

Beachwood City Council Meeting Agenda
Monday, April 20, 2020, 7:00 PM

** Please note, this meeting will be held by video conference via Zoom and
livestreamed on the City of Beachwood [website at www.beachwoodohio.com](http://www.beachwoodohio.com) and can
be viewed on Spectrum Channel 1020 and AT&T U-Verse Channel 99.*

*This City Council Meeting has been duly noticed and is being held in
accordance with Ohio Revised Code Section 121.22 specific to recent Amendments made
in light of the current COVID-19 declared emergency.*

-Pledge of Allegiance to the Flag of the United States of America-

Agenda Items

1. Roll Call
2. Reports
 - a. Mayor
 - b. Council Member (non-agenda items)
 - c. Department Directors
3. Citizen's Remarks (City Council limits Citizen's Remarks to five (5) minutes each)
4. Approval of Minutes

Approval of the Minutes of the Regular Council Meeting held on March 2, 2020
Approval of the Minutes of the Regular Council Meeting held on March 16, 2020
Approval of the Minutes of the Public Works Committee Meeting held on February 26, 2020
Approval of the Minutes of the Legal and Personnel Committee Meeting held on March 9, 2020
5. Building & Grounds Committee **Ordinance No. 2020-49** An Ordinance accepting a quotation from Warren Roofing & Insulating, Co. for the Roof Replacement at the West Entrance of the Beachwood Community Center; and declaring this to be an urgent measure
6. Economic Development Committee **Ordinance No. 2020-50** An Ordinance authorizing the Mayor to Incorporate the Beachwood Community Improvement Corporation and Designating the Beachwood Community Improvement Corporation as the Agency of the City to encourage the establishment and growth of Industrial, Commercial, Distribution and Research Facilities in the City; and declaring this to be an urgent measure
7. Finance & Insurance Committee **Ordinance No. 2020-51** An Ordinance authorizing and directing the payment of Certain Claims (Bills) for Professional and Other Services; and declaring this to be an urgent measure
8. Finance & Insurance Committee **Ordinance No. 2020-52** An Ordinance Amending Appropriations for Current Expenditures and Other Expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2020, January 1, 2020 to December 31, 2020, Inclusive; and declaring this to be an urgent measure
9. Finance & Insurance Committee **Ordinance No. 2020-53** An Ordinance authorizing the Director of Finance to Transfer Certain Funds from the General Fund (101) to the Debt Service Fund (331); and declaring this to be an urgent measure

10. Finance & Insurance Committee **Motion** A Motion authorizing the Clerk of Council to advertise for bids for the retrofit of City Hall, Fire Station #1, and the Public Works Garage with LED Lights
11. Public Works Committee **Ordinance No. 2020-54** An Ordinance accepting a certain bid from J.D. Striping & Services, Inc. for Paint Striping and Pavement Markings of Various Streets and Roads; and declaring this to be an urgent measure
12. Public Works Committee **Ordinance No. 2020-55** An Ordinance authorizing the Mayor to enter into a Community Cost Sharing Agreement with the Northeast Ohio Regional Sewer District ("NEORSD") for a District-approved Community Cost Share Project; and declaring this to be an urgent measure
13. Storm Water Committee **Ordinance No. 2020-56** An Ordinance Repealing Chapter 1157 of the City's Codified Ordinances "Riparian and Wetlands Setbacks" and Replacing it in its Entirety with New Chapter 1001 "Riparian and Wetland Setbacks"; and declaring this to be an urgent measure
14. Storm Water Committee **Ordinance No. 2020-57** An Ordinance Recodifying BCO Chapter 1173 "Illicit Discharge and Illegal Connection Control "as BCO Chapter 1003 "Illicit Discharge and Illegal Connection Control"; and declaring this to be an urgent measure
15. Storm Water Committee **Ordinance No. 2020-58** An Ordinance Repealing Chapter 1175 of the City's Codified Ordinances "Erosion and Sediment Control" and Replacing it in its Entirety with New Chapter 1005 "Erosion and Sediment Control"; and declaring this to be an urgent measure
16. Storm Water Committee **Ordinance No. 2020-59** An Ordinance Repealing Chapter 1177 of the City's Codified Ordinances "Comprehensive Stormwater Management" and Replacing it in its Entirety with New Chapter 1007 "Comprehensive Stormwater Management"; and declaring this to be an urgent measure

Any other matters coming before City Council

Adjournment

**BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING
HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT
BOULEVARD, ON MONDAY, MARCH 2, 2020 AT 7:00 P.M.**

The meeting was called to order at 7:02 P.M. by Council President James Pasch.

ROLL CALL:	Present:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	Absent:	None.
	Also Present:	C. Arrietta, D. Calta, W. Griswold, G. Haba, L. Heiser, T. Turick, K. Westbrook, J. Ciuni

MAYOR'S REPORTS

Mayor Horwitz spoke about disseminating information regarding the Coronavirus. Mayor Horwitz stated that there is a team set up in the City and an internal task force has been established to discuss how to maintain services throughout the City. Information will be available on the City website.

Mayor Horwitz urged residents to follow the news and recommendations regarding hygiene and hand washing.

Mayor Horwitz stated that Police and Fire have the equipment to handle the transport of a person with Coronavirus and stated that the City is speaking daily. Mayor Horwitz stated that emergent situations would be communicated via Social Media or CodeRed. Mayor Horwitz urged citizens to visit the City website and get signed up for this service.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

Mr. Berns commended the Public Works department on all of their hard work during last week's snow fall.

Mr. Isaacson thanked everyone who participated in the Beachwood Schools Foundation fundraiser. Mr. Isaacson stated that more than \$10,000.00 dollars was raised for scholarships that will be awarded to Beachwood High School students.

DEPARTMENT DIRECTOR REPORTS

None.

CITIZEN'S REMARKS

Karen Tindel
25460 Halburton

Ms. Tindel spoke about the proposed ODOT project that will impact Bryden Road.

Howard Darvin
24300 Bryden Road

Mr. Darvin spoke about the proposed ODOT project that will impact Bryden Road.

Sam Malek
25100 Bryden Road

Mr. Malek spoke about the proposed ODOT project that will impact Bryden Road.

Brian Lackerts
25435 Bryden Road

Mr. Lackerts spoke about the proposed ODOT project that will impact Bryden Road.

Michael Schroege
25559 Bryden Road

Mr. Schroege spoke about the proposed ODOT project that will impact Bryden Road.

Mikal Alterman
3148 Richmond Road

Mr. Alterman spoke about the proposed ODOT project that will impact Bryden Road.

APPROVAL OF MINUTES

Approval of the Minutes of the Finance and Insurance Committee Meeting held on February 3, 2020.

Moved by B. B. Janovitz, seconded by J. Taylor, that the Minutes of the Finance and Insurance Committee Meeting held on February 3, 2020 be approved.

ROLL CALL	Yes:	B. B. Janovitz, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
MOTION ADOPTED		

Approval of the Minutes of the Committee of the Whole Meeting held on February 3, 2020.

Moved by J. Pasch, seconded by J. Taylor, that the Minutes of the Committee of the Whole Meeting held on February 3, 2020 be approved.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
MOTION ADOPTED		

Approval of the Minutes of the Finance and Insurance Committee Meeting held on February 10, 2020.

Moved by E. Synenberg, seconded by B. B. Janovitz, that the Minutes of the Finance and Insurance Committee Meeting held on February 10, 2020 be approved.

ROLL CALL	Yes:	B. B. Janovitz, E. Synenberg
	No:	None.
	Abstain:	None.
	Not Voting:	None.
MOTION ADOPTED		

Approval of the Minutes of the Planning and Zoning Committee Meeting held on February 20, 2020.

Moved by A. Isaacson, seconded by J. Berns, that the Minutes of the Planning and Zoning Committee Meeting held on February 20, 2020 be approved.

ROLL CALL	Yes:	J. Berns, A. Isaacson,
	No:	None.
	Abstain:	None.
	Not Voting:	None.
MOTION ADOPTED		

Oath of Office administered by Mayor Martin S. Horwitz to:

Natalie Keyerleber – Member, Stormwater Commission

ECONOMIC DEVELOPMENT COMMITTEE

1. An Ordinance Authorizing the Sale of City Property Located at 24619 Chagrin Boulevard, Beachwood, Ohio; and Declaring this to be an Urgent Measure

Moved by J. Taylor, seconded by B. B. Janovitz, that Ordinance No. 2020-34 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Taylor, seconded by B. B. Janovitz, that Ordinance No. 2020-34 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE

1. An Ordinance authorizing and directing the payment of certain claims (Bills) for professional and other services; and declaring this to be an urgent measure

Moved by E. Synenberg, seconded by J. Taylor, that Ordinance No. 2020-35 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by E. Synenberg, seconded by J. Taylor, that Ordinance No. 2020-35 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE (CONTINUED)

2. An Ordinance authorizing the Mayor to renew a Contract with Otis Elevator Company for Elevator Maintenance; and declaring this to be an urgent measure

Moved by B. B. Janovitz, seconded by E. Synenberg, that Ordinance No. 2020-36 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by B. B. Janovitz, seconded by E. Synenberg, that Ordinance No. 2020-36 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

3. An Ordinance making appropriations for current expenditures and other expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2020, January 1, 2020 to December 31, 2020, inclusive; and declaring this to be an urgent measure

Moved by A. Isaacson, seconded by E. Synenberg, that Ordinance No. 2020-31 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by E. Synenberg, that Ordinance No. 2020-31 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

PLANNING AND ZONING COMMITTEE

1. An Ordinance Amending BCO Chapter 1124, Section 1124.10, titled "Rezoning" of the City of Beachwood, Ohio Planning and Zoning Code

Moved by J. Berns, seconded by A. Isaacson, that Ordinance No. 2020-37 be placed on first reading and referred to the Planning and Zoning Commission.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

PUBLIC WORKS COMMITTEE

1. An Ordinance authorizing the Mayor to enter into a Cost Sharing Agreement with the Village of Highland Hills, Ohio for a Culvert Rehabilitation Project; and declaring this to be an urgent measure

Moved by M. Burkons, seconded by J. Berns, that Ordinance No. 2020-38 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by M. Burkons, seconded by J. Berns, that Ordinance No. 2020-38 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.
	MOTION ADOPTED

PUBLIC WORKS COMMITTEE (CONTINUED)

2. An Ordinance authorizing the Mayor to enter into an Agreement with the Ohio Department of Transportation ("ODOT") for the upgrade of guardrail end treatments on Richmond Road in the City of Beachwood, Ohio; and declaring this to be an urgent measure

Moved by J. Taylor, seconded by J. Berns, that Ordinance No. 2020-39 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Taylor, seconded by J. Berns, that Ordinance No. 2020-39 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

RECREATION AND COMMUNITY SERVICES COMMITTEE

1. An Ordinance authorizing the Mayor to purchase Pool Chemicals from Patterson Pools, LLC through the end of the 2020 season for the City of Beachwood, Ohio Family Aquatic Center; and declaring this to be an urgent measure

Moved by E. Synenberg, seconded by B. B. Janovitz, that Ordinance No. 2020-40 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by E. Synenberg, seconded by B. B. Janovitz, that Ordinance No. 2020-40 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

RECREATION AND COMMUNITY SERVICES COMMITTEE (CONTINUED)

2. An Ordinance accepting a quotation from David Williams & Associates, Inc. DBA GameTime for the purchase of Shade Shelters for Barkwood; and declaring this to be an urgent measure

Moved by B. B. Janovitz, seconded by J. Berns, that Ordinance No. 2020-41 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by B. B. Janovitz, seconded by J. Berns, that Ordinance No. 2020-41 be adopted.

	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

SAFETY AND PUBLIC HEALTH COMMITTEE

1. An Ordinance authorizing the Mayor to purchase one (1) LifePak 15 Cardiac Monitor/Defibrillator Unit and Accessories and a two (2) year Service Agreement from Stryker for the City of Beachwood, Ohio Fire & Rescue Department, and authorizing the Trade-In of one (1) LifePak 12 Cardiac Monitor/Defibrillator Unit to offset a portion of the cost of the new equipment purchase; and declaring this to be an urgent measure

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2020-42 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2020-42 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

ANY OTHER MATTERS COMING BEFORE CITY COUNCIL

Mr. Pasch addressed Mr. Westbrook from GPD before moving to item #4 of the agenda and stated that the previously discussed ODOT project has not been decided yet and tonight's meeting was to give an update and move forward with the application of grants.

ADJOURNMENT

Moved by A. Isaacson, seconded by J. Berns, to adjourn the Regular Council Meeting at 7:50 P.M. to the next regularly scheduled Council Meeting.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

Clerk

Mayor

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

**BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING
HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT
BOULEVARD, ON MONDAY, MARCH 16, 2020 AT 7:00 P.M.**

The meeting was called to order at 7:09 P.M. by Council President James Pasch.

ROLL CALL:	Present:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	Absent:	B. B. Janovitz
	Also Present:	D. Calta, L. Heiser

MAYOR'S REPORTS

Mayor Horwitz spoke about being in contact with Beachwood Place. He has been informed that the hours of operation will be changing. The Food Court eating area will be closed and will hopefully have curbside pick-up.

Mayor Horwitz also stated that the City Facebook page has a list of all take-out options offered in the City.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

Mr. Synenberg thanked the Mayor for his leadership and has spoken to residents that have commended him as well.

Ms. Taylor asked for the Mayor to repeat his office number.

Mr. Synenberg asked if the Mayor could repeat the Community Services hotline number as well.

Mr. Burkons received a text and asked if the polls were closed for voting. Mr. Pasch spoke about the process and the information that he has. Mr. Pasch also advised to follow the news throughout the night.

Mr. Burkons also stated that we need to make sure we are looking at all agenda items, project with continued caution as we move forward during this time.

Ms. Taylor wanted to commend the City Safety Forces. They offered aid at her home and she was very impressed with their professionalism.

DEPARTMENT DIRECTOR REPORTS

None.

CITIZEN'S REMARKS

None.

APPROVAL OF MINUTES

Approval of the Minutes of the Regular Meeting held on February 20, 2020.

Moved by J. Pasch, seconded by E. Synenberg, that the Minutes of the Regular Council Meeting held on February 20, 2020 be approved.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, E. Synenberg
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE

1. An Ordinance authorizing and directing the payment of certain claims (Bills) for professional and other services; and declaring this to be an urgent measure

Moved by J. Taylor, seconded by E. Synenberg, that Ordinance No. 2020-43 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Taylor, seconded by E. Synenberg, that Ordinance No. 2020-43 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE (CONTINUED)

2. An Ordinance accepting a Quotation from BPI Information Systems of Ohio, Inc. to purchase Computer and Monitors for the City of Beachwood, Ohio; waiving competitive bidding; and declaring this to be an urgent measure

Moved by A. Isaacson, seconded by J. Pasch, that Ordinance No. 2020-44 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Pasch, that Ordinance No. 2020-44 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

3. An Ordinance accepting a quotation from SHI International, Corp. to purchase Microsoft Office Licenses for use by various City of Beachwood departments; and declaring this to be an urgent measure

Moved by M. Burkons, seconded by A. Isaacson, that Ordinance No. 2020-45 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by M. Burkons, seconded by A. Isaacson, that Ordinance No. 2020-45 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE (CONTINUED)

4. An Ordinance authorizing the Transfer of Funds from the Leo Weiss Trust Fund to the General Fund, closing the Leo Weiss Trust Fund; and declaring this to be an urgent measure

Moved by E. Synenberg, seconded by J. Pasch, that Ordinance No. 2020-46 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by E. Synenberg, seconded by J. Pasch, that Ordinance No. 2020-46 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

SAFETY AND PUBLIC HEALTH COMMITTEE

1. An Ordinance accepting a quotation from Cleveland Lumber Company for the purchase of cabinets for Fire Station #1; and declaring this to be an urgent measure

Moved by J. Berns, seconded by J. Pasch, that Ordinance No. 2020-47 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Berns, seconded by J. Pasch, that Ordinance No. 2020-47 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

2. An Ordinance authorizing the Mayor to purchase two (2) Hybrid 2020 Ford Explorer Police Interceptor Utility Vehicles for the City of Beachwood, Ohio Police Department from Lebanon Ford, Inc., further waiving Competitive Bidding; and declaring this to be an urgent measure

Moved by J. Pasch, seconded by J. Taylor, that Ordinance No. 2020-48 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by J. Taylor, that Ordinance No. 2020-48 be adopted.

Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

ANY OTHER MATTERS COMING BEFORE CITY COUNCIL

None.

ADJOURNMENT

Moved by J. Pasch, seconded by J. Taylor, to adjourn the Regular Council Meeting at 7:30 P.M. to the next regularly scheduled Council Meeting.

ROLL CALL	Yes:	J. Berns, M. Burkons, A. Isaacson, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

Clerk

Mayor

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

**BEACHWOOD CITY COUNCIL PUBLIC WORKS COMMITTEE MEETING HELD AT
BEACHWOOD CITY HALL, CONFERENCE ROOM A, 25325 FAIRMOUNT
BOULEVARD, ON WENESDAY, FEBRUARY 26, 2020 AT 8:00 A.M.**

The meeting was called to order at 8:00 A.M. by Chairman Justin Berns.

ROLL CALL:	Present	J. Berns, A. Isaacson, B. B. Janovitz
	Absent:	None.
	Also Present:	Mayor M. S. Horwitz, M. Burkons, E. Synenberg, C. Arrietta, D.A. Calta, T. Turick, Joe Ciuni, Nick Fini

1. Mayor's Reports

None.

2. Discussion regarding 2020 Biscayne Boulevard Reconstruction Project and the 2020 Road Resurfacing Program

Mr. Berns introduced this item and asked Mr. Ciuni to discuss the process for picking and grading streets for participation in the Road Program.

Mr. Ciuni introduced Nick Fini and gave background information on the road program and street selection process. Mr. Ciuni also stated that Mr. Fini, along with Tim Tremaglio, Mike Rider, and Mr. Arrietta all participate in the road program selection process.

Mr. Ciuni distributed a hand out which included a break down and was titled "Approximate Magnitude of Roadway Capital Funds – January 2020", which is attached hereto for the official record.

After discussing the process, Mr. Burkons expressed concerns about the road program street selection process and suggested a consultant be hired instead of using the City Engineer and Administration.

Mr. Synenberg stated he would like to move forward with the recommend road program for 2020 and suggested that a consultant could be hired in the next 9 months before the next budget cycle.

Mr. Burkons suggested the hiring a consultant before approving the proposed 2020 Road Improvement Program.

Mr. Berns asked the Clerk to move the Road Program and Biscayne Reconstruction to the next available agenda and asked if there were any further questions. There were none.

3. Any other matters coming before the Finance and Insurance Committee

None.

Adjournment

Moved by J. Berns, seconded by B. B. Janovitz, at 8:59 A.M. to adjourn the Public Works Committee to the next regularly scheduled Council Meeting.

Yes:	J. Berns, A. Isaacson, B. B. Janovitz
No:	None.
Abstain:	None.
Not Voting:	None.

MOTION ADOPTED

Approved:

Martin S. Horwitz, Mayor

Whitney M. Crook, Clerk of Council

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

**BEACHWOOD CITY COUNCIL MINUTES OF THE LEGAL AND PERSONNEL
COMMITTEE MEETING HELD AT BEACHWOOD CITY HALL, CONFERENCE ROOM
A, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, MARCH 9, 2020 AT 6:00 P.M.**

The meeting was called to order at 6:00 P.M. by Chairman Eric Synenberg.

ROLL CALL:	Present	J. Berns, B. B. Janovitz, J. Pasch, E. Synenberg
	Absent:	None.
	Also Present:	M. S. Horwitz, A. Isaacson, J. Taylor, M. Burkons

1. Mayor's Reports

None.

2. Executive Session for the purpose of discussing Imminent Court Action

Moved by E. Synenberg, seconded by B. B. Janovitz, at 6:03 P.M. to enter into Executive Session.

ROLL CALL:	Yes:	J. Berns, B. B. Janovitz, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

Back on the record at 7:22 P.M.

Moved by E. Synenberg, seconded by J. Berns, at 7:23 P.M. to adjourn Executive Session.

ROLL CALL:	Yes:	J. Berns, B. B. Janovitz, J. Pasch, E. Synenberg
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

3. Any other matters coming before the Legal and Personnel Committee.

None.

ADJOURNMENT

Moved by E. Synenberg, seconded by B. B. Janovitz, at 7:25 P.M. to adjourn the Legal and Personnel Committee Meeting.

ROLL CALL:	Yes:	J. Berns, B. B. Janovitz, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

Martin S. Horwitz, Mayor

Whitney M. Crook, Clerk of Council

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

INTRODUCED BY:

ORDINANCE NO. 2020-49

AN ORDINANCE ACCEPTING A QUOTATION FROM WARREN ROOFING & INSULATING, CO. FOR THE ROOF REPLACEMENT AT THE WEST ENTRANCE OF THE BEACHWOOD COMMUNITY CENTER; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the City received a quotation from Warren Roofing & Insulation, Co. for the Roof Replacement at the west entrance of the Beachwood Community Center; and

WHEREAS, the Public Works Director has recommended accepting the quotation from Warren Roofing & Insulating, Co. for the Roof Replacement at the west entrance of the Beachwood Community Center in a total amount not to exceed Twenty-Three Thousand Dollars and No/Cents (\$23,000.00); and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Public Works Director, the Mayor is hereby authorized and directed to accept the proposal of Warren Roofing & Insulating, Co. as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein for the Replacement of the Roof at the west entrance of the Beachwood Community Center.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that the work may begin as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020, and filed it with the Clerk.

Mayor



WARREN ROOFING & INSULATING CO.

Exhibit A

*Commercial Roofing & Sheet Metal Contractor Since 1922
City of Cleveland SBE Certified*

January 6, 2020

City of Beachwood
23355 Mercantile Road
Beachwood, Ohio 44122

Attention: Mike Rider

Subject: Roofing Proposal for Canopy Roof

Dear Mike:

We propose to furnish all labor, equipment, and materials necessary to complete the following work:

1. Starting at the low point remove 15' of standing seam metal roofing on both sides of the drain line.
2. Replace deteriorated wood decking based on \$7.00/s.f.
3. Fully adhere 60 mil TPO membrane to the existing plywood deck.
4. Line the trough gutter with TPO. The membrane will be continuous so no water can back up under the metal trim.
5. Install new wall flashing per Tremco specifications.
6. Install .040 aluminum gravel stop along the outer edge.

Our price for this work is Twenty Three Thousand Dollars (\$23,000.00).

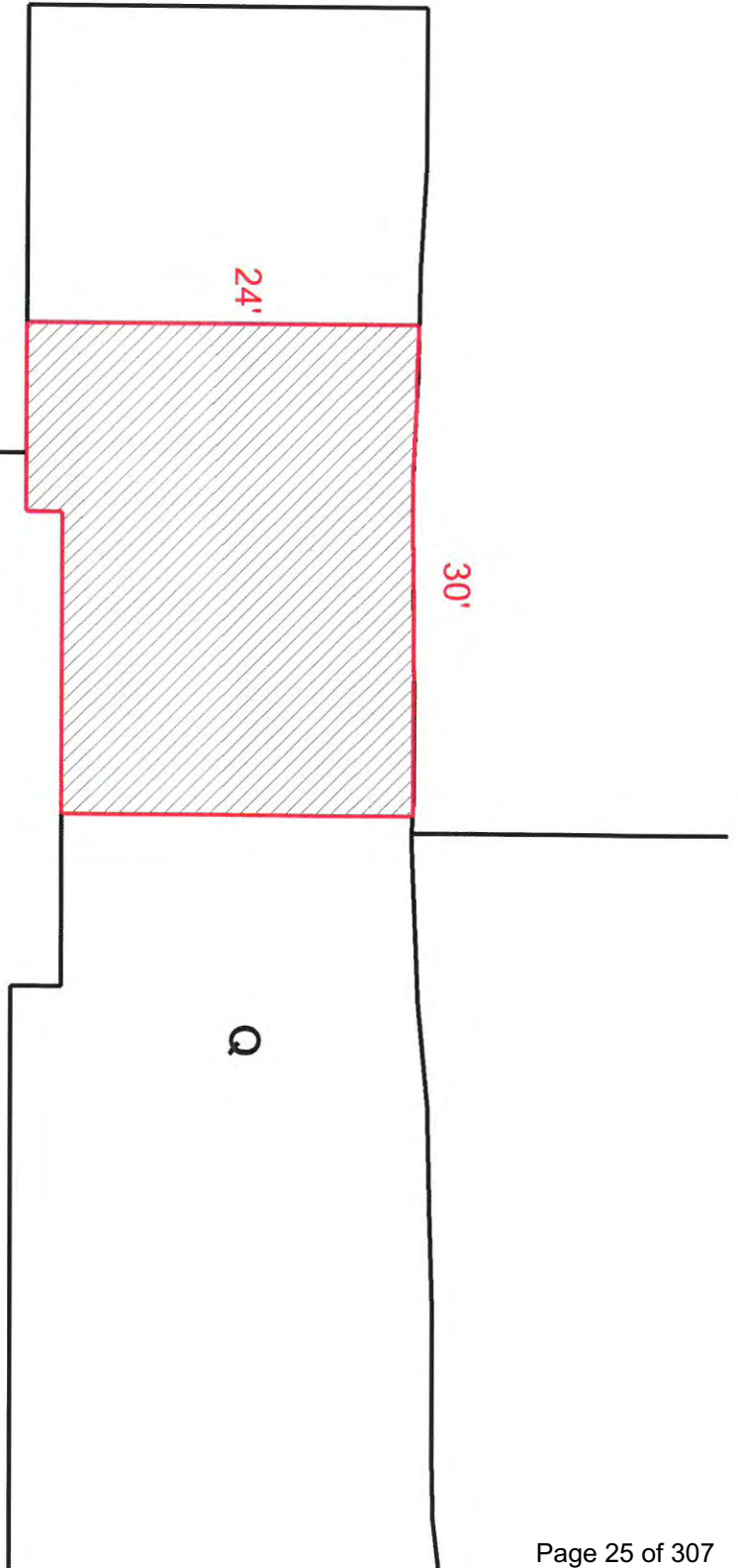
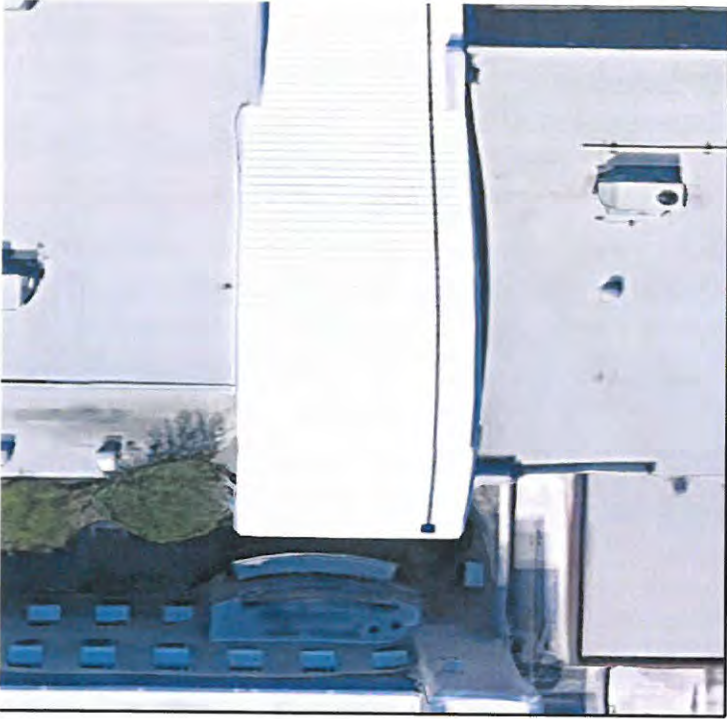
Our price to install one crossover ladder is \$6,000.00 based on the information below.

Fixed ladder
Tubular side rails
Vertical height: 5'2"
Return ladder: 1'2"
Parapet platform: 24"W x 41"L
Mill finish aluminum

We appreciate the opportunity to quote this work to you and look forward to putting our 98 years of roofing experience to work for you.

Very truly yours,
WARREN ROOFING & INSULATING CO.

John Vetovsky, Senior Vice President



Proposed Scope of Work

1. Starting at the low point remove 15' of standing seam metal roofing on both sides of the drain line.
2. Replace deteriorated wood decking based on \$7.00/s.f.
3. Fully adhere 60 mil TPO membrane to the existing plywood deck.
4. Line the trough gutter with TPO. The membrane will be continuous so no water can back up under the metal trim.
5. Install new wall flashing per Tremco specifications.
6. Install .040 PVC coated metal gravel stop along the outer edge.





INTRODUCED BY:

ORDINANCE NO. 2020-50

AN ORDINANCE AUTHORIZING THE MAYOR TO INCORPORATE THE BEACHWOOD COMMUNITY IMPROVEMENT CORPORATION AND DESIGNATING THE BEACHWOOD COMMUNITY IMPROVEMENT CORPORATION AS THE AGENCY OF THE CITY TO ENCOURAGE THE ESTABLISHMENT AND GROWTH OF INDUSTRIAL, COMMERCIAL, DISTRIBUTION AND RESEARCH FACILITIES IN THE CITY; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, pursuant to Chapter 1724 of the Ohio Revised Code, community improvement corporations can be formed to advance, encourage and promote the industrial, economic, commercial and civic development of a community or area; and

WHEREAS, a municipal corporation may designate a community improvement corporation as its agency for industrial, commercial, distribution and research development in the municipal corporation when the legislative authority of the municipal corporation has determined that the policy of the municipal corporation is to promote the health, safety, morals and general welfare of its inhabitants through the designation of the community improvement corporation as such agency; and

WHEREAS, Council wishes for the City to have a community improvement corporation known as the Beachwood Community Improvement Corporation to serve as the City's agency for industrial, commercial, distribution and research development activities within the City's municipal boundaries.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, State of Ohio, that:

Section 1: Council hereby determines that the formation of the Beachwood Community Improvement Corporation will advance, encourage and promote the industrial, economic, commercial and civic development in the City of Beachwood.

Section 2: The Mayor is hereby directed and authorized to prepare Articles of Incorporation in a form substantially similar to that attached hereto as Exhibit "A" to be submitted to the Ohio Secretary of State for the formation of a non-profit corporation under the name of the Beachwood Community Improvement Corporation, with said corporation to be formed pursuant to Chapter 1724 of the Ohio Revised Code.

Section 3: The Beachwood Community Improvement Corporation shall be governed by a Board of Directors having seven (7) members, composed as follows:

- (i) The Mayor;
- (ii) The President of Council or Economic Development Committee Chair;
- (iii) The Economic Development Manager/Director;
- (iv) The Building Commissioner;

- (v) The Finance Director; and
- (vi) Two (2) Resident/Business Representatives appointed one (1) by the Mayor and one (1) by Council.

Each appointed member of the Beachwood Community Improvement Corporation shall serve for a period of three (3) years, provided, however, that those Board Members holding elected or appointed office may only serve as Board Members during their continuation in such elected or appointed office. Upon the occurrence of any vacancy in a Board seat designated for a Council member, Council shall appoint another member to fill such vacancy. An appointee may be appointed for multiple terms.

Section 4: Upon completion of the preparation of said Articles of Incorporation, the Mayor is hereby authorized to execute said Articles of Incorporation and to submit said Articles of Incorporation to the Ohio Secretary of State's office along with the appropriate filing fee payable to the Ohio Secretary of State, which is hereby appropriated for such purpose. The Articles of Incorporation shall also be submitted to the Ohio Attorney General for review and approval.

Section 5: The Beachwood Community Improvement Corporation shall promptly adopt an initial Code of Regulations in a form substantially similar to that attached hereto as Exhibit "B" as may be required for the Beachwood Community Improvement Corporation in compliance with Title 17 of the Ohio Revised Code, including, but not limited to, Chapter 1724 of the Ohio Revised Code.

Section 6: Council hereby determines that the policy of the City is to promote the health, safety, morals and general welfare of its inhabitants through the designation of the Beachwood Community Improvement Corporation as its agency for industrial, commercial, distribution and research development within the territorial boundaries of the City of Beachwood, Ohio.

Section 7: Upon the Beachwood Community Improvement Corporation receiving its certificate from the State of Ohio evidencing the filing of its Articles of Incorporation, the Beachwood Community Improvement Corporation shall be, without further action, designated as the agency of the City for the industrial, commercial, distribution, and research development in the City pursuant to Ohio Revised Code Section 1724.10.

Section 8: Council hereby authorizes and directs the Mayor, the City Finance Director, and/or any other City official, as appropriate, to sign any documents, instruments or certificates and to take such actions as are necessary or appropriate to form the Beachwood Community Improvement Corporation and establish it as the agency of the City to encourage and promote industrial, commercial, distribution, and research development in the City.

Section 9: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 10: This Ordinance is hereby declared to be an urgent measure immediately necessary for the preservation of the public peace, health or safety or the efficient operation of the City, and for the further reason that it is necessary to form this new entity as soon as possible to encourage and promote economic development in the City; and wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 20th day of April, 2020 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020 and filed it with the Clerk.

Mayor



Filing Form Cover Letter

Please return the approval certificate to:

Name *(Individual or Business Name)*:

To the Attention of *(if necessary)*:

Address:

City:

State

ZIP Code:

Phone Number:

E-mail Address:

☐ Check here if you would like to receive important notices via e-mail from the Ohio Secretary of State's office regarding Business Services.

☐ Check here if you would like to be signed up for our Filing Notification System for the business entity being created or updated by filing this form. This is a free service provided to notify you via e-mail when any document is filed on your business record.

Please make checks or money orders payable to: "Ohio Secretary of State"

Type of Service Being Requested: (PLEASE CHECK **ONE** BOX BELOW)

☐ **Regular Service:** Only the filing fee listed on page one of the form is required and the filing will be processed in approximately 3-7 business days. The processing time may vary based on the volume of filings received by our office.

☐ **Expedite Service 1:** By including an Expedite fee of \$100.00, **in addition** to the regular filing fee on page one of the form, the filing will be processed within 2 business days after it is received by our office.

☐ **Expedite Service 2:** By including an Expedite fee of \$200.00, **in addition** to the regular filing fee on page one of the form, the filing will be processed within 1 business day after it is received by our office. **This service is only available to walk-in customers who hand deliver the document to the Client Service Center.**

☐ **Expedite Service 3:** By including an Expedite fee of \$300.00, **in addition** to the regular filing fee on page one of the form, the filing will be processed within 4 hours after it is received by our office, if received by 1:00 p.m. **This service is only available to walk-in customers who hand deliver the document to the Client Service Center.**

☐ **Preclearance Filing:** A filing form, to be submitted at a later date for processing, may be submitted to be examined for the purpose of advising as to the acceptability of the proposed filing for a fee of \$50.00. The Preclearance will be complete within 1-2 business days.



Mail this form to one of the following:

Regular Filing (non expedite)

P.O. Box 670

Columbus, OH 43216

Expedite Filing **(Two business day processing time. Requires an additional \$100.00.)**

P.O. Box 1390

Columbus, OH 43216

[For screen readers, follow instructions located at this path.](#)

Initial Articles of Incorporation
(Nonprofit, Domestic Corporation)
Filing Fee: \$99
(114-ARN)
Form Must Be Typed

Please check the box if this nonprofit corporation is being formed for the following purpose:

- ☐ Community Improvement Corporation (Economic Development or Land Reutilization) - Please see Ohio Revised Code Chapter 1724 or the instructions at the end of this form for more information.

First: Name of Corporation

Second: Location of Principal Office in Ohio

City

State

County

Optional: Effective Date (MM/DD/YYYY)

(The legal existence of the corporation begins upon the filing of the articles or on a later date specified that is not more than ninety days after filing.)

Third: Purpose for which corporation is formed

**** Note:** for Nonprofit Corporations: The Secretary of State does not grant tax exempt status. Filing with our office is not sufficient to obtain state or federal tax exemptions. Contact the Ohio Department of Taxation and the Internal Revenue Service to ensure that the nonprofit corporation secures the proper state and federal tax exemptions. These agencies may require that a purpose clause be provided. ******

**** Note:** ORC Chapter 1702 allows for additional provisions to be included in the Articles of Incorporation that are filed with this office. If including any of these additional provisions, please do so by including them in an attachment to this form. ******

Original Appointment of Statutory Agent

The undersigned, being at least a majority of the incorporators of

(Name of Corporation)

hereby appoint the following to be Statutory Agent upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is:

(Name of Statutory Agent)

(Mailing Address)

(Mailing City)

(Mailing State)

(Mailing ZIP Code)

Must be signed by
the incorporators or
a majority of the
incorporators.

(Signature)

(Signature)

(Signature)

Acceptance of Appointment

The Undersigned,

, named herein as the

(Name of Statutory Agent)

Statutory agent for

(Name of Corporation)

hereby acknowledges and accepts the appointment of statutory agent for said corporation.

Statutory Agent Signature

(Individual Agent's Signature / Signature on Behalf of Business Serving as Agent)

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

Required

Articles and original appointment of agent must be signed by the incorporator(s).

If the incorporator is an individual, then they must sign in the "signature" box and print his/her name in the "Print Name" box.

If the incorporator is a business entity, not an individual, then please print the entity name in the "signature" box, an authorized representative of the business entity must sign in the "By" box and print his/her name and title/authority in the "Print Name" box.

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

Instructions for Initial Articles of Incorporation (For Domestic Nonprofit Corporation)

This form should be used if you wish to file articles of incorporation for a domestic nonprofit corporation.

Name of Corporation

As set forth in Ohio Revised Code §1702.05, the name must be distinguishable on the records in the office of the secretary of state.

Ohio Principal Office Location

Please state the city and county in Ohio where the principal office of the corporation is to be located.

Effective Date (optional)

An effective date may be provided but is not required. Pursuant to Ohio Revised Code §1702.04(D), the legal existence of the corporation begins upon the filing of the articles or on a later date specified in the articles. The effective date cannot (1) precede the date of filing with our office or (2) be more than ninety (90) days after the date of filing. If an effective date is given that precedes the date of filing, the effective date of the corporation will be the date of filing. If an effective date is given that exceeds the date of filing by more than ninety (90) days, our office will return the filing to you and request that a proper effective date be provided.

Purpose

Pursuant to Ohio Revised Code §1702.03, a nonprofit corporation must provide a purpose in the articles. A nonprofit corporation may be formed for any purpose or purposes for which natural persons lawfully may associate themselves.

Note: The Secretary of State does not grant tax exempt status. Filing with our office is not sufficient to obtain state or federal tax exemptions. Contact the Ohio Department of Taxation and the Internal Revenue Service to ensure that the nonprofit corporation secures the proper state and federal tax exemptions. These agencies may require that a purpose clause be provided.

Additional Provisions

If the information you wish to provide for the record does not fit on the form, please attach additional provisions on a single-sided, 8 ½ x 11 sheet(s) of paper.

Original Appointment of Statutory Agent and Acceptance of Appointment

Pursuant to Ohio Revised Code §1702.06, an Ohio Corporation must appoint and maintain a statutory agent to accept service of process on behalf of the corporation. We cannot accept articles of incorporation unless the statutory agent information is provided. The statutory agent must be one of the following: (1) A natural person who is a resident of this state; or (2) A domestic or foreign corporation, nonprofit corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited partnership association, professional association, business trust, or unincorporated nonprofit association that has a business address in this state. If the agent is a business entity then the agent must meet the requirements of Title XVII of the Revised Code to transact business or exercise privileges in Ohio. The statutory agent must also sign the Acceptance of Appointment at the bottom of page 2.

Signature(s) - Required

After completing all information on the filing form, please make sure that page 3 is signed by the incorporator(s).

Articles and original appointment of agent must be signed by the incorporator(s).

If the incorporator is an individual, then they must sign in the "signature" field and print (type) his/her name in the "Print Name" field.

If the incorporator is a business entity, not an individual, then please print (type) the entity name in the "signature" field, an authorized representative of the business entity must sign in the "By" field and print (type) his/her name and title/authority in the "Print Name" field.

A typed name signifies an "intent to sign" which is acceptable.

Note

Ohio Revised Code Chapter 1724 requires our office to submit Articles of Incorporation of any community improvement corporation or any amendment, amended articles, merger or consolidation which provides for the creation of such corporation to be submitted to the Ohio Attorney General for examination. This process will require an extra 5-7 days to process the document. In addition, ORC 1724.05 requires a community improvement corporation to submit an annual financial report to the auditor of state within one hundred twenty days following the last day of the corporation's fiscal year.

Note

Our office cannot file or record a document which contains a Social Security number or tax identification number. Please do not enter a Social Security number or tax identification number, in any format, on this form.

EXHIBIT B
CODE OF REGULATIONS
OF THE
BEACHWOOD COMMUNITY IMPROVEMENT CORPORATION

ARTICLE I

Name

The name of the organization is the Beachwood Community Improvement Corporation (the “Corporation”).

ARTICLE II

Purposes of the Corporation

The Corporation, as the designated agency for development of the City of Beachwood, Ohio (the “City”), has been organized for the purposes of advancing encouraging, and promoting the industrial, economic, commercial, and civic development in the City under section 1724.04 of the Revised Code, for the purpose of providing and developing economic opportunities in the City, and for all those further purposes as are enumerated by statute, as it may be amended from time to time.

ARTICLE III

Officers and Registered Agent

Section 1. Offices. The Corporation shall have and maintain continuously a registered/principal office in the State of Ohio at such place as may be designated by the Board of Directors or the President. Such other offices, as may be established, shall be located at such place(s), within the State of Ohio, as may be designated by the Board of Directors.

Section 2. Agent. The Corporation shall maintain continuously within the State of Ohio a registered agent, which agent shall be designated by the Board of Directors or the President.

Section 3. Changes. Any change in the registered/principal office or registered agent of the Corporation shall be accomplished in compliance with the laws of the State of Ohio and Chapter 1702 of the Ohio Revised Code and as provided in these Regulations.

ARTICLE IV

Board of Directors

Section 1. General Power and Duties. The management, control and direction of the affairs, property, and interests of the Corporation shall be vested in the Board of Directors. The Board of Directors shall have, and may exercise, any and all powers provided in the Articles of Incorporation or the State of Ohio Nonprofit Corporation Law which are necessary or convenient

to carry out the purposes of the Corporation. There shall be one (1) class of membership which shall consist of the members of the Board of Directors. The Board of Directors is deemed the Membership, and each Director a Member, as such term is used in Ohio Revised Code Chapter 1702.

Section 2. Eligibility Requirements for Membership with the Board of Directors.

A. Number. The Board of Directors shall be comprised of seven (7) members, each appointed for a period of three (3) years, as follows:

- (i) The Mayor;
- (ii) The President of Council or Economic Development Committee Chair;
- (iii) The Economic Development Manager/Director;
- (iv) The Building Commissioner;
- (v) The Finance Director; and
- (vi) Two (2) Resident/Business Representatives appointed one (1) by the Mayor and one (1) by City Council.

Those Directors holding elected or appointed office may only serve as Directors during their continuation in such elected or appointed office.

B. Change in Number. The number of Directors may at any time be increased or decreased by amendment of these Regulations, but no decrease shall have the effect of shortening the term of any incumbent Director. At all times, at least two fifths ($2/5^{\text{ths}}$) of the Directors shall be elected or appointed officials.

C. Vacancies. Any vacancy of an appointed or elected official, (to mean the Mayor, the President of Council or Economic Development Committee Chair, the Economic Development Manager/Director, the Building Commissioner or the Finance Director), shall automatically be filled by the substitution as a member of the Board of Directors by the individual replacing him/her. A Director filling any vacancy shall hold office for the unexpired term of his or her predecessor. Upon the occurrence of any vacancy in a Board seat designated for appointment by the Mayor or Council, the Mayor or Council shall appoint another member to fill such vacancy.

D. Resignation. A Director may resign at any time by giving notice thereof in writing to the Secretary of the Corporation.

E. Removal. The Officers of the Corporation shall hold office until their successors are chosen and qualified. Any Officer of the Corporation may be removed, with or without cause at any time by a majority vote of the Board of Directors in office. Any vacancy occurring in any office of the Corporation may be filled by the Board of Directors.

F. Compensation. The Directors shall serve without compensation; however, they may be reimbursed for any expenses incurred by them in traveling to and from such meetings and for other reasonable expenses incurred by them in the performance of their duties.

Section 3. Meeting of the Board of Directors.

A. Regular Meetings. Regular meetings of the Board of Directors shall be held at least four (4) times per year as determined by the Board of Directors. The last regular meeting of the Board of Directors in each fiscal year shall constitute its annual meeting.

B. Time and Place of Meetings. The meetings of the Board of Directors shall be held at such time or place, within or without the State of Ohio, as designated by the Board of Directors.

C. Notice of Meetings. Written notice of every meeting of the Board of Directors, stating the time, place and purpose thereof shall be given to each Director in person, by email or other electronic transmission not less than three (3) days prior to such meeting. Any Director may waive notice of any meeting, and, by attendance at any meeting without protesting the lack of proper notice, shall be deemed to have waived notice thereof.

D. Quorum and Adjournments. Except as may be otherwise required by law, a majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors; provided that any meeting duly called, whether a quorum is present or otherwise may, by vote of the majority of the Directors present there at, may adjourn from time to time, in which case no further notice of the adjourned meeting need be given. At any meeting at which a quorum is present, all questions and business shall be determined by the affirmative vote of not less than a majority of the Directors present, unless the act of a greater number is required by law, the Articles of Incorporation or these Regulations.

E. Special Meetings. Special meetings of the Board of Directors may be held at any time upon the call of the President, or by any three (3) Directors. Written notice of a special meeting, stating the time, place and purpose thereof, shall be given to each Director in person, by email or other electronic transmission not less than twenty-four (24) hours prior to such meeting. Any Director may waive notice of any meeting, and, by attendance at any meeting without protesting the lack of proper notice, shall be deemed to have waived notice thereof. Unless otherwise limited in the notice thereof, any business may be transacted at any special meeting.

ARTICLE V

Committees

Section 1. Committees. The Board of Directors may create such committee(s) consisting of Directors or other persons, which shall have such authority as the Board of Directors may by law permit from time to time. Each committee may consist of not less than three (3) persons, at least one (1) of whom must be a Director. The Chairperson of each committee must be a Director. The Directors may appoint one (1) or more persons as alternate members of any such committee, who may take the place of any absent member or members at any meeting of such committee. Notice of the time and place of each meeting of any committee shall be given to each of its members not less than three (3) days prior to such meeting. A meeting of any such committee may be called only by the Chairperson or by a member of such committee.

Section 2. Attendance by the President. The President shall be entitled to participate in meetings of the Board of Directors and all committees, but shall not be entitled to vote at such committee meetings in her or her capacity as President.

ARTICLE VI

Officers

Section 1. Designations. The officers of the Corporation shall be a President, a Secretary, a Treasurer and such other Officers as may from time to time be deemed advisable by the Board of Directors. The Mayor shall service as the Corporation's President and the Board of Directors shall appoint the Vice President, Secretary and Treasurer. Any two (2) or more Officers may be held by the same individual, except for the offices of President and Secretary and President and Vice President. However, no officer shall execute, acknowledge or verify any instrument in more than one capacity.

Section 2. Terms of Office. All the Officers of the Corporation shall hold their offices for such terms, not in excess of three (3) years, beginning on January 1 of the respective year, as shall be further determined from time to time by the Board of Directors, and shall exercise such powers, perform such other duties and receive such compensation as shall be determined from time to time by the Board of Directors.

Section 3. Removal. The Directors may remove an Officer at any time with or without cause by a majority vote of the Board of Directors in office at the time. A vacancy, however, created, in any office may be filled by election of the Board of Directors.

Section 4. General Powers and Authorities. The President, Vice President, Secretary, Treasurer and such other Officers as may be authorized by the Board of Directors may enter into and execute on behalf of the Corporation contracts, leases, debt obligations and all other forms of agreements or instruments, whether under seal or otherwise, permitted by law, the Articles of Incorporation and these Regulations, except where such documents are required by law to be otherwise signed and executed, or where the signing and execution thereof shall be exclusively delegated to some other Officer or agent of the Corporation. The duties and powers of the Officers of the Corporation shall be provided in these Regulations or as provided pursuant to these Regulations.

Section 5. President. The President shall preside at all meetings of the Board of Directors. The President shall be the chief operating officer of the Corporation and, subject to the control of the Board of Directors, shall perform all duties customary to that office and shall supervise and control all of the affairs of the Corporation in accordance with any policies and directives approved by the Board of Directors. Unless otherwise determined by the Directors, he/she shall have authority to represent the Corporation at meetings of organizations of which its members belong. He/she may execute all authorized deeds, mortgages, bonds, contracts and other obligations, in the name of the Corporation, and shall have such other powers and duties as may be prescribed by the Board of Directors.

Section 6. Vice President. During the absence or disability of the President, the Vice President, shall exercise all the functions of the President and in such case, the power of the Vice President to execute all authorized deeds, mortgages, bonds, contracts, and other obligations, in the name of the Corporation, shall coordinate with the like powers of the President. The Vice President shall have such powers and discharge such duties as may be assigned to him or her from time to time by the Board of Directors. In the case the President and such Vice President are absent and unable to perform their duties, the Board of Directors may appoint a President pro tempore.

Section 7. Secretary. The Secretary shall be responsible for keeping an accurate record of the proceedings of all meetings of the Board of Directors, and such other actions of the Corporation as the Board of Directors shall direct. He or she shall give or cause to be given all notices in accordance with these Regulations or as required by law and, in general, perform all duties customary to the office of secretary. The Secretary shall have custody of the corporate seal of the Corporation, and he or she, or an Assistant Secretary, shall have authority to affix the same to any instrument requiring it. When so affixed, it may be attested by his or her signature or by the signature of such Assistant Secretary. The Board of Directors may give authority to any Officer to affix the seal of the Corporation and to attest the affixing by his or her signature.

Section 8. Treasurer. The Treasurer shall have the custody of all monies and securities of the Corporation and shall keep regular books of account. He or she shall deposit or cause to be deposited all monies or other valuable effects in the name of the Corporation in such depositories as shall be selected by the Board of Directors. The Treasurer shall disburse the funds of the Corporation in payment of the just demands against the Corporation or as may be ordered by the Board of Directors, taking proper vouchers for such disbursements, and shall render an account of all his or her transactions as Treasurer and the financial condition of the Corporation to the President and the Board of Directors at its regular meetings or when the Board of Directors so requires. The Treasurer shall perform such other duties as are incident to the office or are properly required by the Board of Directors.

ARTICLE VII

Public Records and Public Meetings

Section 1. Applicability. To the extent required under Ohio law, the Corporation, shall be subject to the provisions of Ohio Revised Code § 121.22, the Sunshine Law and Ohio Revised Code § 143.43, the Public Records Act.

ARTICLE VIII

Indemnification of Directors and Officers and Insurance

Section 1. Indemnification. The Corporation shall indemnify, to the maximum extent legally permissible, any Director or Officer or any former Director or Officer of the Corporation, against expenses, including attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with or arising out of any threatened, pending, or completed claim, action, suit, proceeding, issue or matter of whatever nature whether civil, criminal, legislative, administrative or investigative, in which he or she may be involved as a party or otherwise by reason of his or her being or having been such Director or Officer, provided it is determined that he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of Corporation and that, with respect to any criminal action or proceeding, he or she had no reasonable cause to believe his or her conduct was unlawful.

Section 2. Expenses, including attorneys' fees, incurred by a Director or Officer of the Corporation in defending any action, suit, proceeding, issue or matter of whatever nature referred to in this Article VIII shall be paid by the Corporation as they are incurred, in advance of the final disposition of such action, suit or proceeding and prior to any undertaking by or on behalf of the Director or Officer to repay such amount, if it ultimately is determined that such person is not entitled to be indemnified by the Corporation.

Section 3. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the Articles of Incorporation, any agreement, any insurance purchased by Corporation, any vote of disinterested Directors, or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, or of the power of Corporation to indemnify any person who is or was an employee or agent of Corporation, to the same extent and in the same situation and subject to the same determinations as are hereinabove set forth with respect to a Director or Officer.

Section 4. The Directors shall purchase or cause to be purchased insurance, including but not limited to General Liability and Directors, Officers, Errors and Omissions insurance, to protect the Corporation and its assets against risks and provide funds for the indemnification required under this Article in such amounts, and with deductibles, as the Directors may determine to be reasonable and prudent, and shall ensure that such policy or policies of insurance are kept in force throughout the existence of the Corporation. In addition, the Directors shall ensure that such Directors, Officers, employees, and agents of the Corporation are bonded as the Directors may, in their discretion, determine, including, at a minimum, those persons who have funds-handling authority.

ARTICLE IX

Miscellaneous

Section 1. Fiscal Year. The Corporation's fiscal year is that annual period ending with December 31.

Section 2. Depositories. The monies of the Corporation shall be deposited in the name of the Corporation in such bank or banks or financial institution or financial institutions as the Board of Directors shall designate, and shall be drawn from such accounts only by a check or other order of payment of money signed by such persons, and in such manner, as may be determined by a resolution of the Board of Directors.

ARTICLE X

Amendments

Section 1. Amendment to Articles of Incorporation or Code or Regulations. The Articles of Incorporation and these Regulations may only be altered, changed or amended, in any respect, or superseded by new Articles or Regulations in whole or in part, by a two-thirds (2/3^{rds}) majority vote of the Board of Directors at a meeting called for such purpose. The proposed amendment shall be presented to the Board at the next regular meeting or special meeting called for the specific purpose of amending the Articles of Incorporation or these Regulations.

Section 2. Procedure for Vote on Proposed Amendment. Copies of any proposed amendments shall be delivered in person, by email or by other electronic transmission to all Directors at least five (5) days prior to the meeting. A two-thirds (2/3^{rds}) majority vote of the Directors must vote in favor of the amendment for passage. Any amendment which fails cannot be resubmitted for a period of one (1) year after the date of the vote.

Adopted by the unanimous consent of the Board of Directors on the date set forth beside each signature:

AN ORDINANCE AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN CLAIMS (BILLS) FOR PROFESSIONAL AND OTHER SERVICES; AND DECLARING THIS TO BE AN URGENT MEASURE

BE IT ORDAINED by the Council of the City of Beachwood, State of Ohio, that the Director of Finance is hereby authorized and directed to issue his respective warrants for the following claims, to wit:

Section 1:

<u>For Supplies and Services</u>	<u>April 20, 2020</u>	<u>\$34,717.46</u>
G. Gifford Dyer	Plan Review Services	\$4,550.75
GPD & Associates	Engineering Services	\$24,235.24
Paul Kowalczyk	Plan Review Services	\$1,836.97
Matty, Henrikson & Greve LLC	Legal Services	\$4,094.50

Section 2: It is found and determined that all formal actions and deliberation of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is hereby declared an urgent measure immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that it is necessary to approve said item and/or services available for use at the earliest possible time, to serve the City of Beachwood and its citizens.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 20th day of April, 2020 and presented to the Mayor.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020 and filed it with the Clerk.

Mayor

AN ORDINANCE AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN CLAIMS (BILLS) FOR PROFESSIONAL AND OTHER SERVICES; AND DECLARING THIS TO BE AN URGENT MEASURE

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Mayor

**G. GIFFORD DYER-ARCHITECT
4680 BRAINARD ROAD
CHAGRIN FALLS, OH 44022-1506
Fax. 440-248-2353
Phone 440-248-1703**

March 2, 2020

City of Beachwood
Accounts Payable
25325 Fairmount Blvd.
Beachwood, OH 44122

Re: Building Department
Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of February 20209	<u>\$1,878.75</u>
(Cost breakdown sheet attached)	
Total amount due	\$1,878.75

Thank You,



G. Gifford Dyer

APPROVED FOR PAYMENT

BY: William Grosz
DATE: 3-2-20
P/O: _____

BEACHWOOD PLAN REVIEW

Month FEBRUARY, 2020

GG Dyer	Beachwood	Job Name-----	Time	Charge
Job No.	PR No.			
CB 19-24	2019-35475	CARTERS/OSHINASH BEACHWOOD PLACE MALL #1405 26300 CEDAR ROAD	1/2 Hr	\$ 41.75
CB 20-04	2020-36154	LANDLORD WORK - ZUMIEZ - #2227 BEACHWOOD PLACE MALL 26300 CEDAR ROAD	4 3/4 Hr	\$ 396.62
CB 20-05	2020-36157	ZUMIEZ BEACHWOOD PLACE MALL #2227 26300 CEDAR ROAD	3 Hr	\$ 250.50
CB 20-03	2020-36056	H & M TENANT BUILD-OUT BEACHWOOD PLACE MALL #1975 26300 CEDAR ROAD	7 Hr	\$ 584.50
CB 20-02	2020-36021	JOURNAY'S KIDS BEACHWOOD PLACE MALL #1030 26300 CEDAR ROAD	2 1/2 Hr	\$ 208.75
CB 20-06	2020-36176	LANDLORD WORK - SNOW ONLY BEACHWOOD PLACE MALL #1975 26300 CEDAR ROAD	3 Hr	\$ 250.50
CB 20-07	2020-36269	KID SPORTS BEACHWOOD PLACE MALL #1225 26300 CEDAR ROAD	1 Hr	\$ 83.50
CB 19-23	2019-35194	GORDARD School 3875 South GREEN Road	1/4 Hr	\$ 20.88
CB 20-09	2020-36309	ALTERATIONS FOR NEW TENANT KC CENTER FOR HEALTH & WELLNESS 3799 SOUTH GREEN ROAD	1/2 Hr	\$ 41.75
		TOTAL	22 1/2 Hr	\$ 1,878.75

**G. GIFFORD DYER-ARCHITECT
4680 BRAINARD ROAD
CHAGRIN FALLS, OH 44022-1506
Fax. 440-248-2353
Phone 440-248-1703**

March 31, 2020

City of Beachwood
Accounts Payable
25325 Fairmount Blvd.
Beachwood, OH 44122

Re: Building Department
Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of March 2020	\$2,672.00
(Cost breakdown sheet attached)	
Total amount due	\$2,672.00

Thank You,



G. Gifford Dyer

APPROVED FOR PAYMENT

BY: William Griswold
DATE: 4/3/20
P/O: _____

BEACHWOOD PLAN REVIEW

Month MARCH 2020

[illegible]

Summary of Engineering Invoices

April 20, 2020 Professional Service Ordinance

Invoice #	Invoice Date	Original Amount	Adjustment	Payment Amount	Fund	Billed	Out	2020	2019	2018
								ENCUMBRANCES		
2018042.01-18	3/13/2020	\$3,185.93	\$0.00	\$3,185.93	Capital					X
2020119.90-2	3/13/2020	\$1,591.00	\$0.00	\$1,591.00	General			X		
2018119.05-14	3/13/2020	\$1,427.00	\$0.00	\$1,427.00	General			X		
2019119.10-5	3/13/2020	\$14,920.00	\$0.00	\$14,920.00	Capital				X	
2020119.01-2	3/13/2020	\$1,904.00	\$0.00	\$1,904.00	General			X		
2019120.20-7	3/13/2020	\$218.00	\$0.00	\$218.00	General			X		
2019120.53-2	3/13/2020	\$518.00	\$0.00	\$518.00	Deposit	The Village		X		
2017120.09-31	3/13/2020	\$218.00	\$0.00	\$218.00	Deposit	Edward Rose Development		X		
2019120.23-5	3/13/2020	\$109.00	\$0.00	\$109.00	Deposit	Osborn Engineering		X		

Total To Pay		\$24,090.93
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Total Capital Fund		\$18,105.93
Total General Fund		\$5,140.00
Total Deposits		\$0.00
Total Street Const. Mant.		\$0.00
Less: Billable Charges		(\$845.00)
Net Paid by City:		\$22,400.93



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

*Edward Rose Dev.
 # 2017-26594*

March 13, 2020

Invoice No:

2017120.09 - 31

Invoice Total	\$218.00
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Project 2017120.09 Beachwood - Rose Senior Living

Building Dept.

Professional Services from February 1, 2020 to February 28, 2020

Task 100 Plan Review - Site Plans

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	2.00	109.00	218.00
Final SWPPP walk through.			
Totals	2.00		218.00
Total Labor			218.00
Total this Task			\$218.00
Total this Invoice			\$218.00

Outstanding Invoices

Number	Date	Balance
30	2/14/2020	218.00
Total		218.00

Billings to Date

	Current	Prior	Total
Labor	218.00	18,206.75	18,424.75
Totals	218.00	18,206.75	18,424.75

APPROVED FOR PAYMENT

BY: Walter Brunsell
 DATE: 3-19-2020
 #0: 783-000-53136

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

GPD GROUP®

APPROVED FOR PAYMENT

BY: C. [Signature]

City of Beachwood
Attn: Dale Pekarek
23355 Mercantile Road
Beachwood, OH 44122

DATE: 3-2-2020

February 14, 2020

P/O: 2018-01043

Invoice No: 2018042.01 - 17

Invoice Total \$1,443.10

Project 2018042.01

Beachwood - CUY-271/422-7.80/10.77 Part 1

CHAGRIN BLVD IMPROVEMENT

Agreement #30858
Agreement PID 102011
P.O. #2018-01043 - \$59,111.11
Max Not to Exceed \$502,337.00

City Portion 10% - City Portion this Invoice \$144.31

Professional Services from December 28, 2019 to January 31, 2020

Task 151 Safety Study

Professional Personnel

	Hours	Rate	Amount
Hobbs, Michael	1.00	67.85	67.85
Totals	1.00		67.85
Total Labor			67.85

Additional Fees

Overhead 1.8745			127.18
Cost of Money .98%			.66
Net Fee (11% Based on 152.83% OH)			18.87
Total Additional Fees		146.71	146.71

Total this Task \$214.56

Task 203 AER

Professional Personnel

	Hours	Rate	Amount
Hobbs, Michael	1.00	67.85	67.85
Totals	1.00		67.85
Total Labor			67.85

Additional Fees

Overhead 1.8745			127.18
Cost of Money .98%			.66
Net Fee (11% Based on 152.83% OH)			18.87
Total Additional Fees		146.71	146.71

Net 30 days.

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Project	2018042.01	Beachwood - CUY-271/422-7.80/10.77	Invoice	17
Total this Task				\$214.56
Task	252	Meetings & Oversight		
Professional Personnel				
			Hours	Rate
				Amount
	Hobbs, Michael		3.00	67.85
	Westbrooks, Kevin		2.00	53.80
	Totals		5.00	311.15
	Total Labor			311.15
Reimbursable Expenses				
	Travel & Lodging			
	1/31/2020	Hobbs, Michael	Travel	30.00
	Total Reimbursables			30.00
Additional Fees				
	Overhead 1.8745			583.25
	Cost of Money .98%			3.05
	Net Fee (11% Based on 152.83% OH)			86.53
	Total Additional Fees			672.83
			Total this Task	\$1,013.98
Billing Limits				
		Current	Prior	To-Date
	Total Billings	1,443.10	400,949.10	402,392.20
	Limit			502,337.00
	Remaining			99,944.80
			Total this Invoice	\$1,443.10

Net 30 days.

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INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

Billing Backup

Monday, February 24, 2020

GPD Group

Invoice 17 Dated 2/14/2020

9:59:04 AM

Project	2018042.01	Beachwood - CUY-271/422-7.80/10.77 Part 1
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Task	151	Safety Study
------	-----	--------------

Professional Personnel

			Hours	Rate	Amount	
00537	Hobbs, Michael	1/27/2020	1.00	67.85	67.85	
	Totals		1.00		67.85	
	Total Labor					67.85

Total this Task \$67.85

Task	203	AER
------	-----	-----

Professional Personnel

			Hours	Rate	Amount	
00537	Hobbs, Michael	1/2/2020	1.00	67.85	67.85	
	Totals		1.00		67.85	
	Total Labor					67.85

Total this Task \$67.85

Task	252	Meetings & Oversight
------	-----	----------------------

Professional Personnel

			Hours	Rate	Amount	
00537	Hobbs, Michael	1/31/2020	3.00	67.85	203.55	
01647	Westbrooks, Kevin	1/7/2020	2.00	53.80	107.60	
	Totals		5.00		311.15	
	Total Labor					311.15

Reimbursable Expenses

Travel & Lodging

EX 0084363	1/31/2020	Hobbs, Michael / Travel	30.00		
	Total Reimbursables		30.00		30.00

Total this Task \$341.15

Total this Project \$476.85

Total this Report \$476.85

Net 30 days.

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INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Dale Pekarek
 23355 Mercantile Road
 Beachwood, OH 44122

APPROVED FOR PAYMENT

March 13, 2020

Invoice No: 2018042.01 - 18

DATE: 3-30-2020
 P/O: 2018-01043

Invoice Total	\$31,859.25
----------------------	--------------------

Project 2018042.01 Beachwood - CUY-271/422-7.80/10.77 Part 1

Agreement #30858
 Agreement PID 102011
 P.O. #2018-01043 - \$59,111.11
 Max Not to Exceed \$502,337.00

City Portion 10% - City Portion this Invoice \$3,185.93

Professional Services from February 1, 2020 to February 28, 2020

Task 151	Safety Study			
Professional Personnel	<i>CHAGRIN BLVD IMPR.</i>			
	Hours	Rate	Amount	
Deibel, Curtis	73.00	34.70	2,533.10	
Hobbs, Michael	5.00	67.85	339.25	
Libert, Alicia	69.00	26.15	1,804.35	
Stimson, Diana	21.50	21.45	461.18	
Westbrooks, Kevin	79.00	53.80	4,250.20	
Totals	247.50		9,388.08	
Total Labor				9,388.08
Additional Fees				
Overhead 1.8743			17,596.08	
Cost of Money .98%			92.00	
Net Fee (11% Based on 152.83% OH)			2,610.95	
Total Additional Fees			20,299.03	20,299.03
	Total this Task			\$29,687.11

Task 203	AER			
Professional Personnel				
	Hours	Rate	Amount	
Hobbs, Michael	5.00	67.85	339.25	
Totals	5.00		339.25	
Total Labor				339.25
Additional Fees				
Overhead 1.8743			635.86	

Net 30 days.

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Approved
2020/3/25/20
 Finance Director

Project	2018042.01	Beachwood - CUY-271/422-7.80/10.77	Invoice	18
Cost of Money .98%			3.32	
Net Fee (11% Based on 152.83% OH)			94.35	
Total Additional Fees			733.53	733.53
			Total this Task	\$1,072.78

Task 252 Meetings & Oversight

Professional Personnel

	Hours	Rate	Amount	
Ciuni, Joseph	1.00	62.50	62.50	
Hobbs, Michael	4.00	67.85	271.40	
Totals	5.00		333.90	
Total Labor				333.90

Reimbursable Expenses

Travel & Lodging				
2/10/2020	Westbrooks, Kevin	Travel	11.00	
2/26/2020	Hobbs, Michael	Travel	32.50	
Total Reimbursables			43.50	43.50

Additional Fees

Overhead 1.8743			625.83	
Cost of Money .98%			3.27	
Net Fee (11% Based on 152.83% OH)			92.86	
Total Additional Fees			721.96	721.96

Total this Task \$1,099.36

Billing Limits

	Current	Prior	To-Date
Total Billings	31,859.25	402,392.20	434,251.45
Limit			502,337.00
Remaining			68,085.55

Total this Invoice \$31,859.25

Outstanding Invoices

Number	Date	Balance
17	2/14/2020	1,443.10
Total		1,443.10

Net 30 days.

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INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

Project	2018042.01	Beachwood - CUY-271/422-7.80/10.77 Part 1	
Task	151	Safety Study	

Professional Personnel

			Hours	Rate	Amount
01121	Deibel, Curtis	2/10/2020	2.00	34.70	69.40
01121	Deibel, Curtis	2/12/2020	2.00	34.70	69.40
01121	Deibel, Curtis	2/17/2020	10.00	34.70	347.00
01121	Deibel, Curtis	2/18/2020	10.00	34.70	347.00
01121	Deibel, Curtis	2/19/2020	10.00	34.70	347.00
01121	Deibel, Curtis	2/20/2020	2.00	34.70	69.40
01121	Deibel, Curtis	2/21/2020	2.00	34.70	69.40
01121	Deibel, Curtis	2/24/2020	8.00	34.70	277.60
01121	Deibel, Curtis	2/25/2020	9.00	34.70	312.30
01121	Deibel, Curtis	2/26/2020	5.00	34.70	173.50
01121	Deibel, Curtis	2/27/2020	3.00	34.70	104.10
01121	Deibel, Curtis	2/28/2020	10.00	34.70	347.00
00537	Hobbs, Michael	2/24/2020	3.00	67.85	203.55
00537	Hobbs, Michael	2/27/2020	1.00	67.85	67.85
00537	Hobbs, Michael	2/28/2020	1.00	67.85	67.85
01904	Libert, Alica	2/12/2020	8.00	26.15	209.20
01904	Libert, Alica	2/13/2020	8.00	26.15	209.20
01904	Libert, Alica	2/14/2020	8.00	26.15	209.20
01904	Libert, Alica	2/17/2020	8.00	26.15	209.20
01904	Libert, Alica	2/18/2020	9.00	26.15	235.35
01904	Libert, Alica	2/19/2020	9.00	26.15	235.35
01904	Libert, Alica	2/20/2020	8.00	26.15	209.20
01904	Libert, Alica	2/21/2020	3.00	26.15	78.45
01904	Libert, Alica	2/24/2020	8.00	26.15	209.20
00260	Stimson, Diana	2/24/2020	8.50	21.45	182.33
00260	Stimson, Diana	2/25/2020	2.00	21.45	42.90
00260	Stimson, Diana	2/26/2020	8.00	21.45	171.60
00260	Stimson, Diana	2/27/2020	3.00	21.45	64.35
01647	Westbrooks, Kevin	2/3/2020	3.00	53.80	161.40
01647	Westbrooks, Kevin	2/4/2020	2.00	53.80	107.60
01647	Westbrooks, Kevin	2/5/2020	2.00	53.80	107.60
01647	Westbrooks, Kevin	2/6/2020	4.00	53.80	215.20
01647	Westbrooks, Kevin	2/7/2020	2.00	53.80	107.60
01647	Westbrooks, Kevin	2/10/2020	6.00	53.80	322.80
01647	Westbrooks, Kevin	2/11/2020	2.00	53.80	107.60
01647	Westbrooks, Kevin	2/12/2020	4.00	53.80	215.20
01647	Westbrooks, Kevin	2/13/2020	6.00	53.80	322.80
01647	Westbrooks, Kevin	2/14/2020	6.00	53.80	322.80
01647	Westbrooks, Kevin	2/17/2020	5.00	53.80	269.00

Net 30 days.

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AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

Project	2018042.01	Beachwood - CUY-271/422-7.80/10.77				Invoice	18
01647	Westbrooks, Kevin	2/18/2020	5.00	53.80	269.00		
01647	Westbrooks, Kevin	2/19/2020	5.00	53.80	269.00		
01647	Westbrooks, Kevin	2/20/2020	10.00	53.80	538.00		
01647	Westbrooks, Kevin	2/21/2020	5.00	53.80	269.00		
01647	Westbrooks, Kevin	2/23/2020	4.00	53.80	215.20		
01647	Westbrooks, Kevin	2/24/2020	8.00	53.80	430.40		
	Totals		247.50		9,388.08		
	Total Labor						9,388.08
					Total this Task		\$9,388.08

Task	203	AER				
Professional Personnel						
			Hours	Rate	Amount	
00537	Hobbs, Michael	2/17/2020	1.00	67.85	67.85	
00537	Hobbs, Michael	2/18/2020	1.00	67.85	67.85	
00537	Hobbs, Michael	2/19/2020	1.00	67.85	67.85	
00537	Hobbs, Michael	2/20/2020	1.00	67.85	67.85	
00537	Hobbs, Michael	2/21/2020	1.00	67.85	67.85	
	Totals		5.00		339.25	
	Total Labor					339.25

Task	252	Meetings & Oversight				
Professional Personnel						
			Hours	Rate	Amount	
00788	Ciuni, Joseph	2/28/2020	1.00	62.50	62.50	
00537	Hobbs, Michael	2/26/2020	4.00	67.85	271.40	
	Totals		5.00		333.90	
	Total Labor					333.90

Reimbursable Expenses

Travel & Lodging							
EX 0084928	2/10/2020	Westbrooks, Kevin / Travel			11.00		
EX 0084996	2/26/2020	Hobbs, Michael / Travel			32.50		
	Total Reimbursables				43.50		43.50
					Total this Task		\$377.40
					Total this Project		\$10,104.73
					Total this Report		\$10,104.73

Net 30 days.

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AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

APPROVED FOR PAYMENT

March 13, 2020

Invoice No:

2018119.05 - 14

DATE: 3-19-2020
 P/O: 2020-00139

Invoice Total \$1,427.00

Project 2018119.05 Beachwood - Storm Water Codes - Update

Service Dept.

Professional Services from February 1, 2020 to February 28, 2020

Task 100 Code Review for Updates

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	3.00	109.00	327.00
Senior Engineer			
Gorman, Jacqueline	3.00	100.00	300.00
Sr. Landscape Architect			
Valentic, Ivan	8.00	100.00	800.00
Totals	14.00		1,427.00
Total Labor			1,427.00

Total this Task \$1,427.00

Total this Invoice \$1,427.00

Outstanding Invoices

Number	Date	Balance
13	2/14/2020	218.00
Total		218.00

Billings to Date

	Current	Prior	Total
Labor	1,427.00	10,115.00	11,542.00
Totals	1,427.00	10,115.00	11,542.00

Net 30 days.

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 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

APPROVED FOR PAYMENT

March 13, 2020

Invoice No:

2019119.10 - 5

DATE: 3-19-2020
 P/O: 2019-03013 * 7,872.00 - complete
 2020-00899 * 7048.00

Invoice Total \$14,920.00

Project 2019119.10 Beachwood - 2020 Road Improvement Program
 Service Dept.

Professional Services from February 1, 2020 to February 28, 2020

Task 100 Design-Resurfacing and Patching Program
 Max Fee \$50,000.00

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	14.00	109.00	1,526.00
Fini, Nicholas	64.00	109.00	6,976.00
Senior Designer			
Weissberg, Carl	39.00	78.50	3,061.50
Woycitzky, Robert	14.00	78.50	1,099.00
Eng./Arch. Intern/Coop			
Baire, Virginia	2.00	55.00	110.00
Totals	133.00		12,772.50
Total Labor			12,772.50
		Total this Task	\$12,772.50

Task 170 Survey
 Professional Personnel

	Hours	Rate	Amount
Surveyor			
Leech, Ryan	2.00	90.00	180.00
Shay, Frank	4.50	90.00	405.00
Sr. Survey Technician			
Novak, Rick	10.00	65.00	650.00
Survey Technician			
Fano, Alexander	9.50	55.00	522.50
Provost, Dallas	2.00	55.00	110.00
Totals	28.00		1,867.50
Total Labor			1,867.50
		Total this Task	\$1,867.50

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
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Project	2019119.10	Beachwood -2020 Road Improvement Program	Invoice	5
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Task 200 Construction Admin / Inspection

Max Fee \$27,500.00

Professional Personnel

	Hours	Rate	Amount	
Inspector				
Orosz, Richard	5.00	56.00	280.00	
Totals	5.00		280.00	
Total Labor				280.00
		Total this Task		\$280.00
		Total this Invoice		<u>\$14,920.00</u>

Outstanding Invoices

Number	Date	Balance
4	2/14/2020	6,557.25
Total		6,557.25

Billings to Date

	Current	Prior	Total
Labor	14,920.00	27,128.00	42,048.00
Totals	14,920.00	27,128.00	42,048.00

Net 30 days.

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AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

March 13, 2020

Invoice No: 2019120.20 - 7

APPROVED FOR PAYMENT
Will Friswell
 DATE: 3-19-2020
 P/O: 2020-00142

Invoice Total \$218.00

Project 2019120.20 Beachwood - Small Cell Plan Review

Building Dept.

Professional Services from February 1, 2020 to February 28, 2020

Task 103 Verizon Site #4 - Plan Review

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	2.00	109.00	218.00
Totals	2.00		218.00
Total Labor			218.00
Total this Task			\$218.00

Billings to Date

	Current	Prior	Total
Labor	218.00	481.50	699.50
Totals	218.00	481.50	699.50
Total this Invoice			\$218.00

Outstanding Invoices

Number	Date	Balance
6	2/14/2020	218.00
Total		218.00

Billings to Date

	Current	Prior	Total
Labor	218.00	2,960.75	3,178.75
Totals	218.00	2,960.75	3,178.75

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

*Bill
 Osborn Engineering
 #1993130*

March 13, 2020

Invoice No: 2019120.23 - 5

Invoice Total \$109.00

Project 2019120.23 Beachwood - Ahuja Improvements

Building Dept.

Professional Services from February 1, 2020 to February 28, 2020

Task 100 Plan Review - New 500 Car Parking Lot

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	1.00	109.00	109.00
Totals	1.00		109.00
Total Labor			109.00
Total this Task			\$109.00
Total this Invoice			\$109.00

Billings to Date

	Current	Prior	Total
Labor	109.00	3,706.00	3,815.00
Totals	109.00	3,706.00	3,815.00

APPROVED FOR PAYMENT
 BY: Walter Gruenig
 DATE: 3-19-2020
 P# 783-000-53130

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

March 13, 2020

Invoice No: 2019120.53 - 2

*The Village
 20-2
 No Report*

Invoice Total \$518.00

Project 2019120.53 Beachwood - The Village - Hyde Park Drainage Improvements

Building Dept.

Professional Services from February 1, 2020 to February 28, 2020

Task 100 Plan Review

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	2.00	109.00	218.00
Senior Engineer			
Gorman, Jacqueline	3.00	100.00	300.00
Totals	5.00		518.00
Total Labor			518.00
Total this Task			\$518.00
Total this Invoice			\$518.00

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Outstanding Invoices

Number	Date	Balance
1	2/14/2020	559.00
Total		559.00

Billings to Date

	Current	Prior	Total
Labor	518.00	559.00	1,077.00
Totals	518.00	559.00	1,077.00

APPROVED FOR PAYMENT
 BY: Will Brune
 DATE: 3-19-2020
 #0: 783-000-53130

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

APPROVED FOR PAYMENT
[Signature]
 DATE: 3-19-2020
 P/O: 2020-60139

March 13, 2020
 Invoice No:

2020119.01 - 2

Invoice Total \$1,904.00

Project 2020119.01 Beachwood - General Engineering

Service Dept.

Professional Services from February 1, 2020 to February 28, 2020

Task 100 General Meeting Attendance

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	1.00	109.00	109.00
City Council Committee meeting.			
Ciuni, Joseph	3.00	109.00	327.00
Committee meeting and Traffic meeting.			
Fini, Nicholas	2.00	109.00	218.00
Street commission meeting.			
Totals	6.00		654.00
Total Labor			654.00
Total this Task			\$654.00

Task 200 General Engineering(Under \$2,500.00 Fee)

Professional Personnel

	Hours	Rate	Amount
Senior Engineer			
Gorman, Jacqueline	2.00	100.00	200.00
County 50-50 application.			
Gorman, Jacqueline	4.00	100.00	400.00
County 50-50 applications.			
Gorman, Jacqueline	.50	100.00	50.00
CWD SWMR application submittal.			
Gorman, Jacqueline	3.00	100.00	300.00
CWD SWMR applications.			
Gorman, Jacqueline	.50	100.00	50.00
Files for Carla Regener.			
Gorman, Jacqueline	2.50	100.00	250.00
Maintenance agreement reviews.			
Totals	12.50		1,250.00
Total Labor			1,250.00

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

Project	2020119.01	Beachwood - General Engineering	Invoice	2
			Total this Task	\$1,250.00
			Total this Invoice	<u>\$1,904.00</u>

Outstanding Invoices

Number	Date	Balance
1	2/14/2020	3,216.50
Total		3,216.50

Billings to Date

	Current	Prior	Total
Labor	1,904.00	3,216.50	5,120.50
Totals	1,904.00	3,216.50	5,120.50



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Chief Gary Haba
 Police Department
 2700 Richmond Road
 Beachwood, OH 44122

APPROVED FOR PAYMENT
 BY: *[Signature]*
 DATE: *3-19-2020*
 P/O: *2020-00138*

March 13, 2020

Invoice No:

2020119.90 - 2

Invoice Total \$1,591.00

Project 2020119.90
 P.O. #2020-00138-001

Beachwood - 2020 Traffic Engineering

Police based fee

Max not to Exceed \$36,000.00

Professional Services from February 1, 2020 to February 28, 2020

Task 051 January Signal Management

Reimbursable Expenses

Travel & Lodging

1/31/2020 Gillespie, Ryan Travel 32.50

Total Reimbursables 32.50 32.50

Total this Task \$32.50

Task 052 February Signal Management

Professional Personnel

Project Manager

Gillespie, Ryan 12.00 109.00 1,308.00

Hobbs, Michael 2.00 109.00 218.00

Totals 14.00 1,526.00

Total Labor 1,526.00

Reimbursable Expenses

Travel & Lodging

2/26/2020 Gillespie, Ryan Travel 32.50

Total Reimbursables 32.50 32.50

Total this Task \$1,558.50

Total this Invoice \$1,591.00

Outstanding Invoices

Number	Date	Balance
1	2/14/2020	1,853.00
Total		1,853.00

Net 30 days.

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 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

CODE CONSULTATION & PLAN REVIEW SERVICES, LLC

March 1, 2020

The City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, OH 44122

RE: Building Department Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of February 2020 \$1,002.00
(See attached sheet for breakdown)

Total amount due
One Thousand Two Dollars **\$1,002.00**

Please make check payable to "Code Consultation & Plan Review Services, LLC." Thank you.



Paul Kowalczyk, MPE #798

APPROVED FOR PAYMENT

BY: Will Wisniewski

DATE: 3/4/20

P/O: _____

**City of Beachwood
Plan Examination Services
February 2020 Invoice**

Beachwood Plan Review No.:	PK Plan Review No.:	Project:	Time:	Charge:
2020-36143	BW20-04 2/5/20	Seam Group 21111 Chagrin Blvd. Interior Alterations	3 hrs.	\$250.50
2020-36183	BW20-05 2/11/20	Matrix Trade Institute 23500 Mercantile Road Spray Booth Installation	1 hour. 30 min.	\$125.25
2020-36183	BW20-06 2/17/20	Matrix Trade Institute 23500 Mercantile Road Spray Booth Fire Sprinkler System	1 hour	\$83.50
2020-36222	BW20-07 2/23/20	InMotion 23905 Mercantile Road Interior Alterations	5 hours 30 min.	\$459.25
2020-36282	BW20-08 2/24/20	Menorah Park 27100 Cedar Road Dry Sprinkler System Alterations	1 hour	\$83.50
Total:				\$1,002.00

Paul Kowalczyk, MPE #798

CODE CONSULTATION & PLAN REVIEW SERVICES, LLC

April 1, 2020

The City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, OH 44122

RE: Building Department Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of March 2020 \$834.97
(See attached sheet for breakdown)

Total amount due
Eight Hundred Thirty-Four Dollars and Ninety-Seven Cents \$834.97

Please make check payable to "Code Consultation & Plan Review Services, LLC." Thank you.



Paul Kowalczyk, MPE #798

APPROVED FOR PAYMENT

BY: Will Grismud

DATE: 4/3/20

P/O: _____

**City of Beachwood
Plan Examination Services
March 2020 Invoice**

Beachwood Plan Review No.:	PK Plan Review No.:	Project:	Time:	Charge:
2020-36222	BW20-07.1 3/4/20	InMotion 23905 Mercantile Road Interior Alterations – 2nd submission	45 min.	\$62.61
2018-31613	BW20-09 3/7/20	Cleveland Clinic Beachwood FHC 26900 Cedar Road Fire Sprinkler System Alterations	1 hour 30 min.	\$125.25
2020-36430	BW20-10 3/12/20	Advanced Building Products 3787 Green Road Interior Alterations	45 min.	\$62.61
2020-36472	BW20-11 3/21/20	The Middlefield Banking Company 25201 Chagrin Blvd. Interior Alterations	1 hour	\$83.50
2020-tbd	BW20-12 3/22/20	Beachwood High School 25100 Fairmount Blvd. Double Door installation	1 hour	\$83.50
2020-tbd	BW20-13 3/22/20	Beachwood High School 25100 Fairmount Blvd. Security Gate installation	1 hour	\$83.50
2020-36478	BW20-14 3/24/20	Metrohealth Medical Center 3609 Park East Drive Interior Alterations	4 hours	\$334.00
Total:				\$834.97

Paul Kowalczyk, MPE #798

MATTY, HENRIKSON & GREVE LLC
Attorneys at Law
1001 Lakeside Avenue, Suite 1410
Cleveland, Ohio 44114
(216) 621-6570
#34-1457900

Page: 1
02/29/2020
500459M

City of Beachwood
Diane Calta, Director of Law
Beachwood Legal Department
25325 Fairmount Blvd.
Beachwood OH 44122

CLIENT SUMMARY

500459-00036 Prosecution

\$4,094.50

BY: *D. Calta* **APPROVED FOR PAYMENT**
DATE: 3/4/20
P/O: 2020-00174 3-4-20

MATTY, HENRIKSON & GREVE LLC
Attorneys at Law
1001 Lakeside Avenue, Suite 1410
Cleveland, Ohio 44114
(216) 621-6570
#34-1457900

Page: 1
02/29/2020
500459-00036M
6

City of Beachwood
Diane Calta, Director of Law
Beachwood Legal Department
25325 Fairmount Blvd.
Beachwood OH 44122

Prosecution

			HOURS	
02/03/2020	TFG	Representation as Beachwood Prosecutor at Shaker Heights Court 8:00 am to 3:30 pm; attn to Michael Gordon hearing; 2 tel calls with S. Stovsky, Complainant; attn to 2/10/20 Shaker Heights docket.	8.00	1,000.00
02/04/2020	TFG	2 telephone calls with Kelly Bowen; review/response to 2 BPD Probable Cause reports; telephone call with BPD Ptlmn. M. Alandt; tel call with Defendant Atty. J. Saffold regarding Jackson 2/10/20 trial.	1.50	187.50
02/10/2020	TFG	Representation as Beachwood Prosecutor at Shaker Heights Court 8:00 am to 4:30 pm; attention to 2/24/20 docket; attention to BPD report file reviews; telephone calls with Kelly Bowen, BPD.	8.50	1,062.50
02/14/2020	TFG	2 telephone calls with atty. B. Jordan; review of 4 bodycam videos for Beachwood v Albert trial; attention to 2/24/20 Shaker trial docket; telephone call w Deft. atty. D. Naticchia; tel call with Shaker Heights Court Bailiff's Office.	1.50	187.50
02/17/2020	TFG	Preparation of Case Summary report to Prosecutor Nathalie Supler; letter to Reid Stephan; attention to 2/24/20 Shaker docket; 2 telephone calls with attorney Bret Jordan (Albert trial).	1.30	162.50
02/18/2020	TCP	Conference with Mr. Greve regarding evidence for Albert Harris arrest.	0.20	19.00
	TCP	Downloading of evidence for Albert Harris case.	0.20	19.00
02/19/2020	TCP	Conference with Mr. Greve regarding Albert Harris case.	0.20	19.00
	TFG	2 telephone calls with Deft attorney, L. Floyd; 1 telephone call with attorney, B. Jordan; telephone calls with Beachwood v Hewston witnesses; attention to 2/24/20 Shaker Court docket issues; meeting with Kelly. B, BPD.	1.50	187.50
02/20/2020	TFG	Attention to Gordon trial; attention to Albert trial; attention to DUS trial; 2 telephone calls with Patrolman M. Alandt; 2 telephone calls with K. Bowen, BPD.	1.50	187.50
02/24/2020	TFG	Representation as Beachwood Prosecutor at Shaker Heights Court 8:00 am to 4:00 pm; attention to four (4) Probable Cause reviews and response; telephone calls with Kelly B., BPD.	8.50	1,062.50
FOR PROFESSIONAL SERVICES RENDERED			32.90	4,094.50

City of Beachwood

Page: 2
02/29/2020
500459-00036M
6

Prosecution

CURRENT TOTAL DUE

\$4,094.50

PLEASE REMIT 90+ DAYS PAST DUE AMOUNT(S) - STATEMENT(S)
ATTACHED

INTRODUCED BY:

ORDINANCE NO. 2020-52

AN ORDINANCE AMENDING APPROPRIATIONS FOR CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEACHWOOD, STATE OF OHIO, FOR THE FISCAL YEAR 2020, JANUARY 1, 2020 TO DECEMBER 31, 2020, INCLUSIVE; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, City Council approved Ordinance Number 2020-31 on March 2, 2020, authorizing appropriations for current expenditures and other expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2020, January 1, 2020 to December 31, 2020, inclusive; and

WHEREAS, at this time it is necessary to amend certain appropriations to provide for current expenditures of the City of Beachwood for the fiscal year ending December 31, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1: Based upon the recommendation of the Finance Director, the City's appropriations, as authorized in Ordinance 2020-31, are hereby amended to reflect the increases and/or decreases set out in the Spreadsheets marked as Exhibit ("A") and Exhibit ("B"), copies of which are attached hereto and incorporated herein.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of public peace, health or safety or the efficient operation of the City, and for the further reason because this is an appropriation of money for current expenses and other expenditures of the City of Beachwood for the fiscal year ending December 31, 2020; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020 and filed it with the Clerk

Mayor

City of Beachwood
2020 Appropriations

General Fund	Department	Wages & Benefits		Other	Total
	101 Council	\$	124,900	\$ 57,000	\$ 181,900
	121 Mayor	\$	530,100	\$ 190,900	\$ 721,000
	122 Economic Development	\$	144,300	\$ 452,400	\$ 596,700
	123 Human Resources	\$	211,200	\$ 37,400	\$ 248,600
	131 Finance Department	\$	1,468,400	\$ 8,232,300	\$ 9,700,700
	141 Law Department	\$	486,100	\$ 179,200	\$ 665,300
	221 Police	\$	10,678,800	\$ 1,352,600	\$ 12,031,400
	231 Fire	\$	7,705,700	\$ 752,600	\$ 8,458,300
	341 Service Administration	\$	6,891,500	\$ 4,105,700	\$ 10,997,200
	441 Human Services	\$	460,100	\$ 306,400	\$ 766,500
	511 Recreation Administration	\$	958,300	\$ 588,200	\$ 1,546,500
	512 Camps	\$	356,600	\$ 185,700	\$ 542,300
	519 Other Programs	\$	99,200	\$ 154,700	\$ 253,900
	531 Pools and Parks	\$	288,700	\$ 379,400	\$ 668,100
	611 Building	\$	1,306,500	\$ 222,400	\$ 1,528,900
	Total General Fund				\$ 48,907,300
Special Revenue Fund	Fund #				
	211 Street Construction Maint. & Repair	\$	-	\$ 500,000	\$ 500,000
	212 State Highway	\$	-	\$ 250,000	\$ 250,000
	231 Mayor's Court Improvement	\$	-	\$ 50,000	\$ 50,000
	241 Federal Equitable Sharing	\$	-	\$ 150,000	\$ 150,000
	243 Drug Law Enforcement	\$	-	\$ 100,000	\$ 100,000
	261 Blossom Lane Street Lights	\$	-	\$ 2,200	\$ 2,200
	262 George Zieger Drive Street Lights	\$	-	\$ 24,000	\$ 24,000
	282 NOPEC Grant Fund			\$ 141,234	\$ 141,234
	283 ESID Fund	\$	-	\$ 230,000	\$ 230,000
	291 Eaton TIF Fund	\$	-	\$ 4,250,000	\$ 4,250,000
	292 Omnova TIF Fund	\$	-	\$ 270,000	\$ 270,000
	Total Special Revenue Fund				\$ 5,967,434
Debt Service Fund	Fund #				
	331 General Bond Retirement			\$ 5,125,000	\$ 5,125,000
	Total Debt Service Fund				\$ 5,125,000
Capital Improvement Fund	Fund #				
	441 Capital Improvement			\$ 8,965,000	\$ 8,965,000
	Total Capital Improvement				\$ 8,965,000
Internal Service Fund	Fund #				
	501 Workers' Compensation Self Insurance			\$ 250,000	\$ 250,000
	Total Internal Service Fund				\$ 250,000
Trust and Agency Funds	Fund #				
	771 Leo Weiss Fund			\$ 1,258	\$ 1,258
	782 Commercial Permit Tax			\$ 17,000	\$ 17,000
	783 Deposit Fund			\$ 200,000	\$ 200,000
	784 Police Pension Fund			\$ 275,000	\$ 275,000
	785 Zone Income Taxes			\$ 7,800,000	\$ 7,800,000
	786 Unclaimed Monies			\$ 15,000	\$ 15,000
	Total Trust and Agency Funds				\$ 8,308,258
TOTAL 2020 APPROPRIATIONS					<u><u>\$ 77,522,992</u></u>

Exhibit B

CITY OF BEACHWOOD

2020

FUND	UNENCUMBERED JAN. 1, 2020 BALANCE	GEN. PROP. TAX	LOCAL GOV'T	AMENDED OTHER SOURCES	TOTAL	2020 APPROPRIATION	VARIANCE	2020 Estimated revenue
General Fund	\$26,539,816	\$ 3,065,208	\$ 119,513	\$42,780,279	\$ 72,504,816	\$ 48,907,300	\$ 23,597,516	\$ 45,965,000
General Bond Retirement	\$1,402,876			\$ 3,725,000	\$ 5,127,876	\$ 5,125,000	\$ 2,876	\$ 3,725,000
Police Pension	\$37,648	\$ 248,530		\$ -	\$ 286,178	\$ 275,000	\$ 11,178	\$ 248,530
St. Const. Maint. & Repair	\$976,400			\$ 550,000	\$ 1,526,400	\$ 500,000	\$ 1,026,400	\$ 550,000
State Highway	\$365,139			\$ 40,000	\$ 405,139	\$ 250,000	\$ 155,139	\$ 40,000
Mayor's Ct. Improvement	\$67,803			\$ 6,000	\$ 73,803	\$ 50,000	\$ 23,803	\$ 6,000
Federal Equitable Sharing	\$243,263			\$ 10,000	\$ 253,263	\$ 150,000	\$ 103,263	\$ 10,000
Law Enforcement Trust (Drug Law Enforcement)	\$166,650			\$ 15,000	\$ 181,650	\$ 100,000	\$ 81,650	\$ 15,000
Blossom Street Lights	\$962			\$ 1,600	\$ 2,562	\$ 2,200	\$ 362	\$ 1,600
Zeiger Drive Street Lights	\$100,301			\$ 16,000	\$ 116,301	\$ 24,000	\$ 92,301	\$ 16,000
NOPEC Grant Fund	\$0			\$ 141,234	\$ 141,234	\$ 141,234	\$ -	\$ 141,234
ESID Fund	\$0			\$ 230,000	\$ 230,000	\$ 230,000	\$ -	\$ 230,000
Eaton TIF Fund	\$5,988,304			\$ 4,400,000	\$ 10,388,304	\$ 4,250,000	\$ 6,138,304	\$ 4,400,000
OMNOVA TIF Fund	\$0			\$ 270,000	\$ 270,000	\$ 270,000	\$ 0	\$ 270,000
Leo Weiss Fund	\$1,238			\$ 20	\$ 1,258	\$ 1,258	\$ (0)	\$ 20
Commercial Permit Fund	\$264			\$ 17,000	\$ 17,264	\$ 17,000	\$ 264	\$ 17,000
Deposits Fund	\$210,397			\$ 100,000	\$ 310,397	\$ 200,000	\$ 110,397	\$ 100,000
Zone Income Taxes	\$0			\$ 7,800,000	\$ 7,800,000	\$ 7,800,000	\$ -	\$ 7,800,000
Unclaimed Monies	\$22,977			\$ 1,800	\$ 24,777	\$ 15,000	\$ 9,777	\$ 1,800
Workers Compensation Self Insurance	\$1,500,000			\$ 250,000	\$ 1,750,000	\$ 250,000	\$ 1,500,000	\$ 250,000
Capital Improvement Fund	\$11,566,933			\$ 3,000,000	\$ 14,566,933	\$ 8,965,000	\$ 5,601,933	\$ 3,000,000
Total - All Funds	\$49,190,971	\$ 3,313,738	\$ 119,513	\$63,353,933	\$ 115,978,154	\$ 77,522,992	\$ 38,455,162	\$ 66,787,184

Prepared by LAH 2 17 2020
Revised 4/6/2020 LAH

CITY OF BEACHWOOD
FINANCE DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Mayor Martin Horwitz
FROM: Larry A. Heiser, Finance Director *LAH*
RE: 1) Request for Transfer from General Fund to Debt Service and 2) Budget Amendment
DATE: April 6, 2020

- 1) The 2020 approved budget included a \$3,300,000 transfer from the General Fund (101) to the Debt Service Fund (331) for the purposes of making debt service payments and in 2020 exercising an option to pay off early the 2010 Debt issuance.
- 2) The 2020 Budget for the Eaton was based upon prior years activity. However, the first distribution for 2020 was higher than budgeted and therefore the distributions are higher and thus we need to amend the 2020 budget.

With your approval I would like to place both of the transfer and budget amendment on the next Council agenda and the budget amendment.

Please let me know if you have any questions.

Thank You.

INTRODUCED BY:

ORDINANCE NO. 2020-53

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER CERTAIN FUNDS FROM THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (331); AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, based upon the recommendation of the Finance Director, this Council desires to transfer Three Million Three Hundred Thousand Dollars and No/Cents (\$3,300,000.00) from the General Fund (101) to the Debt Service Fund (331) for the purpose of making debt service payments.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Finance Director is hereby authorized and directed to transfer Three Million Three Hundred Thousand Dollars and No/Cents (\$3,300,000.00) from the General Fund (101) to the Debt Service Fund (331) for the purpose of making debt service payments.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees, relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the public peace, health, or safety or the efficient operation of the City, and for the further reason that it is necessary for Council to adopt the above legislation at the earliest time possible in order to make debt service payments; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020, and filed it with the Clerk.

Mayor

**CITY OF BEACHWOOD
FINANCE DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mayor Martin S. Horwitz, Finance Chair Eric Synenberg
FROM: Larry Heiser, Finance Director
DATE: March 6, 2020
SUBJECT: LED Lighting

The Finance and Public Works Departments have been collaborating on a LED conversion for the Service Garage, Fire Station #1, and City Hall. in an effort to reduce energy costs. So far, we have met with four companies: Shiffler Lighting Solutions, Tri County Electric, Pearl Wind, and TPI Energy. The statistical information received shows there to be a simple payback period of between 1.5 to 3 years, with an ROI of greater than 300%. The savings is in both energy and maintenance: the average life of a LED bulb is 10 years, so converting to LED will also reduce the manpower expense of changing conventional bulbs every few years. It has been estimated that the City will save 260,000 kWh per year just at City Hall which equates to 39 cars removed from the road or 4,750 tree seedlings grown.

We have complete proposals dating back to the March 2019 for the City Hall \$120,00, Police Station \$43,000, Community Center \$21,000, Service Garage Complex \$113,000, and Fire Station #1 \$37,000. I would request to advertise for bids to retrofit with LED lighting the Service Garage, Fire Station #1, and City Hall Complex. Due to the fact that several companies have already been through our buildings, refreshed pricing should come in close to the above pricing.

With your approval I would like to have this on the next available council agenda.

Please let me know if you have any questions.

CITY OF BEACHWOOD

INTER-OFFICE COMMUNICATION

TO: Martin Horwitz, Mayor
FROM: Chris Arrietta, Public Works Director
DATE: 3/17/2020
SUBJECT: An Ordinance accepting a certain bid from J.D. Striping & Services, Inc. for Paint Striping and Pavement Markings of Various Streets and Roads; and declaring this to be an urgent measure

Mayor,

With your permission, I would like to place the 2020 Street Striping Program on the next Council agenda. J.D. Striping was the low bid this year and they have successfully completed this program for us in the past. If you have any questions on this, please let me know.

AN ORDINANCE ACCEPTING A CERTAIN BID FROM J. D. STRIPING & SERVICES, INC. FOR PAINT STRIPING AND PAVEMENT MARKINGS OF VARIOUS STREETS AND ROADS; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, two (2) bids were received by the Clerk on March 13, 2020, for Paint Striping and Pavement Markings of Various Streets and Roads, pursuant to advertising for competitive bidding as required by law; and

WHEREAS, the bid of J. D. Striping & Services Inc., in an amount not to exceed Eighty-Five Thousand Seven Hundred Thirty Dollars and No/Cents (\$85,730.00), which includes a contingency of Fifteen Thousand Dollars and No/Cents (\$15,000.00), was the lowest and best bid received; and

WHEREAS, the Public Works Director has recommended that Council accept the bid of J.D. Striping & Services, Inc.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Public Works Director, the bid of J. D. Striping & Services Inc., is found to be the lowest and best bid received for Paint Striping and Pavement Markings of Various Streets and Roads, in an amount not to exceed Eighty-Five Thousand Seven Hundred Thirty Dollars and No/Cents (\$85,730.00), which includes a contingency of Fifteen Thousand Dollars and No/Cents (\$15,000.00).

Section 2: The Mayor is authorized to enter into a contract on behalf of the City of Beachwood, Ohio with said Company.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees, relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is hereby declared an urgent measure which is immediately necessary for the preservation of the public peace, health, safety or efficient operation of the City, and for the further reason that the work may begin as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020, and filed it with the Clerk.

Mayor

CONTRACT WITH J.D. STRIPING SERVICES, INC. FOR THE 2020 PAINT STRIPING AND PAVEMENT MARKINGS OF VARIOUS STREETS AND ROADS FOR THE CITY OF BEACHWOOD, OHIO

This Contract is entered into by and between J. D. STRIPING & SERVICES, INC., 438 Beecher Street, P.O. Box 216, Ravenna, Ohio 44266 ("Contractor") and the CITY OF BEACHWOOD, OHIO, 25325 Fairmount Boulevard, Beachwood, Ohio 44122 ("City");

WHEREAS, the Clerk of Council, pursuant to a Motion passed by Council on **February 2, 2020**, advertised for bids for the work and/or services, hereinafter described, on **February 14, 2019 and February 27, 2020 and on March 5, 2020** which bids were due on or before **1:00 o'clock P.M. on Friday, March 3, 2020**, at which time all bids were publicly opened and immediately tabulated and filed for public inspection with the Clerk of Council; and

WHEREAS, Council received the tabulation of the bids at a Public meeting held on **April 20, 2020**, at which time Council adopted **Ordinance No. 2020-** approving the bid of the Contractor to be the lowest and best bid ("Bid") and awarding this Contract.

WITNESSETH, that in consideration of the Contractor being recommended by the Public Works Director and chosen by the City, and for the money considerations provided herein, the parties covenant and agree as follows:

1. Based upon the recommendation of the Public Works Director, and as approved by City Council, the Mayor is authorized to enter into this Contract for Paint Striping and Pavement Markings of Various Streets and Roads with the Contractor, in an amount not to exceed Eighty-Five Thousand Seven Hundred Thirty Dollars and No/Cents (\$85,730.00), which includes a Fifteen Thousand Dollar (\$15,000.00) Contingency based upon bid document estimated quantities at the unit prices.

2. The Contractor shall provide labor and materials for the Paint Striping and Pavement Markings of Various Streets and Roads as submitted in its bid proposal and in accordance with the City's specifications. Before commencing any work, Contractor shall submit an action plan for approval by the Beachwood Police Department showing the means the Contractor will use to comply with the Supervision and Safety requirements contained in the specifications. All work shall be completed in accordance with a time schedule approved by the Public Works Director.

3. The Contractor shall furnish the Public Works Director and City Finance Director with a record of services rendered monthly, not later than five (5) days following the end of each month of the activity on forms approved by the Finance Director.

4. The Contractor is an independent contractor, having discretion over the means, methods and details of the services to be performed consistent with the overall goals and policies of the Public Works Department of the City of Beachwood, and shall provide all equipment, materials and labor necessary to perform the services. Contractor shall provide any necessary training of its employees. Contractor shall be responsible for arranging for Workers' Compensation coverage or equivalent for its employees, and shall deliver to the City a copy of a certificate showing compliance with such laws and shall comply with all laws applicable in the City of Beachwood or the State of Ohio. Contractor shall be responsible for verifying that the most current wage rates are utilized and for any changes in the prevailing wage rates or classifications throughout its performance of this Contract.

5. The City shall be entitled to cancel this Contract upon giving a five (5) days written notice to the Contractor for failure of the Contractor to comply with any of the provisions of this Contract or to furnish satisfactory work in connection with the required services. The City shall be entitled to terminate this Contract immediately upon a determination by the Public Works Director or Safety Director of the City that any act or omission arising from the work jeopardizes the safety or health of any person. The Contractor shall perform all work in accordance with all Federal, State and local laws and regulations governing such services. The Contractor shall operate during times approved and specified by the City.

6. Contractor shall provide labor and materials for the Paint Striping and Pavement Markings of various Streets and Roads without any sub-contractors and will provide proper supervision and supervisory personnel in connection therewith.

7. Contractor shall furnish the City with evidence of general liability insurance from a company licensed by the State of Ohio in the amount of One Million Dollars (\$1,000,000.00) for any accidental occurrence arising out of any act or omission by the Contractor which causes bodily harm or property damage, and shall cause the City to be named as an additional insured on the policy. Contractor agrees to fully defend, indemnify and hold the City harmless from any and all claims, demands or causes of action for personal injury, property damage or otherwise arising from the services provided under this Contract, and whether involving employee claims or third party claims.

8. Ohio law prohibits any state agency or political subdivision from awarding a Contract, in excess of twenty-five thousand dollars (\$25,000.00), for goods, services, or construction to any person against whom a finding of recovery has been issued by the Auditor of State, if that finding is unresolved. Contractor certifies that an unresolved finding for recovery has not been issued against Contractor and attached is a completed Findings For Recovery Certification.

9. This Contract consists of this instrument and the component parts attached hereto, all of which are incorporated herein as if fully rewritten, numbered and signed by the parties. Such documents, unless waived in writing by the Law Director, shall include, but are not limited to, plans and drawings, specifications, warranties, performance bond approved by the City Law Director, proof of satisfactory liability insurance, proof of workers' compensation coverage in accordance with the laws of Ohio, the laws of the City of Beachwood, copies of advertisement, bid tabulations and purchase orders.

10. It shall be the responsibility of J. D. Striping & Services, Inc. to obtain a copy of the purchase order issued by the City for the approved amount of this Contract. Furthermore, it shall be the responsibility of J. D. Striping & Services, Inc. to track remaining funds available and to not invoice the City for any amounts not approved by the terms of this Contract. Any alterations to this Contract shall conform to BCO 121.09(a). Invoices that exceed the approved amount of this Contract will not be paid by the City.

11. In the event of dispute, the Contractor first shall be required to and shall have the right to appeal directly to the Council of the City of Beachwood, and a decision by Council shall be a condition precedent to the institution of any litigation in a court of competent jurisdiction. Any legal action arising out of this Contract shall be brought only in a court of competent jurisdiction sitting in Cuyahoga County, Ohio.

12. This Contract may be executed by electronic mail, facsimile and in counterparts, each of which shall be deemed an original and all of which shall be deemed to be one and the same instrument.

13. Contractor acknowledges that no modifications can be made to this Contract without prior written action and prior approval by the Mayor and City Council.

14. This Contract represents the entire agreement between the parties, will be governed by the laws of the State of Ohio, and shall be binding upon both parties. This Contract cannot be assigned by the Contractor without the prior written permission of the City.

IN WITNESS WHEREOF, the parties have set their hand to this Contract on the dates next to their respective signatures.

J. D. STRIPING & SERVICES, INC.

CITY OF BEACHWOOD

By:_____

By:_____

Martin S. Horwitz, Mayor

Title:_____

Date:_____

Date:_____

Approved as to form:

Diane A. Calta
Director of Law
Nathalie E. Supler
Assistant Law Director
25325 Fairmount Boulevard
Beachwood, Ohio 44122
216-595-5462
Date: _____

CERTIFICATE OF THE DIRECTOR OF FINANCE

To the Mayor/Director of Public Safety:

I hereby certify that the amount required to meet the City's obligations under this Contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

Larry Heiser
Director of Finance
Date: _____

FINDINGS FOR RECOVERY CERTIFICATION

I am aware that Ohio law, under certain circumstances, prohibits a political subdivision from awarding a Contract for goods, services or construction to any person against whom a finding of recovery has been issued by the Auditor of State, if that finding is unresolved. I hereby certify that an unresolved finding for recovery has not been issued against J. D. Striping & Services, Inc.

SIGNATURE

PRINTED NAME

TITLE

DATE

INVITATION TO BID LEGAL NOTICE

Sealed bid proposals will be **received** by the Clerk of Council of the City of Beachwood, Cuyahoga County, Ohio, at the City of Beachwood Law Department, 25325 Fairmount Boulevard, Beachwood, Ohio 44122 **until 1:00 P.M. local time, on Friday, March 13, 2020** for the work designated below:
2020 Street Striping Program

The bids will be publicly opened and read in the Law Department Conference Room at 1:00 P.M. Each bid must contain the following:

- 1) The full name and names of the party or parties;
- 2) Fully Executed Non-Collusion Affidavit;
- 3) In the case of a corporation not chartered in Ohio, a proper certificate that such corporation is authorized to do business in Ohio (Articles of Incorporation – listing principals);
- 4) Be accompanied by a certified or cashier's check on a solvent bank made payable to the order of the City of Beachwood in an amount not less than ten percent (10%) of the total amount of the bid, or by a bid bond equal to ten percent (10%) of the total amount of the bid, drawn in favor of the Clerk of Council of the City of Beachwood; and
- 5) Are you a Minority Business Enterprise (MBE) or a Women's Business Enterprise (WBE)? (If bidder is an MBE or WBE, please provide a Certification Letter with the Bid Documents.)

Copies of the Specifications, Instructions to Bidders, Forms of Proposals and other contract documents are on file at the office of the Clerk of Council of the City of Beachwood and at online at: www.beachwoodohio.com/bidders. These documents may be obtained at the office of Clerk of Council, Law Department, 25325 Fairmount Boulevard, Beachwood, Ohio 44122. Inquiries can be directed to Mike Rider at (216) 595-5481.

Each bidder must insure that all employees and applicants for employment are not discriminated against because of their race, creed, color, sex, national origin or disability. **The City of Beachwood is an Equal Opportunity Employer and encourages Minority Business Enterprises, Women Business Enterprises and Small Business Enterprises to submit bids or Proposals for this project.**

The bid check or bid bond, as the case may be, will be held as a guarantee that, if the bid proposal is accepted, a contract will be entered into between the bidder and the City of Beachwood, and if not, the amount represented thereby, shall be forfeited to the City of Beachwood as liquidated damages.

The chosen bidder must provide the following required documentation prior to contract execution:

- 1) Performance Bond in the amount or anticipated amount of the Contract;
- 2) Evidence of General Liability Insurance from a company licensed by the State of Ohio in the amount of One Million Dollars (\$1,000,000.00) for any accidental occurrence arising out of any act or omission by the Contractor which causes bodily harm or property damage, and shall cause the City to be named as an additional insured on the policy; and
- 3) Evidence of Workers' Compensation coverage.

The City of Beachwood reserves the right to consider criteria other than price, to reject any and all proposals and to waive any informality in the bids received. Council will accept the lowest and best bid in accordance with law.

Whitney M. Crook, Clerk of Council
City of Beachwood, Ohio

Council Authorized to bid on: February 20, 2020

To be published in the Sun News: February 27, 2020 and March 5, 2020

BID OPENING MATERIALS CHECKLIST

Please use the checklist below to ensure that you present and submit all required materials for Bid Submissions to the City of Beachwood Law Department:

- ☒ Completed Bid Proposal
- ☒ Signed and NOTARIZED Non-Collusion Affidavit
- ☒ Bid Bond
- ☒ Evidence of General Liability Insurance from a company licensed by the State of Ohio in the amount of One Million Dollars (\$1,000,000.00) for any accidental occurrence arising out of any act or omission by the Contractor which causes bodily harm or property damage, and shall cause the City to be named as an additional insured on the policy
- ☒ Evidence of Workers Compensation Coverage
- ☐ Are you a Minority Business Enterprise (MBE) or a Women's Business Enterprise (WBE)? (If bidder is an MBE or WBE, please provide Certification Letter with Bid Documents.)

**SPECIFICATIONS FOR
PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS
STREETS & ROADS**

GENERAL:

It is the intent of these specifications to describe the labor and materials required for the reflectorized pavement marking or striping of certain roadways within the City of Beachwood in accordance with the latest revised Ohio Department of Transportation Manual of Uniform Traffic Control Devices for Streets and Highways Part II, Standard Pavement Markings. The two (2) line system of yellow center line markings will be used. It is also the intent to have all the pavement markings conform with those of the State of Ohio and the latest Federal specifications.

****TO INCLUDE ALL EXISTING INTERIOR PAVEMENT MARKINGS ON SIDE STREETS AND MAIN ROADS THROUGH OUT THE CITY – I.E. CROSSWALKS, STOP BARS, ETC.**

PRICE TO INCLUDE: REPLACEMENT OF ALL STRIPING AT BOTH CITY FIRE STATIONS, CITY POOL LOT, ALL LOTS AT CITY PARKS, CITY HALL AND COMMUNITY CENTER PARKING LOTS, POLICE LOT AND SERVICE DEPARTMENT PARKING LOTS LOCATED AT 23355 MERCANTILE RD., 23456 MERCANTILE RD. AND 23350 COMMERCE PARK.

ALL STRIPING AND MARKING WORK WILL BE COMPLETED BY JULY 31, 2020, WEATHER PERMITTING

SUPERVISION:

All of the work to be done under this contract shall be under the supervision of the City of Beachwood Police and Public Works Departments or their authorized representatives.

PAINT AND BEADS:

The paint used shall be **HOTLINE WATERBORNE TRAFFIC PAINT TM 2352 WHITE AND TM 2353 LEAD FREE YELLOW. SEE ATTACHED PAINT SPECIFICATIONS.** If an alternate paint is bid, certified documentation must be provided with the bid indicating that the alternate material is equal to or better than the City's specifications. The paint shall be suitable binder for glass beads on asphalt or concrete pavement exposed to traffic.

All painting is to be beaded. Glass beads to be installed in accordance with the current issue of O.D.O.T. Construction and Material Specification.

GENERAL CONDITIONS:

No painting shall be done when the pavement temperature is below 50° Fahrenheit.

Note Update: No painting shall be done between 6:00 p.m. Friday and 6:00 p.m. Sunday.

The roadway surfaces shall be clean and dry. Surfaces must be cleaned, if necessary, with an acceptable apparatus before paint and beads are applied.

The paint striper shall be a truck mounted, highway type unit equipped with a minimum of two (2) spray guns capable of applying dashed center line and "no passing" barrier lines simultaneously. This is necessary to keep the adjacent lines in correct alignment and to expedite application to minimize inconvenience to the motoring public. The contractor must furnish all necessary flags, cones, signs, and other protective measures to minimize tracking of the lines while the paint is wet. The work shall be done on days and at hours specified by the Police Department so as not to cause excessive traffic congestion. Traffic must be maintained at all times and when painting lines across a street, only part should be done at a time to permit the flow of traffic in both directions. In the event of an emergency, the City of Beachwood Police Department or the Public Works Department reserves the right to stop work in order to relieve traffic congestion.

All paint shall be run through a data-logger system to determine that the correct quantity (see attached paint specifications) is applied per mile according to the specifications. Also, data-logger sheets will be provided and faxed daily to the Public Works Department for review and verifications of each day's work:

Public Works Fax #: 216 595-3713

The State of Ohio Manual for Construction and Materials Specifications and the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways shall rule throughout this contract, except where otherwise noted herein.

Material application shall conform to the latest revised State of Ohio Specifications Manual, Section 621.05 and any other applicable sections within the Manual.

The contractor shall include in his price all costs for labor, material and any extras necessary in order to layout or do preliminary work necessary to assure straight and neat striping results.

The contractor shall include in his price all costs for labor, material and any extras necessary in order to layout or do preliminary work necessary to assure straight and neat striping results.

The specifications cover white and yellow pigmented binders in combination with the glass spheres for use in marking highway pavements so as to produce optimum night reflectorization under traffic conditions. (see attached paint specifications).

Center lines shall be single or double yellow reflectorized stripes between contiguous lanes of pavement carrying traffic in opposite directions. Each stripe shall be four (4") wide, solid or dashed. The outline of painted left-turn islands shall be included in the painting of center lines.

Channelizing lines shall be continuous white reflective stripes, eight (8") inches wide.

Dotted lines shall be reflectorized stripes two (2') feet in length and six (6") in width.

Note Update: All crosswalks on Richmond Rd, Chagrin Blvd, Green Rd from Fairmount Blvd to Beachwood Blvd and Fairmount Blvd that do not currently have high visibility striping need to be converted to high visibility. The intersection of Richmond and Cedar is excepted as it is part of an O.D.O.T. project.

The contractor shall transfer the entire contents of each material container to the striper tank.

Marking material, as received from the manufacturer shall be applied uniformly to the surface to be marked. The material shall be thoroughly mixed at all times during application. Thinning shall not be permitted. The material shall be applied to provide a uniform thickness not less than 15 MILS or more than 25 MILS.

The application rate for a solid line of four (4") inches in width shall be not less than 16 gallons per mile. Application rate for new surface shall not be less than 20 gallons per mile (25% heavy). Application rates for dashed lines and channelizing lines eight (8") width shall be proportional to the solid line rates.

For all requirements specified here, the vendor has the responsibility to furnish binder in full compliance to these specifications. In the event that contract material does not meet these specifications upon testing, the vendor shall be required to replace all such material at his own expense including handling and transportation charges, with material that does so comply.

SAFETY:

The contractor shall have his equipment marked with all of the safety features required and the necessary safety equipment required by law. The contractor shall be responsible for maintaining traffic at all times and also shall protect painted lines with the use of cones, signs, and other protective measures until such time as the lines are dry enough to be opened to vehicular traffic. Any other safety measures necessary will be used to keep the traveling public aware that work is being done on the roadway. The City may provide a police escort for assistance during the striping operations.

WORKMANSHIP:

All work shall be performed in a neat and professional manner on clean and dry roadway surfaces.

REFERENCE AND EVIDENCE:

All contractors bidding must have a valid certification of qualification with the Ohio Department of Transportation; pre-qualifying as a paint striper or pavement marking contractor and be able to perform all work designated in these specifications. Each bidder shall satisfy the City of Beachwood by reference to the work they have performed and that they are fully competent to properly execute the work of the kind and class required by these specifications. Each bidder shall submit, with their proposal, evidence of experience by themselves in municipal or public paint striping or pavement marking of the type to meet all specifications as set up by the State of Ohio, Department of Transportation, with the type of equipment as required by these specifications.

LINE REMOVAL:

The contractor shall be able to completely remove any existing painted line at the direction of the Director or his agent. Line removal will only be necessary in any area the City's Traffic Engineer or Police Department has determined a change in the striping plan is warranted.

CONTRACTORS:

The description of streets listed in these specifications describes approximate lengths of lines. It is the contractor's responsibility to view all of the streets and parking lots scheduled for striping in order to verify the lengths, locations and positioning of all lines and markings. Extras to the contract will not be permitted.

WAGE SCALE AND LABOR:

Beachwood Codified Ordinance Section 168.20 requires that no less than prevailing wages be paid to all laborers, workers, or mechanics employed in the work unless higher or lower rates are specified in the contract documents. The minimum wage to be paid to all laborers, workers and mechanics employed in the work shall be in accordance with the Schedule of Prevailing Hourly Wage Rates as ascertained and determined by the Ohio Department of Industrial Relations in accordance with Chapter 4115 of the Ohio Revised Code. Said wage rates are hereby attached and made part of this document.

BID PRICE:

The price submitted in the bid shall be a lump sum price for the spring application of the striping and marking work, including the contingency allowance.

CONTINGENCY ALLOWANCE:

The contingency allowance is included for such situations when, in the prosecution of any work or at the direction of the Public Works Director, it becomes necessary to make alterations or modifications for work or conditions unforeseen in which bid items cannot be applied or approximate bid quantities are exceeded. The lump sum price stipulated on the bid form for this item shall be added to the Contractor's bid amount for all other bid items and included as part of the Contractor's **TOTAL AMOUNT OF BID**. Contingency allowance shall only be used at the direction and approval of the Public Works Director.

**CITY OF BEACHWOOD
PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS STREETS &
ROADS**

BID SHEET #1

<u>JD Striping Services, Inc.</u> NAME OF COMPANY SUBMITTING BID	<u>A-M W-W</u> SALES PERSON <u>Nicholas Woodall</u> Vice-President
<u>438 Beecher St.</u> ADDRESS <u>Havenna OH 44266</u>	<u>330-296-7151</u> PHONE NUMBER

CONTINGENCY ALLOWANCE

\$15,000.00

TOTAL SPRING LUMP SUM

\$ 85,730.00

TOTAL AMOUNT INCLUDING
CONTINGENCY

\$ 100,730.00

List below any and all exceptions to the specifications.

* Price includes high visibility crosswalks.

**PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS STREETS
AND ROADS**

BID SHEET # 2

B. MARKINGS:

- | | | |
|---|---------------|------------|
| 1. STOP LINE 24" | <u>1.65</u> | LINEAR FT. |
| 2. CROSS WALK 12' | <u>1.47</u> | LINEAR FT. |
| 3. "ONLY" 96" | <u>37.00</u> | LINEAR FT. |
| 4. RIGHT OR LEFT TURN ARROW
FEDERAL SPEC. | <u>32.00</u> | EACH |
| 5. STRAIGHT ARROW
FEDERAL SPEC. | <u>32.00</u> | EACH |
| 6. COMBINED ARROW
FEDERAL SPEC. | <u>35.00</u> | EACH |
| 7. WHITE & YELLOW
BROAD TRANSVERSE LINES
24" WIDE | <u>1.50</u> | LINEAR FT. |
| 8. ISLAND MARKINGS | <u>1.50</u> | LINEAR FT. |
| 9. BULLNOSE | <u>80.00</u> | EACH |
| 10. SCHOOL ZONE MARKINGS | <u>190.00</u> | EACH |

EXPLANATION OF CODES

DWla	Dashed white lane line
SWla	Solid white lane line
DoYCe	Double yellow center line
DOy S&D Ce	Double yellow solid and dashed center lines
SWch	Solid white channelizing line
SWE	Solid white edge lines
Dot W Ch Ex R T La	Dotted white channelizing extension right turn lane
Dot W Ch Ex L T La	Dotted white channelizing extension left turn lane
Dot W Ch Ex D R T La	Dotted white channelizing extension dual right turn lanes
Dot W Ch Ex D R&L T La	Dotted white channelizing extension dual right and left turn lanes
SW Ch Ex D L T La	Solid white channelizing extension dual left turn lanes
S Y Ce Ex D L T La	Solid yellow center line extension dual left turn lanes
SW Ch Ex D R T La	Solid white channelizing extension dual right turn lanes

**PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS STREETS
AND ROADS**

STRIPING

- AUBURN DR.
RICHMOND TO CUL-DE-SAC
- BEACHWOOD BLVD.
AT S. GREEN RD.
- BRYDEN RD.
RICHMOND RD. TO HERMITAGE RD.
- CEDAR RD. (SOUTH SIDE ONLY)
FENWAY DR. TO BRAINARD RD.
- CENTRAL PARKWAY
- CHAGRIN BLVD.
COLTON TO ORANGE PL.
- COMMERCE PARK RD.
MERCANTILE RD. TO MERCANTILE RD.
- EATON BLVD.
RICHMOND RD TO HARVARD RD.
- ENTERPRISE PLACE
CHAGRIN BLVD. TO SCIENCE PARK DR.
- FAIRMOUNT BLVD. – EASTBOUND
SULGRAVE RD. TO I-271
- FAIRMOUNT BLVD. – WESTBOUND
I-271 TO S. GREEN RD.
- GEORGE ZEIGER DR.
RICHMOND RD. TO CEDAR RD.
- HARVARD RD. WESTBOUND
I 271 TO S. GREEN RD.
- HIGHPOINT RD.
MERCANTILE RD. TO CUL-DE-SAC

- MERCANTILE RD.
CHAGRIN BLVD. TO S. GREEN RD.
- PARK EAST DR.
CHAGRIN BLVD. TO RICHMOND RD.
- RICHMOND RD.
CEDAR RD. TO CONCORD DR. (NORTH INT.)
- RICHMOND RD.
CONCORD DR. (N. INT.) TO HARVARD RD.
- SCHOOL ZONES
- SCIENCE PARK DR.
RICHMOND RD. TO S. WOODLAND RD.
- SHAKER BLVD. – EASTBOUND
RICHMOND RD. TO I-271
- SHAKER BLVD. – WESTBOUND
I-271 TO RICHMOND RD.
- S. GREEN RD. – NORTHBOUND
FAIRMOUNT BLVD. TO BEACHWOOD BLVD.
- S. GREEN RD.
BRYDEN RD. TO HARVARD RD. – INCLUDE CROSS
WALKS ON HALBURTON RD.
- S. WOODLAND RD.
I-271 TO SULGRAVE RD.

UPDATES TO 2020 CITY OF BEACHWOOD STREET STRIPING PROGRAM

THE FOLLOWING STREETS WILL BE RE-SURFACED OR REPLACED IN 2020
AND THEREFORE DO NOT NEED TO BE STRIPED:

ANNESLEY ROAD

BISCAYNE BOULEVARD

BRENTWOOD ROAD

EDGEWOOD ROAD

SELKIRK ROAD

TIMBERLANE DRIVE BETWEEN BEACHWOOD BLVD AND HALCYON ROAD

WILLOW LANE

WOODSIDE LANE FROM SULGRAVE ROAD TO THE CUL-DE-SAC

DESCRIPTION OF STREETS

STRIPING

1) AUBURN DR.

RICHMOND RD. TO AUBURN

RICHMOND EAST TO AHUJA DRIVEWAY

FOR APPROX. 334'

4" DWla

CUL DE SAC WEST TO RICHMOND

FOR APPROX. 332'

4" DWla

CUT THROUGH WEST TO RICHMOND

FOR APPROX. 342'

8" SWch

AT CUL DE SAC

FOR APPROX. 50'

6" DoYCe

FOR APPROX. 270'

6" SWch

FOR APPROX. 200'

2' WIDTH
12' SPACING
TDLY

FOR APPROX. 50'

6" SWch

FOR APPROX. 26'

6" DotWch

FOR APPROX 20'

2'X3' TRIANGLE,
12" SPACING
(YLW)

2) BRYDEN RD (RICHMOND TO HALBURTON)

WEST FROM RICHMOND RD.

FOR APPROX. 300'

4" DoYCe

HALBURTON TO HERMITAGE
WEST FROM HALBURTON

FOR APPROX. 4350'

4" SWE

3) CEDAR RD.

FENWAY TO BRAINARD (SOUTH SIDE ONLY)

EAST FROM FENWAY

FOR APPROX. 2440'

4" DWla

4" DoY S&D Ce

EAST FROM HALCYON

FOR APPROX. 80'

4" DWla

4" DoYCe

8" SECh

FOR APPROX. 75'

4" DWla

4" DoYCe

Taper/Island

FOR APPROX. 1780'

4" DWla

4" DoY S&D Ce

FOR APPROX. 60'

4" DWla

4" DoYCe

Island/Taper

FOR APPROX. 400'

4" DWla

4" DoYCe

8" SWCh

CEDAR RD. (CONTINUED)

EAST FROM RICHMOND RD.

FOR APPROX. 280'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 90'

**4" DWla
4" DoYCe**

EAST FROM LaPLACE DRIVE

FOR APPROX. 85'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 165'

**4" DWla
4" DoYCe
Taper/Island**

EAST OF BEACHWOOD PLACE MALL DRIVEWAY

FOR APPROX. 200'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWla
4" DoYCe
Island/Taper**

FOR APPROX. 550'

**4" DWla
4" DoY S&DCe**

FOR APPROX. 100'

**4" DWla
4" DoY S&D Ce
8" SWCh**

FOR APPROX. 70'

**4" DWla
4" DoYCe
Island/Taper
8" SWCh**

FOR APPROX. 100'

**4" DWla
4" DoYCe
8" SWCh**

CEDAR RD. (CONTINUED)

EAST OF GEORGE ZEIGER DR.

FOR APPROX. 250'

**4" DWIa
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWIa
4" DoYCe
Taper/Island**

FOR APPROX. 250'

**4" DWIa
4" DoYCe Island**

EAST OF R.H. MEYERS DRIVEWAY

FOR APPROX. 90'

**4" DWIa
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWIa
4" DoYCe
Taper/Island**

FOR APPROX. 360'

**4" DWIa
4" DoYCe Island**

EAST OF MENORAH PARK DRIVEWAY

FOR APPROX. 90'

**4" DWIa
4" DoYCe
8" SWCh**

FOR APPROX. 80'

**4" DWIa
4" DoYCe
Taper/Island**

EAST OF POINT EAST DRIVEWAY

FOR APPROX. 40'

**4" DWIa
4" DoYCe
8"SWCh**

FOR APPROX. 80'

**4" DWIa
4" DoYCe Taper**

FOR APPROX. 40'

**4" DWIa
4" DoYCe**

8" SWCh

CEDAR RD. (CONTINUED)

EAST OF MULTI-CENTER DRIVEWAY

FOR APPROX. 55'

4" DWla
4" DoYCe
8" SWCh

FOR APPROX. 70'

4" DWla
4" DoYCe
Taper/Island

FOR APPROX. 100'

4" DWla
4" DoYCe Island

EAST OF I-271 ENTRANCE RAMP

FOR APPROX. 200'

4" DWla
4" DoYCe
8" SWCh

FOR APPROX. 720'

4" DWla
4" DoYCe

FOR APPROX. 250'

4" DWla
4" DoYCe
8" SWCh

FOR APPROX. 170'

4" DWla
4" DoYCe
8" SWCh
Taper/Island

FOR APPROX. 70'

4" DWla
4" DoYCe
Island/Taper

FOR APPROX. 145'

4" DWla
4" DoYCe
8" SWCh
4" S Y Ce Ex
D L T La. E/B toN/B
4" SW Ch Ex
D L T La E/B toN/B

CEDAR RD. (CONTINUED)

EAST OF RICHMOND RD.

All median island formed by pavement markings shall be completely repainted including all transverse lines and semi-circles.

END AT BRAINARD

**Dual left turn with dotted line from E/B
Cedar to N/B Brainard**

4) CENTRAL PKWY.

FOR APPROX. 214'

DoYCe

FOR APPROX. 73'

SWCh

5) CHAGRIN BLVD.

COLTON RD. TO ORANGE PL.

EAST FROM COLTON RD.

FOR APPROX. 1150'

4" DWIa

4" DoYCe

EAST FROM BELVOIR BLVD.

FOR APPROX. 3050'

4" DWIa

4" DoYCe

FOR APPROX. 300'

4" DWIa

4" DoYCe

TAPER/ISLAND

EAST FROM REXWAY

FOR APPROX. 360'

4" DWIa

4" DoYCe

EAST FROM S. GREEN RD.

FOR APPROX. 350'

4" DWIa

4" DoYCe

8" SWCh

CHAGRIN BLVD. (CONTINUED)

FOR APPROX. 1700'

**4" DWL
4" DoY S&D**

FOR APPROX. 90'

**4" DWL
4" DoYCe
8" SWCh**

EAST FROM PAVILION MALL ENTRANCE

FOR APPROX. 90'

**4" DWL
4" DoYCe
8" SWCh**

FOR APPROX. 830'

**4" DWL
4" DoY S&D**

120'

**4" DWL
4" DoYCe
8" SWCh**

EAST FROM COMMERCE PARK

FOR APPROX. 400'

**4" DWL
4" DoYCe
8" SWCh**

1270'

**4" DWL
4" DoY S & D**

FOR APPROX. 320'

**4" DWla
4" DoYCe
8" SWCh**

EAST FROM RICHMOND RD.

FOR APPROX. 200'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 450'

**4" DWL
4" DoY S & D**

FOR APPROX. 100'

**4" DWla
4" DoYCe
8" SWCh**

CHAGRIN BLVD. (CONTINUED)

EAST FROM PARK EAST

FOR APPROX. 200'

**4" DWIa
4" DoYCe
8" SWCh**

FOR APPROX. 150'

**4" DWCh
4" DoYCh
Taper/Island
8" SWE**

EAST FROM I-271 SB EXIT RAMP

FOR APPROX. 1000'

**4" DWIa
4" DoYCe**

FOR APPROX. 100'

**4" DWIa
4" DoYCe TAPER**

EAST FROM I-271 NB EXIT RAMP

100'

**4" DWIa
4" DoYCe
8" SWCh
4" Dott W Ch EX
D R & L T La**

6) COMMERCE PARK DR. (MERCANTILE TO MERCANTILE)

WEST FROM MERCANTILE

FOR APPROX. 3600'

4" DoYCe

TWO TRIANGLES

FOR APPROX. 100'

4" DoYCe

7) EATON BLVD.

HARVARD TO EATON DRIVEWAY

FOR APPROX. 1450' 4" DWIa

FOR APPROX. 77' 8" SWch

EATON DRIVEWAY TO ALOFT DRIVEWAY

FOR APPROX. 310' 4" DWIa

FOR APPROX. 94' 8" SWch

ALOFT DRIVEWAY TO RICHMOND

FOR APPROX. 416' 4" DWIa

FOR APPROX. 152' 8" SWch

RICHMOND TO ALOFT DRIVEWAY

FOR APPROX. 363' 4" DWIa

ALOFT DRIVEWAY TO EATON DRIVEWAY

FOR APPROX. 288' 4" DWIa

EATON DRIVEWAY TO HARVARD

FOR APPROX. 1140' 4" DWIa

FOR APPROX. 933' 8" SWch

8) ENTERPRISE PLACE (CHAGRIN BLVD. TO SCIENCE PARK)

NORTH FROM CHAGRIN

FOR APPROX 200' 4" DoYCe
8" SWch

FOR APPROX. 750' 4" DoYCe
4" SWLa

FOR APPROX. 1150' 4" DoYCe

9) FAIRMOUNT BLVD. - EASTBOUND
SULGRAVE RD. TO I-271

EASTBOUND FROM SULGRAVE RD.

FOR APPROX. 2050'

4" DWIa

FOR APPROX. 100'

4" DWIa
8" SWCh

FOR APPROX. 100'

4" DWIa

FOR APPROX. 200'

4" DWIa
8" SWCh
Taper/Island

EASTBOUND FROM RICHMOND RD.

FOR APPROX. 3250'

4" DWIa

10) FAIRMOUNT BLVD. - WESTBOUND
I-271 TO S. GREEN RD.

WESTBOUND FROM I-271

FOR APPROX. 2800'

4" DWIa

FOR APPROX. 250'

4" DWIa
8" SWCh
Taper/Island

WESTBOUND FROM RICHMOND RD.

FOR APPROX. 5500'

4" DWIa

11) GEORGE ZEIGER DR.

RICHMOND RD. TO CEDAR

EAST FROM RICHMOND RD.

FOR APPROX. 300'

4" Dot W Ch Ex
D L T La W/B toS/B
8" SWCh
4" DWIa

GEORGE ZEIGER DR. (CONTINUED)

FOR APPROX. 150'

**4" DoYCe
4" DW La**

FOR APPROX. 150'

**4" DoYCe
4" DW La
Taper/Island**

FOR APPROX. 100'

**4" DoYCe
4" DW La
8" SWCh
4"Dot W Ch Ex
L T La (E/B to N/B)**

EAST FROM BEACHWOOD PLACE MALL

FOR APPROX. 100'

**4" DoYCe
4" DW La
8" SWCh
4"Dot W Ch Ex
L T La (W/B to S/B)**

FOR APPROX. 510'

4" DoYCe

FOR APPROX. 700'

**4" DWla
4" DoYCe**

FOR APPROX. 150'

**4" DWla
4" DoYCe
Taper/Island
8" SWCh**

NORTH OF MARK IV DRIVEWAY

FOR APPROX. 100'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWla
4" DoYCe
Island/Taper**

FOR APPROX. 100'

**4" DWla
4" DoYCe Island**

GEORGE ZEIGER (CONTINUED)

FOR APPROX. 70'

**4" DWla
4" DoYCe
Island/Taper**

FOR APPROX. 120'

**4" DWLA
8" SWCh**

NORTH OF MT. SINAI DRIVEWAY

FOR APPROX. 140'

**4"Dot W Ch Ex
D LT La E/B toW/B
4" DWla
8" SWCh**

FOR APPROX. 100'

**8" SWCh
4" Dot W Ch Ex
D RT La N/B toE/B**

12) HARVARD RD.

WESTBOUND (I-271 TO S. GREEN RD)

WEST FROM I-271

FOR APPROX. 1500'

**4" DoyCe
4" SWE**

FOR APPROX. 200'

**4" DoyCe
4" DWla
8" SWCh
4" SWE**

WEST FROM RICHMOND RD.

FOR APPROX. 5200'

**4" DoyCe
4" DWla**

FOR APPROX. 200'

**4" DoYCe
4" DW La
8" SWCh**

13) HENDON

RICHMOND TO FAIRMOUNT

FOR APPROX. 5381'

4" SWE

- 14) HIGHPOINT RD.
MERCANTILE TO CUL-DE-SAC
SOUTHEAST FROM MERCANTILE
FOR APPROX. 700' 4" DoYCe
- 15) HURLINGHAM RD.
RICHMOND TO CUL-DE-SAC
FOR APPROX. 5818' 4" SWE
- 16) MERCANTILE DR.
CHAGRIN BLVD. TO S. GREEN RD
SOUTH FROM CHAGRIN
FOR APPROX. 200' 4" DoYCe
8" SWCh
FOR APPROX. 4600' 4" DoYCe
FOR APPROX. 200' 4" DoYCe
8" SWCh
- 17) PARK EAST
CHAGRIN BLVD. TO 90° BEND IN ROAD
SOUTH FROM CHAGRIN
FOR APPROX. 250' 8" SWCh Ex
D R T La. N/B to E/B
4" DoYCe
8" SWCh
4" SWCh
FOR APPROX. 2400' 4" DoYCe
4" DWla

PARK EAST (CONTINUED)

90° BEND IN ROAD TO RICHMOND

WEST FROM PARK EAST

FOR APPROX. 950'

4" DoYCe

18) RICHMOND RD.

CEDAR TO CONCORD DR- N. INTERSECTION

SOUTH FROM CEDAR

FOR APPROX. 250'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 250'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 850'

**4" DWla
4" DoYCe**

FOR APPROX. 240'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 70'

**4" DWla
4" DoYCe
8" SWCh**

SOUTH FROM GEORGE ZEIGER

FOR APPROX. 250'

**4" DWla
4" DoYCe**

FOR APPROX. 1000'

**4" DWla
4" DoYCe**

FOR APPROX. 220'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 70'

**4" DWla
4" DoYCe
8" SWCh**

RICHMOND RD. (CONTINUED)

SOUTH FROM FAIRMOUNT

FOR APPROX. 110'	4" DWIa 4" DoYCe 8" SWCh
FOR APPROX. 200'	4" DWIa 4" DoYCe TAPER
FOR APPROX. 1790'	4" DWIa 4" DoYCe
FOR APPROX. 340'	4" DWIa 4" DoYCe TAPER

SOUTH FROM SHAKER- WESTBOUND

FOR APPROX. 180'	4" DWIa 4" DoYCe 8" SWCh
FOR APPROX. 80'	4" DWIa 4" DoYCe
FOR APPROX. 180'	" DWIa 4" DoYCe 8" SWCh

SOUTH FROM SHAKER- EASTBOUND

FOR APPROX. 340'	4" DWIa 4" DoYCe TAPER
FOR APPROX. 780'	4" DWIa 4" DoYCe
FOR APPROX. 210'	4" DWIa 4" DoYCe
FOR APPROX. 100'	4" DWIa 4" DoYCe 8" SWCh

RICHMOND RD. (CONTINUED)

SOUTH FROM S. WOODLAND

FOR APPROX. 80'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 40'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 650'

**4" DWla
4" DoY S & D Ce**

FOR APPROX. 30'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 200'

**4" DWla
4" DoYCe
8" SWCh**

SOUTH FROM SCIENCE PARK DR.

FOR APPROX. 330'

**4" DWla
4" DoYCe**

FOR APPROX. 850'

**4" DWla
4" DoYCe**

FOR APPROX. 420'

**4" DWla
4" DoYCe**

SOUTH FROM BRYDEN RD.

FOR APPROX. 100'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 330'

**4" DWla
4" DoYCe
8" SWCh
8" SWCh Ex
D L T La (SB ToEB)
4" SY Ce Ex
D L T La (SB ToEB)**

RICHMOND RD. (CONTINUED)

SOUTH FROM CHAGRIN BLVD.

FOR APPROX. 400'

**4" DWIa
4" DoYCe
8" SWCh**

CONCORD DR. (NORTH INTERSECTION) TO HARVARD

SOUTH FROM CONCORD (NORTH INTERSECTION)

FOR APPROX. 5900'

**4" DoYCe
4" SWE**

FOR APPROX. 100'

**4" DoYCe
8" SECh
4" SWE**

19) SCIENCE PARK DR.

RICHMOND RD. TO S. WOODLAND

EAST FROM RICHMOND RD.

**4" Dot W Ch Ex
D R & L T La
(W/B to N/B & S/B)**

FOR APPROX. 250'

**4" DoYCe
8" SWCh**

FOR APPROX. 100'

**4" DWIa
8" SWCh
4" DoYCe
Taper/Island**

FOR APPROX. 2100'

4" DoYCe

FOR APPROX. 200'

4" SWIa

20) SELKIRK RD.

HURLINGHAM TO HENDON

FOR APPROX. 1416'

4" SWE

- 21) SHAKER BLVD.
EASTBOUND
SULGRAVE TO I-271
EASTBOUND FROM SULGRAVE
FOR APPROX. 2850' 4" DWIa
FOR APPROX. 50' 4" DWIa
8" SWCh
EASTBOUND FROM RICHMOND RD.
FOR APPROX. 2850' 4" DWIa
- 21) SHAKER BLVD.
WESTBOUND
I-271 TO SULGRAVE RD.
WESTBOUND FROM I-271
FOR APPROX. 5750' 4" DWIa
- 22) SOUTH GREEN RD.
FAIRMOUNT BLVD. TO BEACHWOOD BLVD.
NORTHBOUND FROM FAIRMOUNT BLVD.
FOR APPROX. 4000' 4" DWIa
4" DoYCe
- 23) SOUTH GREEN RD.
FROM BRYDEN TO CHAGRIN
FOR APPROX. 2550' 4" DoYCe
FOR APPROX. 200' 4" DWIa
4" DoYCe
8" SWCh

24) SOUTH GREEN RD.

CHAGRIN TO HARVARD

FOR APPROX. 300'

**4" DoYCe
4" DWIa
8" SWCh**

FOR APPROX. 4900'

**4" DoYCe
4" DWIa**

25) SOUTH WOODLAND RD.

I-271 to SULGRAVE RD.

WEST FROM I-271

FOR APPROX. 650'

4" DoYCe

FOR APPROX. 150'

**4" DoYCe
8" SWCh**

FOR APPROX. 150'

**4" DoYCe
8" SWCh**

FOR APPROX. 1450'

4" DoYCe

FOR APPROX. 200'

**4" DoYCe
Taper/Island
8" SWCh**

WEST FROM RICHMOND RD.

**4" DoYCe
Taper/Island
8" SWCh**

FOR APPROX. 2200'

4" DoYCe

Prevailing Wage Rate Skilled Crafts

Name of Union: Labor Hwy 1B

Change # : LCN01-2019fbLocalHwy1B

Craft : Laborer Group 1 Effective Date : 05/23/2019 Last Posted : 05/23/2019

	BHR		Fringe Benefit Payments						Irrevocable Fund		Total PWR	Overtime Rate
			H&W	Pension	App Tr.	Vac.	Annuity	Other	LECET (*)	MISC (*)		
Classification												
Laborer Group 1	\$33.28		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$44.53	\$61.17
Group 2	\$33.45		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$44.70	\$61.43
Group 3	\$33.78		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$45.03	\$61.92
Group 4	\$34.23		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$45.48	\$62.60
Watch Person	\$24.35		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$35.60	\$47.78
Apprentice	Percent											
0-1000 hrs	60.00	\$19.97	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$31.22	\$41.20
1001-2000 hrs	70.00	\$23.30	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$34.55	\$46.19
2001-3000 hrs	80.00	\$26.62	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$37.87	\$51.19
3001-4000 hrs	90.00	\$29.95	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$41.20	\$56.18
More than 4000 hrs	100.00	\$33.28	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$44.53	\$61.17

Special Calculation Note : Watchman have no Apprentices. Tunnel Laborer rate with air-pressurized add \$1.00 to the above wage rate

Ratio :

1 Journeymen to 1 Apprentice
3 Journeymen to 1 Apprentice thereafter

Jurisdiction (* denotes special jurisdictional note) :
CUYAHOGA, GEAUGA

Special Jurisdictional Note : Hod Carriers and Common Laborers - Heavy, Highway, Sewer, Waterworks, Utility, Airport, Railroad, Industrial and Building Site

Details :

Group 1

Laborer (Construction); Plant Laborer or Yardman, Right-of-way Laborer, Landscape Laborer, Highway Lighting Worker, Signalization Worker, (Swimming) Pool Construction Laborer, Utility

Man, *Bridge Man, Handyman, Joint Setter, Flagperson, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer & Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail & Fence Installer, Mesh Handler & Placer, Concrete Curing Applicator, Scaffold Erector, Sign Installer, Hazardous Waste (level D), Diver Helper, Zone Person and Traffic Control.

*Bridge Man will perform work as per the October 31, 1949, memorandum on concrete forms, by and between the United Brotherhood of Carpenters and Joiners of America and the Laborers' International Union of North America, which states in; "the moving, cleaning, oiling and carrying to the next point of erection, and the stripping of forms which are not to be re-used, and forms on all flat arch work shall be done by members of the Laborers' International Union of North America."

Group 2

Asphalt Raker, Screwman or Paver, Concrete Puddler, Kettle Man (pipeline), All Machine-Driven Tools (Gas, Electric, Air), Mason Tender, Brick Paver, Mortar Mixer, Skid Steer, Sheeting & Shoring Person, Surface Grinder Person, Screedperson, Water Blast, Hand Held Wand, Power Buggy or Power Wheelbarrow, Paint Striper, Plastic fusing Machine Operator, Rodding Machine Operator, Pug Mill Operator, Operator of All Vacuum Devices Wet or Dry, Handling of all Pumps 4 inches and under (gas, air or electric), Diver, Form Setter, Bottom Person, Welder Helper (pipeline), Concrete Saw Person, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Underground Person (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air), Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill, Sandblaster Nozzle Person, Hazardous Waste (level B), ***Lead Abatement, Hazardous Waste (level C)

***Includes the erecting of structures for the removal, including the encapsulation and containment of Lead abatement process.

Group 3

Blast and Powder Person, Muckers will be defined as shovel men working directly with the miners, Wrencher (mechanical joints & utility pipeline), Yarnier, Top Lander, Hazardous Waste (level A), Concrete Specialist, Curb Setter and Cutter, Grade Checker, Concrete Crew in Tunnels. Utility pipeline Tappers, Waterline, Caulker, Signal Person will receive the rate equal to the rate paid the Laborer classification for which the Laborer is signaling.

Group 4

Miner, Welder, Gunite Nozzle Person

A.) The Watchperson shall be responsible to patrol and maintain a safe traffic zone including but not limited to barrels, cones, signs, arrow boards, message boards etc.

The responsibility of a watchperson is to see that the equipment, job and office trailer etc. are secure.



**Bureau of Workers'
Compensation**

30 W. Spring St.
Columbus, OH 43215

Certificate of Ohio Workers' Compensation

This certifies that the employer listed below participates in the Ohio State Insurance Fund as required by law. Therefore, the employer is entitled to the rights and benefits of the fund for the period specified. This certificate is only valid if premiums and assessments, including installments, are paid by the applicable due date. To verify coverage, visit www.bwc.ohio.gov, or call 1-800-644-6292.

This certificate must be conspicuously posted.

Policy number and employer
00842893

J D STRIPING & SERVICES INC
PO BOX 216
RAVENNA, OH 44266-0216

Period Specified Below
07/01/2019 to 07/01/2020

www.bwc.ohio.gov
Issued by: BWC



Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol, marihuana or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove the presence of alcohol, marihuana or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.



**Bureau of Workers'
Compensation**

You must post this language with the Certificate of Ohio Workers' Compensation.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3-5-2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ARNOLD INSURANCE AGENCY, INC. 1400 HAFT DRIVE REYNOLDSBURG, OH 43068	CONTACT NAME: Niki PHONE (A/C, No, Ext): 614-863-0455 FAX (A/C, No): 614-863-2474 E-MAIL ADDRESS: niki@arnoldinsuranceagency.com
INSURED JAMES D. WIMMER DBA J.D. STRIPING P.O. BOX 216 RAVENNA, OH 44266-0216	INSURER(S) AFFORDING COVERAGE INSURER A: EMPLOYERS MUTUAL CASUALTY COMPAY NAIC # 21415 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:	Y		3D1-28-29	09/01/19	09/01/20	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COM/POP AGG \$ 3,000,000 \$
A	☒ AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY	Y		3E1-28-29	09/01/19	09/01/20	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCJR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTIONS			3J1-28-29	09/01/19	09/01/20	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	3D1-28-29	09/01/19	09/01/20	PER STATUTE ☒ OTH-ER ☐ STOP GAP E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

ADDITIONAL INSURED ON THE GENERAL LIABILITY IS LISTED BELOW AS CERTIFICATE HOLDER

CERTIFICATE HOLDER

CANCELLATION

City of Beachwood
25325 Fairmount Boulevard
Beachwood, Ohio 44122

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

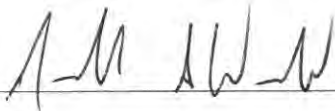
© 1988-2015 ACORD CORPORATION. All rights reserved.

NON-COLLUSION AFFIDAVIT

This affidavit is to be filled in and executed by the vendor. If the contract is made by a Corporation, then it shall be executed by its Chief Executive Officer; if by a Partnership or LLC, by its Managing General Partner or Managing Member.

STATE OF Ohio)
) SS
COUNTY OF Portage)

JD Striping & Services, Inc. Nicholas Woodall being first duly sworn, deposes and says that Nicholas Woodall James Wimmer residing at 786 N. Freedom & 3291 Harris Rd. Ravenna Oh 44266 (is)(are) the only person(s) interested with (him) (them) in the delivery of the materials or the services performed under this contract; that the said contract is on (his) (their) part in all respects fair and without collusion or fraud; and also that no head of any department or any employee therein; or any officer of the CITY OF BEACHWOOD, OHIO has any direct or indirect interest therein.

Signature: 

Sworn to and subscribed in my presence this 10th day of March, 2020

(Notary Seal)


Notary Public

**BID GUARANTY AND
CONTRACT BOND**

(SECTION 153.571 Ohio Revised Code)

KNOW ALL BY THESE PRESENTS, that we, the undersigned J.D. Striping & Services, Inc.
438 Beecher St., P.O. Box 216, Ravenna, OH 44266
(Name and Address)
as Principal and Employers Mutual Casualty Company
(Name of Surety)
_____ as Surety,
are hereby held and firmly bound unto the City of Beachwood
_____ as Oblige in the penal sum of the dollar amount
of the bid submitted by the Principal to the Oblige on March 13, 2020 to undertake the project known as:
Paint Striping & Pavement Markings of Various Streets & Roads

The penal sum referred to herein shall be the dollar amount of the Principal's bid to the Oblige, incorporating any additive or deductive alternate proposals made by the Principal on the date referred to above to the Oblige, which are accepted by the Oblige. In no case shall the penal sum exceed the amount of dollars (\$ _____). If the above line is left blank, the penal sum will be the full amount of the Principal's bid, including alternates. Alternatively, if completed, the amount stated must not be less than the full amount of the bid, including alternates, in dollars and cents. A percentage is not acceptable.) For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred to project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs, in connection with the resubmission, of printing new contract documents, required advertising and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be null and void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal, within ten days after the awarding of the contract, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

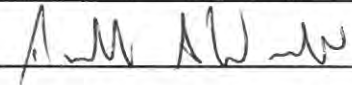
IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligees against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers, for labor performed and materials furnished in the carrying forward, performing, or completing of said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim; as well as for the Obligees herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on its bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED This 13th day of March, 2020.

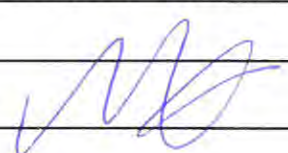
PRINCIPAL:

J.D. Striping & Services, Inc.

BY: 

TITLE: Vice-President

SURETY: Employers Mutual Casualty Company

BY: 
Mark Arnold
Attorney-in-Fact

SURETY COMPANY ADDRESS:

11311 Cornell Park Drive
Street
Blue Ash OH 45242
City State Zip
800-732-5595
Telephone

SURETY AGENT'S ADDRESS:

Arnold Insurance Agency, Inc.
Agency Name
1400 Haft Drive
Street
Reynoldsburg OH 43068
City State Zip
614-863-0455
Telephone

NOTE: Failure by any party to sign Bid Guaranty and Contract Bond shall result in rejection of bid.

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

1. Employers Mutual Casualty Company, an Iowa Corporation
2. EMCASCO Insurance Company, an Iowa Corporation
3. Union Insurance Company of Providence, an Iowa Corporation

4. Illinois EMCASCO Insurance Company, an Iowa Corporation
5. Dakota Fire Insurance Company, a North Dakota Corporation
6. EMC Property & Casualty Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint:

MARK ARNOLD

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute the Bid Bond

In an amount not exceeding Fifteen Million Dollars\$15,000,000.00

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

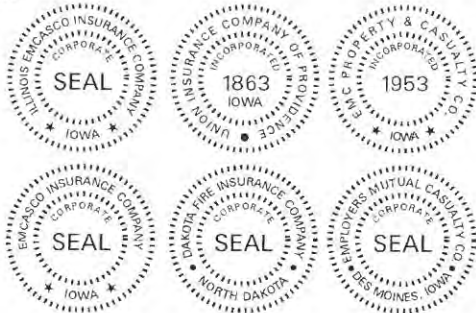
AUTHORITY FOR POWER OF ATTORNEY

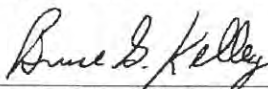
This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at the first regularly scheduled meeting of each company duly called and held in 1999:

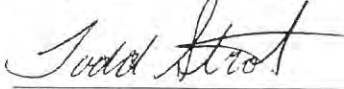
RESOLVED: The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof; and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS THEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 1st day of July, 2018.

Seals

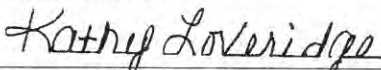



Bruce G. Kelley, CEO, Chairman of
Companies 2, 3, 4, 5 & 6; President
of Companies 1, 2 & 6; Treasurer of
Companies 1, 2, 3, 4 & 6


Todd Strother
Senior Vice President

On this 1st day of July, 2018 before me a Notary Public in and for the State of Iowa, personally appeared Bruce G. Kelley and Todd Strother, who, being by me duly sworn, did say that they are, and are known to me to be the CEO, Chairman, President and Treasurer, and/or Senior Vice President, respectively, of each of the Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Bruce G. Kelley and Todd Strother, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed, and the voluntary act and deed of each of the Companies.

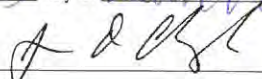
My Commission Expires October 10, 2022.


Kathy Loveridge
Notary Public in and for the State of Iowa

CERTIFICATE

I, James D. Clough, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on 1st day of July, 2018, are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 13 day of March 2020.


James D. Clough
Vice President

Ohio Department of Insurance

Mike DeWine - Governor

Jillian Froment - Director



Certificate of Compliance

Issued 03/28/2019

Effective 04/02/2019

Expires 04/01/2020

I, Jillian Froment, hereby certify that I am the Director of Insurance in the State of Ohio and have supervision of insurance business in said State and as such I hereby certify that

EMPLOYERS MUTUAL CASUALTY COMPANY

of Iowa is duly organized under the laws of this State and is authorized to transact the business of insurance under the following section(s) of the Ohio Revised Code:

Section 3929.01 (A)

Aircraft	Multiple Peril - Homeowners
Allied Lines	Ocean Marine
Boiler & Machinery	Other Liability
Burglary & Theft	Private Passenger Auto - Liability
Commercial Auto - Liability	Private Passenger Auto - No Fault
Commercial Auto - No Fault	Private Passenger Auto - Physical Damage
Commercial Auto - Physical Damage	Surety
Credit	Workers Compensation
Earthquake	
Fidelity	
Financial Guaranty	
Fire	
Glass	
Inland Marine	
Medical Malpractice	
Multiple Peril - Commercial	
Multiple Peril - Farmowners	

EMPLOYERS MUTUAL CASUALTY COMPANY certified in its annual statement to this Department as of December 31, 2018 that it has admitted assets in the amount of \$3,456,848,590, liabilities in the amount of \$2,023,106,871, and surplus of at least \$1,433,741,719.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused my seal to be affixed at Columbus, Ohio, this day and date.



Jillian Froment, Director



EMPLOYERS MUTUAL CASUALTY COMPANY
717 MULBERRY STREET, DES MOINES, IOWA 50309
STATEMENT OF ASSETS, LIABILITIES AND SURPLUS
AT DECEMBER 31, 2018

ASSETS

Bonds	\$ 1,313,039,692
Preferred Stocks	54,268,501
Common Stocks	972,786,183
Real Estate	141,768,910
Cash, Cash Equivalents and Short Term Investments	105,376,674
Other Invested Assets	77,337,634
Investment Income Due and Accrued	16,393,838
Premiums and Considerations	600,363,640
Reinsurance	66,037,001
Current Federal Income Tax Recoverable	1,922,242
Net Deferred Tax Asset	21,829,705
Other Assets	85,724,570
TOTAL ASSETS	\$ 3,456,848,590

LIABILITIES & SURPLUS

Losses	\$ 1,016,584,182
Reinsurance Payable on Paid Loss & Loss Adjustment Expenses	22,917,965
Loss Adjustment Expenses	214,157,224
Contingent Commissions	26,814,985
Other Expenses (Excluding Taxes, Licenses and Fees)	38,775,409
Taxes, Licenses and Fees (Excluding Federal Income Taxes)	10,424,700
Current Federal Income Tax Payable	-
Unearned Premiums	561,579,616
Ceded Reinsurance Premiums Payable (Net of Ceding Commissions)	69,222,820
Other Liabilities	62,629,970
TOTAL LIABILITIES	2,023,106,871
Unassigned Funds (Surplus)	1,433,741,719
Surplus as Regards Policyholders	1,433,741,719
TOTAL LIABILITIES & SURPLUS	\$ 3,456,848,590

I, Jeff Monson, Assistant Controller and Director of Financial Reporting of EMPLOYERS MUTUAL CASUALTY COMPANY, certify that the foregoing is a fair statement of Assets, Liabilities and Surplus of this Company, at the close of business, December 31, 2018, as reflected by its books and records and as reported in its statement on file with the Insurance Department of the State of Iowa.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Company, this 19th day of March, 2019.

EMPLOYERS MUTUAL CASUALTY COMPANY




Jeff Monson
Assistant Controller and Director of Financial Reporting

INVITATION TO BID LEGAL NOTICE

Sealed bid proposals will be **received** by the Clerk of Council of the City of Beachwood, Cuyahoga County, Ohio, at the City of Beachwood Law Department, 25325 Fairmount Boulevard, Beachwood, Ohio 44122 **until 1:00 P.M. local time, on Friday, March 13, 2020** for the work designated below:
2020 Street Striping Program

The bids will be publicly opened and read in the Law Department Conference Room at 1:00 P.M. Each bid must contain the following:

- 1) The full name and names of the party or parties;
- 2) Fully Executed Non-Collusion Affidavit;
- 3) In the case of a corporation not chartered in Ohio, a proper certificate that such corporation is authorized to do business in Ohio (Articles of Incorporation – listing principals);
- 4) Be accompanied by a certified or cashier's check on a solvent bank made payable to the order of the City of Beachwood in an amount not less than ten percent (10%) of the total amount of the bid, or by a bid bond equal to ten percent (10%) of the total amount of the bid, drawn in favor of the Clerk of Council of the City of Beachwood; and
- 5) Are you a Minority Business Enterprise (MBE) or a Women's Business Enterprise (WBE)? (If bidder is an MBE or WBE, please provide a Certification Letter with the Bid Documents.)

Copies of the Specifications, Instructions to Bidders, Forms of Proposals and other contract documents are on file at the office of the Clerk of Council of the City of Beachwood and at online at: www.beachwoodohio.com/bidders. These documents may be obtained at the office of Clerk of Council, Law Department, 25325 Fairmount Boulevard, Beachwood, Ohio 44122. Inquiries can be directed to Mike Rider at (216) 595-5481.

Each bidder must insure that all employees and applicants for employment are not discriminated against because of their race, creed, color, sex, national origin or disability. **The City of Beachwood is an Equal Opportunity Employer and encourages Minority Business Enterprises, Women Business Enterprises and Small Business Enterprises to submit bids or Proposals for this project.**

The bid check or bid bond, as the case may be, will be held as a guarantee that, if the bid proposal is accepted, a contract will be entered into between the bidder and the City of Beachwood, and if not, the amount represented thereby, shall be forfeited to the City of Beachwood as liquidated damages.

The chosen bidder must provide the following required documentation prior to contract execution:

- 1) Performance Bond in the amount or anticipated amount of the Contract;
- 2) Evidence of General Liability Insurance from a company licensed by the State of Ohio in the amount of One Million Dollars (\$1,000,000.00) for any accidental occurrence arising out of any act or omission by the Contractor which causes bodily harm or property damage, and shall cause the City to be named as an additional insured on the policy; and
- 3) Evidence of Workers' Compensation coverage.

The City of Beachwood reserves the right to consider criteria other than price, to reject any and all proposals and to waive any informality in the bids received. Council will accept the lowest and best bid in accordance with law.

Whitney M. Crook, Clerk of Council
City of Beachwood, Ohio

Council Authorized to bid on: February 20, 2020

To be published in the Sun News: February 27, 2020 and March 5, 2020

BID OPENING MATERIALS CHECKLIST

Please use the checklist below to ensure that you present and submit all required materials for Bid Submissions to the City of Beachwood Law Department:

☐ Completed Bid Proposal

☒ Signed and NOTARIZED Non-Collusion Affidavit

☒ Bid Bond

☒ Evidence of General Liability Insurance from a company licensed by the State of Ohio in the amount of One Million Dollars (\$1,000,000.00) for any accidental occurrence arising out of any act or omission by the Contractor which causes bodily harm or property damage, and shall cause the City to be named as an additional insured on the policy

☐ Evidence of Workers Compensation Coverage

☒ Are you a Minority Business Enterprise (MBE) or a Women's Business Enterprise (WBE)? (If bidder is an MBE or WBE, please provide Certification Letter with Bid Documents.)

→ - No -

**SPECIFICATIONS FOR
PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS
STREETS & ROADS**

GENERAL:

It is the intent of these specifications to describe the labor and materials required for the reflectorized pavement marking or striping of certain roadways within the City of Beachwood in accordance with the latest revised Ohio Department of Transportation Manual of Uniform Traffic Control Devices for Streets and Highways Part II, Standard Pavement Markings. The two (2) line system of yellow center line markings will be used. It is also the intent to have all the pavement markings conform with those of the State of Ohio and the latest Federal specifications.

****TO INCLUDE ALL EXISTING INTERIOR PAVEMENT MARKINGS ON SIDE STREETS AND MAIN ROADS THROUGH OUT THE CITY – I.E. CROSSWALKS, STOP BARS, ETC.**

PRICE TO INCLUDE: REPLACEMENT OF ALL STRIPING AT BOTH CITY FIRE STATIONS, CITY POOL LOT, ALL LOTS AT CITY PARKS, CITY HALL AND COMMUNITY CENTER PARKING LOTS, POLICE LOT AND SERVICE DEPARTMENT PARKING LOTS LOCATED AT 23355 MERCANTILE RD., 23456 MERCANTILE RD. AND 23350 COMMERCE PARK.

ALL STRIPING AND MARKING WORK WILL BE COMPLETED BY JULY 31, 2020, WEATHER PERMITTING

SUPERVISION:

All of the work to be done under this contract shall be under the supervision of the City of Beachwood Police and Public Works Departments or their authorized representatives.

PAINT AND BEADS:

The paint used shall be **HOTLINE WATERBORNE TRAFFIC PAINT TM 2352 WHITE AND TM 2353 LEAD FREE YELLOW. SEE ATTACHED PAINT SPECIFICATIONS.** If an alternate paint is bid, certified documentation must be provided with the bid indicating that the alternate material is equal to or better than the City's specifications. The paint shall be suitable binder for glass beads on asphalt or concrete pavement exposed to traffic.

All painting is to be beaded. Glass beads to be installed in accordance with the current issue of O.D.O.T. Construction and Material Specification.

GENERAL CONDITIONS:

No painting shall be done when the pavement temperature is below 50° Fahrenheit.

Note Update: No painting shall be done between 6:00 p.m. Friday and 6:00 p.m. Sunday.

The roadway surfaces shall be clean and dry. Surfaces must be cleaned, if necessary, with an acceptable apparatus before paint and beads are applied.

The paint striper shall be a truck mounted, highway type unit equipped with a minimum of two (2) spray guns capable of applying dashed center line and "no passing" barrier lines simultaneously. This is necessary to keep the adjacent lines in correct alignment and to expedite application to minimize inconvenience to the motoring public. The contractor must furnish all necessary flags, cones, signs, and other protective measures to minimize tracking of the lines while the paint is wet. The work shall be done on days and at hours specified by the Police Department so as not to cause excessive traffic congestion. Traffic must be maintained at all times and when painting lines across a street, only part should be done at a time to permit the flow of traffic in both directions. In the event of an emergency, the City of Beachwood Police Department or the Public Works Department reserves the right to stop work in order to relieve traffic congestion.

All paint shall be run through a data-logger system to determine that the correct quantity (see attached paint specifications) is applied per mile according to the specifications. Also, data-logger sheets will be provided and faxed daily to the Public Works Department for review and verifications of each day's work:

Public Works Fax #: 216 595-3713

The State of Ohio Manual for Construction and Materials Specifications and the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways shall rule throughout this contract, except where otherwise noted herein.

Material application shall conform to the latest revised State of Ohio Specifications Manual, Section 621.05 and any other applicable sections within the Manual.

The contractor shall include in his price all costs for labor, material and any extras necessary in order to layout or do preliminary work necessary to assure straight and neat striping results.

The contractor shall include in his price all costs for labor, material and any extras necessary in order to layout or do preliminary work necessary to assure straight and neat striping results.

The specifications cover white and yellow pigmented binders in combination with the glass spheres for use in marking highway pavements so as to produce optimum night reflectorization under traffic conditions. (see attached paint specifications).

Center lines shall be single or double yellow reflectorized stripes between contiguous lanes of pavement carrying traffic in opposite directions. Each stripe shall be four (4") wide, solid or dashed. The outline of painted left-turn islands shall be included in the painting of center lines.

Channelizing lines shall be continuous white reflective stripes, eight (8") inches wide.

Dotted lines shall be reflectorized stripes two (2') feet in length and six (6") in width.

Note Update: All crosswalks on Richmond Rd, Chagrin Blvd, Green Rd from Fairmount Blvd to Beachwood Blvd and Fairmount Blvd that do not currently have high visibility striping need to be converted to high visibility. The intersection of Richmond and Cedar is excepted as it is part of an O.D.O.T. project.

The contractor shall transfer the entire contents of each material container to the striper tank.

Marking material, as received from the manufacturer shall be applied uniformly to the surface to be marked. The material shall be thoroughly mixed at all times during application. Thinning shall not be permitted. The material shall be applied to provide a uniform thickness not less than 15 MILS or more than 25 MILS.

The application rate for a solid line of four (4") inches in width shall be not less than 16 gallons per mile. Application rate for new surface shall not be less than 20 gallons per mile (25% heavy). Application rates for dashed lines and channelizing lines eight (8") width shall be proportional to the solid line rates.

For all requirements specified here, the vendor has the responsibility to furnish binder in full compliance to these specifications. In the event that contract material does not meet these specifications upon testing, the vendor shall be required to replace all such material at his own expense including handling and transportation charges, with material that does so comply.

SAFETY:

The contractor shall have his equipment marked with all of the safety features required and the necessary safety equipment required by law. The contractor shall be responsible for maintaining traffic at all times and also shall protect painted lines with the use of cones, signs, and other protective measures until such time as the lines are dry enough to be opened to vehicular traffic. Any other safety measures necessary will be used to keep the traveling public aware that work is being done on the roadway. The City may provide a police escort for assistance during the striping operations.

WORKMANSHIP:

All work shall be performed in a neat and professional manner on clean and dry roadway surfaces.

REFERENCE AND EVIDENCE:

All contractors bidding must have a valid certification of qualification with the Ohio Department of Transportation; pre-qualifying as a paint striper or pavement marking contractor and be able to perform all work designated in these specifications. Each bidder shall satisfy the City of Beachwood by reference to the work they have performed and that they are fully competent to properly execute the work of the kind and class required by these specifications. Each bidder shall submit, with their proposal, evidence of experience by themselves in municipal or public paint striping or pavement marking of the type to meet all specifications as set up by the State of Ohio, Department of Transportation, with the type of equipment as required by these specifications.

LINE REMOVAL:

The contractor shall be able to completely remove any existing painted line at the direction of the Director or his agent. Line removal will only be necessary in any area the City's Traffic Engineer or Police Department has determined a change in the striping plan is warranted.

CONTRACTORS:

The description of streets listed in these specifications describes approximate lengths of lines. It is the contractor's responsibility to view all of the streets and parking lots scheduled for striping in order to verify the lengths, locations and positioning of all lines and markings. Extras to the contract will not be permitted.

WAGE SCALE AND LABOR:

Beachwood Codified Ordinance Section 168.20 requires that no less than prevailing wages be paid to all laborers, workers, or mechanics employed in the work unless higher or lower rates are specified in the contract documents. The minimum wage to be paid to all laborers, workers and mechanics employed in the work shall be in accordance with the Schedule of Prevailing Hourly Wage Rates as ascertained and determined by the Ohio Department of Industrial Relations in accordance with Chapter 4115 of the Ohio Revised Code. Said wage rates are hereby attached and made part of this document.

BID PRICE:

The price submitted in the bid shall be a lump sum price for the spring application of the striping and marking work, including the contingency allowance.

CONTINGENCY ALLOWANCE:

The contingency allowance is included for such situations when, in the prosecution of any work or at the direction of the Public Works Director, it becomes necessary to make alterations or modifications for work or conditions unforeseen in which bid items cannot be applied or approximate bid quantities are exceeded. The lump sum price stipulated on the bid form for this item shall be added to the Contractor's bid amount for all other bid items and included as part of the Contractor's **TOTAL AMOUNT OF BID**. Contingency allowance shall only be used at the direction and approval of the Public Works Director.

CITY OF BEACHWOOD
PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS STREETS &
ROADS

BID SHEET #1

DURA MARK INC.
NAME OF COMPANY SUBMITTING
BID

CURTIS BRITTON - Vice President
SALES PERSON

11384 CHAMBERLAIN RD / P.O. Box 808
ADDRESS
AURORA, OHIO 44202

(330) 995-0883
PHONE NUMBER

CONTINGENCY ALLOWANCE

\$15,000.00

TOTAL SPRING LUMP SUM

\$ 94,125.00

TOTAL AMOUNT INCLUDING
CONTINGENCY

\$ 109,125.00

List below any and all exceptions to the specifications.

- NONE -

**PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS STREETS
AND ROADS**

BID SHEET # 2

B. MARKINGS:

1. STOP LINE 24"	<u>1.40</u>	LINEAR FT.
2. CROSS WALK 12'	<u>0.98</u>	LINEAR FT.
3. "ONLY" 96"	<u>44.00</u>	LINEAR FT.
4. RIGHT OR LEFT TURN ARROW FEDERAL SPEC.	<u>38.00</u>	EACH
5. STRAIGHT ARROW FEDERAL SPEC.	<u>38.00</u>	EACH
6. COMBINED ARROW FEDERAL SPEC.	<u>44.00</u>	EACH
7. WHITE & YELLOW BROAD TRANSVERSE LINES 24" WIDE	<u>0.98</u>	LINEAR FT.
8. ISLAND MARKINGS	<u>0.65</u>	LINEAR FT.
9. BULLNOSE	<u>45.00</u>	EACH
10. SCHOOL ZONE MARKINGS	<u>145.00</u>	EACH

EXPLANATION OF CODES

DWla	Dashed white lane line
SWla	Solid white lane line
DoYCe	Double yellow center line
DOy S&D Ce	Double yellow solid and dashed center lines
SWch	Solid white channelizing line
SWE	Solid white edge lines
Dot W Ch Ex R T La	Dotted white channelizing extension right turn lane
Dot W Ch Ex L T La	Dotted white channelizing extension left turn lane
Dot W Ch Ex D R T La	Dotted white channelizing extension dual right turn lanes
Dot W Ch Ex D R&L T La	Dotted white channelizing extension dual right and left turn lanes
SW Ch Ex D L T La	Solid white channelizing extension dual left turn lanes
S Y Ce Ex D L T La	Solid yellow center line extension dual left turn lanes
SW Ch Ex D R T La	Solid white channelizing extension dual right turn lanes

**PAINT STRIPING & PAVEMENT MARKINGS OF VARIOUS STREETS
AND ROADS**

STRIPING

- AUBURN DR.
RICHMOND TO CUL-DE-SAC
- BEACHWOOD BLVD.
AT S. GREEN RD.
- BRYDEN RD.
RICHMOND RD. TO HERMITAGE RD.
- CEDAR RD. (SOUTH SIDE ONLY)
FENWAY DR. TO BRAINARD RD.
- CENTRAL PARKWAY
- CHAGRIN BLVD.
COLTON TO ORANGE PL.
- COMMERCE PARK RD.
MERCANTILE RD. TO MERCANTILE RD.
- EATON BLVD.
RICHMOND RD TO HARVARD RD.
- ENTERPRISE PLACE
CHAGRIN BLVD. TO SCIENCE PARK DR.
- FAIRMOUNT BLVD. – EASTBOUND
SULGRAVE RD. TO I-271
- FAIRMOUNT BLVD. – WESTBOUND
I-271 TO S. GREEN RD.
- GEORGE ZEIGER DR.
RICHMOND RD. TO CEDAR RD.
- HARVARD RD. WESTBOUND
I 271 TO S. GREEN RD.
- HIGHPOINT RD.
MERCANTILE RD. TO CUL-DE-SAC

- MERCANTILE RD.
CHAGRIN BLVD. TO S. GREEN RD.
- PARK EAST DR.
CHAGRIN BLVD. TO RICHMOND RD.
- RICHMOND RD.
CEDAR RD. TO CONCORD DR. (NORTH INT.)
- RICHMOND RD.
CONCORD DR. (N. INT.) TO HARVARD RD.
- SCHOOL ZONES
- SCIENCE PARK DR.
RICHMOND RD. TO S. WOODLAND RD.
- SHAKER BLVD. – EASTBOUND
RICHMOND RD. TO I-271
- SHAKER BLVD. – WESTBOUND
I-271 TO RICHMOND RD.
- S. GREEN RD. – NORTHBOUND
FAIRMOUNT BLVD. TO BEACHWOOD BLVD.
- S. GREEN RD.
BRYDEN RD. TO HARVARD RD. – INCLUDE CROSS
WALKS ON HALBURTON RD.
- S. WOODLAND RD.
I-271 TO SULGRAVE RD.

UPDATES TO 2020 CITY OF BEACHWOOD STREET STRIPING PROGRAM

THE FOLLOWING STREETS WILL BE RE-SURFACED OR REPLACED IN 2020
AND THEREFORE DO NOT NEED TO BE STRIPED:

ANNESLEY ROAD

BISCAYNE BOULEVARD

BRENTWOOD ROAD

EDGEWOOD ROAD

SELKIRK ROAD

TIMBERLANE DRIVE BETWEEN BEACHWOOD BLVD AND HALCYON ROAD

WILLOW LANE

WOODSIDE LANE FROM SULGRAVE ROAD TO THE CUL-DE-SAC

DESCRIPTION OF STREETS

STRIPING

1) AUBURN DR.

RICHMOND RD. TO AUBURN

RICHMOND EAST TO AHUJA DRIVEWAY

FOR APPROX. 334'

4" DWla

CUL DE SAC WEST TO RICHMOND

FOR APPROX. 332'

4" DWla

CUT THROUGH WEST TO RICHMOND

FOR APPROX. 342'

8" SWch

AT CUL DE SAC

FOR APPROX. 50'

6" DoYCe

FOR APPROX. 270'

6" SWch

FOR APPROX. 200'

2' WIDTH
12' SPACING
TDLY

FOR APPROX. 50'

6" SWch

FOR APPROX. 26'

6" DotWch

FOR APPROX 20'

2'X3' TRIANGLE,
12" SPACING
(YLW)

2) BRYDEN RD (RICHMOND TO HALBURTON)

WEST FROM RICHMOND RD.

FOR APPROX. 300'

4" DoYCe

HALBURTON TO HERMITAGE
WEST FROM HALBURTON

FOR APPROX. 4350'

4" SWE

3) CEDAR RD.

FENWAY TO BRAINARD (SOUTH SIDE ONLY)

EAST FROM FENWAY

FOR APPROX. 2440'

4" DWla

4" DoY S&D Ce

EAST FROM HALCYON

FOR APPROX. 80'

4" DWla

4" DoYCe

8" SECh

FOR APPROX. 75'

4" DWla

4" DoYCe

Taper/Island

FOR APPROX. 1780'

4" DWla

4" DoY S&D Ce

FOR APPROX. 60'

4" DWla

4" DoYCe

Island/Taper

FOR APPROX. 400'

4" DWla

4" DoYCe

8" SWCh

CEDAR RD. (CONTINUED)

EAST FROM RICHMOND RD.

FOR APPROX. 280'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 90'

**4" DWla
4" DoYCe**

EAST FROM LaPLACE DRIVE

FOR APPROX. 85'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 165'

**4" DWla
4" DoYCe
Taper/Island**

EAST OF BEACHWOOD PLACE MALL DRIVEWAY

FOR APPROX. 200'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWla
4" DoYCe
Island/Taper**

FOR APPROX. 550'

**4" DWla
4" DoY S&DCe**

FOR APPROX. 100'

**4" DWla
4" DoY S&D Ce
8" SWCh**

FOR APPROX. 70'

**4" DWla
4" DoYCe
Island/Taper
8" SWCh**

FOR APPROX. 100'

**4" DWla
4" DoYCe
8" SWCh**

CEDAR RD. (CONTINUED)

EAST OF GEORGE ZEIGER DR.

FOR APPROX. 250'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWla
4" DoYCe
Taper/Island**

FOR APPROX. 250'

**4" DWla
4" DoYCe Island**

EAST OF R.H. MEYERS DRIVEWAY

FOR APPROX. 90'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWla
4" DoYCe
Taper/Island**

FOR APPROX. 360'

**4" DWla
4" DoYCe Island**

EAST OF MENORAH PARK DRIVEWAY

FOR APPROX. 90'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 80'

**4" DWla
4" DoYCe
Taper/Island**

EAST OF POINT EAST DRIVEWAY

FOR APPROX. 40'

**4" DWla
4" DoYCe
8"SWCh**

FOR APPROX. 80'

**4" DWla
4" DoYCe Taper**

FOR APPROX. 40'

**4" DWla
4" DoYCe**

8" SWCh

CEDAR RD. (CONTINUED)

EAST OF MULTI-CENTER DRIVEWAY

FOR APPROX. 55'

4" DWla
4" DoYCe
8" SWCh

FOR APPROX. 70'

4" DWla
4" DoYCe
Taper/Island

FOR APPROX. 100'

4" DWla
4" DoYCe Island

EAST OF I-271 ENTRANCE RAMP

FOR APPROX. 200'

4" DWla
4" DoYCe
8" SWCh

FOR APPROX. 720'

4" DWla
4" DoYCe

FOR APPROX. 250'

4" DWla
4" DoYCe
8" SWCh

FOR APPROX. 170'

4" DWla
4" DoYCe
8" SWCh
Taper/Island

FOR APPROX. 70'

4" DWla
4" DoYCe
Island/Taper

FOR APPROX. 145'

4" DWla
4" DoYCe
8" SWCh
4" S Y Ce Ex
D L T La. E/B toN/B
4" SW Ch Ex
D L T La E/B toN/B

CEDAR RD. (CONTINUED)

EAST OF RICHMOND RD.

All median island formed by pavement markings shall be completely repainted including all transverse lines and semi-circles.

END AT BRAINARD

**Dual left turn with dotted line from E/B
Cedar to N/B Brainard**

4) CENTRAL PKWY.

FOR APPROX. 214'

DoYCe

FOR APPROX. 73'

SWCh

5) CHAGRIN BLVD.

COLTON RD. TO ORANGE PL.

EAST FROM COLTON RD.

FOR APPROX. 1150'

**4" DWla
4" DoYCe**

EAST FROM BELVOIR BLVD.

FOR APPROX. 3050'

**4" DWla
4" DoYCe**

FOR APPROX. 300'

**4" DWla
4" DoYCe
TAPER/ISLAND**

EAST FROM REXWAY

FOR APPROX. 360'

**4" DWla
4" DoYCe**

EAST FROM S. GREEN RD.

FOR APPROX. 350'

**4" DWla
4" DoYCe
8" SWCh**

CHAGRIN BLVD. (CONTINUED)

FOR APPROX. 1700'

4" DWL
4" DoY S&D

FOR APPROX. 90'

4" DWL
4" DoYCe
8" SWCh

EAST FROM PAVILION MALL ENTRANCE

FOR APPROX. 90'

4" DWL
4" DoYCe
8" SWCh

FOR APPROX. 830'

4" DWL
4" DoY S&D

120'

4" DWL
4" DoYCe
8" SWCh

EAST FROM COMMERCE PARK

FOR APPROX. 400'

4" DWL
4" DoYCe
8" SWCh

1270'

4" DWL
4" DoY S & D

FOR APPROX. 320'

4" DWla
4" DoYCe
8" SWCh

EAST FROM RICHMOND RD.

FOR APPROX. 200'

4" DWla
4" DoYCe
8" SWCh

FOR APPROX. 450'

4" DWL
4" DoY S & D

FOR APPROX. 100'

4" DWla
4" DoYCe
8" SWCh

CHAGRIN BLVD. (CONTINUED)

EAST FROM PARK EAST

FOR APPROX. 200'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 150'

**4" DWCh
4" DoYCh
Taper/Island
8" SWE**

EAST FROM I-271 SB EXIT RAMP

FOR APPROX. 1000'

**4" DWla
4" DoYCe**

FOR APPROX. 100'

**4" DWla
4" DoYCe TAPER**

EAST FROM I-271 NB EXIT RAMP

100'

**4" DWla
4" DoYCe
8" SWCh
4" Dott W Ch EX
D R & L T La**

6) COMMERCE PARK DR. (MERCANTILE TO MERCANTILE)

WEST FROM MERCANTILE

FOR APPROX. 3600'

4" DoYCe

TWO TRIANGLES

FOR APPROX. 100'

4" DoYCe

7) EATON BLVD.

HARVARD TO EATON DRIVEWAY

FOR APPROX. 1450' 4" DWla

FOR APPROX. 77' 8" SWch

EATON DRIVEWAY TO ALOFT DRIVEWAY

FOR APPROX. 310' 4" DWla

FOR APPROX. 94' 8" SWch

ALOFT DRIVEWAY TO RICHMOND

FOR APPROX. 416' 4" DWla

FOR APPROX. 152' 8" SWch

RICHMOND TO ALOFT DRIVEWAY

FOR APPROX. 363' 4" DWla

ALOFT DRIVEWAY TO EATON DRIVEWAY

FOR APPROX. 288' 4" DWla

EATON DRIVEWAY TO HARVARD

FOR APPROX. 1140' 4" DWla

FOR APPROX. 933' 8" SWch

8) ENTERPRISE PLACE (CHAGRIN BLVD. TO SCIENCE PARK)

NORTH FROM CHAGRIN

FOR APPROX 200' 4" DoYCe
8" SWCh

FOR APPROX. 750' 4" DoYCe
4" SWLa

FOR APPROX. 1150' 4" DoYCe

9) FAIRMOUNT BLVD. - EASTBOUND
SULGRAVE RD. TO I-271

EASTBOUND FROM SULGRAVE RD.

FOR APPROX. 2050'	4" DWla
FOR APPROX. 100'	4" DWla 8" SWCh
FOR APPROX. 100'	4" DWla
FOR APPROX. 200'	4" DWla 8" SWCh Taper/Island

EASTBOUND FROM RICHMOND RD.

FOR APPROX. 3250'	4" DWla
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10) FAIRMOUNT BLVD. - WESTBOUND
I-271 TO S. GREEN RD.

WESTBOUND FROM I-271

FOR APPROX. 2800'	4" DWla
FOR APPROX. 250'	4" DWla 8" SWCh Taper/Island

WESTBOUND FROM RICHMOND RD.

FOR APPROX. 5500'	4" DWla
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11) GEORGE ZEIGER DR.

RICHMOND RD. TO CEDAR

EAST FROM RICHMOND RD.

FOR APPROX. 300'	4" Dot W Ch Ex D L T La W/B toS/B 8" SWCh 4" DWla
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GEORGE ZEIGER DR. (CONTINUED)

FOR APPROX. 150'

**4" DoYCe
4" DW La**

FOR APPROX. 150'

**4" DoYCe
4" DW La
Taper/Island**

FOR APPROX. 100'

**4" DoYCe
4" DW La
8" SWCh
4"Dot W Ch Ex
L T La (E/B to N/B)**

EAST FROM BEACHWOOD PLACE MALL

FOR APPROX. 100'

**4" DoYCe
4" DW La
8" SWCh
4"Dot W Ch Ex
L T La (W/B to S/B)**

FOR APPROX. 510'

4" DoYCe

FOR APPROX. 700'

**4" DWLa
4" DoYCe**

FOR APPROX. 150'

**4" DWLa
4" DoYCe
Taper/Island
8" SWCh**

NORTH OF MARK IV DRIVEWAY

FOR APPROX. 100'

**4" DWLa
4" DoYCe
8" SWCh**

FOR APPROX. 70'

**4" DWLa
4" DoYCe
Island/Taper**

FOR APPROX. 100'

**4" DWLa
4" DoYCe Island**

GEORGE ZEIGER (CONTINUED)

FOR APPROX. 70'

**4" DWla
4" DoYCe
Island/Taper**

FOR APPROX. 120'

**4" DWLA
8" SWCh**

NORTH OF MT. SINAI DRIVEWAY

FOR APPROX. 140'

**4"Dot W Ch Ex
D LT La E/B toW/B
4" DWla
8" SWCh**

FOR APPROX. 100'

**8" SWCh
4" Dot W Ch Ex
D RT La N/B toE/B**

12) HARVARD RD.

WESTBOUND (I-271 TO S. GREEN RD)

WEST FROM I-271

FOR APPROX. 1500'

**4" DoyCe
4" SWE**

FOR APPROX. 200'

**4" DoyCe
4" DWla
8" SWCh
4" SWE**

WEST FROM RICHMOND RD.

FOR APPROX. 5200'

**4" DoyCe
4" DWla**

FOR APPROX. 200'

**4" DoYCe
4" DW La
8" SWCh**

13) HENDON

RICHMOND TO FAIRMOUNT

FOR APPROX. 5381'

4" SWE

- 14) HIGHPOINT RD.
MERCANTILE TO CUL-DE-SAC
SOUTHEAST FROM MERCANTILE
FOR APPROX. 700' 4" DoYCe
- 15) HURLINGHAM RD.
RICHMOND TO CUL-DE-SAC
FOR APPROX. 5818' 4" SWE
- 16) MERCANTILE DR.
CHAGRIN BLVD. TO S. GREEN RD
SOUTH FROM CHAGRIN
FOR APPROX. 200' 4" DoYCe
8" SWCh
FOR APPROX. 4600' 4" DoYCe
FOR APPROX. 200' 4" DoYCe
8" SWCh
- 17) PARK EAST
CHAGRIN BLVD. TO 90° BEND IN ROAD
SOUTH FROM CHAGRIN
FOR APPROX. 250' 8" SWCh Ex
D R T La. N/B to E/B
4" DoYCe
8" SWCh
4" SWCh
FOR APPROX. 2400' 4" DoYCe
4" DWla

PARK EAST (CONTINUED)

90° BEND IN ROAD TO RICHMOND

WEST FROM PARK EAST

FOR APPROX. 950'

4" DoYCe

18) RICHMOND RD.

CEDAR TO CONCORD DR- N. INTERSECTION

SOUTH FROM CEDAR

FOR APPROX. 250'

**4" DWla
4" DoYCe
8" SWCh**

FOR APPROX. 250'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 850'

**4" DWla
4" DoYCe**

FOR APPROX. 240'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 70'

**4" DWla
4" DoYCe
8" SWCh**

SOUTH FROM GEORGE ZEIGER

FOR APPROX. 250'

**4" DWla
4" DoYCe**

FOR APPROX. 1000'

**4" DWla
4" DoYCe**

FOR APPROX. 220'

**4" DWla
4" DoYCe TAPER**

FOR APPROX. 70'

**4" DWla
4" DoYCe
8" SWCh**

RICHMOND RD. (CONTINUED)

SOUTH FROM FAIRMOUNT

FOR APPROX. 110'	4" DWIa 4" DoYCe 8" SWCh
FOR APPROX. 200'	4" DWIa 4" DoYCe TAPER
FOR APPROX. 1790'	4" DWIa 4" DoYCe
FOR APPROX. 340'	4" DWIa 4" DoYCe TAPER

SOUTH FROM SHAKER- WESTBOUND

FOR APPROX. 180'	4" DWIa 4" DoYCe 8" SWCh
FOR APPROX. 80'	4" DWIa 4" DoYCe
FOR APPROX. 180'	" DWIa 4" DoYCe 8" SWCh

SOUTH FROM SHAKER- EASTBOUND

FOR APPROX. 340'	4" DWIa 4" DoYCe TAPER
FOR APPROX. 780'	4" DWIa 4" DoYCe
FOR APPROX. 210'	4" DWIa 4" DoYCe
FOR APPROX. 100'	4" DWIa 4" DoYCe 8" SWCh

RICHMOND RD. (CONTINUED)

SOUTH FROM S. WOODLAND

FOR APPROX. 80'	4" DWla 4" DoYCe 8" SWCh
FOR APPROX. 40'	4" DWla 4" DoYCe TAPER
FOR APPROX. 650'	4" DWla 4" DoY S & D Ce
FOR APPROX. 30'	4" DWla 4" DoYCe TAPER
FOR APPROX. 200'	4" DWla 4" DoYCe 8" SWCh

SOUTH FROM SCIENCE PARK DR.

FOR APPROX. 330'	4" DWla 4" DoYCe
FOR APPROX. 850'	4" DWla 4" DoYCe
FOR APPROX. 420'	4" DWla 4" DoYCe

SOUTH FROM BRYDEN RD.

FOR APPROX. 100'	4" DWla 4" DoYCe 8" SWCh
FOR APPROX. 330'	4" DWla 4" DoYCe 8" SWCh 8" SWCh Ex D L T La (SB ToEB) 4" SY Ce Ex D L T La (SB ToEB)

RICHMOND RD. (CONTINUED)

SOUTH FROM CHAGRIN BLVD.

FOR APPROX. 400'

**4" DWla
4" DoYCe
8" SWCh**

CONCORD DR. (NORTH INTERSECTION) TO HARVARD

SOUTH FROM CONCORD (NORTH INTERSECTION)

FOR APPROX. 5900'

**4" DoYCe
4" SWE**

FOR APPROX. 100'

**4" DoYCe
8" SECh
4" SWE**

19) SCIENCE PARK DR.

RICHMOND RD. TO S. WOODLAND

EAST FROM RICHMOND RD.

**4" Dot W Ch Ex
D R & L T La
(W/B to N/B & S/B)**

FOR APPROX. 250'

**4" DoYCe
8" SWCh**

FOR APPROX. 100'

**4" DWla
8" SWCh
4" DoYCe
Taper/Island**

FOR APPROX. 2100'

4" DoYCe

FOR APPROX. 200'

4" SWla

20) SELKIRK RD.

HURLINGHAM TO HENDON

FOR APPROX. 1416'

4" SWE

- 21) SHAKER BLVD.
EASTBOUND
SULGRAVE TO I-271
EASTBOUND FROM SULGRAVE
FOR APPROX. 2850' 4" DWIa
FOR APPROX. 50' 4" DWIa
8" SWCh
EASTBOUND FROM RICHMOND RD.
FOR APPROX. 2850' 4" DWIa
- 21) SHAKER BLVD.
WESTBOUND
I-271 TO SULGRAVE RD.
WESTBOUND FROM I-271
FOR APPROX. 5750' 4" DWIa
- 22) SOUTH GREEN RD.
FAIRMOUNT BLVD. TO BEACHWOOD BLVD.
NORTHBOUND FROM FAIRMOUNT BLVD.
FOR APPROX. 4000' 4" DWIa
4" DoYCe
- 23) SOUTH GREEN RD.
FROM BRYDEN TO CHAGRIN
FOR APPROX. 2550' 4" DoYCe
FOR APPROX. 200' 4" DWIa
4" DoYCe
8" SWCh

24) SOUTH GREEN RD.

CHAGRIN TO HARVARD

FOR APPROX. 300'

4" DoYCe
4" DWIa
8" SWCh

FOR APPROX. 4900'

4" DoYCe
4" DWIa

25) SOUTH WOODLAND RD.

I-271 to SULGRAVE RD.

WEST FROM I-271

FOR APPROX. 650'

4" DoYCe

FOR APPROX. 150'

4" DoYCe
8" SWCh

FOR APPROX. 150'

4" DoYCe
8" SWCh

FOR APPROX. 1450'

4" DoYCe

FOR APPROX. 200'

4" DoYCe
Taper/Island
8" SWCh

WEST FROM RICHMOND RD.

4" DoYCe
Taper/Island
8" SWCh

FOR APPROX. 2200'

4" DoYCe

Prevailing Wage Rate Skilled Crafts

Name of Union: Labor HevHwy 1B

Change # : LCN01-2019fbLocalHevHwy1B

Craft : Laborer Group 1 Effective Date : 05/23/2019 Last Posted : 05/23/2019

	BHR		Fringe Benefit Payments						Irrevocable Fund		Total PWR	Overtime Rate
			H&W	Pension	App Tr.	Vac.	Annuity	Other	LECET (*)	MISC (*)		
Classification												
Laborer Group 1	\$33.28		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$44.53	\$61.17
Group 2	\$33.45		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$44.70	\$61.43
Group 3	\$33.78		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$45.03	\$61.92
Group 4	\$34.23		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$45.48	\$62.60
Watch Person	\$24.35		\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$35.60	\$47.78
Apprentice												
	Percent											
0-1000 hrs	60.00	\$19.97	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$31.22	\$41.20
1001-2000 hrs	70.00	\$23.30	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$34.55	\$46.19
2001-3000 hrs	80.00	\$26.62	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$37.87	\$51.19
3001-4000 hrs	90.00	\$29.95	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$41.20	\$56.18
More than 4000 hrs	100.00	\$33.28	\$7.00	\$3.70	\$0.45	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$44.53	\$61.17

Special Calculation Note : Watchman have no Apprentices. Tunnel Laborer rate with air-pressurized add \$1.00 to the above wage rate

Ratio :

1 Journeymen to 1 Apprentice
3 Journeymen to 1 Apprentice thereafter

Jurisdiction (* denotes special jurisdictional note) :

CUYAHOGA, GEAUGA

Special Jurisdictional Note : Hod Carriers and Common Laborers - Heavy, Highway, Sewer, Waterworks, Utility, Airport, Railroad, Industrial and Building Site

Details :

Group 1

Laborer (Construction); Plant Laborer or Yardman, Right-of-way Laborer, Landscape Laborer, Highway Lighting Worker, Signalization Worker, (Swimming) Pool Construction Laborer, Utility

Man, *Bridge Man, Handyman, Joint Setter, Flagperson, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer & Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail & Fence Installer, Mesh Handler & Placer, Concrete Curing Applicator, Scaffold Erector, Sign Installer, Hazardous Waste (level D), Diver Helper, Zone Person and Traffic Control.

*Bridge Man will perform work as per the October 31, 1949, memorandum on concrete forms, by and between the United Brotherhood of Carpenters and Joiners of America and the Laborers' International Union of North America, which states in: "the moving, cleaning, oiling and carrying to the next point of erection, and the stripping of forms which are not to be re-used, and forms on all flat arch work shall be done by members of the Laborers' International Union of North America."

Group 2

Asphalt Raker, Screwman or Paver, Concrete Puddler, Kettle Man (pipeline), All Machine-Driven Tools (Gas, Electric, Air), Mason Tender, Brick Paver, Mortar Mixer, Skid Steer, Sheeting & Shoring Person, Surface Grinder Person, Screedperson, Water Blast, Hand Held Wand, Power Buggy or Power Wheelbarrow, Paint Striper, Plastic fusing Machine Operator, Rodding Machine Operator, Pug Mill Operator, Operator of All Vacuum Devices Wet or Dry, Handling of all Pumps 4 inches and under (gas, air or electric), Diver, Form Setter, Bottom Person, Welder Helper (pipeline), Concrete Saw Person, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Underground Person (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air), Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill, Sandblaster Nozzle Person, Hazardous Waste (level B), ***Lead Abatement, Hazardous Waste (level C)

***Includes the erecting of structures for the removal, including the encapsulation and containment of Lead abatement process.

Group 3

Blast and Powder Person, Muckers will be defined as shovel men working directly with the miners, Wrencher (mechanical joints & utility pipeline), Yarnier, Top Lander, Hazardous Waste (level A), Concrete Specialist, Curb Setter and Cutter, Grade Checker, Concrete Crew in Tunnels, Utility pipeline Tappers, Waterline, Caulker, Signal Person will receive the rate equal to the rate paid the Laborer classification for which the Laborer is signaling.

Group 4

Miner, Welder, Gunite Nozzle Person

A.) The Watchperson shall be responsible to patrol and maintain a safe traffic zone including but not limited to barrels, cones, signs, arrow boards, message boards etc.

The responsibility of a watchperson is to see that the equipment, job and office trailer etc. are secure.

SAFETY DATA SHEET

TM2152

Section 1. Identification

Product name : HOTLINE® TM2152 Fast Dry Waterborne Traffic Marking Paint
White

Product code : TM2152

Other means of identification : Not available.

Product type : Liquid.

Relevant identified uses of the substance or mixture and uses advised against

Paint or paint related material.

Manufacturer : THE SHERWIN-WILLIAMS COMPANY
101 W. Prospect Avenue
Cleveland, OH 44115

Emergency telephone number of the company : US / Canada: (216) 566-2917
Mexico: SETIQ 01-800-00-214-00 / (52) 55-5559-1588 24 hours / 365 days a year

Product Information Telephone Number : US / Canada: (800) 368-2026
Mexico: Not Available

Regulatory Information Telephone Number : US / Canada: (216) 566-2902
Mexico: Not Available

Transportation Emergency Telephone Number : US / Canada: (216) 566-2917
Mexico: SETIQ 01-800-00-214-00 / (52) 55-5559-1588 24 hours / 365 days a year

Section 2. Hazards identification

OSHA/HCS status : This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).

Classification of the substance or mixture : FLAMMABLE LIQUIDS - Category 4
SKIN CORROSION/IRRITATION - Category 2
SERIOUS EYE DAMAGE/ EYE IRRITATION - Category 2A
CARCINOGENICITY - Category 1A
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) - Category 1
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Respiratory tract irritation) - Category 3
SPECIFIC TARGET ORGAN TOXICITY (REPEATED EXPOSURE) - Category 2

GHS label elements

Hazard pictograms



Signal word : Danger

Section 2. Hazards identification

Hazard statements	: Combustible liquid. Causes serious eye irritation. Causes skin irritation. May cause cancer. Causes damage to organs. May cause respiratory irritation. May cause damage to organs through prolonged or repeated exposure.
Precautionary statements	
Prevention	: Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Wear protective gloves. Wear eye or face protection. Wear protective clothing. Keep away from flames and hot surfaces. - No smoking. Use only outdoors or in a well-ventilated area. Do not breathe vapor. Do not eat, drink or smoke when using this product. Wash hands thoroughly after handling.
Response	: Get medical attention if you feel unwell. IF exposed: Call a POISON CENTER or physician. IF INHALED: Remove person to fresh air and keep comfortable for breathing. Call a POISON CENTER or physician if you feel unwell. IF ON SKIN: Wash with plenty of soap and water. Take off contaminated clothing and wash it before reuse. If skin irritation occurs: Get medical attention. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical attention.
Storage	: Store locked up. Store in a well-ventilated place. Keep cool.
Disposal	: Dispose of contents and container in accordance with all local, regional, national and international regulations.
Supplemental label elements	WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. FOR INDUSTRIAL USE ONLY. Adequate ventilation required when sanding or abrading the dried film. If Adequate ventilation cannot be provided wear an approved particulate respirator (NIOSH approved). Follow respirator manufacturer's directions for respirator use. DELAYED EFFECTS FROM LONG TERM OVEREXPOSURE. Abrading or sanding of the dry film may release Crystalline Silica which has been shown to cause lung damage and cancer under long term exposure. Please refer to the SDS for additional information. Keep out of reach of children. Do not transfer contents to other containers for storage.
Hazards not otherwise classified	: None known.

Section 3. Composition/information on ingredients

Substance/mixture	: Mixture
Other means of identification	: Not available.

CAS number/other identifiers

Ingredient name	% by weight	CAS number
Calcium Carbonate	≥50 - ≤75	1317-65-3
Titanium Dioxide	≤10	13463-67-7
Methanol	≤3	67-56-1
Crystalline Silica, respirable powder	<1	14808-60-7
Heavy Paraffinic Oil	≤1	64742-65-0

Any concentration shown as a range is to protect confidentiality or is due to batch variation.

There are no additional ingredients present which, within the current knowledge of the supplier and in the concentrations applicable, are classified as hazardous to health and hence require reporting in this section.

Occupational exposure limits, if available, are listed in Section 8.

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Section 4. First aid measures

Description of necessary first aid measures

- Eye contact** : Immediately flush eyes with plenty of water, occasionally lifting the upper and lower eyelids. Check for and remove any contact lenses. Continue to rinse for at least 10 minutes. Get medical attention. If necessary, call a poison center or physician.
- Inhalation** : Remove victim to fresh air and keep at rest in a position comfortable for breathing. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. If not breathing, if breathing is irregular or if respiratory arrest occurs, provide artificial respiration or oxygen by trained personnel. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Get medical attention. If necessary, call a poison center or physician. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.
- Skin contact** : Flush contaminated skin with plenty of water. Remove contaminated clothing and shoes. Wash contaminated clothing thoroughly with water before removing it, or wear gloves. Continue to rinse for at least 10 minutes. Get medical attention. If necessary, call a poison center or physician. Wash clothing before reuse. Clean shoes thoroughly before reuse.
- Ingestion** : Wash out mouth with water. Remove dentures if any. Remove victim to fresh air and keep at rest in a position comfortable for breathing. If material has been swallowed and the exposed person is conscious, give small quantities of water to drink. Stop if the exposed person feels sick as vomiting may be dangerous. Do not induce vomiting unless directed to do so by medical personnel. If vomiting occurs, the head should be kept low so that vomit does not enter the lungs. Get medical attention. If necessary, call a poison center or physician. Never give anything by mouth to an unconscious person. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.

Most important symptoms/effects, acute and delayed

Potential acute health effects

- Eye contact** : Causes serious eye irritation.
- Inhalation** : Causes damage to organs following a single exposure if inhaled. May cause respiratory irritation.
- Skin contact** : Causes damage to organs following a single exposure in contact with skin. Causes skin irritation.
- Ingestion** : Causes damage to organs following a single exposure if swallowed.

Over-exposure signs/symptoms

- Eye contact** : Adverse symptoms may include the following:
pain or irritation
watering
redness
- Inhalation** : Adverse symptoms may include the following:
respiratory tract irritation
coughing
- Skin contact** : Adverse symptoms may include the following:
irritation
redness
- Ingestion** : No specific data.

Indication of immediate medical attention and special treatment needed, if necessary

- Notes to physician** : Treat symptomatically. Contact poison treatment specialist immediately if large quantities have been ingested or inhaled.
- Specific treatments** : No specific treatment.

Section 4. First aid measures

- Protection of first-aiders** : No action shall be taken involving any personal risk or without suitable training. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Wash contaminated clothing thoroughly with water before removing it, or wear gloves.

See toxicological information (Section 11)

Section 5. Fire-fighting measures

Extinguishing media

- Suitable extinguishing media** : Use dry chemical, CO₂, water spray (fog) or foam.

- Unsuitable extinguishing media** : Do not use water jet.

- Specific hazards arising from the chemical** : Combustible liquid. Runoff to sewer may create fire or explosion hazard. In a fire or if heated, a pressure increase will occur and the container may burst, with the risk of a subsequent explosion.

- Hazardous thermal decomposition products** : Decomposition products may include the following materials:
carbon dioxide
carbon monoxide
metal oxide/oxides

- Special protective actions for fire-fighters** : Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. No action shall be taken involving any personal risk or without suitable training. Move containers from fire area if this can be done without risk. Use water spray to keep fire-exposed containers cool.

- Special protective equipment for fire-fighters** : Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode.

Section 6. Accidental release measures

Personal precautions, protective equipment and emergency procedures

- For non-emergency personnel** : No action shall be taken involving any personal risk or without suitable training. Evacuate surrounding areas. Keep unnecessary and unprotected personnel from entering. Do not touch or walk through spilled material. Shut off all ignition sources. No flares, smoking or flames in hazard area. Avoid breathing vapor or mist. Provide adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Put on appropriate personal protective equipment.

- For emergency responders** : If specialized clothing is required to deal with the spillage, take note of any information in Section 8 on suitable and unsuitable materials. See also the information in "For non-emergency personnel".

- Environmental precautions** : Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air).

Methods and materials for containment and cleaning up

- Small spill** : Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Dilute with water and mop up if water-soluble. Alternatively, or if water-insoluble, absorb with an inert dry material and place in an appropriate waste disposal container. Dispose of via a licensed waste disposal contractor.

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Section 6. Accidental release measures

Large spill

: Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Approach release from upwind. Prevent entry into sewers, water courses, basements or confined areas. Wash spillages into an effluent treatment plant or proceed as follows. Contain and collect spillage with non-combustible, absorbent material e.g. sand, earth, vermiculite or diatomaceous earth and place in container for disposal according to local regulations (see Section 13). Dispose of via a licensed waste disposal contractor. Contaminated absorbent material may pose the same hazard as the spilled product. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

Section 7. Handling and storage

Precautions for safe handling

Protective measures

: Put on appropriate personal protective equipment (see Section 8). Avoid exposure - obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Do not get in eyes or on skin or clothing. Do not breathe vapor or mist. Do not ingest. Use only with adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Do not enter storage areas and confined spaces unless adequately ventilated. Keep in the original container or an approved alternative made from a compatible material, kept tightly closed when not in use. Store and use away from heat, sparks, open flame or any other ignition source. Use explosion-proof electrical (ventilating, lighting and material handling) equipment. Use only non-sparking tools. Empty containers retain product residue and can be hazardous. Do not reuse container.

Advice on general occupational hygiene

: Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Conditions for safe storage, including any incompatibilities

: Store in accordance with local regulations. Store in a segregated and approved area. Store in original container protected from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10) and food and drink. Store locked up. Eliminate all ignition sources. Separate from oxidizing materials. Keep container tightly closed and sealed until ready for use. Containers that have been opened must be carefully resealed and kept upright to prevent leakage. Do not store in unlabeled containers. Use appropriate containment to avoid environmental contamination. See Section 10 for incompatible materials before handling or use.

Section 8. Exposure controls/personal protection

Control parameters

Occupational exposure limits (OSHA United States)

Ingredient name	CAS #	Exposure limits
Calcium Carbonate	1317-65-3	OSHA PEL (United States, 5/2018). TWA: 5 mg/m ³ 8 hours. Form: Respirable fraction NIOSH REL (United States, 10/2016). TWA: 5 mg/m ³ 10 hours. Form: Respirable fraction
Titanium Dioxide	13463-67-7	TWA: 10 mg/m ³ 10 hours. Form: Total ACGIH TLV (United States, 3/2019). TWA: 10 mg/m ³ 8 hours. OSHA PEL (United States, 5/2018). TWA: 15 mg/m ³ 8 hours. Form: Total dust
Methanol	67-56-1	ACGIH TLV (United States, 3/2019).

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Section 8. Exposure controls/personal protection

Crystalline Silica, respirable powder	14808-60-7	Absorbed through skin. TWA: 200 ppm 8 hours. TWA: 262 mg/m³ 8 hours. STEL: 250 ppm 15 minutes. STEL: 328 mg/m³ 15 minutes. NIOSH REL (United States, 10/2016). Absorbed through skin. TWA: 200 ppm 10 hours. TWA: 260 mg/m³ 10 hours. STEL: 250 ppm 15 minutes. STEL: 325 mg/m³ 15 minutes. OSHA PEL (United States, 5/2018). TWA: 200 ppm 8 hours. TWA: 260 mg/m³ 8 hours. OSHA PEL Z3 (United States, 6/2016). TWA: 250 mppcf / (%SiO₂+5) 8 hours. Form: Respirable TWA: 10 mg/m³ / (%SiO₂+2) 8 hours. Form: Respirable OSHA PEL (United States, 5/2018). TWA: 50 µg/m³ 8 hours. Form: Respirable dust ACGIH TLV (United States, 3/2019). TWA: 0.025 mg/m³ 8 hours. Form: Respirable fraction NIOSH REL (United States, 10/2016). TWA: 0.05 mg/m³ 10 hours. Form: respirable dust OSHA PEL (United States, 5/2018). TWA: 5 mg/m³ 8 hours. ACGIH TLV (United States, 3/2019). TWA: 5 mg/m³ 8 hours. Form: Inhalable fraction NIOSH REL (United States, 10/2016). TWA: 5 mg/m³ 10 hours. Form: Mist STEL: 10 mg/m³ 15 minutes. Form: Mist
Heavy Paraffinic Oil	64742-65-0	OSHA PEL (United States, 5/2018). TWA: 5 mg/m³ 8 hours. ACGIH TLV (United States, 3/2019). TWA: 5 mg/m³ 8 hours. Form: Inhalable fraction NIOSH REL (United States, 10/2016). TWA: 5 mg/m³ 10 hours. Form: Mist STEL: 10 mg/m³ 15 minutes. Form: Mist

Occupational exposure limits (Canada)

Ingredient name	CAS #	Exposure limits
Titanium dioxide	13463-67-7	CA British Columbia Provincial (Canada, 5/2019). TWA: 3 mg/m³ 8 hours. Form: Respirable dust TWA: 10 mg/m³ 8 hours. Form: Total dust CA Quebec Provincial (Canada, 1/2014). TWAEV: 10 mg/m³ 8 hours. Form: Total dust. CA Alberta Provincial (Canada, 6/2018). 8 hrs OEL: 10 mg/m³ 8 hours. CA Ontario Provincial (Canada, 1/2018). TWA: 10 mg/m³ 8 hours. CA Saskatchewan Provincial (Canada, 7/2013). STEL: 20 mg/m³ 15 minutes. TWA: 10 mg/m³ 8 hours.
Methyl alcohol	67-56-1	CA Alberta Provincial (Canada, 6/2018). Absorbed through skin.

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Section 8. Exposure controls/personal protection

Quartz	14808-60-7	8 hrs OEL: 262 mg/m³ 8 hours. 8 hrs OEL: 200 ppm 8 hours. 15 min OEL: 250 ppm 15 minutes. 15 min OEL: 328 mg/m³ 15 minutes. CA British Columbia Provincial (Canada, 5/2019). Absorbed through skin. TWA: 200 ppm 8 hours. STEL: 250 ppm 15 minutes. CA Ontario Provincial (Canada, 1/2018). Absorbed through skin. TWA: 200 ppm 8 hours. STEL: 250 ppm 15 minutes. CA Quebec Provincial (Canada, 1/2014). Absorbed through skin. TWA: 200 ppm 8 hours. TWA: 262 mg/m³ 8 hours. STEL: 250 ppm 15 minutes. STEL: 328 mg/m³ 15 minutes. CA Saskatchewan Provincial (Canada, 7/2013). Absorbed through skin. STEL: 250 ppm 15 minutes. TWA: 200 ppm 8 hours. CA British Columbia Provincial (Canada, 5/2019). TWA: 0.025 mg/m³ 8 hours. Form: Respirable CA Quebec Provincial (Canada, 1/2014). TWA: 0.1 mg/m³ 8 hours. Form: Respirable dust. CA Ontario Provincial (Canada, 1/2018). TWA: 0.1 mg/m³ 8 hours. Form: Respirable fraction. CA Alberta Provincial (Canada, 6/2018). 8 hrs OEL: 0.025 mg/m³ 8 hours. Form: Respirable particulate CA Saskatchewan Provincial (Canada, 7/2013). TWA: 0.05 mg/m³ 8 hours. Form: respirable fraction
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Occupational exposure limits (Mexico)

	CAS #	Exposure limits
methanol	67-56-1	NOM-010-STPS-2014 (Mexico, 4/2016). Absorbed through skin. TWA: 200 ppm 8 hours. STEL: 250 ppm 15 minutes.

Appropriate engineering controls

: Use only with adequate ventilation. Use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits. The engineering controls also need to keep gas, vapor or dust concentrations below any lower explosive limits. Use explosion-proof ventilation equipment.

Environmental exposure controls

: Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, fume scrubbers, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.

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Section 8. Exposure controls/personal protection

Individual protection measures

- Hygiene measures** : Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.
- Eye/face protection** : Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: chemical splash goggles.
- Skin protection**
- Hand protection** : Chemical-resistant, impervious gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is necessary. Considering the parameters specified by the glove manufacturer, check during use that the gloves are still retaining their protective properties. It should be noted that the time to breakthrough for any glove material may be different for different glove manufacturers. In the case of mixtures, consisting of several substances, the protection time of the gloves cannot be accurately estimated.
- Body protection** : Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
- Other skin protection** : Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
- Respiratory protection** : Based on the hazard and potential for exposure, select a respirator that meets the appropriate standard or certification. Respirators must be used according to a respiratory protection program to ensure proper fitting, training, and other important aspects of use.

Section 9. Physical and chemical properties

Appearance

- Physical state** : Liquid.
- Color** : Not available.
- Odor** : Not available.
- Odor threshold** : Not available.
- pH** : 9.5
- Melting point/freezing point** : Not available.
- Boiling point/boiling range** : 64°C (147.2°F)
- Flash point** : Closed cup: 66°C (150.8°F) [Pensky-Martens Closed Cup]
- Evaporation rate** : 2.07 (butyl acetate = 1)
- Flammability (solid, gas)** : Not available.
- Lower and upper explosive (flammable) limits** : Lower: 6%
Upper: 36.5%
- Vapor pressure** : 12.3 kPa (92 mm Hg) [at 20°C]
- Vapor density** : 1 [Air = 1]
- Relative density** : 1.69
- Solubility** : Not available.
- Partition coefficient: n-octanol/water** : Not available.
- Auto-ignition temperature** : Not available.

Section 9. Physical and chemical properties

Decomposition temperature	: Not available.
Viscosity	: Kinematic (40°C (104°F)): >0.205 cm ² /s (>20.5 cSt)
Molecular weight	: Not applicable.
Aerosol product	
Heat of combustion	: 1.084 kJ/g

Section 10. Stability and reactivity

Reactivity	: No specific test data related to reactivity available for this product or its ingredients.
Chemical stability	: The product is stable.
Possibility of hazardous reactions	: Under normal conditions of storage and use, hazardous reactions will not occur.
Conditions to avoid	: Avoid all possible sources of ignition (spark or flame). Do not pressurize, cut, weld, braze, solder, drill, grind or expose containers to heat or sources of ignition.
Incompatible materials	: Reactive or incompatible with the following materials: oxidizing materials
Hazardous decomposition products	: Under normal conditions of storage and use, hazardous decomposition products should not be produced.

Section 11. Toxicological information

Information on toxicological effects

Acute toxicity

Product/ingredient name	Result	Species	Dose	Exposure
Methanol	LC50 Inhalation Gas.	Rat	145000 ppm	1 hours
	LC50 Inhalation Gas.	Rat	64000 ppm	4 hours
	LD50 Dermal	Rabbit	15800 mg/kg	-
	LD50 Oral	Rat	5600 mg/kg	-
Heavy Paraffinic Oil	LD50 Dermal	Rabbit	>5000 mg/kg	-
	LD50 Oral	Rat	>5000 mg/kg	-

Irritation/Corrosion

Product/ingredient name	Result	Species	Score	Exposure	Observation
Titanium Dioxide	Skin - Mild irritant	Human	-	72 hours 300 ug l	-
Methanol	Eyes - Moderate irritant	Rabbit	-	24 hours 100 mg	-
	Eyes - Moderate irritant	Rabbit	-	40 mg	-
	Skin - Moderate irritant	Rabbit	-	24 hours 20 mg	-

Sensitization

Not available.

Mutagenicity

Not available.

Carcinogenicity

Not available.

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Section 11. Toxicological information

Classification

Product/ingredient name	OSHA	IARC	NTP
Titanium Dioxide	-	2B	-
Crystalline Silica, respirable powder	-	1	Known to be a human carcinogen.

Reproductive toxicity

Not available.

Teratogenicity

Not available.

Specific target organ toxicity (single exposure)

Name	Category	Route of exposure	Target organs
Calcium Carbonate	Category 3	Not applicable.	Respiratory tract irritation
Methanol	Category 1 Category 3	All Not applicable.	Not determined Narcotic effects

Specific target organ toxicity (repeated exposure)

Name	Category	Route of exposure	Target organs
Methanol	Category 2	Not determined	Not determined
Crystalline Silica, respirable powder	Category 1	Inhalation	Not determined

Aspiration hazard

Name	Result
Heavy Paraffinic Oil	ASPIRATION HAZARD - Category 1

Information on the likely routes of exposure : Not available.

Potential acute health effects

- Eye contact** : Causes serious eye irritation.
- Inhalation** : Causes damage to organs following a single exposure if inhaled. May cause respiratory irritation.
- Skin contact** : Causes damage to organs following a single exposure in contact with skin. Causes skin irritation.
- Ingestion** : Causes damage to organs following a single exposure if swallowed.

Symptoms related to the physical, chemical and toxicological characteristics

- Eye contact** : Adverse symptoms may include the following:
pain or irritation
watering
redness
- Inhalation** : Adverse symptoms may include the following:
respiratory tract irritation
coughing
- Skin contact** : Adverse symptoms may include the following:
irritation
redness
- Ingestion** : No specific data.

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Section 11. Toxicological information

Delayed and immediate effects and also chronic effects from short and long term exposure

Short term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Long term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Potential chronic health effects

Not available.

General : May cause damage to organs through prolonged or repeated exposure.
Carcinogenicity : May cause cancer. Risk of cancer depends on duration and level of exposure.
Mutagenicity : No known significant effects or critical hazards.
Teratogenicity : No known significant effects or critical hazards.
Developmental effects : No known significant effects or critical hazards.
Fertility effects : No known significant effects or critical hazards.

Numerical measures of toxicity

Acute toxicity estimates

Route	ATE value
Oral	4699.75 mg/kg
Dermal	14099.25 mg/kg
Inhalation (vapors)	140.99 mg/l

Section 12. Ecological information

Toxicity

Product/ingredient name	Result	Species	Exposure
Titanium Dioxide Methanol	Acute LC50 >1000000 µg/l Marine water	Fish - Fundulus heteroclitus	96 hours
	Acute EC50 16.912 mg/l Marine water	Algae - Ulva pertusa	96 hours
	Acute LC50 2500000 µg/l Marine water	Crustaceans - Crangon crangon - Adult	48 hours
	Acute LC50 3289 mg/l Fresh water	Daphnia - Daphnia magna - Neonate	48 hours
	Acute LC50 290 mg/l Fresh water	Fish - Danio rerio - Egg	96 hours
	Chronic NOEC 9.96 mg/l Marine water	Algae - Ulva pertusa	96 hours

Persistence and degradability

Not available.

Bioaccumulative potential

Product/ingredient name	LogP _{ow}	BCF	Potential
Methanol	-	<10	low

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Section 12. Ecological information

Mobility in soil

Soil/water partition coefficient (K_{oc}) : Not available.

Other adverse effects : No known significant effects or critical hazards.

Section 13. Disposal considerations

Disposal methods : The generation of waste should be avoided or minimized wherever possible. Disposal of this product, solutions and any by-products should at all times comply with the requirements of environmental protection and waste disposal legislation and any regional local authority requirements. Dispose of surplus and non-recyclable products via a licensed waste disposal contractor. Waste should not be disposed of untreated to the sewer unless fully compliant with the requirements of all authorities with jurisdiction. Waste packaging should be recycled. Incineration or landfill should only be considered when recycling is not feasible. This material and its container must be disposed of in a safe way. Care should be taken when handling emptied containers that have not been cleaned or rinsed out. Empty containers or liners may retain some product residues. Vapor from product residues may create a highly flammable or explosive atmosphere inside the container. Do not cut, weld or grind used containers unless they have been cleaned thoroughly internally. Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers.

Section 14. Transport information

	DOT Classification	TDG Classification	Mexico Classification	IATA	IMDG
UN number	Not regulated.	Not regulated.	Not regulated.	Not regulated.	Not regulated.
UN proper shipping name	-	-	-	-	-
Transport hazard class(es)	-	-	-	-	-
Packing group	-	-	-	-	-
Environmental hazards	No.	No.	No.	No.	No.
Additional information	-	-	-	-	-

Special precautions for user : Multi-modal shipping descriptions are provided for informational purposes and do not consider container sizes. The presence of a shipping description for a particular mode of transport (sea, air, etc.), does not indicate that the product is packaged suitably for that mode of transport. All packaging must be reviewed for suitability prior to shipment, and compliance with the applicable regulations is the sole responsibility of the person offering the product for transport. People loading and unloading dangerous goods must be trained on all of the risks deriving from the substances and on all actions in case of emergency situations.

Transport in bulk according to Annex II of MARPOL and the IBC Code : Not available.

Proper shipping name : Not available.

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Section 14. Transport information

Ship type : Not available.

Pollution category : Not available.

Section 15. Regulatory information

SARA 313

SARA 313 (40 CFR 372.45) supplier notification can be found on the Environmental Data Sheet.

California Prop. 65

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

International regulations

International lists

: **Australia inventory (AICS)**: Not determined.
China inventory (IECSC): Not determined.
Japan inventory (ENCS): Not determined.
Japan inventory (ISHL): Not determined.
Korea inventory (KECI): Not determined.
New Zealand Inventory of Chemicals (NZIoC): Not determined.
Philippines inventory (PICCS): Not determined.
Taiwan Chemical Substances Inventory (TCSI): Not determined.
Thailand inventory: Not determined.
Turkey inventory: Not determined.
Vietnam inventory: Not determined.

Section 16. Other information

Hazardous Material Information System (U.S.A.)



The customer is responsible for determining the PPE code for this material. For more information on HMIS® Personal Protective Equipment (PPE) codes, consult the HMIS® Implementation Manual.

Caution: HMIS® ratings are based on a 0-4 rating scale, with 0 representing minimal hazards or risks, and 4 representing significant hazards or risks. Although HMIS® ratings and the associated label are not required on SDSs or products leaving a facility under 29 CFR 1910.1200, the preparer may choose to provide them. HMIS® ratings are to be used with a fully implemented HMIS® program. HMIS® is a registered trademark and service mark of the American Coatings Association, Inc.

Procedure used to derive the classification

Classification	Justification
FLAMMABLE LIQUIDS - Category 4	On basis of test data
SKIN CORROSION/IRRITATION - Category 2	Calculation method
SERIOUS EYE DAMAGE/ EYE IRRITATION - Category 2A	Calculation method
CARCINOGENICITY - Category 1A	Calculation method
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) - Category 1	Calculation method
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Respiratory tract irritation) - Category 3	Calculation method
SPECIFIC TARGET ORGAN TOXICITY (REPEATED EXPOSURE) - Category 2	Calculation method

History

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Section 16. Other information

Date of previous issue : 11/11/2019
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Key to abbreviations : ATE = Acute Toxicity Estimate
BCF = Bioconcentration Factor
GHS = Globally Harmonized System of Classification and Labelling of Chemicals
IATA = International Air Transport Association
IBC = Intermediate Bulk Container
IMDG = International Maritime Dangerous Goods
LogPow = logarithm of the octanol/water partition coefficient
MARPOL = International Convention for the Prevention of Pollution From Ships, 1973
as modified by the Protocol of 1978. ("Marpol" = marine pollution)
N/A = Not available
SGG = Segregation Group
UN = United Nations

Indicates information that has changed from previously issued version.

Notice to reader

It is recommended that each customer or recipient of this Safety Data Sheet (SDS) study it carefully and consult resources, as necessary or appropriate, to become aware of and understand the data contained in this SDS and any hazards associated with the product. This information is provided in good faith and believed to be accurate as of the effective date herein. However, no warranty, express or implied, is given. The information presented here applies only to the product as shipped. The addition of any material can change the composition, hazards and risks of the product. Products shall not be repackaged, modified, or tinted except as specifically instructed by the manufacturer, including but not limited to the incorporation of products not specified by the manufacturer, or the use or addition of products in proportions not specified by the manufacturer. Regulatory requirements are subject to change and may differ between various locations and jurisdictions. The customer/buyer/user is responsible to ensure that his activities comply with all country, federal, state, provincial or local laws. The conditions for use of the product are not under the control of the manufacturer; the customer/buyer/user is responsible to determine the conditions necessary for the safe use of this product. The customer/buyer/user should not use the product for any purpose other than the purpose shown in the applicable section of this SDS without first referring to the supplier and obtaining written handling instructions. Due to the proliferation of sources for information such as manufacturer-specific SDS, the manufacturer cannot be responsible for SDSs obtained from any other source.

SAFETY DATA SHEET

TM2153

Section 1. Identification

Product name : HOTLINE® TM2153 Fast Dry Waterborne Traffic Marking Paint
Yellow

Product code : TM2153

Other means of identification : Not available.

Product type : Liquid.

Relevant identified uses of the substance or mixture and uses advised against
Paint or paint related material.

Manufacturer : THE SHERWIN-WILLIAMS COMPANY
101 W. Prospect Avenue
Cleveland, OH 44115

Emergency telephone number of the company : US / Canada: (216) 566-2917
Mexico: SETIQ 01-800-00-214-00 / (52) 55-5559-1588 24 hours / 365 days a year

Product Information Telephone Number : US / Canada: (800) 368-2026
Mexico: Not Available

Regulatory Information Telephone Number : US / Canada: (216) 566-2902
Mexico: Not Available

Transportation Emergency Telephone Number : US / Canada: (216) 566-2917
Mexico: SETIQ 01-800-00-214-00 / (52) 55-5559-1588 24 hours / 365 days a year

Section 2. Hazards identification

OSHA/HCS status : This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).

Classification of the substance or mixture : FLAMMABLE LIQUIDS - Category 4
SKIN CORROSION/IRRITATION - Category 2
SERIOUS EYE DAMAGE/ EYE IRRITATION - Category 2A
CARCINOGENICITY - Category 1A
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) - Category 1
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Respiratory tract irritation) - Category 3
SPECIFIC TARGET ORGAN TOXICITY (REPEATED EXPOSURE) - Category 2

GHS label elements

Hazard pictograms :



Signal word :

Danger

Section 2. Hazards identification

Hazard statements

- : Combustible liquid.
- Causes serious eye irritation.
- Causes skin irritation.
- May cause cancer.
- Causes damage to organs.
- May cause respiratory irritation.
- May cause damage to organs through prolonged or repeated exposure.

Precautionary statements

Prevention

- : Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Wear protective gloves. Wear eye or face protection. Wear protective clothing. Keep away from flames and hot surfaces. - No smoking. Use only outdoors or in a well-ventilated area. Do not breathe vapor. Do not eat, drink or smoke when using this product. Wash hands thoroughly after handling.

Response

- : Get medical attention if you feel unwell. IF exposed: Call a POISON CENTER or physician. IF INHALED: Remove person to fresh air and keep comfortable for breathing. Call a POISON CENTER or physician if you feel unwell. IF ON SKIN: Wash with plenty of soap and water. Take off contaminated clothing and wash it before reuse. If skin irritation occurs: Get medical attention. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical attention.

Storage

- : Store locked up. Store in a well-ventilated place. Keep cool.

Disposal

- : Dispose of contents and container in accordance with all local, regional, national and international regulations.

Supplemental label elements

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. FOR INDUSTRIAL USE ONLY. Adequate ventilation required when sanding or abrading the dried film. If Adequate ventilation cannot be provided wear an approved particulate respirator (NIOSH approved). Follow respirator manufacturer's directions for respirator use. DELAYED EFFECTS FROM LONG TERM OVEREXPOSURE. Abrading or sanding of the dry film may release Crystalline Silica which has been shown to cause lung damage and cancer under long term exposure.

Please refer to the SDS for additional information. Keep out of reach of children. Do not transfer contents to other containers for storage.

Hazards not otherwise classified

- : None known.

Section 3. Composition/information on ingredients

Substance/mixture

- : Mixture

Other means of identification

- : Not available.

CAS number/other identifiers

Ingredient name	% by weight	CAS number
Calcium Carbonate	≥50 - ≤75	1317-65-3
Methanol	≤3	67-56-1
Titanium Dioxide	≤3	13463-67-7
Crystalline Silica, respirable powder	<1	14808-60-7
Heavy Paraffinic Oil	≤1	64742-65-0

Any concentration shown as a range is to protect confidentiality or is due to batch variation.

There are no additional ingredients present which, within the current knowledge of the supplier and in the concentrations applicable, are classified as hazardous to health and hence require reporting in this section.

Occupational exposure limits, if available, are listed in Section 8.

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Yellow

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Section 4. First aid measures

Description of necessary first aid measures

- Eye contact** : Immediately flush eyes with plenty of water, occasionally lifting the upper and lower eyelids. Check for and remove any contact lenses. Continue to rinse for at least 10 minutes. Get medical attention. If necessary, call a poison center or physician.
- Inhalation** : Remove victim to fresh air and keep at rest in a position comfortable for breathing. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. If not breathing, if breathing is irregular or if respiratory arrest occurs, provide artificial respiration or oxygen by trained personnel. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Get medical attention. If necessary, call a poison center or physician. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband. In case of inhalation of decomposition products in a fire, symptoms may be delayed. The exposed person may need to be kept under medical surveillance for 48 hours.
- Skin contact** : Flush contaminated skin with plenty of water. Remove contaminated clothing and shoes. Wash contaminated clothing thoroughly with water before removing it, or wear gloves. Continue to rinse for at least 10 minutes. Get medical attention. If necessary, call a poison center or physician. Wash clothing before reuse. Clean shoes thoroughly before reuse.
- Ingestion** : Wash out mouth with water. Remove dentures if any. Remove victim to fresh air and keep at rest in a position comfortable for breathing. If material has been swallowed and the exposed person is conscious, give small quantities of water to drink. Stop if the exposed person feels sick as vomiting may be dangerous. Do not induce vomiting unless directed to do so by medical personnel. If vomiting occurs, the head should be kept low so that vomit does not enter the lungs. Get medical attention. If necessary, call a poison center or physician. Never give anything by mouth to an unconscious person. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.

Most important symptoms/effects, acute and delayed

Potential acute health effects

- Eye contact** : Causes serious eye irritation.
- Inhalation** : Causes damage to organs following a single exposure if inhaled. May cause respiratory irritation.
- Skin contact** : Causes damage to organs following a single exposure in contact with skin. Causes skin irritation.
- Ingestion** : Causes damage to organs following a single exposure if swallowed.

Over-exposure signs/symptoms

- Eye contact** : Adverse symptoms may include the following:
pain or irritation
watering
redness
- Inhalation** : Adverse symptoms may include the following:
respiratory tract irritation
coughing
- Skin contact** : Adverse symptoms may include the following:
irritation
redness
- Ingestion** : No specific data.

Indication of immediate medical attention and special treatment needed, if necessary

Section 4. First aid measures

- Notes to physician** : In case of inhalation of decomposition products in a fire, symptoms may be delayed. The exposed person may need to be kept under medical surveillance for 48 hours.
- Specific treatments** : No specific treatment.
- Protection of first-aiders** : No action shall be taken involving any personal risk or without suitable training. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Wash contaminated clothing thoroughly with water before removing it, or wear gloves.

See toxicological information (Section 11)

Section 5. Fire-fighting measures

Extinguishing media

- Suitable extinguishing media** : Use dry chemical, CO₂, water spray (fog) or foam.
- Unsuitable extinguishing media** : Do not use water jet.
- Specific hazards arising from the chemical** : Combustible liquid. Runoff to sewer may create fire or explosion hazard. In a fire or if heated, a pressure increase will occur and the container may burst, with the risk of a subsequent explosion.
- Hazardous thermal decomposition products** : Decomposition products may include the following materials:
carbon dioxide
carbon monoxide
nitrogen oxides
metal oxide/oxides
- Special protective actions for fire-fighters** : Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. No action shall be taken involving any personal risk or without suitable training. Move containers from fire area if this can be done without risk. Use water spray to keep fire-exposed containers cool.
- Special protective equipment for fire-fighters** : Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode.

Section 6. Accidental release measures

Personal precautions, protective equipment and emergency procedures

- For non-emergency personnel** : No action shall be taken involving any personal risk or without suitable training. Evacuate surrounding areas. Keep unnecessary and unprotected personnel from entering. Do not touch or walk through spilled material. Shut off all ignition sources. No flares, smoking or flames in hazard area. Avoid breathing vapor or mist. Provide adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Put on appropriate personal protective equipment.
- For emergency responders** : If specialized clothing is required to deal with the spillage, take note of any information in Section 8 on suitable and unsuitable materials. See also the information in "For non-emergency personnel".
- Environmental precautions** : Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air).

Methods and materials for containment and cleaning up

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Section 6. Accidental release measures

Small spill

- Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Dilute with water and mop up if water-soluble. Alternatively, or if water-insoluble, absorb with an inert dry material and place in an appropriate waste disposal container. Dispose of via a licensed waste disposal contractor.

Large spill

- Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Approach release from upwind. Prevent entry into sewers, water courses, basements or confined areas. Wash spillages into an effluent treatment plant or proceed as follows. Contain and collect spillage with non-combustible, absorbent material e.g. sand, earth, vermiculite or diatomaceous earth and place in container for disposal according to local regulations (see Section 13). Dispose of via a licensed waste disposal contractor. Contaminated absorbent material may pose the same hazard as the spilled product. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

Section 7. Handling and storage

Precautions for safe handling

Protective measures

- Put on appropriate personal protective equipment (see Section 8). Avoid exposure - obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Do not get in eyes or on skin or clothing. Do not breathe vapor or mist. Do not ingest. Use only with adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Do not enter storage areas and confined spaces unless adequately ventilated. Keep in the original container or an approved alternative made from a compatible material, kept tightly closed when not in use. Store and use away from heat, sparks, open flame or any other ignition source. Use explosion-proof electrical (ventilating, lighting and material handling) equipment. Use only non-sparking tools. Empty containers retain product residue and can be hazardous. Do not reuse container.

Advice on general occupational hygiene

- Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Conditions for safe storage, including any incompatibilities

- Store in accordance with local regulations. Store in a segregated and approved area. Store in original container protected from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10) and food and drink. Store locked up. Eliminate all ignition sources. Separate from oxidizing materials. Keep container tightly closed and sealed until ready for use. Containers that have been opened must be carefully resealed and kept upright to prevent leakage. Do not store in unlabeled containers. Use appropriate containment to avoid environmental contamination. See Section 10 for incompatible materials before handling or use.

Section 8. Exposure controls/personal protection

Control parameters

Occupational exposure limits (OSHA United States)

Ingredient name	CAS #	Exposure limits
Calcium Carbonate	1317-65-3	OSHA PEL (United States, 5/2018). TWA: 5 mg/m ³ 8 hours. Form: Respirable fraction TWA: 15 mg/m ³ 8 hours. Form: Total dust NIOSH REL (United States, 10/2016). TWA: 5 mg/m ³ 10 hours. Form: Respirable fraction TWA: 10 mg/m ³ 10 hours. Form: Total
Methanol	67-56-1	ACGIH TLV (United States, 3/2019).

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Section 8. Exposure controls/personal protection

Titanium Dioxide	13463-67-7	Absorbed through skin. TWA: 200 ppm 8 hours. TWA: 262 mg/m³ 8 hours. STEL: 250 ppm 15 minutes. STEL: 328 mg/m³ 15 minutes. NIOSH REL (United States, 10/2016). Absorbed through skin. TWA: 200 ppm 10 hours. TWA: 260 mg/m³ 10 hours. STEL: 250 ppm 15 minutes. STEL: 325 mg/m³ 15 minutes. OSHA PEL (United States, 5/2018). TWA: 200 ppm 8 hours. TWA: 260 mg/m³ 8 hours.
Crystalline Silica, respirable powder	14808-60-7	ACGIH TLV (United States, 3/2019). TWA: 10 mg/m³ 8 hours. OSHA PEL (United States, 5/2018). TWA: 15 mg/m³ 8 hours. Form: Total dust OSHA PEL Z3 (United States, 6/2016). TWA: 250 mppcf / (%SiO₂+5) 8 hours. Form: Respirable TWA: 10 mg/m³ / (%SiO₂+2) 8 hours. Form: Respirable OSHA PEL (United States, 5/2018). TWA: 50 µg/m³ 8 hours. Form: Respirable dust ACGIH TLV (United States, 3/2019). TWA: 0.025 mg/m³ 8 hours. Form: Respirable fraction NIOSH REL (United States, 10/2016). TWA: 0.05 mg/m³ 10 hours. Form: respirable dust
Heavy Paraffinic Oil	64742-65-0	OSHA PEL (United States, 5/2018). TWA: 5 mg/m³ 8 hours. ACGIH TLV (United States, 3/2019). TWA: 5 mg/m³ 8 hours. Form: Inhalable fraction NIOSH REL (United States, 10/2016). TWA: 5 mg/m³ 10 hours. Form: Mist STEL: 10 mg/m³ 15 minutes. Form: Mist

Occupational exposure limits (Canada)

Ingredient name	CAS #	Exposure limits
Methyl alcohol	67-56-1	CA Alberta Provincial (Canada, 6/2018). Absorbed through skin. 8 hrs OEL: 262 mg/m³ 8 hours. 8 hrs OEL: 200 ppm 8 hours. 15 min OEL: 250 ppm 15 minutes. 15 min OEL: 328 mg/m³ 15 minutes. CA British Columbia Provincial (Canada, 5/2019). Absorbed through skin. TWA: 200 ppm 8 hours. STEL: 250 ppm 15 minutes. CA Ontario Provincial (Canada, 1/2018). Absorbed through skin. TWA: 200 ppm 8 hours.

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Section 8. Exposure controls/personal protection

Titanium dioxide	13463-67-7	STEL: 250 ppm 15 minutes. CA Quebec Provincial (Canada, 1/2014). Absorbed through skin. TWA: 200 ppm 8 hours. TWA: 262 mg/m³ 8 hours. STEL: 250 ppm 15 minutes. STEL: 328 mg/m³ 15 minutes. CA Saskatchewan Provincial (Canada, 7/2013). Absorbed through skin. STEL: 250 ppm 15 minutes. TWA: 200 ppm 8 hours. CA British Columbia Provincial (Canada, 5/2019). TWA: 3 mg/m³ 8 hours. Form: Respirable dust TWA: 10 mg/m³ 8 hours. Form: Total dust CA Quebec Provincial (Canada, 1/2014). TWA: 10 mg/m³ 8 hours. Form: Total dust. CA Alberta Provincial (Canada, 6/2018). 8 hrs OEL: 10 mg/m³ 8 hours. CA Ontario Provincial (Canada, 1/2018). TWA: 10 mg/m³ 8 hours. CA Saskatchewan Provincial (Canada, 7/2013). STEL: 20 mg/m³ 15 minutes. TWA: 10 mg/m³ 8 hours. CA British Columbia Provincial (Canada, 5/2019). TWA: 0.025 mg/m³ 8 hours. Form: Respirable CA Quebec Provincial (Canada, 1/2014). TWA: 0.1 mg/m³ 8 hours. Form: Respirable dust. CA Ontario Provincial (Canada, 1/2018). TWA: 0.1 mg/m³ 8 hours. Form: Respirable fraction. CA Alberta Provincial (Canada, 6/2018). 8 hrs OEL: 0.025 mg/m³ 8 hours. Form: Respirable particulate CA Saskatchewan Provincial (Canada, 7/2013). TWA: 0.05 mg/m³ 8 hours. Form: respirable fraction
Quartz	14808-60-7	STEL: 250 ppm 15 minutes. CA Quebec Provincial (Canada, 1/2014). Absorbed through skin. TWA: 200 ppm 8 hours. TWA: 262 mg/m³ 8 hours. STEL: 250 ppm 15 minutes. STEL: 328 mg/m³ 15 minutes. CA Saskatchewan Provincial (Canada, 7/2013). Absorbed through skin. STEL: 250 ppm 15 minutes. TWA: 200 ppm 8 hours. CA British Columbia Provincial (Canada, 5/2019). TWA: 3 mg/m³ 8 hours. Form: Respirable dust TWA: 10 mg/m³ 8 hours. Form: Total dust CA Quebec Provincial (Canada, 1/2014). TWA: 10 mg/m³ 8 hours. Form: Total dust. CA Alberta Provincial (Canada, 6/2018). 8 hrs OEL: 10 mg/m³ 8 hours. CA Ontario Provincial (Canada, 1/2018). TWA: 10 mg/m³ 8 hours. CA Saskatchewan Provincial (Canada, 7/2013). STEL: 20 mg/m³ 15 minutes. TWA: 10 mg/m³ 8 hours. CA British Columbia Provincial (Canada, 5/2019). TWA: 0.025 mg/m³ 8 hours. Form: Respirable CA Quebec Provincial (Canada, 1/2014). TWA: 0.1 mg/m³ 8 hours. Form: Respirable dust. CA Ontario Provincial (Canada, 1/2018). TWA: 0.1 mg/m³ 8 hours. Form: Respirable fraction. CA Alberta Provincial (Canada, 6/2018). 8 hrs OEL: 0.025 mg/m³ 8 hours. Form: Respirable particulate CA Saskatchewan Provincial (Canada, 7/2013). TWA: 0.05 mg/m³ 8 hours. Form: respirable fraction

Occupational exposure limits (Mexico)

	CAS #	Exposure limits
methanol	67-56-1	NOM-010-STPS-2014 (Mexico, 4/2016). Absorbed through skin. TWA: 200 ppm 8 hours. STEL: 250 ppm 15 minutes.

Appropriate engineering controls

: Use only with adequate ventilation. Use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits. The engineering controls also need to keep gas, vapor or dust concentrations below any lower explosive limits. Use explosion-proof ventilation equipment.

Section 8. Exposure controls/personal protection

Environmental exposure controls	: Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, fume scrubbers, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.
Individual protection measures	
Hygiene measures	: Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.
Eye/face protection	: Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: chemical splash goggles.
Skin protection	
Hand protection	: Chemical-resistant, impervious gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is necessary. Considering the parameters specified by the glove manufacturer, check during use that the gloves are still retaining their protective properties. It should be noted that the time to breakthrough for any glove material may be different for different glove manufacturers. In the case of mixtures, consisting of several substances, the protection time of the gloves cannot be accurately estimated.
Body protection	: Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
Other skin protection	: Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
Respiratory protection	: Based on the hazard and potential for exposure, select a respirator that meets the appropriate standard or certification. Respirators must be used according to a respiratory protection program to ensure proper fitting, training, and other important aspects of use.

Section 9. Physical and chemical properties

Appearance

Physical state	: Liquid.
Color	: Not available.
Odor	: Not available.
Odor threshold	: Not available.
pH	: 9.5
Melting point/freezing point	: Not available.
Boiling point/boiling range	: 64°C (147.2°F)
Flash point	: Closed cup: 66°C (150.8°F) [Pensky-Martens Closed Cup]
Evaporation rate	: 2.07 (butyl acetate = 1)
Flammability (solid, gas)	: Not available.
Lower and upper explosive (flammable) limits	: Lower: 6% Upper: 36.5%
Vapor pressure	: 12.3 kPa (92 mm Hg) [at 20°C]
Vapor density	: 1 [Air = 1]
Relative density	: 1.65
Solubility	: Not available.

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Section 9. Physical and chemical properties

Partition coefficient: n-octanol/water	: Not available.
Auto-ignition temperature	: Not available.
Decomposition temperature	: Not available.
Viscosity	: Kinematic (40°C (104°F)): >0.205 cm ² /s (>20.5 cSt)
Molecular weight	: Not applicable.
Aerosol product	
Heat of combustion	: 1.13 kJ/g

Section 10. Stability and reactivity

Reactivity	: No specific test data related to reactivity available for this product or its ingredients.
Chemical stability	: The product is stable.
Possibility of hazardous reactions	: Under normal conditions of storage and use, hazardous reactions will not occur.
Conditions to avoid	: Avoid all possible sources of ignition (spark or flame). Do not pressurize, cut, weld, braze, solder, drill, grind or expose containers to heat or sources of ignition.
Incompatible materials	: Reactive or incompatible with the following materials: oxidizing materials
Hazardous decomposition products	: Under normal conditions of storage and use, hazardous decomposition products should not be produced.

Section 11. Toxicological information

Information on toxicological effects

Acute toxicity

Product/ingredient name	Result	Species	Dose	Exposure
Methanol	LC50 Inhalation Gas.	Rat	145000 ppm	1 hours
	LC50 Inhalation Gas.	Rat	64000 ppm	4 hours
	LD50 Dermal	Rabbit	15800 mg/kg	-
	LD50 Oral	Rat	5600 mg/kg	-
Heavy Paraffinic Oil	LD50 Dermal	Rabbit	>5000 mg/kg	-
	LD50 Oral	Rat	>5000 mg/kg	-

Irritation/Corrosion

Product/ingredient name	Result	Species	Score	Exposure	Observation
Methanol	Eyes - Moderate irritant	Rabbit	-	24 hours 100 mg	-
	Eyes - Moderate irritant	Rabbit	-	40 mg	-
	Skin - Moderate irritant	Rabbit	-	24 hours 20 mg	-
	Skin - Mild irritant	Human	-	72 hours 300 ug l	-

Sensitization

Not available.

Mutagenicity

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Not available.

Carcinogenicity

Not available.

Classification

Product/ingredient name	OSHA	IARC	NTP
Titanium Dioxide	-	2B	-
Crystalline Silica, respirable powder	-	1	Known to be a human carcinogen.

Reproductive toxicity

Not available.

Teratogenicity

Not available.

Specific target organ toxicity (single exposure)

Name	Category	Route of exposure	Target organs
Calcium Carbonate	Category 3	Not applicable.	Respiratory tract irritation
Methanol	Category 1 Category 3	All Not applicable.	Not determined Narcotic effects

Specific target organ toxicity (repeated exposure)

Name	Category	Route of exposure	Target organs
Methanol	Category 2	Not determined	Not determined
Crystalline Silica, respirable powder	Category 1	Inhalation	Not determined

Aspiration hazard

Name	Result
Heavy Paraffinic Oil	ASPIRATION HAZARD - Category 1

Information on the likely routes of exposure : Not available.

Potential acute health effects

- Eye contact** : Causes serious eye irritation.
- Inhalation** : Causes damage to organs following a single exposure if inhaled. May cause respiratory irritation.
- Skin contact** : Causes damage to organs following a single exposure in contact with skin. Causes skin irritation.
- Ingestion** : Causes damage to organs following a single exposure if swallowed.

Symptoms related to the physical, chemical and toxicological characteristics

- Eye contact** : Adverse symptoms may include the following:
pain or irritation
watering
redness
- Inhalation** : Adverse symptoms may include the following:
respiratory tract irritation
coughing

Section 11. Toxicological information

- Skin contact** : Adverse symptoms may include the following:
irritation
redness
- Ingestion** : No specific data.

Delayed and immediate effects and also chronic effects from short and long term exposure

Short term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Long term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Potential chronic health effects

Not available.

- General** : May cause damage to organs through prolonged or repeated exposure.
- Carcinogenicity** : May cause cancer. Risk of cancer depends on duration and level of exposure.
- Mutagenicity** : No known significant effects or critical hazards.
- Teratogenicity** : No known significant effects or critical hazards.
- Developmental effects** : No known significant effects or critical hazards.
- Fertility effects** : No known significant effects or critical hazards.

Numerical measures of toxicity

Acute toxicity estimates

Route	ATE value
Oral	4574.14 mg/kg
Dermal	13722.41 mg/kg
Inhalation (vapors)	137.22 mg/l

Section 12. Ecological information

Toxicity

Product/ingredient name	Result	Species	Exposure
Methanol	Acute EC50 16.912 mg/l Marine water	Algae - Ulva pertusa	96 hours
	Acute LC50 2500000 µg/l Marine water	Crustaceans - Crangon crangon - Adult	48 hours
	Acute LC50 3289 mg/l Fresh water	Daphnia - Daphnia magna - Neonate	48 hours
	Acute LC50 290 mg/l Fresh water	Fish - Danio rerio - Egg	96 hours
Titanium Dioxide	Chronic NOEC 9.96 mg/l Marine water	Algae - Ulva pertusa	96 hours
	Acute LC50 >1000000 µg/l Marine water	Fish - Fundulus heteroclitus	96 hours

Persistence and degradability

Not available.

Bioaccumulative potential

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Product/ingredient name	LogP _{ow}	BCF	Potential
Methanol	-	<10	low

Mobility in soil

Soil/water partition coefficient (K_{oc}) : Not available.

Other adverse effects

: No known significant effects or critical hazards.

Section 13. Disposal considerations

Disposal methods

: The generation of waste should be avoided or minimized wherever possible. Disposal of this product, solutions and any by-products should at all times comply with the requirements of environmental protection and waste disposal legislation and any regional local authority requirements. Dispose of surplus and non-recyclable products via a licensed waste disposal contractor. Waste should not be disposed of untreated to the sewer unless fully compliant with the requirements of all authorities with jurisdiction. Waste packaging should be recycled. Incineration or landfill should only be considered when recycling is not feasible. This material and its container must be disposed of in a safe way. Care should be taken when handling emptied containers that have not been cleaned or rinsed out. Empty containers or liners may retain some product residues. Vapor from product residues may create a highly flammable or explosive atmosphere inside the container. Do not cut, weld or grind used containers unless they have been cleaned thoroughly internally. Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers.

Section 14. Transport information

	DOT Classification	TDG Classification	Mexico Classification	IATA	IMDG
UN number	Not regulated.	Not regulated.	Not regulated.	Not regulated.	Not regulated.
UN proper shipping name	-	-	-	-	-
Transport hazard class(es)	-	-	-	-	-
Packing group	-	-	-	-	-
Environmental hazards	No.	No.	No.	No.	No.
Additional information	-	-	-	-	-

Special precautions for user

: Multi-modal shipping descriptions are provided for informational purposes and do not consider container sizes. The presence of a shipping description for a particular mode of transport (sea, air, etc.), does not indicate that the product is packaged suitably for that mode of transport. All packaging must be reviewed for suitability prior to shipment, and compliance with the applicable regulations is the sole responsibility of the person offering the product for transport. People loading and unloading dangerous goods must be trained on all of the risks deriving from the substances and on all actions in case of emergency situations.

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Transport in bulk according to Annex II of MARPOL and the IBC Code : Not available.

Proper shipping name : Not available.

Ship type : Not available.

Pollution category : Not available.

Section 15. Regulatory information

SARA 313

SARA 313 (40 CFR 372.45) supplier notification can be found on the Environmental Data Sheet.

California Prop. 65

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

International regulations

International lists

Australia inventory (AICS): Not determined.

China inventory (IECSC): Not determined.

Japan inventory (ENCS): Not determined.

Japan inventory (ISHL): Not determined.

Korea inventory (KECI): Not determined.

New Zealand Inventory of Chemicals (NZIoC): Not determined.

Philippines inventory (PICCS): Not determined.

Taiwan Chemical Substances Inventory (TCSI): Not determined.

Thailand inventory: Not determined.

Turkey inventory: Not determined.

Vietnam inventory: Not determined.

Section 16. Other information

Hazardous Material Information System (U.S.A.)

Health	4
Flammability	2
Physical hazards	0

The customer is responsible for determining the PPE code for this material. For more information on HMIS® Personal Protective Equipment (PPE) codes, consult the HMIS® Implementation Manual.

Caution: HMIS® ratings are based on a 0-4 rating scale, with 0 representing minimal hazards or risks, and 4 representing significant hazards or risks. Although HMIS® ratings and the associated label are not required on SDSs or products leaving a facility under 29 CFR 1910.1200, the preparer may choose to provide them. HMIS® ratings are to be used with a fully implemented HMIS® program. HMIS® is a registered trademark and service mark of the American Coatings Association, Inc.

Procedure used to derive the classification

Classification	Justification
FLAMMABLE LIQUIDS - Category 4	On basis of test data
SKIN CORROSION/IRRITATION - Category 2	Calculation method
SERIOUS EYE DAMAGE/ EYE IRRITATION - Category 2A	Calculation method
CARCINOGENICITY - Category 1A	Calculation method
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) - Category 1	Calculation method
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Respiratory tract irritation) - Category 3	Calculation method
SPECIFIC TARGET ORGAN TOXICITY (REPEATED EXPOSURE) - Category 2	Calculation method

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Section 16. Other information

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Key to abbreviations

: ATE = Acute Toxicity Estimate

BCF = Bioconcentration Factor

GHS = Globally Harmonized System of Classification and Labelling of Chemicals

IATA = International Air Transport Association

IBC = Intermediate Bulk Container

IMDG = International Maritime Dangerous Goods

LogPow = logarithm of the octanol/water partition coefficient

MARPOL = International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978. ("Marpol" = marine pollution)

N/A = Not available

SGG = Segregation Group

UN = United Nations

Indicates information that has changed from previously issued version.

Notice to reader

It is recommended that each customer or recipient of this Safety Data Sheet (SDS) study it carefully and consult resources, as necessary or appropriate, to become aware of and understand the data contained in this SDS and any hazards associated with the product. This information is provided in good faith and believed to be accurate as of the effective date herein. However, no warranty, express or implied, is given. The information presented here applies only to the product as shipped. The addition of any material can change the composition, hazards and risks of the product. Products shall not be repackaged, modified, or tinted except as specifically instructed by the manufacturer, including but not limited to the incorporation of products not specified by the manufacturer, or the use or addition of products in proportions not specified by the manufacturer. Regulatory requirements are subject to change and may differ between various locations and jurisdictions. The customer/buyer/user is responsible to ensure that his activities comply with all country, federal, state, provincial or local laws. The conditions for use of the product are not under the control of the manufacturer; the customer/buyer/user is responsible to determine the conditions necessary for the safe use of this product. The customer/buyer/user should not use the product for any purpose other than the purpose shown in the applicable section of this SDS without first referring to the supplier and obtaining written handling instructions. Due to the proliferation of sources for information such as manufacturer-specific SDS, the manufacturer cannot be responsible for SDSs obtained from any other source.

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NON-COLLUSION AFFIDAVIT

This affidavit is to be filled in and executed by the vendor. If the contract is made by a Corporation, then it shall be executed by its Chief Executive Officer; if by a Partnership or LLC, by its Managing General Partner or Managing Member.

STATE OF OHIO)
) SS
COUNTY OF PORTAGE)

CURTIS BRITTON - VICE PRESIDENT being first duly
sworn, deposes and says that CURT HOFFMAN / MIKE KRONN residing at
RAINBRIDGE, OHIO / MARBLEHEAD, OHIO
(is)(are) the only person(s) interested with (him) (them) in the delivery of the materials or the
services performed under this contract; that the said contract is on (his) (their) part in all respects
fair and without collusion or fraud; and also that no head of any department or any employee
therein; or any officer of the CITY OF BEACHWOOD, OHIO has any direct or indirect interest
therein.

Signature:  VICE PRESIDENT

Sworn to and subscribed in my presence this 5 day of March, 2020



DENISE CAHILL
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Gauga County
My Comm Exp. 3/23/2023


Notary Public

THE CINCINNATI INSURANCE COMPANY

Bid Bond

CONTRACTOR (Name, legal status and address):

Dura Mark, Inc.
11384 Chamberlain Rd./P.O.Box 868
Aurora, Ohio 44202

SURETY (Name, legal status and principal place of business):

THE CINCINNATI INSURANCE COMPANY
6200 S. GILMORE ROAD
FAIRFIELD, OHIO 45014-5141

OWNER (Name, legal status and address):

City of Beachwood
25325 Fairmount Boulevard
Beachwood, Ohio 44122

BOND AMOUNT:

Ten Percent of Amount Bid Including All Additive Alternatives

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

PROJECT (Name, location or address, and Project number, if any):

2020 Street Striping Program

Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond the sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirements shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 13th day of March,

2020

Dura Mark, Inc.

(Witness)

(Witness)

Marianne Myers

(Principal)

(Title)

THE CINCINNATI INSURANCE COMPANY

(Surety)

(Seal)

(Title)

Rosann M. Mackney/Attorney in fact



THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

Edward J. Hyland; Michelina DiLillo; Douglas R. Musgrave;
Rosann M. Mackney and/or William E. Castle

of Beachwood, Ohio

and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to
Ten Million and No/100 Dollars (\$10,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 10th day of May, 2012.



STATE OF OHIO) ss:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY

Stephen A. Janta
Vice President

On this 10th day of May, 2012, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Mark J. Huller
MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration
date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio,
this 13th day of March 2020



BN-1005 (5/12)

Scott R. Bolen
Assistant Secretary

Office of Risk Assessment
50 West Town Street
Third Floor - Suite 300
Columbus, Ohio 43215
(614)644-2658
Fax(614)644-3256
www.insurance.ohio.gov

Ohio Department of Insurance

Mike DeWine - Governor

Jillian Froment - Director

Certificate of Compliance



Issued 06/26/2019

Effective 07/01/2019

Expires 06/30/2020

I, Jillian Froment, hereby certify that I am the Director of Insurance in the State of Ohio and have supervision of insurance business in said State and as such I hereby certify that

CINCINNATI INSURANCE COMPANY, THE

of Ohio is duly organized under the laws of this State and is authorized to transact the business of insurance under the following section(s) of the Ohio Revised Code:

Section 3929.01 (A)

Accident & Health	Multiple Peril - Farmowners
Aircraft	Multiple Peril - Homeowners
Allied Lines	Other Liability
Boiler & Machinery	Private Passenger Auto - Liability
Burglary & Theft	Private Passenger Auto - No Fault
Commercial Auto - Liability	Private Passenger Auto - Physical Damage
Commercial Auto - No Fault	Surety
Commercial Auto - Physical Damage	Workers Compensation
Credit	
Earthquake	
Fidelity	
Financial Guaranty	
Fire	
Glass	
Inland Marine	
Medical Malpractice	
Multiple Peril - Commercial	

CINCINNATI INSURANCE COMPANY, THE certified in its annual statement to this Department as of December 31, 2018 that it has admitted assets in the amount of \$13,147,818,826, liabilities in the amount of \$8,228,714,453, and surplus of at least \$4,919,104,373.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused my seal to be affixed at Columbus, Ohio, this day and date.

Jillian Froment

Jillian Froment, Director



INS7230(Rev.6/2003)

CIC Form #BN-1423-19

Accredited by the National Association of Insurance Commissioners (NAIC)



The Cincinnati Insurance Company • The Cincinnati Indemnity Company
The Cincinnati Casualty Company • The Cincinnati Specialty Underwriters Insurance Company
The Cincinnati Life Insurance Company

THE CINCINNATI INSURANCE COMPANY
FINANCIAL STATEMENT
DECEMBER 31, 2019

ASSETS

Cash	
Bonds	\$ 350,693,038
Stocks	6,336,078,008
Agents Balance Receivable	5,548,215,691
All Other Admitted Assets	1,689,310,724
TOTAL ADMITTED ASSETS	<u>403,355,326</u>
	<u>\$14,327,652,787</u>

LIABILITIES

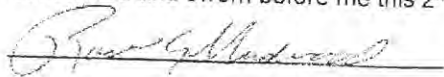
Reserve for Losses and Loss Expense		\$ 5,198,504,877
Reserve for Unearned Premiums		2,539,425,906
All Other Liabilities		970,045,949
Capital	\$ 3,586,355	
Surplus	5,616,089,700	
TOTAL LIABILITIES & EQUITY		<u>5,619,676,055</u>
		<u>\$14,327,652,787</u>

State of Ohio
County of Butler

Theresa A. Hoffer, Treasurer of The Cincinnati Insurance Company, being duly sworn for herself, deposes and says that she is the above described officer of the said company and that the above Financial Statement as of December 31, 2019 is true and correct to the best of her knowledge and belief.


Theresa A. Hoffer
Senior Vice President, Treasurer

Subscribed and sworn before me this 2nd day of March





Rachel E. Underwood
Notary Public
In and For the State of Ohio
My Commission Expires
07 June 2022



CERTIFICATE OF LIABILITY INSURANCE

ABROM-1

CP ID: PAS

DATE (MM/DD/YYYY)

01/30/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Todd Associates, Inc. 23825 Commerce Park, Suite A Beachwood, OH 44122	CONTACT NAME: Cindy Verhagen PHONE (A.C. No.): 440-461-1101 FAX (A.C. No.): 440-446-0192 EMAIL: cverhagen@toddassociates.com ADDRESS: cverhagen@toddassociates.com
INSURED Dura Mark, Inc. 11384 Chamberlain Road Aurora, OH 44202	INSURER(S) AFFORDING COVERAGE INSURER A: Phoenix Insurance (Trevians) 25623 INSURER B: Travelers Prop Cas Conf Amer 25674 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	ADDL SUBR	POLICY NUMBER	POLICY EFF	POLICY EXP	LIMITS
LTR		INSO. WVD		(MM/DD/YYYY)	(MM/DD/YYYY)	
A	☒ COMMERCIAL GENERAL LIABILITY					
	CLAIMS-MADE ☒ OCCUR		DT004G41081APX11	12/15/2019	12/15/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER POLICY ☒ PRO ☐ LOC					
	OTHER					
A	☒ AUTOMOBILE LIABILITY					
	ANY AUTO ☒ SCHEDULED AUTOS ☒ NON-SCHEDULED AUTOS		3101L4970621056G	12/15/2019	12/15/2020	COMBINED SINGLE LIMIT (EA OCCURRENCE) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per person) \$
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB					
	CLAIMS-MADE ☒ OCCUR		CUPOJ2850551051	12/15/2019	12/15/2020	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
	DED RETENTIONS					
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NY)	Y/N	DT004G41081APX11	12/15/2019	12/15/2020	PER STATUTE ☒ OTHER ☐
	DESCRIPTION OF OPERATIONS below	N/A	OHIO EMPL LIAB			E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS: LOCATIONS: VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

FOR INFO

FOR INFORMATION PURPOSES ONLY

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Cindy Verhagen

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ACORD 25 (2014/01)

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DURA MARK INC.

JOB EXPERIENCE

City of Independence
6335 Selig Drive
Independence, OH 44131
216-524-1374 Don Ramm

City of Beachwood
25325 Fairmount Blvd.
Beachwood, OH 44122
216-464-1070 Chris Arrietta

City of Hudson
115 Executive Parkway
Hudson, OH 44236
330-342-1770 Rick Sidelinker

City of Strongsville
16099 Foltz Parkway
Strongsville, OH 44149
440-376-2119 Joe Walker

City of Westlake
27700 Hillard Blvd.
Westlake, OH 44145
440-759-1299 Ben Wright

P.O. Box 868 Aurora, Ohio 44202 Office 330-995-0883 Fax 330-995-0884

Duramark868@aol.com

Dura Mark Inc. is a Equal Opportunity Employer



Department of
Administrative Services

Mike DeWine Governor
Jon Husted Lt. Governor

Matt Damschroder Director

01/30/2020

Mike Krenn
Dura Mark, Inc.
PO Box 868
Aurora, OH 44202

Subject: Certificate of Compliance Certification
Status: Conditional
Effective Dates: 01/30/2020 through 07/27/2020

Dear Mike Krenn:

The Equal Opportunity Division of the Ohio Department of Administrative Services (Division) hereby issues Dura Mark, Inc. a Certificate of Compliance. The Certificate shall be in force for 180 days from the date of issuance.

Section 9.47 of the Revised Code requires the Division to review affirmative action programs and plans of each company desiring to participate on state-assisted construction contracts and determine whether that company has violated any affirmative action programs and goals for which that company was obligated to meet during the preceding five years. Based on the above-referenced review, the Division has found no such violation(s).

Please be advised that for Dura Mark, Inc. to maintain certification status, Dura Mark, Inc. must continue to ensure equal employment opportunities in accordance with applicable State and Federal EEO laws, rules, regulations and guidelines, and meet those contractual obligations for which Dura Mark, Inc. has agreed.

Sincerely,

Eric M. Seabrook
Deputy Director
State EEO Coordinator

Equal Opportunity Division
4200 Surface Road
Columbus, Ohio 43228

614-466-8380 | Phone
614-728-5628 | FAX
das.eod@das.ohio.gov | email:

das.ohio.gov

The State of Ohio is an equal opportunity employer



**Bureau of Workers'
Compensation**

30 W. Spring St.
Columbus, OH 43215

Certificate of Ohio Workers' Compensation

This certifies that the employer listed below participates in the Ohio State Insurance Fund as required by law. Therefore, the employer is entitled to the rights and benefits of the fund for the period specified. This certificate is only valid if premiums and assessments, including installments, are paid by the applicable due date. To verify coverage, visit www.bwc.ohio.gov, or call 1-800-644-6292.

This certificate must be conspicuously posted.

Policy number and employer
01391944

DURA MARK INC
PO BOX 868
AURORA, OH 44202-0868

Period Specified Below
07/01/2019 to 07/01/2020



www.bwc.ohio.gov
Issued by: BWC

Stephanie D. McCloud
Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol, marihuana or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove the presence of alcohol, marihuana or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.



**Bureau of Workers'
Compensation**

You must post this language with the Certificate of Ohio Workers' Compensation.

Veh. No.	Year	Make	Model	S/N	City/State
1	2001	Isuzu	NQR	JALE5B14817903170	Aurora, OH
2	2016	ISUZU	NPR	54DC4W1B9GS802254	Aurora, OH
3	2016	ISUZU	NPR	54DC4W1B9GS802299	Aurora, OH
4	2004	GMC	T7500	1GDM7F13X4F507687	Aurora, OH
5	2001	ISUZU	NQR	JALE5B14X17903137	Aurora, OH
6	2015	DODGE	1500 ST	3C6RR6KT9FG596096	Aurora, OH
7	2011	FORD	F 150	1FTMF1CM7BKE03758	Aurora, OH
8	2005	GMC	T8500	1GDT8F4365F521382	Aurora, OH
9	2002	ISUZU	NPR	JALB4B14327004000	Aurora, OH
10	2002	ISUZU	NPR	JALB4B14627005254	Aurora, OH
11	2007	FORD	F 150	1FTPX14V67FB87581	Aurora, OH
12	2015	DODGE	1500 ST	3C6RR6KT5FG605635	Aurora, OH
14	2015	DODGE	1500 ST	3C6RR6KT5FG584866	Aurora, OH
15	2006	FORD	F 150	1FTPX14546NA38400	Aurora, OH
16	2016	ISUZU	NPR	54DC4W1B5GS806060	Aurora, OH
17	2016	ISUZU	NPR	54DC4W1B2GS811703	Aurora, OH
18	2015	ISUZU	NPR	54DC4W1B5FS800516	Aurora, OH
19	2003	ISUZU	NPR	JALB4B14837001997	Aurora, OH
20	2005	GMC	T 8500	1GBT8F4325F531125	Aurora, OH
21	2007	STERLING	LT9	2FZHAZDE87AX36406	Aurora, OH
22	2015	DODGE	1500 ST	3C6RR6KT0FG596097	Aurora, OH
23	2003	Isuzu	NQR	JALE5B14537902495	Aurora, OH
24	2014	International	4300	1HTMMAAL6EH774592	Aurora, OH
25	2016	ISUZU	NPR	54DC4W1B8GS810197	Aurora, OH
26	2014	International	4300	1HTJTSKM3EH773273	Aurora, OH
27	2016	ISUZU	NPR	54DC4W1B8GS810524	Aurora, OH
28	2007	International	SEMI	1HSHXSBR97J385608	Aurora, OH
29	2012	ISUZU	NQR	JALE5W166C7901302	Aurora, OH
30	2012	ISUZU	NQR	JALE5W165C7901064	Aurora, OH
31	2007	HINO	268	5PVNJ8JT272S50509	Aurora, OH
32	2017	DODGE	1500	3C6RR6KT4HG555667	Aurora, OH
33	2012	ISUZU	NPR	JALC4W169C7001052	Aurora, OH
34	2013	HINO	238	5PVNE8JT2D4S55570	Aurora, OH
35	2016	HINO	268	5PVNE8JJ3G4S50087	Aurora, OH
36	2014	ISUZU	NPR	54DC4W1B6ES805612	Aurora, OH
37	2009	FREIGHTLINER	SEMI	1FUJA6CK29LAD8432	Aurora, OH
38	2012	FREIGHTLINER	SEMI	1FUJGEDV1CSBD7032	Aurora, OH
39	2010	HINO	268	5PVNJ8JT5A4S52766	Aurora, OH
40	2008	HINO	268	5PVNJ8JR682S50244	Aurora, OH
41	2005	GMC	T8500	1GDT8F4315F522200	Aurora, OH
LO- 001	2011	FORD	F-150	1FTFW1ET9BFB90110	Aurora, OH
F100	2016	DODGE	1500 ST	1C6RR7LT3GS104029	Aurora, OH
C100	2015	Ford	F150	1FTEW1EGXFFC73159	Aurora, OH
K100	2015	CHEVY	TAHOE	1GNSKCKC6FR544039	Aurora, OH
T-001	2000	WILSON	TRAILER	4WWBGA6BXYN603800	Aurora, OH
T-002	2006	UNITED	TRAILER	48BTE14166A082168	Aurora, OH
T-003	2000	HMDE	TRAILER	VAL.# 503TPZ4848	Aurora, OH
T-004	1997	HMDE	TRAILER	VAL.#503TQL4660	Aurora, OH
T-48163	2012	#37	EAST	1E1H5Y283CRC47671	Aurora, OH
T-48164	2012	#38	EAST	1E1H5Y285CRC47672	Aurora, OH
T-48166	2012	#28	EAST	1E1H5Y289CRC47674	Aurora, OH

INTRODUCED BY:

ORDINANCE NO. 2020-55

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST SHARING AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (“NEORS”) FOR A DISTRICT APPROVED COMMUNITY COST SHARE PROJECT; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the Northeast Ohio Regional Sewer District (“NEORS”) manages a financial account termed the “Community Cost-Share Account” that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, Council adopted Ordinance No. 2020-38 on March 2, 2020 which authorized entering into a Community Cost Share Agreement with the Village of Highland Hills, Ohio for a Culvert Rehabilitation Project; and

WHEREAS, the District supports the Community Cost-Share Chagrin Boulevard Culvert Rehabilitation (Phase 1: Feasibility Study) Project as a Community Cost-Chare Project proposed by the City and will allocate funds in an amount not to exceed Sixteen Thousand Nine Hundred Thirty-Seven Dollars and No/Cents (\$16,937.00); and

WHEREAS, based upon the recommendation of the Law Director and the Public Works Director, the City desires to enter into a Community Cost Sharing Agreement with the Northeast Ohio Regional Sewer District (“NEORS”) to provide funding to assist the City of Beachwood, Ohio with the District-approved Chagrin Boulevard Culvert Rehabilitation (Phase 1: Feasibility Study) through the Community Cost Share Account

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Mayor is hereby authorized to enter into a Community Cost Sharing Agreement, a copy of which is attached hereto and incorporated herein by reference as Exhibit “A”, for the Chagrin Boulevard Culvert Rehabilitation (Phase 1: Feasibility Study), in an estimated amount not to exceed Sixteen Thousand Nine Hundred Thirty-Seven Dollars and No/Cents (\$16,937.00).

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 Codified Ordinances of the City of Beachwood.

Section 3: This Ordinance is hereby declared an emergency measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that it is necessary to commence engineering design at the earliest possible time; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020 and filed it with the Clerk

Mayor

**COMMUNITY COST-SHARE AGREEMENT
BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT
AND
CITY OF BEACHWOOD**

This Agreement is made and entered into this _____ day of _____, 2020, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013 (Exhibit “A”), and the City of Beachwood (City) acting pursuant to Ordinance/Resolution No. _____, adopted on _____, 20____ (Exhibit “B”).

Recitals

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the “*Community Cost-Share Account*” that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, the purpose of the Community Cost-Share Account is to provide funding to assist the City with District-approved projects through the Community Cost Share Program; and

WHEREAS, the Community Cost-Share Program funds are used for construction, operation, and maintenance of the Local Stormwater System or Regional Stormwater System, including administrative costs directly associated with such projects as well as costs related to repair or upgrade; and

WHEREAS, the District supports the Community Cost-Share Chagrin Blvd. Culvert Rehabilitation (Phase 1: Feasibility Study) project (the “Project”) as a Community Cost-Share project proposed by the City; and

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Agreement, the parties agree as follows:

Article 1.0 City Obligations

1.1 The City agrees to perform as follows:

- 1.1.1 Complete work as detailed in the District approved Community Cost-Share application. (Exhibit “C”).
- 1.1.2 Obtain all necessary legal agreements with affected property owners to perform the Project and to bind any successor in title to maintain compliance as specified in this Agreement between the District and the City for the Project.

- 1.1.3 Comply with all applicable local, state and federal requirements. This may include, but is not limited to, U.S. Army Corps of Engineers Section 404, Ohio EPA Section 401 water quality certification, and Ohio Department of Natural Resources Dam Safety Laws.
- 1.1.4 Submit requests for approval to modify the budget, deadline, deliverables, or other components of the Project to the City's Watershed Team Leader at least thirty (30) business days prior to the desired date of execution of the modification.
- 1.1.5 Acknowledge the District on any public advertisement or outreach efforts including all publications and signage related to the Project which shall include the following disclaimer:

This project was funded in part or totally through the Northeast Ohio Regional Sewer District (NEORS D) Community Cost-Share Program in coordination with City, under the provisions of the NEORS D Regional Stormwater Management Program. The contents and views, including any opinions, findings, or conclusions or recommendations, contained in this publication are those of the authors and have not been subject to NEORS D review and may not necessarily reflect the views of NEORS D, and no official endorsement should be inferred.

- 1.1.6 Provide the District the opportunity to have design approval for any signage or public education and outreach efforts related to the Project.
 - 1.1.7 Permit the District to photograph the Project and to incorporate the Project into the District's overall public education and outreach efforts for stormwater management.
- 1.2 Failure to meet any of the requirements listed in Article 1.1 may result in termination of this Agreement and reimbursement of disbursed funds to the District.

Article 2.0 District's Obligations

- 2.1 The District agrees to perform as follows:
- 2.1.1. Allocate \$16,937.00 to the City for the Project from the City's Community Cost-Share Account.
 - 2.1.2. Provide reimbursement of funds up to \$16,937.00 to the City within sixty (60) days of receipt of a complete Request for Payment from the City, detailing costs related to the Project.
 - 2.1.3. Timely review and approval or disapproval of requests to modify the budget, deadline, deliverables, or other components of the Project.

2.1.4. Acknowledge the City in presentations or publications related to the Project.

Article 3.0 **Dispute Resolution**

- 3.01 The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute.
- 3.02 The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

District Representative	City Representative
Senior Watershed Team Leader	Environmental Manager

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

District Representative	City Representative
Director of Watershed Programs	Mayor

- 3.03 If the Parties remain unable to resolve the dispute within an additional ten (10) working days, the Parties shall proceed to mediation upon request by either party. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after mediator appointment, which meeting shall be attended by at least the respective representatives listed in paragraph 3.02 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.
- 3.04 Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 4, Remedies, below.

Article 4 **Remedies**

- 4.01 The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counter-claims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio.

Article 5 **Counterpart Signatures**

5.01 This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

Article 6 **Governing Law**

6.01 The terms and provisions of this Agreement shall be construed under and governed by the laws of Ohio (to which all Parties hereto consent to venue and jurisdiction).

Article 7 **Disclaimer of Joint Venture**

7.01 This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

Article 8 **Authority to Execute**

8.01 Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.

Article 9 **Exhibits**

The following exhibits are attached hereto and incorporated herein:

Exhibit “A” – District Resolution

Exhibit “B” – City Ordinance/Resolution

Exhibit “C” – District-Approved Community Cost Share Application

[Remainder of Page Intentionally Left Blank]

The parties have executed this Agreement on the day and year first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Kyle Dreyfuss-Wells
Chief Executive Officer

AND

BY: _____
Darnell Brown, President
Board of Trustees

CITY OF BEACHWOOD

By: _____
Title: _____

The Legal Form and Correctness of this
Instrument is hereby Approved:

CITY OF BEACHWOOD

Assistant/Director of Law

This Instrument Prepared By:
Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

CONTRACT NO.

NORTHEAST OHIO REGIONAL SEWER
DISTRICT

WITH

CITY OF BEACHWOOD

FOR

COMMUNITY COST-SHARE PROJECT:

CHAGRIN BLVD. CULVERT REHABILITATION
(PHASE 1: FEASIBILITY STUDY)

Total Approximate Cost:	\$16,937.00
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The legal form and correctness of the within
instrument are hereby approved.

CHIEF LEGAL OFFICER

Date

CERTIFICATION

It is hereby certified that the amount required to
meet the contract, agreement, obligation, payment
or expenditure, for the above, has been lawfully
appropriated or authorized or directed for such
purpose and is in the Treasury or in process of
collection to the credit of the fund free from any
obligation or certification now outstanding.

CHIEF FINANCIAL OFFICER

Date

EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT
RESOLUTION NO. 114-13

Authorizing the Executive Director to enter into Regional Stormwater
Management Program Community Cost-Share Program Agreements
with Member Communities.

WHEREAS, the Code of Regulations of the Northeast Ohio Regional Sewer District, Title V – Stormwater Management Code Chapter 9 outlines the Community Cost-Share Program developed to provide funds to District Member Communities for construction, operation and maintenance activities of community-specific stormwater management projects; and

WHEREAS, under the Community Cost-Share Program, 25% of the annual collected stormwater revenue from each Member Community will be held by the District in a Community Cost-Share account, whereby Communities, with review and approval by the District, through specific applications outlining the community-specific stormwater work to be performed can access reimbursement of their funds; and

WHEREAS, the District is seeking authority to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities for the purpose of detailing and memorializing responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

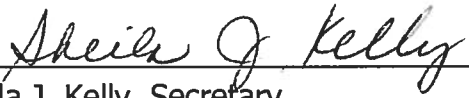
Section 1. That this Board finds that for the reasons stated in the preamble hereof it is in the best interests of the District to enter into Regional Stormwater Management Program Cost-Share Program Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program.

Section 2. That this Board hereby authorizes the Executive Director to enter into Regional Stormwater Management Program Cost-Share Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program under such terms and conditions that are satisfactory to the Director of Law and in the best interests of the District.

Section 3. That this Board authorizes the Executive Director to execute all documents and do all things necessary to effect the terms and conditions of the Stormwater Management Program Direct Billing Agreements with Member Communities.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor Starr seconded by Mr. O'Malley, the foregoing resolution was unanimously adopted on May 16, 2013.



Sheila J. Kelly, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

EXHIBIT B

(Insert Member Community
Ordinance/Resolution)

EXHIBIT C



Community Cost-Share Program APPLICATION

Member Community Information

Community: City of Beachwood

Primary Project Contact: Chris Vild
(Name & Title) Environmental Manager

Mailing Address: 23355 Mercantile Rd.
Beachwood, Ohio 44122

Phone Number: 216-595-3722

Email: chris.vild@beachwoodohio.com

Project Information

Project Title: Chagrin Blvd. Culvert Rehabilitation

Address or Location of Project: 22401 Chagrin Blvd.
Beachwood, Ohio 44122

Project Start Date: Spring of 2020

Project End Date: Fall of 2021

Community Cost-Share Fund Request: \$16,937.00

Submission Date: March 26, 2020



Project Narrative

1) Project Summary (1,000 word maximum)

Describe the Project and include the following information, as applicable:

- Describe the Project and deliverables; provide a map if applicable
- Submit a deliverable worksheet listing tasks and deliverables with start dates and end dates for the significant benchmarks.
- List permitting requirements necessary to initiate and complete project and how the requirements will be met.

The box culvert that conveys Mill Creek from the City of Beachwood to the Village of Highland Hills under Chagrin Blvd. is deteriorated and in need of replacement. After consulting with the Ohio Department of Transportation (ODOT) District 12 it was agreed that ODOT would pay for construction of the project and manage the construction operations provided that the City of Beachwood and the Village of Highland Hills provide all engineering design and related services required by ODOT.

The engineering and design work will be split up into two phases with phase 1 consisting of a feasibility study to determine alternatives available to rehabilitate the culvert including complete replacement and in place relining of the structure.

The engineering services that will be provided in Phase 1 are:

Hovancsek & Associates will provide the Field Survey and Basemapping of the project area.

Preparation of a study to determine the feasibility of various culvert relining solutions using alternate materials and a study of complete replacement of the culvert.

Initiate the Cultural Resources coordination for the project, the GPD Group will complete a Section 106 Scoping Request Form. The Section 106 Scoping Request form will be submitted to ODOT for review and coordination.

GDP Group will complete a Level 1 Ecological Survey for the Project study area.

GPD Group will conduct a Regulated Materials Review (RMR) Screening in accordance with the current ODOT Regulated Materials Review Manual.

Necessary coordination with ODOT and NEORS related to Phase 1 findings and recommended improvements.



*Community Cost-Share Program
Application*

2) Ability to Provide Long Term Maintenance (500 word maximum)

Describe the plans for long-term maintenance, addressing the following question:

- Who is responsible to provide on-going maintenance for the project and how will maintenance be ensured?
- Provide documentation of scheduled maintenance and operation for completed stormwater project(s).

Once the project is completed any future maintenance will be borne by the community in which maintenance is required. The City of Beachwood will continue to perform regular inspection and necessary repairs as needed when needed. We would utilize Community Cost Share Funds to pay for such activities. I cannot speak for the Village of Highland Hills on how they plan to maintain their portion of the project area.



*Community Cost-Share Program
Application*

3) Visibility and Public Outreach: (500 word maximum)

Public outreach is required if appropriate for your project.

- What audiences will be exposed to this Project (neighbors, students, community groups, general public)?

This project will not be visible to the public, no public outreach is required.



*Community Cost-Share Program
Application*

4) Budget Summary (500 words maximum)

The Budget Summary and Project Budget (*see page 3*) represent the Community Cost-Share Project components exclusively. Include details on the provider of all services such as design, engineering, construction management and materials including specific material cost, equipment, and hourly rate.

If an engineer's estimate is included with the application, indicate which line items are included in the Community Cost-Share Project application.

The estimated cost of the engineering, design and survey work is \$33,874.00 which will be split evenly between the City of Beachwood and the Village of Highland Hills. Each community will pay for half of the total cost which will be \$16,937.00 each. A detailed breakdown of the cost of the various services rendered is attached to this application.



*Community Cost-Share Program
Application*

Vendor Registration

Prior to submission, ensure that the Member Community is a registered vendor with the District. Vendor Registration can be done by accessing http://www.neorsd.org/isupplier_homepage.php and completing the New Vendor Registration. If unsure of the Member Community vendor status, by initiating the New Vendor Registration a message of active registration will appear if currently registered as a vendor.

Project Budget

Project Expenses	Community Cost-Share Expense	Line Item Description
Professional Services	\$24,674.00	Engineering & Design - GPD Group
Personnel <i>(Member Community staff only)</i>		
Subcontract	\$9,200.00	Survey & Basemapping - Hovancsek & Assoc.
Equipment		
Materials		
Other		
TOTAL	\$ 33,874.00	

City of Beachwood - Chagrin Culvert Replacement
Part 1 Fee - Site Survey & Feasibility Study

20-Feb-20



Item/Task	Project Manager	Senior Engineer	Design Engineer	Senior Landscape Architect	Senior Designer	CAD Drafter	Sr. Environmental Specialist		Total Hours
Prepare Structure Feasibility Study	8	40							48
Prepare Preliminary Structure Site Plan	2	12	16						30
Prepare Hydrology and Hydraulic Analyses of Study Alternatives	2	28	16	2					48
Down Stream Evaluations	2	16	8	4					30
Environmental - Prepare Cultural Resources Scoping Request							12		12
Environmental - Prepare Level 1 ESR							32		32
Environmental - Prepare RMR Screening							28		28
ODOT & NEORSO Coordination	12		8						20
									0
Totals	25	96	48	6	0	0	72	0	248
Hourly Rate	\$109.00	\$100.00	\$92.50	\$100.00	\$78.50	\$71.00	\$100.00		
Fee	\$2,834.00	\$9,600.00	\$4,440.00	\$600.00	\$0.00	\$0.00	\$7,200.00	\$0.00	\$24,674.00
Site Survey & Mapping by Hovancsek Assoc.									\$ 9,200.00
Total Cost									\$ 33,874.00

AN ORDINANCE REPEALING CHAPTER 1157 OF THE CITY’S CODIFIED ORDINANCES “RIPARIAN AND WETLAND SETBACKS” AND REPLACING IT IN ITS ENTIRETY WITH NEW CHAPTER 1001 “RIPARIAN AND WETLAND SETBACKS”, AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, flooding is a significant threat to property and public health and safety, and vegetated riparian areas lessen the damage from flooding by slowing the water velocity, enabling water to soak into the ground, and by providing temporary storage of overbank flood flow; and

WHEREAS, streambank erosion is a significant threat to property and public health and safety, and vegetated riparian areas stabilize streambanks and provide resistance to erosive forces both within streams and on adjacent lands; and

WHEREAS, the protection of riparian areas results in the presence of plants best suited to each individual environment along a stream, with proven capability for survival and regeneration at no cost; and

WHEREAS, vegetated riparian areas filter and trap sediments, chemicals, salts, septic discharge, and other pollutants from runoff and floodwaters, thus protecting surface and ground water quality; and

WHEREAS, vegetated riparian areas can provide a dense tree canopy that helps to maintain and improve the stability of watercourse temperatures, thus protecting aquatic ecosystems, and helps to reduce the presence of aquatic nuisance species; and

WHEREAS, the protection of riparian areas can result in a diverse and interconnected riparian corridor that provides habitat to a wide array of wildlife; and

WHEREAS, the woody debris from fallen, damaged, and cut trees increases flood levels and damage to bridges in the City and neighboring communities; and

WHEREAS, sedimentation of eroded soil adversely affects aquatic communities and incurs removal costs to downstream communities; and

WHEREAS, there are watershed-wide efforts to minimize flooding and streambank erosion and to protect and enhance the water resources of the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker’s Creek and its tributaries and the City recognizes its obligation as a part of these watersheds to minimize flooding and streambank erosion by controlling runoff within its borders; and

WHEREAS, studies undertaken by, and reviewed by, the Ohio Environmental Protection Agency and other independent scientific bodies recommend the minimum widths for wetland and riparian setbacks; and

WHEREAS, the Council of the City of Beachwood has reviewed and wishes to adopt the recommendations of the above government agencies, and the Council finds that in order to minimize encroachment on watercourses and the need for costly engineering solutions to protect structures and

reduce property damage and threats to the safety of watershed residents; to protect and enhance the scenic beauty of the City, and to preserve the character of the City, the quality of life of the residents of the City, and corresponding property values, it is necessary and appropriate to regulate structures and uses within a wetland and wetland and riparian setback along the banks of designated watercourses in the City; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the peace, health, safety, and general welfare of its citizens; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the City to develop a Storm Water Management Program to address the quality of stormwater runoff during and after soil disturbing activities.

NOW, THEREFORE, BE IT ORDAINED by the Council of City of Beachwood, County of Cuyahoga, State of Ohio, that:

Section 1: Current Codified Ordinance *Chapter 1157 Riparian and Wetland Setbacks*, is hereby repealed and replaced in its entirety with the following:

“CHAPTER 1001 RIPARIAN AND WETLAND SETBACKS

1001.01 PURPOSE AND SCOPE.

A. It is hereby determined that the system of rivers, streams, and other natural watercourses within the City contributes to the health, safety, and general welfare of the residents of the City. The specific purpose and intent of this regulation is to regulate uses and developments within wetland and wetland and riparian setbacks that would impair the ability of riparian areas to:

1. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
2. Assist in stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, streambank erosion, and the downstream transport of sediments eroded from watercourse banks.
3. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
4. Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
5. Provide watercourse habitats with shade and food.
6. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic

system.

7. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
 8. Benefit the City by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as gabion baskets and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents; and by contributing to the scenic beauty and environment of the City, and thereby preserving the character of the City, the quality of life of the residents of the City, and corresponding property values.
- B. The following regulation has been enacted to protect and enhance the functions of wetland riparian areas by providing reasonable controls governing structures and uses within a wetland and riparian setback along designated watercourses in the City.

1001.02 APPLICABILITY, COMPLIANCE & VIOLATIONS.

- A. This regulation shall apply to all zoning districts in the City.
- B. This regulation shall apply to all structures and uses on lands containing a designated watercourse as defined in this regulation, except as provided herein.
- C. No approvals or permits shall be issued by the City without full compliance with the terms of this regulation.

1001.03 CONFLICTS WITH OTHER REGULATIONS & SEVERABILITY.

- A. Where this regulation imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract, or deed, the provisions of this regulation shall control.
- B. This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in Section 1001.03(A) of this regulation.
- C. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

1001.04 DEFINITIONS.

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

- A. CITY: Throughout this regulation, this shall refer to the City of Beachwood or its

designated representatives, boards, or commissions.

- B. COMMISSION: Throughout this regulation, this shall refer to the City of Beachwood Planning and Zoning Commission.
- C. DAMAGED OR DISEASED TREES: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.
- D. DESIGNATED WATERCOURSE: A watercourse within the City that is in conformity with the criteria set forth in this regulation.
- E. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program.
- F. IMPERVIOUS COVER: Any paved, hardened, or structural surface regardless of its composition, including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools.
- G. IN-LINE POND: A permanent pool of water created by impounding a designated watercourse.
- H. NOXIOUS WEED: Any plant species defined by the Ohio Department of Agriculture as a “noxious weed” and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation shall prevail.
- I. 100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.
- J. OHIO ENVIRONMENTAL PROTECTION AGENCY: Referred throughout this regulation as the "Ohio EPA."
- K. ORDINARY HIGH WATER MARK: The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.
- L. RIPARIAN AREA: Land adjacent to watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

- M. **WETLAND AND RIPARIAN SETBACK:** The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this regulation.
- N. **SOIL AND WATER CONSERVATION DISTRICT:** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as the Cuyahoga County SWCD.
- O. **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
- P. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or would exceed, fifty percent (50%) of the market value of the structure before the damage occurred.
- Q. **WATERCOURSE:** Any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.
- R. **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended).

1001.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES, RIPARIAN, AND WETLAND SETBACKS.

- A. Designated watercourses shall include those watercourses meeting any ONE of the following criteria:
 - 1. All watercourses draining an area equal to or greater than one-half (½) square mile; or
 - 2. All watercourses draining an area less than one half (½) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the City may consult with a representative of the Cuyahoga County SWCD or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.
- B. Wetland and riparian setbacks on designated watercourses are established as follows:
 - 1. A minimum of one hundred and twenty (120) feet on either side of all watercourses draining an area equal to or greater than twenty (20) square miles and up to three hundred (300) square miles.

2. A minimum of seventy five (75) feet on either side of all watercourses draining an area equal to or greater than one-half ($\frac{1}{2}$) square mile and up to twenty (20) square miles.
 3. A minimum of twenty five (25) feet on either side of all watercourses draining an area less than one-half ($\frac{1}{2}$) square mile and having a defined bed and bank as determined by the City in accordance with this regulation.
- C. For wetlands setbacks, no buildings, structures, or parking areas shall be located closer than:
1. Fifty (50) feet from the outermost boundary of a category 3 wetland; or
 2. Thirty (30) feet from the outermost boundary of a category 2 wetland; and
 3. Where a wetland is wider than the minimum required riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category; and
 4. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional using delineation protocols accepted by the U.S. Army Corps of Engineers and Ohio EPA at the time an application is made.
- D. Wetland and Riparian Setback Guide Map. The City shall create a guide map identifying designated watercourses and their wetland and riparian setbacks. Said guide map is attached hereto and made part of this regulation and is identified as Exhibit A. The following shall apply to the Wetland and Riparian Setback Guide Map:
1. It shall be used as a reference document and the information contained therein shall be believed to be accurate.
 2. It shall be a guide only.
 3. The map was prepared as a Wetland and Riparian Setback Guide Map by the City in accordance with Section 1001.05 of Chapter 1001. Digital data is a representation of recorded plats, surveys, deeds, and other collected information for use within a Geographic Information System for purposes of analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use. The City assumes no legal responsibility for this information.
 4. Nothing herein shall prevent the City from amending the Wetland and Riparian Setback Guide Map from time to time as may be necessary.
 5. If any discrepancy is found between the Wetland and Riparian Setback

Guide Map and this regulation, the criteria set forth in Section 1001.05(A) and (B) shall prevail.

E. The following conditions shall apply in wetland and riparian setbacks:

1. Wetland and riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse, except for in-line ponds as addressed in Section 1001.05.
2. Except as otherwise provided in this regulation, wetland and riparian setbacks shall be preserved in their natural state.
3. Where the 100-year floodplain is wider than a minimum wetland and riparian setback on either or both sides of a designated watercourse, the minimum wetland and riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, the City may require a site-specific floodplain delineation in conformance with standard engineering practices and approved by the City. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.
4. Where a wetland is identified within a minimum wetland and riparian setback, the minimum wetland and riparian setback width shall be extended to the outermost boundary of the wetland. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation. Any costs associated with reviewing these delineations may be assessed by the City to the applicant.
5. The minimum wetland and riparian setback on an in-line pond existing at the time of application of this regulation shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Wetland and riparian setbacks on in-line ponds existing at the time an application is made under this regulation shall be expanded to include wetlands and floodplains as detailed in Section 1001.05. The creation of new in-line impoundments shall not be permitted under these regulations.

1001.06 APPLICATIONS AND SITE PLANS.

- A. The applicant shall be responsible for delineating wetland and riparian setbacks as required by this regulation and shall identify such setbacks on any Site Development Plan included with all subdivision plans, land development plans, and/or zoning/building permit applications submitted to the City. The Site Development Plan

shall be prepared by a professional engineer, surveyor, landscape architect, or such other qualified professional as determined by the City and shall be based on a survey of the affected land. Two (2) copies of the Site Development Plan shall be submitted. The Site Development Plan shall include the following information:

1. The boundaries of the lot with dimensions.
 2. The locations of all designated watercourses.
 3. The limits, with dimensions, of the wetland and riparian setbacks.
 4. The existing topography at intervals of two (2) feet.
 5. The location and dimensions of any proposed structures or uses, including proposed soil disturbance, in relationship to all designated watercourses.
 6. North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan.
 7. Other such information as may be necessary for the City to ensure compliance with this regulation.
- B. The City may, in reviewing the Site Development Plan, consult with the Cuyahoga County SWCD or other such experts. Any costs associated with this review may be assessed to the applicant.
- C. If soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable wetland and riparian setback as specified in this regulation, the wetland and riparian setback shall be clearly identified by the applicant on site with construction fencing as shown on the Site Development Plan. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained throughout soil disturbing activities.
- D. No approvals or permits shall be issued by the City prior to identification of wetland and riparian setbacks on the affected land in conformance with this regulation.

1001.07 USES PERMITTED IN WETLAND AND RIPARIAN SETBACKS.

- A. By Right Uses Without a Permit. Open space uses that are passive in character shall be permitted in wetland and riparian setbacks, including, but not limited to, those listed in this regulation. No use permitted under this regulation shall be construed as allowing trespass on privately held lands.
1. Recreational Activity. Hiking, fishing, hunting, picnicking, and similar passive recreational uses, as permitted by federal, state, and local laws.
 2. Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.
 3. Revegetation and/or Reforestation. Wetland and riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species.
- B. By Conditional Use Permit Granted by the Commission: When granting Conditional

Use Permits for the following uses, the Commission may, for good cause, attach such conditions as it deems appropriate. Permits issued under this regulation are issued to the applicant only, shall not be transferred, and shall be void if not implemented within one (1) year of issuance.

1. Crossings: Crossings of designated watercourses through wetland and riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in wetland and riparian setbacks and mitigate any necessary disturbances. Such crossings shall only be undertaken upon approval of a Crossing Plan by the Commission. Any costs associated with review of Crossing Plans may be assessed to the applicant.

If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the City. Proof of compliance shall be the following:

- a. A Site Development Plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
- b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
- c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

2. Streambank Stabilization Projects. Streambank stabilization projects along designated watercourses may be allowed, provided that such measures are ecologically compatible and substantially utilize natural materials and native plant species to the maximum extent practicable. Such streambank stabilization measures shall only be undertaken upon approval of a Streambank Stabilization Plan by the Commission. Any costs associated with review of Streambank Stabilization Plans may be assessed to the applicant.

If streambank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to the City. Proof of compliance shall be the following:

- a. A Site Development Plan showing that any proposed stabilization conforms to the general and special conditions of the applicable Nationwide Permit, or
 - b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or,
 - c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
3. Landscaping: The removal of natural vegetation within a wetland and riparian setback and the subsequent cultivation of lawns, landscaping, shrubbery, or trees may be allowed provided that such cultivation is done in conformance with a Landscaping Plan approved by the Commission. Any costs associated with review of Landscaping Plans may be assessed to the applicant. Landscaping Plans shall meet the following criteria:
- a. Maintain trees in the wetland and riparian setback larger than nine (9) inches in caliper (diameter) as measured fifty-four (54) inches above the ground to the maximum extent practicable.
 - b. Maintain trees, shrubbery, and other non-lawn, woody vegetation in the wetland and riparian setback to the maximum extent practicable.

1001.08 USES PROHIBITED IN WETLAND AND WETLAND AND RIPARIAN SETBACKS.

Any use not authorized under this regulation shall be prohibited in wetland and riparian setbacks. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:

- A. Construction. There shall be no buildings or structures of any kind.
- B. Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.
- C. Fences and Walls: There shall be no fences or walls, except as permitted under this regulation.
- D. Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.
- E. Disturbance of Natural Vegetation: There shall be no disturbance of natural vegetation within wetland and riparian setbacks except for the following:

1. Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.
 2. Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation.
 3. Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.
- F. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, or loading/unloading spaces.
- G. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Wetland and riparian setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system and in accordance with recommendations of the Cuyahoga County Board of Health.

1001.09 NON-CONFORMING STRUCTURES OR USES IN WETLAND AND RIPARIAN SETBACKS.

- A. A non-conforming use, existing at the time of passage of this regulation and within a wetland or riparian setback, that is not permitted under this regulation may be continued but shall not be changed or enlarged unless changed to a use permitted under this regulation.
- B. A non-conforming structure, existing at the time of passage of this regulation and within a wetland or riparian setback, that is not permitted under this regulation may be continued but shall not have the existing building footprint or roofline expanded or enlarged.
- C. A non-conforming structure or use, existing at the time of passage of this regulation and within a wetland or riparian setback, that has substantial damage and that is discontinued, terminated, or abandoned for a period of six (6) months or more may not be revived, restored, or re-established.

1001.10 VARIANCES WITHIN WETLAND AND RIPARIAN SETBACKS.

- A. The Commission may grant a variance to this regulation as provided herein. In granting a variance, the following conditions shall apply:
 1. In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the wetland and riparian setback as established in this regulation, such as to justify the granting of a variance, the Commission shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.
 2. The Commission may not authorize any structure or use in a Zoning District other

than those authorized in the Zoning Code.

3. Variances shall be void if not implemented within one (1) year of the date of issuance.
- B. In making a determination under Section 1001.10(A) of this regulation, the Commission may consider the following:
1. The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain. The criteria of flood damage prevention may be used as guidance when granting variances in the 100-year floodplain.
 2. The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the wetland and riparian setback. This determination shall be based on sufficient technical and scientific data.
 3. The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the wetland and riparian setback as established in this regulation, placed on the landowner by this regulation and the availability of alternatives to the proposed structure or use.
 4. Soil-disturbing activities permitted in the wetland and riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.
 5. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the wetland and riparian setback compromises its benefits to the City. Variances should not be granted for asphalt or concrete paving in the wetland and riparian setback. Variances may be granted for gravel driveways when necessary.
 6. Whether a property, otherwise buildable under the ordinances of the City will be made unbuildable because of this regulation.
- C. In order to maintain the wetland and riparian setback to the maximum extent practicable, the Commission may consider granting variances to other area or setback requirements imposed on a property by the Zoning Code. These may include, but are not limited to, parking requirements, requirements for the shape, size, or design of buildings, or front, rear, or side lot setbacks.
- D. In granting a variance under this regulation, the Commission, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation and to mitigate any necessary impacts in the wetland and riparian setbacks permitted by variance. In determining appropriate mitigation, the Commission may consult with the Engineer or other agencies including the Cuyahoga County SWCD.

1001.11 PROCEDURES FOR VARIANCES & APPEALS

- A. Any applicant seeking a variance to the conditions imposed under this regulation or an appeal of an administrative decision made under this regulation, other than a decision by the Commission, may apply to or appeal to the Commission. The following conditions shall apply:
1. When filing an application for an appeal of an administrative decision, the applicant shall file a written notice of appeal specifying the grounds therefor with the administrative official within twenty (20) days of the administrative official's decision. Upon determining that the application is complete and upon receipt of the required fee of one hundred dollars (\$100.00), the administrative official shall transmit to the Commission the application and a transcript constituting the record from which the administrative decision subject to appeal was based. This transmission shall occur no less than fourteen (14) days prior to a regularly scheduled meeting of the Commission in order to be placed on the agenda for that meeting.
 2. When applying for a variance, the applicant shall file a variance request with the Commission.
 3. Applications for appeals or variances made under this regulation shall contain all of the following information:
 - a. The name, address, and telephone number of the applicant.
 - b. Proof of ownership or authorization to represent the property owner.
 - c. The location of the property, including street address and permanent parcel number.
 - d. The current zoning of the property.
 - e. A description of the project for which the appeal or variance is sought.
 - f. A description of the administrative decision being appealed or the conditions of the regulation from which a variance is sought.
 - g. Names and addresses of each property owner within five hundred (500) feet as shown in the current records of the Cuyahoga Auditor typed on gummed labels.
 4. Applications for variances or appeals of administrative decisions shall not be resubmitted to the Commission within one (1) year of the date of a final decision by the Commission on the original application, unless the applicant shows the Commission either of the following:

- a. Newly discovered evidence that could not have been presented with the original submission, or
 - b. Evidence of a substantial change in circumstances since the time of the original submission.
- B. A decision by the Commission in response to an application for a variance request or an appeal of an administrative decision filed pursuant to this regulation shall be final.

1001.12 INSPECTION OF WETLAND AND RIPARIAN SETBACKS.

The identification of wetland and riparian setbacks shall be inspected by the City:

- A. Prior to soil disturbing activities authorized under this regulation. The applicant shall provide the City with at least two (2) working days written notice prior to starting such soil disturbing activities.
- B. Any time evidence is brought to the attention of the City that uses or structures are occurring that may reasonably be expected to violate the provisions of this regulation.

1001.99 PENALTY.

- A. Any person who shall violate any section of this regulation shall be guilty of a misdemeanor of first degree and, upon conviction thereof, shall be subject to punishment as provided in Section 1105.99 of the Zoning Code and shall be required to restore the wetland and riparian setback through a restoration plan approved by the Commission.
- B. The imposition of any other penalties provided herein shall not preclude the City from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the Building Commissioner.”

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees, relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the public peace, health, or safety or the efficient operation of the City, and for the further reason that it is necessary for Council to adopt the above legislation at the earliest time possible in order to begin enforcement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and
presented to the Mayor for approval or rejection in accordance with Article
III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020, and filed it with the
Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2020-57

AN ORDINANCE RECODIFYING BCO CHAPTER 1173 “ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL” AS BCO CHAPTER 1003 “ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL”; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, as a result of certain revisions to the City’s Stormwater Ordinances it is necessary to recodify Chapter 1173 as BCO Chapter 1003.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Council hereby recodifies BCO Chapter 1173 as BCO Chapter 1003, and revises any references therein from 1173 to 1003.

Section 2: Any other Ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict and all Ordinances not amended by this Ordinance shall remain in full force and effect.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure immediately necessary for the public peace, health, or safety, or the efficient operation of the City; and for the further reason that it is necessary to be effective as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020, and filed it with the Clerk

Mayor

**AN ORDINANCE REPEALING CHAPTER 1175 OF THE CITY'S
CODIFIED ORDINANCES "EROSION AND SEDIMENT CONTROL" AND
REPLACING IT IN ITS ENTIRETY WITH NEW CHAPTER 1005
"EROSION AND SEDIMENT CONTROL", AND DECLARING THIS TO BE
AN URGENT MEASURE**

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources by reducing water quality; and causes the siltation of aquatic habitat; and

WHEREAS, communities throughout the watersheds in which the City is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation; and

WHEREAS, there are watershed-wide efforts to reduce sedimentation in the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek, and to protect and enhance the unique water resources or wetlands of the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek; and

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load for phosphorus, nitrogen, habitat, bacteria and Total Suspended Solids (TSS) in the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek; and

WHEREAS, the City is in the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek watersheds, and recognizes its obligation as a part of these watersheds to reduce sedimentation and to protect water quality by controlling soil disturbing activities within its borders; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Stormwater Phase II, require designated communities, including the City to develop and implement a Stormwater Management Program to address, among other components, erosion and sediment control during soil disturbing activities; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments.

NOW, THEREFORE BE IT ORDAINED by the Council of City of Beachwood, County of Cuyahoga, State of Ohio, that:

Section 1: Codified Ordinance Chapter 1175 Erosion and Sediment Control, is hereby repealed and replaced in its entirety with the following:

**"CHAPTER 1005
EROSION AND SEDIMENT CONTROL**

1005.01 PURPOSE AND SCOPE.

- (a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources, and will promote and maintain the health and safety of the citizens of the City.
- (b) This regulation will:
 - (1) Allow development while minimizing increases in erosion and sedimentation.
 - (2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
- (c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 1005.01(d).
- (d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

1005.02 DEFINITIONS.

For purpose of this regulation, the following terms shall have the meaning herein indicated:

- (a) **ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (b) **ACRE:** A measurement of area equaling 43,560 square feet.
- (c) **ADMINISTRATOR:** The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.
- (d) **BEST MANAGEMENT PRACTICES (BMPs):** Also **STORMWATER CONTROL MEASURE (SCM).** Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage or leaks, sludge or waste disposal; or drainage from raw material storage.
- (e) **COMMENCEMENT OF CONSTRUCTION:** The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

- (f) CITY: Throughout this regulation, this shall refer to the City, its designated representatives, boards, or commissions.
- (g) CONCENTRATED STORMWATER RUNOFF: Any stormwater runoff that flows through a drainage pipe, ditch, diversion, or other discrete conveyance channel.
- (h) CONSTRUCTION ENTRANCE: The permitted points of ingress and egress to development areas regulated under this regulation.
- (i) DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (j) DEWATERING VOLUME: See current Ohio EPA NPDES Construction Permit or the *Ohio Rainwater and Land Development Manual*.
- (k) DISCHARGE: The addition of any pollutant to surface waters of the state from a point source.
- (l) DISTURBANCE: Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.
- (m) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.
- (n) DRAINAGE: (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface of subsurface drains.
- (o) DRAINAGE WATERSHED: For the purpose of this regulation the total contributing drainage area to a BMP, i.e., the “watershed” directed to the practice. This includes offsite contributing drainage.
- (p) DRAINAGE WAY: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.
- (q) ENGINEER: The City Engineer and or the City Engineer’s designee that shall include, but not be limited to the City’s Building Commissioner and/or Environmental Manager, who shall work under and in coordination with the City Engineer.
- (r) EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

- (s) **EROSION AND SEDIMENT CONTROL:** The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- (t) **FINAL STABILIZATION:** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least eighty percent (80%) coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs).
- (u) **GENERAL CONTRACTOR:** The primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.
- (v) **GRADING:** The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
- (w) **GRUBBING:** The removing or grinding of roots, stumps and other unwanted material below existing grade.
- (x) **IMPERVIOUS:** That which does not allow infiltration.
- (y) **LANDSCAPE ARCHITECT:** A Professional Landscape Architect registered in the State of Ohio.
- (z) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (aa) **MAXIMUM EXTENT PRACTICABLE (MEP):** The technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in stormwater discharges that was established by the Clean Water Act §402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR 122.34.
- (bb) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:
 - a. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act that discharges into surface waters of the state; and
 - b. Designed or used for collecting or conveying solely stormwater; and

- c. Which is not a combined sewer; and
 - d. Which is not a part of a publicly owned treatment works.
- (cc) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318, 405 of the Clean Water Act.
- (dd) NATURAL CHANNEL DESIGN: An engineering technique that uses knowledge of the natural process of a stream to create a stable stream that will maintain its form and function over time.
- (ee) NON-SEDIMENT POLLUTANT: Any solid (other than sediment) or liquid waste, including building materials, which shall be prevented from discharging to the site drainage system or to waters of the state.
- (ff) OPERATOR: Any party associated with a construction project that meets either of the following two criteria:
- a. The party has day-to-day operational control of all activities at a project which are necessary to ensure compliance with a Stormwater Pollution Prevention Plan (SWP3) for the site and all other permit conditions including the ability to authorize modifications to the SWP3, construction plans and site specification to ensure compliance with the General Permit; or
 - b. Property owner that meets the definition of operator should the party which has day to day operational control require additional authorization from the owner for modifications to the SWP3, construction plans, and/or site specification to ensure compliance with the permit or refuses to accept all responsibilities as listed above.
- Subcontractors generally are not considered operators for the purposes of this permit. There can be more than one operator at a site and under these circumstances, the operators shall be co-permittees.
- (gg) OWNER OR OPERATOR: The owner or operator of any “facility or activity” subject to regulation under the NPDES program.
- (hh) SUBDIVISIONS, MAJOR AND MINOR: See Ohio Revised Code 711.001 for definition.
- (ii) PARCEL: Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a ‘Permanent Parcel Number’ assigned by the Cuyahoga County Fiscal Officer.
- (jj) PERCENT IMPERVIOUSNESS: The impervious area created divided by the total area of the project site.

- (kk) **PERMANENT STABILIZATION:** Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one (1) year.
- (ll) **PERSON:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- (mm) **PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (nn) **POINT SOURCE:** Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- (oo) **PRE-CONSTRUCTION MEETING:** A meeting between the City and all principle parties, prior to the start of any construction, at a site that requires a Stormwater Pollution Prevention Plan.
- (pp) **PRE-WINTER STABILIZATION MEETING:** A meeting between the City and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a Stormwater Pollution Prevention Plan.
- (qq) **PROFESSIONAL ENGINEER:** A Professional Engineer registered in the State of Ohio.
- (rr) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of stormwater discharges from the construction activity.
- (ss) **RAINWATER AND LAND DEVELOPMENT MANUAL:** Ohio's standards for stormwater management, land development, and stream protection. The most current edition of these standards shall be used with this regulation.
- (tt) **REDEVELOPMENT:** A construction project on land that has been previously graded, paved or built upon.
- (uu) **RIPARIAN AREA:** The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serves to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

- (vv) RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
- (ww) RUNOFF COEFFICIENT: The fraction of rainfall that will appear at the conveyance as runoff.
- (xx) SEDIMENT: The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- (yy) SEDIMENTATION: The deposition or settling of sediment.
- (zz) SEDIMENT SETTLING POND: A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in current Ohio EPA NPDES Construction Permit and the latest edition of the Rainwater and Land Development Manual.
- (aaa) SEDIMENT STORAGE VOLUME: See current Ohio EPA NPDES Construction Permit and latest edition of the Rainwater and Land Development Manual.
- (bbb) SETBACK: A designated transition area around water resources that is left in a natural, usually vegetated, state to protect the water resources from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.
- (ccc) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, grubbing or stump removal that occurs during clearing or timber activities, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (ddd) SOIL & WATER CONSERVATION DISTRICT: An entity organized under Chapter 940 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Cuyahoga County SWCD.
- (eee) STABILIZATION: The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (fff) STEEP SLOPES: Slopes that are 15 percent or greater in grade. NOTE: If otherwise defined in community zoning, use community definition.
- (ggg) STORMWATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (hhh) STORMWATER: Stormwater runoff, snow melt and surface runoff and drainage.
- (iii) SUBCONTRACTOR: An individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

- (jjj) SURFACE OUTLET: A dewatering device that only draws water from the surface of the water.
- (kkk) SURFACE WATER OF THE STATE: Also Water Resource or Water Body. All streams, lakes, reservoir, ponds, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with natural surface water or underground waters. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- (lll) TEMPORARY STABILIZATION: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.
- (mmm) TOPSOIL: The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.
- (nnn) TOTAL MAXIMUM DAILY LOAD: The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water resource or wetland, or water resource or wetland segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standard.
- (ooo) UNSTABLE SOILS: A portion of land that is identified by the Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.
- (ppp) WATER QUALITY VOLUME (WQv): The volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete.
- (qqq) WATER RESOURCE Also SURFACE WATER OF THE STATE: Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- (rrr) WATERSHED: The total drainage area contributing runoff to a single point.
- (sss) WETLAND: Those areas, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1005.03 DISCLAIMER OF LIABILITY

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

1005.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

- (a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.
- (b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- (c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- (d) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.
- (e) The Engineer shall administer, implement, and enforce the provisions of this Chapter.

1005.05 DEVELOPMENT OF STORMWATER POLLUTION PREVENTION PLANS.

- (a) This regulation requires that a SWP3 be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land. A SWP3 shall be developed and implemented for all commercial and industrial site development. The City shall require an Abbreviated SWP3 on any site disturbing less than one (1) acre but disturbing four thousand (4,000) square feet or more of land.
- (a) General clearing activities not related to construction shall submit an Abbreviated SWP3. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, compliance with the Ohio EPA Construction Site General Permit and a SWP3 is required.
- (b) Activities disturbing less than four thousand (4,000) square feet are not required to submit a SWP3 or an Abbreviated SWP3, unless required by the City. These activities must comply with all other provisions of this regulation.

1005.06 APPLICATION PROCEDURES.

- (a) SOIL DISTURBING ACTIVITIES SUBMITTING A STORMWATER POLLUTION PREVENTION PLAN (SWP3): The applicant shall submit two (2) sets of the SWP3 and the applicable fees to the City as follows:
 - (1) For subdivisions: After the approval of the preliminary Site Development Plan and with submittal of the final Site Development Plan.
 - (2) For other construction projects: Before issuance of a building or zoning permit by the Building Commissioner.
 - (3) For general clearing projects: Prior to issuance of a building or zoning permit by the Building Commissioner.
- (b) SOIL DISTURBING ACTIVITIES SUBMITTING AN ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (SWP3): The applicant shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to the City as follows:
 - (1) For single-family home construction: Before issuance of a building or zoning permit by the Building Commissioner.
 - (2) For other construction projects: Before issuance of a building or zoning permit by the Building Commissioner.
 - (3) For general clearing projects: Prior to issuance of a building or zoning permit by the Building Commissioner.
- (c) The Engineer shall review the plans submitted under 1005.06 (a) or (b) for conformance with this regulation and approve, or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.
- (d) Soil disturbing activities shall not begin and building or zoning permits shall not be issued without all of the following:
 - i. Approved SWP3 or Abbreviated SWP3; and
 - ii. Installation of erosion and sediment controls; and
 - iii. Physical marking in the field of protected areas or critical areas, including wetlands and riparian areas.
- (e) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

- (f) The property owner or appointed representative, developer, engineer and contractor, and other principal parties, shall meet with the City for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing activity at the site to ensure that erosion and sediment control devices are properly installed, limits of disturbance and buffer areas are properly delineated and construction personnel are aware of such devices and areas.
- (g) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

1005.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations shall be submitted with SWP3s or Abbreviated SWP3s.

- (a) Ohio EPA NPDES Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this ordinance.
- (c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

- (1) A letter from the site owner certifying that a qualified professional has evaluated the site and determined that Section 404 of the Clean Water Act is not applicable, and provide documentation.
- (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1005.08 STORMWATER POLLUTION PREVENTION PLAN (SWP3).

- (a) In order to control sediment pollution of water resources, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.
- (b) The SWP3 shall include Best Management Practices (BMPs) and Stormwater Control Measures (SCMs) adequate to prevent pollution of public waters by soil sediment from accelerated stormwater runoff from development areas.
- (c) The SWP3 shall be prepared in accordance with sound engineering and/or conservation practices and certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect experienced in the design and implementation of standard erosion and sediment controls and stormwater management practices addressing all phases of construction.
- (d) The SWP3 shall be amended whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.
- (e) The SWP3 shall be retained on site during working hours and shall be made available immediately upon request of the Director of Ohio EPA or his/her authorized representative, the City, Engineer, and MS4 operators or their authorized representative during working hours.
- (f) The SWP3 shall incorporate measures as recommended by the most current online edition of the Rainwater and Land Development Manual as published by the Ohio Environmental Protection Agency and shall include the following information:

- (1) A cover page or title identifying the name and location of the site, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date, and the estimated start and completion dates for construction.
- (2) Plans must include a conformance statement to the effect that: “Implementation of erosion and sediment controls shall conform to the Ohio EPA NPDES Construction General Permit #OHC000005 (or subsequent editions) and the City of Beachwood Codified Ordinances Chapters 1001, 1003, 1005 and 1007.
- (3) Site description: The SWP3 shall provide:
 - A. A description of the nature and type of the construction activity (e.g. low density residential, shopping mall, highway, etc.).
 - B. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
 - C. A measure of the impervious area and percent of imperviousness created by the construction activity (existing, new and total impervious area after construction).
 - D. Stormwater calculations, including the volumetric runoff coefficients for both the pre-construction and post- construction site conditions, and resulting water quality volume; design details for post-construction stormwater facilities and pretreatment practices such as contributing drainage areas, capacities, elevations, outlet details and drain times shall be included in the SWP3; and if applicable, explanation of the use of existing post-construction facilities. Ohio EPA recommends the use of data sheets (see Ohio’s Rainwater and Land Development Manual and Ohio EPA resources for examples).
 - E. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.
 - F. A description of prior land uses at the site.
 - G. A description of the condition of any on-site streams (e.g. prior channelization, bed instability or headcuts, channels on public maintenance, or natural channels).

- H. An implementation schedule which describes the sequence of major construction operations (i.e., designation of vegetative preservation areas, grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and stormwater management practices or facilities to be employed during each operation of the sequence.
- I. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project. For discharges to a municipal separate storm sewer system (MS4), the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or surface water of the state shall be indicated.
- J. List TMDLs applicable for the site and demonstrate that appropriate BMPs or stormwater control measures (SCMs) have been selected to address these TMDLs. *[A TMDL identifier table for Northeast Ohio communities is available at <http://www.neohiostormwater.com/>]*
- K. For subdivided developments, a detailed drawing of individual parcels with their erosion, sediment or stormwater control practices and/or a typical individual lot showing standard individual lot erosion and sediment control practices. A typical individual lot drawing does not remove the responsibility to designate specific erosion and sediment control practices in the SWP3 for critical areas such as steep slopes, stream banks, drainage ways, and riparian zones.
- L. Location and description of any stormwater discharges associated with dedicated asphalt and dedicated concrete plants covered by this permit and the best management practices to address pollutants in these stormwater discharges.
- M. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence.
- N. The SWP3 shall contain a description of the post-construction BMPs that will be installed during construction for the site and the rationale for their selection. The rationale shall address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.
- O. Each temporary and permanent stormwater practice shall be

designated with an individual identification number and date of installation.

- P. Site map showing:
- i. Limits of earth-disturbing activity of the site, including off site spoil and borrow areas that are not addressed by a separate NOI and associated SWP3.
 - ii. Soil types should be depicted for all areas of the site, including locations of unstable, highly erodible and/or contaminated soils.
 - iii. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.
 - iv. The location of any delineated boundary for required riparian setbacks.
 - v. Conservation easements or areas designated as open space, preserved vegetation or otherwise protected from earth disturbing activities. A description of any associated temporary or permanent fencing or signage.
 - vi. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within two hundred (200) feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - vii. Existing and planned locations of buildings, roads, parking facilities, and utilities.
 - viii. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.
 - ix. Sediment traps and basins noting their sediment storage and dewatering (detention) volume and contributing drainage area. Ohio EPA recommends the use of data sheets (see Ohio EPA's *Rainwater and Land Development Manual* and website for examples) to provide data for all sediment traps and basins noting important inputs to design and resulting

parameters such as their contributing drainage area, disturbed area, detention volume, sediment storage volume, practice surface area, dewatering time, outlet type and dimensions.

- x. Data sheets for all sediment traps, sediment basins, and SCMs that identify contributing drainage area, disturbed area, water quality volume, sedimentation volume, dewatering volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions, and any other relevant parameters for each practice.
- xi. A separate plan and cross-section view of each individual sediment settling pond and its outlet structure. Detail drawings of the outlet structure shall indicate the following elevations:
 - a) Pond bottom
 - b) Elevation required to store the required sediment storage volume
 - c) For sediment basins, the elevation at which the skimmer is attached
 - d) For sediment traps, the top and bottom of the stone outlet section
 - e) Elevation required to store the dewatering volume, exclusive of the sediment storage volume
 - f) Elevation of the top of embankment
 - g) Crest of the emergency spillway
- xii. Where used as a sediment settling pond during construction, the plan shall include a detailed drawing of the temporary outlet configuration of the permanent stormwater basin with the following information specified:
 - a) Storage volume provided below the elevation at which the skimmer or other surface dewatering device is attached
 - b) Elevation at which the skimmer or other surface dewatering device is attached
 - c) Elevation at which the full dewatering zone is stored above the skimmer invert
 - d) Any temporary modification to permanent outlet orifices or weirs required to ensure no discharge below the skimmer invert and only the skimmer controls the discharge up to the top of the dewatering volume
 - e) Calculations of the sediment storage volume, dewatering volume and skimmer drawdown time shall also be provided

- xiii. The location of new and existing permanent stormwater management practices including pretreatment practices to be used to control pollutants in stormwater after construction operations have been completed along with the location of existing and planned drainage features including catch basins, culverts, ditches, swales, surface inlets and outlet structures.
- xiv. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling.
- xv. Methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, stormwater runoff, and snow melt.
- xvi. Measures to prevent and respond to chemical spills and leaks. Applicants may also reference the existence of other plans (i.e., Spill Prevention Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.
- xvii. Methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.
- xviii. The location of designated construction entrances where the vehicles will access the construction site.
- xix. The location of any areas of proposed floodplain fill, floodplain excavation, stream restoration or known temporary or permanent stream crossings.

1005.09 PERFORMANCE STANDARDS.

The SWP3 must contain a description of the controls appropriate for each construction operation and the operator(s) must implement such controls. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general timing (or sequence) during the construction process under which the measures will be implemented; and the contractor

responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

The approved SWP3, and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented upon the commencement of construction. Perimeter controls must be installed two working days prior to commencement of construction. The approved plan must be implemented until the site reaches final stabilization. All properties adjacent to the site of soil-disturbing activity shall be protected from soil erosion and sediment run-off and damage, including, but not limited to, private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

It is the owner's responsibility to maintain current records of contractor(s) responsible for implementation of the SWP3 and providing that information to the City. The SWP3 shall identify all subcontractors engaged in activities that could impact stormwater runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. The applicant shall review the SWP3 with the primary contractor prior to commencement of construction activities and keep a SWP3 training log to demonstrate that this review had occurred.

Erosion and sediment controls shall be designed, installed and maintained effectively to minimize the discharge of pollutants during the course of earth disturbing activities. The controls shall include the following minimum components:

- (a) **NON-STRUCTURAL PRESERVATION MEASURES:** The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, minimizing disturbance of steep slopes, designation of tree preservation areas or other protective clearing or grubbing practices. Soil compaction shall be minimized and, unless infeasible, topsoil shall be preserved. Provide and maintain a fifty (50) foot buffer of undisturbed natural vegetation around surface waters of the state (as measured from the ordinary high water mark of the surface water), or riparian or wetland setbacks, if applicable, whichever is greater, unless maintaining this buffer is infeasible (e.g., stream crossings for roads or utilities, or for channel and floodplain rehabilitation and restoration). Direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration. If it is infeasible to provide and maintain an undisturbed fifty (50) foot natural buffer, you shall comply with the stabilization requirements found in Tables 1 and 2 for areas within fifty (50) feet of a surface water.
- (b) **EROSION CONTROL PRACTICES:** The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. The amount of soil exposed during construction activity shall be minimized. A description of control practices designed to re-establish vegetation or suitable cover on disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing

of construction operations, the use of construction entrances, and the use of alternative ground cover.

Erosion control practices must meet the following requirements:

- (1) Stabilization. Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any area that will lie dormant for one year or more.	Within 7 days of the most recent disturbance.
Any area within 50 feet of a surface water of the state and at final grade.	Within 2 days of reaching final grade.
Any other areas at final grade.	Within 7 days of reaching final grade within that area.

Table 2: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a surface water of the state and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 14 days but less than one year, and not within 50 feet of a surface water of the state.	Within 7 days of the most recent disturbance within the area. For residential subdivisions, disturbed areas must be stabilized at least 7 days prior to transfer of permit coverage for the individual lot(s).
Disturbed areas that will be idle over winter.	Prior to the onset of winter weather
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.	

- (2) Permanent stabilization of conveyance channels. Operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rock check dams, all as defined in the most recent Ohio EPA NPDES Construction Permit or edition of the *Rainwater and Land Development Manual*.
- (c) **RUNOFF CONTROL PRACTICES.** The SWP3 shall incorporate measures which control the flow of runoff from disturbed areas so as to prevent erosion from occurring. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes

where practicable. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

- (d) **SEDIMENT CONTROL PRACTICES.** The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas to minimize sediment discharges from the site. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days. Such practices may include, among others: sediment settling ponds, sediment barriers, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site. The SWP3 shall contain detailed drawings for all structural practices.
- (e) All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.

Sediment control practices must meet the following requirements:

- (1) Timing. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the upslope development area is stabilized with permanent cover. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
- (2) Sediment settling ponds. A sediment settling pond is required for any one of the following conditions:
 - A. Concentrated or collected stormwater runoff (e.g. storm sewer or ditch).
 - B. Runoff from drainage areas which exceeds the design capacity of silt fence (see Table 3) or other sediment barriers.
 - C. Runoff from drainage areas that exceed the design capacity of inlet protection.

The permittee may request approval from Ohio EPA to use alternative controls if the permittee can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond.

Sediment settling ponds shall be provided in the form of a sediment trap or sediment basin as defined in the current Ohio EPA NPDES Construction Permit or latest edition of the Rainwater and Land Development Manual. The maximum allowable contributing drainage area to a sediment trap shall be limited to less than five (5) acres. Contributing drainage areas of five (5) acres or more shall be treated with a sediment basin. An equivalent best management practice may be utilized upon approval from the Engineer.

If feasible, sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device. The sediment settling pond volume consists of both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least one thousand eight hundred (1,800) cubic feet of storage per acre of total contributing drainage area. The dewatering structure of sediment basins shall be designed to have a minimum forty eight (48) hour drain time, and, unless infeasible, be designed to always withdraw runoff from the surface of the pond throughout the storm cycle. As such, a skimmer discharge device consistent with the Rainwater and Land Development Manual shall be provided to dewater sediment basins. Sediment traps shall also provide both a sediment storage zone and dewatering zone, but the outlet structure shall be constructed consistent with the specifications contained in the latest edition of the Rainwater and Land Development Manual.

When post-construction detention/water quality ponds are to be used as temporary sediment trapping BMPs, a skimmer discharge device consistent with the Rainwater and Land Development Manual shall be utilized during construction phase and until the site is deemed permanently stabilized by the Engineer.

The skimmer shall be designed per the equivalent requirements of sediment basins and the Operator must ensure that the outlet structure of the pond provides an equivalent or better sediment storage zone and dewatering zone. As such, temporarily while the site is under construction, there shall be no discharge of runoff below the elevation required for the sediment storage zone and the discharge of stormwater within the dewatering zone shall only occur through the skimmer.

The volume of the sediment storage zone shall be calculated by one of the following methods:

Method 1: The volume of the sediment storage zone shall be one thousand (1000) ft³ per disturbed acre within the watershed of the basin.

Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model.

Accumulated sediment shall be removed from the sediment storage zone once it exceeds fifty (50) percent of the minimum required sediment storage design capacity and prior to the conversion to the post-construction practice unless suitable storage is demonstrated based upon over-design. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five (5) feet. The configuration between the inlets and the outlet of the basin must provide at least four units of length for each one unit of width. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

- (3) Sediment barriers and diversions. Sheet flow runoff from denuded areas shall be intercepted by sediment barriers or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area and shall be capable of temporarily ponding runoff. For most applications, standard silt fence may be substituted with a 12-inch diameter sediment barrier. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below. Placing silt fence in a parallel series does not extend the size of the permissible drainage area.

Table 3: Sediment Barrier Maximum Drainage Area Based on Slope

Maximum Drainage Area (acres) to 100 linear feet of sediment barrier	Range of slope for a drainage area (%)
0.5	<2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

- (4) Alternative perimeter controls for sheet flow discharges may be considered by the City, but their use shall not exceed the limitations indicated in Table 3 above. Detail drawings and plan notes shall specify the diameter of filter

socks, compost berms and other such alternative perimeter controls if used instead of silt fence.

- (5) Stormwater diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such devices, which include swales, dikes or berms, may receive stormwater runoff from areas up to ten (10) acres.
- (6) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.
- (7) Off-site tracking of sediment and dust generation. Best management practices must be implemented to minimize off-site vehicle tracking of sediments and dust generation. The SWP3 shall include methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel washwater, and other washwaters. No detergents may be used to wash vehicles. Washwaters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.

These best management practices must include, but are not limited to, the following:

- A. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the current Ohio EPA NPDES Construction Permit most recent edition of the Rainwater and Land Development Manual.
- B. Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off site. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly and protected from sediment-laden runoff, if feasible without posing a public safety hazard.

Based on site conditions, the City may require additional best management practices to control off site tracking and dust.

- C. Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated

construction entrances.

- D. Designated vehicle and wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for dewatering in conformance with Section 1005.09 (g) of this regulation. No surfactants or detergents may be used to wash vehicles.
- E. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The City may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.

(8) Surface Waters of the State protection. Construction vehicles shall avoid water resources. A fifty (50) foot undisturbed natural buffer shall be provided around surface waters of the state unless infeasible. If it is infeasible to provide and maintain an undisturbed fifty (50) foot natural buffer, the SWP3 shall comply with the stabilization requirements in 1005.09(b)(1) for areas within fifty (50) feet of a surface water, as measured from the ordinary high water mark of the surface water, or riparian or wetland setbacks, whichever is greater; and minimize soil compaction and, unless infeasible, preserve topsoil. If a riparian or wetland setback is greater than fifty (50) feet, no disturbance of natural vegetation shall occur within the riparian or wetland setback unless a variance to the riparian or wetland setback regulation has been granted. If the applicant is permitted to disturb areas within fifty (50) feet of a water resource, the following conditions shall be addressed in the SWP3:

- A. All BMPs and stream crossings shall be designed as specified in the current Ohio EPA NPDES Construction Permit and most recent edition of the Rainwater and Land Development Manual.
- B. Structural practices shall be designated and implemented on site to protect all adjacent surface waters of the state from the impacts of sediment runoff.
- C. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond in-stream) shall be used in a surface water of the state.
- D. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance within the buffer area are minimized.
- E. Temporary stream crossings shall be constructed if water resources

or wetlands will be crossed by construction vehicles during construction.

- F. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.
- G. Concentrated stormwater runoff from BMPs to natural wetlands shall be converted to diffuse flow through the use of level spreaders or other such appropriate measure before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series to ensure non-erosive velocities. Other structural BMPs may be used between stormwater features and natural wetlands, in order to protect the natural hydrology, hydroperiod, and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether their construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain wetland hydrology.
- H. Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.

- (9) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee shall replace or modify the control for site conditions.

(f) **NON-SEDIMENT POLLUTANT CONTROLS:** No solid or liquid waste, including building materials, shall be discharged in stormwater runoff. The applicant must implement all necessary best management practices to prevent the discharge of non-sediment pollutants to the drainage system of the site or surface waters of the state. These practices shall include but are not limited to the following:

- (1) Waste Materials: A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.
- (2) Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, other public facility, natural resource or water of the state is prohibited. A designated area for concrete washout shall be made available.

- (3) Disposal of Other Wastewaters: The discharge of washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials to a street, catch basin, other public facility, natural resource or waters of the state is prohibited. The discharge of soaps or solvents used in vehicle and equipment washing is also prohibited. If generated, these wastewaters must be collected and disposed of properly.
- (4) Fuel/Liquid Tank Storage: All fuel/liquid tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to one hundred and ten percent (110%) of the volume of the largest containers in the storage area and/or a spill kit shall be provided to clean up spills. The SWP3 shall contain spill prevention and response procedures and these procedures shall be discussed at the pre-construction meeting.
- (5) Toxic or Hazardous Waste Disposal: Any toxic or hazardous waste shall be disposed of properly. The discharge of fuels, oils, and other pollutants used in vehicle and equipment operation and maintenance is prohibited. No exposure of stormwater to waste materials is recommended.
- (6) Contaminated Soils Disposal and Runoff: Discovery of previously unknown contaminated soils onsite shall be self-reported to Ohio EPA and local authorities. Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites. Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (i.e. not considered a Hazardous Waste, meeting Voluntary Action Program (VAP standards)) may still result in stormwater discharges in excess of Ohio Water Quality Standards. Such discharges are not authorized by this Chapter. Appropriate BMPs which may be utilized to meet this requirement include, but are not limited to:
 - A. Use berms, trenches, and pits to collect contaminated runoff and prevent discharge.
 - B. Pump runoff from contaminated soils to the sanitary sewer with the prior approval of the sanitary sewer system operator, or pump into a container for transport to an appropriate treatment or disposal facility.
 - C. Cover areas of contamination with tarps, daily cover or other such methods to prevent stormwater from coming into contact with contaminated materials.

The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, stormwater runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. Applicants may also reference the existence of other plans (i.e., Spill Prevention

Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.

- (g) COMPLIANCE WITH OTHER REQUIREMENTS. The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils to the extent these are located within the permitted area.
- (h) TRENCH AND GROUND WATER CONTROL. There shall be no sediment-laden or turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- (i) INTERNAL INSPECTIONS. All controls on the site shall be inspected at least once every seven (7) calendar days and by the end of the next calendar day after any storm event greater than one-half (1/2) inch of rain per twenty four (24) hour period, excluding weekends and holidays unless work is scheduled. The inspection frequency may be reduced to at least once every month for dormant sites if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions for extended periods of time (e.g., site is covered with snow, ice, or the ground is frozen). The beginning and ending dates of any reduced inspection frequency shall be documented in the SWP3. Once a definable area has achieved final stabilization, the area may be marked on the SWP3 and no further inspection requirements shall apply to that portion of the site. A waiver of inspection requirements is available until one (1) month before thawing conditions are expected to result in a discharge if prior written approval has been attained from the Engineer and all of the following conditions are met:
 - (1) The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e. more than one (1) month).
 - (2) Land disturbance activities have been suspended, and temporary stabilization is achieved.
 - (3) The beginning date and ending dates of the waiver period are documented in the SWP3.
 - (4) For sites that will not be completed by October 1, a Pre-Winter Stabilization Meeting shall be held by the property owner, the developer, engineer and contractor of the project and the City prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current Ohio EPA NPDES Construction Permit and recent edition of the *Rainwater and Land Development Manual*.

The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls. Certified inspection reports shall be submitted electronically to the Engineer within seven (7) working days from the inspection and retained at the development site.

These inspections shall meet the following requirements:

- (1) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for, pollutants entering the drainage system.
- (2) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant shall utilize an inspection form provided by the Ohio EPA or an alternate form acceptable to the Engineer. The inspection form shall include:
 - A. The inspection date.
 - B. Names, titles and qualifications of personnel making the inspection.
 - C. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection), including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
 - D. Weather information and a description of any discharges occurring at the time of inspection.
 - E. Locations of:
 - i. Discharges of sediment or other pollutants from site.
 - ii. BMPs that need to be maintained.
 - iii. BMPs that failed to operate as designed or proved inadequate for a particular location.
 - iv. Where additional BMPs are needed that did not exist at the time of inspection.
 - F. Corrective action required including any necessary changes to the SWP3

and implementation dates.

- (3) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.
 - (4) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
 - (5) The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of non-compliance determined by these inspections.
- (j) MAINTENANCE. The SWP3 shall be designed to minimize maintenance requirements. All BMPs shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance.

When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

- (1) When practices require repair or maintenance. If an internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
- (2) When practices fail to provide their intended function. If an internal inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within three (3) to ten (10) days of the inspection as determined by the Engineer or site inspector.
- (3) When practices depicted on the SWP3 are not installed. If an internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

- (k) **FINAL STABILIZATION.** Final stabilization shall be determined by the Engineer. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs). Obligations under this regulation shall not be completed until installation of post-construction BMPs is verified by the Engineer.

1005.10 ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABSWP3).

- (a) In order to control sediment pollution of water resources, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.
- (b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- (c) The Abbreviated SWP3 shall include a minimum of the following BMPs. The Engineer may require other BMPs as site conditions warrant.
 - (1) Construction Entrances: Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the current OHIO EPA NPDES Construction Permit and recent edition of the Rainwater and Land Development Manual.
 - (2) Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be indicated on the plan. Use for other waste and wastewater is prohibited.
 - (3) Street Sweeping: Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
 - (4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area requiring stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a surface water of the state and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days

For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area
Disturbed areas that will be idle over winter	Prior to November 1
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

- (5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems, including rear yard inlets. Straw, hay bales, and filter socks are not acceptable forms of inlet protection.
- (6) Silt Fence and Other Perimeter Controls. Silt fence and other perimeter controls approved by the Engineer shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in Table 3 in 1005.09 of these regulations.
- (7) Yard Drains and Downspouts. Yard drains and downspouts shall be constructed and installed as early on in the excavation/construction process as possible but in no event later than the time the structure is under roof.
- (8) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event greater than one-half (1/2) inch of rain per twenty-four (24) hour period. Maintenance shall occur as detailed below:
 - A. When BMPs require repair or maintenance. If the internal inspection reveals that a BMP is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - B. When BMPs fail to provide their intended function. If the internal inspection reveals that a BMP fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
 - C. When BMPs depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a BMP has not been implemented in accordance with the schedule, the control practice

must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

- (6) Final Stabilization: Final stabilization shall be determined by the Engineer.

1005.11 BOND.

- (a) If a SWP3 is required by this regulation, soil disturbing activities shall not be permitted until a cash bond or deposit has been deposited by the Owner or the Owner's Representative with the City Finance Department, with a notice to the Engineer. The amount shall be a minimum of One Thousand Five Hundred Dollars (\$1,500.00), and an additional One Thousand Five Hundred Dollars (\$1,500.00) shall be paid for each subsequent acre or fraction thereof or the cost of stabilizing disturbed areas based on a fee schedule established by the City. The bond will be used for the City to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less City administrative fees as detailed in Chapters 1001, 1003, 1005 and 1007 of the City of Beachwood Codified Ordinances, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the Engineer.
- (b) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the Engineer.

1005.12 ENFORCEMENT.

- (a) If the City or its duly authorized representative determines that a violation of the regulations adopted under this Chapter exist, the City or its representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.
- (b) All development areas may be subject to internal inspections by the Engineer to ensure compliance with the approved SWP3 or Abbreviated SWP3.
- (c) After each internal inspection, the Engineer shall prepare and distribute a status report to the applicant.
- (d) If an internal inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the Engineer may take action as detailed in this Chapter.

- (e) Failure to maintain and repair erosion and sediment controls, per the approved SWP3 or Abbreviated SWP3, may result in the following enforcement action and as may be escalated, with each day counted as a separate violation:
 - i. First Violation: The Engineer shall issue a Notice of Deficiency to the Owner or Operator. All controls are to be repaired or maintained per the SWP3 or Abbreviated SWP3 within three (3) days of the receipt of the Notice of Deficiency. If controls have not been corrected after this time, the Engineer may issue a Stop Work Order for all activities until corrections have been made.
 - ii. Second Violation: The Engineer shall issue a formal Notice of Violation which includes a Two Hundred and Fifty Dollar (\$250.00) administrative fee against the SWP3 or Abbreviated SWP3 Bond or Site Development Plan deposit. All controls are to be repaired or maintained per the approved SWP3 or Abbreviated SWP3 within three (3) days of the Notice of Violation. If controls have not been corrected after this time, the Engineer may issue a Stop Work Order for all activities until corrections have been made.
 - iii. Third and subsequent violations: The Engineer may issue a Stop Work Order for all construction activities and charge a Five Hundred and Dollar (\$500.00) administrative fee against the SWP3 or Abbreviated SWP3 bond or Site Development Plan deposit. The Stop Work Order will be lifted once all controls are in compliance with the approved SWP3 or Abbreviated SWP3.
- (f) The Engineer shall have the authority to make immediate on-site adjustments to the SWP3 or Abbreviated SWP3 in order to achieve compliance with this regulation.
- (g) A final inspection will be made to determine if the regulations of this Chapter have been satisfied and a report will be presented to the City on the site's compliance status.
- (h) The Engineer will monitor soil-disturbing activities for non-farm residential, commercial, industrial, or other non-farm purposes to ensure compliance as required by these regulations.
- (i) The Engineer shall notify the U.S. Army Corps of Engineers when a violation on a development project covered by an Individual or Nationwide Permit is identified. The Engineer shall notify the Ohio Environmental Protection Agency when a violation on a development project covered by a Section 401 Water Quality Certification and/or Isolated Wetland Permit is identified.
- (j) The City shall not issue building permits for projects regulated under this Chapter that have not received approval for an Abbreviated SWP3 or SWP3 for said project(s).

1005.13 PERMITS AND DEPOSITS.

Permits and deposits for plan review services and inspectional services not specifically set forth in this Chapter shall be in accordance with the provisions and requirements of the Building

Code as provided in Chapter 1329.

1005.99 PENALTY.

- A. Any person who shall violate any section of this regulation shall be guilty of a misdemeanor of first degree and, upon conviction thereof, shall be subject to punishment as provided in Section 1105.99 of the Zoning Code.
- B. The imposition of any other penalties provided herein shall not preclude the City from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the Building Commissioner.”

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees, relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the public peace, health, or safety or the efficient operation of the City, and for the further reason that it is necessary for Council to adopt the above legislation at the earliest time possible in order to begin enforcement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020, and filed it with the Clerk.

Mayor

AN ORDINANCE REPEALING CHAPTER 1177 OF THE CITY'S CODIFIED ORDINANCES "COMPREHENSIVE STORMWATER MANAGEMENT" AND REPLACING IT IN ITS ENTIRETY WITH NEW CHAPTER 1007 "COMPREHENSIVE STORMWATER MANAGEMENT", AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, flooding is a significant threat to property and public health and safety and stormwater management lessens flood damage by reducing and holding runoff and releasing it slowly; and

WHEREAS, streambank erosion is a significant threat to property and public health and safety and stormwater management slows runoff and reduces its erosive force; and

WHEREAS, insufficient control of stormwater can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations; and

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; and

WHEREAS, stormwater runoff contributes to increased quantities of pollutants to water resources; and

WHEREAS, stormwater runoff, stream channel erosion, and nonpoint source pollution can be controlled and minimized through the regulation of runoff from land development projects; and,

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load (TMDL) for phosphorus, nitrogen, habitat, bacteria and Total Suspended Solids (TSS) in the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek watersheds; and

WHEREAS, there are watershed-wide efforts to reduce flooding, erosion, and water quality problems in the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek and to protect and enhance the water resources of the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek watersheds; and

WHEREAS, the City finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders; and

WHEREAS, the City desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from stormwater runoff; and

WHEREAS, the use of green infrastructure and runoff reduction practices improves

water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding and combined sewer overflow events through the infiltration, evapotranspiration, treatment and reuse of stormwater runoff; and

WHEREAS, the use of green infrastructure produces community benefits including reduced crime, increased property values, increased retail sales and lower infrastructure costs; and

WHEREAS, the City is in the Chagrin River, Doan Brook, Euclid Creek, Mill Creek, Nine Mile Creek and Tinker's Creek watersheds and recognizes its obligation as a part of these watersheds to manage stormwater within its borders; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City to develop a Stormwater Management Program that, among other components, requires the City to implement standards, principles, and procedures to regulate the quality of stormwater runoff during and after soil disturbing activities; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, State of Ohio, that:

Section 1: Current Codified Ordinance Chapter 1177 Comprehensive Stormwater Management, is hereby repealed and replaced in its entirety with the following:

**“CHAPTER 1007
COMPREHENSIVE STORMWATER MANAGEMENT**

1007.01 PURPOSE AND SCOPE.

- A. The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the City:
- B. This regulation requires owners who develop or re-develop their property within the City to:
 - 1. Control stormwater runoff from their property and ensure that all Stormwater Control Measures (SCMs) are properly designed, constructed, and maintained.

2. Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
 3. Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and groundwater are protected and flooding and erosion potential are not increased.
 4. Minimize the need to construct, repair, and replace subsurface storm drain systems.
 5. Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.
 6. Incorporate stormwater quality and quantity controls into site planning and design at the earliest possible stage in the development process.
 7. Reduce the expense of remedial projects needed to address problems caused by inadequate stormwater management.
 8. Maximize use of SCMs that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
 9. Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize the City's future expenses related to the maintenance and repair of stream crossings.
 10. Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.
- C. This Chapter shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; underground cables and pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in Section 1007.01(E) and as defined by the OEPA NPDES Permit. This Chapter also applies if the earth disturbing activity is only clearly by tree cutting which would change the stormwater runoff pattern.
- D. Public entities, including the State of Ohio, Cuyahoga County, and the City shall comply with this regulation for roadway projects initiated after March 10, 2006.
- E. This Chapter does not apply to activities regulated by, and in compliance with:
- (a) Land disturbing activities related to producing agricultural crops or silvicultural operations regulated by the Ohio Agricultural Sediment

Pollution Abatement Rules.

(b) Strip mining operations regulated by Ohio Revised Code Chapter 1513.

(c) Surface mining operations regulated by Ohio Revised Code Chapter 1514.

(d) Commercial, industrial and residential home sites disturbing less than four thousand (4,000) square feet of land.

1007.02 DEFINITIONS.

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

- A. ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- B. ACRE: A measurement of area equaling 43,560 square feet.
- C. AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a registered Professional Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.
- D. BANKFULL CHANNEL: A channel flowing at channel capacity and conveying the bankfull discharge. Delineated by the highest water level that has been maintained for a sufficient period of time to leave evidence on the landscape, such as the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial or the point at which the clearly scoured substrate of the stream ends and terrestrial vegetation begins.
- E. BANKFULL DISCHARGE: The streamflow that fills the main channel and just begins to spill onto the floodplain; it is the discharge most effective at moving sediment and forming the channel.
- F. BEST MANAGEMENT PRACTICES (BMP): Also STORMWATER CONTROL MEASURE (SCMs). Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control stormwater volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see the *Rainwater and Land Development Manual* at http://epa.ohio.gov/dsw/storm/technical_guidance#176135061-rainwater-and-land-development-manual.
- G. CLEAN WATER ACT: Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq. Referred to as the

Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972.

- H. CITY: The City of Beachwood, its designated representatives, boards, or commissions.
- I. COMPREHENSIVE STORMWATER MANAGEMENT PLAN: The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize stormwater runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve stormwater quality and stream channels.
- J. CRITICAL STORM: A storm that is determined by calculating the percentage increase in volume of runoff by a proposed development area for the one (1) year twenty-four (24) hour event. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.
- K. DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- L. DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique watershed with individual outlet points on the development area.
- M. DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- N. DRAINAGE: The removal of excess surface water or groundwater from land by surface or subsurface drains.
- O. ENGINEER: The City Engineer and or the City Engineer's designee that shall include, but not be limited to, the City's Building Commissioner and/or Environmental Manager, who shall work under and in coordination with the City Engineer.
- P. EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- Q. EXTENDED DETENTION FACILITY: A stormwater control measure that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the stormwater quality event over at least twenty-four (24) to forty-eight (48) hours, retarding flow and allowing pollutants to settle within the facility.
- R. FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least eighty percent (80%) coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.

- S. GENERAL CONTRACTOR: The primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.
- T. GRADING: The process in which the topography of the land is altered to a new slope.
- U. GREEN INFRASTRUCTURE: Wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.
- V. HYDROLOGIC UNIT CODE: A cataloging system developed by the United States Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.
- W. IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.
- X. INFILTRATION CONTROL MEASURE: A stormwater control measure that does not discharge to a water resource during the stormwater quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining stormwater pollutants in the facility.
- Y. LARGER COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- Z. LOW IMPACT DEVELOPMENT: Low-impact development (LID) is a site design approach, which seeks to integrate hydrologically functional design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID's goal is to mimic natural hydrology and processes by using small-scale, decentralized practices that infiltrate, evaporate, detain, and transpire stormwater. LID stormwater control measures (SCMs) are uniformly and strategically located throughout the site.
- AA. MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, must meet.
- BB. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:
 - 1. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a

special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into water resources; and

2. Designed or used for collecting or conveying solely stormwater,

3. Which is not a combined sewer, and

4. Which is not a part of a publicly owned treatment works.

- CC. National Pollutant Discharge Elimination System (NPDES): A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- DD. NONSTRUCTURAL STORMWATER CONTROL MEASURE (SCM): Any technique that uses natural processes and features to prevent or reduce the discharge of pollutants to water resources and control stormwater volume and rate.
- EE. ORDINARY HIGH WATER MARK: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- FF. POST-CONSTRUCTION/TRANSITION MEETING: Transition meeting with the construction team, engineer, and owner to discuss the post-construction stormwater control measures, ensure they are installed as designed, explain what to look for during monthly and annual inspections, and provide the owner tools to plan for long-term maintenance needs.
- GG. POST-DEVELOPMENT: The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- HH. PRE-CONSTRUCTION MEETING: Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as submitted and approved.
- II. PRE-DEVELOPMENT: The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- JJ. PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.
- KK. QUALIFIED INSPECTION PERSONNEL: A person knowledgeable in the principles

and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of stormwater discharges from the construction activity.

- LL. RAINWATER AND LAND DEVELOPMENT MANUAL: Ohio's standards for stormwater management, land development, and stream protection. The most current edition of these standards shall be used with this regulation.
- MM. REDEVELOPMENT: A construction project on land that has been previously graded, paved or built upon.
- NN. RIPARIAN AREA: Land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.
- OO. RIPARIAN AND WETLAND SETBACK: The real property adjacent to a water resource on which soil disturbing activities are limited, all as defined by Codified Ordinance Chapter 1001.
- PP. RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.
- QQ. SEDIMENT: The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- RR. SEDIMENTATION: The deposition of sediment in water resources.
- SS. SITE OPERATOR: The party having day-to-day operational control of all activities at a project which are necessary to ensure compliance with a SWP3 for the site and all permit conditions including the ability to authorize modifications to the SWP3, construction plans and site specification to ensure compliance with the General Permit.
- TT. SITE OWNER: Property owner meets the definition of operator should the party which has day to day operational control require additional authorization from the owner for modifications to the SWP3, construction plans, and/or site specification to ensure compliance with the permit or refuses to accept all responsibilities as listed herein.
- UU. SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.
- VV. STABILIZATION: The use of Best Management Practices or Stormwater Control Measures that reduce or prevent soil erosion by stormwater runoff, trench dewatering,

wind, ice, gravity, or a combination thereof.

- WW. STORMWATER OR STORM WATER: Defined at 40 CFR 122.26(b)(13) and means stormwater runoff, snow melt runoff and surface runoff and drainage.
- XX. STORMWATER CONTROL MEASURE (SCM): Also Best Management Practice (BMP). Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control stormwater volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see U.S. EPA's National Menu of BMPs at <http://water.epa.gov/polwaste/npdes/swbmp/index.cfm>.
- YY. STORMWATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- ZZ. STRUCTURAL STORM WATER MANAGEMENT PRACTICE OR STORMWATER CONTROL MEASURE (SCM): Any constructed facility, structure, or device that prevents or reduces the discharge of pollutants to water resources and controls stormwater volume and rate.
- AAA. SUBCONTRACTOR: An individual or company that takes a portion of a contract from the general contractor or from another subcontractor.
- BBB. SURFACE WATER OF THE STATE: Also Water Resource. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- CCC. TOTAL MAXIMUM DAILY LOAD (TMDL): The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standards.
- DDD. WATER QUALITY VOLUME: "Water Quality Volume (WQv)" means the volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.
- EEE. WATER RESOURCE: Also SURFACE WATER WATER OF THE STATE. Any

stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

- FFF. **WATER RESOURCE CROSSING:** Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.
- GGG. **WATERSHED:** The total drainage area contributing stormwater runoff to a single point.
- HHH. **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1007.03 DISCLAIMER OF LIABILITY.

- A. Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property.
- B. By approving a Comprehensive Stormwater Management Plan under this regulation, the City does not accept responsibility for the design, installation, and operation and maintenance of SCMs.

1007.04 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY.

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the Engineer, shall prevail.
- B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- D. Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the Site Owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its

officers, employees, or agents being responsible for any condition or damage resulting therefrom.

- E. The Engineer shall administer, implement, and enforce the provisions of this Chapter.

1007.05 DEVELOPMENT OF COMPREHENSIVE STORMWATER MANAGEMENT PLANS.

- A. This regulation requires that a Comprehensive Stormwater Management Plan be developed and implemented for all construction activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1007.01(C) is proposed. A Comprehensive Stormwater Management Plan must be developed and implemented for all commercial and industrial site development. The Engineer may require a Comprehensive Stormwater Management Plan on sites disturbing less than one (1) acre.
- B. The City shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary. The City may consult with the Cuyahoga County SWCD, state agencies, private engineers, stormwater districts, or other technical experts in reviewing the Comprehensive Stormwater Management Plan.

1007.06 APPLICATION PROCEDURES.

- A. Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the Engineer, Building Commissioner and City Planner to discuss the proposed project, review the requirements of this regulation, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.
- B. Preliminary Comprehensive Stormwater Management Plan: The applicant shall submit two (2) sets of a Preliminary Comprehensive Stormwater Management Plan (Preliminary Plan) and the applicable fees to the Building Commissioner. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, stormwater control facilities, and easements in sufficient detail and engineering analysis to allow the Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed SCMs are capable of controlling runoff from the site in compliance with this regulation. The applicant shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:
 - 1. For subdivisions: In conjunction with the submission of the preliminary Site Development Plan.
 - 2. For other construction projects: In conjunction with the application for a zoning or building permit.

3. For general clearing projects: In conjunction with the application for a zoning or building permit.
- C. Final Comprehensive Stormwater Management Plan: The applicant shall submit two (2) sets of a Final Comprehensive Stormwater Management Plan (Final Plan) and the applicable fees to the Building Commissioner in conjunction with the submittal of the final plat, Site Development Plan, or application for a building or zoning permit for the site. The Final Plan shall meet the requirements of Section 1007.08 and shall be approved by the Engineer prior to approval of the final plat and/or before issuance of a building permit by the Building Commissioner.
- D. Review and Comment: The Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.
- E. Approval Necessary: Land clearing and soil-disturbing activities shall not begin and zoning and/or building permits shall not be issued without an approved Comprehensive Stormwater Management Plan.
- F. Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval.

1007.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before the City will issue a building or zoning permit.

- A. Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the Site Owner certifying and explaining why the NPDES Permit is not applicable.
- B. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the Site Owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by

protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

- C. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the Site Owner certifying that a Wetland Scientist has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- D. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 - 1. A letter from the Site Owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
 - 2. A Site Development Plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- E. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water Resources permit application tracking number, a copy of the project approval letter from the ODNR Division of Water Resources, or a letter from the Site Owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1007.08 COMPREHENSIVE STORMWATER MANAGEMENT PLAN.

- A. Comprehensive Stormwater Management Plan Required: The applicant shall develop a Comprehensive Stormwater Management Plan describing how the quantity and quality of stormwater will be managed after construction is completed for every discharge from the site and/or into a water resource or small municipal separate storm sewer system (MS4). The Plan will illustrate the type, location, and dimensions of every structural and non-structural SCM incorporated into the site design, and the rationale for their selection. The rationale must address how these SCMs will address flooding within the site as well as flooding that may be caused by the development upstream and downstream of the site. The rationale will also describe how the SCMs minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream water resources and, if necessary, correct current degradation of water resources that is occurring or take measures to prevent predictable degradation of water resources.

- B. Preparation by Professional Engineer: The Comprehensive Stormwater Management Plan shall be prepared by a registered Professional Engineer and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the Engineer, a site survey shall be performed by a registered Professional Surveyor to establish boundary lines, measurements, or land surfaces.

- C. Community Procedures: The Engineer shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the stormwater management system for the site. These procedures may be updated from time to time, at the discretion of the Engineer based on improvements in engineering, science, monitoring, and local maintenance experience. The Engineer shall make the final determination of whether the practices proposed in the Comprehensive Stormwater Management Plan meet the requirements of this regulation. The Engineer may also maintain a list of acceptable SCMs that meet the criteria of this regulation to be used in the City.

- D. Contents of Comprehensive Stormwater Management Plan: The Comprehensive Stormwater Management Plan shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Plan and Inspection and Maintenance Agreement and a site description with the following information provided:
 - 1. Site description:
 - a. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).
 - b. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
 - c. A description of prior land uses at the site.
 - d. An estimate of the impervious area and percent imperviousness created by the soil disturbing activity at the beginning and at the conclusion of the project.
 - e. Calculations of runoff coefficients for water quality volume determination, peak discharge control (curve number/critical storm method), and rational method.
 - f. Existing data describing the soils throughout the site, including soil map units including series, complexes, and association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.
 - g. If available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by

prior land uses.

- h. The location and name of the immediate water resource(s) and the first subsequent water resource(s).
- i. The aerial (plan view) extent and description of water resources at or near the site that will be disturbed or will receive discharges from the project.
- j. Construction drawings or excerpts showing the plan view, profile and details of the outlet(s).
- k. For extended detention and infiltration post-construction practices, provide relevant elevations and associated volumes that dictate when removal of accumulated sediments must occur.
- l. If applicable, identify the point of discharge to a municipal separate storm sewer system and the location where that municipal separate storm sewer system ultimately discharges to a stream, lake, or wetland. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s) and the aerial extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from undisturbed areas of the project.
- m. TMDLs applicable for the site [refer to TMDL community identifier table at <http://www.neohiostormwater.com/>]; demonstrate that appropriate (SCMs) have been selected to address these TMDLs.
- n. For each SCM, identify the drainage area, percent impervious cover within the drainage area, runoff coefficient for water quality volume, peak discharge, and the time of concentration for each subwatershed. Identify the SCM surface area, discharge and dewatering time, outlet type and dimensions. Each SCM shall be designated with an individual identification number.
- o. Describe the current condition of water resources including the vertical stability of stream channels and indications of channel incision that may be responsible for current or future sources of high sediment loading or loss of channel stability.

2. Site map showing:

- a. Limits of soil disturbing activity on the site.
- b. Soils map units for the entire site, including locations of unstable or highly erodible soils.

- c. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected before, during, and after major grading activities as well as the size of each drainage watershed in acres.
 - d. Water resource locations including springs, wetlands, streams, lakes, water wells, and associated setbacks on or within two hundred (200) feet of the site, including the boundaries of wetlands or streams and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - e. Existing and planned locations of buildings, roads, parking facilities, and utilities.
 - f. The location of any in-stream activities including stream crossings.
3. Contact information: Company name and contact information as well as contact name, addresses, and phone numbers for the following:
- a. The Professional Engineer who prepared the Comprehensive Stormwater Management Plan.
 - b. The Site Owner.
4. Phase, if applicable, of the overall development plan.
5. List of subplot numbers, if project is a subdivision.
6. Ohio EPA NPDES Permit Number and other applicable state and federal permit numbers, if available, or status of various permitting requirements if final approvals have not been received.
7. Location, including complete site address and subplot number if applicable.
8. Location of any easements or other restrictions placed on the use of the property.
9. A site plan sheet showing:
- a. The location of each proposed post-construction SCMs.
 - b. The geographic coordinates of the site AND each proposed practice in North American Datum Ohio State Plane North.

It is preferred that the entire site be shown on one plan sheet to allow a complete

view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided.

10. Inspection and Maintenance Agreement. The Inspection and Maintenance Agreement required for SCMs under this regulation is a stand-alone document between the City and the applicant. A copy of this agreement shall be recorded with the property title. The agreement shall contain the following information and provisions:
 - a. Identification of the landowner(s), organization, or municipality responsible for long-term inspection and maintenance, including repairs, of the SCMs.
 - b. The landowner(s), organization, or municipality shall maintain SCMs in accordance with this regulation.
 - c. The City has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation.
 - d. The City shall maintain public records of the results of site inspections, shall inform the landowner(s), organization, or municipality responsible for maintenance of the inspection results, and shall specifically indicate in writing any corrective actions required to bring the SCMs into proper working condition.
 - e. If the City notifies the landowner(s), organization, or municipality responsible for maintenance of the maintenance problems that require correction, the specific corrective actions shall be taken within a reasonable time as determined by the City.
 - f. The City is authorized to enter upon the property and perform the corrective actions identified in the inspection report if the landowner(s), organization, or municipality responsible for maintenance fails to make the required corrections in accordance with the Inspection and Maintenance Agreement. The City shall be reimbursed by the landowner(s), organization, or municipality responsible for maintenance for all expenses incurred within thirty (30) days of receipt of invoice from the City.
 - g. The method of funding long-term maintenance and inspections of all SCMs.
 - h. A release of the City from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against the City from the construction, presence, existence, or maintenance of the SCMs.
 - i. The Inspection and Maintenance Agreement shall include the approved

Inspection and Maintenance Plan per 1007.08(D)(11) below.

11. Inspection and Maintenance Plan. The Inspection and Maintenance Plan will be developed by the applicant and reviewed by the City. Once the Inspection and Maintenance Plan is approved, a recorded copy of the Plan must be submitted to the City as part of the final inspection approval as described in 1007.12. The Plan shall be provided by the permittee to the post-construction operator of the site (including homeowner associations) upon completion of construction activities (prior to termination of permit coverage). The Maintenance and Inspection Plan will include at a minimum:

- a. The location of each SCM and identification of the drainage area served by each SCM.
- b. Photographs of each SCM, including all inlets and outlets upon completion of construction.
- c. Schedule of inspection and maintenance reports to be completed and submitted annually to the City no later than June 1st.
- d. A schedule for regular maintenance for each aspect of the stormwater management system and description of routine and non-routine maintenance tasks to ensure continued performance of the system as is detailed in the approved Comprehensive Stormwater Management Plan. A maintenance inspection checklist written so the average person can understand it shall be incorporated. The Plan will include a detailed drawing of each SCM and outlet structures with the parts of the outlet structure labeled. This schedule may include additional standards, as required by the Engineer, to ensure continued performance of SCMs permitted to be located in, or within 50 feet of, water resources.

The location and documentation of all access and maintenance easements on the property. Alteration or termination of these stipulations is prohibited.

- 12. Required Calculations: The applicant shall submit calculations for projected stormwater runoff flows, volumes, and timing into and through all SCMs for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its floodplain, as required in Section 1007.09 of this regulation. These submittals shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff from offsite areas have been considered in the calculations.
- 13. List of all contractors and subcontractors before construction: Prior to construction or before the pre-construction meeting, provide the list of all contractors and

subcontractors and their names, addresses, and phones involved with the implementation of the Comprehensive Stormwater Management Plan including a written document containing signatures of all parties as proof of acknowledgment that they have reviewed and understand the requirements and responsibilities of the Comprehensive Stormwater Management Plan.

14. Existing and proposed drainage patterns: The location and description of existing and proposed drainage patterns and SCMs, including any related SCMs beyond the development area and the larger common development area.
15. For each SCM to be employed on the development area, include the following:
 - a. Location and size, including detail drawings, maintenance requirements during and after construction, and design calculations, all where applicable.
 - b. Final site conditions including stormwater inlets and permanent nonstructural and structural SCMs. Details of SCMs shall be drawn to scale and shall show volumes and sizes of contributing drainage areas. Any other structural and/or non-structural SCMs necessary to meet the design criteria in this regulation and any supplemental information requested by the Engineer.
 - c. Each SCM shall be designated with an individual identification number.

1007.09 PERFORMANCE STANDARDS.

- A. General: The stormwater system, including SCMs for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; and to meet the following criteria:
 1. Integrated practices that address degradation of water resources. The SCMs shall function as an integrated system that controls flooding and minimizes the degradation of the physical, biological, and chemical integrity of the water resources receiving stormwater discharges from the site. Acceptable practices shall:
 - a. Not disturb riparian areas, unless the disturbance is intended to support a Streambank Stabilization project and complies with Section 1001.07 Uses Permitted in Wetland and Riparian Setbacks.
 - b. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable.
 - c. Only install new impervious surfaces and compact soils where necessary to support the future land use.

- d. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing stormwater peak flows to less than predevelopment levels.
- e. Be designed according to the methodology included in the most current edition of the *Rainwater and Land Development Manual*.

SCMs that meet the criteria in this regulation, and additional criteria required by the Engineer, shall comply with this regulation.

2. Practices designed for final use: SCMs shall be designed to achieve the stormwater management objectives of this regulation, to be compatible with the proposed post-construction use of the site, to protect the public health, safety, and welfare, and to function safely with routine maintenance.
3. Stormwater management for all lots: Areas developed for a subdivision, as defined in Chapter **1101**, shall provide stormwater management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from each lot.
4. Stormwater facilities in water resources: SCMs and related activities shall not be constructed within a surface water of the state unless the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1007.07 of this regulation, and the activity is in compliance with Chapter 1007.08 Comprehensive Stormwater Management Plan and Chapter 1157 Riparian and Wetland Setbacks, all as determined by the Engineer.
5. Stormwater ponds and surface conveyance channels: All stormwater pond and surface conveyance designs must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing stormwater ponds and conveyance channels, the applicant shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.
6. Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 1007.09 if it can be shown to the satisfaction of the City that the site is part of a larger common plan of development where the stormwater management requirements for the site are provided by an existing SCMs, or if the stormwater management requirements for the site are provided by practices defined in a regional or local stormwater management plan approved by the City. A regional storm water BMP may be used to meet the post-construction requirement if: (1) the BMP meets the design

requirements for treating the WQv; and (2) a legal agreement is established through which the regional BMP owner or operator agrees to provide this service in the long term. Design information for such facilities such as contributing drainage areas, capacities, elevations, outlet details and drain times shall be included in the SWP3.

7. Small Construction Activities: For all construction activities authorized under this permit which result in a disturbance greater than one (1) acre, a post-construction practice shall be used to treat storm water runoff for pollutants and to reduce adverse impacts on receiving waters. The applicant must provide a justification in the SWP3 why the use of Table 4a and 4b practices in the current Ohio EPA General Construction Permit are not feasible. The justification must address limiting factors which would prohibit the project going forward should Table 4a and 4b practices be required. Please note that additional practices selected will require approval from the regulated MS4. The use of green infrastructure BMPs such as runoff reducing practices is also encouraged.
8. Transportation Projects: The construction of new roads and roadway improvement projects by public entities (i.e., the state, counties, townships, cities, or villages) may implement post-construction BMPs in compliance with the current version (as of the effective date of this Ordinance) of the Ohio Department of Transportation's "Location and Design Manual, Volume Two Drainage Design" that has been accepted by Ohio EPA as an alternative to the conditions of this permit.
9. Runoff Reduction Practices: The size of structural post-construction practices used to capture and treat the WQv can be reduced by incorporating runoff reducing practices into the design of the site's drainage system. The approach to calculate and document runoff reduction is detailed in the *Rainwater and Land Development Manual*. BMP-specific runoff reduction volumes are set by specifications in the *Rainwater and Land Development Manual* for the following practices: impervious surface disconnection, rainwater harvesting, bioretention, infiltration basin, infiltration trench, permeable pavement with infiltration, underground storage with infiltration, grass swale, sheet flow to filter strip, and sheet flow to a conservation area.

Runoff reducing practices may be used for areas of the site not draining into a common drainage system of the site (e.g., sheet flow from perimeter areas such as the rear yards of residential lots, low density development scenarios, or where the permittee can demonstrate that the intent of pollutant removal and stream protection is being addressed through non-structural post-construction BMPs) based upon review and approval by Ohio EPA.
10. Maintenance: All SCMs shall be maintained in accordance with the Inspection and Maintenance Plan and Agreements approved by the City as detailed in Section 1007.08.

11. Ownership: Unless otherwise required by the City, SCMs serving multiple lots in subdivisions shall be on a separate lot held and maintained by an entity of common ownership. SCMs serving single lots shall be placed on these lots, protected within an easement, and maintained by the property owner.
 12. Preservation of Existing Natural Drainage: Practices that preserve and/or improve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation and vegetative buffer strips; phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices; and maintaining unconcentrated stormwater runoff to and through these areas. Post-construction stormwater practices shall provide perpetual management of runoff quality and quantity so that a receiving stream's physical, chemical and biological characteristics are protected and ecological functions are maintained.
 13. Preservation of Wetland Hydrology: Concentrated stormwater runoff from SCMs to wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural BMPs may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod, and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether their construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain wetland hydrology.
 14. Soil Preservation and Post-Construction Soil Restoration: To the maximum extent practicable leave native soil undisturbed and protect from compaction during construction. Except for areas that will be covered by impervious surface or have been incorporated into an SCM, the soil moisture-holding capacity of areas that have been cleared and graded must be restored to that of the original, undisturbed soil to the maximum extent practicable.
- B. Stormwater Conveyance Design Criteria: All SCMs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:
1. Surface water protection: The Engineer may allow modification to streams, rivers, lakes, wetlands or other surface waters only if the applicant shows proof of

compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1007.07 of this regulation, and the activity is in compliance with Section 1007.06 and Chapter 1001 Riparian and Wetland Setbacks, all as determined by the Engineer. At a minimum, stream relocation designs must show how the project will minimize changes to the vertical stability, floodplain form, channel form, and habitat of upstream and downstream channels on and off the property.

2. Off-site stormwater discharges: Off-site stormwater runoff that discharges to or across the applicant's development site shall be conveyed through the stormwater conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around stormwater quality control facilities or, if this is not possible, the stormwater quality control facility shall be sized to treat the off-site flow. Comprehensive Stormwater Management Plans will not be approved until it is demonstrated to the satisfaction of the Engineer that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.
3. Sheet flow: The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. In no case shall the sheet flow length be longer than three hundred (300) feet, nor shall a sheet flow area exceed 1.5 acres. Flow shall be directed into an open channel, storm sewer, or other SCMs from areas too long and/or too large to maintain sheet flow, all as determined by the Engineer.
4. Open channels: Unless otherwise allowed by the Engineer, drainage tributary to SCMs shall be provided by an open channel with vegetated banks and designed to carry the 10-year, 24-hour stormwater runoff from upstream contributory areas.
5. Open drainage systems: Open drainage systems shall be preferred on all new development sites to convey stormwater where feasible. Storm sewer systems shall be allowed only when the site cannot be developed at densities allowed under City zoning or where the use of an open drainage system affects public health or safety, all as determined by the Engineer. The following criteria shall be used to design storm sewer systems when necessary:
 - a. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 10-year, 24-hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a 25-year, 24-hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributing drainage area within the proposed development and existing flows from

offsite areas that are upstream from the development.

- b. The minimum inside diameter of pipe to be used in public storm sewer systems is twelve (12) inches. Smaller pipe sizes may be used in private systems, subject to the approval of the Engineer.
 - c. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.
 - d. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.
 - e. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.
6. Water Resource Crossings: The following criteria shall be used to design structures that cross a water resource in the City:
- a. Water resource crossings other than bridges shall be designed to convey the stream's flow based on the most recent Cuyahoga County Engineer Drainage Manual Supplement to ODOT Location and Design Manual Volume 2, Drainage design Section 1000 and 1100.
 - b. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, coldwater habitat, exceptional warmwater habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high water mark.
 - c. If a culvert or other closed bottom crossing is used, twenty-five (25) percent of the cross-sectional area or a minimum of 1 foot of box culverts and pipe arches must be embedded below the channel bed. The conduit or conveyance must to be sized to meet the most recent Cuyahoga County Engineer Drainage Manual Supplement to ODOT Location and Design Manual Volume 2, Drainage design Section 1000 and 1100.
 - d. The minimum inside diameter of pipes to be used for crossings shall be 12 inches.

- e. The maximum slope allowable shall be a slope that produces a 10-fps velocity within the culvert barrel under design flow conditions. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.
 - f. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.
 - g. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.
 - h. Streams with a drainage area of 5 square miles or larger shall incorporate floodplain culverts at the bankfull elevation to restrict head loss differences across the crossing so as to cause no rise in the 100-year storm event.
 - i. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.
7. Overland flooding: Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or SCM such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation of all structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.
8. Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within floodplains approved by the City must be compensated by providing an equivalent storage volume. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the City, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.
9. Velocity dissipation: Velocity dissipation devices shall be placed at discharge

locations and along the length of any outfall to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.

C. Stormwater Quality Control:

1. Direct runoff to an SCM: The site shall be designed to direct runoff to one or more SCMs provided in the most current Ohio EPA NPDES Construction Permit or *Rainwater and Land Development Manual* and shall be designed to meet the following general performance standards:
 - a. SCMs are required for sites greater than one (1) acre, or part of a larger common plan of development or sale which will disturb one (1) or more acres, all commercial and industrial sites development and sites disturbing less than one (1) acre for which a Comprehensive Management Plan is required by the Engineer.
 - b. Extended detention facilities that detain stormwater; settle or filter particulate pollutants; and release the controlled stormwater to a water resource.
 - c. Infiltration facilities that retain stormwater; promote settling, filtering, and biodegradation of pollutants; and infiltrate captured stormwater into the ground. The City may require a soil engineering report to be prepared for the site to demonstrate that any proposed infiltration facilities meet these performance standards.
 - d. The Engineer may approve other SCMs if the applicant demonstrates to the Engineer's satisfaction that these SCMs meet the objectives of this regulation as stated in Section 1007.09(C)(5), and has prior written approval from the Ohio EPA.
 - e. For the construction of new roads and roadway improvement projects by public entities (i.e. the state, counties, townships, cities, or villages), the Engineer may approve SCMs not included in Table 4a and 4b of the Ohio EPA NPDES General Construction Permit, but must show compliance with the current version of the Ohio Department of Transportation "*Location and Design Manual, Volume Two Drainage Design*".
 - f. Offsite Mitigation of Post-Construction: Ohio EPA may authorize the offsite mitigation of the post-construction requirements on a case by case basis provided the permittee clearly demonstrates the BMPs listed in Tables 4a and 4b as listed in the current Ohio EPA General Construction Permit are not feasible and the following criteria are met: (1) a maintenance agreement or policy is established to ensure operations and treatment long-term; (2) the offsite location discharges to the same HUC-

12 watershed unit; and (3) the mitigation ratio of the WQv is 1.5 to 1 or the WQv at the point of retrofit, whichever is greater.

2. Criteria applying to all SCMs: SCMs shall be designed to meet the current requirements in the OEPA NPDES Construction Permit and ODNR *Rainwater and Land Development Manual* to treat the water quality volume (WQV).
3. Additional criteria applying to infiltration facilities:
 - a. All runoff directed into an infiltration basin must first flow through a pretreatment practice such as a grass channel or filter strip to remove coarser sediments that could cause a loss of infiltration capacity.
 - b. During construction, all runoff from disturbed areas of the site shall be diverted away from the proposed infiltration basin site. No construction equipment shall be allowed within the infiltration basin site to avoid soil compaction.
4. Additional criteria for extended detention facilities:
 - a. The outlet shall be designed to not release more than the first half of the water quality volume per the Ohio EPA NPDES Construction Permit. The outlet shall be designed to minimize clogging, vandalism, maintenance, and promote the capture of floatable pollutants.
 - b. The basin design shall incorporate the following features to maximize multiple uses, aesthetics, safety, and maintainability:
 - (1) Basin side slopes above the permanent pool shall have a run to rise ratio of 3:1 or flatter. A run to rise ratio of 3:1 is the minimum if site conditions are limiting.
 - (2) The perimeter of all permanent pool areas deeper than 4 feet shall be surrounded by an aquatic bench that extends at least 8 feet and no more than 15 feet outward from the normal water edge. The 8 feet wide portion of the aquatic bench closest to the shoreline shall have an average depth of 6 inches below the permanent pool to promote the growth of aquatic vegetation. The remainder of the aquatic bench shall be no more than 15 inches below the permanent pool to minimize drowning risk to individuals who accidentally or intentionally enter the basin, and to limit growth of dense vegetation in a manner that allows waves and mosquito predators to pass through the vegetation. The maximum slope of the aquatic bench shall be 10 (H) to 1 (V). The aquatic bench shall be planted with native plant species comparable to wetland vegetation that are able to withstand prolonged inundation. The use

of invasive plant species is prohibited.

- (3) A forebay designed to allow larger sediment particles to settle shall be placed at basin inlets. The forebay and micropool volume shall be equal to at least ten percent (10%) of the water quality volume (WQv).
- (4) Detention basins shall be provided with an emergency drain, where practicable, so that the basin may be emptied if the primary outlet becomes clogged and/or to drain the permanent pool to facilitate maintenance. The emergency drain should be designed to drain by gravity where possible.

5. Criteria for the Acceptance of Alternative post-construction BMPs: The applicant may request approval from the Engineer for the use of alternative structural post-construction SCMs if the applicant shows to the satisfaction of the Engineer that these SCMs are equivalent in pollutant removal and runoff flow/volume reduction effectiveness to those listed in *ODNR Rainwater and Land Development Manual*. Alternative post-construction BMPs may include, but are not limited to: vegetated swales, vegetated filter strips, hydrodynamic separators, high-flow media filters, cartridge filters, membrane filters, subsurface flow wetlands, multi-chamber treatment trains, road shoulder media filter drains, wetland channels, rain barrels, green roofs, rain gardens, or other non-structural post-construction approaches. Prior approval from the Ohio EPA must also be obtained on a case-by-case basis for use of alternative post-construction BMPs and it must be demonstrated that the use of a BMP listed in the Ohio EPA NPDES Construction Permit or the *ODNR Rainwater and Land Development Manual* is not feasible.

- D. Stormwater Quantity Control: The Comprehensive Stormwater Management Plan shall describe how the proposed SCMs are designed to meet the following requirements for stormwater quantity control for each watershed in the development:

1. The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.
2. Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.
3. The Critical Storm for each specific development drainage area shall be determined as follows:

- a. Determine, using a curve number-based hydrologic method; or other hydrologic method approved by the Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development drainage area before and after development. These calculations shall meet the following standards:
 - (1) Calculations shall include the lot coverage assumptions used for full build out as proposed.
 - (2) Calculations shall be based on the entire contributing watershed to the development area.
 - (3) Drainage area maps shall include area, curve number, time of concentrations. Time of concentration shall also show the flow path and the separation in flow type.
 - (4) Rainfall Depth - For the most accurate, up-to-date, location-specific rainfall data for stormwater design, use the Precipitation-Frequency Atlas of the United States, NOAA Atlas 14, Vol 2(3). ***[available online: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.]***
 - (5) Temporal Distribution – Use the SCS Type II rainfall distribution for all design events with a recurrence interval greater than 1 year. Include lot coverage assumptions used for full build out of the proposed condition.
 - (6) Curve numbers for the pre-development condition shall reflect the average type of land use over the past 10 years and not only the current land use.
 - i. Pre-development Curve Numbers – For all areas, use listed values from TR-55 NRCS USDA.
 - ii. Post-development Curve Numbers – For all areas, use listed values from TR-55 NRCS USDA.
 - (7) Time of Concentration_- Use velocity based methods from (TR-55 NRCS USDA Urban Hydrology in Small Watersheds, 1986) to estimate travel time (Tt) for overland (sheet) flow, shallow concentrated flow and channel flow.
 - i. Maximum sheet flow length is 100 ft.
 - ii. Use the appropriate “unpaved” velocity equation for shallow concentrated flow from Soil Conservation Service National Engineer Handbook Section 4 – Hydrology (NEH-4).
 - (8) The volume reduction provided by permeable pavement, bioretention, or other LID SCMs may be subtracted from the post

development stormwater volume. Volume reductions for these practices may be demonstrated using methods outlined in *Rainwater and Land Development Manual* or a hydrologic model acceptable to the Engineer.

- b. To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description except in instances of engineered permeable pavement systems. From the volume determined in Section 1007.09(D)(3)(a), determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 3.

Table 3: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
----	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	---	100 year
For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.		

E. Stormwater Management on Previously Developed Areas

1. Comprehensive Stormwater Management Plans for previously developed areas must accomplish one or a combination of the following two conditions:

Comprehensive Stormwater Management Plans for redevelopment projects must accomplish one of the following options:

- a. Reduce existing site impervious areas by at least 25 percent, a one-for-one credit towards the 25 percent net reduction of impervious area can be obtained through the use of green roofs.
 - b. Treatment of 25 percent of the WQv for the previously developed areas using a SCM from Table 4a and 4b.
2. Where there is a combination of redeveloped areas and new development, a weighted approach shall be used with the following equation available in the most current Ohio EPA NPDES Construction Permit or the ODNR *Rainwater and Land Development Manual*.
3. Post-construction practices shall be located to treat impervious areas most likely to generate the highest pollutant load, such as parking lots or roadways, rather than areas predicted to be cleaner such as rooftops.
4. Where conditions prevent impervious area reduction or on-site stormwater management for redevelopment projects, practical alternatives as detailed in Section 1007.10 shall be implemented.

1007.10 ALTERNATIVE ACTIONS.

- A. When the City determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of stormwater quantity. Such alternatives shall meet the following standards:
 1. Shall achieve the same level of stormwater quantity and quality control that would be achieved by the on-site controls required under this regulation.
 2. Implemented in the same Hydrologic Unit Code (HUC) 12 watershed unit as the proposed development project.
 3. The mitigation ratio of the water quality volume is 1.5 to 1 or the water quality volume at the point of retrofit, whichever is greater.
 4. An Inspection and Maintenance Agreement as described in Section 1007.08(D)(10) is established to ensure operations and treatment in perpetuity.
 5. Obtain prior written approval from Ohio EPA.
- B. Alternative actions may include, but are not limited to the following. All alternative actions shall be approved by the Engineer.
 1. Fees, in an amount specified by the City to be applied to community-wide SCMs.
 2. Implementation of off-site SCMs and/or the retrofit of an existing practice to

increase quality and quantity control.

3. Stream, floodplain, or wetland restoration.
4. Acquisition or conservation easements on protected open space significantly contributing to stormwater control such as wetland complexes.

1007.11 EASEMENTS.

Access to SCMs as required by the Engineer for inspections and maintenance shall be secured by easements. The following conditions shall apply to all easements:

- A. Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Stormwater Management Plan.
- B. Easements shall be approved by the City prior to approval of a final Site Development Plan and shall be recorded with the Cuyahoga County Fiscal Officer and on all property titled by the property owner.
- C. Unless otherwise required by the City, access easements between a public right-of-way and all SCMs shall be no less than 25-feet wide. The easement shall also incorporate the entire SCM plus an additional 25-foot wide band around the perimeter of the SCM.
- D. The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.
- E. Easements to structural SCMs shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of stormwater and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City at the property owners' expense.

1007.12 MAINTENANCE AND FINAL INSPECTION APPROVAL.

To receive final inspection and acceptance of any project, or portion thereof, the following must be completed by the applicant and provided to the City:

- A. Final stabilization must be achieved and all permanent SCMs must be installed and made functional, as determined by the Engineer and per the approved Comprehensive Stormwater Management Plan. Permittees are responsible for assuring all post-construction practices meet plan specifications and intended post-construction conditions have been met (e.g., sediment removed from, and sediment storage restored to, permanent pools, sediment control outlets removed and replaced with permanent post-construction discharge structures, and all slopes and drainageways permanently

stabilized), but are not responsible under this permit for operation and maintenance of post-construction practices once coverage under this permit is terminated.

- B. An As-Built Certification, including As-Built Survey and Inspection, must be sealed, signed and dated by a Professional Engineer and a Professional Surveyor with a statement certifying that the stormwater control measures, as designed and installed, meet the requirements of the Comprehensive Stormwater Management Plan approved by the Engineer. In evaluating this certification, the Engineer may require the submission of a new set of stormwater practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Stormwater Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of such practices and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.
- C. A copy of the complete and recorded Inspection and Maintenance Plan and Inspection and Maintenance Agreement as specified in Section 1007.08 must be provided to the City.

A post-construction/transition meeting must be held with the City, property owner, project engineer, contractor, and staff in charge of maintenance of the stormwater control measure (SCM) to discuss design, construction, long-term operation and maintenance and annual inspections/reports for the community after SCM is constructed and before a notice of termination (NOT) is submitted.

1007.13 ON-GOING INSPECTIONS.

The property owner shall inspect SCMs regularly as described in the Inspection and Maintenance Plan and Inspection and Maintenance Agreement. The City or its authorized agent has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation. Upon finding a malfunction or other need for maintenance or repair, the City or its authorized agent shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall make repairs or submit a plan with detailed action items and established timelines as required by the Inspection and Maintenance Agreement.

1007.15 BOND.

- A. If a Comprehensive Stormwater Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a cash bond or performance bond in the amount of ten percent (10%) of the total site construction costs has been deposited by the Site Owner or the Site Owner's Representative with the City Finance Department, with notice to the Engineer. This bond shall be posted for the City to perform the obligations otherwise to be performed by the Site Owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The stormwater bond will be

returned, less City administrative fees, when the following three criteria are met:

1. After eighty percent (80%) of the lots of the project have been complete or one hundred percent (100%) of the total project has been permanently stabilized or three (3) years from the time of permanent stabilization have passed.
 2. An As-Built Inspection of all stormwater control measures as described in 1007.12 is approved by the Engineer.
 3. An Inspection and Maintenance Plan has been approved by the City and Inspection and Maintenance Agreement has been signed by the Site Owner, developer, the contractor, the City, and the private owner or homeowners association who will take long term responsibility for these SCMs, is accepted by the Engineer.
- B. Once these criteria are met, the applicant shall be reimbursed all bond monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, the City may use the bond monies to fix any outstanding issues with all stormwater management structures on the site and the remainder of the bond shall be given to the private lot owner/ homeowners association for the purpose of long term maintenance of the project.

1007.16 PERMITS AND DEPOSITS.

Permits and deposits for plan review services and inspectional services shall be in accordance with the provisions and requirements of the Building Code as provided in Chapter 1329.

1007.99 PENALTY.

- A. Any person who shall violate any section of this regulation shall be guilty of a misdemeanor of first degree and, upon conviction thereof, shall be subject to punishment as provided in Section 1105.99 of the Zoning Code.
- B. The imposition of any other penalties provided herein shall not preclude the City from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the Building Commissioner.”

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees, relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the public peace, health, or safety or the efficient operation of the City, and for the further

reason that it is necessary for Council to adopt the above legislation at the earliest time possible in order to begin enforcement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 20th day of April, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of April, 2020.

Clerk

Approval: I have approved this legislation this 21st day of April, 2020, and filed it with the Clerk.

Mayor