



AGENDA
CUYAHOGA COUNTY EDUCATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE MEETING
WEDNESDAY, MAY 1, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. APPROVAL OF MINUTES FROM THE APRIL 17, 2019 MEETING

5. MATTERS REFERRED TO COMMITTEE

- a) O2019-0005: An Ordinance enacting Chapter 1304 of the Cuyahoga County Code to implement a Disposable Bag Ban.

6. MISCELLANEOUS BUSINESS

7. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

**CUYAHOGA COUNTY EDUCATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE MEETING
WEDNESDAY, APRIL 17, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM**

1. CALL TO ORDER

Chairwoman Simon called the meeting to order at 3:01 p.m.

2. ROLL CALL

Ms. Simon asked Deputy Clerk Carter to call the roll. Committee members Simon, Brown and Brady were in attendance and a quorum was determined. Committee members Jones and Stephens were absent from the meeting. Councilmember Miller was also in attendance.

3. PUBLIC COMMENT

The following individuals addressed the Committee regarding Ordinance No. O2019-0005, an Ordinance enacting Chapter 1304 of the Cuyahoga County Code to implement a Disposable Bag Ban:

- a) Mr. Mark Dent**
- b) Ms. Justine Smith**
- c) Ms. Fran Mentch**
- d) Ms. Kathy Schaffer**
- e) Mr. Ed George**
- f) Mr. Brian Taylor**
- g) Mr. James Meardink**
- h) Ms. Constance Frederickson**

4. APPROVAL OF MINUTES FROM THE APRIL 17, 2019 MEETING

A motion was made by Ms. Brown, seconded by Mr. Brady and approved by unanimous vote to approve the minutes from the April 4, 2019 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) O2019-0005: An Ordinance enacting Chapter 1304 of the Cuyahoga County Code to implement a Disposable Bag Ban.

Mr. Michael King, Special Counsel, addressed the Committee regarding Ordinance No. O2019-0005. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. King pertaining to the item, which he answered accordingly.

There was no further legislative action taken on Ordinance No. O2019-0005.

- b) O2019-0006: An Ordinance amending Section 804.01(C)(1) of the Cuyahoga County Code to expand the list of eligible institutions of the Post-secondary College or University Scholarship Program from those located within Cuyahoga County to those located within the State of Ohio, and declaring the necessity that this Ordinance become immediately effective.

Mr. Robert Durham, Senior Director of Scholarship Services and Financial Aid for College Now Greater Cleveland; and Ms. Kittie Warshawsky, Chief External Affairs Officer of College Now Greater Cleveland, addressed the Committee regarding Ordinance No. O2019-0006. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Durham and Ms. Warshawsky pertaining to the item, which they answered accordingly.

On a motion by Ms. Simon with a second by Ms. Brown, Ordinance No. O2019-0006 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

Ms. Brown and Mr. Miller requested to have their names added as co-sponsors to the legislation.

6. MISCELLANEOUS BUSINESS

Ms. Simon announced that the next Education, Environment & Sustainability Committee meeting would be held on Wednesday, May 1, 2019 at 3:00 p.m.

7. ADJOURNMENT

With no further business to discuss, Chairwoman Simon adjourned the meeting at 3:35 p.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2019-0005

Sponsored by: Councilmembers Simon and Miller	An Ordinance enacting Chapter 1304 of the Cuyahoga County Code to implement a Disposable Bag Ban.
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WHEREAS, the precipitous increase in plastic production and plastic consumption over the past seventy years has resulted in approximately 269,000 tons of globally distributed plastic waste pollution, particularly in oceans, lakes, and other marine waterways; and,

WHEREAS, plastic waste is not bio-degradable and recycled plastic suffers from polymer degradation, limiting its useful life as a recyclable material, inevitably resulting in non-biodegradable microplastic particle pollution; and,

WHEREAS, discarded disposable bags are a major source of litter, pollute our open spaces, harm and kill wildlife, clog storm drains resulting in localized flooding, end up as debris in our neighborhoods and waterways, and contributes to blight; and,

WHEREAS, the pollution from disposable bags imposes external cleanup, removal and processing costs on our communities; and,

WHEREAS, Cuyahoga County Council has a compelling public interest in discouraging the wasteful use of disposable bags and mitigating the negative impact disposable bags have on our environment; and,

WHEREAS China has implemented its “National Sword” policy in which it no longer accepts twenty four types of recycled waste including disposable plastic bags, which has substantially diminished the economic viability of, and market for, the recycling of disposable plastic bags across the globe; and

WHEREAS, Cuyahoga County Council desires to combat the polluting effects of and accompanying blight caused by disposable bags on the environment of Cuyahoga County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 1304 of the Cuyahoga County Code is hereby enacted to read as follows:

CHAPTER 1304: Disposable Bag Ban

Section 1304.01: Definitions: The following definitions shall apply for purposes of Chapter 1304 of the County Code only:

(A) “Disposable Plastic Bag” means a bag made from either non-composable plastic or compostable plastic provided by a Retail Establishment to a customer at point of sale for the purpose of transporting purchased items. Disposable Plastic Bag does not include:

1. a bag the customer brought with them to the Retail Establishment,
2. a newspaper bag,
3. a bag provided by a pharmacist that contains a prescription drug,
4. a bag used to package a bulk item or to contain or wrap a perishable item such as meat, fish, produce, baked goods, or flowers,
5. a bag that a restaurant gives a customer to take prepared or leftover food or drink from the restaurant,
6. a bag intended for use as a dry cleaning, garbage, or yard waste bag,
7. pre-packaged bags used for the collection of pet waste,
8. Non-Permitted Paper Bags and Permitted Paper Bags, as defined in this Chapter,
9. Bags provided to the consumer for the purpose of transporting a partially consumed bottle of wine pursuant to Section 4301.62(E) of the Ohio Revised Code, or
10. a bag provided at curbside pickup or point of delivery.

(B) “Non-Permitted Paper Bag” means a paper bag provided by a Retail Establishment to a customer at a point of sale for the purpose of transporting goods, which does not meet the standard of a “Permitted Paper Bag.”

(C) “Permitted Paper Bag” means a paper bag provided by a Retail Establishment to a customer at the point of sale for the purpose of transporting goods, which meets both of the following requirements:

1. The bag is manufactured from at least 40% recycled content; and
2. The bag is 100% recyclable.

(D) “Retail Establishment” means any supermarket, convenience store, department store, store, shop, service station, or restaurant and any other sales outlets where a customer can buy goods and/or food.

(E) “Reusable Bag” means a bag that is specifically intended for multiple reuse and is made of cloth, fiber, or other machine washable fabric that is at least 2.25 millimeters thick and capable of carrying a minimum of 18 pounds with at least 75 uses per bag.

Section 1304.02: Disposable Bag Ban Imposed

(A) Commencing on October 1, 2019 no Disposable Plastic Bags or Non-Permitted Paper Bags shall be used within Cuyahoga County by any Retail Establishment. Retail Establishments shall offer only a Reusable Bag or a Permitted Paper Bag to a customer at the point of sale for the purpose of transporting goods.

(B) No Retail Establishment shall refuse to allow customers to bring with them and to use their own reusable bag or bags.

(C) Retail Establishments shall encourage customers to bring their own reusable bags and customers who bring their own reusable bags to the Retail Establishment will not be required to use the Retail Establishment’s Disposable Bags nor will they be charged a fee for the use of reusable bags.

Section 1304.03 Penalty

A Retail Establishment found to be in violation of this Chapter shall be subject to a written warning for the first violation, a civil fine of up to \$100 for a second violation, and a civil fine of up to \$500 for each subsequent violation. A separate violation shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Section 1304.04: Enforcement

This Chapter shall be enforced by the Cuyahoga County Department of Consumer Affairs. Any citation for violating this Chapter may be appealed by the Retail Establishment to The Cuyahoga County Debarment Review Board established under Section 205.06 of the Cuyahoga County Code. The Cuyahoga County Debarment Review Board may establish administrative rules and/or procedures to adjudicate any appeals described herein. A determination by the Debarment Review Board may be appealed to the Cuyahoga County Common Pleas Court pursuant to Section 2506 of the Ohio Revised Code.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date _____

County Executive Date _____

Clerk of Council Date _____

First Reading/Referred to Committee: April 9, 2019
Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 2019