

**SAFETY COMMITTEE MINUTES
SEPTEMBER 19, 2017**

The Safety Committee meeting was held on September 19, 2017, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:19 p.m.

PRESENT: Committee Members: Chair Gary Petrusky, Vice Chair Dan Langshaw, Cheryl Hannan; **Council:** Larry Antoskiewicz, John Nickell, Paul Marnecheck, Dan Kasaris, Director of Legislative Services Laura Haller; **Administration:** Mayor Robert Stefanik, Law Director Thomas Kelly, Police Chief Ken Bilinovich, Asst. Fire Chief Tom Habak, Safety Director Bruce Campbell; **Other:** Lou Krzepina, Ethan Pallone.

APPROVAL OF MINUTES

Moved by Mr. Langshaw, seconded by Mrs. Hannan to **approve the July 18, 2017 Safety Committee minutes**. Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Oil Wells

Mr. Petrusky asked about the well in Huntington Reserve and the ODNR's response regarding to who is responsible for cleaning and maintenance. Mayor Stefanik said that the ODNR said that this is not in their jurisdiction and that they don't have any problems with anything that is back there as long as they have a clear path to access the well. Mr. Petrusky said that he has had some complaints that Mr. Zillich is storing things back by the wells. Mr. Petrusky asked if this would fall under any of our Ordinances. Mayor Stefanik said that we can send someone up there to look at it. Mr. Petrusky asked about the oil wells in the front yard of the house on State Road. He said that all of the bushes have been pulled out and asked that this be looked in to.

NEW BUSINESS

1. Ordinance No. 17-99 - Amending 618.12 Trapping

Mr. Kasaris asked why we are trying to regulate trapping. Mr. Kelly said that trapping is defined in the state code and we can rely on those definitions for our purposes. He said this is essentially the same as hunting and hunting is not permitted in North Royalton. Mr. Kasaris asked if this applies to a neighbor who wants to trap the neighbor's cat. Mr. Kelly said it would and of course this would be criminal beyond the trapping law. This amendment is intended for the purpose of regulating wild animals. Mr. Kasaris asked if this applied to catching a cat or a dog in order to return it to its owners. Mr. Kelly said that this would not apply. Chief Bilinovich said that the Animal Control Department has "have a heart" traps that can be used for humane trapping of a domestic animal for safe return and these can be borrowed by the residents for this purpose. Mr. Langshaw said there was an instance in his ward where a resident had snare traps all around their property for the purpose of hunting. This would clarify what is permissible.

Moved by Mr. Petrusky, seconded by Mr. Langshaw to **remove Ordinance 17-99 from committee and refer to Council with a recommendation for approval**. Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

2. Ordinance 17-101 – Medical Marijuana ban

See item #4

3. Summer Fire Hydrant Painting

Asst. Chief Habak reported that the total cost for the project was \$9,549.99, which was about \$400 dollars more than last year. This includes the salaries for the employees, paint, fuel and other supplies. He said that the streets that were done were Cinnamon, Nutmeg, Butternut, Sweet Spice, North Gateway, South Gateway, Dan, Center, Hillside, Woodridge, Wood Oval, Saturn, Athena, Sunset, Apollo, Mercury, Jupiter, Titan, Greenwood, Helen, Elaine, Dale and Perl Court. Mr. Marnecheck asked how many hydrants were painted. Asst. Chief Habak said roughly 135-140. He said that the plan for next year is to get back into some of the more residential areas and the side streets and then we will probably have to return to the

main roads such as Rt. 82, State, Ridge. These roads take a beating with all the salt and slush in the winter. Mr. Langshaw and Mrs. Hannan both commended the employees for a job well done.

4. Proposed Ordinance 17-101– Moratorium Extension – Medical Marijuana

Mr. Petrusky said that he has brought this before Council because he knows that there is still a lot going on. The state still has not finished all of their processes yet so he feels that it would be better if we look at extending our moratorium. He said that we still have another year before the state will make its final decision and we should have more of an idea in the spring of what the state finally decides to do. Mr. Kasaris said that his position on this is that we should just ban it because it is a Schedule One drug. But in effect a moratorium is the same thing. It still prevents people and companies from growing it and/or selling so it has the same effect as a ban. He said that he does not have a problem with extending the moratorium for an additional 6 months as a courtesy to his colleague of 10 years. He said it doesn't harm the city. In the two weeks that we did not have a moratorium we did not have a flock of applications come in. He said that we have the state Medical Board, the state Pharmacy Board and the Department of Commerce who are very good at regulating what needs to be regulated. For these reasons he said that he supports this moratorium extension.

Mrs. Hannan asked if the city has received any inquiries about bringing this to North Royalton. Mayor Stefanik said not recently, but when this first started, we received quite a few calls. When we told them that we had a moratorium, they said thank you and good bye. They do not want to mess around with cities that have a moratorium or have outlawed it. They are going to the cities that are embracing them and there are quite a few surrounding us. He said that Parma just recently approved legislation allowing it in their industrial park off of W. 130th and they are allowing for a dispensary on Pearl Road near Ridge Road. He said that Macedonia, Lorain, Elyria, East Lake, South Euclid, Euclid, Cleveland are all permitting this in their cities. He said that there will only be 5 dispensaries in Cuyahoga County. He said that even if we decide now that we want to do this, we have missed the boat. He said we can debate all night long whether we should or shouldn't do this, but that train has already left the station.

Mr. Langshaw said that extending the moratorium is not going to change anyone's mind. He felt that if we want to have a remote chance of allowing this in the city, he feels that Council should vote on his ordinance, make a decision and move on. He said that it doesn't make any sense to extend the moratorium. If we are going to extend the moratorium it is clear that Council cannot do its job which is to vote and make a decision. If Council thinks that this issue is bigger than us, then let's put it to a vote of the people at the May 2018 ballot and have it as a zoning amendment, similar to what Brecksville is doing in November. He said that he does not support extending the moratorium and feels that there should be an up or down vote on his legislation and move on. There are more important things that we should be focusing on in the city.

Mr. Nickell said that extending the moratorium is making a decision and doing our jobs. He said that it is deferring to the state on a new, controversial issue on which all the facts are not known. To impugn the rest of Council is not how you get coalition. He said that he has no problem pushing this down the road. But if we have an up and down vote, his would be a vote to support it. Mr. Kasaris said that he doesn't know if it is appropriate to say where the seven members of Council stand on this issue. He does not know if there is a majority in favor or against it. And even if we did approve it, the Mayor has not stated his position on this and could veto it. He felt that it was presumptuous to say how Council would vote when we only know that two of us are against and one is in favor of it; we don't know what the other four votes are. Mr. Petrusky said that the state may choose to expand what it will allow and where it will allow it and this Council may want to entertain this down the road. He felt that it makes more sense not to completely close the door. He said that the appropriate state boards will oversee this and we also know that the government overall is being very stringent on passing out prescriptions because of all the past history with other issues. If we are worried about this being a Schedule One drug and being addictive, then maybe we should look at all of the other Schedule One drugs that are probably in our houses right now or our neighbor's house that people are addicted to. He said that there is a huge opiate epidemic. He said that you can't get high from what will be sold in Ohio. He thinks that there is a misnomer of what Ohio is going to

sell compared to California or Colorado. It has been feared that people will break into houses to steal the drug and get addicted. He said that this is not what kids are breaking into houses to steal. They are breaking into houses to take money to buy the opiates. They are breaking into houses of the elderly to steal Percocet, etc. He isn't saying that we shouldn't be concerned, but he does not want to jump ship either and maybe miss an opportunity. He said that he would love to see a Starbucks in North Royalton, but caffeine is addicting too. So are cigarettes and we sell these in the city. Should we outlaw these. He feels we should extend the moratorium and see what happens with the state down the road.

Mr. Langshaw asked if the city has ever had a moratorium that lasted almost two years. Mr. Kelly said that a building moratorium in the early 2000's went on for quite a while; longer than this one is scheduled for. But he said that they are different questions and different issues. Mr. Langshaw said then there is a precedent for this.

Mr. Antoskiewicz said that as the longest standing Council member, he has served with most of this Council for the better part of 10 years. We have gone through some good times, bad times, disagreements, heated debates and a whole variety of other things and never has he ever known anyone on this Council to shuck their responsibility to take care of an issue. Some issues over the years have taken us longer to deal with. He himself has had problems with past leadership. But we have always handled things within the frame work of the Council and the procedures of the Council. He said that he was offended and disappointed when he saw this go out to the press. He does not believe that this is the right way to handle things. He thinks it is a bullying tactic that tries to put pressure on Council to do something that they are not ready to do. We have procedures and we have ways of doing things that have been in place for years and they work. He said that this is the way he thinks things should be handled. He said that he was also upset because after reading the article, he does not believe that the reasons given in the article pertain to the issue that we are dealing with. They were off base. If you are going to put something in print, make it accurate. These were opinions but not based on what the issue is. He said that 90% of the conversations that are held on this issue deal with addiction, or issues better related to recreational use. Mr. Antoskiewicz said that the only issue we have to deal with is the fact that the State of Ohio has legalized medical marijuana. So if we ever do come to a vote, the issue has to deal with whether or not we want a dispensary in the city for the sale of medical marijuana which has been deemed legal by the State of Ohio. That is the issue and the only issue that we should be addressing as a Council.

Mr. Antoskiewicz stated that some amendments had been proposed to Ordinance 17-101 by Mr. Langshaw and said that this would be the time to discuss this matter. A copy of these proposed amendments is attached to these minutes.

Mr. Petrusky said that amendment #3 cannot be done. He said that he obtained information from the Law Department that they prefer that we only extend the moratorium until March 31, 2018. Regarding amendment #1, Mr. Petrusky said that he is not going to do this. He said that this is something that the Law Department should keep us apprised of. Mr. Langshaw said that if we are going to review this then we should discuss it. The moratorium legislation states that we will be reviewing this. He asked if this can be kept in committee. Mr. Petrusky said that we have had 2 previous 6 month moratoriums. We can always bring things up in committee under new business if new information arises. Mr. Langshaw said that he would like to receive updates and be informed on what is going on. Mr. Kasaris said that he does not feel that is it good legislative practice to mandate that a committee chair have something appear on their agenda. We are not here to mandate what has to be discussed. He feels that it should be up to the chair to decide what is discussed. He said that amendment #1 is bad policy. Mrs. Hannan agreed that it would be out of the realm of the chairman to make such a report. Something like this should come from the Law Department. Mr. Kelly said that his department would be happy to provide updates on how the state is progressing and changing on this matter. He said that these changes are ongoing and incremental. Progress is being made but it remains a work in progress.

Regarding amendment #2, Mr. Petrusky said that he spoke with Mrs. Haller regarding placing this issue on the ballot. Mrs. Haller stated that in order to do this, legislation would have to be approved and to the Board of Elections 90 days before the May election date, which is early February. Mr. Petrusky asked if we know how much it would cost us to place this on the ballot. Mrs. Haller said that since it is an even numbered year and the county, state and federal governments will all have issues on the ballot, the cost to us would be greatly reduced from what it would be if we were on the ballot alone. The estimate the Board of Elections provided was between \$3,000-\$4,000. Mr. Antoskiewicz said that if this is something we want to do, it does not have to be handled through an amendment. If we decide down the road that this is something we want to do, we can talk about it. Mrs. Haller pointed out that where Mr. Langshaw had proposed the amendment for placing this on the ballot would not be the appropriate location. The "Whereas" clauses hold no legal weight and the amendment should be moved to the sections of the legislation contained under the language "now therefore be it ordained.....". Mr. Langshaw said that he would withdraw his proposed amendment #2, but would like #1 and #3 to go forward. Mr. Petrusky said that the Law Department gave us their opinion on #3. Mr. Langshaw said that it is not in writing. Mr. Antoskiewicz said that Mr. Langshaw can propose the amendments and they can be voted up or down on the floor. Discussion on moratorium length ensued. Mr. Antoskiewicz said that if it is determined that we want to place this on the May ballot, we can then extend the moratorium until the date of the election. This would be a legitimate reason to extend it another 2 months. Mr. Kasaris said that in his experience, things that go to the ballot are usually the result of a grass roots movement. We don't have that here. Mr. Antoskiewicz said that he is not saying we have to do this. He is just saying that this would be a legitimate reason to extend the moratorium. Mr. Kasaris said that there is not the same outcry for this issue as there was for the deer hunting. Mrs. Hannan said that when she did her research, she read a newspaper article that said the reason why Brecksville placed this on the ballot was based on how their Charter was written.

Moved by Mr. Langshaw to **refer Ordinance 17-101 to Council without a recommendation.** *Motion died for lack of a second.*

ADJOURNMENT

Moved by Mr. Langshaw, seconded by Mr. Petrusky to **adjourn the September 19, 2017 meeting.** Yeas: 3. Nays: 0. **Motion carried.**

Meeting adjourned at 6:57 p.m.