



City of Bay Village

350 Dover Center Road
Bay Village, Ohio 44140-2299

Phone: 440/871-2200

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August 27, 2020

A Special Meeting of the Bay Village City Council will be held on **Monday, August 31, 2020, at 6:30 p.m., at the Bay Village City Hall Council Chambers, 350 Dover Center Road**, to take action on items listed below. There will not be a Committee Meeting prior to this Special Meeting. Access to the meeting is also available by Zoom technology. Information to access the meeting by Zoom or telephone is included on the attached page.

If attending in person, masks are required and social distancing regulations will be followed.

Members of the Public are invited to send comments or questions by 3:00 p.m. the day of the meeting to the Clerk of Council: Jkemper@cityofbayvillage.com. The comments or questions will be addressed by the President of Council in the audience portion of the meeting.

1. Roll Call; Pledge of Allegiance led by Lydia DeGeorge, Councilwoman of Ward 2.
2. **Motion** to approve the Minutes of the Special Meeting of Council held July 27, 2020. **(Mr. Tadych)**
3. **Motion** to approve the Minutes of the meeting of the Cahoon Memorial Park Trustees held July 27, 2020. **(Mr. Tadych)**
4. **Motion** to approve the Minutes of the meeting of the Cahoon Memorial Park Trustees held August 7, 2020. **(Mr. Tadych)**
5. Announcements.
6. **Motion** to acknowledge receipt of the July 2020 Financial Reports of the City of Bay Village as prepared and submitted by Director of Finance Renee Mahoney. **(Mr. Tadych)**
7. **Resolution** accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary Tax Levies, certifying them to the County Fiscal Officer, and declaring an emergency. **(Mr. Tadych)**
8. **Resolution** authorizing the Director of Finance to request Tax Advancements before Settlement Dates for Fiscal Year 2021, and declaring an emergency. **(Mr. Tadych)**
9. **Resolution** approving use by Jeffrey Kissinger, Trustee, of Submerged Lands of Lake Erie for Shoreline Improvements, and declaring an emergency. **(Ms. DeGeorge)**

10. **Ordinance** authorizing the Mayor to enter into an agreement with the United States Department of Agriculture to provide Wildlife Services, and declaring an emergency. **(Ms. DeGeorge)**
11. **Resolution** accepting donation of Shoreline Work to be performed at Lakeside Cemetery, and declaring an emergency. **(Ms. Maier)**
12. **Ordinance** authorizing a contract with Carron Asphalt Paving, Inc. for resurfacing the Reese Park Basketball Courts, and declaring an emergency. **(Mr. Winzig)**
13. **Resolution of Support** for the Cuyahoga County Public Library Operating Levy to be submitted to voters on the November 2020 Ballot, and declaring an emergency. **(For Discussion).**
14. **Discussion of Invasive Bamboo Plant.**
15. Audience
16. Miscellaneous
17. **Motion** to convene to Executive Session regarding Contracts.**(Mr. Tadych)**
18. Adjournment

Dwight A. Clark, President of Council

Charter Reference 2.11

*City of Bay Village is inviting you to a scheduled Zoom meeting.

Topic: Council

Time: Aug 31, 2020 06:30 PM Eastern Time (US and Canada)

[Join Zoom Meeting](#)

<https://us02web.zoom.us/j/88916430170>

Meeting ID: 889 1643 0170

Passcode: 116367 - Please Note this password is required for Zoom entry to this meeting.

One tap mobile:

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C. O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

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

Roll call on suspension of Council Rules:

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

Roll call on inclusion of the emergency clause:

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

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

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

CITY OF BAY VILLAGE

Agenda, **Cahoon Memorial Park Trustees**
Dwight A. Clark, President of Council, Presiding
Council Chambers

August 31, 2020

A meeting of the Cahoon Memorial Park Trustees will be held on August 31, 2020, immediately following the Special Meeting of Council to be held at 6:30 p.m., in the Council Chambers of Bay Village City Hall, 350 Dover Center Road. Access to the meeting is also available by Zoom technology. Information to access the meeting by Zoom or telephone is included below.* If attending in person, masks are required and social distancing regulations will be followed.

Members of the Public are invited to send comments or questions by 3:00 p.m. the day of the meeting to the Clerk of Council, jkemper@cityofbayvillage.com.

AGENDA - CAHOON MEMORIAL PARK TRUSTEES

Motion to approve the renewal of the Wildlife Services Agreement with the United States Department of Agriculture. **(Ms. DeGeorge)**

Motion to accept the donation of Carolyn and Tallie Young, 29039 Lake Road, for work at Lakeside Cemetery. **(Ms. Maier)**

Motion permitting the Normandy School PTA, in conjunction with Prayers from Maria, to have an ice cream truck at the Bay Village City Hall Parking lot, on September 16, 2020, between 3:30 p.m. and 6:30 p.m., as part of the mobile Normandy Ice Cream Social. **(Mr. Winzig)**

Motion to grant permission to the Kiwanis Club to hold the annual Bay Days festivities in 2021 on the following dates: **(Mr. Winzig)**

Monday, June 28, 2021	Set Up	
Tuesday, June 29, 2021	Set Up	
Wednesday, June 30, 2021	Rides and Booths Open	5 p.m. to 10:30 p.m.
Thursday, July 1, 2021	Rides and Booths Open	5 p.m. to 10:30 p.m.
Friday, July 2, 2021	Rides and Booths Open	12 Noon to 10:30 p.m.
Saturday, July 3, 2021	Rides and Booths Open	11 a.m. to 10:30 p.m.
Saturday, July 3, 2021	Fireworks	9:45 p.m.

Adjournment.

*City of Bay Village is inviting you to a scheduled Zoom meeting.

Topic: Council
Time: Aug 31, 2020 06:30 PM Eastern Time (US and Canada)

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER,
AND DECLARING AN EMERGENCY.**

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2021; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

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

SECTION 1. That the amounts and rates as determined by the Budget Commission in its certification be and the same are hereby accepted, and that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied inside and outside the ten mill limitation as follows:

	<u>MILLS</u>
<u>OUTSIDE THE 10 MILL LIMITATION:</u>	
General Fund	6.88
Recreation Fund	.50
Police Pension Fund	.69
Fire Pension Fund	.69
Paramedic Fund	<u>2.25</u>
	11.01
 <u>INSIDE THE 10 MILL LIMITATION</u>	
General Bond Retirement Fund	3.89

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Fiscal Officer of said County.

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

SECTION 4. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to adopt and certify to the County Fiscal Officer the City's acceptance of the levies of taxes to be made in 2021 for collection in 2021 in order to comply with statutes of the State with respect to fiscal matters and to provide sources of revenue for municipal operation during 2021, 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

081420 jt

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE DIRECTOR OF FINANCE TO REQUEST TAX
ADVANCEMENTS BEFORE SETTLEMENT DATES FOR FISCAL YEAR 2021,
AND DECLARING AN EMERGENCY**

SECTION 1. That the Director of Finance is hereby authorized to request the Cuyahoga County Auditor to issue an order to the Treasurer of said County to pay to the City of Bay Village such funds as may be available from time to time for disbursement by said County Treasurer, in advance of regular semi-annual settlements with said County Treasurer.

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 reason that it is immediately necessary to request said tax advancements in order that the City may obtain funds for the daily operations of its departments, 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

081420 jt

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
APPROVING USE BY JEFFREY KISSINGER TRUSTEE OF
SUBMERGED LANDS OF LAKE ERIE FOR SHORELINE IMPROVEMENTS,
AND DECLARING AN EMERGENCY.

WHEREAS, Jeffrey Kissinger Trustee, 27216 Lake Road, Bay Village, Ohio 44140, is in need of a lease with the Ohio Department of Natural Resources for use of submerged lands to construct the proposed structure as described in Submerged Land Lease Application, SUB-2543-CU; and

WHEREAS, said improvements will take place in submerged lands of Lake Erie, which is under the jurisdiction of the State of Ohio and Cuyahoga County, Ohio; and

WHEREAS, it is determined by the Council of the City of Bay Village, Ohio, pursuant to ORC §1506.11(B) that the City of Bay Village has no need for said designated parcel of submerged lands for any planned use such as ports or docks, nor any other contemplated use for such submerged lands; and further has no objection to said use and does hereby approve said use of the submerged lands for the purpose herein stated;

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

SECTION 1. That Jeffrey Kissinger Trustee be permitted to proceed with such construction as requested on said submerged lands, subject to any other necessary approvals, and pursuant to a lease to be executed for and in consideration as will be hereinafter determined by the State of Ohio.

SECTION 2. The Council of the City of Bay Village through its action on the submerged land lease resolution, has considered only the needs of the City for the future use of the land and water involved in the request and has not reviewed the impact of said lease on the landowners which adjoin or abut the property involved in the lease application. This impact should be expressed to the Ohio Department of Natural Resources or through the public hearing process held by that office on the submerged land lease application.

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

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

Resolution – Submerged Lands, Kissinger

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

082720 jt

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE TO PROVIDE
WILDLIFE SERVICES, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Bay Village, in order to reduce health and safety risks and property damage associated with white-tailed deer populations, adopted a White-Tailed Deer Management Plan; and

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

SECTION 1. That the Mayor is hereby authorized to enter into a Cooperative Service Agreement with the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) to assist with meeting the objectives of the City's White-Tailed Deer Management Plan.

SECTION 2. The total cost of services and equipment provided under the agreement is not to exceed \$24,842.00.

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 necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**ACCEPTING DONATION OF SHORELINE WORK TO BE PERFORMED AT
LAKESIDE CEMETERY, AND DECLARING AN EMERGENCY.**

WHEREAS, a donation of a shoreline work to be performed at Lakeside Cemetery has been made to the City of Bay Village; and

WHEREAS, Codified Ordinance Section 103.05 specifies conditions and procedures regulating the acceptance of property and/or services by the City; and

WHEREAS, in compliance with said Section, the donor has provided Council with satisfactory assurance that they are making the donation free and clear of any restrictions, and that there are no encumbrances thereon;

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

SECTION 1. That Council hereby accepts from Charles and Carolyn Young the donation of shoreline work at Lakeside Cemetery to the City of Bay Village and with a value in excess of \$100.00.

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 reason that it is immediately necessary to comply with provisions of C.O. 103.05 in order that the donations may be accepted by the City, 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

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING A CONTRACT WITH CARRON ASPHALT PAVING, INC. FOR
RESURFACING THE REESE PARK BASKETBALL COURTS, AND DECLARING AN
EMERGENCY.**

WHEREAS, the City is in need of resurfacing services for the Reese Park Basketball Courts; and

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

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Carron Asphalt Paving, Inc. to proceed with the proposed services for the Reese Park Basketball Courts resurfacing project at a cost not to exceed One Hundred Forty-One Thousand, Two Hundred Forty-Two Dollars and Fifty Cents (\$141,242.50).

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, 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

082720 jt

RESOLUTION NO.
INTRODUCED BY:

**A RESOLUTION OF SUPPORT FOR THE CUYAHOGA COUNTY
PUBLIC LIBRARY OPERATING LEVY TO BE SUBMITTED TO VOTERS ON
THE NOVEMBER 2020 BALLOT, AND DECLARING AN EMERGENCY.**

Whereas, Cuyahoga County Public Library will ask residents to approve an operating levy on the November ballot which will replace the two and a half mill, which is the lowest millage of any public library in the county, and add one mill; and,

Whereas, Cuyahoga County Public Library is a critical regional resource, providing access to the information, technology and lifelong learning opportunities that are essential for residents to improve the quality of their lives; and,

Whereas, Cuyahoga County Public Library is the nation's top-rated public library system for ten consecutive years; and,

Whereas, this levy will protect Cuyahoga County Public Library, which serves 47 communities in Cuyahoga County through 27 branches; and,

Whereas, the Cuyahoga County Public has not been to the ballot since 2008, despite experiencing a 14% reduction in local property tax revenue over the past decade; and,

Whereas, this levy will provide essential resources for allowing the Cuyahoga County Public Library to continue bridging the digital divide, fostering strong readers, and providing resources for job training and employment; and,

Whereas, this levy provides crucial support for one of the most important community assets in the region, and if the issue fails, the Library will be unable to provide the critical library services that local citizens need.

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

SECTION 1. That Council supports the Cuyahoga County Public Library Levy and urges the citizens of our City to vote for the issue in order that informational, educational, professional and recreational needs of the community be met, and to ensure that the delivery of quality library service will continue.

SECTION 2. That the Clerk of Council is hereby directed to forward a certified copy of this resolution to the Bay Village Branch Manager of the Cuyahoga County Public Library.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an

open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to endorse the library levy prior to November 2020 election, 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

082720 jt