Council.

COMMITTEE OF THE WHOLE

Lake Erie Water Trail Update.

Project Manager Kerber informed Council that the Lake Erie Water Trail initiative is being organized by the Cleveland Metroparks to establish a water trail along Lake Erie in Cuyahoga County from Euclid to the edge of Bay Village. Metroparks has been working with all the communities along the way to establish the trail in the water and identify check points and public access points. If paddling on the lake with stand-up paddle boarding or kayaking, there will be signs indicating the public access points from Euclid to Huntington Beach. All the Metroparks needs from Bay Village is authorization to include Columbia Beach as one of the stops on the water trail. This will involve the City of Bay Village putting up a few signs, probably at the water level and street level indicating the area as an access point for the Lake Erie Water Trail. A weather-proof dispenser for flyers will be installed so that pamphlets can be kept with a map for the public. A resolution or letter of support from the City Council will be necessary when the Metroparks submits the water trail paperwork to the state for approval.
Ms. Kerber stated that she thinks it is a great idea from a public safety standpoint. There is very little cost to the City for participation. All that is necessary is putting up a couple of signs. There may be a group initiative to have signs made with grant money, but the signs won’t be expensive. Ms. Kerber stated that from her perspective as the grants administrator, once a park is included in a plan like this it is a great selling point for other grant applications, to say Columbia Beach is part of this water trail and the City needs to make improvements to the park and needs your help. Money was received from the Coastal Management Assistance Grant (CMAG) Cycle 23 to do geotechnical studies of the stairs at Columbia Park. Public meetings were held recently in Euclid and Rocky River that were well attended, indicating good support for the Lake Erie Water Trail Project.

A resolution of support for the water trail will be presented to Council in the month of September.

Ms. DeGeorge asked if there is not grant money received for the steps, how do we reconcile the steps with this public access point. Ms. Kerber stated that they are already aware that there are not a lot of facilities at Columbia Park. They were informed that it is just parking across the street. They just want to include it as a public access point.

Ms. DeGeorge confirmed with Ms. Kerber that it is not the expectation that people would be putting their kayaks and paddle boards in at that point of Columbia Park. It is more the signage from the water perspective.

Mayor Koomar stated that when he met with the Metroparks they said that they anticipated that people might go in at the Rocky River access point to travel to Huntington Beach. In the event someone became fatigued or bad weather kicked up, they were looking to have some access points at Bradstreet Landing and Columbia Beach for safety or rest.

Ms. Stainbrook stated that the steps at Columbia would make it difficult to carry a kayak or paddle board up or down the steps. There is not a lot of beach there now. The Mayor noted that the water level of the lake is dropping. Ms. Stainbrook stated that we certainly want to know the condition of the steps if we are going to present the area as an access point.

Mr. Tadych noted that the steps have been a problem for years, and we would like to move forward on improvements.

Mr. Clark asked if there is any way to use the resource of the sign shop for consistency in signage.

Ms. Kerber stated that we probably could use the sign shop to create signs. There is a logo that they have been using which may be the final logo. She is sure the signs can be done in-house.

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

Safe Routes to School – School Travel Plan.
Ms. Kerber provided a flyer to all members of Council stating that the City of Bay Village and the Bay Village Schools are creating a School Travel Plan as part of the Ohio Department of Transportation Safe Routes to School Program. Safe Routes to Schools focuses on making the routes that kids walk and bike to school safer. The Ohio Department of Transportation can provide funding and a process to help the City identify and implement those improvements. This has been worked on by the City and Ms. Kerber for many months now. The first step is developing a School Travel Plan. A School Travel Plan is a master plan that talks about the current state of the routes the kids take to school, and then identifies areas for improvement. Once the School Travel Plan is drafted and approved, it is submitted to the state and then there can be an application for a funding to get those improvements implemented. Ms. Kerber noted that it is a great funding source, up to $400,000 per funding cycle, and there is no City match. It is a good source of funding to implement improvements. The process to write the School Travel Plan is a seven part process. We are about half-way through with arrival and dismissal observations at all the schools done this spring. Ms. Kerber went to every school open house handing out the flyers, to the Board of Education meeting last week and there is a PTA meeting on Wednesday, September 5 that she will attend. The need from City Council is awareness that Ms. Kerber has a team together working on this project. Once there is a draft she will circulate it to City Council for review and feedback. Any personal feedback from constituents in the meantime will be taken by Ms. Kerber and incorporated into the plan. Once there is a final plan, Ms. Kerber will need the approval of City Council for submission to the state. It is hoped to submit to the state by the end of October.

Ms. DeGeorge asked if parents have been given a deadline for information and feedback.

Ms. Kerber stated that another round of surveys will be sent and a public meeting will be held. Ms. Kerber is working with Tom Grodek of the Middle School who has an email distribution list for communication with the parents. The deadline for feedback from parents will be two weeks after the public meeting. The date of the public meeting will be established shortly, and Council will be informed.

Ms. DeGeorge asked for examples of improvements along the school route and the potential for funding.

Ms. Kerber stated that the one that most people think of is fixing intersections. Count down timers for people crossing the street and fixing curb cuts are the big money items. They also emphasize non-infrastructure improvements like programs such as Bike to School Month and Bicycle Safety. A representative of the Bicycle Co-op is on the team who will possibly talk about a bike maintenance class for the middle school kids.

Mayor Koomar commented on the LED crosswalk signs on Dover, noting that the two on Lake Road will be very similar. One at Sutcliffe and Osborn would be for the Middle School and another at the Nature Center on Wolf Road might be shared 50/50 with the Metroparks. The Northeast Ohio Areawide Coordinating Agency suggested making the turn lane on Cahoon Road into Cahoon Memorial Park a little wider. There is a way to tighten that up and make the crossing a little shorter and tighter for traffic so people have to slow down to go around the corner. These are examples of infrastructure improvements that could be considered.
Mrs. Stainbrook asked if a walking school bus will be an example of this type of program.

Ms. Kerber stated that she is leaning towards that for Normandy Elementary School. They have a policy that their kids can’t ride their bikes to school, due to the age of the children.

Mr. Clark thanked Ms. Kerber for the update, noting that this is a nice initiative and one to stay on top of.

**FINANCE & CLAIMS COMMITTEE-Tadych**

**July 2019 Financial Statements of the City of Bay Village.**

Mr. Tadych announced that the July 2019 financial statements of the City of Bay Village have been received. Tax receipts are up 5.58%. Health care costs continues to rise, up 14% over last year at $898,569 to date. A Finance Committee meeting will be held following receipt of the August financial statements.

Mr. Clark stated that he did receive some information from Human Resource Director Demaline and Finance Director Mahoney about the health care plan that he will share with Council to provide some clarity.

Mr. Tadych stated that it is time to start thinking about the budget process for 2020. Tentative dates have been put together by Finance Director Mahoney. Mr. Tadych would like to have the 2020 budget done before the end of 2019.

**Tax Rate Resolution.**

Mr. Tadych will present the annual resolution accepting the amounts and rates of the Cuyahoga County Budget Commission at the Regular Meeting of Council to be held this evening. Tax rates will remain the same for 2020.

**Annual Request for Property Tax Advances from Cuyahoga County Fiscal Officer.**

Mr. Tadych advised that the annual request for property tax advances will be submitted by resolution which is on the agenda for the Regular Meeting of Council to be held this evening. This is a simple process wherein the Director of Finance receives property tax payments more often than semi-annually.

**Acceptance of donation from resident Joseph King.**

Resident Joseph King has donated a landscape portrait to the City which will be hung at City Hall. The donation will be accepted by resolution of Council this evening.

**Acceptance of donation from Mayor Paul Koomar.**
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An additional resolution of Council will be presented at the Regular Meeting of Council this evening accepting the donation of a 60 inch television set from Mayor Koomar for the Service Department.

Update on new accounting system.

**Finance Director Mahoney** advised that the first initial phone meeting for the new Finance Department accounting system was held last week. The first step is to assess the infrastructure, which is the new server that was put into place recently. There is a question of Windows 10 versus Windows 7, with the necessity to update some computers. Bailey Communications will be included in the next step.

Mr. Clark asked at what point the City is with the Bailey Communications contract. Mrs. Mahoney stated that the contract expires at the end of 2019.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier**

**Ms. Maier** stated that the Planning Commission has met a couple of times over the summer months discussing the new library as well as the storage building at the Bay Boat Club.

Mr. Clark stated that nothing was received by Council regarding the storage building at the Bay Boat Club, so the approval on the agenda of the Cahoon Memorial Park trustees will be held until the next meeting of Council.

**PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook**

Update on Capital Projects.

**Mrs. Stainbrook** stated that Director of Public Service and Properties Liskovec and she have been meeting over the summer, and asked Mr. Liskovec to provide information to Council.

Mr. Liskovec provided the following information:

- Lake Road Bridge Construction. The bridge is scheduled to be open mid-September with some minor finishing details to be completed.
- Queenswood Bridge Project. The bridge is scheduled to be open mid-September, or earlier if the weather cooperates. Finished grading will be addressed when the bridge is open. Landscaping will be done by the City in October.

Mr. Tadych asked how the landscaping for the four residential properties is going to affect the road and use of the road. Mr. Liskovec stated that it should be of minimal impact with a one-lane maintenance of the road for traffic.

- Columbia Road Culvert. For all intents and purposes, the bulk of the project is done with a few minor items to be completed. Mrs. Stainbrook noted that this was a complicated
project involving neighbors, the Bay Presbyterian Church, and many twists and turns. She noted that weather always contributes to delays, but this is a good, solid project that will be finished as soon as possible.

Mr. Tadych asked how many days the project went over the contracted number of days. Mr. Liskovec stated that it was less than thirty days over the deadline, but as the project sits right now the budget for the site engineer is still under budget. Mr. Clark noted that the financing of the project is a 20 year fixed rate loan at 3% interest for $835,000. If not for the fact that the diameter of the culvert was less than a certain amount, the City would not have had to pay for the project.

- Cemetery Erosion. Chagrin Valley has been working very hard to come up with a slope stabilization plan. They are at the final phases of putting that whole concept together, and considering the access, how to get it done.

Mayor Koomar stated that Don Bierut and Jeff Filarski of Chagrin Valley Engineering will be at the September 16th meeting of Council regarding the cemetery project as well as an update on the Rocky River Wastewater Treatment Plant. There has been communication with the Federal Environmental Protection Agency relative to sanitary overflows and Mr. Bierut and Mr. Filarski will provide an update on the overflows and the Bruce/Russell/Douglas project. The main goal is to focus on the overflows.

- Rose Hill Museum Project. A decision was made last week to extend bidding by one week. The decision was made based on the lack of specifications being pulled. In conversation with contractors, there is indication that there will be bids. Mrs. Stainbrook commented that it is a competitive bidding market, and dockets are full.

Resident John Suter asked if this is what happened with the Sunset Improvement Project. He was informed that this was the case as well with Sunset.

- Reese Park Pickleball Improvement. Shortly after the contractor was preparing the base and subgrade, they came across some unstable subgrade. At that point a geotechnical company was consulted and they have recommended appropriate action for rectifying the problem. Pricing was received late Friday which will be studied further by Mr. Liskovec and Engineer Don Bierut. More information will be presented at the September 16 Council meeting. Ms. Maier asked if this project has contingency funds, and Mr. Liskovec stated that it does have a small contingency. He noted that there was no indication of this problem beforehand.

- Ashton Lane Bridge. Osborn Engineering has submitted Stage 1 Plans. The design process is a three stage for this particular bridge. This will be the first stage submitted to the Ohio Department of Transportation for review and comment. Council has approved the soft costs for the bridge. Mr. Winzig asked if there is any historic design in that bridge that residents might remind the City about. Mr. Liskovec stated that whatever might have been there was probably removed in the late fifties or early sixties when the upper half was rehabbed in a traditional bridge style.
Mrs. Stainbrook noted the narrow sidewalks on the Ashton Lane Bridge, and the fact that she actually saw someone in a wheelchair fall off the sidewalk. Mayor Koomar noted the improvements to the sidewalks at the Lake Road Bridge.

Mrs. Stainbrook stated that the Ashton Lane Bridge construction will begin in April of 2021, and completion may extend to late fall.

- **2019 Sidewalk Replacement Program.** All residents have been notified and have an opportunity to make their own sidewalk repairs or utilize the City’s services for which they will reimburse the City. The 2019 sidewalk program is in Ward 4 between Bassett and Bradley and Wolf and Lake Roads.

- **Huntington Pump Station.** This is a carry-over project from 2018. The new pump has arrived and the intent is to have it operational very soon.

Mr. Clark noted that Council took a tour of the pump stations approximately five years ago. Mr. Liskovec stated that an LED lighting upgrade has been completed at the Huntington Pump Station.

Mrs. Stainbrook commented that this project included a $78,000 pump assembly, complicated to install. This is a good example for residents of all that goes into the operation of a city. There was six to nine months of work in this project alone, and it involves infrastructure that we all take for granted in our daily lives. It is something that residents may not see, or even be aware of, but catastrophic if it fails.

- **Dover Center Front Parking Relocation.** This project is nearing completion after several months of necessary talks and arrangements with property owners.

Mr. Clark asked for recognition of the enormity of the Capital projects being undertaken at this point in time. He noted that it is impressive to see what is going on in the City. He expressed appreciation to Council on the funding side, and the administration and department heads on the execution side of these many Capital improvement projects.

- **Multi-Purpose Storage Shed Facility.** Mr. Pat Thornton of Sixmo Architects presented an illustration of the plans for rehabilitation of the soccer shed/concession stand in Cahoon Memorial Park. Included in the building is soccer storage, city storage, new restrooms, and a concession area, all under one roof. Enlarged restrooms face to the east, turned from the plans reviewed at the Special Meeting of Council on August 5 when they were shown off the concession area. The construction and installation of the facility will only affect one small tree that is growing up under another tree. The area of the building is paved and set away from the road with a buffer.

The Mayor explained the potential traffic pattern which will be explored further with the Bay Soccer Club, Chagrin Valley Engineering and the Parks and Recreation Committee Chairman, Pete Winzig. Project Manager Kerber will be attending the Planning Commission meeting on
September 18, 2019 to update the Commission on grants and trails. Mr. Thornton explained the architectural elements of the building, noting that good feedback was received from the Architectural Board of Review on August 28, 2019. The exterior design of the building will mirror the Community House with the lighter color scheme, on the advice of the Planning Commission and Architectural Board of Review.

Mr. Tadych asked if the existing foundation of the building will be inspected and corrected if necessary, prior to the new construction. Mr. Thornton stated that they will thoroughly secure the foundation as part of the construction.

Mrs. Stainbrook question whether adequate storage area is being provided, when thinking of both present and future needs. Mayor Koomar stated that the soccer club has approved the planned square footage. There is also city storage area in the building. The Mayor noted the former existence of a parks garage for storage, and sometime in the future there may be a replacement planned for more storage. Mr. Thornton stated that the square footage for the soccer club is within the 500 square foot range they requested.

Mr. Tadych stated that he thinks there will be a need for more storage in the future and suggested adding it to the newer side of the building. This would alleviate any problems that may occur in the next five years. Mayor Koomar noted the need to work within the budget.

Ms. DeGeorge asked if there has been an effort by the soccer club to have fundraising and seek donations in addition to the funds they are contributing to this project. She noted that there are many people that are opposed to spending money for any sports activities in Cahoon Memorial Park, and if the soccer club will be the major user of the park in that area perhaps there should be more funding from that organization.

Mayor Koomar stated that he thinks the fundraising they were discussing was for field improvements. The Mayor looks at the planned improvement as restroom rehabilitation, noting that the existing restrooms are woefully inadequate.

- Rescue Boat Storage Building. A 15’ x 40’ building will be constructed at the Bay Boat Club site. Mr. Thornton presented an illustration of the 12’6” high building which will be tucked up against the hillside. A 12’ overhead door will provide ingress and egress to the building.

Ms. DeGeorge asked if this is a different plan that the one reviewed by the Planning Commission. Mr. Thornton stated the position only has changed, moving the building slightly to the north to keep the parking area open.

Mr. Clark recommended holding the motion to approve the work in Cahoon Memorial Park for the boat storage building on the Cahoon Memorial Park Trustees meeting agenda this evening until the September 16, 2019 meeting of the trustees.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig
Mr. Winzig had no report other than to note that the Family Aquatic Center has closed for the 2019 season. Recreation Director Enovitch commented that this marks the seventeenth year for the pool. The Aquatic Center debt will be repaid in three years. Mr. Enovitch will submit a complete report of the 2019 season when the numbers are finalized. It was another safe season, which is the department’s first priority.

Mr. Winzig advised that another successful Bay Challenge Cup tournament was held this past weekend. One hundred teams were present and the Bay Soccer Club wishes to express appreciation to the City. There is a request from the soccer club to meet with Mr. Liskovec and Mr. Enovitch to discuss field improvements this fall in the pre-leaf collection season. Mayor Koomar suggested that discussion be extended to the Walker Road Park Ad-Hoc Committee, since those soccer fields are used as well.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Ms. DeGeorge will request approval to sell by auction the following Service/Police Department Vehicles:

- (2) 2006 Ford F350 4WD
- (1) 2006 Ford F250 Super Cab 4WD
- (1) 2006 Ford Explorer AWD
- (1) 2006 Ford F550 Superduty Dump
- (1) 2007 GMC 1500 4WD EXT Cab
- (2) 2011 Ford Crown Victorias
- (1) 2014 Ford Explorer Utility AWD
- (1) 2001 Toyota Camry (Police Department)

Mr. Clark noted that Council must approve the sale of any asset with a value in excess of $5,000. Mr. Liskovec commented that a couple of these vehicles to be sold may reach that level.

Mr. Tadych asked Mr. Liskovec what amount of money he thinks the sale of the vehicles will bring. He asked if Mr. Liskovec thought the amount to be realized would be $50,000 to $100,000. Mr. Liskovec stated that he did not know; only one of the vehicles is expected to sell in excess of the $5,000 mark.

MISCELLANEOUS

The next meeting of Council will be held September 16, 2019.

AUDIENCE

Linda Harris, Kenilworth Drive, stated that she is present representing the Tuesday night Bridge players at Dwyer Memorial Center. She has had conversations with the Mayor about continuing to use the Dwyer Memorial Center on Tuesday evenings for playing bridge. She asked if there is an opportunity for their group to be sanctioned, noting there is a group that is sanctioned on Saturday nights to use the center for ballroom dance. The Bridge Club would
appeal to Council at this point to approve funding for an employee to be present so that could continue their Tuesday night activity at Dwyer and open up membership to interested members of the community, possibly even making it a game night.

Mayor Koomar stated that the BV60+ group funds their own evening activities. If attendance warrants, the City will fund activities or programs, but the Dwyer Center historically has always been an 8:30 a.m. to 4:30 p.m. operation and interest in traditional evening activities has not warranted expanding to evenings. He stated that they always try to find a home for any group when they are making a change. The Bridge group was moved to BAYarts, but the players did not like that for various reasons.

Ms. Harris said it was not fitting for seniors in terms of the location. They have been moved from BAYarts because they are not part of the BAYarts mission. BAYarts has a permanent use for the space they occupied. Now, the choice the Bridge group has been given is to use the Bay Library.

The Mayor stated that the long term plan is to use the new state-of-the-art library as a community gathering place. One of the reasons the library will be located in Cahoon Memorial Park is to provide night time options for all groups. This branch is going to have more meeting rooms and small gathering places that any library the Mayor has toured. Jessica Breslin, the branch manager, has a location for the Tuesday night Bridge group at the current library until the new one is built.

Ms. Harris stated the place selected is in the general area of the library. There will be other people doing things around them. The Mayor said he thinks it is walled off- there is a window and a library shelf on the other side. It is very separated from the general public, not out in the middle and a very intimate spot for the group.

Mr. Suter asked if this is back in the magazine area of the library. Mayor Koomar said it is a teen area so there is a wall behind the circulation area that breaks out the youth area from the adult area. There are windows, two couches, several round tables, and a number of book shelves that go 100 feet down the walk. It is tucked away and would be a very nice meeting place for the group.

Mr. Suter asked if the Mayor has discussed with the library folks that this is not a Contract Bridge group, this is a Party Bridge group, therefore they talk. Ms. Harris stated that Ms. Breslin asked that they be relatively quiet because there will be other people doing things around them. Mr. Suter stated that he has no problem with that. Mayor Koomar stated that Ms. Breslin has told him that Tuesday nights are relatively slow and the new library, when that transition occurs, will have lots of great spots for groups as they participate in evening activities.

Ms. Harris expressed that the Bridge group has used the Senior Center for over 20 years, and they are disappointed in not being able to continue there. The Mayor stated that there are not many Senior Centers open in the evenings because they just do not generate good foot traffic. He understands that the Bridge group has played there, that the City has given them the key to the building, but in this day and age that is not something they can continue to do.
Ms. DeGeorge stated that getting back to Ms. Harris’ question about another group being sanctioned, what does that mean and what does that entail for them? Mayor Koomar stated that if Ms. DeGeorge wants to contact him they can go over that. Basically, it is like any other group, whether it is Karate or Ballroom Dancing, if it is a paid instructor and programming and participants pay for a certain length of session and a lead person is responsible.

Ms. DeGeorge asked if that payment goes to the person that is considered the instructor. Mayor Koomar stated that the instructor is paid by the City. There is revenue that comes in and the City may make a slight profit from the activity.

Ms. DeGeorge asked if the money goes to the City based on what the instructor charges. Mayor Koomar stated that whatever Recreation or Human Resources agree is a proper payment for that type of class.

An audience member asked if somebody wanted to pay a dollar, because it is a token payment, would that be acceptable. The Mayor stated that market rate would be paid, and market rate would be charged to play bridge. That is why they look for other options. It seems silly to create a pay, when we have a great option at the library for the group to continue to play.

An audience member stated that she would like a definition about how many people would have to come and what an instructor would have to be paid, just so they have that as context. Mayor Koomar stated that he can meet with the group and pull all that information. The audience member asked if there is any way to say a sanctioned program requires what kind of financing. How much money does the City need to make for the Bridge group to be there? Mayor Koomar stated that normally on a program they have, whether it is Recreation or Community Services, the threshold to make it viable for a program is 12 or 15 participants. Director Selig stated that it has to be double digits. The Mayor stated that this is what has been done in the past, this is what is done with BV60+ and this is what is done with other programming. To be clear, not all the Recreation Department programming takes place in the Bay Way Cabin. Sometimes it is in the Police Station Community Room. The Mayor stated that he does not want the Bridge group to feel singled out; he is trying to find them a nice place to play bridge. It seems crazy to him that they would want to pay just to be in that physical facility when we don’t have Service staff in the winter to salt and plow driveways. He stated that he knows they have not had any problems in the past twenty years; he does not want them to have a problem in the next year. He asked that the group go and check out the library. He believes it is a very nice spot and they would be very happy there.

Mr. Suter stated that when they were at Dwyer Memorial Center they were considered a senior group. Therefore, in the newsletter Tuesday Night Party Bridge was published. But, if they go someplace else, what are they considered as regards to being a senior activity? He asked Community Services Director Selig to answer that question.

Ms. Selig stated that it is the same as the Mayor said. The Tai Chi group meets in the Police Community Room, but they still provide the paper work to Ms. Selig and do all that kind of thing
for attendance. Even though you are not in the same building, the same with BV60+, if we go for a boat ride, that is still a BV60+ activity so it is still a senior program.

Mayor Koomar asked if the question is if we can promote it if more Bridge players are being sought. Mr. Suter stated that he just wants to make sure they do not lose their status as far as a senior group. Mayor Koomar stated that it would not be lost in his eyes, and the City would be happy to promote it, as they promote all community activities. Mr. Suter thanked the Mayor for this consideration.

An audience member stated that they also think they are a perfect addition to the BV60+ program. Those who came to the bridge playing immediately upon retirement came because they finally had time to do it. She asked what it takes to be included in the agenda of the BV60+, in the newsletter for example.

Ms. Selig stated that she has sent out emails to that group asking for anybody who wants to play Party Bridge, and no one has replied.

Ms. Harris stated that one of the things that would be easier to do at the Dwyer Center would be to offer Bridge lessons. It sounds like the City would be willing to do that, and again that would be at no charge to the people coming to play. Ms. Harris stated that she does not think that would be a viable option at the library.

Mayor Koomar stated that it has been promoted in various newsletters. As Ms. Selig said, we haven’t seen a large uptick in interest.

An audience member stated that they did have five people show up at BAYarts that they never had before.

Ms. Harris asked what level of participation is necessary for programs at the Senior Center. She stated that she comes by the Senior Center a lot of times and there aren’t enough people to justify three employees if you look at the participation at that moment. Ms. Harris noted that their group varies. They may have twenty-some people on their list, but the beauty of the group is that it is going to be a drop-in with people knowing that on Tuesday nights you can play Bridge at the Dwyer Center. They will have anywhere from a low of seven or eight people to up to sixteen people that will play on a given evening. What level of participation would warrant a Tuesday evening at the Dwyer Center?

Mayor Koomar stated that he would say that on-average the Bridge group does not have that many people week-in, week-out currently. If it started to up-tick, that would be a good problem.

Ms. Harris asked if there is a number of people that would be required to have a program. Mayor Koomar stated that it would be 12 to 16 consistently.

An audience member asked if there is a current count on the Saturday night group. Ms. Selig stated that the Saturday night dance group has 18 participants. The audience member stated that when she went into that group there were five to six people.
Ms. DeGeorge stated that in all due respect to Ms. Selig, the Mayor, and the Law Director, who have done some work and background on this, she would like to see a compromise and allow the Bridge group to find a way to have their Tuesday Night Bridge Club at the Dwyer Center. She stated that she has heard both sides, understands the liability, but she does not know if we have every really tried to work out a compromise with them. It sounds like it has been an either, or and she would like to see some sort of compromise.

Ms. Harris stated that they have 50 people who would like to support them by signing petitions. Online indications are that there are a lot more. If you want to see a bunch of 70 year olds go door to door to get signatures…it shouldn’t have to come to that.

Mayor Koomar stated that it shouldn’t, and many of the people that talked to the group at the food truck also talked to him or called him afterwards to ask his reason. The Mayor told them about safety and security in this day and age, and they understood. They were also informed that the Mayor was trying to find them a location to play. We have Community Council, we have Boy Scout Troops, everyone is always asking. We have to be somewhat consistent in how this is approached. The library is really the long term gathering place. The reason the trustees voted to do this is to provide a state-of-the-art facility for the community.

Ms. DeGeorge stated that to their point it is not guaranteed for them and they are looking for a guarantee of the same space on a Tuesday night. She asked Ms. Harris if Ms. Breslin said they she couldn’t guarantee in the new facility, it is first come, first serve. Ms. DeGeorge stated that she thinks there are too many variables to put them elsewhere, just like what happened at BAYarts. Things came up that they weren’t expecting. Everyone thought they had a home, and they didn’t have a home, and this really is their home at this age for them.

Mayor Koomar stated that is not the understanding he had from Ms. Breslin, but he will follow up with her.

An audience member stated that they are planning to go to the library next week. They will see how it works, and hopefully they won’t be too noisy.

Ms. Harris stated that they have a senior center and they are seniors and not allowed to use it. That is a shame.

Mr. Clark stated that on behalf of City Council he appreciates the dialogue back and forth. He understands the issues at hand. This is not necessarily a legislative issue, but if there is a need to provide funding for it Council would have to act on it as well. Mr. Clark expressed that he gives the Bridge Club and the Mayor credit for trying to find an alternative location, but overall let’s continue the dialogue and see if there is a way to work this out.

Mr. Barbour stated that it just not advisable to give residents a key to a municipal building, regardless of how wonderful this particular group might be. When you are saying that as a protocol, and the next group wants to use it that we don’t know to be so wonderful and we deny them, we are setting ourselves up for a problem. It is just not a good practice. As the City’s
Committee Meeting of Council  
September 3, 2019

lawyer, he would not advise the City to just turn the key over to anybody. The previous way this was done, they would go get the key and use the building as they saw fit, lock it up and bring the key back and through good luck it all worked out fine. Mr. Barbour stated that he understands that is how the club feels it is going to continue in the future, but nobody can guarantee that and that is just not a sound practice regardless of what group is using it. As the City’s lawyer, he is surprised it happened as long as it did.

An audience member asked how the Ballroom Dancing group qualifies. Another audience member stated that there are others in the community that give out the key to the senior centers for the exact same reasons. Mr. Barbour stated that is surprised to hear that in this day and age a municipality would give a key to a building like that.

An audience member asked if they get a paid instructor...Mayor Koomar stated that he told Ms. Harris in emails that is an option, it seems to him they would want to continue to play at no cost which is why they have looked at other opportunities for them.

Ms. Harris stated that if they worry about every potential eventuality no one would ever do anything anymore. One of the issues they could have is they could be grandfathered in, because they have been doing this long enough, you could at least say they have a track record.

Mayor Koomar stated that he just feels it is what needs to be done as a City. If he opens up a building for the Community Council, or a Boy Scout Troop when they can’t get into the church...my wife is the Secretary to the Community Council. I come in here and I do work, wait until they’re gone, and close up. It has nothing to do with the Bridge Club having a good track record. It is just how we need to do business as a City.

Ms. Stainbrook stated that it is the potential risk and liability that she has a hard time getting past. Ms. Harris asked what the risk would be. Ms. Stainbrook stated that a simple example is when playing Bridge on Tuesday night, it is February, someone falls in the parking lot, isn’t discovered, something terrible happens.

Ms. Harris stated that they are a half mile from the Police Department. The same thing could happen if a City employee is there. Ms. Stainbrook stated that there is risk there and they would be sued.

Ms. Maier stated that to Mr. Barbour’s point and to the Mayor’s point, the consistency, she is not supportive of the group having access and having a key to the building. She stated that her organization she works for would never allow that to happen. She does not believe it is good practice, it does have a good track record but it is not good moving forward. Ms. Maier stated that she had a key to the high school when she was there. “Could you ever imagine that happening now? That was a horrible idea.”

Ms. Harris stated that they pick up the key the night before at the Police Station and take it right back. Someone can look to see what they are doing over there.
Mr. Barbour stated that then we are given the situation that the next group that wants to do it isn’t at the same high standards at the Bridge group. They are told they can’t do that because they are not familiar and we don’t feel they are the right group to go in there. That would be a problem.

Ms. Harris stated that they will be punished then because of the other potential requests. Mr. Barbour stated that it is unfortunate, but it is 2019.

Ms. Harris asked about a security camera in the building. We just talked about how safe it is to live in Bay Village, but it is not safe enough to play bridge. Mr. Barbour stated that he is talking about giving access with the key.

Ms. Harris stated that what the Council can think about is hiring someone to open the building and close up after. Mr. Barbour stated that is a separate issue. The Bridge group wants to go back to exactly like it was before, where they were able to pick up the key. Mr. Barbour does not believe that is a sound practice for any group. Ms. Harris stated that it would be much more convenient for them to have someone open and close the building for them. Mr. Barbour stated that it not for him to decide, but he wanted to comment on the issue about the key and the access to the buildings from a legal standpoint. It is a bad practice.

Mr. Clark stated that he will have to draw this to a close to turn attention to the Regular Meeting of Council scheduled this evening. He thanked everyone for their attendance this evening.

There being no further discussion, the meeting adjourned at 9:25 p.m.

Dwight A. Clark, President of Council
Joan Kemper, Clerk of Council
MATTERS PENDING BEFORE COUNCIL COMMITTEE
September 4, 2019

Committee of the Whole

• Sunset Area Improvements

• Mr. Tadych will bring the Tree Ordinance to the Committee of the Whole.

Environment, Safety & Community Services- Mace, DeGeorge, Tadych

Finance & Claims- Tadych, Winzig, Mace, Clark

Planning, Zoning, Public Grounds & Buildings- Maier, Winzig, Stainbrook

• Elimination of Front-in Parking in front of stores on Dover Center Road
• Review of Codified Ordinance No. 1373.01 Boat Storage
• Review of Codified Ordinance No. 1141.04 Home Based Business
• Review of Existing Zoning Code per Master Plan Recommendations (3-18-19)

Public Improvements, Streets, Sewers & Drainage-Stainbrook, DeGeorge, Maier

• Bruce/Russell/Douglas Sewer Improvements

Recreation and Parks Improvement- Winzig, Mace, Stainbrook

• Renovations to Playground Equipment at Bradley Road Park (8-29-17)

Services, Utilities & Equipment- DeGeorge, Maier, Tadych
MEMORANDUM

TO: Members of Council

FROM: V.P. of Council David L. Tadych

RE: Final Draft of Tree Ordinance

Dear Council Members:

The final draft of the tree ordinance approved by the Tree Commission was sent to the Mayor and Law Director on February 17, 2017, in accordance with their request. Subsequently, I referred the ordinance to the Council of the Whole for consideration. We have had brief discussions over the past months.

At this time, I feel it to be of utmost importance that Council move forward with the consideration of passage of this ordinance, considering that the lack of legislation in this regard may be causing harm to the tree canopy of Bay Village. At the September 3 meeting of Council, I requested that this matter be included on the agenda for the September 16 meeting of Council.

I would appreciate your prepared comments either before or during the September 16 meeting.

Thanks,

Dave
Vice President of Council Tadych:

Re: Tree Protection Ordinance 547

Sometimes we choose the cause. Other times the cause chooses us. Which is where we find ourselves today: at the doorstep of an opportunity to preserve a lasting legacy for all generations of Bay Village residents. It goes without saying that the importance of protecting our natural resources is worth the effort, but when it is a defining characteristic of our community, it is absolutely critical. And history has always shown that prosperity was born out of visionary leadership and taking a stance on important issues before being forced into action. And when it comes to trees, one of the most significant factors in what defines a thriving and healthy community, you have the unique opportunity to show that visionary leadership! We can invest, through protection, in the Bay Village of the future. We can, through legislation, save money and resources. We can, through inspired leadership, prevent a reactionary future to problems we cannot control.

As was stated in the Commission’s Year in Review, 2017 was also a wakeup call in many respects. Increased development coupled with a changing climate and a lack of accountability within residential and commercial tree care activities to adhere to industry standards has in-part led to a regionally significant outbreak of oak wilt disease and general canopy loss in Bay Village. As much as Bay Village is identified with Lake Erie, so too are we with our large, century old oak trees and tree canopy. We literally cannot afford to lose this resource and already our canopy is noticeably changing. With an updated countywide Tree Canopy Assessment scheduled to be completed by spring of 2019, we can expect our local canopy coverage to decrease and put our standing as a Top 15 Tree Canopy community in jeopardy.

In conclusion, the Bay Village Tree Commission was tasked nearly two years ago, by then acting Mayor Ebert, to update our Tree Protection Ordinance. The Commission worked long hours researching local and national models for common sense and effective measures to produce a comprehensive, streamlined, and fair update. We have submitted it to the Law Department and Mayor for review. We also presented to all of Council and the Mayor. While we wait, our trees continue to fall and ultimately our fellow residents bear the burden of inaction. On behalf of the people of Bay Village, the Tree Commission is asking for your help. We cannot afford to delay any longer. We owe it to the people and trees to act. Even the new Bay Village Master Plan reflects the importance of trees throughout the Community Vision, Goals and Actions, and Implementation sections. Again, it is imperative to realize that if we fail to understand the implications of complacency, we are committed to a community of functional obsolescence.

Respectfully submitted on behalf of the people and trees of Bay Village.

[Signatures]

BAY VILLAGE TREE COMMISSION MEMBERS

Secretary
City Arborist
Chair
Council Representative
Commission Member
Commission Member

Jackie Moore
Mike Polinski
Colby R. Sattler
David L. Tadych
Dave Patzwahl
Leslie Brown
The noise provided so much value to the community at large and homeowners, really抜けking, have every right to cut them down. As

on my house. The noise company said it is unhealthy and so forth.

in the last three years. Why people are cutting them down are endless in reasons. I have heard I want more sun. The tree might fall

I have lived here in Day Valley for 60 plus years now and I am still alive. I have never been removed. I have

Mr. Windy,

especially from unknown senders.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Reply-To: timothydoyle@yahoo.com
To: windizing@diamondvalleymail.com
Date: September 6, 2019 at 11:43:56 PM EDT
Subject: tree removal
From: Timothy Doyle <timothydoyle@yahoo.com>

Begin forwarded message:

Per

- This matter and advise the Commission and residents who funded the memorial planning

also consider planning/planning and the removal of memorial trees could we get an update on this at next meeting. To close the loop on the

also the Commission has made very specific requests (letter to Planning Commission August 6th) to "save" some trees on the Library property

tree ordinance.

Please see communications I received from Mr. Doyle - let's include this in our "Tree" discussion on the 16th per Mr. Tardy's request to discuss the

Reply: tree removal
Council/Clerks: Sue Kohl; Jon Liskovec; Mark Barbout
Friday, September 6, 2019 2:23 PM

From: Joan Kemper
policy. On best to proceed. I certainly am available to share my suggestions.

I request of you and fellow council people to open up dialogue on how best to address the mindless act of tree removal and introduce

As they clean the area along with keeping our community beautiful, if the cleaning of the Amazon primers you learn my reply is what about the trees in our backyard. Why are we not taking care of them

Ill be looking at the neighbors on Wolf Rd. Just west of the Middle School. They just cut down 4 Oaks in the front yard. Truly unbelievable.

Look at the neighborhood on Wolf Rd. Just west of the Middle School. They just cut down 4 Oaks in the front yard. Truly unbelievable.

I am curious about the community itself.

I read in D&B is to buy a home, then it down but remove trees to maximize living space. How much more of this will the

walk/drive down our street just because of the canopy.

The new trend in D&B is to buy a home, tear it down but remove trees to maximize living space. How much more of this will the

walk/drive down our street just because of the canopy.

walk/drive down our street just because of the canopy. All in all, people

beautiful, 150 year old Oaks were cut down because the neighbor wanted more sun light. Or was afraid the tree might fall on their

home. OK, so other newer trees will fall with this permanent hole in the sky? All in all, people

that is where their style about the community that lives in this neighborhood. I live on West Oakland and in the last 9 months, 6
ORDINANCE NO.: DRAFT
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 547
REGARDING TREES

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

SECTION 1. That Codified Ordinance Section 547 which presently reads as follows:

CHAPTER 547
Trees

547.01 Trees on or overhanging public property and diseased trees and trees on private property.
547.02 Trees abutting or fronting public property.
547.03 Cutting, injuring or interfering with trees.
547.04 Approval to plant trees in public streets.
547.05 Interfering with tree roots.
547.06 Protecting trees during building construction.
547.07 Placing deleterious substances near trees.
547.08 Attaching electric wires to trees.
547.09 Fastening electric wires against contact with trees.
547.10 Compliance to remove electric wire required.
547.11 Planting of certain trees prohibited.
547.12 Removing, killing poplar trees.
547.13 Interfering with City planting, caring or removing of trees.
547.14 Authority of Public Service Director.
547.15 Written order; noncompliance; assessment of costs.
547.99 Penalty.

CROSS REFERENCES
Park trees, shrubbery and lawns - see GEN. OFF. 539.03(b)
Destruction of shrubs, trees or crops - see GEN. OFF. 541.06

EDITOR’S NOTE: For the Master Street Tree Plan, consult Ordinance 60-130, on file in the Clerk’s office.

547.01 TREES ON OR OVERHANGING PUBLIC PROPERTY AND DISEASED TREES AND TREES ON PRIVATE PROPERTY.
The owner of every lot or parcel of land within the City upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk or being
found to have an infectious disease shall conform to the regulations herein provided; otherwise, the Director of Public Services and Properties and/or the Director of Building or their designated agents (hereinafter the "Director") shall cause such trees to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land:

(a) The owner shall trim or cause to be trimmed the tree, plant or shrubbery so that a clear height of eight feet between the lowest branches of the same and the street or sidewalk is maintained.

(b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.

(c) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles, or pedestrians using such street or sidewalk.

(d) The Director is authorized to inspect any tree or part thereof within the City which is suspected of being infected, diseased, or dead. If upon such inspection there is reason to believe a tree or part thereof is dead or a disease is present, the following action shall be taken by the Director:

1. On City-owned property, the Director shall issue a written report to the Mayor who shall immediately order the removal of the tree and trimmings in such a manner as to prevent as fully as possible the spread of any disease and/or a hazardous condition.

2. On private property, a written "notice of violation" shall be issued to the property owner. The notice may be served by delivering it personally to the owner, or by sending it first class mail to the owner's last known place of business or residence. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the real estate involved. Posting for 72 hours shall be considered legal notice. Such "Notice of Violation" shall contain an order to cut or destroy such tree or part thereof and abate the violation within the time limitations specified in said "Notice of Violation".

In the event such owner does not comply with the 'Notice of Violation, the Director shall cause such tree or part thereof to be cut and removed together with any clean-up work required. (Ord. 09-62. Passed 8-10-09.)

547.02 TREES ABUTTING OR FRONTING PUBLIC PROPERTY.
The owner of any parcel of land or lot which abuts or fronts upon any street or public ground, in front of which trees are planted and growing shall trim and care for such trees in the manner provided in Section 547.01 and upon his failure to comply the Director may cause such work to be done and assess the cost thereof against the owner of such lot or parcel. In complying with this section, it shall be unnecessary to obtain the permit required in Section 547.03. (Ord. 09-62. Passed 8-10-09.)

547.03 CUTTING, INJURING OR INTERFERING WITH TREES.
No person shall, without the written permit of the Director, cut, prune, break, climb with spurs, injure or remove any living tree in a public highway; or cut, disturb, or interfere in any way with the main roots of any tree on the public street; or place any rope, sign, poster or other
fixture on a tree or guard in a public street; or injure, misuse or remove any device placed to protect such tree on a public street, except in case of immediate necessity for the protection of life or property. (Ord. 09-62. Passed 8-10-09.)

547.04 APPROVAL TO PLANT TREES IN PUBLIC STREETS.
(a) No shade or ornamental tree or shrub shall be planted in any of the public streets of the City, except as is provided in the Master Street Tree Plan heretofore adopted by the City. Any such planting shall first require the written approval of the Director, and such written approval shall designate the species of trees to be planted, the required spacing, the required minimum planting size, all as specified in the Master Street Tree Plan for the City as such Plan now exists, or as it may be amended hereafter from time to time. The Director of the City shall prepare a street planting plan indicating the streets and tree locations for each year's scheduled planting program. The plan shall be presented to the City Council for approval each year prior to implementation.

(b) The Director shall make a recommendation to City Council on the yearly tree plan relative to the impact of the tree planting on overhead utility wires and poles, and all underground utilities and services. If the Director has concerns on any portion of the tree planting plan, he shall modify the tree plan to eliminate the service concerns.

(c) No tree shall be planted under electric lines on any of the public streets of the City, which at the estimated full growth will exceed twenty-five (25) feet in height.

(d) Trees planted on any of the public streets of the City shall be planted no closer than thirty (30) feet apart unless specifically approved by the Director.

(e) Trees planted in the public right of way shall be planted no closer than fifteen (15) feet from all utility poles unless specifically approved by the Director. (Ord. 09-62. Passed 8-10-09.)

547.05 INTERFERING WITH TREE ROOTS.
No person shall, without the written permission of the Director, place or hereafter maintain upon the ground in a public street any stone, cement, or other substance which shall impede the free passage of water and air to the roots of any tree in such street, without leaving an open space of ground outside of the trunk of such tree in area not less than four square feet. (Ord. 09-62. Passed 8-10-09.)

547.06 PROTECTING TREES DURING BUILDING CONSTRUCTION.
In the construction of any building the owners thereof shall place protective fencing around all nearby trees on the public street as shall effectually prevent injury to them. There shall be one foot of protective fenced area for every eleven inches in diameter of affected trees. Nothing shall be permitted inside the perimeter fencing. (Ord. 09-62. Passed 8-10-09.)

547.07 PLACING DELETERIOUS SUBSTANCES NEAR TREES.
No person shall cause any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substance deleterious to trees to come in contact with the soil surrounding the roots of any
trees upon any public place in the City, in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.
(Ord. 09-62. Passed 8-10-09.)

547.08 ATTACHING ELECTRIC WIRES TO TREES.
No person shall, without the written permit of the Director, attach any electric wire to any tree growing or planted upon any public street of the City.
(Ord. 09-62. Passed 8-10-09.)

547.09 FASTENING ELECTRIC WIRES AGAINST CONTACT WITH TREES.
Every person having any wire charged with electricity running through or across a public street shall secure fasten such wire or wires so that they shall not come in contact so as to injure any tree therein. (Ord. 09-62. Passed 8-10-09.)

547.10 COMPLIANCE TO REMOVE ELECTRIC WIRE REQUIRED.
Every person having any wire charged with electricity running through or across a public street, shall temporarily remove any such wire or the electricity therein when it shall be deemed necessary by the Director, in order to take down or prune any trees growing in a public street, within twenty-four hours after the service upon the owner of such wire, or his agent, of a written notice to remove the wire or the electricity therefrom.
(Ord. 09-62. Passed 8-10-09.)

547.11 PLANTING OF CERTAIN TREES PROHIBITED.
No person shall plant any variety of trees which are commonly known as poplars (populas sp., aka aspens, cottonwood), box elder (acer negundo, aka ash leaf maple), siberian elm (almus pumila aka piss elm), alianthus (alanthus altissima aka tree of heaven, skunk tree, weed tree, stink tree), willows (salix sp) and thorne varieties of honey locust (gleditsia triacanthos) in the public right of way. (Ord. 09-62. Passed 8-10-09.)

547.12 REMOVING, KILLING POPLAR TREES.
Any person who is the owner of any poplar tree (populas species aka aspens) that stands within the lines of any street in the public right-of-way shall cause the same to be removed, killed or girdled. The stump must be totally removed and ground.
(Ord. 09-62. Passed 8-10-09.)

547.13 INTERFERING WITH CITY PLANTING, CARING OR REMOVING OF TREES.
No person shall prevent, delay or interfere with the Director or other City employee in the planting, pruning, spraying or removing of a tree on the public street, or in the removal of stone, cement or other substance from about the trunk of a tree.
(Ord. 09-62. Passed 8-10-09.)

547.14 AUTHORITY OF PUBLIC SERVICE DIRECTOR.
In the event the owner does not trim or remove any tree, plant or shrubbery, or any part thereof, in accordance with the provisions of this chapter, then the Director is authorized and it is
declared to be his duty to have enforced the provisions of this chapter, and to cause to be
trimmed or removed such tree, plant or shrub, or part thereof.
(Ord. 09-62. Passed 8-10-09.)

547.15 WRITTEN ORDER; NONCOMPLIANCE; ASSESSMENT OF COSTS.
When the Director finds it necessary to order the trimming or removal of trees or shrubs
upon public property as provided in Section 547.02, or upon private property as provided in
Section 547.01, he shall serve a written order upon the owners of the lot or parcel of land by
mailing a copy of such order to the last known address of the owner by first class mail. The
order shall set forth a time limit, not to exceed fifteen days, for compliance. In case of extreme
danger to person or property compliance may be required immediately or the danger may be
removed by the City without notice. Upon failure to comply with the order within the specified
time, the City may remedy the condition or contract with others for such purpose and charge the
cost thereof to the owner. The person remediing the condition shall be authorized to enter upon
the premises for that purpose. If the cost of remediing the condition is not paid within ten days
after a statement is mailed, such cost shall be levied against the property upon which the hazard
exists, shall constitute a lien thereon and shall be certified to the County Auditor to be collected
in the same manner as other taxes. The levying of such an assessment shall not affect the
owner’s liability for a fine as hereinafter provided. (Ord. 09-62. Passed 8-10-09.)

547.99 PENALTY.
Whoever violates any provision of this chapter or any rule or regulation promulgated
thereunder or fails to comply therewith or with any written notice or written order issued
thereunder shall be guilty of a misdemeanor and upon conviction thereof be fined not less than
twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000.00) for a first offense
and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each
day such violation occurs or continues shall constitute a separate offense.
(Ord. 09-62. Passed 8-10-09.)

be and the same is amended to read:

CHAPTER 547
TREES

547.01 Purpose.
547.02 Definitions.
547.03 Trees on or overhanging public property and diseased trees and trees on
private property.
547.04 Boundary-line trees
547.05 Trees abutting or fronting public property.
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547.08 Interfering with tree roots.
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547.14 Interfering with City planting, caring or removing of trees.
547.15 Authority of Public Service Director.
547.16 Commercial property, undeveloped residential property and current developed lots.
547.17 Removal of Protected Trees on residential property and current developed lots.
547.18 Exemptions.
547.19 Compliance.
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CROSS REFERENCES
Park trees, shrubbery and lawns - see GEN, OFF. 539.03(b)
Destruction of shrubs, trees or crops - see GEN. OFF. 541.06

EDITOR’S NOTE: For the Master Street Tree Plan, consult Ordinance 60-130, on file in the Clerk’s office.

547.01 PURPOSE.
The purpose of this chapter is to conserve and protect to the greatest extent possible the City’s existing trees and wooded areas; to enhance and promote the community image; to enhance and preserve economic property values and the quality of life in the City; to aid in the alleviation of erosion, siltation, and other harmful effects of land-disturbing activities; to aid in controlling the quantity and intensity of storm water runoff; to alleviate air pollution and non-point source water pollution; to conserve energy; to protect and promote the use of existing vegetation as noise and visual buffers; to preserve the environmental and ecological benefit of trees on air pollution and carbon dioxide levels as well as dust filtration; to reduce energy consumption through the wind break and shade effects of trees when they are properly placed on a site; to preserve and enhance nesting areas for birds and other wildlife and to preserve movement corridors for wildlife; and to promote the public health, safety, and welfare through the preservation and replacement of trees while allowing for the reasonable development of lands in such a manner that implements the stated goals, objectives, policies and standards of the City.

Tree Maintenance: Given the prevalence of issues stemming from poor pruning practices, including the spread of oak wilt, it is required that all property owners and contractors adhere to ANSI A300 standards for tree maintenance in Bay Village

Tree Selection: For residents and contractors planting trees outside the confines of this ordinance; it is highly recommended to plant non-invasive tree species such as those found in The Cleveland Tree Plan.
547.02 Definitions.
For the purposes of this chapter, the following definitions shall apply:
(a) "Aggregate Diameter" means the combined sum of diameters of all stems measured individually of a multiple stem tree measured at breast height (See diameter breast height).
(b) "Caliper" means the diameter of a tree trunk six inches above the existing grade or proposed planted grade. This measurement is only used for replacement trees in this chapter.
(c) "Critical Root Zone" means the area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one foot for every inch of diameter breast height.
(d) "Diameter Breast Height (DBH) means the diameter of a tree measured at four and one-half feet above the existing grade at the base of the tree. This measurement is used for existing trees.
(e) "Protected Tree" means a protected tree is any tree having a diameter of 8 inches DBH or larger or having an aggregate diameter of 20 inches DBH.
(f) "Remove" or "Removal" means the causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.
(g) "Tree" means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or multi-stemmed trunk system, supporting a definitely formed crown.
(h) "Tree Preservation Plan" means a proposal which includes a tree survey and a written plan with text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction, and methods for ongoing maintenance, including fertilizing and pruning following ANSI A300 standards.
(i) "Tree Removal Permit" means the permit required by this section to be issued in order to remove any protected tree within the corporate limits of the city.
(j) "Tree Survey" means a graphic display drawn to scale, not to exceed one inch (1") = fifty feet (50'), showing all existing protected trees on the site. The tree survey shall include species, DBH, and contain the outline of the critical root zone of each such tree.

547.03 Trees on or Overhanging Public Property and Diseased Trees and Trees on Private Property.
The owner of every lot or parcel of land within the City upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk or being found to have an infectious disease shall conform to the regulations herein provided; otherwise, the Director of Public Services and Properties and/or the Director of Building or their designated agents (hereinafter the "Director") shall cause such trees to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land:
(a) The owner shall trim or cause to be trimmed the tree, plant or shrubbery so that a clear height of eight feet between the lowest branches of the same and the sidewalk is
maintained, and a clear height of fourteen feet between the lowest branches of the same and the street is maintained.

(b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.

(c) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles, or pedestrians using such street or sidewalk.

(d) The Director is authorized to inspect any tree or part thereof within the City which is suspected of being infected, diseased, or dead. If upon such inspection there is reason to believe a tree or part thereof is dead or a disease is present, the following action shall be taken by the Director:

1. On City-owned property and in a public street, immediately order the removal of the tree and trimmings in such a manner as to prevent as fully as possible the spread of any disease and/or a hazardous condition.

2. On private property, a written "Notice of Violation" shall be issued to the property owner. The notice may be served by delivering it personally to the owner, or by sending it first class mail to the owner's last known place of business or residence. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the real estate involved. Posting for 72 hours shall be considered legal notice. Such "Notice of Violation" shall contain an order to cut or destroy such tree or part thereof and abate the violation within the time limitations specified in said "Notice of Violation". In the event such owner does not comply with the 'Notice of Violation, the Director shall cause such tree or part thereof to be cut and removed together with any clean-up work required.

547.04 BOUNDARY-LINE TREES
A tree is a boundary-line tree when the boundary line passes through any portion of the trunk of a tree at the point where the trunk emerges from the ground. Responsibilities for a boundary-line tree are as follows:

(a) When a boundary-line tree is on the line between private properties, the owners shall be equally responsible to maintain the tree.

(b) A boundary-line tree between the right-of-way or City-owned and private property the City shall be responsible to maintain the tree.

547.05 TREES ABUTTING OR FRONTING PUBLIC PROPERTY.
The owner of any parcel of land or lot which abuts or fronts upon any street or public ground, in front of which trees are planted and growing shall trim and care for such trees in the manner provided in Section 547.03 and upon his failure to comply the Director may cause such work to be done and assess the cost thereof against the owner of such lot or parcel. In complying with this section, it shall be unnecessary to obtain the written permission required in Section 547.06.

547.06 CUTTING, INJURING OR INTERFERING WITH TREES.
No person shall, without the written permission of the Director, cut, prune, break, climb with spurs, injure or remove any living tree in a public highway; or cut, disturb, or interfere in any way with the main roots of any tree on the public street; or place any rope, sign, poster or other fixture on a tree or guard in a public street; or injure, misuse or remove any device placed to protect such tree on a public street, except in case of immediate necessity for the protection of life or property.

547.07 APPROVAL TO PLANT TREES IN PUBLIC STREETS.
(a) No shade or ornamental tree or shrub shall be planted in any of the public streets of the City, except as is provided in the Master Street Tree Plan heretofore adopted by the City. Any such planting shall first require the written approval of the Director, and such written approval shall designate the species of trees to be planted, the required spacing, the required minimum planting size, all as specified in the Master Street Tree Plan for the City as such Plan now exists, or as it may be amended hereafter from time to time. The Director of the City shall prepare a street planting plan indicating the streets and tree locations for each year’s scheduled planting program. The plan shall be presented to the City Council for approval each year prior to implementation.
(b) The Director shall make a recommendation to City Council on the yearly tree plan relative to the impact of the tree planting on overhead utility wires and poles, and all underground utilities and services. If the Director has concerns on any portion of the tree planting plan, he shall modify the tree plan to eliminate the service concerns.
(c) No tree shall be planted under electric lines on any of the public streets of the City, which at the estimated full growth will exceed twenty-five (25) feet in height.
(d) Trees planted on any of the public streets of the City shall be planted no closer than thirty (30) feet apart unless specifically approved by the Director.
(e) Trees planted in the public right of way shall be planted no closer than fifteen (15) feet from all utility poles unless specifically approved by the Director.
(f) The City may cause the removal of any existing tree in the right-of-way that does not conform with the Master Street Tree Plan

547.08 INTERFERING WITH TREE ROOTS.
No person shall, without the written permission of the Director, place or hereafter maintain upon the ground in a public street any stone, cement, or other substance which shall impede the free passage of water and air to the roots of any tree in such street, without leaving an open space of ground outside of the trunk of such tree in area not less than four square feet.

547.09 PROTECTING TREES DURING BUILDING CONSTRUCTION.
In the construction of any building the owners thereof shall place protective fencing around all nearby trees on the public street as shall effectively prevent injury to them. There shall be a protective fence erected around the critical root zone of affected trees. Nothing shall be permitted inside the fencing protecting the critical root zone.

547.10 PLACING DELETERIOUS SUBSTANCES NEAR TREES.
No person shall cause any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substance deleterious to trees to come in contact with the soil surrounding the roots of any trees upon any public place in the City, in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.

547.11 ATTACHING ELECTRIC WIRES TO TREES.
No person shall, without the written permission of the Director, attach any electric wire to any tree growing or planted upon any public street of the City.

547.12 FASTENING ELECTRIC WIRES AGAINST CONTACT WITH TREES.
Every person having any wire charged with electricity running through or across a public street shall securely fasten such wire or wires so that they shall not come in contact so as to injure any tree therein.

547.13 COMPLIANCE TO REMOVE ELECTRIC WIRE REQUIRED.
Every person having any wire charged with electricity running through or across a public street, shall temporarily remove any such wire or the electricity therein when it shall be deemed necessary by the Director, in order to take down or prune any trees growing in a public street, within twenty-four hours after the service upon the owner of such wire, or his agent, of a written notice to remove the wire or the electricity therefrom.

547.14 INTERFERING WITH CITY PLANTING, CARING OR REMOVING OF TREES.
No person shall prevent, delay or interfere with the Director or other City employee in the planting, pruning, spraying or removing of a tree on the public street, or in the removal of stone, cement or other substance from the area around the trunk of a tree.

547.15 AUTHORITY OF PUBLIC SERVICE DIRECTOR.
In the event the owner does not trim or remove any tree, plant or shrubbery, or any part thereof, in accordance with the provisions of this chapter, then the Director is authorized and it is declared to be his duty to have enforced the provisions of this chapter, and to cause to be trimmed or removed such tree, plant or shrub, or part thereof.

547.16 COMMERCIAL PROPERTY, UNDEVELOPED RESIDENTIAL PROPERTY AND PROPERTIES FORMED BY DIVISION, SUB-DIVISION OR DEMOLITION OF EXISTING DWELLING.

Pre-Construction Activities

(a) General regulations. Prior to any construction activities on a site containing protected trees, a tree preservation plan including a tree survey, and a tree removal permit (if applicable) must be submitted to the City for review and approval.

(b) Site layout and design. All reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing
protected trees. Protection of the critical root zones of protected trees shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

(1) It shall be required, to the extent possible, that building(s), driveway(s), sidewalks, bike paths, storm water management facilities, and parking areas be designed in such a way as to avoid unnecessary removal of protected trees.

(2) Any required drainage and grading plan, including storm water management facilities, shall be developed in such a way as to avoid removal of protected trees in the tree preservation area thereby causing risk of loss through change in grade or moisture.

(3) Every effort shall be made to preserve existing protected trees during the placement of utility service lines including auguring and boring as opposed to open cutting or trenching as appropriate.

(4) Landscape design shall include the preservation of existing protected trees.

(5) To help preserve protected trees on adjacent parcels, consideration shall be made during architectural and site engineering layout and design, including grading and utility placement, of the proposed development through sensitivity to the critical root zones of said protected trees. The critical root zones of protected trees on adjacent parcels shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

Tree Removal Permit

(a) Issuance. No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any protected tree without first procuring a tree removal permit from the city. Tree removal permits authorizing the removal of a protected tree may be issued by the Service Director or designee.

(b) Receipt of tree removal permit. Upon receipt of a tree removal permit, the permittee:

1. May remove the tree(s) as provided in the permit.
2. Shall remediate the loss of the protected tree(s) according to replacement schedule unless it was exempted according to list of exemptions, in 547.18.
3. Is encouraged to remediate the removal of protected trees within affected property (tree lawn included, 547.07).
4. If the required remediation cannot be or is not desired on the affected property a fee can be paid to the Bay Village Tree Fund to plant required trees elsewhere in the city.

(c) Application for tree removal permit. The application for a tree removal permit shall contain:

1. Name and address of applicant;
2. Address of property where protected tree(s) sought to be removed is located;
3. A written statement indicating the reason for removal of the protected tree(s);
4. Name and address of contractor or other person who is proposed as having responsibility for tree removal;
5. A tree preservation plan.
(6) A tree survey.

Tree Replacement Requirements and Equivalent Bay Village Tree Fund Fees:

Commercial Properties

Half the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a twenty-four inch (24") DBH tree must be replaced with a tree or trees with a combined total of twelve-inch (12") caliper.

If the property is unable to accommodate or owner unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. Twenty Dollars ($20.00) per one-inch (1") DBH of protected trees removed. Minimum One Hundred Seventy-Five Dollars ($175.00); no maximum.

Undeveloped Residential Property and Properties formed by Division, Sub-Division or Demolition of Existing Dwelling

Half the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a twenty-four inch (24") DBH tree must be replaced with a tree or tree with a combined total of twelve-inch (12") caliper.

If the property is unable to accommodate or owner unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. Fifteen Dollars ($15.00) per one-inch (1") DBH of protected trees removed. Minimum One Hundred Seventy-Five Dollars ($175.00); no maximum.

547.17 REMOVAL OF PROTECTED TREES ON RESIDENTIAL PROPERTY, EXCLUDING PROPERTIES FORMED BY DIVISION, SUB-DIVISION OR DEMOLITION OF EXISTING DWELLING.

Tree Removal Permit

(a) Issuance. No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any protected tree without first procuring a tree removal permit from the city. Tree removal permits authorizing the removal of a protected tree may be issued by the Service Director or designee.

(b) Receipt of tree removal permit. Upon receipt of a tree removal permit, the permittee:

(1) May remove the tree(s) as provided in the permit.
(2) Shall remediate the loss of the protected tree(s) according to replacement schedule unless it was exempted according to the list of exemptions in 547.18.
(3) Is encouraged to remediate the removal of protected trees within affected property (tree lawn included, 547.07).
(4) If the required remediation cannot be or is not desired on the affected property a fee can be paid to the Bay Village Tree Fund to plant required trees elsewhere in the city.

(c) Application for tree removal permit. The application for a tree removal permit shall contain:

(1) Name and address of applicant;
(2) Address of property where protected tree(s) sought to be removed is located;
(3) A written statement indicating the reason for removal of the protected tree(s);
(4) Name and address of contractor or other person who is proposed as having responsibility for tree removal;

Tree Replacement Requirements and Equivalent Bay Village Tree Fund Fees:

Residential Property – Not including development through lot division, sub division and demolition of existing dwelling

One quarter of the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a 24-inch DBH tree must be replaced with a tree or trees with a combined total of 6-inch caliper.

If the property is unable to accommodate or owner unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. Ten Dollars ($10.00) per one-inch DBH of protected trees removed. Minimum One Hundred Fifty Dollars ($150.00) and up to a maximum of One Thousand Dollars ($1,000.00).

547.18 EXEMPTIONS.
(a) The requirements of this chapter shall be followed except:
(1) During a period of emergency, such as a tornado, ice storm, flood or other such extreme act of nature as declared by the Director.
(2) If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree as verified prior to removal by the Director.
(3) For necessary tree removal by a public agency or utility company within plotted or dedicated utility easements.
(b) The remediation for removal of a protected tree is exempt if the tree is dead, dying or diseased as approved prior to removal by the Director through the permit process.

547.19 COMPLIANCE.
It shall be unlawful for any person, firm or corporation, including public utilities, to fail to abide by the terms of any tree preservation plan or tree removal permit issued by the city. If, in the opinion of the Director, the necessary precautions as specified in the tree preservation plan were not undertaken before construction commenced or are not maintained at any time during
construction, a stop work order will be issued by the city until such time as the permittee complies with these precautions. Additionally, any loss of a protected tree due to non-compliance and or the failure to follow a permitted remediation plan will result in a penalty.

Additionally, when the Director finds it necessary to order the trimming or removal of trees or shrubs upon public property as provided in Section 547.07, or upon private property as provided in Section 547.06, he shall serve a written order upon the owners of the lot or parcel of land by mailing a copy of such order to the last known address of the owner by first class mail. The order shall set forth a time limit, not to exceed 30 days for compliance. In case of extreme danger to person or property compliance may be required immediately or the danger may be removed by the City without notice. Upon failure to comply with the order within the specified time, the City may remedy the condition or contract with others for such purpose and charge the cost thereof to the owner. The person remedying the condition shall be authorized to enter upon the premises for that purpose. If the cost of remedying the condition is not paid within ten days after a statement is mailed, such cost shall be levied against the property upon which the hazard exists, shall constitute a lien thereon and shall be certified to the County Auditor to be collected in the same manner as other taxes. The levying of such an assessment shall not affect the owner’s liability for a fine as hereinafter provided.

547.99 PENALTIES.
Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a misdemeanor and upon conviction thereof be fined not less than Twenty-Five Dollars ($25.00) nor more than One Thousand Dollars ($1,000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

Violation of Sections 547.16 and 547.17 shall result in a fine twice the amount of the normal replacement requirements to the Tree Fund outlined in the respective sections and shall supersede the penalties listed in this section.

and present Section 547 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:
FINAL REVISION
April 11, 2018

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

11/23/16 LL/jm
I will be sending you the Ohio WARN agreement along with a cover letter tomorrow.

DOpwIC: I have also attached the critical needs Capital Estimates we discussed yesterday.

I have also attached the application in lieu of the granteed resolution. Once this resolution is passed, please forward a copy to me so that I can then send it on to Attachment is a draft of the resolution that is needed for DOpwIC funding. If you could please respond back with a date that it will be presented to council I will

Subject: DRAFT RESOLUTION LANGUAGE

From: C. Paul Koomar<aktiv@bridgeview.com>, Mayor Johnson<yj@bridgeview.com>, Mayor Wilson<mayor@cityofbridgeview.com>, Mayor Sharp<mayor@cityofbridgeview.com>, Mayor Young<mayor@cityofbridgeview.com>, Mayor Chaffin<mayor@cityofbridgeview.com>, Mayor Bratton<mayor@cityofbridgeview.com>, Mayor Brown<mayor@cityofbridgeview.com>, Mayor Burton<mayor@cityofbridgeview.com>, Mayor Cooper<mayor@cityofbridgeview.com>, Mayor Dugger<mayor@cityofbridgeview.com>, Mayor Haynes<mayor@cityofbridgeview.com>, Mayor Hines<mayor@cityofbridgeview.com>, Mayor Kent<mayor@cityofbridgeview.com>, Mayor LeCount<mayor@cityofbridgeview.com>, Mayor Logan<mayor@cityofbridgeview.com>, Mayor Lumley<mayor@cityofbridgeview.com>, Mayor Maddox<mayor@cityofbridgeview.com>, Mayor Melvin<mayor@cityofbridgeview.com>, Mayor Mosley<mayor@cityofbridgeview.com>, Mayor Pope<mayor@cityofbridgeview.com>, Mayor Price<mayor@cityofbridgeview.com>, Mayor Ray<mayor@cityofbridgeview.com>, Mayor Roper<mayor@cityofbridgeview.com>, Mayor Sanders<mayor@cityofbridgeview.com>, Mayor Silas<mayor@cityofbridgeview.com>, Mayor Simpson<mayor@cityofbridgeview.com>, Mayor Smith<mayor@cityofbridgeview.com>, Mayor Thomas<mayor@cityofbridgeview.com>, Mayor Turner<mayor@cityofbridgeview.com>, Mayor Williams<mayor@cityofbridgeview.com>, Mayor Wood<mayor@cityofbridgeview.com>, Mayor Young<mayor@cityofbridgeview.com>, Mayor Zorn<mayor@cityofbridgeview.com>

To: Pamela E. Boester<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Dave Cooper<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<aktiv@bridgeview.com>, Paul Koomar<activ...
<table>
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<td>Total</td>
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Final Callier Upgrade Project (Rehab) 2020
Dear City Manager,

I'm writing to request consideration to add the application of Reclamation to the 2017 Paving Program and dedicated expansion of $40,000 to the project budget. 

The process, description, and tender to follow later today. Cost of project is $40,000.00.

I look forward to your favorable response.

All,

Subject: Reclamation Paving Program

To: [City Manager]

Sent: Thursday, September 12, 2019 9:09 AM

From: Jon Liskoever

---

Fax: 440-899-3480

Office: 440-899-3437

City Manager

City of Bay Village

Thank you,
August 16, 2019

Mr. Jonathan Liskovec  
City of Bay Village Public Works  
31300 Naigle Road  
Bay Village, OH 44140

Dear Mr. Liskovec:

We are pleased to offer our revised proposal to apply Reclamite® asphalt rejuvenator to the streets listed below.

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<th>Street</th>
<th>From</th>
<th>To</th>
<th>Gallons</th>
<th>Amount</th>
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Total 1,780 $40,050.00
Quantities are based on the finished product applied. Pricing is based on the 101L State Cooperative contract. In no case shall payment exceed the unit price amount.

Work includes all labor and materials for application of Reclamite® asphalt rejuvenating agent. Also included are the resident notification, pre and post cleaning of roads, MOT and proper supervision to insure work is in accordance with manufactures specification.

Thank you for your continued interest in pavement preservation with Reclamite®.

Sincerely,

Zack Helm

Zack Helm
zhelm@pavetechnie.com