

THE CITY OF STREETSBORO, OHIO
SAFETY COMMITTEE MEETING MINUTES

Monday, November 14, 2022

This Safety Committee Meeting was called to order on Monday, November 14, 2022 at 7:00 p.m. by Anthony Lombardo, Chairman. Mrs. Field gave an invocation and Mayor Broska led the Pledge of Allegiance.

PRESENT: Justin Ring, Mike Lampa, Anthony Lombardo, Jon Hannan, Jennifer Wagner, Steve Michniak, Julie Field

ABSENT: None.

ALSO PRESENT: Glenn Broska, Mayor
Frank Beni, Law Director
Patricia Wain, Police Chief
Robert Reinholz, Fire Chief
Matt Miller, Finance Director
Bill Miller, Service Director
Justin Czekaj, Municipal Engineer
John Cieszkowski, Planning Director
Patrick O'Malia, Economic Development Director
Greg Mytinger, Parks and Recreation Director
Shawna Lockhart-Reese, HR Manager
Caroline Kremer, Clerk of Council

Disposition of Minutes

MOTION: TO ACCEPT THE REGULAR SAFETY COMMITTEE MEETING MINUTES OF SEPTEMBER 12, 2022 AS WRITTEN.

Moved by Mr. Lampa, seconded by Mrs. Field. Upon voice vote, **motion carried.**

Old Business

None.

New Business

T-7319 Authorize Multi-Year Towing Contract

Chief Wain said this was a renewal and updated contract for towing services. Gateway Towing had been the City's vendor for at least the last six years and had done a great job for the City. They kept a dedicated truck for the City so the officers didn't have to wait outside for an extended period of time. There hadn't been any problems over the last several years so the Police Department wanted to renew the contract with Gateway Towing.

MOTION: TO MOVE THIS TO TONIGHT’S REGULAR COUNCIL MEETING.

Moved by Mrs. Field, seconded by Mr. Lampa. Upon voice vote, **motion carried.**

T-7320 Accept Donation of Autism Kits

Chief Wain said there was a new School Resource Officer, Officer Kyle French, who reached out to the Hussman Institute for Autism because he knew he would be dealing with some autistic children in his new position. The Institute donated some autism kits for the Department. There were enough for each of the cruisers and a few extras for the officers to have. The kits help with people (not just kids) that have communication issues and sensitivity issues. The Department really appreciated the donation, and had already received the kits, so they needed to be accepted so the officers could start using them.

MOTION: TO MOVE THIS TO TONIGHT’S REGULAR COUNCIL MEETING.

Moved by Mr. Lampa, seconded by Mrs. Field. Upon voice vote, **motion carried.**

T-7321 Authorize Animal Control Contract

Chief Wain said this was updated pricing for the animal control contract. The City had used the same company since about 2006, although it may have changed names a few times. The prices were slightly increased for the new year, but nothing too excessive, so she asked that the contract be renewed.

MOTION: TO MOVE THIS TO TONIGHT’S REGULAR COUNCIL MEETING.

Moved by Mr. Lampa, seconded by Mrs. Field. Upon voice vote, **motion carried.**

T-7324 Amend Code re Texting While Driving

Mayor Broska said he had asked the Law Department to draft legislation because drivers were becoming ridiculous. The legislation used “electronic devises” because the Mayor said had seen people watching a movie on their computer while driving, and texting was out of control. He gave some examples. He acknowledge there were people’s civil liberties to consider, but 40% of the accidents in the City were from ACD (assured clear distance) from people running into someone in front of them because they weren’t paying attention.

Mayor Broska said the draft legislation presented to Council was the same ordinance presented to the State legislature where it was still in committee, but adapted for Streetsboro. This legislation changed electronic device use from a secondary offense to a primary offense where an officer could pull someone over and issue a citation if they saw them using an electronic device. He wanted to discuss this issue with Council.

Mr. Lampa said HB283 that was going through the State was similar to this draft. Mr. Ring agreed that texting and driving was completely out of hand and he was especially frightened when he was riding his motorcycle. He also thought it was dangerous enough to be a primary offense that someone could be cited for if they were seen using an electronic device while driving. However,

he felt the legislation (and the one at the State) was too broad. It allowed too much flexibility for the police to pull someone over. It stated that even if the cell phone wasn't being used, but it was just sitting on your leg or in your hand while driving you could get a ticket. He also thought it could cause a lot of room for fighting the citation in court which took a lot of the officers' time. He wanted something between this draft and the old ordinance, but with it as a primary offense. Mr. Ring thought the old ordinance was limited to texting, so that could be expanded and changed to a primary offense and he'd be more comfortable. He thought just holding a phone, as this draft stated, should not be enough to be pulled over.

Mrs. Field thought there were other towns that had laws like this, like Beachwood, so she knew when she drove through Beachwood to put her phone out of reach. She trusted police officers to understand the difference between someone having a text conversation or just moving their phone to another spot. She agreed texting had gotten out of control and she wanted to take a hard line. She was in favor of this ordinance and had confidence the Streetsboro police officers wouldn't take advantage of it.

Mrs. Field asked, if an officer pulled someone over for texting while driving, would that officer be able to request the phone. Chief Wain answered that in order to search someone's phone the officer would actually need a search warrant. She said this legislation would allow for hands free devices so there was no confusion; if the phone was in someone's hand it was distracting and they didn't want to just narrow it down to texting, because mapping, navigation, reading emails or anything else on the phone was just as distracting. She added that for a significant crash where someone was reported using the phone, the Department would get a search warrant. But for a regular traffic stop, they would not take the phone to look to see what the driver was doing; it would be based on what the officer was witnessing at the time.

Mayor Broska said one element he liked of this draft legislation was the hands-free element. Most all newer cars had Bluetooth capability to do a hands-free option. He said he had been more conscience lately to not use the phone while driving. He said it seemed there was a consensus that something was needed, so he asked Council to send this forward for first reading and amendments could be made before the next reading. Mr. Hannan wondered if Streetsboro should wait until the State had passed something. It was noted the State had been working on it since March and there was no way to know when or if they would pass something, so Streetsboro should move ahead with their own legislation. If the State later passed something after Streetsboro passed something, the officers could chose to cite under either law; the State would not supersede the City.

Mr. Ring said he didn't know about Beachwood's law that Mrs. Field had mentioned. He felt just holding the phone or moving it should not be enough to pull someone over; it was too broad. He thought the biggest thing that would help would be education, not legislation; teach kids about the dangers of using the phone while driving before they even start to drive. He supported the legislation in making it a primary offense, but thought it was overly too broad because just having something in your hand gave the police reasonable suspicion and the right to pull you over.

Mr. Michniak read the legislation " No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting

with any part of the person's body an electronic wireless communications device" and thought the "holding" and "physical support" language made it a crime to touch your phone, which he and Mr. Ring thought was too overly broad. He noted that someone was legally allowed to hold their pistol up with their hand while driving, but not their phone, if this were adopted. He supported legislation for this issue but thought this legislation needed to be refined and to define "use" and "operation" and get rid of the "holding, physically supporting" language. He noted that police and fire use MDTs and other devices to do their jobs; "we're in a society where we have to use our phones" and shouldn't make it a crime to possess it in a motor vehicle. He added that people are dumb and they were going to do dumb stuff and run into each other, that's why the newer cars had air bags, automatic braking, and so many other automatic safety features. He also mentioned that there would need to be notice (another sign) of the new law.

Mr. Michniak also was concerned about seizing the phones for purposes of proof that the person was using it. People's lives were on their phones and the City didn't want to be taking their phones for a period of time as a piece of evidence for a crime committed.

Mr. Lombardo commented that everyone's lives were on their phones, but the phones were taking lives. He felt people should be able to put down their phones or use hands-free for the time it took to drive through town. He said Council needed to determine if they wanted to try to make the community safer. He thought if people were driving they shouldn't move their phone, just keep their hands on the wheel and use the Bluetooth. Phone use in cars was getting out of hand, and taking lives, and accidents were increasing. He like the draft legislation because if you were holding your phone or moving it, you weren't looking at the road.

Mr. Lampa also supported the legislation, but agreed with Mr. Michniak and Mr. Ring about holding the phone because there was a difference between holding the phone or having it on speaker to talk.

Ms. Wagner mentioned that as a police dispatcher she sometimes got calls from people that were driving to report road rage or some other incident, and that should be allowed, and not discourage people from using their phone to report something dangerous. Mr. Beni said these were all in the exceptions list. Mr. Lombardo didn't think the police were looking for people just holding their phones, but for people that were swerving and obviously distracted by phones.

Mrs. Field agreed that some of the broad wording could be changed. She agreed education (maybe in driver's ed classes) was important, but eventually it would be a personal choice for each person whether it was speeding, texting while driving, etc. She thought if the City could adopt legislation that made sense it could stop a few people from getting into accidents, and she supported moving this to first reading with changes to come for the next reading as the Mayor had proposed when he presented this.

Mr. Ring wanted to make a motion to amend the language of this draft. Mr. Beni believed the concerns over "holding or physically supporting" the phone were covered by the exemptions in subsection b. The mere act of holding the phone was not an offense. This was the language drafted by the State. But Mr. Ring felt from reading the draft a few times that it was ambiguous enough

that holding the phone could be an offense. Mr. Michniak thought “holding or physically supporting with any part of the body” should be removed from subsection a and leave “using.” Mr. Beni mentioned that there was no penalty stated for a first offense, just for a second offense.

MOTION: TO HAVE THE LAW DIRECTOR TAKE MR. MICHNIAK’S ADVICE AND STRIKE “HOLDING OR PHYSICALLY SUPPORTING WITH ANY PART OF THE PERSON’S BODY” AND ANY REFERENCE TO THAT THROUGHOUT THE CODE FROM 333.12(a) AND LEAVE “USING” AND THE EXCEPTIONS SECTION AND ADD A PENALTY OF \$100 FOR A FIRST OFFENSE IN 333.12(c).

Moved by Mr. Ring, seconded by Mr. Michniak. Mayor Broska mentioned that the police officers have discretion of issuing ticket even after they pulled someone over. Upon voice vote, **motion carried.**

MOTION: TO MOVE THIS TO TONIGHT’S REGULAR COUNCIL MEETING AS AMENDED FOR FIRST READING.

Moved by Mr. Lampa, seconded by Mr. Michniak. Upon voice vote, **motion carried.**

Citizens’ Comments

None.

Announcements

A Service Committee Meeting will immediately follow this meeting.

There being no further business to be addressed by this committee, and upon motion by Mr. Lampa, seconded by Mrs. Field, meeting adjourned at 7:36 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Anthony Lombardo, Chairman