

**SAFETY COMMITTEE MINUTES
SEPTEMBER 19, 2006**

The Safety Committee meeting was held on September 19, 2006, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order by at 6:31 p.m. by Chairwoman Lisa Uffman-Kirsch.

Present: Chairwoman Lisa Uffman-Kirsch, Committee members Denise Bobulsky and Robert Stefanik, Fire Chief Michael Fabish, Police Chief Paul Bican, Finance Director Karen Fegan, Councilman Don Willey (arrived late), Attorney Thomas A. Kelly. Residents and Guests: Robert Lucetti, David Quinn, and Margaret Mathers.

Approval of the June 20, 2006 minutes: Moved by Mrs. Bobulsky: Second by Mr. Stefanik. Approved 3-0.

Approval of the July 18, 2006 minutes. Request for amendment by Mrs. Bobulsky: Second to last paragraph on Page 3, "Mrs. Bobulsky stated the residents were told to contact the School Board with any questions about the buses." Remove the word "Board" and change "School" to "schools". Moved by Mrs. Bobulsky. Second by Mr. Stefanik. Approved as amended 3-0.

OPEN RESIDENT DISCUSSION

No requests for Open Resident Discussion

UNFINISHED/ONGOING BUSINESS

1. Police Department Status

Mrs. Uffman-Kirsch asked Chief Bican for the general status of the department.

Chief Bican reported understaffed, cars growing old, barely within budget.

Mrs. Uffman-Kirsch asked about budget projections.

Chief Bican reported that he was hoping to make it until the end of the year, but it will get kind of tight... cars falling apart ...

Mrs. Uffman-Kirsch commented that with not being able to replace the fleet a little bit every year, it really accumulates over time.

Chief Bican stated that he really needs about ten cars next year.

2. Fire Department Status

Mrs. Uffman-Kirsch stated that at the Finance Committee meeting last night, there was a discussion regarding Ordinance 06-130 on the agenda, an amending appropriation ordinance. Three amendments to this ordinance were being proposed for tonight, only one of which we will talk about today. It is for a transfer of \$20,000 from the Street SCMR fund personnel category back to the Fire Department. We had transferred \$50,000 from Fire earlier in the year. The Mayor did not use the funds because there was a concern that it may be needed later. The Chief is projecting he needs \$20,000 to get to the end of the year.

Chief Fabish stated that they did receive some grant money. Some of their overtime money was used and was recovered through a grant. They participated in several training exercises, but that money has to be re-

appropriated to them — it's about \$8,000; so, they're asking for another \$12,000. The \$8,000 that they had used came out of their regular budget.

Mrs. Uffman-Kirsch stated that at the Finance Committee Meeting there was a 2-to-1 vote to recommend removing that transfer from the amending appropriation ordinance that we have to vote on tonight. She brought this on the agenda tonight to discuss because there was a request from the majority committee members to the Finance Director to find money elsewhere in the Fire Department budget to cover the overtime category. The Finance Director's response was that she didn't know where it would come from, and she couldn't possibly do that without a conversation with the Chief, which is why it is being discussed tonight.

Chief Fabish replied that given the state of the budget at this point of the year, there isn't anywhere that he is aware of that \$20,000 could be taken from in the salary area. That is where the money would have to be transferred from. It's not in his budget; so, he doesn't know where it would come from. This is the first time that he was aware of it. This morning he was told that they are at 97 percent of their overtime budget; so another 3 percent is not going to take them to the end of the year.

Mrs. Uffman-Kirsch asked the Chief if, to the best of his knowledge, he felt that \$20,000 should get them to the end of the year.

Chief Fabish responded yes, that they have really curtailed a lot of the things they had been doing; but there are always things that come up. They can't stop participating in many of the exercises. Our city went through a big exercise in August — a federal level drill. We were a part of the host city. There are security issues, and they are always involved in those things. They just can't stop doing them. They tried to diminish other programs. They visited the schools on a limited basis. They have fire prevention week coming up this Sunday, which is very important. These are give-backs to the community — things that they do. He went through this at length at the budget hearings back in February. He doesn't know how they can even get through the sick time off and peak vacation periods and people scheduled off. He didn't know what else to say other than he thinks it is really important that we pass this ordinance, and he certainly hopes that it comes to that.

Mrs. Uffman-Kirsch asked the Finance Director if there was anything she would like to say as to the ramifications if it doesn't pass. What would that actually mean if that money doesn't get transferred back?

Mrs. Fegan responded that as tight as the budget is for that department in the category, if we don't transfer more money there, we're looking at how are we going to hold down overtime for the rest of the year, and they have done an admirable job in keeping that down in both departments. Both departments were cut pretty drastically overtime-wise at the beginning of the year before money was moved on top of that; so, she didn't know at this point where we would find it. She doesn't think he can run the department without some overtime. It's just the nature of call-offs, because of sick days, because of all of those things. It's just the nature of the beast. She doesn't know where we would look for it, but we will have to try to find something somewhere because he is going to need something.

Mrs. Uffman-Kirsch asked Mr. Stefanik about the order of voting on the three amendments.

Mr. Stefanik responded that we have to go in the order like the sheet was.

Mrs. Fegan left the room to make copies of the write-up she made for Laura Haller on the amendments so it would be easier for her to explain them.

Mrs. Uffman-Kirsch reviewed the write-up. The amendment being discussed would be the first one to vote on.

Mr. Stefanik said he had a comment or question. If this doesn't pass tonight, which he is pretty confident that it will pass, they could come back in two weeks with another appropriation, and between today and two weeks from now, we wouldn't have to shut down the Fire Department.

Mrs. Fegan responded that we wouldn't have to shut down the Department. The question is, how do we continue to let them work overtime if she knows she has no overtime money available to them, because she can't guarantee in two weeks whatever she will suggest will be approved at that time?

Chief Fabish said they'll just try to get by. Even if they cancel vacations, which they have to account for, they still have to pay those by contract; so, there is a slight savings there. They schedule their vacations a whole year in advance. Some people are coming up for their vacations again at the end of the year. They will still operate, but it wouldn't be as they operate right now.

Mrs. Fegan stated that the problem would be that if someone calls off and that takes you below minimum shift staffing, then we have contract issues and grievances that are being filed. We can't bring somebody in to help us.

Mr. Stefanik asked what that minimum number is.

Chief Fabish answered they have been operating with 8.

Mrs. Uffman-Kirsch said that it's on the floor of Council on second reading. We'll see what happens tonight.

NEW BUSINESS

1. Proposed Towing Service Legislation

Mrs. Uffman-Kirsch stated that she was going out of order from the agenda because of residents and guests being present and we would start with the proposed towing service legislation that was proposed and advocated by Mr. Tom Kelly, who is present. Prior to this, everybody on the committee received a letter from Mr. Kelly and a copy of drafted legislation, which covers what he is proposing.

Mr. Kelly thanked the Committee for the opportunity to come and appear. He stated he was here as an attorney and counselor for and representing B&D Towing. The two gentlemen in the back of the room represent B&D...Bob Lucetti and Mr. Dave Quinn. Mr. Kelly gave a presentation about B&D's concerns of not getting a fair share of the City's towing business and for no longer receiving back-up towing calls. The legislation that he drafted says specifically all they want to do is have the opportunity to allow for a level playing field for companies that have the ability and the wherewithal to meet the needs of the community for this service by having a rotation of service providers.

Committee members, Mr. Willey, Chief Bican and Mr. Kelly had a lengthy discussion about the matter which covered the topics of the fairness issue, the non-receipt of backup service calls, why this would have to be legislated, the comparison of service providers, the efficiency factor of one provider, Council's ability or non-ability to legislate this, the practice in other area communities, and current code language and how it originated. It was decided to leave the matter on the agenda and get a legal opinion from the Law Director regarding Council's ability to legislate the requirement of call rotation for multiple tow truck service providers.

2. Traffic Concerns at Get Go Station, W 130th & Albion

Mrs. Uffman-Kirsch stated that we had a concern from a resident, and the committee has received a detailed memo from Lieutenant Chilcott regarding the complaint.

Chief Bican thinks the recommendations are good. They are going to pursue the last diagram. They are in the process of working with Get Go, and hope that will be the final solution.

Mrs. Uffman asked if they were they receptive to that.

Chief Bican said they were very nice. It seemed like they have been concerned about it, and they were trying to get the traffic slowed. It used to work better. They had the shopping center open, but the shopping center put up barricades. He doesn't blame them. They were getting overwhelmed. He suggested leaving this on the agenda and having Get Go redo that corner. They sound pretty responsive to working with us.

Mrs. Bobulsky asked the Chief if the last diagram they're proposing showing the right turn only out on Albion and West 130th would go away.....

Chief Bican said even if they did this, we'd be satisfied — remove the barricades and leave it open for something a little bit dressier, and maybe they would do a little landscaping on the corner to make it look more permanent. But even if they block off the corner, he thinks that will help the situation a lot. Now we have people going in and out of four driveways simultaneously. It has been out of control sometimes.

Mrs. Bobulsky said she agrees.

Chief Bican said it's a very small lot. It would be like if you try to turn a Clark's gas station into a Get Go.

Mrs. Uffman-Kirsch said that Lieutenant Chilcott had brought up some of that. She has no recollection of when that location became a gas station.

Mr. Willey stated at least twenty years ago.

Mrs. Uffman-Kirsch stated at least. As long as she can remember. She said it's probably not a relevant point right now because it looks from the '70s and this code was passed in 1988, but it's zoned Motor Service there, and they talk about access regulations in 1276.11, "and there shall be space not less than a hundred feet on center of the access driveways." They talk about the spacing of all that, and that was passed in 1988; so, had that been in place prior, then we might not have this issue. Also passed in 1988, they talk about how they have to submit to the Planning Commission data on existing and projected traffic volumes and patterns in proximity to the proposed station. Unfortunately, all that came after the fact. The other thing that Lieutenant Chilcott brought up in his memo was the issue of parking. This is probably a question for the Law Director whether or not there is anything we can do. She asked if there were any defined parking spaces there now at all. He does address that in his report: "I would think city law requires adequate parking to accommodate business customer volume." In the Code parking schedule there, there is nothing that addresses motor services, and there is nothing that addresses gas stations at all ... period. Nothing even comparable. She called Rito today to ask what he would look at that's comparable, and there is really nothing there.

In the proposed legislation that Rick had put together, his recommendations for our off-street parking and loading codes, he recommended one parking space per pump and one for an employee. She thinks with these six pumps there would be no way they would fit. She asked Tom O'Donnell, with that not being listed in the code, if there is anything we can do as it relates to parking requirements.

Mr. O'Donnell responded no. When they came in for their sign approval, he doesn't know if that was discussed.

Mrs. Uffman-Kirsch and Mr. Willey said they don't remember its being discussed.

Mrs. Uffman-Kirsch said we probably should have.

Chief Bican stated to remember the accident statistics. They haven't changed since it became Get Go. Most of this is people that get frustrated with the traffic. They get mad because someone sits there southbound at 130th and waits to make a left turn at Get Go, and they'll sit there all day. We had that one accident which brought it to everybody's attention, but there has been no increase in the frequency of accidents.

Mrs. Uffman-Kirsch asked if the complaining resident has been communicated with about this report so he knows what Lieutenant Chilcott was recommending and what he said.

Chief Bican said yes, he believes he was talked to along with Get Go.

Mrs. Uffman-Kirsch said she would like to leave this on here, and we'll get reports.

Mrs. Uffman-Kirsch asked if there was anything else.

Chief Fabish said he wanted to let us know that at 4695 Royalwood, there is a gas well going to be drilled. The property owner is Mr. Steve Mattes, and Ohio Valley Energy has a permit from ODNR. They could have started this afternoon, so we may hear some complaints. That is strictly approved by the state legislature, and we don't have any control over that.

Mrs. Uffman-Kirsch said that's between State and Broadview.

Chief Fabish said it's not quite a mile east of State Road.

Chief Bican added that we will probably have complaints because it's going to be run 24 hours.

Mrs. Uffman-Kirsch said that whenever there is a permit application made, Laura copies Council on all those; so, it's good for him to let us know when they are actually coming to production.

Chief Fabish said they just heard about it. The well driller came in to obtain a water hydrant permit but he had to get bonded or registered with our city. That's our process. For anybody who is going to use a hydrant. Any contractor has to be registered or bonded by our city before he will give them a permit or a confirmation letter from Cleveland Water to give them a permit. In case there is damage to the hydrant, we have a bond that would protect our hydrant. All contractors are treated the same. He went down and registered with Rita in the billing department. He came back and we gave him the authorization letter.

Mrs. Uffman-Kirsch asked if they hauled water, they wouldn't have to do this.

Chief Fabish answered correct, but it's probably easier for them to have access to a hydrant.

Mrs. Uffman-Kirsch asked for a motion to adjourn. Moved by Mrs. Bobulsky. Seconded by Mr. Stefanik. Approved 3-0. Meeting adjourned at 7:25 p.m.