

**SAFETY COMMITTEE MINUTES
MAY 17, 2016**

The Safety Committee meeting was held on May 17, 2016, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:00 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, Fire Chief Robert Chegan, Safety Director Bruce Campbell; Other: Louis Krzepina, Matt Mraz, Lisa Uffman-Kirsch, Nick Carriero, Casey Wroblewski, Brandon Zakrajsek.

APPROVAL OF MINUTES

Moved by Mr. Langshaw, seconded by Mr. Muller to **approve the April 19, 2016 Safety Committee minutes.** Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Oil and Gas Appeal Update

Mayor Stefanik said that the decision came down today and the Court of Appeals in Franklin County ruled in favor of North Royalton. He said that is the third win in a row with this case. Mr. Kelly said that we are very pleased to report that we gave again succeeded in besting Cutter Oil and the State of Ohio. He said it is his understanding that we won on effectively all four alleged errors. He said that there is however a dissenting opinion from Judge Saddler so it was a 2 to 1 decision but it is still a win. He said Chief Simmers of the Oil and Gas Division may decide to direct his lawyers to petition the Supreme Court of Ohio to bring this case before them for its determination. He said that the State of Ohio does not have an appeal in this instance as a matter of right which means that the Supreme Court does not have to hear this case if it chooses not to do so. It may choose to hear the case on the basis of the fact that it is of a general nature and has significant interest on a state wide basis. He said that he has not yet had a chance to read the opinion that came in today, but as soon as he does he will be pleased to answer any questions Council may have. Mr. Antoskiewicz asked how long Chief Simmers has to file his appeal to the Supreme Court. Mr. Kelly said that he would need to look at the rules; this is not something that occurs often. He said generally it is a 30 day time frame. Mr. Antoskiewicz congratulated the Law Department on a job well done. Mr. Kelly said it now is a matter of precedent. If they had let this go at either at the division of the commission level or at the common pleas level, it would have served only our purpose and none other. Now it serves the purposes of many municipal corporations and governmental entities throughout the entire state and on this basis alone, the Supreme Court just might take this case. Mr. Kasaris said that the process is first you argue about whether or not the court is going to take it, and then if they decide to take it, your argue whether or not the lower court was correct. Mr. Kelly said yes, this is the process. It is a two phase effort. Mr. Langshaw also thanked the Law Department on their efforts in this matter. He said that the General Assembly is to blame for not addressing the issue of safety and unfortunately it is up to the courts to decide. Mr. Langshaw asked how the Supreme Court decides whether or not to take a case. Mr. Kelly said that all of the justices have the right to weigh in on whether they will or will not consider a given case that is coming to them other than as a matter of right. Mr. Langshaw asked if this were to go to the Supreme Court could other interested parties in the state file an amicus brief. Mr. Kelly said yes they certainly could.

NEW BUSINESS

1. Cuyahoga County Senior Center Innovation Grant

Mrs. Willey said that the Cuyahoga County Department of Health and Human Services, Division of Senior and Adult Services, offered a \$25,000 grant to 4 collaboratives within the county to develop innovative programming in their senior centers. The North Royalton Office on Aging joined with the cities of Brecksville, Broadview Hts., Independence and Seven Hills to form a collaborative called RIBBS. The collaborative's goal is to combine our resources in all 5 of these cities to improve quality of life and promote wellness and disease prevention, and to provide the tools necessary to help reduce chronic disease

in the senior population. Brecksville is the lead agency for the collaborative and has given each city a component of the project to work on with their particular senior center. In North Royalton, we will be working on the Healthy Eating and Active Living (HEAL) component. This will give older adults the knowledge and tools to manage chronic conditions, become more active and improve their overall diet. She said that they will be partnering with other agencies who have offered letters of support for this project and for our collaborative such as Metro Health, Parma UH, The Cleveland Clinic Foundation, the Cuyahoga County Board of Health and Fairhill Partners to help implement this program. She said that she attended a conference today which announced the winners of these grants, and she said that RIBBS was one of the 4 collaboratives out of the 10 that applied that received the \$25,000 award. Mrs. Willey said that all of the money will be going through Brecksville and we will be sending invoices to them for the program costs. She asked for support of the legislation on Council's agenda tonight for this program.

2. **Ordinance No. 16-83 and 16-84 – 618.125 Rules and Regulations for the issuance of Municipal Deer Damage Control permit/ 214.04 Permit fee**

Mr. Langshaw asked if there was a possibility of lowering the \$150.00 permit fee. He said that he has heard from residents that it is too high and should be lowered to at least \$100.00. Mayor Stefanik said that with all of the interest we have had so far, he does not see any reason to lower it. He said that this can be revisited once the program is up and running. This fee is not in place for us to make money, it is there to cover our administrative costs. Mr. Nickell said that he too has received calls about the fees. He asked if there are any other fees involved such as a state fee. Mayor Stefanik said that they have to get a state hunting license and they must be certified as an archer. This certification is \$8.00 at Gander Mountain. Mr. Antoskiewicz said that we have addressed this regionally with 6 other cities and each city is looking at passing the same legislation with the same fees. So at this point staying with what every other community is doing would be the right way to go. He said down the road each city may want to tweak the legislation based on their area and particular needs. Mr. Nickell said that he has had residents also comment on how much the deer damage is costing them, so some residents may actually save money. Mr. Antoskiewicz said that he believes that we are actually allowing for more deer per hunter. Mayor Stefanik said that the 6 cities would have to petition the ODNR to blanket the city with a nuisance permit during hunting season that would raise the bag limit from 4 to 10. He said that he believes that Broadview Hts. is doing this, but is unsure of the others. He said that the representatives from the 6 cities will be meeting in the fall to review how the program is proceeding and will continue to meet as a group 2 to 3 times per year to evaluate the process. He said that safety is the prime concern with this initiative. Mr. Kasaris asked what the season length will be. Mayor Stefanik said that archery season will be sometime in September to sometime in February. Then if anyone wants to hunt outside of that time will have to get a nuisance permit from the ODNR. Mr. Kasaris asked how many deer during this time period will a person be allowed to harvest. Mayor Stefanik said up to 4 or up to 10, depending on whether or not the city is blanketed with a nuisance permit. Without the nuisance permit, the limit in Cuyahoga County is 4. Mr. Kasaris said that the rules state that the applicant shall notify the neighbors that hunting will be occurring. He asked if it would be a good idea to require that proof of this notice be provided. Mayor Stefanik said that this will fall under the discretion of the Police Department. Each case will be handled on an individual basis. Mr. Kasaris said that he can see a problem where someone doesn't receive notice. Can we short cut this process and mandate that the applicant show proof that the neighbors have been properly notified. Chief Elek said that they are not worried about this as much in the southern end of town due to the wide open areas. In the northern area with more population, we would probably require notification either through mailing or posting of signs. Mr. Kasaris asked if we will require proof that the mailing actually went out. If we are putting a duty on the applicant to do this notification, shouldn't we also put the duty on them to prove that it was actually done. Chief Elek said that if we require these be sent by certified mail, this would be adding an additional cost to the applicant. Mr. Kasaris said that it doesn't have to be certified mail. It could be regular mail with receipt, or copies of the letters that were sent. Chief Elek said that they could require a copy of the letter be provided. Mr. Marnecheck asked why don't we just put language on the form that they sign stating that they have done this. Mr. Nickell said that he fears that letters being sent out might result in things such as protests due to social media notifications, etc. He suggested that we have a template letter that is used by all applicants. Regarding Mr. Marnecheck's comments, he agreed that signing a form stating you have done this is a good idea and is similar to stating that you have auto

insurance when you sign for your driver's license. Mr. Antoskiewicz said that the legislation states that many of these types of decisions are left up to the discretion of the Police Chief. He said they will look at each situation individually. They will look at Royal Valley differently than large acreage in the southern part of town. He said that he has confidence in the Chief and the department to look at each situation to make sure it is safe. Mr. Nickell agreed. Mr. Langshaw asked if someone failed to notify as required, could they be charged with the penalty described in the legislation, that being a minor misdemeanor. Mr. Kelly said that it would depend on the facts of each case. He said that he is not in a position to say that any given failure to comply with one or another section will result in citation, prosecution or conviction. He said that it is possible that this could occur and we certainly want the applicants to fully comply with all aspects of the regulations and the orders of the Police Chief. Mr. Langshaw also agreed that a template letter was a good idea and have it written somewhere that if they falsify this notification that there will be a penalty. He felt this would deter people from doing the wrong thing. Mr. Kelly said that we are going to do our best to leave all of these matters in the hands of the Police Chief, which is how this legislation was drafted to begin with. The legislation for all 6 municipal corporations is uniform and we would like to keep it this way. Mr. Kelly said that we need to let this play out as written. It is an experiment and the voters overwhelmingly approved it as an experiment. Mr. Petrusky said that legislation states "deer permits shall be an antlerless permit only. Subsequent permits may be issued for antler and antlerless unless otherwise noted on the permit." He said that he thought that when you buy a state permit, you either bought an antlerless permit or you bought a permit for antler and antlerless. He said that if we are only going to let them hunt with an antlerless permit, and then later on they get a permit for antlers, how are we going to make sure that the hunter has the correct state permit. Chief Elek said he is unsure of how this works. He said that cities were looking to allow only antlerless hunting to start. Mayor Stefanik said the Rules and Regulations state that you have to take at least one doe before you can take a buck. He said that the ODNR never said anything about rules or regulations about separate permits for bucks and does. Mr. Kelly said that there was no distinction made during the many conversations that were had with the ODNR. Mr. Petrusky asked what happens during deer "gun" season. Mayor Stefanik said that they will only be able to hunt if they get a nuisance permit from the ODNR during gun season. Chief Elek said that we will not be permitting any hunting with a gun regardless of the time of year. Mr. Nickell said that citing a resident with a misdemeanor for not sending a letter would rub the public the wrong way. Mayor Stefanik said that we have faith in our Police Department to handle this issue properly. Mr. Kasaris asked what a "check form" is. Chief Elek said that after you harvest a deer, the city wants to be notified so we can keep track and that is what this form will tell us. The ODNR will not notify us of the number of deer that were taken from North Royalton so we have to track this on our own. Mr. Kasaris said that it states that "all harvested deer must be timely reported to the ODNR website or by phone." He asked who is responsible for this reporting. Chief Elek said it is up to the hunter. Mr. Kasaris asked if there is language somewhere that states that this is the hunter's responsibility. Chief Elek said that this is part of their hunting license. Discussion on the state requirements regarding charges for deer tags was held. Mr. Kasaris asked how many properties can someone hunt on. Chief Elek said that you can list up to 3 properties on the permit.

Lisa Uffman-Kirsch, 3060 Wiltshire Road, addressed Council. She said that she is very pleased to see that there were some areas of important improvement between the first informational meeting and the legislation as proposed such as the boundary map, GPS of the stand, the notification of the adjacent landowners and the posting of hunting in progress. Regarding the notification letters, she suggested that rather than focusing on the penalty for not sending the letters, that the focus could be on the reason for potentially doing this in the first place. She said regarding this not being as necessary in the southern end of town, she said that as a resident in the southern end it is very important to her that she be aware of when people around her will be bow hunting. She also agrees that there should be some type of a method for people to attest to the fact that they have notified neighbors. She said that the question was asked at the information meeting held earlier that if there are 60 contiguous acres, does this mean that 12 permits could be issued. She says that this concerns her. She said that if this hasn't been addressed she would like someone to take a look at that. She also asked if there has been any discussion on distance from dwellings or structures considered. Mayor Stefanik said that this will all be up to the Police Chief. He said that we are going to keep it as far away from dwellings, buildings, playgrounds, etc. as possible. Chief Elek said that the State of Ohio hunting rules will cover this. He also said that all hunting stands will be inspected to

ensure that it is a safe location. Mrs. Uffman-Kirsch said that the legislation refers to an approved archery test site. She asked who approves the test site and what is this approval based on. Mayor Stefanik said that we are suggesting that people go to Gander Mountain. They have testing site at their locations in Macedonia and Avon. They do the test for \$8.00. However an individual can go to any ODNR approved testing site. She asked if this passes in all 6 cities, are we going to be asking the ODNR for a blanket deer damage control permit for all 6 communities. Mayor Stefanik said it will be up to each city to ask the ODNR to do this for their specific city. Mrs. Uffman-Kirsch said then that theoretically there could be 6 different blanket permits which means then that the applicants for the municipal deer damage control permit do not need to get an ODNR deer damage control permit, but they do need a municipal deer damage control permit. Mayor Stefanik said that this is correct. She asked where the Ohio Hunting License comes in. Mayor Stefanik said that the hunter must have an Ohio Hunting License. Mrs. Uffman-Kirsch said that the legislation says that the applicant must sign to indemnify the city. She asked who the applicant is; is it the property owner, is it the hunter or is it both. Mr. Kelly said that it is the home owner because they will be carrying homeowner insurance. He said that we also anticipate that most of the archers also have homeowners insurance as well. He said that we are doing what we can to provide another level of protection.

MISCELLANEOUS

Fire Chief Chegan announced that the 20th annual Safety Fair will be held on Saturday, May 21, 2016 at the Fire Station from 10:00 a.m. to 2:00 p.m.

Chief Chegan said that the department has put out information in the local media regarding our Residential Lock Box Program. This program is for those who live alone or need help in a medical emergency. It is a small metal lock box that has their residential key to enable us to get in and assist them if they are unable to answer the door. He said that this program has expanded 100% in the past 8-10 months. Anyone interested in this program can contact the Fire Department. He said that our keys are secured in our vehicles with a locking mechanism and they are identified by an individual person every time they are taken out and put back in.

Mr. Langshaw asked when the fire hydrant painting is planned. Chief Chegan said that they actually started today. Discussion regarding the areas being evaluated for this work was held. Chief Chegan requested that anyone with a hydrant in need of painting to forward that information to him.

ADJOURNMENT

Moved by Mr. Langshaw, seconded by Mr. Muller **to adjourn the May 17, 2016 meeting.** Yeas: 3. Nays: 0.
Motion carried. Meeting adjourned at 6:50 p.m.