

**SAFETY COMMITTEE MINUTES
JANUARY 17, 2017**

The Safety Committee meeting was held on January 17, 2017, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:11 p.m.

PRESENT: Committee Members: Chair Gary Petrusky, Vice Chair Dan Langshaw; **Council:** Larry Antoskiewicz, John Nickell, Paul Marnecheck, Dan Kasaris; **Administration:** Mayor Robert Stefanik, Law Director Thomas Kelly, Police Chief John Elek, Fire Chief Robert Chegan, Service Director Nick Cinquepalmi, Safety Director Bruce Campbell, Asst. Law Director Donna Vozar; **Other:** Lou Krzepina, Linda Neumann, Thomas Wasinski.

APPROVAL OF MINUTES

Moved by Mr. Langshaw, seconded by Mr. Petrusky to **approve the November 15, 2016 Safety Committee minutes**. Yeas: 2. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Deer hunting

Mr. Campbell reported that as of today 163 deer have been culled. Mr. Petrusky asked how many deer/vehicle accidents there have been. Mr. Campbell said for 2016 there were 219. Mr. Kasaris said that we had 25 accidents in 2005 and now we are up to 219. Are the accidents in the same locations and are any of these accidents in areas where the most deer were culled. Mr. Campbell said that he does not believe that they are tracking locations, but typically we saw a spike in accidents when the season opened up in October. Mr. Kasaris said that this is during the rut and the deer are on the move more. Mr. Campbell said that there was an increase in activity from the previous year at the same time due to the start of the hunting season. Mr. Kasaris asked if there have been more accidents in the locations where there has been hunting. Mr. Campbell said that these are stats we are not tracking. Mr. Kasaris said then that we don't know if there is a correlation between the hunting and the deer/vehicle accident increase. Mr. Campbell said based on the numbers from last year we are seeing a definite increase in movement. He said last year we had 138 deer/vehicle accidents. It was a significant increase and we saw the highest spike we have ever had in October since 2010. Mr. Kasaris asked what the spike was in October. Mr. Campbell said that it was 31 vs. 23 the year before. Mr. Petrusky asked if there were any problems with the program. Chief Elek said that we had one incident where there was a trespassing complaint. We suspended the hunters license for a month and he was charged with trespassing. Mr. Langshaw asked what the plans are for next season. Chief Elek said that we have already informed the hunters that after this season is over they can start the application process. He said that since we have a longer application period we are hopeful that we will have more interested hunters. Mr. Petrusky said that we limited the number of licenses this year because it was the first year and we were unsure of what to expect. He asked if we are going to place a limit on it again. Chief Elek said that they are going to take a wait and see approach. Mrs. Vozar stated that there are deer damage control permits that the ODNR will issue outside of hunting season, so we will still be issuing permits for this. Mr. Antoskiewicz said that at one point Ward 1 had the heaviest concentration of deer culled and asked if this has changed. Chief Elek said that Ward 1 has 74, Ward 6 has 37, Ward 5 has 22 and Ward 3 has 9. Mr. Marnecheck asked if current permit holders must reapply next year. Chief Elek said yes. Mr. Marnecheck asked if there is any instance of a hunter who received a permit that would not be eligible next year. Chief Elek said no.

NEW BUSINESS

1. Ordinance 17-02 – Chapter 650 Unmanned Aircraft Systems

Mr. Langshaw said that he is the one that introduced this legislation. He said that it is a work in progress and the Law Department is continuing to look into this. He said that he provided some additional information for Council on this topic. A copy of these documents are attached to these minutes. This information shows what other areas in northeast Ohio are doing with this issue. He said that this legislation is not yet ready to be put to a vote, but this is something that a resident brought to his attention. He said that we may not have any police reports or violations, but it was brought to his attention and got on his

radar because drones are growing in popularity. He said that he acknowledges that this is not a problem in North Royalton, but he said that he is looking at having something basic in our code to address personal privacy and safety. He understands that the FAA does regulate these devices but there are exemptions so local governments can create their own regulations where local laws take precedent over federal laws when it comes to land use, zoning, privacy, trespassing and law enforcement operations. He said that there was a 9th U.S. Circuit Court decision that helps reaffirm this. Mr. Kasaris asked what the goal is of this legislation. Mr. Langshaw said the biggest thing is personal privacy. He said that if a drone is flown over someone's property other than the drone owner causing a nuisance then the police will be called and they won't have any guidance as to what to do. Mr. Kasaris said that an individual does not have a reasonable expectation of privacy when they are outside. This is one of the issues he has with the legislation. He said that the language contained in the legislation which reads: *"for the purpose of this section a person is presumed to have a reasonable expectation of privacy on his or her private property if he or she is not observable to persons located at ground level in a place where they otherwise have a legal right to be..."* is a false premise. The US Supreme Court has ruled at least 3-4 times that a person does not have a reasonable expectation of privacy in their back yard when they are outside. Discussion ensued regarding Google Maps and their use of satellites to photograph properties. Mr. Kasaris said that he also has an issue with the requirement for the police department to get a search warrant, with a couple of exceptions, and if they don't get a search warrant they are in violation of this code. So for example if the Cuyahoga County Sheriff's Department flies a drone over a home in North Royalton and does not first obtain a search warrant, this behavior is now criminalized under this legislation. Mr. Langshaw said that the Law Department can address this issue. Mr. Kasaris said that another problem he sees is that we have more than one public entity in North Royalton. There is the Metroparks, the Turnpike Commission, the school district and the municipality. The Ordinance states that *"...no person shall operate an unmanned aircraft system in the airspace above or adjacent to any public park, school, municipal building, or any property owned or used by the city, the school district, any provider of public utilities or any other public entity."* Mr. Kasaris asked if this means that the streets which are owned by the city are included. He asked if a 15 year old flies a drone in his front yard and it flies over the street, is this an offense? He asked if the Turnpike Commission wants to use a drone to look at where it is going to put up a wall, or where it's going to do drainage work, etc. do they have to go to the Safety Director and get approval before they can fly a drone on their own property. Mr. Kasaris asked if the same would be applied to the Metroparks. Mr. Kelly said that this is a draft. Mr. Kasaris said that he wished it wasn't already on the agenda and rather that it was handed out as a draft. Mr. Kelly said that it is the Law Department's responsibility to respond to a Councilman's request. Mr. Langshaw requested it, we put it together as a draft. He said that he has reached out to the FAA regionally and nationally and expects to hear from them soon. He expects that they will tell him what we all know which is that our ability to regulate any of these items is very, very narrow and raises the questions if it is desirable to do it at all. This is not for the Law Department to answer, that is a policy question for Council to answer. He agreed with the statement Mr. Kasaris made earlier that there is no reasonable expectation of privacy outside in your own backyard. However, these unmanned aircraft systems are able to carry cameras and those cameras can be pointed into a window. At some point there is a reasonable expectation of privacy that rises to the fore. The other argument is that we already have a voyeurism ordinance that prohibits this. The same issue was raised with cell phone usage while driving in that we already had a full time and attention statute in the code. He said that with each new advance in technology comes the imperative to attempt to regulate that which we may not necessarily need to regulate. He understands both sides of the argument and he will take this legislation back and rework it. Mr. Kasaris said that we have only had 4 complaints since 2012 from residents. We have had no complaints on use of drones on public property. Mr. Langshaw said that all members of Council have the right to introduce legislation and he respects this right. He said Mr. Kasaris is a lawyer and challenged him to make the legislation better. Mr. Nickell said that he understands the privacy concerns but feels that the voyeurism ordinance would address this. He said that kids fly kites and they do so in large areas like public parks and school playgrounds so he has a problem with restricting drone use in the public parks. He said that a lot of construction companies use these now and fly them over the construction site to take photos of the project in progress. He said that there is nothing wrong with discussing this but he is not ready yet to regulate it and he does not want to be so restrictive that it might hurt us in the long run. He said he does not have a problem with the possibility of pharmacies using drones to deliver medications to

shut ins, etc. There can be some good things, and Mr. Langshaw's point of recognizing that there can be bad things too is also something to be looked at. Mr. Petrusky asked about the people who fly model planes and helicopters. Would someone be in violation because these too are unmanned aircraft. He has a problem with the definition of unmanned aircraft as written in this legislation. Mr. Antoskiewicz felt that at this point we have a couple different issues. Right now there does not seem to be a lot of support for this legislation by the members of Council. This legislation is in committee and it appears that the committee wants more information and to possibly amend the legislation. He said that he does not like to over legislate and wants to keep as many freedoms for the residents as possible, and in many cases we have laws already on the books that umbrella a lot of these concerns. Mr. Antoskiewicz said that he understands that Mr. Langshaw wants to be at the forefront of this, but he has learned in his years on Council that sometimes the communities that act first are the ones that wind up with lawsuits. We saw that in Broadview Hts. with the deer issue years ago because they jumped the gun before understanding what they could and could not do. He said that the FAA is very involved in this and as the popularity of these devices increases, he is sure that the FAA will become even more involved on the regulatory side of this. He said that at this point he does not see this as being a major issue in the city. Mr. Langshaw said that some good points have been raised here tonight and asked that we keep this issue in committee and have the Law Department research whether or not there are items in our current code that would provide protection for some of the concerns that he has. He said that if this is found, he would feel comfortable withdrawing the legislation.

Thomas Wasinski addressed the committee. He said that he is very involved in the drone industry and started a business about 4 years ago. He said that it has grown by leaps and bounds and is mostly used for commercial enterprises. He said that the FAA is responsible for regulating air space. He said that all drones must be registered with the FAA and if they are not they can be confiscated by law enforcement. He said that regarding the use in public parks, a lot of districts designate them for drone use. He said that they are great venues in which to practice this type of technology. He said that in the last 4 years the FAA has come a long way in making this a feasible activity. Mr. Nickell asked what ways his companies are utilizing drones. Mr. Wasinski said that for example he can provide a topographical map for any construction site within one day. Mr. Marnecheck asked how high the drones fly. Mr. Wasinski said 100 feet and under in most cases. Mr. Wasinski stated that the FAA has said on several occasions that they expect the drone industry to police ourselves. If we see that someone is acting recklessly he is going to report this to the proper authorities. Chief Elek asked if Mr. Wasinski is certified by the FAA as a pilot to operate this equipment. Mr. Wasinski said yes, he is an FAA Certified Remote Pilot. This means that he is able to fly the drones for commercial purposes and charge clients. Someone who goes to Best Buy and uses one right out of the box is not allowed to charge money. That is the line between commercial and hobbyist. Chief Elek is concerned more about the injuries that could be caused if someone is struck by one of these hobbyist crafts due to the rotating blades. Mr. Langshaw asked if it is correct to say that we will continue to see increased use of both commercial and hobbyist drones. Mr. Wasinski said yes. They are available everywhere and are becoming more affordable. He said that he has flown over 8,000 flights and has never had a drone just drop out of the sky. He said many are GPS enabled so once you put a drone in the air it hovers with GPS headlights waiting for its next command. If the battery life is down to 20%, it will come back and land from the exact same spot from which it took off.

Sean McCarthy addressed the committee. He said that both he and his brother own drones. He said that he has not heard of drones posing any type of risk to schools, etc. He said he had to register his with the FAA and had to read through the entire rule book which includes what you can and cannot do.

MISCELLANEOUS

Karen Kirsch from First Energy addressed the committee. She said that last year they had made a commitment to install a sidewalk in front of their substation on Ridge Road. She said that she knows that the city was waiting for the Metroparks to finish the all-purpose trail and asked for an update on the timeframe for this. She said that they are hopeful of getting this done during the second quarter of 2017. She said that they have learned some lessons from Hurricane Sandy and had a tough time trying to prioritize which circuits to restore first. She said that they dug deep and started putting together a list of

what they call critical facilities and that includes police and fire stations, nursing homes, hospitals, pump stations, emergency shelters and schools. She said that they put this all into a data base and attached it to circuits so now they can pull a report if there is a major event and see how many critical facilities are on any circuit and we will be able to prioritize those for quicker restoration. She said that she has a list that is a few years old and would like to have some fresh eyes on this because she is sure that things have changed. She asked the Mayor to assign this to a person or department for updating. Ms. Kirsch said that she also has some first responder safety tips brochures that she will give to the Police Chief and she sent a link to the Police Department for some online videos for officer training. She said that they also provide in person training if preferred. Mayor Stefanik said that the Police Department has done a survey throughout the city of the street lights that need attention and they have forwarded this list to First Energy today. Mr. Nickell asked how this process works and if they work under a certain time frame. Ms. Kirsch said that it depends on how many lights need attention. If they get a report of 80 lights at once, they can't get them all done immediately. She also said that residents can report a street light problem by using their online reporting. They need to provide an address or if it is a wooden pole, they need the 6 six digit pole number. She said that they are usually fixed within 48 hours if it is just a bulb or a sensor. If there is a wiring problem or something more serious, it could take a few weeks.

ADJOURNMENT

Moved by Mr. Petrusky, seconded by Mr. Langshaw **to adjourn the January 17, 2017 meeting.** Yeas: 2.
Nays: 0. **Motion carried.**

Meeting adjourned at 7:57 p.m.