

2CITY OF UNIVERITY HEIGHTS
MINUTES OF SAFETY COMMITTEE
APRIL 4, 2022

DRAFT

Councilman Chair Justin Gould called the meeting to order at 5:30 p.m. Present were: Vice Mayor Michele Weiss; Councilwomen Barbara Blankfeld and Sheri Sax; Councilmen Christopher Cooney; Brian J. King and Councilman John Rach. Also present were Mayor Michael Dylan Brennan; Finance Director Dennis Kennedy; Law Director Luke McConville and Police Chief Dustin Rogers.

Agenda Items

1. Update from Chief Rogers Regarding Potential Door-to-Door Solicitation Registry

Mr. Gould stated that this item was carried over from the last meeting and that Chief Rogers was to research to see what types of background checks would be feasible with this policy. The types of background checks that could be used as well as the issue of appropriate identification for vendors were discussed in prior conversations with the Mayor. Concern of overburdening the police department with a process was expressed.

Police Chief Rogers stated that currently there is not any type of permit process for door-to-door solicitation, although there are "No Solicitation" stickers still available and distributed at no charge. In response to Councilman Gould's question regarding calls from residents complaining about solicitors, Chief Rogers stated that the department does receive calls from residents in the summer regarding solicitors.

Chief Rogers discussed various types of background checks including those through the state and FBI, in-house local investigations, and OLEG and CAD. The middle level of investigation, comparable to a traffic stop, seemed to be workable and would not involve additional costs if otherwise utilizing the FBI.

Councilwoman Sax asked how the community and vendors would know about this requirement. Chief Rogers noted that steps would be taken to inform by various platforms. Mr. Gould explained that this program would be administered through NOPEC, that they handle the entire process of notifying each resident via mail. NOPEC would create list of approved vendors and would keep it updated. The city is not required to do any of the administrative work. It was also noted that NOPEC does have a financial benefit by doing same.

It was noted that the City by law cannot stop political or religious solicitors from door-to-door contact, but property owners can certainly express no such contact.

Law Director Luke McConville stated there would have to be an ordinance approving NOPEC as administrator of the policy and a separate ordinance which would create criteria discussed, such as steps taken if an application for a permit is denied, how long the denial would be in effect and other details regarding the permit process. It was noted that the applicants pay a fixed dollar amount for the permit. In terms of what the cost of the permit would be, discussion ensued regarding fees to the city for fingerprinting and CAD and OLEG.

Mayor Brennan expressed concern about the burden that could be placed on the police department but noted that Chief Rogers is satisfied with the proposed policy. Once the legislation is prepared a clearer idea of how exactly this will work will be seen, but so far so good.

Mr. Gould moved that the Law Director draft legislation to institute OLEG/CAD level of background investigations with reasonable fees. All voted "aye". Vice Mayor Weiss requested that the draft legislation come back to this committee. It was noted that there is model legislation from other cities and NOPEC has enlisted 50 cities utilizing the process.

2. Update from Law Director McConville Regarding Fireworks Ordinances Related to Manufacturing, Sale and Commercial Display

Mr. McConville discussed Councilman King's concern about kinds of fireworks and toy devices safety. There are concerns regarding the state Fire Marshall's requirements; there is no reference to toy fireworks or devices.

Legislation designed to create a process for a license for fireworks permit involves both the police and fire departments. This would include verification of applicant's license; inspection of the site making sure location is appropriate, establishing a fee incorporating the existing fee structure in 1620.02 and adding a \$200 fee for the presence of fire personnel during the course of the event since additional expenses would be incurred as part of the process. Further, records would be kept on who has been to the city, and whether or not insurance is in place. It is also proposed that a fire inspector, fire prevention officer, or Fire Chief be present for events. Exhibitor's storage of fireworks would be inspected. Fire Chief Perko stated that the Law Director has done an excellent job with this process and ensuring compliance with the State Fire Marshall.

Vice Mayor Weiss mentioned that the \$200 fee charge seemed low in view of the participation of fire department personnel — setting up/taking down, etc. Mr. McConville stated that to charge for additional actual expenses is permissible by law. The committee discussed cost of overtime and establishing a fee structure and state regulations.

Councilman Gould moved that this matter be referred to Council, and that estimated overtime costs be considered. Motion was approved by all.

Fire Chief Perko stated that he would prefer to have a fee structure in place.

3. Discussion with Prosecutor Cicero Regarding Need for Criminal Ordinances Review and Creation of Subcommittee

Prosecutor Michael Cicero joined the meeting via Zoom.

Chairman Gould called upon Mr. Cicero for thoughts about his first quarter reviewing the criminal Code. Mr. Cicero stated that there are some items that are constitutionally questionable in the criminal and traffic sections; i.e., everyone is a criminal. He stated that consideration should be given to decriminalize some matters including driving/parking offenses. He recalled how some cities had done away with criminalizing some offenses. He noted that generally over the past 20+ years, the only offense that has been actually charged is parking in the handicapped zone. Chapter 632 was cited as needing cleaned up/updated. The possibility of waiving some of the fees was discussed.

Prosecutor Cicero noted that there are significant amendments needed in the building and housing code; of concern, too, are criminal violations in the housing and solid waste code.

It was mentioned that since there is a position now of Housing Director, some items can be assigned to that function rather than to the Building Code.

Chairman Gould acknowledged that there are many items that need to be reviewed regarding what is constitutional and appropriate in building and housing as well as the continuation of a criminalized traffic code. Mr. Gould suggested that a sub-committee be established comprised of the Mayor, Mayor's designee, Police Chief, Prosecutor and a group of attorneys focused on these issues and more aware of case law. Mr. Gould suggested that if anyone knew of citizens who would be good for this sub-committee to let this committee know next month.

4. Signal Service Quote UN12-999C-S in the amount of \$15,561.00 for mid-block crossing signal damage repairs

Police Chief Rogers explained that this is a result of a traffic accident last year due to weather. It was noted that typically a check is received from the insurance company as a result of the claim; this amount is actually owed to the city.

Motion by Mr. Gould, second by Mrs. Weiss, to accept this quote as a receivable in the amount of \$15,561.00. All voted "aye" and the motion carried.

5. 3-year pavement marking project awarded to JD Striping & Services Inc. in the amount of \$77,067.80 for 2022

Councilman Rach questioned the escalating prices, noting that the cost for the City of University Heights increased significantly while the same did not apply to Shaker Heights and requested that this be further examined. Chairman Gould asked that the Mayor provide any documents relating to this by April 22 so that the committee can review, including tabulation from previous year. Mr. Gould acknowledged the Mayor's request to add this to the Council meeting agenda, as well as Council's desire to further review and understand the inconsistencies. It was requested that City Engineer Joe Ciuni be present at the next meeting as well as a representative from JD Striping Services in case there were further questions. Mayor Brennan agreed.

6. Police entrance test marketing summary discussion

This item was deferred to the next committee meeting.

Adjourn

Motion Mr. Gould, second by Mrs. Weiss, to adjourn the meeting. All voted "aye" and the meeting was adjourned.

Submitted by,

Jeune Drayton
Assistant Clerk of Council