

Minutes for April 5, 2023 Safety Committee meeting
Willowick City Hall
5:30pm

In attendance:

David Phares - Chairman
Charlie Malta - Committee member
Theresa Bisbee - Committee member
Police Chief Turner
Fire Chief Malovrh
Law Director Landgraff
Councilman Mahorcic
Councilwoman Antosh
Police Lt. Mastroianni
Police Lt. Daubemire
Mayor Vanni
Residents Nadia & Brandon Clark of 787 Glenhurst Dr.
Resident Will Cork

Open burning

Police Chief Turner talked about the open burning offender at 820 Bayridge and stated that due to the repeated behavior at this residence, he advised his officers to issue a citation and advised his dispatch personnel to send officers to open burning calls at this residence. With that said, Chief Turner also feels that we shouldn't cherry-pick certain ordinances and just increase those punishments. We should set up a fine schedule and do it across the board.

Chairman Phares asked, when police and fire personnel are responding to a call, do they know or are they aware that the person at this location is a repeat offender? Chief Turner said most of the time they do. But for an open burning call, the police officer might not because he is just advising the fire department on the call. The fire department does not have the enforcement action that the police department does.

Fire Chief Malovrh stated that his personnel are aware that when they go to a location over and over again for open burning, they will contact dispatch to send a police officer. Chief Turner stated that a few months prior, he had spoken with Chief Malovrh about sending a police officer to this address when an open burning call comes in because of the resident's response, such as not answering his door or being difficult at times. The history of this resident is now on their radar and after the recent garage fire there, hopefully the calls will subside.

Chairman Phares brought up the fact that at the last Council meeting, the subject of increasing fines was discussed and he wanted to get the other committee members opinions on this. Councilwoman Bisbee agreed with Chief Turner that we should look at ordinances across the board and have a sliding scale for the fines. We will end up coming back to this for other issues

and fines in 6 months. Law Director Stephanie Landgraff stated that there are a lot of ordinances with misdemeanor fines and it would be better to go section by section. She also stated that the courts will issue a \$45 fine for open burning because it is a waivable offense. We can put progressive fines in place, that is an option. Councilman Malta feels that \$45 is not enough of a fine and it needs to be increased. And he agreed with the Chief that we can't just cherry-pick certain things. Chairman Phares stated that he likes the idea of a gradual scale of fines. The Law Director explained the idea of a gradual scale of offenses is where the fines increase with the severity of the charges.

According to Chairman Phares, the committee would have to look at each ordinance in the section and see which ones need to be addressed. Councilwoman Antosh feels that we need to start somewhere so it has to be the ordinances that we get complaints on. Each ordinance would have to be re-written or you would have to add something that said "see addendum A for all the fines". The Law Director agreed.

Chairman Phares stated that since he has been Council, many of the main issues that residents were complaining about were the ordinances that were reviewed and adjusted. Mayor Vanni asked if the courts have leeway in raising the fine against a repeat offender. The Law Director stated that they could but for open burning, the offender won't be going to court. You would have to increase the penalty. The Mayor also feels that we can't make changes based on one resident either. You don't want innocent residents who accidentally violate the ordinance to have serious charges filed against them.

Councilman Mohorcic feels that having a higher fine structure in place gives officers the ability to deal with residents like 820 Bayridge who are repeat offenders. Mayor Vanni is more concerned about what is being burned. Can we make the ordinance tougher in terms of what is being burned? It was explained that that is why ,no burning of trash. is in the ordinance.

Chairman Phares mentioned Euclid's open burning policy says no more than \$500 and a third degree misdemeanor, second offense is second degree misdemeanor and no more than a \$1000 fine and Eastlake's is similar. Councilwoman Antosh brought up Wickliffe's open burning ordinance. Chief Turner asked if you can change the fine structure but keep the offense and you cannot do that. A minor misdemeanor is a \$150 fine and as the offense increases, so does the fine.

Councilwoman Antosh wanted to know if the rules in the fire code are in the open burning ordinance. The fire code supercedes the ordinances for Willowick. She asked the Fire Chief if there is a way they could let the Zoning inspector know or the Police Department know that a resident has a fire pit that is too big. Chief Malovrh responded that when we respond to an open burning call, we try to educate the resident as to the requirements allowed for open burning.

Councilwoman Bisbee asked if the current resident at 820 Bayridge will get a reset in reference to the recent calls to his residence? The Law Director stated that you could make the calls

apply to a lifetime or to a calendar year. Nadia Clark from 787 Glenhurst spoke about the repeat offender on Bayridge. She wanted to make everyone aware of this. Brandon Clark from 787 Glenhurst brought up some other issues about the Bayridge neighbor. Another resident brought up the question of whether the Fire Department knows what the Bayridge neighbor is burning. The EPA needs to be involved. Resident Brandon Clark from 787 Glenhurst stated that we shouldn't worry about hurting the one-time offenders but we need to make the ordinances have an effect on repeat offenders.

Councilwoman Antosh stated that Zoning Inspector Sean Brennan has to give a period of time after citing someone for them to correct the problem. The problem won't be fixed immediately.

Fireworks

Police Chief Brian Turner started the discussion by stating that he feels that by changing the ordinance to a minor misdemeanor instead of a misdemeanor 1, it will allow his officers to spend less time citing someone. A citation for a minor misdemeanor is quicker than citing someone with a misdemeanor 1 and keeps officers out on the road to respond to more calls instead of spending time processing one citation back at the station. Chief Turner estimated that it can take up to an hour and a half to process someone on a misdemeanor 1 charge.

Councilwoman Antosh stated that we could change the fireworks penalty to match the open burning ordinance which is a minor misdemeanor for the first offense. Chairman Phares asked if the calls come in with specific addresses or a certain block and Chief Turner responded that it depends on the knowledge of the caller in regards to the area and what they have seen. The calls vary from detailed to general.

Chief Turner stated that the optics look like we are moving backwards on the fireworks penalty but this will greatly help law enforcement take enforceable action. Councilwoman Antosh asked the Chief if police officers have to see someone lighting the fireworks and he stated that yes they do. Otherwise, they will have to get a statement from witnesses, usually the caller or other neighbors and then bring that information to the prosecutor.

Committee members agreed that we should lower the penalty for fireworks to a minor misdemeanor. Chief Turner also feels that the prosecutor should be brought on board for cases that go higher than a minor misdemeanor. He also says we need language that states that if nobody confesses to the fireworks, then the homeowner can be cited.

Councilman Malta agreed with other committee members in reducing the penalty but being able to cite the homeowner. The scale will go from minor misdemeanor, then misdemeanor 4, misdemeanor 3, misdemeanor 2 and misdemeanor 1.

A resident questioned why the open burning offender on Bayridge has not been arrested and it was explained that this is the reason for this meeting. We are discussing the option of increasing the scale of penalties so it will be the same for open burning.

Criminal Nuisance ordinance

Chairman Phares brought up criminal nuisance ordinance and used examples from the City of Lakewood and how if you violate anything in the list of ordinances three times in 12 months, you will pay for all of the first responder costs. There can be a warning on the second offense and then after the third offense you can appeal to the Safety Director and then to a nuisance mitigation appeals board. Law Director Landgraf stated that we need to call the City of Lakewood and have them explain the time and resources it would take to put something like this in place. She feels that since Lakewood is a much bigger city, they have the resources to do this whereas Willowick does not.

Mayor Vanni mentioned that in the past they tried to do something like this to landlords with criminal nuisance abatement and sometimes residents are reluctant to call due to certain situations and this gives rise to a constitutional argument against nuisance abatement.

A discussion of rental inspections took place. Many of our landlords are out of state or even out of the country which makes it difficult to cite anyone. Sometimes the companies that are listed with the Secretary of State are out of date and the City can't do anything about it.

Discussion arose about being able to enforce this type of ordinance or having the resources and seeing if there is maybe a smaller version of this type of ordinance that we could put into place.

Other topics

Councilwoman Antosh brought up the resident on 820 Bayridge and his malevolent behavior towards the neighbors and whether the police actually talk to him about it when neighbors call or what exactly is it they do. Chief Turner said they will talk to him and the neighbors and try to get all the information they can and possibly bring it to the Prosecutor.

Meeting adjourned at 6:43pm.

David Phares