City of Bay Village
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Bay Village, Ohio 44140-2299

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February 6, 2020

A Special Meeting of the Bay Village City Council will be held on **February 10, 2020 at 7:30 p.m., following the Committee Meeting at 7:00 p.m.,** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call; Pledge of Allegiance led by Sara Byrnes Maier, Councilwoman of Ward 3.

2. Motion to approve the Minutes of the Regular Meeting of Council held February 3, 2020. ***Tadych***

3. Ordinance 20-08 Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the Bay Village City School District for the provision of a Full-Time School Resource Officer, and declaring an emergency.***DeGeorge*** (Second Reading and Consideration for Adoption) (First Reading February 3, 2020).

4. Ordinance authorizing the Mayor to enter into a Professional Services Agreement with Bay Village School District and McKeon Education Group, Incorporated, to provide Prevention and Intervention Services, and declaring an emergency.***DeGeorge***

5. Resolution authorizing the filing of a grant application with the U.S. Department of Justice, and declaring an emergency.***DeGeorge***

6. Resolution authorizing the filing of a grant application with the Ohio Department of Transportation and declaring an emergency.***DeGeorge***

7. Ordinance 20-07 amending and repealing certain sections of Ordinance No. 16-32, and declaring an emergency.***Tadych*** Third Reading and Consideration for Adoption. (First Reading January 27, 2020). (Second Reading February 3, 2020).

8. Motion to acknowledge receipt of January 2020 Financial Reports of the City of Bay Village, Ohio prepared by Finance Director Renee Mahoney.***Tadych***

9. Motion to approve the request of St. Raphael's Church for the installation of a sign spelling out "St. Raphael Mardi Gras" on the front lawn of the church, along Dover Center Road, in two foot high letters, for two days, February 21 and February 22. 2020.***Maier***

10. Ordinance to enter into an agreement with LaFarge Great Lakes for street resurfacing material and services, and declaring an emergency.***Stainbrook***

11. Ordinance to enter into an agreement with Area Aggregates, LLC for street resurfacing material and services, and declaring an emergency.***Stainbrook***

12. Ordinance to enter into an agreement with Kokosing Materials, Inc. for street resurfacing material, and services, and declaring an emergency.***Stainbrook***

13. Ordinance to enter into an agreement with McConnell Ready Mix for street resurfacing material and services, and declaring an emergency.***Stainbrook***

14. Resolution authorizing the filing of an application with the Cuyahoga County Department of Public Works for a Road Resurfacing Cost Sharing Program, and declaring an emergency. ***Stainbrook***

15. Motion to authorize the Director of Public Service and Properties to advertise for bids for the Longbeach Pavement Maintenance Project.***Stainbrook***

16. Ordinance authorizing Change Order No. 1 to the contract with TriMor Corporation to perform necessary water line work in accordance with Project Alternate 3, and declaring an emergency.***Stainbrook***

17. Motion to advertise for bids for the Sunset Area Paving Project.***Stainbrook***

18. Resolution authorizing the filing of a grant application with the Ohio Department of Natural Resources, and declaring an emergency.***Winzig***

19. Resolution authorizing the filing of a grant application with the Ohio Department of Natural Resources and declaring an emergency.***Winzig***

20. Resolution accepting a donation of $500 for the construction of a Chimney Swift Bird House at Walker Road Park, and declaring an emergency.***Winzig***

21. Announcements/ Audience/Miscellaneous

22. Motion to convene to Executive Session regarding Lease of Real Property.***Tadych***

23. Adjournment

Dwight A. Clark
President of Council

Charter Reference 2.11

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

Council Minutes, Regular Meeting
Council Chambers 7:30 p.m.

February 3, 2020

Dwight A. Clark, President of Council, presiding

Present: Clark, DeGeorge, Kelly, Maier, Tadych, Winzig.

Excused: Councilwoman Stainbrook, Mayor Koomar.

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Police Chief Spaetzel, Recreation Director Enovitch, Community Services Director Selig, Building Director Tuck-Macalla.

AUDIENCE.

Clare Banasiak, Denny Wendell, Alex Kamczyc.

Mr. Clark called the Regular Meeting of Council to order at 7:30 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 2 Councilwoman Lydia DeGeorge.

Mr. Clark called for a reading of the minutes of the Special Meeting of Council held January 27, 2020. Mr. Tadych **MOVED** to dispense with the reading and accept the minutes of the Regular Meeting of Council held January 27, 2020 as prepared and distributed.

Motion carried 6-0.

AUDIENCE

Clare Banasiak, Denny Wendell.

REPORTS

Mr. Barbour had no report this evening.

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch announced that the Recreation Department is hosting a three-on-three Presidents' Day Basketball Tournament for boys and girls, grades three through eight. Fifty-eight teams have been organized, from Kindergarten to High School.

On February 22, 2020, the Recreation Department will offer "Super Science of Slime," a class where students will learn to make three kinds of slime. The class fills up quickly, so early registration is encouraged.

The move of the Recreation Department to the Community House is progressing nicely with good help and cooperation of the Service Department. The move is 90% complete at this time. Partitions are up on the wood floor. Bicycles are being moved this week to the BAYarts building for storage.

Director of Public Service and Properties Liskovec reported that Bartlett Tree is moving quickly with the tree inventory grant received from Cuyahoga County. They are now wrapping up their field data gathering component with preliminary data now available. It is hoped to be completed with the inventory by the end of this month.

The traffic light conversion to LED lighting is 60% complete, with little or no impact to passing motorists.

Notification has been received that First Energy will be doing line clearing throughout the City. A list of trees being trimmed by Townsend Tree Service will be sent to Mr. Liskovec by First Energy.

Today marks the first day of construction for the Sunset Utility Project. The contractor started with the water line section, doing an exploratory dig for one of the alternates. It was deemed that the alternates for the sanitary sewer component will not be necessary. Upon excavation today, it was determined that one of the alternates will be needed for the project. It was determined that Alternates 4 and 5 revolve around an eight inch service line off a 12 inch main in Lake Road. A tee is needed for a transition under Lake Road. Mr. Liskovec will present the information for approval the week of February 10.

Mr. Clark stated that once there is more data from the project, Council will appreciate a report back regarding the time and money that is being put into the project.

Mr. Winzig asked if residents are notified of the tree trimming for line clearing when Townsend Tree Service is in their neighborhood. Mr. Liskovec stated that they do not notify the residents. It is their right to be in the right-of-way to clear transmission lines. Mr. Barbour added that the utility is governed by the Public Utilities Commission of Ohio (PUCO) and regulations of the PUCO apply. They have the exclusive right to regulate utilities, including utilities' subcontractors who trim vegetation.

Mr. Winzig suggested a note on the City's website. Mr. Liskovec will follow through.

Ms. Maier asked how long the trimming will be performed. Mr. Liskovec stated that it is based on the amount of trimming that needs to be done.

Mr. Clark asked if tree trimming is being done in the Metroparks, as previously discussed. Mr. Liskovec is not aware of Metroparks trimming. Mr. Clark suggested an update on Monday, February 10.

Director of Community Services Selig stated that attendance records at the Dwyer Memorial Center indicate that the number of people logging into the attendance system at the Dwyer Center is up 27% in 2019. In addition to the BV60+ contribution to this increase, there were significantly more programs last year. Mr. Tadych asked if personnel are counted, or just the attendees. Mrs. Selig stated that only the attendees are counted.

Police Chief Spaetzel had no report this evening.

Fire Chief Lyons is in Columbus, Ohio, with Mayor Koomar.

Building Director Tuck-Macalla stated that the sign for the new branch of the Cuyahoga County Public Library is on the agenda for review by the Board of Zoning Appeals. It is expected that plans for the new library will be received by the Building Department this week.

COMMUNICATIONS

The Clerk of Council reported that an email communication from Bethany Prendes regarding Bay Boat Club Membership and space for kayaks was received on January 28, 2020. Mayor Koomar responded to Ms. Prendes, and copies of both communications were distributed to Council.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Ms. DeGeorge

Ms. DeGeorge introduced Ordinance 20-08, by title only, authorizing the Mayor to execute a Memorandum of Understanding with the Bay Village City School District for the provision of a Full-Time School Resource Officer, and declaring an emergency. (First Reading).

Mr. Barbour announced that Ordinance No. 20-08 is placed on first reading.

FINANCE AND CLAIMS-Mr. Tadych

Mr. Tadych read, by title only, **Ordinance No. 20-07** amending and repealing certain sections of Ordinance No. 16-32, and declaring an emergency. (Second Reading and Consideration for Adoption) (First Reading January 27, 2020).

Mr. Barbour announced that Ordinance No. 20-07 is placed on second reading.

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

Motion by **Ms. Maier to** grant an extension of thirty days, from February 3, 2020 to March 4, 2020, to the City Planning Commission for review of the Bay Village Library Project.

Motion carried 6-0.

Motion by **Maier** to advertise for a Request for Qualifications for the Cahoon Memorial Park Public Access Study.

Motion carried 6-0.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mrs. Stainbrook (Ms. Maier in Mrs. Stainbrook's absence).

Ms. Maier advised that the following ordinances will be held for consideration this evening and be listed as agenda items for the Council meeting to be held February 10, 2020.

Ordinance to enter into an agreement with LaFarge Great Lakes for street resurfacing material and services, and declaring an emergency.

Ordinance to enter into an agreement with Area Aggregates, LLC for street resurfacing material and services, and declaring an emergency.

Ordinance to enter into an agreement with Kokosing Materials, Inc. for street resurfacing material, and services, and declaring an emergency.

Ordinance to enter into an agreement with McConnell Ready Mix for street resurfacing material and services, and declaring an emergency.

RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig

Mr. Winzig had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Mr. Kelly

Mr. Kelly had no report this evening.

ADJOURNMENT

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 7:45 p.m.

Dwight A. Clark, President of Council

Joan Kemper, Clerk of Council

Communication 2/10/2020

Joan Kemper

From: Pete Winzig
Sent: Tuesday, February 04, 2020 3:06 PM
To: Joan Kemper
Cc: Paul Koomar
Subject: Fwd: *Caution - Potentially SPAM* Property at 31300 Tuttle Dr. in Bay Village

Importance: Low

Hi Joan - can you add this to the correspondent received, and share with Council. I'll cc Mayor so he's aware. I chatted with Tonie today.

thx - Pete

Sure John is aware and on his "project" list for next steps

Begin forwarded message:

From: tonie fraser <toniefraser@gmail.com>
Subject: *Caution - Potentially SPAM* Property at 31300 Tuttle Dr. in Bay Village
Date: February 4, 2020 at 2:51:55 PM EST
To: <jliskovec@cityofbayvillage.com>
Cc: <pwinzig@cityofbayvillage.com>

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

February 4, 2020

Dear Mr. Liskovic,

On January 18, 2020, at about 11 p.m., a vehicle missed the stop sign at Wolf and Walmar Rds. Due to the speed, it didn't make the turn instead of going through the tree lawn, where it swiped, and loosened, the cables holding the electrical pole. It crossed the sidewalk and ended up

hitting our parked car before backing up and hitting a very large pine tree, which has been compromised. Said vehicle did $5000 damage to our parked car, $2500 to our house and since he compromised the tree when he backed into it, $1200 to have the tree taken down. This is the 4th time that someone has been speeding down Wolf, missed the turn and ended in our yard.

Per our conversation with the police that night, it was recommended that we investigate having the city put up a guard rail. The last time this happened, the electrical pole was split in half and the police had to put yellow tape all around the area to make sure no one, especially the school kids, would touch any of the wires and possibly get hurt. In addition, the gas house on our property was moved off its foundation. It took us over 3 years of contacting the city and Columbia gas to have it taken care of. It was quite an eyesore!

We are thankful that no one was injured in this last episode but feel that since this was the 4th time, the next episode may have dire consequences. We are therefore asking you to consider putting in a guardrail on that corner.

Sincerely,

Kevin and Tonie Fraser

31300 Tuttle Dr.

440-263-8871

Cc: pwinzig@cityofbayvillage.com

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BAY VILLAGE SCHOOL DISTRICT AND MCKEON EDUCATION GROUP, INCORPORATED TO PROVIDE PREVENTION AND INTERVENTION SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the Bay Family Services Advisory Board was created within the Division of Police to promote a cooperative partnership between the schools, law enforcement, juvenile court, families, and the community in dealing with the problems of children and families; and

WHEREAS, the City of Bay Village and the Bay Village Board of Education entered into a consulting agreement to provide early intervention/prevention services; and

WHEREAS, McKeon Education Group Incorporated will provide said prevention and intervention services contained in the Service Agreement; and

WHEREAS, the City of Bay Village and the Bay Village Board of Education shall share all costs associated with the McKeon Education Group, Incorporated's Professional Services Agreement;

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 Professional Services Agreement - Prevention/Intervention Consultant with the City of Bay Village and the Bay Village Board of Education for the 2020-2021 school year. The total contract price of the services provided shall be Ninety-Seven Thousand, Nine Hundred Dollars ($97,900.00). The City will pay one-half share which is Forty-Eight Thousand, Nine Hundred Fifty Dollars ($48,950.00). Said agreement shall be approved by the Director of Law.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason to provide compensation for professional prevention/intervention services provided, 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

011620 jt

ORDINANCE NO. 20-08 First Reading – Feb. 3, 2020
INTRODUCED BY: Ms. DeGeorge

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

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

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

WHEREAS, the City of Bay Village and the Bay Village City School District have previously entered into an agreement for a part-time School Resource Officer as authorized by this council, and

WHEREAS, the part-time position of School Resource Officer has remained unfilled, and

WHEREAS, the City of Bay Village and the Bay Village City School District desire to enter into a new agreement for a full-time School Resource Officer;

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

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

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

013020jt

Memorandum of Understanding
School Resource Officer

This Agreement is made, this _____ day of _____, by and between the **BAY VILLAGE CITY SCHOOL DISTRICT** (hereinafter "School District"), and the **CITY OF BAY VILLAGE** (hereinafter "City") as follows:

W I T N E S S E T H:

WHEREAS, the City and School District desire to enter into an agreement for the hiring and use of a full-time School Resource Officer (hereinafter "SRO" or "full-time SRO"); and

WHEREAS, the School District and the City now desire to set forth in this Agreement (hereinafter "MOU" or "Agreement") the specific terms and conditions of the services to be performed and provided by the full-time SRO to be hired prior to the beginning of the 2020-2021 school year.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

I. Purpose.

This MOU establishes and delineates the mission of the School Resource Officer Program, as a joint cooperative effort. Additionally, the MOU clarifies roles and expectations and formalizes relationships between the participating entities to foster an efficient and cohesive program that will build a positive relationship between police officers, school staff, and the students, promote a safe and positive learning environment and decrease the number of youth formally referred to the juvenile justice system.

II. Mission.

The mission of the SRO Program is to promote school safety by building a positive school climate in which everyone feels safe and students are supported to succeed. The SRO Program also seeks to reduce violent crime committed by and against youth in our community. The SRO Program accomplishes this mission by supporting safe, secure, and orderly learning environments for students, teachers and staff. The SRO will establish a trusting channel of communication with students, parents, and teachers and establish regular feedback opportunities. The role of the SRO is not to enforce school discipline or punish students. The SRO will serve as a positive role model to instill in students good moral standards, good judgment and discretion, respect for other students, and a sincere concern for the school community. The SRO will provide information on community resources available to students and parents. Goals and objectives are designed to develop and enhance rapport between youth, families, police officers, school administrators, and the community in order to promote overall student achievement and success.

III. Goals of the SRO Program.

SRO program goals include:

A. To ensure a safe learning environment for all children and adults who enter the building.

B. To prevent and reduce potential harm related to incidents of school violence.

C. To foster a positive school climate based on respect for all children and adults in the school.

D. To create partnerships with behavioral health and other care providers in the community for student and family referral.

This SRO program is unique to the community, based on input from the school administration, teachers, faculty, students, families and community members. The program is designed to fulfill three overall roles:

1) Law Enforcement
2) Fostering Positive School Climate /Crime Prevention
3) Education

Law Enforcement Role – The SRO is responsible for the majority of law enforcement activities occurring at the school during school hours but not general student discipline. Parents, students, teachers and other school personnel should bring complaints about student misbehavior to the school principal and/or designee, rather than the SRO.

While the enforcement is the role of the SRO, alternatives to arrest should be used whenever possible, and arrest of students should be a measure of last resort. The SROs discretion to act remains the same as that of any other police officer.

Fostering Positive School Climate /Crime Prevention – One of the primary roles the SRO fulfills is fostering a positive school climate through relationship-building and crime prevention. The SRO will engage in various activities, in consultation with school administration, teachers, and students, and should strive to build a school culture of open communication and trust between and among students and adults by focusing on officers getting to know students at the school, serving as a role model, and working with teachers and administrators to identify students who may be facing challenges and need additional resources or attention to be successful in school. Crime prevention activities include foot patrols, monitoring previous crime locations, speaking to teachers about reducing the opportunity for crimes to occur, analyzing possible crime patterns, investigating crimes, and patrolling the parking lots. The SRO may also complete security surveys analyzing the physical safety of school property and facilities.

Education – The SRO should participate in the school community by becoming a member of the educational team where appropriate, and by representing the law enforcement community to build positive relationships with youth, their families, and school staff.

Whether talking to students in the hallway or delivering a presentation in the classroom, the SRO is embedded in the education fabric within the school. The SRO is expected to be proactive in creating and taking advantage of educational situations, and school administrators are encouraged to leverage this resource.

IV. Cost of the SRO Program.

A. The cost of the SRO Program shall be paid by the parties as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

V. Organizational Structure.

A. Composition. The SRO Program will consist of full-time Bay Village Police Department personnel that are certified Peace Officers for the State of Ohio and meet all requirements as set forth by the Bay Village Police Department and by applicable laws including Ohio Revised Code 3313.951. The SRO shall be an employee of the City of Bay Village and shall be subject to all policies and procedures of the City of Bay Village, the Bay Village Police Department, and the policies and procedures of the School District. While it is understood that the SRO is a City employee under the control of the Police Department, the School District will provide input to the Chief of Police regarding any performance or accountability issues that arise with the SRO and will be informed by the Chief of Police of any such issues that arise with the SRO's performance with the Police Department. Any issues with the SRO or the SRO program shall be resolved through mutual cooperation between the Superintendent and the Chief of Police.

B. Officer Recruitment & Selection. The selection process of the SRO shall be performed by the Bay Village Police Department in consultation with the School District and the ultimate appointment process shall be completed by the Bay Village Police Department. The SRO shall be a departmental assignment within the Bay Village Police Department and assigned to the School District ~~during school days and any other days as needed~~.

General criteria for a SRO:

1. Experience as a police officer– SRO must have a minimum of five years' experience as a police officer. The SRO shall have and maintain all required training, certifications and qualifications of the Bay Village Police Department.
2. Successful performance – The SRO should have proven performance as reflected by prior performance evaluations. Candidates should be free of significant disciplinary action. Complaints against the SRO shall follow the normal complaint process of the Bay Village Police Department and include notice to the appropriate school administrators. This process will be made known to parents and students through the School District's Handbook.
3. College or degree coursework – The SRO is in an educational atmosphere and will be instructing in elementary/ middle/ high school classes. To increase credibility in this area a college education would be beneficial and preferred.
4. Commitment to community and youth well-being. Experience working with youth and an interest in student success, juvenile justice, child and adolescent development and psychology, and creating a positive school climate are essential. The SRO shall prioritize their role as a law enforcement officer, charged with providing for the safety of the students and staff.

C. Training Requirements. Prior to entering service as an SRO, the officer shall complete a minimum of 40 hours of initial training that satisfies the training requirements in Ohio Revised Code 3313.951 and that covers responsibilities or and limitations of the SRO, Ohio school laws, MOUs, child development, conflict resolution, developmentally informed de-escalation and crisis intervention techniques, working with youth in a school setting and integrating SRO into a positive school environment.

D. Employment of the School Resource Officer.

1. The SRO shall be an employee of the City and shall be subject to the administration, supervision and control of the City.
2. The SRO shall be subject to all personnel policies and practices of the City/Police Department except as such policies or practices may be modified by the terms and conditions of this Agreement.
3. The City, in its sole discretion, shall have the power and authority to hire, discharge, and discipline SRO.
4. In the performance of their duties, SRO shall coordinate and communicate with the principal or the principals' designee of the school to which they are assigned.
5. The full time SRO is subject to the terms and conditions of the City of Bay Village Collective Bargaining Agreement (CBA) which shall control.

VI. Daily Schedule and assignments.

A SRO duty hours shall be determined by the Police Department working in cooperation with the School District. It is the intent of the parties that the SRO's duty hours shall be 7:30 a.m. -3:30 p.m. on school days (i.e. days that students are in attendance) unless exigent circumstances exist. It is also understood that the SRO shall attend safety training and safety drills at the School District's request on days that students are not in attendance up to a maximum of 16 hours per school year. Duties performed outside these hours shall be subject to the overtime provisions of the applicable City of Bay Village CBA.

B. It is understood and agreed that time spent by SROs attending municipal court, juvenile court, and/or criminal cases arising from and/or out of their employment as an SRO shall be considered as hours worked under this Agreement.

C. In the event of an emergency, if the SRO is ordered by the City to leave the school during normal duty hours as described above and perform other services for the City, then the time spent shall not be considered hours worked under this Agreement. In such an event, the compensation paid by the School District to the City shall be reduced by the number of hours of SRO service not provided to the School District or the hours shall be made up in a manner determined by mutual agreement of the parties.

D. In the event the SRO is absent from work, the SRO shall notify his or her supervisor in the City. The City will not be in a position to provide a substitute SRO.

VII. Term of Agreement.

This Agreement shall remain in effect for three years, commencing on _____, 2020 and terminating on _____, 2023. This agreement may be extended by mutual written agreement of the parties. The parties shall notify each other in writing of their intent to extend this agreement no later than December 31, 2022.

VIII. Duties of School Resource Officer.

The SRO's duties will include, but not be limited to, the following:

A. The SRO is first and foremost a law enforcement officer.

B. To be an extension of the principal's office for assignments consistent with this Agreement.

C. To be a visible, active law enforcement figure on campus dealing with law enforcement matters.

D. To act as the designee of the school administrator to provide a safe environment as to law enforcement matters. This includes building(s), grounds, parking lot(s), lockers and other public school property.

E. To provide a classroom resource for education using approved materials including lesson plans prepared by the SRO where applicable.

F. To be a resource for students which will enable them to be associated with a law enforcement figure in the students' environment.

G. To be a resource for teachers, parents and students for conferences on an individual basis dealing with individual problems or questions, particularly in the area of substance control.

H. To make appearances before the School Board, City Council, student councils, parent groups and other such organizations, whether public or private, as a speaker on a variety of requested topics, particularly drug and alcohol abuse.

I. The SRO will not be involved in ordinary school discipline, unless it pertains to preventing a potential disruption and/or climate that places students at risk of harm. Disciplining students is a School District responsibility, and only when the principal and the SRO agree that the SRO's assistance is needed to maintain a safe and proper school environment would the principal request SRO involvement.

J. If the principal believes that in a given situation or incident there is a law violation, the principal may request SRO involvement.

K. It will be the responsibility of the SRO to report all crimes originating on campus. Information on cases that are worked off-campus by the City or other agencies involving students on a campus served by the SRO will be provided to the SRO, but the SRO will not normally be actively involved in off-campus investigation(s).

L. The SRO will coordinate his/her actions with his/her supervisor for law enforcement cases.

M. All local law enforcement and state agencies requesting to conduct formal police interviews, interrogations, and arrests of any student should be referred to the SRO.

N. The SRO will be familiar with helpful community agencies, such as mental health clinics, drug treatment centers, etc., that offer assistance to dependency- and delinquency-prone youths and their families. The SRO will work closely and cooperatively with the Bay Family Services. Referrals will be made when necessary.

O. The SRO and the principal will develop plans and strategies to prevent and/or minimize dangerous situations which might result in student unrest.

P. The SRO will coordinate all of his/her activities with the principal and staff members concerned and will seek permission, guidance, and advice prior to enacting any programs within the school.

Q. The SRO will provide community-wide crime prevention presentations.

R. The SRO will wear the department issued uniform and the required authorized equipment in accordance with department policy.

IX. Transporting Students.

A. The SRO shall not transport students in City vehicles except when the students are victims of a crime, under arrest, or some other emergency circumstances exist.

B. Students shall not be transported to any location unless it is determined that the student's parent, guardian or custodian is at the destination to which the student is being transported. The SRO shall not transport students in their personal vehicles.

C. The SRO shall notify school personnel upon removing a student from campus.

X. Sharing of Information.

Communication and information sharing is essential to the success of the SRO program. The following procedures should be followed to facilitate a free flow of information between school officials and the SRO:

A. Sharing of information will be governed by the Ohio Revised Code, the Ohio Administrative Code, Ohio's Public Records Law, and relevant Bay Village Police Department and School District policies.

B. The sharing of arrest related information by the SRO with school administration upon request or at the direction of the SRO will involve the dissemination of arrest reports and calls for service filed with the Bay Village Police Department or from other law enforcement agencies coming into contact with students from School District.

C. Juvenile fingerprints and photos as part of the arrest record will not be shared by the SRO.

D. If the SRO is aware of information on a student that is officially obtained by the Bay Village Police Department, which reflects that the student is in violation of school policies (Student Handbook or Athletic Code), the SRO may forward that information to school administration.

E. If a juvenile is an uncharged suspect in a crime, his/her information will not be released unless authorized by the Chief of Police.

F. Information which the SRO obtains from school personnel which deals with criminal or possible criminal intelligence will be maintained by the SRO as a criminal justice file. This file may be shared with other law enforcement agencies, but will not be part of the student's school record.

G. Hearsay information or rumors will alone not be the basis for any formal action by Bay Village Police Department. It can be used in an intelligence capacity or to validate the need for further investigation.

H. Any information that is obtained by the SRO that pertains to criminal activity occurring outside the City of Bay Village shall be relayed to the police department of jurisdiction.

I. When any felony occurs or any crime that prompts a Public Information Officer response from the School District or the City or if a school building is evacuated, the SRO shall contact his immediate supervisor as soon as possible.

J. The SRO shall have access to any public records maintained by the school to the extent allowed by law. Law enforcement officials may need confidential information in emergency situations based on the seriousness of the threat to someone's health or safety, time sensitivity, and the direct relationship of the information to the emergency.

K. The SRO shall respect the sensitive nature of student privacy and shall abide by all applicable confidentiality, privacy policies, and applicable laws.

XI. Role in Responding to Criminal Activity.

One of the roles of the SRO, as a law enforcement officer is to engage in traditional criminal investigation and report taking. As a police officer, the SRO has the authority to issue warnings, make arrests and use alternatives to arrest at their discretion. The SRO should perform his/her duties mindful of the parties' common goal of supporting student success. The following procedures will help the SRO be as effective as possible in this role:

A. School staff will contact the SRO to inform them of all violent or other criminal activity that creates a safety risk that occurs on the school campus. The SRO and school officials shall discuss and agree in writing on what levels of violent activity would prompt school officials to notify the SRO. This information will be conveyed to all school staff. In turn, the SRO will inform school administration of all criminal activity they observe on the school campus.

B. For any offense on school property, the SRO, working cooperatively with the school administration, will endeavor to avoid arrest and criminal involvement for misdemeanor activity. Certain offenses (felonies), such as sex offenses, weapons offenses, and any offenses of violence, will normally require the filing of charges in consultation with school officials, but should be evaluated on a case-by-case basis. The SRO's powers to arrest will be governed by the Ohio Revised Code.

C. The SRO and school officials shall put into place plans, such as de-escalation techniques, conflict resolution and restorative justice practices, to serve as an alternative to arrest, which will be distributed to school staff.

XII. Role in School Policy Violations.

The SRO is not a school disciplinarian and violations of the student code of conduct or schools rules that are not criminal matters should always be handled by school faculty and staff, not the SRO. The SRO should not directly intervene unless the situation directly affects an imminent threat to the health, safety, and security of the student or another person in the school and will employ de-escalation techniques as appropriate. School discipline is the responsibility of the appropriate school administrator and clear guidelines on SRO involvement should be developed and distributed to school staff. The SRO, as a staff member, will report school policy violations through the proper channels to be handled by school administration. It is the responsibility of the SRO to become familiar with the Student Handbook or Student Code of Conduct, but it is not the responsibility of the SRO to enforce the rules in these documents.

XIII. Data Collection.

The SRO will submit a monthly activity report to the Superintendent, building principals, and the Chief of Police or his/her designee. The report should include descriptions of all activities engaged in by the SRO, including teaching of State of Ohio approved education/prevention classes, meetings, presentations, incidents or calls for service, names of students and/or staff involved, student searches, arrests, citations and/or summons issued, and other referrals to the juvenile justice system.

XIV. Role in Locker, Vehicle, Personal, and Other Searches.

The SRO may participate in a search of a student's person, possessions, locker, or vehicle only where there is probable cause to believe that the search will turn up evidence that the student has committed or is committing a criminal offense or delinquent act and the search is reasonable in its scope. The SRO will not ask a school employee to conduct a search for law enforcement purposes.

Unless there is a serious and immediate threat to student, teacher, or school safety, the Superintendent of Schools in concert with the building principals shall have final authority in the building.

The SRO may perform searches independent of the school administration only during emergency situations and where criminal activity is suspected.

A. Strip searches of students by the SRO are prohibited.

B. Unless there is a serious and immediate threat to a student, a teacher, or public safety, the SRO shall not initiate or participate in other physically invasive searches of a student.

XV. Limits on Interrogations and Arrests.

A. **Interrogations** – The SRO may participate in the questioning of a student about conduct that could result in criminal charges only after informing the student of his or her Miranda rights in age-appropriate language and informing the student's parent(s) or guardian(s). Parents/guardians should be allowed sufficient time to arrive at school to be present for interrogation.

B. **Arrests** – Incidents involving public order offenses, including disorderly conduct, profanity, and fighting that do not involve serious physical injury or a weapon, should be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

1. Building principals and the Superintendent or his/her designee shall be consulted prior to an arrest of a student when practical.
2. The student's parent(s) or guardian(s) shall be notified of his or her arrest immediately or as soon as practical and in a timely manner.
3. Unless there is a serious and immediate threat to student, teacher, or public safety, the SRO shall not use physical force or restraints on students. All use of force must conform with the law and the policies of the Bay Village Police Department.

XVI. Role in Critical Incidents.

The SRO will be familiar with the emergency operations manual of the School District. During critical incidents occurring when the SRO is present, the SRO will normally act as a liaison between school administration, police personnel, and other emergency resources if practical.

XVII. Role in Truancy Issues.

Truancy will be handled by school personnel. The SRO will not take an active role in the tracking of truants. The SRO will act as a liaison between the school and police personnel should police involvement become necessary due to safety concerns.

XVIII. School District Responsibilities.

The School District shall provide the SRO and any SRO supervisor the following materials and facilities, which are deemed necessary to the performance of the SRO's duties:

A. Access to a properly lighted private office, which shall contain a telephone, a secure computer and printer, which may be used for general business purposes.

B. A location for files and records which can be properly locked and secured.

C. A desk with drawers, chair, work table, filing cabinet, and office supplies.

D. The opportunity for the SRO to address teachers, school administrators and student families about the SRO program, goals, and objectives.

E. The opportunity to provide counseling to students, and to provide input regarding criminal justice problems relating to students.

F. The opportunity to address teachers and school administrators about criminal justice problems relating to students during in-service workdays.

G. The opportunity to provide instruction to the students of curriculum from State of Ohio approved prevention/education programs.

H. The District Emergency Operations Manual, Crisis Plan, Student Handbook/Code of Conduct and other related materials as deemed appropriate.

I. The SRO shall respect the sensitive nature of student privacy and shall abide by all applicable confidentiality, privacy policies and laws.

J. School staff designee for referrals for counseling and other school-based and/or community based supportive services for students and families.

K. Encourage attendance for secondary Assistant Principals at NASRO Basic SRO training.

L. Provide training to teachers, administrators, staff and SRO about when to directly involve SRO with student misconduct and about available alternatives to arrest.

XIX. Crisis Planning.

Bay Village City School District and the City of Bay Village Police and Fire Departments will coordinate Crisis Planning and training. Each entity will be involved in updates and creation of new Crisis Plans. Consistency throughout the School District should be adhered to.

Lock down drills shall be included as part of the District's preparedness plan. The Bay Village Police Department shall be included in the creation of lock down procedures so that first responders are familiar with procedures. The SRO shall participate in the evaluation of lock down drills whenever practical. The SRO should also consult on crisis plans, including providing proposed updates to school crisis plans based on the SRO's experience and training.

XX. Reviewing the MOU and SRO Program.

Both the School District and the City will be involved in the evaluation process of the SRO program.

The assigned parties shall review the MOU/SRO Program annually and make adjustments as ~~needed~~ mutually agreed upon. Any revisions will be reflected in an updated MOU.

XXI. Problem Resolution.

Any difficulties or questions will be resolved by negotiation between the Superintendent of the Bay Village School District and the Chief of Police of the Bay Village Police Department or their designees.

XXII. Miscellaneous.

A. Insurance: The parties agree that in order to protect themselves, they shall maintain and keep in full force and effect, general liability insurance and in addition, the City of Bay Village shall maintain automobile liability and police professional liability insurance that will fully protect the parties against claims of any and all persons arising out of or resulting from the SRO Program. The limits shall not be less than one million dollars ($1,000,000.00) with respect to any one occurrence resulting in injury, death or property damage. The parties shall each name the other as an additional insured and certificates of insurance shall be exchanged between the parties.

B. All SROs employed under this MOU will be subject to the criminal record and background check requirements applicable to Ohio school district employees as well as the criminal records and background check applicable to Bay Village Police Department Police Officers.

C. All SROs employed under this MOU understand and acknowledge that they are subject to the mandatory requirement to report all known or suspected child abuse as set forth in Ohio Revised Code §2151.421.

D. Entire Agreement: This MOU constitutes the entire Agreement between the parties and supersedes all prior oral or written agreements, representations, statements, negotiations, understandings, proposals and undertakings with respect to the subject matter hereof. This MOU may only be modified as amended by mutual written agreement of the parties.

E. Notice: Any notices required pursuant to this Agreement, shall be made by U.S. Mail or electronic mail to the following:

City of Bay Village
Chief Mark Spaetzel
28000 Wolf Road
Bay Village, Ohio 44140

Bay Village City School District
Superintendent Jodie Hausmann
377 Dover Center Road
Bay Village, Ohio 44140

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written above.

By: _____
Jodie Hausmann
Superintendent, Bay Village City School District

By: _____
Paul Koomar
Mayor, City of Bay Village

_____
Mark Spaetzel
Chief of Police, City of Bay Village

Approved to Form:

By: _____
Mark E. Barbour
Law Director, City of Bay Village

Approved to Form:

By: _____
Christine T. Cossler
Legal Counsel, Bay Village City School District

Exhibit A

I. Salary and Benefits.

A. The salary and benefits of the SRO shall be split between the School District, which shall be responsible for 70% of the salary and benefits, and the City which shall be responsible for 30% of the salary and benefits, with the exception of Exhibit A Section B. The rate of pay and benefits ~~that the SRO qualifies for~~ of the SRO shall be governed by the applicable City of Bay Village CBA, including overtime.

B. Any overtime requested or required by either entity shall be the responsibility of the requesting or requiring entity, and subject to the applicable City of Bay Village CBA.

C. Upon receipt of the monthly invoice from the City, the School District shall remit payment for its share of the salary and benefits to the City.

D. Overtime incurred at the request of the School District shall be billed monthly.

E. The SRO shall be a regular full time employee of the City of Bay Village subject to the applicable City of Bay Village CBA.

F. The cost of any Worker's Compensation Claim of Injury filed by the SRO shall be charged back to the School District if the claim occurs while the SRO is performing duties related to the School District. If the claim occurs during travel between the City and the School District, the parties will share the cost of the claim 70% charged to the School District and 30% charged to the City.

G. Cost of uniforms will be paid by the city and reimbursed 70% by the School District.

H. Training required to maintain Peace Officer certification and compliance with Bay Village Police requirements shall be the financial responsibility of the City. Training required or encouraged by the School District shall be the financial responsibility of the School District.

I. Any other costs and expenses attributable to the SRO not set forth herein shall be shared between the parties at the rate of 70% attributable to the School District and 30% to the City.

II. Drug Use Prevention Grant.

A. The City will apply for the Drug Use Prevention Grant (hereinafter "Grant") annually or more frequently if required by the Grant application process. The City further agrees that if it fails to timely apply for the Grant (provided that the School District has timely met its obligations in Section B below) each year (or sooner if required by the Grant application process), the School District may terminate this MOU and its obligations under the MOU immediately and without penalty.

B. The School District shall be responsible for maintaining and providing all information and documentation necessary to apply for and administer said grant no later than two weeks prior to applicable deadline unless ~~circumstances beyond the District's control occur~~ the City timely fails to meet its obligations to apply for the grant referenced in Section A above.

C. The School District shall provide the educational materials associated with the Grant funding.

D. Monies awarded through the grant shall be applied to the School District's share of the SRO's salary and benefits. The share of salaries and benefits of the City shall not exceed 50% after reduction of the School District's share due to a grant award.

E. Should monies need to be returned from the Grant for any reason, the School District shall be responsible for the return of funds.

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BAY VILLAGE SCHOOL DISTRICT AND MCKEON EDUCATION GROUP, INCORPORATED TO PROVIDE PREVENTION AND INTERVENTION SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the Bay Family Services Advisory Board was created within the Division of Police to promote a cooperative partnership between the schools, law enforcement, juvenile court, families, and the community in dealing with the problems of children and families; and

WHEREAS, the City of Bay Village and the Bay Village Board of Education entered into a consulting agreement to provide early intervention/prevention services; and

WHEREAS, McKeon Education Group Incorporated will provide said prevention and intervention services contained in the Service Agreement; and

WHEREAS, the City of Bay Village and the Bay Village Board of Education shall share all costs associated with the McKeon Education Group, Incorporated's Professional Services Agreement;

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 Professional Services Agreement - Prevention/Intervention Consultant with the City of Bay Village and the Bay Village Board of Education for the 2020-2021 school year. The total contract price of the services provided shall be Ninety-Seven Thousand, Nine Hundred Dollars ($97,900.00). The City will pay one-half share which is Forty-Eight Thousand, Nine Hundred Fifty Dollars ($48,950.00). Said agreement shall be approved by the Director of Law.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason to provide compensation for professional prevention/intervention services provided, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

APPROVED:

_____
MAYOR

011620 jt

RESOLUTION NO.
INTRODUCED BY:

RESOLUTION
AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE AND DECLARING AN EMERGENCY.

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office) provides an opportunity for financial assistance for advancing public safety through community policing;

WHEREAS, the COPS Hiring Program (CHP) can cover up to 75% of salary and benefits of a newly hired full-time law enforcement officer up to $125,000, with a minimum 25% local cash match requirement;

WHEREAS, the City of Bay Village desires financial assistance under the CHP to hire an additional full-time law enforcement officer;

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

SECTION 1. That Council hereby approves filing an application for CHP financial assistance, and agrees to obligate the funds required by the CHP as cash match.

SECTION 2. That Council hereby authorizes and directs the Mayor to file an application with the COPS Office and to provide all information and documentation required to become eligible for possible funding assistance, and execute any agreements necessary to receive any awarded funds.

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

SECTION 4. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR
020620 kek

RESOLUTION NO.
INTRODUCED BY:

RESOLUTION

AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

WHEREAS, the United States Congress has set aside monies for Safe Routes to School Projects (hereinafter STRS) funds through the State of Ohio, Department of Transportation; and;

WHEREAS, the City of Bay Village, hereinafter referred to as the Local Public Agency (LPA), can apply for STRS funds and be selected for funding by the State of Ohio, Department of Transportation; and;

WHEREAS, the Citywide Connectivity Improvements, hereinafter referred to as the Project, is a transportation activity eligible to receive federal funding; and

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

SECTION 1. That the LPA hereby authorizes the Mayor to prepare and execute on behalf of the LPA an application for SRTS funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

SECTION 2. The total cost of the project is estimated to be $184,000.00 (pending final engineering estimates), of which the LPA, if awarded the STRS funds, the LPA agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation.

SECTION 3. Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

SECTION 4. If the application is approved for the STRS funds the Mayor of said LPA is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project.

SECTION 5. That Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 6. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for

the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

020620 kek

ORDINANCE NO. 20-07
INTRODUCED BY: Mr. Tadych

First Reading January 27, 2020
Second Reading February 3, 2020

AN ORDINANCE
AMENDING AND REPEALING CERTAIN SECTIONS OF ORDINANCE 16-32, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village annually provides a budget which is approved by Council and is subject to certain State bidding limitations; and

WHEREAS, the Finance Director may approve expenditures submitted by the department directors or as directed by Council within amounts appropriated by Council; and

WHEREAS, Council shall approve personal services contracts that are in excess of Twenty-Five Thousand Dollars ($25,000.00) provided that the funds have been appropriated by Council;

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

SECTION 1. That Section 2 of Ordinance 16-32 is hereby repealed.

SECTION 2. That existing Section 3 of Ordinance 16-32 is hereby amended to read as follows: "Any personal services contract that exceeds Twenty-Five Thousand Dollars ($25,000.00) and previously appropriated shall be submitted to Council for specific approval."

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:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

011720 jt

ORDINANCE NO. 16-32
INTRODUCED BY: Mr. Clark

First Reading May 9, 2016
Second Reading May 16, 2016
Amended Version 6-6-16

AN ORDINANCE
APPROVING CERTAIN CAPITAL EXPENDITURES AND PERSONAL SERVICES CONTRACTS PREVIOUSLY APPROVED BY BUDGET THAT EXCEED TWENTY THOUSAND DOLLARS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village annually provides a budget which is approved by Council and is subject to certain State bidding limitations; and

WHEREAS, the Finance Director may approve expenditures submitted by the department directors or as directed by Council within amounts appropriated by Council; and

WHEREAS, Council shall approve capital equipment, vehicles, public improvement projects and personal services contracts that are in excess of Twenty Thousand Dollars ($20,000.00) provided that the funds have been appropriated by Council;

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

SECTION 1. The Finance Director may approve expenditures provided that the amounts have been appropriated by Council.

SECTION 2. Any single item capital expenditure that exceeds Twenty Thousand Dollars ($20,000.00) and previously appropriated shall be submitted to Council for specific approval.

SECTION 3. Any personal services contract that exceeds Twenty Thousand Dollars ($20,000.00) and previously appropriated shall be submitted to Council for specific approval.

SECTION 3. Expenditures for Cahoon Memorial Park which are not subject to bid limitations shall be in accordance with the Cahoon Will and the authority granted to the Trustees under the jurisdiction of the Cuyahoga County Probate Court.

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, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: June 6, 2016

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED: June 10, 2016

MAYOR

I, Joan V Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify that ord 16-32 was posted for a period of fifteen days, Beginning June 12, 2016 at the three Designated Posting Places.

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LAFARGE GREAT LAKES FOR STREET RESURFACING MATERIAL AND SERVICES, AND DECLARING AN EMERGENCY.

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 LaFarge Great Lakes, 8700 Bryn Mawr Avenue, Chicago, IL 60631, for the purchasing of certain street resurfacing materials and services for the period of one year. The prices are as follows:

AGGREGATE AND OTHER GRANULAR MATERIAL FOR ROAD MAINTENANCE

		Delivery to Locations Within City Limits
#1 Limestone	Per Ton	$21.00
#57 Limestone	Per Ton	$21.95
#8 Limestone	Per Ton	$21.40
#304 Limestone	Per Ton	$16.80

Deliveries to be made in 15 ton minimum loads and 25 ton maximum loads.

The bid of said Company is hereby determined to be the lowest and best bid received for these items after advertising according to law. The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

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, and for the further reason that it is immediately necessary to provide road surface treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

_____
MAYOR

Rev020420jt

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AREA AGGREGATES, LLC FOR STREET RESURFACING MATERIAL AND SERVICES, AND DECLARING AN EMERGENCY.

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 Area Aggregates, LLC, 4755 South High Street, Columbus, Ohio 43207, for the purchasing of certain street resurfacing materials and services for the period of one year. The prices are as follows:

AGGREGATE AND OTHER GRANULAR MATERIAL FOR ROAD MAINTENANCE

		Delivery to Locations Within City Limits
#10 Limestone	Per Ton	$18.05
#411 Limestone	Per Ton	$17.80

Deliveries to be made in 15 ton minimum loads and 25 ton maximum loads.

The bid of said Company is hereby determined to be the lowest and best bid received for these items after advertising according to law. The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

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, and for the further reason that it is immediately necessary to provide road surface treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

_____
MAYOR

Rev020420jt

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KOKOSING MATERIALS, INC. FOR STREET RESURFACING MATERIAL AND SERVICES, AND DECLARING AN EMERGENCY.

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 Kokosing Materials, Inc., P. O. Box 334, Fredericktown, Ohio, 43019, for the purchasing of street resurfacing materials and services for the period of one year. The prices are as follows:

ASPHALT (PATCHING) MATERIALS FOR ROAD MAINTENANCE

Type 301 – material at Batching Plant	$54.00/Ton
Type 448 – material at Batching Plant	$65.25/Ton

The bid of said Company being hereby determined to be the lowest and best bid received after advertising according to law. The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

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, and for the further reason that it is immediately necessary to provide road surface treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

_____
MAYOR

013020 jt

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MCCONNELL READY MIX FOR THE FURNISHING OF READY MIX CONCRETE, AND DECLARING AN EMERGENCY.

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 McConnell Ready Mix, 37540 Butternut Ridge Rd., North Ridgeville, Ohio 44039, for the furnishing of ready mix concrete for various streets within the City of Bay Village for the period of one year. The prices are as follows:

1-3-5 mixture (4.5 sacks cement)		$102.00 Cu Yard
Class C (O.D.O.T. specs)		$114.00 Cu Yard
Added cost for residential fiber (1 lb. per yard)		$5.00 Yard
Added cost for commercial fiber (1.5 lb. per yard)		$10.00 Yard
Added cost for Hi Early strength concrete		$6.00 Cu Yard
LSM concrete (100)		$84.00 Cu Yard
Added cost for loads below minimum	1-1.75 yards	$100.00
	2-3.75 yards	$80.00
	4-5.75 yards	$65.00
	6-6.75 yards	$50.00

Additional costs for multiple stops and/or demurrage time: no charge per additional stop; $90.00/hour demurrage time.
Normal delivery hours: 7:00 A.M. to 4:00 P.M.
Additional cost for delivery other than regular business hours: $10.00 truck fuel surcharge
Additional cost for delivery on Saturday: $50.00/load
Additional stop charge: no charge per stop

The bid of said Company being hereby determined to be the lowest and best bid received after advertising according to law. The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

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, and for the further reason that it is immediately necessary to provide ready mix concrete for road surface treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

_____
MAYOR

013120jt

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE FILING OF AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR A ROAD RESURFACING COST SHARING PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the Cuyahoga County Department of Public Works is soliciting for projects to be considered as part of the County Road 50/50 Program for the funding years 2021 and 2022; and

WHEREAS, the Service Department would like to apply for the program to resurface Bradley Road from Wolf Road to the railroad tracks, an approximate length of up to 2,600 feet, for either funding year 2021 or 2022;

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

SECTION 1. That this Council hereby authorizes the application for funding with the Cuyahoga County Department of Public Works County Road 50/50 Program.

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 necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

020620jt

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT WITH TRIMOR CORPORATION TO PERFORM NECESSARY WATER LINE WORK IN ACCORDANCE WITH PROJECT ALTERNATE 3, AND DECLARING AN EMERGENCY

WHEREAS, the City had an original Agreement with Tri-Mor Corporation, 8530 Boyle Parkway, Twinsburg, OH 44087 in the amount of Three Hundred Sixty-Three Thousand, Three Hundred Seventy-Five Dollars ($363,375.00) as authorized by Ordinance No. 19-115 passed on December 16, 2019; and

WHEREAS, the original bid contained an Alternate Item #3; and

WHEREAS, it has become necessary to change the scope of the work and incorporate Alternate Item #3 from the original bid; and

WHEREAS, the city submits Change Order #1 recommending changes to the scope of work to install an 8" water main under Lake Road as described in the original bid as Alternate Item #3;

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

SECTION 1. That the Mayor is hereby authorized to execute Change Order #1 for Tri-Mor Corporation, 8530 Boyle Parkway, Twinsburg, OH 44087, increasing the total of said Contract amount by $13,200.00 and bringing the Final Contract Price to $376,575.00.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to accept this change to properly complete the project, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

020720 jt

RESOLUTION NO.
INTRODUCED BY:

RESOLUTION
AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, through the Department of Natural Resources Waterways Safety Fund, administers financial assistance for public boating access;

WHEREAS, the City of Bay Village desires financial reimbursement under the Paddling Enhancement Grant Program to improve the stairs at Columbia Road Park;

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

SECTION 1. That Council hereby approves filing an application for Paddling Enhancement Grant financial assistance.

SECTION 2. That Council hereby authorizes and directs the Mayor to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance, and execution of any agreements necessary to receive any awarded funds.

SECTION 3. That Council hereby agrees to obligate the funds required to satisfactorily complete the proposed project under the terms of the Paddling Enhancement Grant Program if the project is accepted for financial assistance.

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

SECTION 5. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

_____
PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

_____
MAYOR
020620 kek

CERTIFICATE OF RECORDING OFFICER

I the undersigned, hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Council of the City of Bay Village on the _____ day of _____, 2020, and that I am duly authorized to execute this certificate.

_____ _____

(original signature) (title)

RESOLUTION NO.
INTRODUCED BY:

RESOLUTION
AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through Recreational Trails Program (RTP) and the Clean Ohio Trails Fund (COTF);

WHEREAS, the City of Bay Village desires financial assistance under the RTP and/or COTF Program;

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

SECTION 1. That Council hereby approves filing an application for RTP and/or COTF financial assistance.

SECTION 2. That Council hereby authorizes and directs the Mayor to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance, and execution of any agreements necessary to receive any awarded funds.

SECTION 3. That Council hereby agrees to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the RTP and/or COTF program.

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

SECTION 5. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR
020620 kek

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ACCEPTING DONATION OF $500.00 FOR THE CONSTRUCTION OF A CHIMNEY SWIFT BIRD HOUSE AT WALKER ROAD PARK, AND DECLARING AN EMERGENCY.

WHEREAS, a donation of $500.00 for the construction of a Chimney Swift bird house which will be installed at Walker Road park in Bay Village was donated 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 Amanda Sebrowsky, the donation of finances to construct a Chimney Swift bird house 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:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

020620jt