

## CITY OF BAY VILLAGE

Council Minutes, Regular Meeting  
Council Chambers 8:45 p.m.

November 16, 2015

Paul Koomar, President of Council, presiding

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

Also Present: Law Director Ebert, Councilman-elect Marty Mace, Finance Director Mahoney, Recreation Director Enovitch.

### AUDIENCE

The following audience members signed in this evening: Jeff Gallatin, Denny and Tara Wendell, Jerrie Barnett, Pat McGannon, Nancy Brown, Nancy Trainer, Claire Banasiak, Alex Dade, Laura Lennerin, Mary Jo Massolini, Janet Kauker, Ernie Minichello.

Mr. Koomar called the Regular Meeting of Council to order at 8:45 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Steve Lee, Councilman-at-large.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held November 9, 2015. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of November 9, 2015 as prepared and distributed. Motion carried 6-0 and 1 abstention by Mr. Lee.

### ANNOUNCEMENTS

**Mayor Sutherland** reported that leaf collection continues. Last week ten trucks worked 9 hours per day, and also worked on Saturday. There are 30 employees picking up leaves and that will continue until leaf pick-up is completed. The Mayor projected that the leaf pick-up will probably end a little early, due to the nice weather which enabled everyone to rake their leaves to the curbs.

### REPORTS

**Law Director Ebert** had no report this evening.

**Finance Director Mahoney** had no report this evening.

**Recreation Director Enovitch** announced that the new feature at Play-in-Bay was installed recently. The project was fully funded by the Bay Village Foundation.

## AUDIENCE COMMENTS

Nancy Brown, Wolf Road, asked Mr. Koomar to state for the audience why he is recommending, removing the Bay Village Kennel from Matters Pending before Council Committee, as listed on this evening's Council agenda.

Mr. Koomar stated that he received a request from Mr. Lee, Chairman of the Environment, Safety and Community Services Committee, saying that he has not had any action on this item over the last several years. Over that time period, Mr. Koomar stated, he has had multiple conversations with Ms. Brown and Police Chief Spaetzel and they continue to make good progress on improving the existing kennel. Mr. Koomar is told when it is cleaned and when there are heating or air conditioning issues. Chief Spaetzel has informed Mr. Koomar that his relationship with the Friends of the Bay Village Kennel is working well and they have been working together on a collaborative basis. Council's job is to appropriate and legislate and so from Council's end, the operational issues seem to be going well and there is nothing for Mr. Lee's committee to address.

Ms. Brown thanked Mr. Koomar for confirming the operational side, and the compliments he extended to the Friends of the Bay Village Kennel. Ms. Brown noted that they have worked very hard. Mr. Koomar stated that the Friends of the Bay Village Kennel have worked great and the Police Chief has been very pleased because his department is stretched thin. To have folks who really care about the animals and can point some things out and make sure it is a safe environment for them is a wonderful thing.

Ms. Brown stated that she speaks to all of the Council and administration this evening regarding the possibility of a new kennel. Ms. Brown stated that she has new information in regard to the structure. The Friends of the Bay Village Kennel and others in the community have said they would like to see it on the agenda. They do have a family in Bay Village that, in 2011, offered to build the City a brand new kennel. Their offer is still on the table. The Friends of the Bay Village Kennel have been advocating since 2011 to have this matter placed as an agenda item so that there could be an open public forum allowing citywide input. Ms. Brown continued, stating that recently, Mr. Koomar asked Mr. Lee to have an off-line telephone conversation with her which finally allowed some of the members of the Friends of the Bay Village Kennel to meet with Chief Spaetzel and Mr. Thomas, Director of Public Safety/Service. The purpose of that meeting was to put names with faces and to get updated on the Chief's goals for animal care and control. Also, to allow the Friends of the Bay Village Kennel the ability to clean and replenish the current structure known as "The Kennel" which was previously a cable building, along with taking some of the suggestions to make it a bit safer for visitors and employees. The current structure is 25 years old. The Friends of the Bay Village Kennel have advocated for a part time animal control officer or police liaison that could be there for all of the domesticated animals

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should they need safe harbor in our town, and be a qualified and compassionate Bay Village employee. In August of 2015, Governor Kasich signed into law a state budget that includes language mandating that all peace officers in the State of Ohio be trained appropriately to handle companion animal encounters. Ms. Brown stated that means that each and every Ohio police officer will now be trained to, among other things, respond safely and humanely to all animal related calls. Officers will also receive training in use of non-lethal methods of handling dog related encounters. For the first time in our state's history, our officers will learn how to peacefully respond to the animals they meet every day on their job. The Friends of the Bay Village Animal Kennel call this a win-win because some of the discussions they had at Council or Committee meetings, or privately on the phone, the budget does not allow for the animal control officer anymore, or even a part time animal control officer. Governor Kasich says that all police officers will be trained. That mitigates the issue the Friends of the Bay Village Kennel had with a part time animal control officer.

Ms. Brown continued, stating that the members of Council were all sent this document from Ms. Brown in August, via the Clerk. It is also posted on the website of the Friends of the Bay Village Kennel website. She stated that the Friends of the Bay Village Kennel support and believe, as does the benefactor, that Mayor Sutherland's recommendation to have a kennel of similar size attached to the back of the police garage is clearly the best idea. Perhaps, even a green kennel. The Friends of the Bay Village Kennel have had their credentialed experts visit the location and review all of the documents that pertain to the landfill and the current police station and the garage. An annex similar in size with proper containment is legal, safe, and possible. The only concern came from Chief Spaetzel about potential injuries from a dog bite. They are pretty sure many injuries happen in the parks every day that outnumber the likelihood of an incident of a dog bite happening in that area. Furthermore, Ms. Brown stated, a review of the animal police log which she has forwarded to Council monthly, and which are also posted on the Friends of the Bay Village Kennel website, shows the current police directive given when one finds a dog which could lead to a higher of injury and/or dog bite. The directives from the Police Department are when a resident calls with a lost dog are (and this is documented) 1) Just let the dog go; 2) You can hang on to that dog and if we get a call from an owner or resident that matches the description, we will be sure to connect you. (There have been some success stories with that). 3) You, Mr. or Mrs. Bay Village, you can put that dog in your car and bring it to the kennel and we will meet you there when and if we have an officer available. Our police are very compassionate to the animals, but they are also very busy and shorthanded. In closing, Ms. Brown acknowledged and thanked Mr. Landers, Mr. Thomas, and Chief Spaetzel for all the band aids and small upgrades that have been done to the current facility to make it a lot safer for our employees and for anybody who visits the kennel. The Friends of the Bay Village Kennel are happy to assist the Bay Village Police Department and/or residents in some animal issues and replenish and clean the kennel as needed. They ask this evening that the kennel not be removed from the list of pending matters and to give the project the due diligence it deserves. For the safety of our employees and community, let's move forward, let's do this now, and let's do it right. The offer from the benefactor is still on the table. Thank you.

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Mr. Koomar stated that he needs to defer this matter to Chief Spaetzel and the Mayor for their comments. Mr. Koomar added that he did not see a new kennel proposal in any of the Capital budget items over the last several years. We can bring this up to Chief Spaetzel next week and get clarification whether that is something they want to consider.

Ms. Brown stated that the current structure is 25 years old. It was not meant to be a kennel but that is what former Chief Wright negotiated at the time. Mr. Koomar stated that his understanding from Chief Spaetzel is that things were working well and he is very happy working with the group. Mr. Koomar stated that he is not seeing any complaints, or hearing requests for a new kennel. He will follow up with Chief Spaetzel next week when he is here so the Chief can answer those questions or answer anything relative to the directive Governor Kasich has given the police. Ms. Brown stated that she would guess that Law Director Ebert and/or Finance Director Mahoney would be able to follow up on Governor Kasich's bill and what is involved. Mr. Koomar stated that this will be brought up next week for clarification with the police.

Mary Jo Mazzolini, Osborn Road, stated that she would like to support the comments of Ms. Brown. She would love to hear from people, and isn't it a good idea that this person offered \$50,000 for something that would be so wonderful to show other communities that we are willing to do this for animals. Ms. Mazzolini said she has gone to other kennels, the Westlake one is better than ours, and she has adopted rescues from the Bay Village Kennel. She stated it would be the passionate thing to do, and she is baffled why there wasn't a lot of discussion.

Mr. Koomar stated that he heard from Ms. Brown that there might be a donor out there. From his perspective, he was not in the loop on some of those issues. We will wait to discuss this with the Chief and if he feels there is a need for a new kennel that may be a different discussion, but the understanding is that things were working well with the existing structure.

Mrs. Mazzolini stated that there is a need for additional deer signs. People speed down her street and there was a deer accident last week.

Mrs. Lieske stated that Mrs. Mazzolini emailed her regarding the deer signs. Mrs. Lieske immediately emailed Scott Thomas and he got back to her right away. Last December, Mrs. Lieske had made a request for deer signs in the area in question and that email was forwarded to Mr. Thomas. Mr. Thomas said he would get back to Mrs. Lieske soon.

Mr. Koomar stated that he would post signs at every entrance in Bay Village saying "Beware" if it were up to him. Mr. Koomar lives on Bruce and the deer walk in the middle of the street and in his backyard. They are everywhere in the City. This is a safety/service issue and an operational issue for the Mayor. There may not be an easy answer.

Mayor Sutherland stated that they could post signs everywhere. Right now it is mating season so they are running wild. The Chief will take a look at it. Initially people may slow down when they see the signs but they get immune to it.

Mr. Koomar noted that deer were standing in various spots on Walker Road between Lear in Avon Lake and Bradley last evening. It is difficult to know where to put the signs. Mr. Koomar stated that he appreciates Mrs. Mazzolini's comments.

Mrs. Mazzolini questioned whether the speed limits on some of the roads can be changed. Mayor Sutherland stated that there are state laws that mandate the speed limits. There was actually a court case in Westlake when Canterbury used to be 25 mph, changing that to 35 mph.

Mrs. Mazzolini asked if she would be able to create and install her own deer sign. Mayor Sutherland stated that they would take a look at the Osborn area to see if anything further can be done.

Karen Dearden, Bruce Road, stated that she has been here before on the same issue. She feels that the Friends of the Bay Village Kennel work very hard and they work hard in ways that they shouldn't have to. It should be the responsibility of the community. You come to this meeting and you are all worried about a microphone, or people's bicycles, but when it comes to being good shepherds of the animals you just turn your heads and hope everyone goes away, and sit their quiet and fold your hands across your chest.

Mr. Koomar stated that the Chief will be back next week. It is Mr. Koomar's understanding when talking to the Chief that the kennel was working very well. He could be in error on that, but that is the feedback he has been getting.

Ms. Dearden stated that we are a fortunate community with a family in Bay Village that wishes to be a benefactor. Mr. Koomar noted that if the Chief and Mr. Thomas think the facility needs to be approved and there is funding available that can be a separate discussion.

#### **COMMITTEE OF THE WHOLE**

Mr. Clark read **Ordinance No. 15-77** amending Codified Ordinance Chapter 148 regarding Records Commission, and declaring an emergency.

Mr. Koomar announced that **Ordinance No. 15-77** is placed on second reading.

#### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE**

**Motion** by **Lee** to remove the Animal Kennel from the Matters Pending before Council Committee List.

**Motion carried 7-0.**

Mr. Koomar stated that if something comes up when the Friends of the Bay Village Animal Kennel speak with Chief Spaetzle next week, it will be reviewed further. If there is a budgetary request, Council's job is to find the money for it and approve it. If Chief Spaetzle comes to Council and has funding for it and wants to move forward, that's great.

Mr. Lee read **Ordinance 15-76** amending the Traffic Control Map and File of the City by enacting new No Turn on Red Regulations, and declaring an emergency. (**Third Reading and Adoption**) (First Reading 10-19-15) (Second Reading 11-2-15).

Mr. Lee recommended adoption of Ordinance 15-76, with the understanding that additional study will be done of the Wolf and Bassett Road intersection before the new signage goes up at that intersection.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 15-76.

Roll Call on Use of the Emergency Clause:

Yeas- Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays -None

Roll Call on Adoption:

Yeas- Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays-None.

Mr. Koomar announced adoption of Ordinance No. 15-76, an emergency measure.

**FINANCE AND CLAIMS COMMITTEE**

**Mr. Clark** introduced and read **Ordinance 15-78** establishing the effective date for the Refuse Collection Fee, and declaring an emergency. (**First Reading**)

Mr. Clark explained that this ordinance will set the rate for the fee for refuse collection for the year 2016, which is unchanged from what is currently charged.

Mr. Koomar announced that **Ordinance No. 15-78** is placed on first reading.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

**Mrs. Lieske** introduced **Ordinance No. 15-79** amending Chapter 1158, Attached Residence District in the City of Bay Village. (**First Reading**).

**Mrs. Lieske** commented that the reason to introduce this ordinance is so the residents can see what is being discussed. The Planning, Zoning, Public Buildings and Grounds Committee will

be meeting on Monday, November 23, 2015 at 6:30 p.m. to review again the Section 1158.02 which looks at the applicability and will have some further information to share with everyone. This will be reviewed at future Council Committee sessions as well. This is a good opportunity for the public to see a lot of the information in the proposed ordinance. It is very positive that it was put together by the consultant, Paul LeBlanc, especially when you look at some of the things connected with the buffering and landscaping requirements. These were questions we had heard previously.

Mrs. Lieske stated that there is nothing in Section 1158.03, Permitted Buildings and Structures about air conditioning units or generators. Mrs. Lieske asked Law Director Ebert if that needs to be included in the section. Mr. Koomar said that those are covered in a separate code. Mrs. Lieske noted that air conditioning units and generators were previously in Section 1158.03. Mr. Koomar stated that when that was reviewed with John Cheatham, Chief Building Official of SAFEbuilt, Inc., his interpretation of the wording was that it was for large, industrial applications, not a residential unit. There were several pieces of language that referenced things that we would not want in Bay Village. Anything else in the code relative to Section 1129, Approval Process, and needing a variance for an air conditioning unit would fall under the other codes.

**Ordinance No. 15-79** was placed on first reading.

#### **PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE**

**Mr. Tadych** had no report this evening.

#### **RECREATION AND PARK IMPROVEMENTS COMMITTEE**

**Mr. Henderson** had no report this evening.

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

**Mr. Vincent** introduced and read **Ordinance 15-80** authorizing the Mayor to enter into an agreement with Browning-Ferris Industries of Ohio, Incorporated, for solid waste collection and disposal, yard waste, and recycling materials collection and processing, and declaring an emergency. **(First Reading)**

Mr. Henderson suggested previously in the meeting that the actual dates for each year that the contract covers be listed in the ordinance. Mr. Lee expressed agreement with Mr. Henderson's comment that this would provide clarification. The ordinance will be amended by reading.

Mr. Koomar announced that **Ordinance No. 15-80, as amended**, is placed on first reading.

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**MISCELLANEOUS**

The executive session scheduled for this evening has been cancelled.

There being no further business to discuss, the meeting adjourned at 9:15 p.m.

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Paul Koomar, President of Council

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Joan Kemper, Clerk of Council