AGENDA

Agenda, Bay Village City Council                                      Date: October 8, 2018
Committee Meeting                                                   Time: 7:30 p.m.
Council Chambers, Bay Village City Hall
Dwight Clark, President of Council, Presiding

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Judge Brian Hagan, Rocky River Municipal Court regarding Issue No. 1 on the November Ballot.

Jeff Capretto, West Shore Enforcement Bureau regarding Issue No. 1.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Bay Village Green Team Donation of Water Bottle Filling Stations.

Coastal Management Assistance Grant.

FINANCE & CLAIMS COMMITTEE-Tadych

September 2018 Financial Reports.

Refuse Collection Fee for 2019.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-

Stainbrook

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Cuyahoga County General Health District Agreement for Public Health Services for the Calendar Years 2019 and 2020.

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES
President of Council Clark called the meeting called to order in the Conference Room of Bay Village City Hall at 7:30 p.m.

Present: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Mayor Koomar.

Excused: Mr. Winzig

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Community Services Director Selig, Building Official Vogel.

Audience: Clare Banasiak, Denny Wendell, Tara Wendell, Susan Murmane, Dennis Driscoll, Jeff Gallatin.

ANNOUNCEMENTS

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Laura Sherman, Sustainable Energy Services

Mr. Clark asked Mayor Koomar to introduce Laura Sherman, of Sustainable Energy Services to the Council, administration and audience.

Mayor Koomar stated that he has been in discussion with Councilwoman DeGeorge, who is the Chairperson of the Services, Utilities & Equipment Committee, since the First Energy Solutions Contract for electrical aggregation expires in November of 2019. The natural gas aggregation contract with NOPEC does not expire and will continue on.

The Mayor explained that there is a residential piece for homeowners for electrical and natural gas aggregation programs. On the municipal side, there are different rates that are paid. Requests for proposals (RFP) can be done for street lights alone, or for separate municipal buildings for gas and electricity. The idea was to have an agreement with Sustainable Energy Services to seek bids by year-end, providing a long lead time for communication with the public prior to the end of the contract with First Energy Solutions.

Mayor Koomar advised that First Energy Solutions has approached the City of Bay Village with an offer that is tied into bankruptcy, which moved up the time line. They wanted to make sure that if it is a valid offer it is something that City Council should consider. Based on that, it was thought timely to have Ms. Sherman address Council this evening to provide an overview of Sustainable Energy Services and the services they provide.
Laura Sherman addressed City Council, advising that Sustainable Energy Services (SES) is an energy management firm that handles all energy matters on both sides of the meter. The way they like to describe it is demand and usage. There are firms out there that handle supply and then there are mechanicals and other consultants that handle demand. SES puts those two things together so they handle it all. For the City of Bay Village, SES is interested in reducing overall energy demand and helping the City to pay less for what is used. Projects such as LED lighting that the City is already working with are the types of projects that help reduce the overall usage. The process of competitive bid helps to reduce the price.

For the municipal buildings, the first thing SES looks at are all the rate codes. They gather all the bills together and write an RFP that goes out to their supply partners. They work with about 15 major suppliers that serve Ohio and send those RFP’s to those suppliers. The suppliers put their best price offers together and send them back to SES. A financial analysis is created by SES for the City, showing what the price offers are, how they compare to what is being paid now, and how it compares to utility default. The Illuminating Company and Columbia Gas will serve even if a supplier is not picked. Those would be at the default rates which are generally the highest rates if not bidding out.

Ms. Sherman stated that the other piece that Mayor Koomar was talking about is the aggregation. The City is in a contract with First Energy Solutions until November of 2019. SES is trying to look at the competitive pricing that could be obtained for aggregation. Instead of just taking the offer that is on the table, they would go out and get some other major suppliers bidding and interested on the City’s aggregation portfolio. That allows SES to compare suppliers against one another and accept the best bid for the City.

Mr. Clark asked if this would be for both residential and small commercial. Ms. Sherman replied that it would be for small commercial. The residential group is put in with small commercial entities that are under 700,000 total watt hours. The City buildings will be done separate. Street lighting is on a whole separate rate code, and street lighting can be very low, e.g., the four cent range, so they want to bid that out and see what kind of offers come in for street lighting, keeping that separate from the municipal buildings.

There are about twenty-five municipal accounts. There is one large street lighting account that is actually larger in usage than all the buildings put together. There is about 1.4 million kilowatt hours used in the City; about 900,000 are used in street lighting.

Mr. Tadych asked where SES is located. Ms. Sherman stated that SES is located in Westlake now. They used to be here in Bay Village, but they are growing. SES is in the King James Building in Westlake. Ms. Sherman and her husband are partners in the business, a woman owned company, and were residents of Bay for 26 years.

Mr. Clark stated that the idea of the street lighting is one they have talked about for four or five years, and how they might save some money. He asked if there is a potential for enhanced LED lighting and things like that for street lights. Ms. Sherman stated that they talked a little about that and want to get into that a little deeper. To do LED lights you have to own the street lights
Mr. Tadych asked how long SES has been around. Ms. Sherman stated that they have been around 40 years. Mr. Sherman has been in energy for 35 years or more, and he handles the engineering side of the business. Ms. Sherman has been working on the purchasing side for about ten years, and before that she was in facilities.

SES works with the cities of Avon, Elyria, Avon Lake, Sheffield Lake, Walton Hills, Westlake Porter Library, Rocky River Library, Lorain County Metroparks, and others. They come in to customize a solution for each customer they work with. Every city is a little bit different, and SES does not use a cookie cutter approach.

Mr. Clark asked if there is any benefit or economies of scale of attaching the Bay Schools to this initiative. Ms. Sherman said that she has been trying to talk with them, but the Bay Schools are in a program called “Power for More.” “Power for More” is similar to how NOPEC started and “Power for More” started out with the idea of getting some school districts together for more buying power. Now it is about 200 school districts, and these large aggregations include good profiles, companies that can use electricity efficiently, subsidizing those who do not use electricity efficiently. Ms. Sherman would like to take the Bay Schools accounts and price them out to all of their suppliers and see what rate they could get, rather than lumping them in to 200 school districts. The Bay Schools could also do the Demand Response Program, curtailing energy in the summer and getting paid for it. It is a revenue producing program, it costs nothing, it is there to protect the grid so that on these really hot days, if the grid is building up to a load it can’t sustain it calls on users to reduce to take that pressure off the grid. In this past, hot summer, there were no calls for Demand Response, which speaks to the grid operator that manages the electricity of the 63 million customers from Chicago to Maryland. The way they manage their grid is stellar compared to other grid operators across the county. There are about seven grid operators across the county. The Demand Response Program is a revenue producing program open for participation by customers that are large enough for the program. They get Smart Meters for free and make revenue. This year there were a lot of schools participating and all they had to do was participate in a one-hour test and they get paid for the whole year. The test is just to make sure they could participate.

Ms. Sherman stated that there is an offer on the table from First Energy Solutions for the City to sign a forward contract starting in 2019. They offered a two-year term, and Ms. Sherman went back and asked them to offer a three year term to look at it longer than two years. The First Energy time line requires a signed contract by the time the courts rule on the bankruptcy, which is October 14, 2018. SES has put in a request to other suppliers to see what their pricing is. If it turns out that First Energy Solutions is a great price, it may be the time to dig a little bit deeper into the contract language. Some of the concerns are, who will take over the program and how the new supplier who ends up buying First Energy Solutions serves that contract. The contract in and of itself will be honored, but the question is the services that go along with the contract.
Mr. Clark asked if the bankruptcy of First Energy Solutions gives the City a walk-away provision if they find someone that is lower priced. Ms. Sherman stated that the court could be petitioned for release from the current program. There is only a year left on the program, and the Court would rule on that on October 14, 2018.

Mr. Clark stated that he likes the idea that SES is doing a forensic audit on the City’s utility bills, and decoupling the various elements of this so that we are not looking at a bundled package. This should be the first of several meetings we have along this line.

Ms. Sherman noted that we are at a low pocket of energy prices over the last few years. The year 2016 was a very low year as well, throughout the winter. Coming out of winter in 2016, natural gas was crashed. That was a good time to buy. We don’t know what we will have going forward; we only know what we have right now. We are in a low pocket now so it makes sense to look at it. SES has a trading platform within their firm which allows them to see fuel prices in real time. They are watching those ups and downs all the time. It can be a seasonal thing, and there is sometimes an opportunity to get good prices in the September/October range, or April range.

Ms. Sherman noted the effect of the shale revolution in our country on natural gas. We are now an exporter of liquefied natural gas and oil, so we are very strong in energy. But, what has happened with natural gas and electricity is that the coal fired power plants are going away. In 2012, the EPA came out with new restrictions for pollution and by 2015 all the power generators that were coal fired across the county had to comply. A lot of them closed down. It was at the time that natural gas was ramping up, so a lot of our electricity is fueled by natural gas. This means there are not a lot of ups and downs. Electricity and natural gas are flowing together. When natural gas is low, electricity is generally low. Natural gas is driving the price of electricity. That is why the in-between seasons reflect lower prices. Looking forward several years, next year is a little bit high, but beyond that, years two and three are looking a little bit better for natural gas.

Mr. Tadych asked Ms. Sherman what SES can do for the city of Bay Village that their competitors cannot do. Ms. Sherman stated that energy management is a niche business. First and foremost SES customizes solutions, secondly they are not tied to any suppliers, equipment manufacturers, or anybody. When they sit at the table, they sit at the City’s side of the table. They are the City’s advocate, digging into any proposals to make sure that everything is apples to apples and there is nothing in contract language that would hurt their customers. They are looking at both sides of the equation; there are very few firms that do that. Brokers do not want less energy used, and energy efficiency people generally don’t understand the purchasing side. By putting them together, you are looking at a comprehensive energy plan and that is where the City should be moving: a long term energy plan. It could be a Master Plan which is bit off in chunks to get to goals.

Mayor Koomar questioned whether a nine-year contract is too long, and stated that understanding the length of a contract is important. Mr. Clark noted that there was a cash payment that went along with the First Energy Contract which helped to guide that decision. Ms.
Sherman stated that those cash payments are the clients’ money. The cash payment is rolled into the price; it is not a gift.

Ms. Sherman noted the sophisticated, expensive market techniques of NOPEC.

Ms. DeGeorge asked Ms. Sherman how their firm is compensated. Ms. Sherman stated that they get paid through the product price. On the procurement side, they get paid through the supplier. When the customer pays their electric bill, the suppliers cost is on the bill. When the supplier gets paid, the supplier pays SES. Their margin includes SES fee for services. When all of that comes back to them they pay SES on a monthly basis.

On the energy efficiency side, it is a customized approach. Depending on what SES is needed for and what the project looks like, there is a price quoted. It might be a “not to exceed” or an hourly rate. They are approved on a case-by-case basis.

Mr. Tadych clarified with Ms. Sherman that this program is only on the product, not on the delivery. Ms. Sherman stated it is only on the product. The delivery stays the same. Columbia Gas is always still the utility; they are going to distribute the gas to all the buildings. On the electric side, the Illuminating Company is a distribution company; they are always going to distribute the electricity.

Ms. Maier asked if SES fee is the same no matter who the city chooses for their supplier. Ms. Sherman stated that their fee is the same, it doesn’t matter which supplier is chosen. When the suppliers bring their price offers in that helps to determine term and other things. You can’t really talk about a program for three years, five years, or six years until you see the prices.

Mr. Clark stated that gas and electricity aggregation affects 6200 homes on the residential side. He likes the idea of having someone be an advocate. Ms. Sherman stated that they are willing to advocate people too. Not everyone wants to be part of the aggregation. The City offers the aggregation and if somebody wants to do their own thing they can get on the PUCO website. We have come a long way since electricity was deregulated in 2009. In 2009 there were three suppliers serving Ohio, now we have thirty suppliers to pick from.

Mayor Koomar stated that SES has been very good partners with other municipalities in terms of messaging to residents and answering questions. This service is sometimes lost. Recently there has been information going out that states it is from the City of Bay Village, that no one from city hall has seen prior to being mailed. That piece of education and support of residents is important.

Mr. Clark thanked Ms. Sherman for her informational program this evening. He suggested that Ms. DeGeorge may want to review this further with her Services, Utilities and Equipment Committee.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-
Stainbrook
Committee Meeting of Council  
September 24, 2018  

Queenswood Bridge Replacement Project.

Ms. Stainbrook reported that a meeting of the Public Improvements, Streets, Sewers and Drainage Committee was held this evening for the Queenswood Bridge Project, and filled the requirement of a public hearing. Several residents in the affected area for that project got their questions answered. Director of Public Service Liskovec and Osborn Engineering representative Bonnie Teeuwen did a great job providing information. That project will continue to move along. Ms. Stainbrook will introduce a resolution this evening regarding some of the right-of-way that needs to be acquired.

Mr. Clark noted that this is a significant project in the name of public safety which is being paid for by the federal government, the State of Ohio, and the City of Bay Village. There is no cost being borne by the residents.

Law Director Barbour commented in regard to the right-of-way to be acquired. He stated that they have completely resolved the issues with two of the four abutting property owners. The third resident has given a right of entry and the City can negotiate further with them with no timeline of constraint to reach an agreement about the value of the property and restoration. The fourth resident has not agreed yet with the offer, and has not agreed to give a right-of-entry. It is hopeful that this will occur between now and Friday, September 28, the day that the court action would be filed to maintain the schedule with the Ohio Department of Transportation. Since this is the only Council meeting available before Friday, September 28, Council will hopefully adopt the resolution this evening so everything is in place.

FINANCE & CLAIMS COMMITTEE-Tadych

Amended Appropriation Ordinance.

Mr. Tadych will introduce an amended appropriation ordinance at the Special Meeting of Council this evening to pay the property owners for the easements necessary for the construction of the Queenswood Bridge. The appropriate fund will be increased by approximately $7,000 to $91,280 from the current balance of $84,200.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Mr. Winzig was excused from attendance this evening.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Ms. Maier had no report this evening.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Deer Management Plan.
Committee Meeting of Council  
September 24, 2018

Mr. Mace welcomed back from vacation Police Chief Spaetzel who is prepared to report on the results of the Deer Survey completed recently by residents. Members of Council were provided with a copy of the survey this evening.

Police Chief Spaetzel stated that the survey was initially sent out in 2017, and repeated in 2018. Public meetings were held regarding deer, and last year ordinances were adopted dealing with deer management which included provisions regarding culling by professionals and bow hunting restrictions. Based on those ordinances, Chief Spaetzel completed a deer management plan that was submitted to and approved by the Ohio Department of Natural Resources.

Chief Spaetzel stated that he has been in contact with the City of Avon Lake and they would like to continue the deer culling operations at Walker Road Park. In addition, they would like to continue to do the aerial survey of the deer population, partnering with the United States Department of Agriculture for a more accurate count. Avon Lake has offered partnership with Bay Village in that aerial survey.

Discussion has been held with the Metroparks. They have agreed to look at culling deer in Huntington Reservation in conjunction with Bay Village conducting a similar culling operation in the area. The Metroparks have experienced extensive deer damage within Huntington Reservation.

Final touches are being put on bow-hunting regulations. Procedures are being finalized to address bow hunting if an individual resident has 2 plus continuous acres, subject to safety concerns.

In October, Chief Spaetzel will begin looking at additional deer behavior and management awareness education. There is a link to access this program on the first page of the Police Department website, but the Police Department would like to get more information out and address misconceptions. Part of the deer education and awareness is driven directly from the survey that has been conducted. The comments in the comment section of the survey are very insightful, and the Chief thanked the residents for participating. There have been 140 respondents thus far, and the percentages and the answers that were received last year and this year are almost identical. Chief Spaetzel stated that there is a need to educate the residents better. There are many misconceptions about deer and deer control. One of those misconceptions is that deer are abundant now because we are building on lands that used to house them. That is not the case. The reason we have over abundance now is we have provided basically a smorgasbord of food for them, very high quality food, very available, and they have no predators whatsoever, other than our vehicles. Their population has increased because of that, not because we have torn down their lands and they moved into Bay Village.

Chief Spaetzel advised that many people are not aware of the City of Bay Village Ordinance No. 505.29 that prohibits the feeding of deer. By reading the comments in the survey, feeding of deer seems to be very prevalent. If people call the Police Department when they see it is happening they will deal with violation. There is plenty to eat out there; there is no need to feed deer, they will not starve. Many of the comments asked why the City isn’t doing anything about this, so, we need again to do a better job of educating the public.
Committee Meeting of Council  
September 24, 2018

For those who do not want any type of lethal control, the question is why birth control methods and relocation of the deer cannot be used. The Chief stated that those are things the City is unable to do at this point, and we need to address and educate the public as to the reason.

Seventy percent of survey responders say the population is increasing in the City and their neighborhood over the last five years. Sixty-five percent would like to see a decrease in the deer. Sixty-two percent would like to see the City do more to manage deer. Nearly seventy percent have seen deer in their yard in the last thirty days. The most common deer issue is landscape damage, followed by thirty-two percent hit or almost hit a deer with their vehicle. Eighty-three percent have concerns about deer-vehicle traffic accidents, which is an increase from the last survey. The most common way people are deer proofing their property is with the use of repellants, which some say it works and some say it doesn’t work.

Regarding lethal control, forty-six percent feel sharp shooting is the way to proceed, thirty-nine percent favor bow hunting, and thirty-four percent want to see no lethal control whatsoever.

Seventy-six percent of responders say they have not reported their deer issues to anyone. When looking at City statistics it must be kept in mind that those statistics are only about twenty-five percent of what is happening out there. A majority of the people do not report things to the Police. The Police Department has been tracking deer calls since 2010. In those last eight years they have seen a steady increase from year to year. There was a slight decline in 2016, a slight increase in 2017, and to date this year, it is low, but the running season is yet to come. Those numbers tend to be a little higher in the fall and will probably bring back the normal average.

The Service Department has provided statistics as well. Year-to-date they have picked up forty-four dead deer, which will probably be a slight increase from previous years.

It is hoped to have procedures in place this winter for those who might be interested in bow hunting. Chief Spaetzel stated that he has an appointment with the Ohio Department of Agriculture to come out and survey areas where culling might be done on City property. This will happen the first or second week of October. If we wish to proceed with the U.S. Department of Agriculture for sharpshooting and culling, a contract will need to be entered into by the City of Bay Village with the U.S. Department of Agriculture. The City of Avon Lake currently has a contract with them, and have been doing that for several years. Chief Spaetzel stated that it would be best to let the Department of Agriculture handle the culling for the first year, and then consider the City culling in the future. The idea is to build the aerial survey and the deer culling operations through the U.S. Department of Agriculture into the City budget for 2019.

Mrs. DeGeorge asked the response from the Police Department when they receive a call from a resident reporting that their neighbor is feeding the deer. Chief Spaetzel stated that the Police will go out and check to see if it is accurate. The ordinance stipulates that the first offense is a warning. Subsequent complaints will result in a citation. The ordinance is specific. If a property owner is feeding their dog and the deer is coming to feed from that bowl that is not feeding the deer. If a resident is purposely putting out feed, even if it is intended for some other animal but the deer are naturally coming in to feed, that is feeding the deer. The Police would take action on that.
Chief Spaetzel stated that a lot of comments referred to deer feces in yards. When people are feeding deer next to your home, you are naturally going to have that problem in your yard.

Mr. Clark stated that the comment about the Metroparks is interesting. He asked if this is a change in their response from the past. Chief Spaetzel stated that the Metroparks does culling operations in many of their parks. One of the reasons they were not doing it in the Huntington Reservation is because Huntington is surrounded by Bay Village. If Bay Village is not going to do anything for deer control it makes no sense to do culling in their small slice of property and just have all the deer come back in. By the fact that Bay Village is willing to do culling operations, they are willing to do it as well to have it more of a cohesive plan.

Mayor Koomar stated that last fall the City reached out to them to start discussions regarding deer culling. Part of what they wanted to see is a comprehensive deer management plan. As we move through the process with the ordinances last December and Chief Spaetzel continuing his good work with the Ohio Department of Natural Resources, the dialogue has been kept open. Chief Spaetzel commented that they met with the Metroparks personnel directly on two occasions. On the last occasion they agreed to move forward. For efficiency purposes, the City and the Metroparks will try to coordinate the culling operations on the same day.

Mr. Clark asked when the aerial survey will be done. Chief Spaetzel stated that it is typically done in February or March. The ideal condition is snow-covered property, and the effort is done at the same time every year. Numbers have not been accurate in the past because of environmental factors. Mayor Koomar noted that Bay Village and Avon Lake share the cost for the aircraft, but use someone from the Avon Lake Service Department to count. There will be a change in tactic and the counter will be someone from the U.S. Department of Agriculture. The real purpose of the aerial account is to have a number moving forward so that as the deer management plan analysis is continued progress can be tracked. With survey results, the number of deer vehicle accidents and the aerial survey, the effectiveness of the management plan can be measured.

Mr. Mace asked Chief Spaetzel if he has any ideas for the educational component for the community. Chief Spaetzel stated that they have many ideas. They will use social media as much as possible. The only other option outside of social media and having literature available is to do another public meeting. In today’s age, many people want to be able to take in the information and digest it at their own rate. In addition to social media, they will use the Mayor’s email blast. Survey results will be posted on the website.

Mrs. Stainbrook complimented the Police Chief and Fire Chief on the great job their departments are doing with social media. The information is helpful, informative, and positive.

**MISCELLANEOUS**

Ms. DeGeorge stated that she had a resident credit the quick response time of the emergency medical team for saving her son from the “widow-maker.” The family is very appreciative for
Committee Meeting of Council
September 24, 2018

the medical squad and the treatment they received during that stressful time in their life. Fire Chief Lyons will pass on the message to the Fire Department personnel.

Mr. Clark stated that the DOPWIC application for the Sunset Project was submitted last week. He asked Mayor Koomar for his comments. Mayor Koomar stated that he would give credit to Kathryn Kerber, Administrative Project Leader, Director of Public Service and Properties Jon Liskovec, and his team including Curtis Krakowski and personnel of the sewer team putting together information for the DOPWIC application. It was submitted last Thursday, September 20, 2018 and there have been active discussions with the personnel at the County on where the City would score the best. There were two options, and the loan option was chosen thinking there will be a realistic chance of securing low-interest funding that City Council can look at in terms of how we will move forward and the allocation between the City and the residents.

Mr. Clark commented that from that standpoint we look at the difference between zero interest and 3.5% to 4.0% over a number of years. The cost savings is significant. We are talking of ways to still treat the reasons equitably if we score well and come through with some dollars.

Mayor Koomar also expressed appreciation to Councilwoman Maier. With her grant background, she was able to review the drafts and that was very helpful to Kathryn Kerber.

Mr. Mace stated that he noticed that the Board of Zoning Appeals has fence applications on their docket for the October 4, 2018 meeting. He asked Law Director Barbour if he sees the fence ordinance as something that might be taken up by a Council committee.

Mr. Barbour stated that the one fence is requested by a group home because of the condition of one of their residents. The Board has requested that Mr. Barbour review that application to see whether or not any federal laws apply, specifically the Fair Housing Act. The other application is at 29009 Wolf Road. It had been tabled to see if the property owner could resubmit his design to see if the Board can accommodate what he needs within the current ordinance.

There being no further discussion, the meeting adjourned at 8:20 p.m.

__________________________________   ______________ ________________
Dwight A. Clark, President of Council          Joan Kemper, Clerk of Council
Joan Kemper

From: Sue Kohl
Sent: Friday, September 28, 2018 11:47 AM
To: Agendas
Subject: Judge Brian Hagan

Joan,

Rocky River Court Judge Brian Hagan will be coming to the Oct. 8th City Council meeting to talk about Issue 1. Jeff Capretto from WEB will also be attending that meeting as well. Not sure if he will be speaking or not. Judge Hagan will be here at 7:30 p.m. Please add him to the agenda.

Thank you.

Best Regards,

Sue Kohl
Administrative Assistant to Mayor Koomar
City of Bay Village
(440) 899-3416
Issue 1
To Reduce Penalties for Crimes of Obtaining, Possessing, and Using Illegal Drugs

Proposed Constitutional Amendment
Proposed by Initiative Petition

To add a new Section 12 to Article XV of the Constitution of the State of Ohio

A majority yes vote is necessary for the amendment to pass.

If adopted, the amendment would:
• Require sentence reductions of incarcerated individuals, except individuals incarcerated for murder, rape, or child molestation, by up to 25% if the individual participates in rehabilitative, work, or educational programming.
• Mandate that criminal offenses of obtaining, possessing, or using any drug such as fentanyl, heroin, methamphetamine, cocaine, LSD, and other controlled substances cannot be classified as a felony, but only a misdemeanor.
• Prohibit jail time as a sentence for obtaining, possessing, or using such drugs until an individual’s third offense within 24 months.
• Allow an individual convicted of obtaining, possessing, or using any such drug prior to the effective date of the amendment to ask a court to reduce the conviction to a misdemeanor, regardless of whether the individual has completed the sentence.
• Require any available funding, based on projected savings, to be applied to state-administered rehabilitation programs and crime victim funds.
• Require a graduated series of responses, such as community service, drug treatment, or jail time, for minor, non-criminal probation violations.

SHALL THE AMENDMENT BE APPROVED?
To Whom It May Concern:

The Ohio Task Force Commanders Association (OTFCA), an organization comprised of the commanding officers of Ohio’s Multi-jurisdictional Drug Task Forces, and as such, the members of this organization have been working tirelessly to protect the citizens of Ohio from each and every drug-related threat that has emerged. From the Crack Cocaine of the 1980’s and 1990’s through the introduction and subsequent widespread diversion and abuse of Oxycodeone based prescription pain medications of the 2000’s. From the Heroin explosion of the early 2010’s to the present-day Synthetic Opiate, Cocaine, and Methamphetamine epidemic. During these times, the dedicated drug enforcement officers of this great state have done more work with shrinking budgets and manpower, worked tirelessly to come up with alternative methods to combat the drug problem, and collaborated with judges overseeing specialty dockets like drug court, a proven program with successful results, as well as other treatment and prevention programs. Our officers have pioneered programs to introduce Nasal Naloxone (NARCAN) in hopes of saving lives of Opiate overdose victims as well as forming quick response team programs to work jointly with treatment personnel to contact overdose victims.

Through the years, Ohio has faced many drug-related threats; but NONE so great as the threat that Ohio Issue 1 poses this fall.

The proposed amendment to the Ohio Constitution would make the possession of ANY AMOUNT of narcotics a Misdemeanor offense, punishable with less sanctions than driving without a license. That’s right, a drug violator could conceivably be caught with a tractor trailer full of Cocaine, Heroin, or Fentanyl and COULD NOT be sentenced to one day in jail if convicted, unless of course the violator just happened to be driving without a valid license, then he or she could be sentenced to up to 180 days in jail.

Mailing Address:  Lorain County Sheriff’s Office 9896 Murray Ridge Rd. Elyria, Ohio 44035
Attention: D Cavanaugh
Ohio Task Force Commanders Association

www.otfca.net

This outlandish proposed amendment to the Constitution of this great state also prohibits a presiding judge from imposing any incarceration for a person convicted of a drug possession crime until after the third offense as well as prohibiting incarceration for violations of any community control sanction imposed.

The backers of State Issue 1 advertise this amendment as a way to reduce prison populations and provide treatment for minor drug offenders; however, the actual wording of the amendment language forces the reclassification of ALL drug possession offenses, not just minor ones.

The full text of this section is cited below:

(D) Reclassification of Certain Non-Serious, Non-Violent Drug Offenses.

“With respect to state laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense, in no case shall any offense be classified higher than a misdemeanor. The misdemeanor classification may be a general classification or a special classification for the offense. The sanctions authorized may not exceed those of a first-degree misdemeanor, and, for an individual’s first or second conviction within a twenty-four month period, the sanctions shall not exceed probation. In an individual has more than two convictions within a twenty-four month period, then sanctions may include jail time or probation in lieu of jail time.”

Current Ohio sentencing guidelines already provide for a presumption of probation for low level (Felony 4 and Felony 5) drug violators. Mandatory prison sentences are not even a possibility until a Felony 2 level offense. For comparison, Felonious Assault (shooting or stabbing someone) is a Felony of the 2nd degree.

Current inmate statistics provided by the Ohio Department of Corrections shows that there are 49,512 persons incarcerated in Ohio’s prisons. Of those, 7,370, or 14.89%, are for drug related offenses. Breaking that down further, 2,688 (5.43%) are incarcerated for DRUG ABUSE offenses. That represents 0.0000023% of Ohio’s 11.69 million residents.
Ohio Task Force Commanders Association
www.otfca.net

Passage of this measure will have devastating implications on 100% of Ohio’s population by taking away the ability of Ohio’s judicial system to tailor sentences to drug law violators to the individual needs of the violator and in turn, setting back, if not completely erasing, any progress that has been made by evidence-based programs such as drug court and other specialty dockets.

It is for these reasons and many more that I ask that you join the members of the Ohio Task Force Commanders Association and others in opposing State Issue 1 and voting NO in November to help save our State.

Sincerely,

Jeff Solic
President, OTFCA
Mahoning Valley Law Enforcement Task Force
jsolic@mvletf.com

Mailing Address: Lorain County Sheriff’s Office 9896 Murray Ridge Rd. Elyria, Ohio 44035
Attention: D Cavanaugh
RESOLUTION NO. 17-101
INTRODUCED BY: Mrs. Lieske

A RESOLUTION

AUTHORIZING THE FILING AND ACCEPTANCE OF A COASTAL MANAGEMENT ASSISTANCE GRANTS THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village desires financial assistance under the Coast Management Assistance Grants Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio;

SECTION 1. That this Council hereby authorizes the filing of an application for Coastal Management Assistance Grants financial assistance.

SECTION 2. That the Mayor is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

SECTION 3. That the City of Bay Village does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Coastal Management Assistance Grants Program.

SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 5. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: December 11, 2017

VICE PRESIDENT OF COUNCIL

CLERK OF COUNCIL
Environmental Protection
Improving Quality of Life | Reducing the Spread of Disease

- Acted on **1,000** reports of animal bites and potential rabies exposure
- Administered the state’s Smoke Free Workplace Law in Cuyahoga, Geauga, and Portage counties
- Conducted **5,500** storm water outfall assessments and provided source tracking services and storm water education in **54** communities to assist communities in meeting state mandates to reduce illicit discharges
- Inspected **14,500** food operations, pools, beaches, and tattoo/body piercing businesses
- Required the replacement or elimination of more than **2,500** outdated septic systems since 2010, improving water quality and protecting Lake Erie
- Responded to an average of **900** nuisance complaints related to rodents, bed bugs, cockroaches and unsanitary conditions
- Treated **20,000** catch basins in order to reduce the risk for West Nile Virus and other mosquito-borne diseases

Personal Health
Promoting Prevention | Responding Rapidly

- Served **5,000** patients across four community clinics by providing immunizations, sexual health services, counseling for international travel, and education
- Administered the Ryan White Part A Program which affords services for **3,100** people living with HIV/AIDS in northeast Ohio
  - Reports of new HIV cases have gone down by **19%**
- Connected **300** uninsured women with services for breast and cervical cancer
- Distributed **1,100** naloxone kits to first responders, including local police and fire departments, to prevent opioid overdoses
**Families & Children**
Improving Health | Protecting Those in Need

- Utilized grant funding to address lead poisoning hazards in more than 2,000 homes, contributing to a 92% reduction in local childhood lead poisoning over the past 20 years
- Provided dental sealant services to 600 elementary-age students in 11 school districts
- Assisted 120 childcare sites in addressing obesity, reaching 6,700 children five years old and younger
- Distributed free cribs to 1,025 families in support of preventing sleep-related infant deaths
- Delivered newborn home-visiting services to 1,500 at-risk families, connecting them with essential services and education
- Provided comprehensive teen pregnancy prevention education to 5,400 students in local middle and high schools

**Tracking & Preventing Illness & Disease**
Raising Awareness | Providing Information & Education

- Responded to 2,800 cases of communicable disease to detect and respond to outbreaks
- Investigated 30 illness outbreaks
- Created reports to monitor cancer, childhood lead poisoning, influenza, and a range of maternal and child health issues

**Community Partnerships**
Working Together | Making a Difference

- Co-chair of the Cuyahoga/Cleveland Ohio Equity Institute to prevent infant mortality
- Steering Committee member of the First Year Cleveland infant mortality initiative
- Coordinator of the Cuyahoga County Bed Bug Task Force
- Facilitator of the Cuyahoga County Opiate Task Force
- Host site for a Project DAWN walk-in naloxone clinic
- Founding member of the Health Improvement Partnership - Cuyahoga
- Collaborate with local police and fire, hospitals, service agencies and municipalities to ensure proper response in a public health emergency