

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers, 8:00 p.m.

May 21, 2012

Paul A. Koomar, President of Council, presiding

Present: Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Mayor Sutherland

Others

Present: Law Director Ebert, Finance Director Presley, Fire Chief Lyons, Director of Public Service Galli, Recreation Director Enovitch, Police Lieutenant Kirchner, Operations Manager Landers, Community Services Director Bock

Council and members of the administration had assembled at 7:30 p.m. in the Conference Room to review agenda items; this was open to the public.

During the review, Mr. Clark commented that he will introduce an ordinance this evening amending Bay Village Codified Ordinance Sections 505.19 and 505.20 refining the definition of vicious dogs to be in line with the Ohio Revised Code.

Mr. Clark further noted that a meeting of the Environment, Safety and Community Services Committee was held this evening which covered an update on the Bay Village Kennel. Mr. Clark will be apprising the Mayor, Law Director, and Police Chief on the update.

Mr. Young advised that he will introduce a resolution for the transfer of monthly operating funds for the month of May, 2012. Mr. Young will also introduce a motion for the Finance Director to proceed with requests for proposals (RFP's) for healthcare consultant services. Mr. Young stated that Mr. Clark, Finance Director Presley and he have had several meetings for informational gathering with the human resource directors of two different cities as well as two health care consultants. Outlines of the health care policies of four public entities were included in the Council packets this past weekend. Funds are available in the budget for a health care consultant. A finance committee meeting and public discussion will be held before proceeding with the requests for proposals to determine the real needs of the city from consultant services.

Mr. Tadych advised that he will introduce a resolution this evening to prepare for the purchase of road salt for the winter season. He will also introduce two resolutions for service department equipment. The first resolution is for a dump body and equipment package under the Cooperative Purchasing Program of the State of Ohio. The second equipment purchase will be authorized by a resolution to be introduced by Mr. Tadych this evening for a snow and ice control equipment package.

Mr. Koomar asked Operations Manager Landers if the plans are to fill up the salt dome to go into the season with a full load. Mr. Landers stated that the salt dome is full.

Mr. Koomar stated that a Council Committee composed of Mr. Miller, Mr. Pohlkamp and Mr. Tadych have been appointed to work with Public Service Director Galli on issues concerning the Community House. A first meeting will be scheduled very soon. Those meetings will be held in the Community House.

Mr. Koomar asked Law Director Ebert to address questions raised by Councilwoman Lieske relative to the Cahoon Memorial Park property and zoning. Mr. Ebert stated that the question is whether a commercial enterprise in Cahoon Memorial Park property presents a zoning issue. Cahoon Memorial Park is in the zone map as a First Residential District. It is a permitted use, according to Section 1141.05, changed in 2005 during the Bradley Bay project, allowing specific municipal buildings or buildings for public purposes as conditional uses therein.

Following the meeting of the Cahoon Memorial Park Trustees, President of Council Koomar called the regular meeting of Council to order at 8:17 p.m. in the Council Chambers with the roll call and Pledge of Allegiance led by Ward 2 Councilman Clete Miller. Mr. Koomar called for a reading of the minutes of the special meeting of Bay Village City Council held April 23, 2012 **MOTION** by **Pohlkamp** to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 7-0.** Mr. Koomar called for a reading of the minutes of the Cahoon Memorial Park Trustees held April 23, 2012 **MOTION** by **Pohlkamp** to dispense with the reading and accept the minutes as prepared and distributed. **Motion carried 8-0.**

ANNOUNCEMENTS

Mayor Sutherland reported that she will be presenting a State of the City address on Tuesday, May 8, 2012 in front of the West Shore Chamber of Commerce at 11:30 a.m. at LaCentre in Westlake, Ohio.

Mayor Sutherland advised that the city will participate and partner with Cuyahoga County in the new County Health Alliance. The County Executive would like to improve the health of residents of Cuyahoga County. Cuyahoga County is currently ranked 69th out of 88 Ohio counties. The City of Bay Village will work on wellness within the employee staff, first, then roll out the program to the rest of the community. The city will partner directly with Cleveland Clinic, University Hospital, Metro General Hospital, and the county. The Mayor stated that as they begin to work on the wellness piece, she would like Council to work on finding a creative way to provide health care but change the paradigm from treatment of disease to prevention, health and wellness. The Mayor stated that it has been proven that once a wellness program is embraced within an employment base in about two to three years there is a very substantial reduction in health care costs. The Mayor will provide more information as it becomes available. Mayor Sutherland noted that she has received the personal guarantee of Toby Cosgrove to help the city. He has volunteered Dr. Roizen to participate.

REPORTS

Law Director Ebert had no report this evening.

Finance Director Presley had no report this evening.

Recreation Director Enovitch had no report this evening.

Operations Manager Landers had no report this evening.

Police Chief Wright reported that he has been advised by Ohio Attorney General Mike DeWine today that the City of Bay Village has been awarded a Drug Use Prevention Grant in the amount of \$29,480. Chief Wright stated that this grant will take the city's drug prevention programs through the middle of 2013. The funds can be used for any program that will address drug use prevention. Mayor Sutherland stated that this may be able to be utilized instead of the traditional DARE program.

Fire Chief Lyons reminded residents that the Fire Department has undertaken the annual hydrant flushing and maintenance program. Signs are posted throughout the city, information is on the city website, and the newspapers have carried the notice. Chief Lyons advised residents who see the signs in their neighborhood of hydrant flushing to run their cold water until the brown color is gone, which is iron oxide coming off the pipes due to agitation when cleaning. Packets of rust remover are available at the fire station should rust appear on clothing after being washed in machines when the lines have not been cleared.

Mr. Koomar thanked Chief Lyons for his email this week advising of a county initiative relative to a potential Reverse 911 system. Chief Lyons will keep Council informed. Mr. Koomar noted that doing something at the county level in this regard will be more cost efficient and is something worth pursuing.

COMMUNICATIONS

The following communications were reported:

A letter received by President of Council Paul Koomar, dated April 25, 2012 from the Cuyahoga County Executive regarding an ordinance enacted by the Cuyahoga County Council on March 27, 2012 prohibiting the use of pesticides on property owned by Cuyahoga County and requiring the adoption of an Integrated Pest Management Program for county owned properties.

AUDIENCE

The following members of the audience signed in this evening: Brian Cruse, Denny Wendell, John Suter, Jerrie Barnett, Tom Carey, Susan and Jeff Day, Eric and Katherine Edman, Doreen Ziska, Robert and Megan See, Dennie Driscoll, Russell Thompson, Gayle Fisher, Leslie Brown Anne Galligan, Nancy Brown

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John Suter, 281 Parkside Dr., stated that he is sure many of the Council members have probably read his letter to the editor of the *Sun Newspaper* and from that might gather that he is against the rental lease of the Bayway Cabin. One of the things left out of the letter has to do with other uses of the cabin. Reading from his letter, Mr. Suter stated, "Wouldn't it really be great if our Mayor put her resources to work getting the cabin used again for Bay residents rather than having another facility that slowly gets run down? Why not team with the library for learning projects? How about teaming with the school district to offer extension programs for adult education or career training in this turned down economy?" There are things that can be done for the citizens of Bay Village as a whole. This lease will lock out the community from that facility for two years, seven days per week. If the Community House is rented out for religious services, that is a Sunday only. This is for two full years. As far as facilities in the City of Bay Village, there is the old library at Bay Junction, which is right next to Kiddie Kollege. No one has moved into the old Design Tech property on Knickerbocker. There are other things that might be available in the city for this. Mr. Suter concluded by saying that he thinks it is "Wrong, wrong, wrong, for us to get into a commercial enterprise, as far as commercial rental of city property. All of the other ones pointed out were residential, or one-time or once-per-week type of rentals."

Gayle Fisher, 24429 East Oakland Road, stated that she is bringing to Council's attention the matter of the neighbor's privacy fence under construction between her property and the neighbor's at 24433 East Oakland Road. The privacy fence was started on Friday, April 27, 2012 with just the fence posts, five, 4x4 fence posts, equal distance, for approximately 25 feet or 6 feet apart. The fence posts are placed in the ground approximately twenty to twenty-two inches deep, with concrete mix and water sprayed on top of the mix. The neighbor on Saturday, April 28, stated that a video of the construction was being recorded from a surveillance camera. On Saturday, April 28, the support brackets, 2x4, were attached between the fence posts. They were attached at approximately two feet and five feet above the ground level. Photographs were displayed to Council. The means of attachment were two screws through the end of each post. Up to the stage of the construction of the fence, almost all the work was done from the neighbor's side of the property line. When the fence boards were put up they were placed four to five feet on Ms. Fisher's property. At this point, she called the police to tell the neighbor to stay on his property line. The Building Department instructs you to install your fence on your property unless you get permission from the neighbor, and in this case that permission was not granted. The Police arrived and encouraged Ms. Fisher to let the neighbor continue to put up the fence boards, and the neighbor will finish the fence and not be on her property any more. Ms. Fisher did allow the neighbor to finish the fence from her property. After the police left, Ms. Fisher knew she would have a problem because the graphics on each board were facing her property. Ms. Fisher brought the Bernardi case on West Oakland to the attention of Council that was decided eleven years ago with resulted in the following revision of the code: Fence Regulation Code Section 1163.05 "Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics, or paintings of any kind." Ms. Fisher stated the fence is 8 feet tall, contrary to building code. Fence Regulation Code Section 1163 states, "The privacy screen shall not exceed 6 feet, 4 inches in height. The posts shall not exceed 6 feet, 6 inches in height." Ms. Fisher stated that on Tuesday, May 1, 2012, she went to the Bay Village Police Department to explain that the

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neighbor did not complete the fence based upon what the police told her on Saturday, April 28. Ms. Fisher was instructed that the matter of the height and the graphics is a Building Department matter and not a police matter. The height of the 8 feet high privacy fence will be very dangerous to her property and personal safety because one must consider how the pressure from strong winds and snow storms could topple an 8 feet high fence. Ms. Fisher stated that in the future she will not be giving permission to her neighbor to be on her property to work on his fence. In addition, she wants to insist that the finished side of the fence should be facing her property and the fence be reduced to code.

Mr. Koomar thanked Ms. Fisher for her comments and stated that she is absolutely right in that you cannot adorn a fence with colors or graphics, noting that he introduced that very ordinance eleven years ago. He suggested that this matter be referred back to the Building Department.

Law Director Ebert stated that this matter was brought to his department this morning. The resident who installed the fence is in violation. The fence cannot be 8 feet high. A variance was not granted by the Board of Zoning Appeals.

Mr. Koomar asked if a survey was completed to be sure the fence is on the neighbor's property. The property owner's representative stated that the fence is approximately two inches on Ms. Fisher's neighbor's property.

Katherine Edman, 30329 Ashton Lane, stated that her side door goes immediately out to the next door neighbor's property line at 30401 Ashton Lane. The property at 30401 Ashton Lane was purchased by Catholic Charities. A group home is moving in, which Mrs. Edman learned when she went over to introduce herself to the new neighbors. At that point, she was informed by the worker that a 12 year old child and a 13 year old child with developmental disabilities would be moving in. This was acceptable to Mrs. Edman, but she found out later that there will be four people moving in and four children, two boys and two girls, that are just turning 18 who are being phased out of the organization that institutionalize the children because they are becoming adults. Mrs. Edman has learned from an undisclosed source that one child has rage disorders and violent outbursts of anger and aggression. Mrs. Edman stated that she has two beautiful little girls, 8 and 9 years old, that are very active. They have made their back yard into their sanctuary, spending a lot of time in that yard. Mrs. Edman stated that she hosts a lot of play dates with her daughters and their friends, and have multiple children coming in and out of their yard. The woman organizing this whole operation for Catholic Charities informed Mrs. Edman that they initially wanted to build a six feet high fence around the entire perimeter, which is 132 feet, for the safety of the children that will be moving in, noting that one of the children can hop a four feet high fence without a problem. Mrs. Edman stated that she is very concerned about the safety of her children and all the small children in the neighborhood. She has spoken with Law Director Ebert and has researched Ohio Revised Code Section 5123.19. The code speaks of any harm to the neighboring residents and the discretion of the Law Director to revoke a permit and to limit concentration of these residential facilities. Mrs. Edman stated that it is her understanding that this is Group Home No. 6 in the City of Bay Village which is 4.5 square miles. Mrs. Edman received a printout of the ward map in the City of Bay Village. This home will be the second group home in Ward 4. Another home is at 497 Bradley which is .4 miles

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from this new Catholic Charities group home. There is also a group home on West Oakland, in Ward 3, off Bassett Road, .56 miles to the very end of West Oakland. This is three group homes less than one mile from one another. Mrs. Edman stated that she is wondering the specifics of the ORC Section 5123.19 (P) (3), and what determines proximity, as three homes seem a lot in a small area. Mrs. Edman stated that because of the violation of the fence, initially Catholic Charities was on the agenda for the May 3, 2012 meeting of the Board of Zoning Appeals. They had appealed to build the fence around the entire perimeter of the back yard. When they appealed, they had to fill out a form and on some of the questions they answered that “The children will use the yard with supervision but because of their special needs do not have safety awareness, impulse control, or understanding of boundaries. Their ability to stay outside the yard would entice them to wander.” Another question, “Is the granting of the variance necessary for the reasonable use of the land or buildings, and is it the minimum variance that will accomplish this purpose?” The answer to that question was, “Yes, without fencing at this height the home will not be safe for the children and six feet is the minimum height we feel would be safe.” Mrs. Edman stated that five group homes in Bay Village do not even have a fence. Her point is to bring awareness to the Council and administration of all the red flags and alarms that are going off in her head. She is assuming that they are not going to pay taxes, noting that she pays a lot of property taxes. Mrs. Edman would like her property value to be re-evaluated to pay taxes that would be appropriate with this particular property next to it, noting that it can be proven that she will take a hit if she tries to sell.

Jeffrey Day, 30405 Ashton Lane, stated that Mrs. Edman mentioned an application to the Board of Zoning Appeals that had been submitted by Catholic Charities. That application was subsequently withdrawn. Mr. Day stated that the City of Bay Village zoning defines group homes and family homes interchangeably. In referencing this as a group home, our ordinance defines somewhere between at least nine, but not more than sixteen persons. He asked if he is going to be living next door to nineteen people. He asked if this is recognized by the city as a family home, which won't exceed more than eight residents, or have we opened the door for this to be a group home and up to sixteen persons. There are specific ordinances of the city; Section 1142.04 identifies persons in categories that shall not be admitted to a family or group home, including, “Persons who constitute a reasonably foreseeable danger to the community or themselves.” In the application for a waiver of the zoning pertaining to allowing the construction of a six foot high perimeter fence, there were answers where the applicant stated “The safety of the individuals cannot be guaranteed.” In answer to Question 5, the applicant stated, “The home will not be safe for the children unless a variance is granted.” Mr. Day asked if the safety concerns the applicant raised still exist. He stated that he hoped that the city ordinance that requires an application of Catholic Charities would include a list of the names of the residents and a count of the number of employees. Mr. Day asked if the application, as originally submitted to operate this business next door to him had been amended or changed, specifically in sections (d) and (g) of Section 1142.07 of City of Bay Village codified ordinances. Presumably, if safety concerns existed because of the classification of the type of clients that was submitted in the application to receive permission to operate a group home in Bay Village either warranted the construction of a fence and subsequent to the application for a waiver, the list of residents changed, or the number of employees increased. How do we know that whatever was the driving force indicating a safety concern that the applicant raised, and

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subsequently withdrew the application, still exists or not? Mr. Day noted that, in respect to privacy issues, this may not be his business but it is the business of the Council. If this is not known, how can the safety of the neighbors and their children be assured? This is one of the requirements in our own ordinance granting the operation of group homes. He stated that the very fact that there was an application for a zoning variance on a fence due to safety concerns should have been reason that the Zoning Department should have been communicating to the Planning Department, who oversees the operation of group homes. Mr. Day would like the Council to review whether they are satisfied that there are no safety concerns for the residents, whatsoever, taking into consideration the number of employees and whether the make-up of the home's residents changed. Mr. Day expressed that he does not know how the city can be satisfied that the very issues of safety that were raised by the applicant to the Board of Zoning Appeals have gone away. He hopes that the city will review this for the safety and well being of the residents and neighbors of the community at large.

Eric Edman stated that they are being told there will be one care worker per resident. That is four people, three times per day, 24 hours per day. That is 12 people, coming in and out of the home, in a residential neighborhood, on a regular basis, 24 hours per day, seven days per week. Mrs. Edman called the police, several times this week, reporting eleven cars in and out. He stated that while he understands the home is under preparation, this activity will be happening all night long. He has seen workers being dropped off by bus and walking down the street to the home. He stated that this is looking like it is going to become a business in the center of the street. They will have to worry about people coming and going next door to their property with their home and children being vulnerable. Mr. Edman noted that his heart goes out to people that need care, but his children are the utmost of his concern. The neighbors feel the same and would really like this taken under consideration.

Mr. Pohlkamp stated that this situation is concerning, especially with some of the inconsistencies between the application for the fencing and the safety concerns. Mr. Pohlkamp asked Mr. Ebert who it is that makes the judgment call, in terms of our own ordinances, on whether or not the residents would pose a danger to the community or to themselves.

Mayor Sutherland stated that it is a complex issue. They actually tried to turn down the group home and they couldn't. Mr. Ebert will explain some of the reasons why. Mayor Sutherland stated that when the ordinance was first passed to allow group and family homes in Bay Village, that was prior to HIPAA laws and we cannot know the names and conditions of the residents now.

Law Director Ebert stated there are five group homes in the City of Bay Village. The ordinance pertaining to group homes was adopted in 1990 and mandated through the State of Ohio by the federal government. The ordinance states a family group home for developmentally disabled is a permissible use in the First Residence District. It cannot be denied. The ordinance does permit up to 8 persons living in the home. If there are four children, there may be 4 adults, up to a total of eight, based on square footage and number of bedrooms. Mr. Ebert stated that he is attempting to set up a meeting this Thursday with the attorney representing Catholic Charities. The application to the Board of Zoning Appeals for the 6 feet high fence was because of the

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neighbors concern about the home. Mr. Ebert stated that he was told they were not applying for the fence variance as a concern for their own disabled children living in the home. The application was withdrawn. The attorney did advise that the issue of the many cars was because of the training going on. He asked the city's indulgence. Mr. Ebert noted that it is a sensitive issue. It is a permitted use in any city throughout the State of Ohio. Some of the concerns addressed tonight and last week will be addressed at the meeting with the counsel of the Catholic Charities on Thursday, May 10, 2012. Representatives of the residents of Ashton Lane will be permitted to attend the meeting. Mr. Ebert noted that these homes are licensed under the Ohio Department of Mental Retardation and Developmental Standards. If a concern as far as safety is raised or comes about during the operation, the complaint is submitted to that agency and to the city. Situations cannot be anticipated that have not come about. The other homes that have operated in the city have not been the subject of any complaints. Chief Wright stated that complaints in regard to these homes are very rare. Law Director Ebert will research the specific section of the code regarding density of geographical area and number of group homes.

Mr. Day asked if the HIPAA laws that came about after the City of Bay Village ordinance passed in 1990 voided the section of the ordinance that precluded persons from being residents who constitute a reasonably foreseeable danger to the community or themselves. Mr. Day stated that he asks this question because in the application to the Board of Zoning Appeals, it was the applicant who raised the safety issues. He asked if the HIPAA laws that preclude the city receiving names of those who will occupy the home voids the section of the ordinance where the city requires or precludes residents who would constitute a reasonably foreseeable danger to the community or themselves, noting that the applicant admitted that was the very reason for the 6 feet high fence.

Mr. Ebert stated that the HIPAA laws came into effect when the first application was made to the Building Department. The type of medical condition cannot be asked. The issue concerning safety is separate. The application to the Board of Zoning Appeals for the fence variance was withdrawn.

A resident asked if there is a question if they mislead the city on the application for the variance for the fence. Mr. Ebert stated that if an application to the Board of Zoning Appeals is withdrawn before it is heard, it is moot. It has no effect, whatsoever, on what was asked for or the reason for which it was asked. If there is a concern for safety, and an issue that comes about, there is a process for the complaint to be filed. Mr. Ebert stated he will address that with the counsel of Catholic Charities this week.

The resident asked if it is permissible for them to have 12 employees if the house limit is 8 people. Mr. Ebert stated that there may be different employees handling different shifts, but they cannot live there. The resident asked if you are allowed to have 12 employees reporting to work in a residential neighborhood in Bay Village. Mr. Ebert stated that family homes and group homes are carved out in state statute as to what is permitted. They do have supervision and those supervisors are classified as people living in the home. That would be four people at different times of the day.

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The resident commented that the remarks of Mr. Ebert concerning the application to the Board of Zoning Appeals being moot when withdrawn sounds like legal maneuvering. Mr. Ebert stated that he can only relay the reason he was told that they were applying for the original fence. He assured the resident that anything said on the application would not void the state permit.

The residents of Ashton Lane provided Mr. Ebert with contact information for representation at the meeting to be held on Thursday, May 10 with the attorney of Catholic Charities.

Anne Galligan, resident of Meadow Lane, near Westerly School, stated that there is a terrible parking problem on Wolf Road. Mrs. Galligan stated that she tries to avoid the hours when the children are being dropped off and when they are picked up. At another meeting, Police Chief Wright said that there are no rules that can be enforced near the Middle School. Mrs. Galligan asked if this also applies on Wolf Road, where the people park from the school westward about three-fourths of the way towards Bradley Road. If you are approaching from the west on Wolf Road, in order to bypass all of the parked cars, with people in them, you have to go into the narrow, approaching lane. Mrs. Galligan noted that it is life risking to get around that traffic. A few months ago, she had the same problem and called the Police Department. Mrs. Galligan was told that there was nothing the Police could do and that she should bring it up with City Council. The police officer suggested a third lane, somehow. Mrs. Galligan stated that the situation is extremely dangerous. In the morning, you cannot get out of the street because the cars are stopped from Sherwood Road, eastward, on Wolf Road.

Mrs. Galligan commented regarding Mr. John Suter's letter to the editor. She questioned why the lease with Kiddie Kollege was voted down, and now it is being approved. Mr. Koomar stated that there were concerns by some trustees of changes they wanted to see incorporated into the final documents before they were willing to vote in the affirmative. Since the last vote, changes have been made to the documents and additional work has been done which has satisfied the trustees.

Law Director Ebert stated that Council could adopt an ordinance prohibiting parking. The Council can refer the issue brought up by Mrs. Galligan to the Environment and Safety Committee for review.

Chief Wright noted that the cars are not parked; they are idling waiting to pick up their children from school. Mr. Ebert stated that an ordinance could be adopted prohibiting stopping during school hours.

Mrs. Galligan asked if parking is only permitted on one side of the street in Bay Village. Chief Wright stated that parking is prohibited on the side of the street where there are fire hydrants. Mrs. Galligan stated that when there are events going on at the school the attendees are parking on both sides of the street, and safety equipment would not be able to get through in an emergency. Mrs. Galligan noted that her neighbor, who has a very ill husband, did have success with the parking problem by calling the Fire Department. Chief Wright noted that the illegal parking is complaint driven. Also, officers who go by on patrol will make an announcement at the schools first to give people time to move their cars. If they are not moved in twenty minutes

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time, the cars will be cited which has been done many times in the past. Mr. Koomar encouraged Mrs. Galligan and any resident who has a similar problem to call the police to report the parking violations.

Mr. Tadych asked if there are signs posted on the street regarding parking. Mrs. Galligan stated that there are signs posted prohibiting parking on the fire hydrant side of the street. She noted that the signs are ignored, and people even park overnight illegally.

An Ashton Lane resident stated that she complained of traffic on Ashton Lane because of all the work that was being done on the group home. It did not appear that work was being done on the home because there weren't any workmen; there were just a lot of parked cars on Ashton Lane. The children trying to get on the school bus had to get around the parked cars to get on and off the school bus. The Police Department was called and the resident stated that the police informed her she should just get used to it because she might have to put up with it for 30, 40, or 50 years. The resident noted an accident on Ashton Lane where one of the parked cars was hit by a motorist. She expressed concern for the safety of the children getting on and off the school bus.

Mr. Koomar asked Law Director Ebert to include this issue as part of his discussion with the counsel of Catholic Charities on Thursday, May 10, 2012.

Nancy Brown, Wolf Road resident, stated that regarding Cahoon Memorial Park income, she has learned by attending past Council meetings and Finance Committee meetings, that residents have suggested that the rental fees of buildings be increased, and pool pass fees be increased. Mrs. Brown stated that there are other opportunities for Council to consider and reconsider as far as additional income for Cahoon Memorial Park.

Mrs. Brown asked Mr. Ebert if there is an update on the potential legislation for vicious dogs. Mr. Ebert stated that everyone on Council received an amended ordinance that will be discussed at the May 14, 2012 committee meeting. Mr. Ebert will provide Mrs. Brown with a copy of the changes that were made at the state level and will be incorporated into the City of Bay Village existing ordinance. Mrs. Brown noted that across the nation pit bulls, and pit bull mixes, are becoming more geared to be therapy and service dogs.

Mrs. Brown stated that the Friends of the Bay Village Kennel will be participating in the Historical Society's event "Cahoon in June" on June 16, 2012, with their media sponsors, their local and national corporate partners and sponsors. As part of their ongoing efforts for pet wellness, and working on encouraging responsible pet ownership, the Friends of the Bay Village Kennel will be partnering with Landmark Lawn Garden on July 17 with a veterinarian group that offers low cost pet vaccine to domesticated animals for residents and non-residents alike. Mrs. Brown noted that "A healthy pet is a happy pet."

Dennis Driscoll, 30509 Willoway, stated that he is speaking this evening as a resident of Bay Village and also as a member of the Friends of the Bay Village Kennel. Mr. Driscoll stated that it is his understanding that the Bay Village Kennel will be demolished soon to make way for the

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construction of a salt truck wash station. Since the termination of the animal control officer, Bay Village has continued to use the existing kennel for the temporary home for animals. Last fall, Friends of the Bay Village Kennel advised the city that it had identified a donor willing to provide for funding to construct a new kennel facility and Friends of the Kennel have also agreed to assist with maintenance of the kennel. Additionally, the Friends of the Kennel have developed a draft agreement to work with the city on this project. It has now been several months since the information was presented. The city has yet to undertake any discussion with the Friends of the Kennel for the construction and maintenance of the kennel. To insure the humane treatment of the Bay Village pets and safety of both the citizens and the pets, Mr. Driscoll urged the City of Bay Village to begin discussions with the Friends of the Kennel for the construction and maintenance of the new kennel.

Mr. Koomar asked to whom the information was presented. Nancy Brown stated that the information was presented to Council. Mr. Cruse, who was the President of Council, and was quoted in *The Plain Dealer*, stated that it has great possibilities or potential but they had to get through the budget process. Ms. Brown stated that they have also had communication with Mr. Clark, and Mr. Clark has advised that no Environment and Safety Committee meeting has been scheduled as yet. Mr. Clark stated that he discussed this with Mrs. Brown, noting that the salt building will need to be addressed first as well and any decision will be based on information from all sides.

Nancy Brown stated that the benefactor from Bay Village is not going to go away. It is a wonderful family, who has been a great asset to the community, and their concerns are the safety of the residents and animals. The Friends of the Kennel certainly want to make sure that our safety forces jobs are met as well. The Friends of the Kennel have done some footwork and their architect and engineer, who are willing to work pro bono, did go to Westlake and spent some time at the Westlake Police Department. To duplicate what the Westlake Police Department currently has for their kennel would be \$50,000. The benefactor is very open to that, and the time has come to start the discussions. It is not fair to the residents to have nowhere for their animals to go when the existing kennel comes down. The county does not have a warden available seven days per week to come to Bay Village to pick up an animal from a resident's back yard or the police station if we don't have the facilities. As a taxpayer, Mrs. Brown would not be happy to see a patrol officer taken off the street to transport an animal to a county facility. Mrs. Brown encouraged that the discussions begin, noting that there is a gift from a wonderful family in Bay Village who wants to make this a better place for all of us and is willing to have on-going fund raisers for perpetual costs.

Mr. Koomar asked Mr. Clark to let Mrs. Brown know when an Environment and Safety Committee meeting will be held.

Tom Carey, 31011 Lake Road, stated that the reason he brought up the issue of deer feeding up is that in Bay Village there are restrictions on the types and heights of fences that can be installed. The deer are a natural part of the environment but he would ask Council to consider this ordinance prohibiting deer feeding to protect people's homes and yards when they can't protect themselves from the deer menace. Mr. Carey apologized to the Chief for being a

complainer. He complimented the city and noted the environment is meant to be neighborly. Unfortunately, as you try to resolve neighborly issues it doesn't always happen. It is a well known and well documented fact that deer over population is an issue. In the state of Ohio there are many municipalities taking on the issue, not just of feeding deer, but how to kill them in their communities. The smart, first step in dealing with a problem of over population of deer is to not allow people to feed the population and be their life support system. There is evidence that deer bring with them ticks and disease. In the eastern states deer population has gotten so bad that there are state wide prohibitions on feeding deer because the deer become inbred, returning to the same feeding sites continuously. People take pride in their yards and their plantings in the suburban neighborhoods. It is a risk to see a deer prance across a yard and want to nibble on the plantings. People have had seven or eight deer going to a yard with their yard as a throughway to get to the deer feeding station. In codifying something, as difficult as it may be to enforce, it may dissuade the few people from putting out bowls of grain and corn. Mr. Carey asked Council to consider the passage of the ordinance to prohibit the feeding of deer. He noted the over population of deer in the state of Ohio and the traffic accidents and fatalities on the roads from deer.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Clark introduced **ORDINANCE NO. 12-36 AMENDING ORDINANCE NO. 08-80 ADOPTED SEPTEMBER 15, 2008, ENTITLED "AN ORDINANCE TO ESTABLISH A FINAL DATE FOR THE FILING OF PETITIONS OF CANDIDACY WITH THE CUYAHOGA COUNTY BOARD OF ELECTIONS FOR A PRIMARY ELECTION, IF NECESSARY, IN ACCORDANCE WITH SECTION 11.1, MUNICIPAL ELECTIONS, OF THE CHARTER OF THE CITY OF BAY VILLAGE, OHIO, AND DECLARING AN EMERGENCY"** and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 12-36.

Roll Call on Suspension of Charter Rules:

Yeas – Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays- None

Roll Call on Suspension of Council Rules:

Yeas – Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays– None

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays - None

Roll Call on Adoption:

Yeas– Clark, Koomar, Lieske, Miller, Pohlkamp, Tadych, Young
Nays– None.

Mr. Koomar announced adoption of **Ordinance No. 12-36**, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **ORDINANCE NO. 12-37** AMENDING CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE BY ENACTING NEW SUBSECTION 505.33 REGARDING FEEDING OF DEER PROHIBITED, AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 12-37.

Roll Call on Suspension of Charter Rules:

Yeas –Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark

Nays- None

Roll Call on Suspension of Council Rules:

Yeas – Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark

Nays– None

Roll Call on Use of the Emergency Clause:

Yeas – Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark

Nays - None

Roll Call on Adoption:

Yeas– Koomar, Lieske, Miller, Pohlkamp, Tadych, Young, Clark

Nays– None.

Mr. Koomar announced adoption of **Ordinance No. 12-37**, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **RESOLUTION NO. 12-38** APPROVING THE ADOPTION OF THE OFFICE OF EMERGENCY MANAGEMENT FOR CUYAHOGA COUNTY 2012 AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 12-38.

Roll Call on Suspension of Charter Rules:

Yeas – Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar

Nays- None

Roll Call on Suspension of Council Rules:

Yeas – Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar

Nays– None

Roll Call on Use of the Emergency Clause:

Yeas –Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar

Nays - None

Roll Call on Adoption:

Yeas– Lieske, Miller, Pohlkamp, Tadych, Young, Clark, Koomar

Nays– None.

Mr. Koomar announced adoption of **Resolution No. 12-38**, an emergency measure, by a vote of 7-0.

Mr. Clark introduced **RESOLUTION NO. 12-39** APPROVING THE ADOPTION OF THE COUNTYWIDE ALL NATURAL HAZARDS MITIGATION PLAN FOR CUYAHOGA COUNTY AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 12-39.

Roll Call on Suspension of Charter Rules:

Yeas –Miller, Pohlkamp, Tadych, Young, Clark, Koomar, Lieske

Nays- None

Roll Call on Suspension of Council Rules:

Yeas –Miller, Pohlkamp, Tadych, Young, Clark, Koomar, Lieske

Nays– None

Roll Call on Use of the Emergency Clause:

Yeas –Miller, Pohlkamp, Tadych, Young, Clark, Koomar, Lieske

Nays - None

Roll Call on Adoption:

Yeas– Miller, Pohlkamp, Tadych, Young, Clark, Koomar, Lieske

Nays– None.

Mr. Koomar announced adoption of **Resolution No. 12-39**, an emergency measure, by a vote of 7-0.

PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

Mr. Pohlkamp had no report this evening.

FINANCE & CLAIMS COMMITTEE

Mr. Young had no report this evening.

PLANNING, ZONING, PUBLIC GROUNDS & BUILDINGS COMMITTEE

Mr. Miller introduced **ORDINANCE NO. 12-40 AUTHORIZING** THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH KIDDIE KOLLEGE, INC. FOR THE REAL ESTATE LOCATED AT 27400 WOLF ROAD REFERRED TO AS “BAYWAY CABIN” AND DECLARING AN EMERGENCY, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 40.

Roll Call on Suspension of Charter Rules:

Yeas –Pohlkamp, Tadych, Young, Clark, Koomar, Lieske Miller
Nays – None.

Roll Call on Suspension of Council Rules:

Yeas –Pohlkamp, Tadych, Young, Clark, Koomar, Lieske, Miller
Nays–None.

Roll Call on Use of the Emergency Clause:

Yeas – Pohlkamp, Tadych, Young, Clark, Koomar, Lieske, Miller,
Nays –None.

Roll Call on Adoption:

Yeas–Pohlkamp, Young, Clark, Koomar, Miller,
Nays–Tadych, Lieske

Mr. Koomar announced adoption of **Ordinance No. 12-40**, an emergency measure, by a vote of 5-2.

RECREATION AND PARK IMPROVEMENTS COMMITTEE

Mrs. Lieske had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE

Mr. Tadych had no report this evening.

MISCELLANEOUS

The Executive Session on this evening's agenda was withdrawn from the agenda.

Mr. Koomar stated that a Council Committee will be assigned to work on the specific project of improvements to the Community House. Mr. Pohlkamp, as chair of the Public Improvements Committee, Mr. Miller, as chair of the Planning and Zoning Committee, and Mr. Tadych, representing the Finance Committee were appointed to form the committee.

There being no further business to discuss, the meeting adjourned at 9:50 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council