

City of Bay Village

Council Minutes, Committee Session
Conference Room

September 8, 2014
7:30 p.m.

Paul A. Koomar, President of Council, Presiding

Present: Henderson, Koomar, Lieske, Tadych, Vincent, Mayor Sutherland

Also Present: Law Director Ebert, Service Director Thomas, Fire Chief Lyons, Police Chief Spaetzel, Interim Community Services Director Orin, Recreation Director Enovitch, Operations Manager Landers.

AUDIENCE

The following audience members signed in this evening: Denny Wendell, Jerrie Barnett, Conda Boyd, Jeff Gallatin, Lydia DeGeorge, Tasha Sherman, Lawrence Kuh, Pat McGannon, Joan and Gregg Boettcher, Russell Thompson.

ANNOUNCEMENTS

Mayor Sutherland announced the following reappointments:

Nancy Girardot and Victoria Stavlas to the Community Services Advisory Board for three-year terms ending June 30, 2017.

Jeff Walters and Carl Heilman to the Parks and Recreation Commission for four-year terms ending September 16, 2018.

The Mayor noted that former Councilman-at-large Scott Pohlkamp is resigning from the Community Services Advisory Board.

The Mayor advised that the City of Bay Village has just received another clean audit, and an award was received from the Office of the Ohio State Auditor for "Excellence in Financial Reporting." Finance Director Mahoney was congratulated for her work.

Mayor Sutherland announced that on Saturday, September 27, 2015 the City will kick-off the Be Fit in Bay program starting with an eight-week fitness challenge. The challenge includes programs on health-related topics each Tuesday (September 30-November 18) in the library at the Bay High School (Oct. 28 meet at the Dwyer Sr. Center) at 7:00 p.m. followed by a walk with a health professional with gradually increasing mileage; before-and-after screenings of cholesterol, blood pressure & body mass index (for adults only). Prizes will be awarded to the top three participants based on participation in walks, screenings, and improvement in personal health numbers. Participants will receive a starting kit that includes a Cleveland Clinic wellness journal,

pedometer and water bottle. Be Fit in Bay is open to adults who live or work in the City of Bay Village.

The Healthy Community Initiative is a collaborative effort between Cleveland Clinic and community partners to promote optimal health and wellness.

The kickoff with initial Health Screening is Saturday, Sept. 27th from 8:00 a.m. - 12 noon at the Dwyer Sr. Center. Registration is required. Appointment times for the health screening will be scheduled. Adults must fast for 2 hours before cholesterol screening on September 27. Call Jennifer at (440) 356-4362 to register for the Sept. 27th health screening. At the end of the 8-week challenge there will be a follow-up screening Sat., November 22nd at the Dwyer Sr. Center from 8 am - 12 noon.

Mayor Sutherland advised that the Police Department is aggressively investigating the incident that occurred recently relative to the ALS Ice Bucket Challenge in the City of Bay Village. When the investigation is complete the matter will be turned over to the Cuyahoga County Prosecutor.

Councilwoman Lieske commended Police Chief Spaetzel on his announcement concerning the incident that he sent out to the media. Mrs. Lieske noted that it was most probably very difficult to write but shows that the Chief also has a heart. Mrs. Lieske expressed that the Chief did an excellent job with something that was really tough.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE

Update on Ready/Notify and Nixle Emergency Notification Systems

Mr. Koomar confirmed with the Mayor that the City is transitioning over to the County emergency notification system, known as Ready/Notify. They have taken land line numbers automatically, and Mr. Koomar noted that he has begun receiving telephone notifications. The system seems to be working well. Residents will be directed to sign up to this system in the future. Home telephones have been automatically transferred; cell phone numbers and texting messages need to be registered with Ready/Notify.

Removal of Review of Chapter 377 (Bicycles) from Matters Pending Before Council Committee List

Mr. Koomar stated that the matter of the Bicycle Ordinances review will be removed from the Matters Pending before Council Committee List.

Mr. Tadych stated that when the modified bicycle ordinances were passed on March 24, 2014, he had a problem with the allowance of 7-year old bicyclists being permitted on Lake Road on their bicycles. Mr. Tadych voted no on the ordinance. He would like this reviewed further. It was agreed that this would be looked at again and it hasn't come back up. Mr. Koomar suggested that Mr. Tadych speak with Councilman Lee, Chairman of the Environment, Safety and

Community Services Committee. The removal of the review of Chapter 377 will not be heard on this evening's Council agenda.

Mr. Koomar asked Mr. Tadych if his recommendation would be to be silent on the age in the ordinance. Mr. Tadych stated that his recommendation would be to be either silent or stipulate age 12. Further discussion will be held with Mr. Lee.

Discussion regarding proposed amendment to Subsection 721.01 regarding Peddlers, Solicitors and Canvassers; Definition of Canvassers.

Law Director Ebert commented that prior to Council's summer recess there was an issue concerning the solicitation of funds for various organizations, e.g., school functions, charitable organizations, etc. Since these are civic organizations, it was decided to define these organizations as canvassers. This would include the civic, educational, and social organizations in Bay Village. An ordinance has been drafted that specifically names these organizations. The draft of the ordinance has been sent to the Ohio Citizens Action Group as a courtesy. They do not have a problem with the draft, and the ordinance will be placed on the September 15, 2014 agenda of Council for consideration.

Mr. Henderson commented that in regard to the definition of canvasser versus solicitor, the ordinance says that they may or may not seek to obtain funds for any cause. Mr. Henderson stated that he has a general concern that it is ambiguous as to what is a solicitor and what is a canvasser based on the definitions. Mr. Ebert stated that the canvasser may seek opinions but still ask for money. Mr. Henderson asked how this would affect 501c3 or not-for-profit organizations. Mr. Ebert stated that not all of the organizations that seek funding for school activities are 501c3 organizations. If a group came out that was not a canvasser by definition and the police became aware of it, they could look into it and decide. There has not been much of a problem in regard to this. Chief Spaetzel stated that more of the issues recently have been people that should be registered as peddlers and solicitors coming into the city. They have been informed of the necessity for a license.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE

Trax Construction Co. – Final Change Order to Contract for the Cahoon Road Sanitary Sewer Replacement Project

Mr. Tadych stated that he will introduce an ordinance this evening authorizing a change order with Trax Construction for a deduction in their contract amount for the Cahoon Road Sanitary Sewer Replacement Project. The deduction reduces the contract amount by \$30,320.26.

Mr. Tadych will be scheduling a meeting of the Public Improvements, Streets, Sewers and Drainage Committee in the near future regarding the Sunset Area proposed improvements.

FINANCE & CLAIMS COMMITTEE

Supplemental Appropriations – Civil Service Commission

Finance Director Mahoney stated that a supplemental appropriation ordinance will be introduced this evening at the Special Meeting of Council to provide funding in the amount of \$5,500 to conduct a police officer entry level examination. The charges to hold the test netted against the anticipated revenue from the test-takers results in a plus to the City of about \$1,500. The appropriation needs to be increased in order to expend the necessary funds to conduct the test.

Mr. Koomar stated that his understanding is that Police Chief Spaetzel has worked through the existing eligibility list for the position of Police Officer. Chief Spaetzel stated that the current eligibility list dates back to the spring of 2013. Two officers have been hired from that list, and the remainder of the list has been exhausted.

Accepting amounts and rates determined by the Cuyahoga County Budget Commission for the Fiscal Year 2015

Requesting Property Tax Advances for the Fiscal Year 2015

Finance Director Mahoney stated that these resolutions are required annually by the County following approval of the tax budget. The resolution accepting the amounts and rates determined by the Cuyahoga County Budget Commission are the same rates as those set forth in the tax budget for Fiscal Year 2015. The resolutions will be presented at the regular meeting of Council to be held September 15, 2014.

A meeting of the Finance Committee will be held at 6:30 p.m. on Monday, September 15, 2014, prior to the Regular Meeting of Council.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Mrs. Lieske stated that she has provided the Law Director the necessary revisions to the ordinance amending Chapter 1158 based on committee discussions. Mrs. Lieske will schedule a meeting of the Planning, Zoning, Public Grounds and Buildings Committee. A meeting is tentatively scheduled for Monday, September 22, 2014 at 6 p.m., pending confirmation of the availability of Councilman Lee.

Mrs. Lieske will meet with Council President Koomar in regard to removing items from the Matters Pending before Council Committee List under the Planning and Zoning Committee.

Mr. Koomar asked Law Director Ebert if Council will be involved in the approval of the extension of Crestview Drive. Mr. Ebert stated that Council will be involved when the Planning Commission review of the application is completed. Council will be involved in approval of the street as part of the Thoroughfare Plan of the City. Mr. Tadych asked if this would fall under his Public Improvements, Streets, Sewers and Drainage Committee. Mr. Ebert stated that this would fall under the Public Improvements, Streets, Sewers and Drainage Committee.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Removal of Bay Skate and Bike Park Proposed Addition from Matters Pending Before Council Committee List

Mr. Henderson stated that the Bay Skate and Bike Park Proposed Addition will be removed from the Matters Pending before Council Committee List since the proposal for the addition has been withdrawn.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Update on Agreement for Collection of Soft Recyclables with Great Lakes Recycling, Inc., dba Simple Recycling

Mr. Vincent stated that the City has been looking at a program called Simple Recycling which involves the dropping off of a container for residents to use for clothing and textile donations. Mr. Vincent called upon Service Director Thomas for further comments.

Mr. Thomas stated that a few months ago they began looking at ways for the City to enhance recycling. In looking at Simple Recycling and talking with Bath Township, who had started this program last May, they found that the results of their recycling efforts went from about 3,500 pounds per month to about 7,000 pounds per month. They stated that their residents were extremely happy with it, and any information needs that they had about clothing or other textiles that they had being picked up were quickly resolved by Simple Recycling.

Mr. Thomas continued, stating that this program is not about taking things away from private donations to charitable organizations. What the City is looking for is the 85% of clothing or textiles that end up in trash collections. If we are continually putting objects into the landfills, sooner or later that is going to run out and they are going to look for more space for solid waste. Residents are encouraged to donate to charities, but they felt this Simple Recycling was an option that is good for the residents. Mr. Thomas displayed a donation bag that will be received in a packet that will be distributed to every resident household in the City. Inside the packet there will also be a list of everything that can be recycled. With that list and other information from the Mayor's office, they can fill their donation bag and place it on the tree lawn the same day as trash pick-up. The green bag will be picked up by a truck marked "Simple Recycling." The trucks will follow the same trash route, starting at 8:00 a.m. When the bags are taken away the drivers will actually replace the bags and put them on the front porch of the home. The program will begin October 7, 2014. Information will be distributed through the City newsletter and on the City's web site.

Mr. Ebert noted that an ordinance is in place prohibiting scavengers from picking up those bags.

MISCELLANEOUS

Mr. Koomar announced that there will be a Walker Road Park Ad Hoc Committee meeting on September 16 at 6:30 p.m. at the Bay Village City Hall. Council representatives from the City of

Avon Lake will update the City on the deer control measures being undertaken in the City of Avon Lake.

AUDIENCE PARTICIPATION

Mr. Lawrence Kuh asked if there is any intention of discussing any of the elements, in addition to the age limit, of the bicycle ordinances that were recently passed. Mr. Koomar stated that Council's intention is to let the ordinances play out for a while. The only issue at this time is that which Mr. Tadych expressed this evening concerning the age limitation for bicycling on streets. Mr. Koomar noted that after a period time they would look to the Police Department to come back to Council with an update and any suggestions for revisions.

Mr. Kuh requested that if and when any revisions come up for discussion both Mr. Kuh and Pat McGannon be notified and included in the discussions since they were part of the initial crafting of the legislation.

Tasha Sherman, a resident of the City of Bay Village and a professional in the textile recycling industry, addressed the administration and Council. Ms. Sherman stated that she commends the City of Bay Village for their efforts to reduce the waste that ends up in landfills. Ms. Sherman works for Ohio Mills Corps and they have managed the Special Olympics clothing donations in Ohio, Kentucky, West Virginia and Indiana for the past twenty years. Ms. Sherman's concern is some of the messaging that she has read about the difference between good items and bad items, what should or shouldn't be donated to charitable organizations. Some of the commentary has been that the good stuff should go to one place, but other stuff to the curb. There is a myth among the public, unfortunately, about what you give to Goodwill or United Way, or what you place in a donation bin of Special Olympics, Planet Aid, or other different companies across the nation. The information that has been put out that has perpetuated the myth that only good items are what the organization wants. All textile donations to anybody that will accept them have the exact same life cycle. The items you donate to donation bins or to a center, church or mission are not picked up and put on the body of somebody. They are sold in a first-hand market and funnel their way through all the way to the ends of the actual recycling industry. They are sold by the organization and that revenue is larger than the revenue they receive from their thrift stores or second-hand charitable thrift stores across the country. They are sold in bulk, finally making their way to the end spectrum, usually within 60 days, as what is considered mixed or rags. From there they are broken down into fibers and used for many purposes. Eighty to eight-five percent of all textile discards donations, quality or not-quality clothing is just put into the trash. They support all textile recycling from any company, any city, and any organization. All donations are valuable and all provide billions to charitable organizations which were the original textile recyclers in the country for a very long time. Ms. Sherman encouraged the City to only broadcast the message of what is put on the curbs of what is actually true and not in any way continue to bolster the idea that you cannot donate your torn up clothing, one sock, or one shoe to charitable organizations. The organizations like Special Olympics in Bay Village will be affected because people will bulk everything all together and put it on the curb very easily. Ms. Sherman stated that at the end of the three-year contract if the funds generated are significant enough she would encourage the City to shop around because one cent per pound is way, way under market.

An audience member asked if the charitable donation bins in Bay Village will be kept in place so that in addition to being able to put items out to the curb they can also go to the donation bins. Mayor Sutherland and Mr. Koomar responded that the bins will be kept.

Another audience member asked if ice cream trucks are illegal in Bay Village. She was informed that they are illegal. The audience member stated that she does see them in the City. Mr. Ebert stated that they have been illegal since 1954. It was done for the issue of safety of the children. The police should be called if the ice cream trucks are observed working in the City of Bay Village.

Mrs. Lieske asked if there is an estimate of the revenue for the City to be realized by the Simple Recycling Program. Mayor Sutherland stated it would be difficult to anticipate. Ms. Sherman stated that the average city that participates, in comparison to the size of Bay Village, counted by households and not numbers of citizens, will realize approximately \$200 per week.

Mrs. Lieske asked if we are aware of any other companies, or did we seek information from any other companies, that are providing this service. Mr. Thomas stated that there are not a lot of companies out there that would be picking up the same day as our trash collection.

Mr. Tadych asked Mr. Thomas about the charitable donation bins that used to be located at Clague Road and are not there anymore. Were those requested to be removed? Mr. Thomas stated that he does not know of anyone requesting them to be removed. Ms. Sherman stated that last week their Ohio Special Olympics bin was requested to be removed from Walgreen's Drug Store, and she is also aware of another bin was requested to be removed.

Conda Boyd stated that she was confused to see this on the agenda in the form of a contract. Many times when something new happens in a City like this it starts out formally as a presentation to Council.

Mr. Koomar stated that in most contracts there is a cost and an appropriation by Council. In this case there is no cost, hence no approval by Council.

Mayor Sutherland stated that as this program moves forward we are all going to be looking at the weight and how does that contain cost potentially in the future for keeping it out of the landfill. We may be able to reduce our trash collection costs because we are no longer shipping that much to the landfill.

Mr. Koomar stated that with the recycling, composting, and yard waste, this is another step in the right direction so when we go back out for contract discussions it will be favorable. The Mayor added that Bay Village is No.3 in the county in recycling.

Ms. Boyd said that the Mayor of Fairview Park had talked about success with a program of this nature at a West Shore Council of Governments meeting. Ms. Boyd asked if this is the same company that Fairview Park uses. Mr. Thomas stated that this company is currently operating in Summit County and based on their success there he made his recommendation to the Mayor. We did not look at the Fairview Park program.

Ms. Boyd stated that the City is committing for three years to a wonderful program which she absolutely applauds, but wonders whether the decision has been vetted.

Mayor Sutherland stated that they feel they have made a good decision.

CAHOON MEMORIAL PARK TRUSTEES

Bay Boat Club – Sponsorships – withdrawn at this time.

Request of Stacy Colman for “The Market Sail” on September 26, 2015, or October 3, 2015

Stacy Colman and her neighbor, Lori Scheid, Bay Village residents, are proposing use of the Cahoon Memorial Park area where the Bay Days is held, to hold an outdoor market in the fall of 2015, similar to the summer market held in the City of Avon Lake. They are proposing this sale to be held either September 26, 2015, or October 3, 2015, which they have to confirm with the Athletic Department to be sure there is no conflict with scheduled activities. The idea is to have about 60 vendors that would be a mix of merchandise vendors and food shops, fresh market produce stands and activities for children such as face painters.

Mr. Koomar stated that there are always preliminary reviews and assessments to be made and he would want Ms. Colman to meet with the Law Director to discuss insurance, payment of overtime for safety and service staff and other items. Ms. Colman mentioned that the proceeds would go back to a local charity or scholarship. Mr. Koomar asked if there is a non-profit entity established. Ms. Colman stated that they have not set it up yet due to waiting to see if they had permission to proceed, but it will be and the event will be fully insured. They are prepared to pay for any other costs such as overtime that would be incurred. Ms. Colman and Ms. Scheid will meet with the Law Director for further discussion.

Mr. Henderson asked how the financing works for Bay Days. Does the City receive a portion of the revenue or profit? Mayor Sutherland stated that it is indirect because Kiwanis of Bay Village runs the entire show. They in turn make a donation to the City to cover the cost of extra police and fire coverage and service employees to empty trash. Mr. Ebert stated that the Bay Days has always been part of the history of Bay Village. Kiwanis made a recent donation of approximately \$5,500 for the last Bay Days.

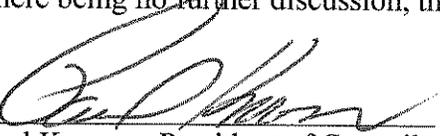
Mr. Henderson commented that the proposed event of Ms. Colman sounds like a nice idea but he would want to make sure it is based on the same structure as the other events in the park.

Karen Lieske asked if the Cahoon Memorial Park Trustees wait to approve the event until they have obtained their 501c3. Mr. Tadych asked if they are aware of the prohibition of alcohol in Cahoon Memorial Park. Ms. Colman stated that they are aware and the no-alcohol rule will be written in all of their vendor agreements. Insofar as the non-profit agreement, Ms. Colman stated that they know they will have to set up some type of account to handle payment from vendors, but as far as the actual business aspect she does not have the answers for those questions as yet.

Committee Meeting of Council
September 8, 2014

Ms. Scheid suggested reviewing the web site for the Avon Lake market. The two women that run that event have started giving their proceeds to helping families rehabilitate homes. Ms. Colman and Ms. Scheid were thinking of giving their proceeds for scholarships or small businesses. At this point they are willing to hear if there is a special need in the area, but they want to see something like this happen in our community. It is a wonderful opportunity and they are very passionate about the small business person. Both Ms. Colman and Ms. Scheid have their own small businesses and make their own things. They thought if they could bring all of those people together here in Bay Village where they both live, it would be a wonderful experience for everyone.

There being no further discussion, the meeting adjourned at 8:10 p.m.


Paul Koomar, President of Council


Joan Kemper, Clerk of Council