SAFETY COMMITTEE MEETING

MINUTES

September 8th, 2009
5:30 P.M.

Council Committee Members: Chair Jed Morison, Ben Kessler, Mark Masser

Call to Order: All present.

Others Present: Mayor Brennan, Lou Chodosh, Bill Harvey, Larry Heiser, Robyn Jones, President Lampke, Bruce Langner, Chief Rinehart, Rick Weber.

Review of Minutes from September 8, 2009 – Minutes Approved

Report of Chief of Police – Mr. Morison stated there was an article in the Columbus Dispatch regarding police stations. It did mention Bexley's new station as well. Chief Rinehart stated the police testing on July 25th went well and there were 80 individuals who passed the written test and 67 of those candidates who passed the physical exam. All of them were top candidates and after completing the background checks we have five solid candidates to interview. The Chief said they will be hiring one person immediately and then using the same list, will hire another individual in January, 2010. The police academy takes three months and then there is another three months of field training before an officer is able to go solo. He plans to hire a third officer in June, 2010 to replace the 2011 retiree.
The police have been very busy and it has been a good summer.

Progress of Police Station – Mr. Harvey said the construction is on schedule. He said by early December, the police should be able to vacate the old building to move to the new station.

a. Any change orders - None

Discussion of Clark Station Liquor Permit – Mr. Weber expressed some concerns regarding verifying the ownership of the property. Mr. Heiser said there is no Ordinance required regarding this issue. Ms. Jones stated Council has 30 days to respond to request a hearing. To object, usually requires showing a large saturation of liquor license in the area or the owner has a history with the City of violating regulations. Mr. Morison stated it is difficult to make those arguments against granting a liquor license without a substantial reason. Ms. Jones agreed that it is very difficult to object to the request. The renewal will be on February 1st, 2010, so

if the City sees a lot of problems in the mean time, they would be able to ask for a hearing to deny. Mr. McClelland stated no one is comfortable with beer and wine licenses at gas stations. He suggested that perhaps the City would be able to add some conditions. Cleveland uses conditions with their alcohol licensing but it does not have a lot of teeth. It is basically a cooperation agreement. Mr. Chodosh stated the owner is shown as Zack & Alli, Inc. (Ziad Qaswari). President Lampke stated this may be a zoning issue instead of a safety issue.

Report of Mayor/Safety Director – The Mayor said the First National Bank was robbed and we are still trying to locate the robber. There was also a robbery at CVS and the individuals were caught after taking a COTA bus to escape. He said there was an incident with a car theft after the driver left the keys under the driver's seat.

Ordinance 43-09 to revise Section 432.38 of the Bexley City Code to add sub-paragraph (c) prohibiting the use of hand-held, personal communication devices while operating a motor vehicle in the City of Bexley, Ohio, introduced by Jed Morison (Introduced on July 28, 2009) **No Action**

Mr. Morison stated the wording "primary offense" had been added. This would be a misdemeanor with a fine up to $150.00. This law would apply to all drivers regardless of age. He said he had received the question of whether or not a running car would apply to this law if it is pulled over. The answer would be "yes" if the car is stopped at a stop light. If they were pulled over to a safe location and the car was running, it would not apply. There was one letter to the editor of opposition but overall this idea has been well received. The State has been discussing cell phone bans back to 1987 but it has never been passed. Mr. Morison wanted to make it perfectly clear that this Ordinance pertains to "texting" only. He also wanted to thank Sharon Montgomery for all the information she has provided to him on this subject.

Mr. McClelland stated there has been a lot of national publicity regarding this matter and the debate of primary offense vs. secondary offense or part of law. Ms. Jones asked, if we already have a "must be attentive while driving" law, why is this one needed?

Mr. Chodosh suggested removing "motor" from the proposed Ordinance to include all vehicles. Mr. Kessler stated the language speaks about a means to communicate with each other, "something other than to make or receive telephone calls" should be an additional change. Mr. Chodosh expressed his concern about enforcement and legislature in connection with this issue. He asked if perhaps Council should consider educating the community and perhaps reaching out to the schools.

Mr. Morison stated the goal is much more sustainable by creating a law. He appreciates what Mr. Chodosh is suggesting but thinks a law will help with prevention. Ms. Jones stated she was not convinced this is the proper venue to get this information out to the public. Mr. Kessler said if you look at the statistics, we

need to try to take some action. Mr. Morison stated this issue is definitely worthy of the law and it will set an example for a good part of the state.

Mr. Masser asked if Council should consider waiting for this to become a state law. Mr. Morison said prevention is the point. Mr. Kessler said he is in support of this Ordinance and hopes the state will eventually follow suit.

Dave Nickel, 3686 Rochfort Bridge Drive, Columbus, OH 43221 – Mr. Nickel addressed council. Mr. Nickel said he is present to be 110% supportive of this ordinance and thinks cell phone usage is a problem. In May, 2007, 236 million were cell phone users, now over 400 million. The difference is that drivers while eating are not increasing. Saving lives is the biggest issue concerned with this law. He said he was absolutely ecstatic that people are speaking up. The City of Seattle recently passed a law concerning this issue and are trying to address the problem.

Tom Whiteman, 6625 Rosetree Drive, Reynoldsburg, OH – Mr. Whiteman stated that although he is not a Bexley resident, he frequently drives through Bexley. He has a niece that attends Capital University. His background includes the State Highway Patrol, Columbus Police Department and is a private attorney. He is a member of a motorcycle club and races motorcycles on tracks only. His said his daughter was killed in Licking County. He believes that government needs to enhance penalties at the state levels as well. He would like to see a change to make it a high penalty taking it from "general" to "specific". He said we have become a nation of rude behavior and distracted driving. He receives emails constantly of deaths involving cell phone or text usage. There are three to five individuals each month killed in auto accidents where someone was involved in using a cell phone.

Ordinance No. 40-09 establishing Bexley City Code requiring owners or occupants of abutting lands to keep sidewalks free from snow and ice, introduced by Mr. Morison, (Introduced on July 14, 2009), second reading.

Mr. Masser referred to section 1A of the Ordinance. He asked how this would ever be enforced, does that mean "each day" and if so, what happens if we receive 5 to 12 inches? He asked why Council should pass a law that is not enforceable.
Mr. Morison said that it would be enforced with good common sense. This Ordinance deals with mitigating circumstances and obviously we want to discourage repeated users. This would be a Code Enforcement Officer's responsibility not the police. Mr. Masser asked if Council really needs an Ordinance to expect residents to clean the sidewalks if you can't enforce it. Mr. Kessler said it would be no different than enforcing grass that needs to be cut. The Code Enforcement officer is taking care of 4,000 residents on that issue.

Mr. Morison said this had been discussed during six meetings now. Mr. Masser asked who the person will be fining the individuals. He asked how many unnecessary lawsuits will be caused because of this Ordinance. The law is not practical, it does not work. President Lampke stated that the Ordinance needed to be

worded as to not overrule or conflict with the commercial establishments. Ms. Jones said a resolution not an ordinance would be more appropriate for this action. She said she has the same concerns that Mark has on this subject.

Mr. Kessler stated Bexley is a very "walkable" community. The City and the residents should be willing to take extra responsibility to reflect our values and laws. Mr. Masser stated there are "snow days" for unsafe walking conditions. Mr. Kessler stated Section E needed to be changed to "Second Amended 40-09" and change "record" to "offense".

Ordinance 47-09 to appropriate $20,515.00 from the unencumbered General Fund for the purpose of purchasing an interactive video scenario training system for Force Continuum training by the Police Department, introduced by Jed Morison, (Introduced on September 8, 2009)

Chief Rinehart said these funds are available from the stimulus package the President passed and had been discussed with Council previously. This is an excellent training system and said it will be very beneficial to the police department. Mr. Weber asked if this is a program they could share with other police departments in the area. Chief Rinehart said that is rarely done. His concern would be the upkeep and maintenance of the equipment. The Chief stated that Bexley keeps their equipment typically 20 years so they do take very good care of it and that might be a concern in loaning out any equipment.

Other Business: None

Next meeting –October 13th, 2009

Adjourned 6:10 p.m.