

SPECIAL SAFETY COMMITTEE MINUTES

September 20, 2010

The Safety Committee meeting was held on September 20, 2010, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 7:13 p.m.

PRESENT: Committee Members: Chair Dan Kasaris, Vice Chair Gary Petrusky, Larry Antoskiewicz; Council: Vince Gentile, Don Willey; Administration: Police Chief Paul Bican, Safety Director Bruce Campbell, Assistant Prosecutor Donna Vozar; Other: Nick Cinquepalmi.

UNFINISHED BUSINESS

1. Ordinance 10-104

Mr. Kasaris said there are four proposed pieces of legislation dealing with internet cafés and games of chance. These four pieces include 10-104, 10-108, Chapter 1278.01 which deals with zoning, and Chapter 810.01. Mr. Kasaris said he feels Chapter 810 addresses this topic and we have a proposed amendment to this chapter that he likes but feels needs to be tweaked a bit.

Mr. Kasaris said he agrees with the comment that Mr. Willey made last week about how we should not make the Industrial Park a dumping ground for vices. Mr. Kasaris said he reviewed Ordinance 10-108 with the head of the Economic Crime Unit in the County Prosecutor's Office and said he liked the idea that we have a proposal to name computerized sweepstakes devices as a gambling device. Mr. Kasaris said in Section 2 (iii) he believes it should read as "a contest of chance" not "a contest of skill". Mr. Gentile said he feels it should read as "a contest of skill and/or chance". He said the gambling code in the ORC was amended to include a game of skill.

Mr. Antoskiewicz said there are two internet café's in Parma Heights two doors down from one another. He said he stopped in to see how they operate and shared that information with the committee. He said in one of the establishments, a prepaid phone card must be purchased to play. He said the other establishment also requires that you purchase a card to get onto the internet, but you have a choice of playing free games once you are on the internet.

Chief Bican said the downside in Parma Heights is that ever since they regulated these businesses, people are opening them up all over the city with the attitude that they will remain open until someone tells them it is illegal. Chief Bican said Parma Heights' Law Department has taken a hands-off approach as they do not want to be the first to determine that these businesses are illegal.

Mr. Kasaris said he feels these businesses should be directed in a certain area of the city. He said he does not want to see these businesses open up in the Towne Center District. He said he does not see anything wrong with directing them to General Local Business Districts. He said these businesses will be defined as gambling if in fact they are a game of chance.

Ms. Vozar said the Police Department does not need the city to change its gambling ordinance as they feel our gambling ordinance (Chapter 630) as it exists outlaws these types of devices. She said the reason she drafted the revision that she gave to Council is because the city was anticipating, either from the Attorney General's Office or the Prosecutor's Office, some guidance stating that they feel these devices are gambling. She said this is not forthcoming. Mr. Kasaris said the White Collar Crime Unit has contacted three businesses in three cities that wanted to put these types of businesses in and told them that this will be viewed as gambling and gave them the opportunity not to open the business and these businesses did not open. Ms. Vozar said without a policy decision in writing from the Attorney General's Office, her recommendation is that we leave our gambling ordinance the way it is and let the Police Department continue to do their job. He said they can issue the citation under gambling if they determine the business is gambling, it can then go to the county and they can have their test case from North Royalton. Ms. Vozar said she does not feel North Royalton should be the first to enact an ordinance defining even more specifically what we already have on the books.

Mr. Gentile asked if the Building Commissioner can say no based on Chapter 810. Ms. Vozar said if there is a pending application she would not feel comfortable speaking on anything that is pending before the Building Commissioner as this is something that he needs to look at and make a determination based on the facts, the request, etc. She said as far as Chapter 810 is concerned she said that if this is what Council wants to do she can make modifications, but she does have concerns with adding the computerized sweepstakes devices. Ms. Vozar said her recommendation is to not amend Chapter 810 and if the Building Commissioner determines that this is an amusement device we may need to tweak our definition of what an amusement device is and limit it to industrial areas. She said if we are going to try to regulate this at all, we may want to look at our fees because currently we are only charging \$35 per item and the cost to enforce this will be high.

Mr. Gentile said he does not want to place these businesses in the industrial area. He said if they have a legitimate entertainment transaction then it can be placed in the Business Districts that currently allow these businesses. Ms. Vozar referred to Section 1278.01 and said adult entertainment businesses should be placed in an industrial area. Mr. Gentile said if we do a zoning ordinance for these businesses it will be December before it would come back to Council for a vote. Ms. Vozar said her recommendation is that portions of ORC Chapter 878 be incorporated into the ordinance.

Ms. Vozar said she will work with Mr. Campbell to develop a list of amendments to the fee schedule and try to incorporate other procedural matters into the ordinance. Ms. Vozar said she will have the revisions to Chapter 810 by the next Safety Committee meeting.

Mr. Gentile said that in caucus tomorrow evening sponsorship will be withdrawn on 10-104 and 10-108 and replaced with the amended version. He asked if the amended version will address a zoning change. Mr. Kasaris said there is already a location restriction in Chapter 810. Mr. Gentile said we will not change the zoning but we will change some of the definitions in Chapter 810 and leave it in General Business District and assume that their intentions are good and these will be legitimate businesses with no gambling.

Mr. Kasaris asked if we want to keep the distance at 500 feet or if we want to expand that distance. Mr. Gentile felt 500 feet is fine. Mr. Petrusky and Mr. Gentile asked Ms. Vozar if she can add athletic or sporting fields to the ordinance as well.

ADJOURNMENT

Moved by Mr. Petrusky, seconded by Mr. Antoskiewicz **to adjourn the meeting**. Yeas: 3. Nays: 0. **Motion carried**. Meeting adjourned at 7:48 p.m.