

Minutes of a Meeting of  
ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

held March 21, 2016

6:30 p.m.

Present: Councilman Paul Vincent, Chair  
Councilman Dwight Clark  
Councilman Dave Tadych

Also Present: Councilman Mace, Councilwoman Lieske, Fire Chief Lyons, Art Zimmerman. Law Director Ebert arrived at 6:50 p.m.

Audience: Tara Wendell, Susan Murnane, Nancy Brown, Russell Thompson, Dennis Driscoll, Denise Wheeler, Wendy Bonds, Carl Gonzalez, Lydia DeGeorge

Mr. Vincent called this meeting of the Environment, Safety and Community Services Committee to order at 6:30 p.m. and thanked everyone for their attendance this evening.

**Emergency Sirens**

Mr. Vincent introduced Mr. Art Zimmerman, a resident of the City of Bay Village, who has asked to give a presentation regarding emergency sirens.

Mr. Zimmerman thanked everyone for the opportunity to be present this evening. Mr. Zimmerman stated that he has been a resident of the City of Bay Village for the past 40 years, and prior to that a resident of the City of Cleveland. His past occupations include business man, design engineer and inventor. Mr. Zimmerman is a veteran, having served in Viet Nam and the Desert Storm conflict, manning a tank. He is currently the President and owner of Doxie International Limited, and is into racing and motor sports. He is the manufacturer of a component that is used for Grand Prix cars and motorcycles. He is also President and Chairman of the Board for Peace, Inc., a 501c3 non-profit, educational venture, using multi-media as a teaching tool making young people, high school through college, aware of the chaos that took place between 1950 and 1974. Mr. Zimmerman has worked as a volunteer at the Normandy Manor for the past 8 years as a music therapist using his violin expertise.

Mr. Zimmerman related that years ago Mr. Dick Goddard made a comment about the storm that went through Cleveland in 1953. At that time, Mr. Zimmerman was 10 years old and almost lost his life in the storm. It moved duplexes off of their foundation onto West 117<sup>th</sup> Street. The experience of the sound of the storm and the devastation has stayed with Mr. Zimmerman for many years.

Art Zimmerman advised that due to global warming weather patterns are changing. A shift eastward has occurred with the upper jet stream. This shift has caused the dreaded Tornado

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Alley to move eastward as witnessed by the devastation in the southeast United States. All communities throughout the Midwest are currently using siren alert systems. It was found that these alert systems far surpass the outdated Reverse 9-1-1 telephone systems, because people do not live by their telephones. We have people of all ages in our community, a seven story retirement community and a major railroad line passing through our community. The railroad trains at some time could carry chemical tanker cars. In 1983 there was a derailment at the railroad crossing on Columbia Road; had that been tanker cars filled with a chemicals it could have been devastating.

The prices shown on literature distributed by Mr. Zimmerman for sirens and all components can be recovered, by at least 50%, by applying for a grant to government agencies. The system can be tied into the National Oceanic Weather Agency (NOWA) and can be actuated by the State Highway Patrol and local Police and Fire Departments. Lakewood is the only surrounding community that has a siren system. Cities not covered are Bay Village, Westlake, Rocky River, Avon Lake, and possibly Avon. The cost to cover all of Medina County, 423 square miles, is \$400,000. The total area for all of the above communities is 57 square miles. Thus, the total cost would be less than \$100,000. Applying for a government grant would cut that cost in half, or more. Should all five communities participate the cash outlay should be as small as \$10,000. If the decision is only to cover Bay Village, the cost would be \$4,000 to \$5,000 after getting the grant.

Fire Chief Lyons addressed the committee and thanked Mr. Zimmerman for his presentation. Chief Lyons stated that three or four years ago when the cost of sirens was investigated they were quoted from one company that three or four sirens would be needed to cover the City of Bay Village at a cost of approximately \$25,000 per siren. Chief Lyons stated that the tornado siren is a device that has outlived its usefulness. More and more cities are abandoning tornado sirens for a variety of reasons, outlined in a document distributed by Chief Lyons. The original tornado sirens were originally the old war-time air raid sirens that were repurposed in order to make some use of them. In addition to the original cost of installing sirens, there is an annual maintenance cost. Mr. Zimmerman referenced the fact of trying to alert folks who are out of doors. If people are in their homes sleeping or watching television, or even in their cars listening to the radio, more than likely they will not hear the tornado sirens. Most of the time the weather conditions preceding a tornado include thunderstorms and lightening, so most people will be inside and will turn on the television or radio for a weather alert. Power can be cut off to tornado sirens making them inoperable, or they can be damaged by environmental conditions. Tornado sirens can also create a false sense of security for residents, and have a 70% rate of false alarms. Tornado sirens are non-specific in nature; they can be used to alert residents to a single danger of tornado which is a very limited scope of usefulness. More often than not, when a siren goes off in a community the Fire and Police Departments are overwhelmed with telephone calls. During a weather emergency when the Fire and Police Department are trying to help people they are busy answering telephones.

Chief Lyons put together three suggestions for alternatives to tornado sirens. The first recommendation is that people purchase a digital weather radio. These are available through Amazon.com for \$8.00. The National Weather Service broadcasts their forecasts, tornado

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watches and tornado warnings and warnings to alert folks over that radio. Secondly, for those who have a mobile phone, you can go to the National Oceanic and Atmospheric Association and register online for an alert to be sent directly to your phone, with a very distinctive sound. And finally, the County Ready Notify System has free registration for residents to receive tornado watches and warnings to cell phones, email, and land phones.

Chief Lyons concluded his presentation by saying that due to the fact that the City of Bay Village is facing large capital outlays in the way of road and sewer construction and safety equipment, he would not recommend the purchase of tornado sirens.

Questions and Answers:

Mr. Tadych asked how the test that is coming up soon through the state will work. Chief Lyons replied that on March 23, 2016 the State of Ohio Tornado Awareness Designated Day, the County will be running a test of the Ready Notify System. Most communities that have sirens will be sounding those also.

Mr. Clark stated that one of the things favorable about Ready Notify is that it is instantaneous. But the question has always been when they were going to test it on a wide-spread basis. This test on March 23, 2016 will be the Beta test. Mr. Clark stated that he would be interested to know why no other communities other than Lakewood on the west side do not have the siren system. There is a lot more propensity for tornados south of Cleveland, Summit County, Medina County, southern Lorain County, as opposed to the north. Chief Lyons stated that Lakewood was one of the older communities that had sirens originally so they chose to maintain them given their high population density. Rocky River had them at one point but took them down due to the high maintenance cost.

Mr. Richard Fink stated that the pros and cons of tornado sirens have been clearly presented. Mr. Fink stated that he would strongly disagree with Chief Lyons comment about the ability to hear tornado sirens. He stated that he has lived and worked in many communities that have tornado sirens and they can be heard very readily indoors. It is another safety factor for those who may not be near their telephones. For example, you can hear the trains in the City very easily when you are indoors.

Mr. Zimmerman stated that he also mentioned the fact about the railroad system going through the City. If there were a derailment and there were chemical tankers, which occurred in another part of the United States, the sirens could potentially be used.

Law Director Ebert stated that the Fire Chief is required to receive advance notice if there are any petroleum or chemicals being carried. This was part of the original agreement with the railroad. Even though the agreement ran out after ten years, that notification requirement is still in place.

Chief Lyons noted that Norfolk and Southern is sending a representative out this August to retrain all of the department members about the dangers and how to respond.

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Mr. Vincent asked if Norfolk and Southern has been sending notifications about petroleum and other chemicals being carried. Mr. Ebert responded affirmatively.

Mr. Clark asked if the use of sirens should be contemplated again in the future. We would want to do it on a more regional basis and share the cost, and from that standpoint look at grants.

Mr. Tadych asked whose responsibility in the City it is to set the alarm. Fire Chief Lyons stated that typically it would be the Emergency Coordinator. The Emergency Coordinator is the person designated as the liaison to the County Emergency Management Agency. In Bay Village, that Emergency Coordinator is Fire Chief Lyons.

Mrs. Lieske asked who is responsible in the absence of the Fire Chief. Chief Lyons stated that there is a hierarchy and those things are set off remotely.

Nancy Brown asked what is being done to educate the community on preparedness. Chief Lyons stated that an Emergency Preparedness page is on the City's website. Email blasts are sent out through the Mayor's office on a variety of topics as well. Education is on-going at community events, such as the Fire Department Open House and the annual Touch-a-Truck event that is held in September.

Mrs. Lieske asked how we reach out to the segment of the community that might not be technologically savvy, visiting websites, or out-and-about as much as others. Chief Lyons stated they typically do an annual presentation in terms of fire safety and general safety at both the Knickerbocker Apartments and Bradley Bay Health Center for employees and residents. Mrs. Lieske asked about the residents who live in their homes that do not have access to that information. Chief Lyons stated that they work through the Community Services Department to try to reach some of those folks as well.

Mr. Vincent asked if the property manager at the Knickerbocker Apartments is contacted to coordinate the educational efforts for the residents. Chief Lyons stated that they typically set up a couple of days per year when they send an engine company there for a presentation and to review safety measures. Mr. Tadych asked how well attended the programs are and Chief Lyons stated that the attendance has been good with 50 or more residents attending.

Mr. Zimmerman stated that he believes the 9-1-1 system is a waste and is going to cause a loss in lives. He noted that tornados historically travel 20 to 30 miles per hour toward the northeast. In an imaginary situation, if a tornado drops down in Elyria and NOWA sends out a warning, how effective would 9-1-1 be as opposed to an alert system that would respond instantaneously? NOWA would automatically trigger the alarm; 9-1-1 would not do that. The important thing is to save lives.

Mr. Zimmerman was thanked for his presentation this evening.

### **Animal Cruelty Ordinance**

Mr. Vincent stated that he has been notified by Miss Nancy Brown, Bay Village resident, that the City of Cleveland has revised their Neglect of Animals ordinance. Bay Village has a similar ordinance. Police Chief Spaetzel is ill and unable to be present this evening.

Mr. Vincent distributed a copy of the City of Cleveland Ordinance 603.091 Neglect of Animals, highlighted to show the similarities between this updated ordinance and the City of Bay Village Ordinance No. 505.08. Cleveland Ordinance 603.091 (a) prohibits putting an animal in danger inside an automobile. Their ordinance also has more detailed provisions for the requirement of adequate shelter for dogs, and tethering. Members of the community were present in the interest of animal safety and the possibility of updating the City of Bay Village ordinance. Nancy Brown commented that sheltering and tethering are the two specific ordinances that those present would like to address this evening.

The Police Chief has expressed that he believes what Bay Village has currently in their legislation is adequate and doesn't necessarily think it needs updating. Chief Spaetzel believes that Cleveland's 603.092 (c) (5) is a little too particular in regard to sheltering. Bay Village's Section 505.08 (d) is the City of Bay Village version of sheltering requirements.

Mr. Clark asked how this would track to the Ohio Revised Code. Mr. Clark also asked how many people have been found guilty of a misdemeanor, as it would pertain to the requirements of the City's ordinance, in the last five years in Bay Village. The number of incidents where there has actually been a violation of the ordinance is something that will have to be taken up with the Police Chief.

Law Director Ebert stated that Nancy Brown has been very active to stay informed of the various state legislation. Mr. Ebert has not spoken with the Bay Village Prosecutor directly about this matter, but thinks that there are very few that have been charged.

Nancy Brown stated that from looking at the Police Department's animal call logs which are given to the City Council on a monthly basis, the only thing the Police are able to do to follow up on a complaint is issue a barking ticket for a nuisance. An audience member stated that there is a neighbor behind her that has their dog tethered in all weather conditions, and the dog is continuously barking. The police are there all the time, and the owners put the dog back in the house and when the police leave they put the dog back outside. The ordinance lacks teeth for enforcement. The police response is very good, but there is nothing to charge them with because they are not breaking a law.

Susan Murnane stated that she reads the police animal call log every month and there are frequent complaints from citizens about dogs that are apparently in distress outside and the police do what they can but the ordinance is inadequate to deal with incidents of animal neglect or cruelty. Whether or not this particular ordinance is what the Police Chief wants, serious

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consideration needs to be made to strengthen the ordinance to insure the dogs, which are sufficiently uncomfortable to be arousing complaints from neighbors who are seeing these dogs who are tethered outside in inclement weather, obviously suffering, can be taken care of. Often, it will only take a police officer with a ticket of sufficient size to convince the dog owner that this is a serious matter.

Law Director Ebert stated that perhaps there is something that could be done for increase between the Cleveland ordinance and the Bay Village ordinance to give the police the authority in the cases of habitual abuse or concern. It is not so much the fine but the fact that the offender has to appear in Rocky River Court and wait for their case to be called. Mrs. Murnane stated that the fine needs to be large enough to compensate the police. Mrs. Murnane stated that the police are very supportive and very nice. It is not that they are hard-hearted or neglectful, they do not have the tools they need to protect the animals.

Mr. Ebert asked Councilman Vincent to meet with the Police Chief to see if there is something that could be drawn up that would provide more teeth in the Bay Village ordinance. A fourth degree misdemeanor is the penalty in the City of Bay Village presently, which carries a \$250 fine and up to 30 days in jail. The City of Cleveland penalty is a first degree misdemeanor which carries a \$1,000 fine and 180 days in jail.

Mrs. Murnane stated that often people merely need an action that convinces them that this is important. Mr. Vincent agreed, and stated that no one needs to go to jail. Mrs. Murnane noted that country people used to keep dogs outside without even thinking about it. But, times and standards have changed.

Mr. Clark noted that there must be evidence that there are habitual abusers in the community. The ordinance has to have teeth, and monetary damages usually provide the needed result.

Nancy Brown stated that they monitor the police calls for a couple of reasons. For repeat offenders they want to know where they have stray animals or animals that need to be spayed or neutered. The Cleveland Animal Protective League, not the Cuyahoga County Dog Warden, has been to Bay Village on several occasions and have reported back that the Bay Village ordinances do not have the meat and potatoes for them to enforce. We know that we have one gentleman who was a repeat offender for dogs at large and each time the penalty got bigger. The last time it was really significant and now his dogs are contained.

Miss Brown stated that Bay Village has situations where people tether their animals on their porch or to a bush and leave their garage door open and go to work, or leave them out all night. That is not proper sheltering. We want the police officers in Bay Village, since they are animal control officers now, to have what they need to do the job and do it right.

An email communication was received by the Clerk of Council this afternoon from Sharon Harvey, the President and CEO of the Cleveland Animal Protective League stating that she is unable to attend this evening due to illness. Ms. Harvey's email states that the Cleveland Animal Protective League strongly supports enhancements to local ordinances that set minimum

standards for adequate shelter for dogs that live or spend considerable time outside and that limit the amount of time that a dog can be tethered. Ms. Harvey notes that Cleveland's tethering and sheltering ordinances are great models, and applauds Bay Village's interest in exploring these issues. Ms. Harvey offers her help in this effort in any way she can.

Ms. Brown noted that Ms. Harvey would be happy to meet with Mr. Vincent, Police Chief Spaetzel, and Law Director Ebert.

Notifications in support have also been received from Bay Village resident Doc Wheeler, Denise M. Cohn, of the organization "Dogs Deserve Better," Mindy Naticchioni, and Ed Jamison.

Mrs. Lieske stated that she would like to see what is at the state level with the Ohio Revised Code. Mrs. Lieske reported receiving two emails from residents over the weekend encouraging action along these lines.

Mr. Clark suggested inquiring with the neighboring cities of the West Shore to see if they have more current legislation. Nancy Brown stated that the City of Willowick and other suburbs on the east side of Cleveland updated their legislation in order to be proactive in animal issues.

Mr. Henderson asked if the definition of Cruelty to Animals is in the Bay Village animal ordinance or addressed separately. Mr. Ebert stated that it is a separate ordinance and Mr. Henderson stated he would like to see if that ordinance should be incorporated with the animal ordinance.

A follow-up meeting will be held in the near future.

### **Landscape Crews Street Parking**

Mr. Vincent stated that one of his pet peeves is the landscape crews parking on the streets. He has met with the Police Chief who had intended to offer an update on this topic. Law Director Ebert stated that this has come up before and it is a difficult situation, especially on Lake Road and on Wolf Road. The landscapers are told that if they are going to do landscaping on Lake Road it needs to be done between certain hours when there is the least heavy traffic. Mr. Ebert noted that it does cause problems, but it is the same problem created by UPS delivery trucks.

Mr. Ebert noted that based on the intersection available, some of the landscapers do park on the side streets off of Lake Road. When there is no side street, they park on the street, putting up traffic cones, within the hours they are permitted to do so. Complaints surface mostly in the spring and fall seasons. The police have always been able to work with the situation rather than prohibiting it totally.

Mr. Vincent stated that he drives down Lake Road every day and it doesn't matter, any time of day, there is always a landscaper truck on the street. This requires crossing the yellow line and heading straight into traffic. Mr. Vincent stated that both he and his wife are decent drivers, but he is concerned that his children are being driven into oncoming traffic so the landscaper doesn't

have to park in and back out of a driveway or park on the side street and cross the street with his lawnmower. If you cannot back a truck out of a driveway you should not be driving a truck.

Mr. Tadych expressed 100% agreement with Mr. Vincent. Mr. Vincent will follow up with the Police Chief. Mr. Clark noted that it just takes one fatality for action to be taken to change the ordinance. He agrees with the problem on Lake Road with the landscaping trucks, and encouraged speaking further with the Police Chief.

Mr. Vincent stated that it is not difficult to come down one of the side streets north of Wolf Road and park on those streets and take the landscaping equipment down to Lake Road.

Mr. Tadych stated that he has seen FedEx and UPS on Wolf Road in the last week, two driveways apart, one going one way and one going the other way creating a very unsafe situation. Mr. Clark noted that delivery trucks are in and out very quickly, but landscapers can be on site up to an hour.

Mr. Zimmerman commented that his weak point are the bicycle riders who block the flow of traffic. He spoke with the school guard at Douglas who stated he has problems with controlling the children who are not heeding the traffic light. On the particular day that Mr. Zimmerman spoke with the school guard, he witnessed adult bicyclists riding three abreast on Wolf Road. He stated that he believes it is a good idea for the children biking to school, but on the Bike to School Day the school guards might need some assistance at their site on that day. He encouraged bicyclists to heed traffic laws.

Mrs. Lieske suggested that some future meeting there be discussion requiring reflective gear for those walking, running, or biking in the street in the dark. Mrs. Lieske noted observing a runner on the street that could absolutely not be seen in the dark.

### **Train Update**

Law Director stated that monthly train reports are no longer received. At the time the agreement terminated, the City of Bay Village was averaging 2.3 or 2.5 trains per day. There are more comments about trains because the trains are longer. We are still under the 5 trains per day that was the requirement with the agreement. Mr. Ebert will try to get information from the state as to how many trains travel through Bay Village on a monthly basis.

Mr. Tadych stated that it is the way they sound their horns that is disquieting. Mr. Ebert stated that barriers are required for quiet zones, and that would not work in this type of community. The quad gates do not meet the quiet zone requirement. Rocky River looked into quiet zones at one time and learned that the cost would be at least \$1 million.

Mr. Vincent asked if there is a law that requires the horn being sounded. Mr. Tadych asked if there is a timing requirement for the sounding of the horn. Mr. Ebert will provide a follow-up report.

There being no further business to discuss, the meeting adjourned at 7:34 p.m.

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Paul Vincent, Chair

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Joan Kemper, Secretary