

SAFETY COMMITTEE MINUTES
APRIL 19, 2016

The Safety Committee meeting was held on April 19, 2016, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:01 p.m.

PRESENT: Committee Members: Chair Gary Petrusky, Vice Chair Dan Langshaw, Steve Muller; Council: Larry Antoskiewicz, John Nickell, Paul Marnecheck, Dan Kasaris; Administration: Mayor Robert Stefanik, Law Director Thomas Kelly, Police Chief John Elek Assistant Law Director Donna Vozar; Other: Louis Krzepina, Don Harris, Sean Ekey, Paul Ekey, Matt Knight, Evan Breyley.

APPROVAL OF MINUTES

Moved by Mr. Langshaw, seconded by Mr. Muller to **approve the March 15, 2016 Safety Committee minutes**. Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Oil and Gas Appeal Update

Mr. Kelly reported that on March 31, 2016 he argued in front of the Court of Appeals in the 10th Appellate District. He said it was apparent to him that the judges were familiar with the briefs and they were obviously concerned about the issues that had been previously raised by both the Oil and Gas Commission and the trial court. He said that their questions focused very heavily on the issues of safety that had been previously raised by the Mayor and President of Council in their testimony. He said that we have no way of knowing what they will decide or when. He said that he does however expect a definitive response before the end of the year, and then it will be up to the respective parties whether or not to pursue this further to the Ohio Supreme Court. Mr. Marnecheck asked which judges were involved. Mr. Kelly said that presiding judge was Gary Tyack, Jennifer Brunner, he did not have the name of the third judge. He said that they concentrated their questions all on safety issues and they peppered the Assistant Attorney General very aggressively. He said that we are typically allowed 15 minutes per side and the argument went on for fully 45-50 minutes which is unusual. Mr. Marnecheck asked if there is any practical time limit or deadline. Mr. Kelly said no, they have no time limit. They are the determiners of their own response time and it typically takes anywhere from 3-7 months, sometimes longer. Mr. Marnecheck asked if this would only apply in their Court of Appeals district or would this potentially be a state wide ruling. Mr. Kelly said that he is unsure. Because the Attorney General's office determined to take this up on appeal, they risk the possibility that what ever comes out of this may apply state wide because all of the administrative appeals from administrative agencies at the state level go to Franklin County Court of Appeals. Those judges effectively determine at that level what the rules are for all of the state agencies. Mr. Langshaw asked if it is still just the Ohio Attorney General's Office that is pushing the issue on behalf of the ODNR. Mr. Kelly said that this is correct, they are representing Chief Simmers and the chief is not pleased at the prospect of having to consider more issues than simply the question of money when it comes to determining what is just and equitable in a lease offer. Mr. Kelly said that he has spoken with both of the Assistant Attorney Generals after the fact and they both indicated to him that regardless of what comes out of this, they are hoping for some guidance from the court as to how the chief is supposed to apply the rule that the Oil and Gas Commission created.

NEW BUSINESS

No new business.

ADJOURNMENT

Moved by Mr. Langshaw, seconded by Mr. Muller to **adjourn the April 19, 2016 meeting**. Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 6:06 p.m.**