Agenda, Bay Village City Council
Regular Meeting, Council Chambers

November 4, 2019
8:00 p.m.

Dwight A. Clark, President of Council, Presiding
Roll Call
Pledge of Allegiance led by Marty Mace, Councilman-at-large.

Reading of Minutes – Special Meeting of Council held October 28, 2019
Cahoon Memorial Park Trustees Meeting held October 28, 2019

ANNOUNCEMENTS

REPORTS

Mayor Koomar
Director of Law Barbour
Director of Finance Mahoney
Director of Recreation Enovitch
Director of Public Service and Properties Liskovec
Human Resources Director Demaline

Director of Community Services Selig
Police Chief Spaetzle
Fire Chief Lyons
Director of Building Tuck-Macalla

AUDIENCE

COMMUNICATIONS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace

FINANCE AND CLAIMS-Mr. Tadych

Ordinance amending Section 1 and Section 2 of Ordinance 19-14 regarding rates of compensation for the officers and employees of the General Administration Department and those employees of the City not covered by separate labor contract for the Calendar Year 2020 and thereafter, and declaring an emergency. (First Reading).

Resolution adopting policies governing the use of electronic banking by employees and officials of the City of Bay Village, and declaring an emergency. (First Reading).

Ordinance authorizing the Mayor to enter into a one year contract with the Jefferson Health Plan to provide administrative services for the City’s Health and Hospitalization Plan, and declaring an emergency. (First Reading).
November 4, 2019
Agenda
Regular Meeting of Council

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

Ordinance 19-100 amending a portion of Chapter 1365 of the Codified Ordinances of the City of Bay Village relating to short term rentals, and declaring an emergency. (Second Reading) (First Reading October 28, 2019).

Resolution granting permission to Bay Presbyterian Church to erect a Replacement Ground Sign, and declaring an emergency.

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

RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig

SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Ms. DeGeorge

Ordinance authorizing the Mayor to enter into a contract with Chagrin Valley Engineering, Ltd., establishing related compensation, and declaring an emergency. (First Reading).

MISCELLANEOUS

Motion to convene to Executive Session regarding Personnel: Fire, Administrative Compensation.

ADJOURNMENT
Procedure

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

Roll call on suspension of Charter Rules:

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

Roll call on suspension of Council Rules:

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

Roll call on inclusion of the emergency.

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

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

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

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

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Recreation Director Enovitch, Human Resource Director Demaline, Community Services Director Selig, Police Chief Spaetzle, Fire Chief Lyons, Building Director Tuck-Macalla.

AUDIENCE

Amanda and Gary Sebrosky.

President of Council Clark called the meeting to order at 8:18 p.m. with roll call and the Pledge of Allegiance led by Nancy L. Stainbrook, Councilwoman-at-large.

Motion by Tadych to dispense with the reading of the minutes of the Regular Meeting of Council held October 21, 2019, and approve the minutes as prepared and submitted. Motion carried 7-0.

Mr. Mace read Ordinance No. 19-88 authorizing the Mayor to enter into an agreement with the United States Department of Agriculture to provide Wildlife Services, and declaring an emergency, and moved for adoption. (First Reading October 7, 2019) (Second Reading October 21, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-88.

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

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

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

Roll Call on Adoption:
  Yeas– Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
  Nays –None.
Mr. Barbour announced that Ordinance No. 19-88, an emergency measure, has been adopted with a vote of 7-0.

Ms. Maier introduced and read Ordinance No. 19-100, amending by reading to remove a duplication of Section 2, amending a portion of Chapter 1365 of the Codified Ordinances of the City of Bay Village relating to short term rentals, and declaring an emergency. (First Reading).

Mr. Winzig suggested a small edit to the document in the title of Director of the Building Department to be the Building Director.

Mrs. Stainbrook stated that residents were in attendance at the Committee Meeting held prior to this meeting who informed her that a certain property in Bay Village was rented last weekend, noting that the homeowner continues to violate current ordinance. Mayor Koomar stated that this is the reason to have this ordinance on first reading and passed as quickly as possible. Mrs. Stainbrook asked if anything is being done in the meantime, based on existing ordinances.

Mr. Barbour stated that he would prefer not to discuss potential litigation in a public meeting. The answer is yes; the homeowner of that particular property is not as cooperative as other homeowners. The neighbors next door called the police because of noise and when the police went to the site the people that came to the door identified themselves as renters.

Mr. Barbour announced that Ordinance No. 19-100 is placed on first reading.

Motion carried 7-0.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session at 8:27 p.m. regarding Personnel: Administrative Compensation and School Resource Officer; and Litigation Update.

Roll Call Vote:

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

Motion carried 7-0.

Also in attendance in Executive Session were Mayor Koomar, Law Director Barbour, Finance Director Mahoney, Human Resource Director Demaline.

Council reconvened in an open meeting at 10:08 p.m. Present were: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, and Winzig.

ADJOURNMENT

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 10:14 p.m.
Special Meeting of Council
October 28, 2019

Dwight A. Clark, President of Council  Joan Kemper, Clerk of Council
President of Council Clark called the meeting called to order in the conference room of Bay Village City Hall at 8:13 p.m.

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

Also Present: Law Director Barbour, Director of Public Service and Properties Liskovec, Police Chief Spaetzel, Fire Chief Lyons, Human Resource Director Demaline, Recreation Director Enovitch, Community Services Director Selig, Building Director Tuck-Macalla.

AUDIENCE

Linda Harris, Gary and Amanda Sebrosky, Dennis Driscoll.

Motion by Mr. Winzig to approve the Transportation for Livable Communities Initiative (TLCI) Implementation Grant Application for the Interurban Pedestrian Trail. He noted that this matter received approval of City Council on October 21, 2019. Mr. Clark displayed a map of the proposed trail through Cahoon Memorial Park, and suggested posting the map on the City’s website, noting that these grants have a lot to do with the success of the project. Mayor Koomar stated that they intend to use the map in future City publications.

Motion carried 8-0.

Motion by Mr. Winzig to approve the United States Department of Agriculture (USDA) Deer Management Program. The City Council will approve the culling program this evening at the Special Meeting of Council.

Motion carried 8-0.

There being no further business to be brought before the Trustees this evening, the meeting adjourned at 8:15 p.m.
AN ORDINANCE
AMENDING SECTION 1 AND SECTION 2 OF ORDINANCE 19-14 REGARDING RATES OF COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE GENERAL ADMINISTRATION DEPARTMENT AND THOSE EMPLOYEES OF THE CITY NOT COVERED BY SEPARATE LABOR CONTRACT FOR THE CALENDAR YEAR 2020 AND THEREAFTER, AND DECLARING AN EMERGENCY.

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

SECTION 1. That compensation to be paid to the NON-EXEMPT categorized officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

<table>
<thead>
<tr>
<th>PAYGRADE</th>
<th>MINIMUM</th>
<th>MIDPOINT</th>
<th>MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>$55,771 (26.8130)</td>
<td>$66,930 (32.1779)</td>
<td>$80,319 (38.6149)</td>
</tr>
<tr>
<td>6</td>
<td>46,478 (22.3451)</td>
<td>55,771 (26.8130)</td>
<td>66,930 (32.1779)</td>
</tr>
<tr>
<td>5</td>
<td>38,732 (18.6212)</td>
<td>46,478 (22.3452)</td>
<td>55,771 (26.8130)</td>
</tr>
<tr>
<td>4</td>
<td>32,277 (15.5178)</td>
<td>38,732 (18.6212)</td>
<td>46,478 (22.3452)</td>
</tr>
<tr>
<td>3</td>
<td>26,897 (12.9313)</td>
<td>32,277 (15.5178)</td>
<td>38,732 (18.6212)</td>
</tr>
<tr>
<td>2</td>
<td>22,414 (10.7760)</td>
<td>26,897 (12.9313)</td>
<td>32,277 (15.5178)</td>
</tr>
<tr>
<td>1</td>
<td>(minimum wage)</td>
<td>22,414 (10.7760)</td>
<td>26,897 (12.9313)</td>
</tr>
</tbody>
</table>

Non-exempt employees hired in one of the following employment categories shall be positioned in one of the above paygrade levels, as determined by the Department Director and the Human Resource Director, and will be subject to the above wage/salary structure:

- Full-time – employees scheduled to work 37.5 to 40 hours per week.
- Statutory Full-time – employees scheduled to work more than 29 hours but less than 40 hours per week.
- Regular Part-time – employees scheduled to work a set number of hours per week not to exceed 29 hours per week.
- Intermittent Part-time – employees scheduled to work sporadic hours during a week not to exceed 29 hours per week.
- Seasonal – employees scheduled to work any number of hours per week for a specified period not to exceed six (6) consecutive months per year.

If an employee’s rate of pay at the time of assignment to a job classification exceeds the maximum of the paygrade range for that job classification, the employee’s rate of pay, at the
Administration’s discretion, may be retained. However, the employee will not receive or be eligible for a rate change until the employee vacates that classification or the salary structure maximum is revised and exceeds the employee’s rate of pay.

If an employee’s rate of pay at the time of assignment to a job classification is below the minimum of the paygrade range for that job classification, the employee’s rate of pay, at the Administration’s discretion, may be adjusted between the minimum and the midpoint of the paygrade range at the time of assignment or receive six (6) month incremental increases until the employee’s rate of pay is within the paygrade range.

**NON-EXEMPT EMPLOYEE JOB CLASSIFICATION PAYGRADES**

<table>
<thead>
<tr>
<th>JOB CLASSIFICATION</th>
<th>PAYGRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Police Officer</td>
<td>7</td>
</tr>
<tr>
<td>School Resource Officer</td>
<td>7</td>
</tr>
<tr>
<td>Administrative Assistant (Mayor’s Office)</td>
<td>6</td>
</tr>
<tr>
<td>Assistant to Director</td>
<td>6</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>4</td>
</tr>
<tr>
<td>Office Coordinator</td>
<td>4</td>
</tr>
<tr>
<td>Police Dispatcher</td>
<td>4</td>
</tr>
<tr>
<td>Jailer</td>
<td>3</td>
</tr>
<tr>
<td>Receptionist/Clerk</td>
<td>3</td>
</tr>
<tr>
<td>Part-time</td>
<td>2</td>
</tr>
<tr>
<td>School Guard</td>
<td>2</td>
</tr>
<tr>
<td>Seasonal “A”</td>
<td>2</td>
</tr>
<tr>
<td>Senior Van Driver</td>
<td>2</td>
</tr>
<tr>
<td>Seasonal “B”</td>
<td>1</td>
</tr>
</tbody>
</table>

**SECTION 2.** That compensation to be paid to the EXEMPT categorized officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

**EXEMPT EMPLOYEE SALARY STRUCTURE**

<table>
<thead>
<tr>
<th>PAYGRADE</th>
<th>MINIMUM</th>
<th>MIDPOINT</th>
<th>MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>$92,450(44.4471)</td>
<td>$110,940(53.3365)</td>
<td>$133,128(64.0039)</td>
</tr>
<tr>
<td>7</td>
<td>77,045(37.0409)</td>
<td>92,450(44.4471)</td>
<td>110,940(53.3365)</td>
</tr>
<tr>
<td>6</td>
<td>64,204(30.8673)</td>
<td>77,045(37.0409)</td>
<td>92,450(44.4471)</td>
</tr>
<tr>
<td>5</td>
<td>53,503(25.7226)</td>
<td>64,204(30.8673)</td>
<td>77,045(37.0409)</td>
</tr>
<tr>
<td>4</td>
<td>44,586(21.4356)</td>
<td>53,503(25.7226)</td>
<td>64,204(30.8673)</td>
</tr>
<tr>
<td>3</td>
<td>37,152(17.8615)</td>
<td>44,586(21.4356)</td>
<td>53,503(25.7226)</td>
</tr>
<tr>
<td>2</td>
<td>30,960(14.8846)</td>
<td>37,152(17.8615)</td>
<td>44,586(21.4356)</td>
</tr>
<tr>
<td>1</td>
<td>25,800(12.4039)</td>
<td>30,960(14.8846)</td>
<td>37,152(17.8615)</td>
</tr>
</tbody>
</table>

Exempt employees hired in one of the following employment categories shall be positioned in one of the above paygrade levels, as determined by the Department Director, Human Resource Director and/or the Mayor, and will be subject to the above salary structure:
• Full-time – employees scheduled to work 40 hours per week.
• Statutory Full-time – employees scheduled to work more than 29 but less than 40 hours per week.
• Regular Part-time – employees scheduled to work a set number of hours per week not to exceed 29 hours per week.
• Intermittent Part-time – employees scheduled to work sporadic hours during a week not to exceed 29 hours per week.

If an employee’s rate of pay at the time of assignment to a job classification exceeds the maximum of the paygrade range for that job classification, the employee’s rate of pay, at the Administration’s discretion, may be retained. However, the employee will not receive or be eligible for a rate change until the employee vacates that job classification or the salary structure maximum is revised and exceeds the employee’s rate of pay.

If an employee’s rate of pay at the time of assignment to a classification is below the minimum of the paygrade range for that job classification, the employee’s rate of pay may be adjusted between the minimum and midpoint of the paygrade range at the time of assignment or receive six (6) month incremental increases until the employee’s rate of pay is within the paygrade range.

**EXEMPT EMPLOYEE JOB CLASSIFICATION PAYGRADES**

<table>
<thead>
<tr>
<th>JOB CLASSIFICATION</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Chief of Police</td>
<td>8</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>8</td>
</tr>
<tr>
<td>Building Director</td>
<td>7</td>
</tr>
<tr>
<td>Director of Public Services &amp; Properties</td>
<td>7</td>
</tr>
<tr>
<td>Finance Director</td>
<td>7</td>
</tr>
<tr>
<td>Director of Community Services</td>
<td>6</td>
</tr>
<tr>
<td>Director of Recreation</td>
<td>6</td>
</tr>
<tr>
<td>Human Resources Director</td>
<td>6</td>
</tr>
<tr>
<td>Infrastructure Manager</td>
<td>6</td>
</tr>
<tr>
<td>Projects Coordinator</td>
<td>6</td>
</tr>
<tr>
<td>Project Manager</td>
<td>6</td>
</tr>
<tr>
<td>Public Works Supervisor</td>
<td>6</td>
</tr>
<tr>
<td>Public Works Supervisor of Operations</td>
<td>6</td>
</tr>
<tr>
<td>Sewer Maintenance Supervisor</td>
<td>6</td>
</tr>
<tr>
<td>Assistant Director of Recreation</td>
<td>5</td>
</tr>
<tr>
<td>Clerk of Council</td>
<td>5</td>
</tr>
<tr>
<td>Finance Assistant</td>
<td>5</td>
</tr>
<tr>
<td>Property Maintenance Inspector</td>
<td>5</td>
</tr>
<tr>
<td>Administrative Project Leader</td>
<td>4</td>
</tr>
<tr>
<td>Assistant Director of Community Services</td>
<td>4</td>
</tr>
</tbody>
</table>

The individual who may serve pro-tem as Secretary to Council or as Secretary to Planning Commission, Board of Zoning Appeals, Recreation Commission, Civil Service Commission, Architectural Board of Review, Tree Commission or Charter Review Committee shall
be paid fifty dollars ($50.00) for the first two hours of attendance and his or her hourly rate thereafter per regular or special meeting attended in lieu of wages.”

and present Section 1 and Section 2 of Ordinance 19-14 is hereby repealed.

SECTION 3. The individual who serves as Safety Director shall be compensated at an annualized amount of $5,000.00.

SECTION 4. The Administration and Council will meet bi-annually to review the salary and wage administration.

SECTION 5. That it is found and determined that all formal actions concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City’s needs, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_________________________
PRESIDENT OF COUNCIL

_________________________
CLERK OF COUNCIL

APPROVED:

_________________________
MAYOR

10-31-19 JD
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ADOPTING POLICIES GOVERNING THE USE OF ELECTRONIC BANKING
BY EMPLOYEES AND OFFICIALS OF THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY.

WHEREAS, the 2018 audit performed by the Auditor of State determined the City did not have an Electronic Banking Policy to direct the Finance Department staff in proper procedures when using online banking services; and

WHEREAS, at the recommendation of the Finance Director, and to satisfy the requirement requested by the State Auditor, the electronic banking provisions of said policy should be enacted; and

WHEREAS, the policy is available for review at City Hall.

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

SECTION 1. That the proposed Electronic Banking Policy is adopted as a proper public purpose.

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

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

PASSED:

______________________________
PRESIDENT OF COUNCIL

___________________________
CLERK OF COUNCIL

APPROVED:

___________________________
MAYOR

102819 jt
AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A ONE YEAR CONTRACT WITH THE JEFFERSON HEALTH PLAN TO PROVIDE ADMINISTRATIVE SERVICES FOR THE CITY’S HEALTH AND HOSPITALIZATION PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, the current agreement between the City of Bay Village and Jefferson Health Plan to provide services as a third party administrator for the City’s self-funded health and hospitalization plan expires December 31, 2019;

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

SECTION 1. The City of Bay Village hereby agrees to enter into a one year contract with The Jefferson Health Plan and agrees to pay premiums monthly for specific stop-loss insurance, referred to as the Large Claim Reimbursement Program to be provided by The Jefferson Plan.

SECTION 2. The City of Bay Village agrees to pay an administrative charge to The Jefferson Health Plan per covered employee per month.

SECTION 3. The Jefferson Health Plan shall provide specific stop-loss coverage in the amount of $75,000.00 for each person covered by the City’s health insurance plan.

SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 5. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to continue to provide for medical and hospitalization coverage for City employees in conformance with labor agreements, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

___________________________
PRESIDENT OF COUNCIL

___________________________
CLERK OF COUNCIL

APPROVED:

___________________________
MAYOR
103119
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING A PORTION OF CHAPTER 1365 OF THE CODIFIED ORDINANCES
OF THE CITY OF BAY VILLAGE RELATING TO SHORT-TERM RENTALS,
AND DECLARING AN EMERGENCY

WHEREAS, the City has a legitimate interest in preserving its residential neighborhoods,
and the proliferation of short-term rentals of residential properties threatens the health,
safety, peace and tranquility of those neighborhoods by introducing transient guests
into residential areas, leading to increased noise, traffic, and occupancy of residences
without sufficient owner supervision and City oversight; and

WHEREAS, in order to protect and preserve the character and tranquility of the City’s
residential neighborhoods and to protect the health, safety, and welfare of the City and its residents,
the City wishes to prohibit short-term rentals;

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

SECTION 1. That Codified Ordinance Chapter 1365 which presently reads as follows:

Chapter 1365 - RENTAL DWELLING HOUSING LICENSE CODE[23]

Footnotes:
--- (23) ---

Cross reference— Discrimination in housing rental—see GEN.OFF. 515.03. Basic standards for
residential occupancy—see BLDG. 1344.04.

1365.01 - Title.
The provisions of this chapter, hereinafter referred to as "this Code” shall be known as "The Bay Village
Rental Dwelling Housing License Code." The word "City" in this chapter shall mean the City of Bay
Village.

(Ord. 06-98. Passed 10-2-06.)

1365.02 - Purpose.
Within the scope of this Code, as hereinafter defined, the purpose of this Code is to establish minimum
standards necessary to make all rental dwellings safe, sanitary, free from fire and health hazards and fit
for human habitation and beneficial to the public welfare; to establish minimum standards governing the
maintenance and repair of rental dwellings and their exterior property areas in such condition so as not to
constitute a blighting or deteriorating influence on the neighborhood and the community; to protect
property values and maintain the character and appearance of neighborhoods and the community; to
attach responsibilities for owners and occupants with respect to sanitation, repair and maintenance; to
establish the inspection of rental dwellings; to establish the fee for housing license; to establish
enforcement procedures; to authorize the vacation or condemnation of structures unsafe or unfit for
human habitation; to fix penalties for failure and/or refusal to abate violations of the Codified Ordinances of the City.

(Ord. 06-98. Passed 10-2-06.)

1365.03 - General scope.

The provisions of this Code shall supplement any and all laws of the State of Ohio and City Ordinances and specifically shall include all rules and regulations promulgated by authority of such laws or ordinances applicable to rental dwellings, their exterior property areas and accessory structures.

(Ord. 06-98. Passed 10-2-06.)

1365.04 - Application.

(a) This Code shall apply to all rental dwellings, their exterior property area and accessory structures.

(b) Existing buildings may continue to be occupied as rental dwellings if:

   (1) The rental dwelling complies with the provisions of the Codified Ordinances of the City except as to any variance heretofore granted by the Board of Zoning Appeals.

   (2) The use and occupancy of the rental dwelling is not in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

   (3) A housing license as required by this Code has been applied for, issued is current and in effect.

(c) The provisions of this code shall apply to all such rental dwellings, their exterior property areas and accessory structures or portions thereof which are in existence or which may come into existence after the effective date of this Code.

(d) The Director of the Division of Building, Engineering and Inspections and his authorized agents or representatives are designated to enforce this Code.

(Ord. 06-98. Passed 10-2-06.)

1365.05 - Conflict with other ordinances.

In the event of conflict between any provision of this Code, including any rules and regulations adopted pursuant to this Code and any provisions of the Codified Ordinances of the City; that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the occupants shall govern.

(Ord. 06-98. Passed 10-2-06.)

1365.06 - Severability.

Sections and subsections of this Code and provisions thereof are hereby declared to be independent sections, subsections and provisions and the holding of any such section, subsection and provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section, subsection and provision thereof.
1365.07 - Definitions.

For the purposes of this Code, the following words and phrases shall have the meaning set forth as follows:

(a) *Dwelling* means a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

(b) *Family* means an individual or two or more persons living together as a single housekeeping group in a dwelling.

(c) *Housing license* means an application form provided by the Building Department which authorizes the operation of a rental dwelling.

(d) *Non-resident* means the owner of a rental dwelling, who at the time of application for a housing license, does not reside within Cuyahoga County and/or adjoining counties, i.e.: Lake, Geauga, Portage, Summit, Medina, Lorain or relocates outside these counties after he has been issued a housing license for a rental dwelling, or who for 30 consecutive days or more is located outside the above designated area.

(e) *Occupant* means a family or family member living in a rental dwelling.

(f) *Owner* means a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed holder. For purposes of this ordinance an officer of a corporation and/or company can and shall be the owner of record.

(g) *Rental dwelling* means a dwelling occupied by a family where consideration in the form of money or other valuable consideration is paid or exchanged with the legal owner; or occupancy is by a family who is not the legal owner and no money or consideration is paid to the owner.

(h) *Single housekeeping group* means a group of individuals who share expenses and/or labor related to the maintenance of a dwelling and who are living and eating together in a dwelling.

1365.08 - Housing license.

No owner shall let, rent, lease, operate, maintain or occupy any building or portion of any building in which there is one or more rental dwellings unless a housing license as required by this chapter is in force. The housing license shall be signed by the owner as defined in this chapter.

1365.09 - Housing license fee.

(a) A nonrefundable non-prorated housing license fee shall be paid to the City in the amount required by Section 1305.02(k).

(b) All housing licenses required by this Code and not secured by the applicable dates as stated in Section 1365.12 shall incur a late fee of $75.00 per rental dwelling for which the housing license is required.
1365.10 - Housing license issuance.

The Building Director shall issue the license applied for if the building and its uses are found to comply in all respects with this Standard and all other laws and ordinances of the City. The housing license shall be posted on the interior at the main entrance of the building for which it is issued. The Building Director may inspect and/or cause to be inspected the building and require compliance in all respects with this Standard and all other laws and ordinances prior to the issuance of the housing license.

(Ord. 13-117. Passed 2-24-14.)

1365.11 - Housing license nonresident applicant.

(a) A nonresident owner of a rental dwelling shall designate either a janitor, custodian, agent or other responsible person in control for each rental dwelling building and such person shall be a resident of a county as listed in Section 1365.07(d).

(b) Such janitor, custodian, agent or other responsible person shall be available during normal business hours to the Building Department and to the occupants of the rental dwelling. A schedule listing the name, address, phone number and available hours of the janitor, custodian, agent or other responsible person shall be posted on the housing license.

(Ord. 06-98. Passed 10-2-06.)

1365.12 - License expiration.

Every housing license shall be secured by and expire no later than:

(a) All rental dwelling owners shall have secured from the City by April 1 the required housing license.

(b) All rental dwelling housing licenses shall expire on March 31 of each year irrespective of the date of issuance.

(c) Whenever the ownership of a rental dwelling changes, the current housing license shall become null and void. Housing licenses are not transferable. The new owner shall, within 15 days of title transfer, secure a housing license as required by this Code.

For the purpose of this Code, execution of a "land contract agreement" shall not be considered as change of ownership.

(Ord. 06-98. Passed 10-2-06.)

1365.13 - Inspections.

(a) The Building Director is hereby authorized to make or cause to be made inspections to determine the condition of rental dwellings in order that he may perform his duty of safeguarding the health and safety of the occupants and of the general public.

(b) Inspections may also be made whenever the Building Director has reasonable cause to believe a violation of the Laws and/or Ordinances of the City exist.

(c) The Building Director is authorized to revoke a housing license when access is denied to make an inspection.
1365.14 - Right of entry.

(a) For the purpose of making inspections, the Building Director and/or his authorized agent, upon presentation of proper identification, may enter and inspect at all reasonable times the rental dwelling. The owner, responsible person and/or the occupant shall give free access to the rental dwelling for the purpose of inspection.

(b) Every occupant of a rental dwelling shall give the owner or his agent free access to the rental dwelling at all reasonable times for the purpose of making repairs and/or improvements that are necessary to comply with the laws and ordinances of the City.

1365.15 - Pest extermination.

(a) Every occupant of a building containing a single rental dwelling shall be responsible for the extermination of any insects, vermin, rodents or other pests therein or on the premises. Exterior yard areas and any accessory structures shall be the responsibility of the dwelling owner to provide pest extermination as required.

(b) Every occupant of a building containing two or more rental dwellings shall be responsible for the extermination of any insects, vermin, rodents or other pests within their rental dwelling unit. Common, shared and/or public areas, exterior areas and any accessory structures shall be the responsibility of the building owner to provide pest extermination as required.

1365.16 - Voiding housing license.

Any housing license shall become null and void if:

(a) The building for which the license was granted or the use to which it is put are in violation of this code and/or any other applicable ordinance of the City.

(b) A false statement or representation was made by the owner in connection with the application and issuance of the housing license.

(c) The building for which the license was applied, has rental dwellings added that were not stated on the application and shown on the housing license.

1365.99 - Penalty.

Whoever refuses, neglects or fails to comply with the provisions of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 nor more than $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.

be and the same is amended to read:
Chapter 1365 - RENTAL DWELLING HOUSING LICENSE CODE[23]

Footnotes:
--- (23) ---

Cross reference— Discrimination in housing rental—see GEN.OFF. 515.03. Basic standards for residential occupancy—see BLDG. 1344.04.

1365.01 - Title.

The provisions of this chapter, hereinafter referred to as "this Code" shall be known as "The Bay Village Rental Dwelling Housing License Code." The word "City" in this chapter shall mean the City of Bay Village.

(Ord. 06-98. Passed 10-2-06.)

1365.02 - Purpose.

Within the scope of this Code, as hereinafter defined, the purpose of this Code is to establish minimum standards necessary to make all rental dwellings safe, sanitary, free from fire and health hazards and fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance and repair of rental dwellings and their exterior property areas in such condition so as not to constitute a blighting or deteriorating influence on the neighborhood and the community; to protect and preserve the property values and maintain the character, tranquility and appearance of neighborhoods and the community; to attach responsibilities for owners and occupants with respect to sanitation, repair and maintenance; to establish the inspection of rental dwellings; to establish the fee for housing license; to establish enforcement procedures; to authorize the vacation or condemnation of structures unsafe or unfit for human habitation; to protect the health, safety and welfare of the City and its residents; to regulate and minimize the adverse effects of short-term rentals on residential neighborhoods; to fix penalties for failure and/or refusal to abate violations of the Codified Ordinances of the City.

(Ord. 06-98. Passed 10-2-06.)

1365.03 - General scope.

The provisions of this Code shall supplement any and all laws of the State of Ohio and City Ordinances and specifically shall include all rules and regulations promulgated by authority of such laws or ordinances applicable to rental dwellings, their exterior property areas and accessory structures.

(Ord. 06-98. Passed 10-2-06.)

1365.04 - Application.

(a) This Code shall apply to all rental dwellings, their exterior property area and accessory structures.

(b) Existing buildings may continue to be occupied as rental dwellings if:

(1) The rental dwelling complies with the provisions of the Codified Ordinances of the City except as to any variance heretofore granted by the Board of Zoning Appeals.
(2) The use and occupancy of the rental dwelling is not in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

(3) A housing license as required by this Code has been applied for, issued is current and in effect.

(c) The provisions of this code shall apply to all such rental dwellings, their exterior property areas and accessory structures or portions thereof which are in existence or which may come into existence after the effective date of this Code.

(d) The Building Director of the Division of Engineering and Inspections and his authorized agents or representatives are designated to enforce this Code.

(Ord. 06-98. Passed 10-2-06.)

1365.05 - Conflict with other ordinances.

In the event of conflict between any provision of this Code, including any rules and regulations adopted pursuant to this Code and any provisions of the Codified Ordinances of the City; that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the occupants shall govern.

(Ord. 06-98. Passed 10-2-06.)

1365.06 - Severability.

Sections and subsections of this Code and provisions thereof are hereby declared to be independent sections, subsections and provisions and the holding of any such section, subsection and provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section, subsection and provision thereof.

(Ord. 06-98. Passed 10-2-06.)

1365.07 - Definitions.

For the purposes of this Code, the following words and phrases shall have the meaning set forth as follows:

(a) Dwelling means a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

(b) Family means an individual or two or more persons living together as a single housekeeping group in a dwelling.

(c) Housing license means an application form provided by the Building Department which authorizes the operation of a rental dwelling.

(d) Non-resident means the owner of a rental dwelling, who at the time of application for a housing license, does not reside within Cuyahoga County and/or adjoining counties, i.e.: Lake, Geauga, Portage, Summit, Medina, Lorain or relocates outside these counties after he has been issued a housing license for a rental dwelling, or who for 30 consecutive days or more is located outside the above designated area.
(e) *Occupant* means a family or family member living in a rental dwelling.

(f) *Owner* means a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed holder. For purposes of this ordinance an officer of a corporation and/or company can *and shall* be the owner of record.

(g) *Rental dwelling* means a dwelling occupied by a family where consideration in the form of money or other valuable consideration is paid or exchanged with the legal owner; or occupancy is by a family who is not the legal owner and no money or consideration is paid to the owner.

(h) *Single housekeeping group* means a group of individuals who share expenses and/or labor related to the maintenance of a dwelling and who are living and eating together in a dwelling.

(Ord. 06-98. Passed 10-2-06.)

(i) *Short-term rental* means the right to use, occupy or possess, or the actual use, occupancy or possession, of a rental dwelling through a rental for temporary, transient occupancy for dwelling, sleeping or lodging, for a period of time less than twenty-nine (29) continuous days.

1365.08 - Housing license.

No owner shall let, rent, lease, operate, maintain or occupy any building or portion of any building in which there is one or more rental dwellings unless a housing license as required by this chapter is in force. The housing license shall be signed by the owner as defined in this chapter.

(Ord. 06-98. Passed 10-2-06.)

1365.09 - Housing license fee.

(a) A nonrefundable non-prorated housing license fee shall be paid to the City in the amount required by *Section 1305.02*(k).

(b) All housing licenses required by this Code and not secured by the applicable dates as stated in *Section 1365.12* shall incur a late fee of $75.00 per rental dwelling for which the housing license is required.

(Ord. 06-98. Passed 10-2-06.)

1365.10 - Housing license issuance.

The Building Director shall issue the license applied for if the building and its uses are found to comply in all respects with this Standard and all other laws and ordinances of the City. The housing license shall be posted on the interior at the main entrance of the building for which it is issued. The Building Director may inspect and/or cause to be inspected the building and require compliance in all respects with this Standard and all other laws and ordinances prior to the issuance of the housing license.

(Ord. 13-117. Passed 2-24-14.)

1365.11 - Housing license nonresident applicant.

(a) A nonresident owner of a rental dwelling shall designate either a janitor, custodian, agent or other responsible person in control for each rental dwelling building and such person shall be a resident of a county as listed in *Section 1365.07*(d).
(b) Such janitor, custodian, agent or other responsible person shall be available during normal business hours to the Building Department and to the occupants of the rental dwelling. A schedule listing the name, address, phone number and available hours of the janitor, custodian, agent or other responsible person shall be posted on the housing license.

(Ord. 06-98. Passed 10-2-06.)

1365.12 - License expiration.

Every housing license shall be secured by and expire no later than:

(a) All rental dwelling owners shall have secured from the City by April 1 the required housing license.

(b) All rental dwelling housing licenses shall expire on March 31 of each year irrespective of the date of issuance.

(c) Whenever the ownership of a rental dwelling changes, the current housing license shall become null and void. Housing licenses are not transferable. The new owner shall, within 15 days of title transfer, secure a housing license as required by this Code.

For the purpose of this Code, execution of a "land contract agreement" shall not be considered as change of ownership.

(Ord. 06-98. Passed 10-2-06.)

1365.13 - Inspections.

(a) The Building Director is hereby authorized to make or cause to be made inspections to determine the condition of rental dwellings in order that he may perform his duty of safeguarding the health and safety of the occupants and of the general public.

(b) Inspections may also be made whenever the Building Director has reasonable cause to believe a violation of the Laws and/or Ordinances of the City exist.

(c) The Building Director is authorized to revoke a housing license when access is denied to make an inspection.

(Ord. 06-98. Passed 10-2-06.)

1365.14 - Right of entry.

(a) For the purpose of making inspections, the Building Director and/or his authorized agent, upon presentation of proper identification, may enter and inspect at all reasonable times the rental dwelling. The owner, responsible person and/or the occupant shall give free access to the rental dwelling for the purpose of inspection.

(b) Every occupant of a rental dwelling shall give the owner or his agent free access to the rental dwelling at all reasonable times for the purpose of making repairs and/or improvements that are necessary to comply with the laws and ordinances of the City.

(Ord. 06-98. Passed 10-2-06.)

1365.15 - Pest extermination.
(a) Every occupant of a building containing a single rental dwelling shall be responsible for the extermination of any insects, vermin, rodents or other pests therein or on the premises. Exterior yard areas and any accessory structures shall be the responsibility of the dwelling owner to provide pest extermination as required.

(b) Every occupant of a building containing two or more rental dwellings shall be responsible for the extermination of any insects, vermin, rodents or other pests within their rental dwelling unit. Common, shared and/or public areas, exterior areas and any accessory structures shall be the responsibility of the building owner to provide pest extermination as required.

(Ord. 06-98. Passed 10-2-06.)

1365.16 - Voiding housing license.

Any housing license shall become null and void if:

(a) The building for which the license was granted or the use to which it is put are in violation of this code and/or any other applicable ordinance of the City.

(b) A false statement or representation was made by the owner in connection with the application and issuance of the housing license.

(c) The building for which the license was applied, has rental dwellings added that were not stated on the application and shown on the housing license.

(Ord. 06-98. Passed 10-2-06.)

(d) The use and occupancy of the rental dwelling, is in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

1365.17 – Short-term Rental Prohibition.

No person shall operate, let, rent, list, advertise, or otherwise make available, any rental dwelling in the City of Bay Village for the purpose of a short-term rental.

1365.99 - Penalty.

Whoever refuses, neglects or fails to comply with the provisions of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 nor more than $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. 06-98. Passed 10-2-06.)

and present Chapter 1365 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.
SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK

__________________________
MAYOR

10.29.19 jt
A RESOLUTION
GRANTING PERMISSION TO BAY PRESBYTERIAN CHURCH TO
ERECT A REPLACEMENT GROUND SIGN, AND DECLARING AN EMERGENCY.

WHEREAS, Bay Presbyterian Church requested permission to erect an internally illuminated replacement sign with LED message center; and

WHEREAS, permission has been granted by the Board of Zoning Appeals, Architectural Board of Review and the Chief Building Official;

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

SECTION 1. That this Council hereby grants permission given to Bay Presbyterian Church under C.O. Section 1179.10(A), to erect an internally illuminated replacement sign with LED message center. Said sign shall be maintained in an attractive manner and in a state of good repair.

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

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further that is immediately necessary to grant permission so that the sign may be erected without further delay, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

10.15.19 jt
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH
CHAGRIN VALLEY ENGINEERING, LTD., ESTABLISHING RELATED
COMPENSATION, AND DECLARING AN EMERGENCY

WHEREAS, Chagrin Valley Engineering, Ltd. (“CVE”) has provided municipal engineering consulting services for the City of Bay Village under a one-year contract which expires December 31, 2019; as authorized by Ordinance 18-103 passed December 17, 2018; and

WHEREAS, the City of Bay Village desires to renew the contract with CVE for a period of one year to further the interests of the City and its residents;

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

SECTION 1. That the Mayor is hereby authorized and directed to enter into the “Contract for the Provision of Municipal Engineering Consulting Services to the City of Bay Village, Ohio” attached hereto as Exhibit A and incorporated herein by reference, which shall expire December 31, 2020.

SECTION 2. That Donald P. Beirut, P.E. as a principal with CVE shall receive the annual sum of Forty-Five Thousand Dollars ($45,000), and Jeffrey J. Filarski, P.E. shall receive the annual sum of Five Thousand Dollars ($5,000) as compensation for the services described in Section 2 of the Contract, commencing with the first pay period after execution of the contract, payable in bi-weekly installments and subject to payroll and Public Employee Retirement System withholding taxes.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessarily for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL
APPROVED:

_____________________________
MAYOR

110119 jt