

**Cuyahoga Falls City Council
Minutes of the Public Affairs Committee**

June 20, 2022

Members: Rachel Loza, Chair
 Michael Brillhart
 Adam Miller

Ms. Loza called the meeting to order at 7:12 p.m. All members were present.

Legislation Discussed:

Temp. Ord. A-61
Temp. Ord. A-62
Temp. Ord. A-63

Discussion:

Temp. Ord. A-61

An ordinance opting out of H.B. 172 and reaffirming the ban on discharging, igniting, or exploding consumer grade 1.4G fireworks in the City of Cuyahoga Falls, except as set forth herein, and declaring an emergency.

Ms. Janet Ciotola, Law Director, presented Temporary Ordinance A-61 to Council. The Governor recently signed H.B. 172, amending Ohio Revised Code §3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade 1.4G fireworks to discharge, ignite or explode consumer grade 1.4G fireworks on their property, or if permitted, on another person's property on certain designated days of the year. H.B. 172 also provides that pursuant to Home Rule authority, a municipal corporation may choose to restrict the dates and times that a person may discharge, ignite or explode consumer grade 1.4G fireworks or may impose a complete ban on the use of consumer grade 1.4G fireworks.

Ms. Ciotola stated that the last time it was discussed in committee on June 6, she informed Council that state law had changed and that the State of Ohio now allows consumer-grade fireworks on 10 instances which total 21 days; however, the State did allow home rule, so Council has the authority to either opt out of the state law and reaffirm a ban, or make their own dates and times when consumer-grade fireworks can be let off. Since the last session, many, if not all of Council, has spoken with constituents. Some residents had sent information to Council. This ordinance would permit fireworks on July 4, but, if after further deliberations and discussions had with constituents, Council would like to consider a different option, she would be happy to help with that task and to answer any further questions.

Mr. Brillhart stated that he talked to quite a few of his constituents and virtually everyone hopes that the City opts out.

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Mr. Ashton stated that his understanding, as they proceed with these conversations, is they are not allowed to amend or change the regulations as far as fireworks, only the date that they are permitted to allow them. Ms. Ciotola stated that that was what the state law currently reads.

Mr. Don Cooper, Middlestone Way, Ward 8 resident and former State Fire Marshal, addressed Council providing some information regarding consumer-grade fireworks. In his professional opinion, and including that of the Fire Chief of the City of Cuyahoga Falls, these numerous restrictions will be impossible to meet by the public and difficult to enforce in the city. He recommends regulating the prohibition of consumer-grade fireworks in the city.

Mr. Stams thanked Mr. Cooper for coming before Council and sharing his expertise. He supports his opinion.

Mr. James stated that, initially, he was in favor of the ordinance for the restrictive hours on the 4th of July, but, after speaking to quite a few people in his ward, they said ban them and leave the fireworks to the professionals. He has since changed his mind because that is the overwhelming opinion of the majority of folks in his ward.

Mrs. Penta stated that her concern is the safety issue. When speaking with residents, there was mixed opinion. They liked the fireworks; however, only if the professionals were doing it safely with a full understanding of what that entails. She would like to continue the ban, as well.

Mr. Gorbach stated that, in looking at the maps in located in front of each council person, there are few houses that would be able to do this safely. The kind of fireworks that have been passed are not the novelties, but the larger fireworks. Until you see how far they go off and how high, he does not think that it is wise for Council to say it is okay to do when just a fraction of the city would be able to do it safely. He stated that would like to reaffirm what the current ordinance is and state it is not a good idea. The communities that are surrounding Cuyahoga Falls are mostly doing the same thing, and it is the best approach. He thanked Mr. Cooper for coming tonight's and sharing his knowledge with Council.

Ms. Nichols-Rhodes stated that she had originally thought that it was not an unreasonable compromise, but, after reading what the restrictions are, the average person is not going to know what those are and are likely to use them unsatisfactorily without realizing it. All those regulations show how serious those fireworks are. She, too, has changed her mind about the compromise and would like to see the City opt out.

Ms. Loza stated that she has received some feedback from her ward, as well. Ward 1 is densely populated, and there is a lot of concern regarding the fireworks even for those four hours.

Mr. Balthis thanked Mr. Cooper for coming. He also thanked the Administration and Chairman Loza for presenting this legislation early enough to allow it to be discussed and to allow for more time for community impact. The Mayor's goal was to give Council an opportunity to talk to

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constituents and give the public the opportunity to speak before Council. He shares the same experience as every other member of Council. He has had a number of people reach out to him and want to totally opt out. He feels the same way and plans on voting in favor of a complete ban without the four-hour exception. The legislation pending before Council today has the exception. He asked Ms. Ciotola if she recommends a substitute next week for Council to consider and asked for some guidance from the Law Department.

Ms. Ciotola recommended that she prepare a substitute to be voted on next week, because it is not just a matter of striking out the four-hour exception in a few places. She stated that she could complete it this week and send it to Council for their review and consideration and it could be presented and voted upon next Monday.

Mr. Balthis stated that if Chairman Loza and the members of the Public Affairs Committee has no objection, he would request that the Law Department prepare that legislation for Council's consideration next week. Ms. Loza stated that she agreed.

Mr. Miller moved to bring out Temp. Ord. A-61 with a favorable recommendation, second by Mr. Brillhart. Motion passed (3-0).

Temp. Ord. A-65

An ordinance amending Ordinance 131-2021 to hire an additional Secretary I and assign the position to the appropriate pay grade in accordance with the Collective Bargaining Agreement between American Federation of State, County and Municipal Employees Local 2662 and the City of Cuyahoga Falls, and declaring an emergency.

Police Captain Todd Shafer presented Temporary Ordinance B-65 to Council. The Police Department requires an additional employee to aid in the fulfillment of public records. The Mayor, as Director of Public Safety, and the Police Chief desire to add an additional Secretary I to the Department.

Captain Shafer stated that there are two reasons for this request. The current records division is overburdened. The addition of body cameras and Incident Board Reporting have increased public records requests. When they get a public records request, they are required to redact those videos and send them out. To redact that video, somebody has to watch all of the video, blur out faces, listen for Social Security numbers, phone numbers, and even watch the officer's tablet. This puts a burden on the Records Division. Another aspect of this job is to submit data for the City's Incident Based Recording System to the State of Ohio. The information contained in that report is used to determine what state funding and grants the police department is eligible to receive. They would like to add an additional full-time employee to primarily take on the task of IBR reporting and body cam redaction.

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Ms. Loza stated that she understands that there is a huge workload issue, and she appreciates the transparency with the body cameras and the importance of having someone to fulfill those public records requests.

Mr. Balthis stated that this is incredibly important. They do have to comply with public records requests. If the City does not fulfill the request in a reasonable period of time, it can be subject to lawsuits.

Mr. Gorbach asked if there is software available that can redact the videos. Captain Shafer stated that the tech system they have has redaction software. They have talked about looking outside to see if there is outside redaction that may work a little bit better. The current software does work well. He does not know if there is a perfect software that would capture everything. It still takes watching it at half speed to catch those frames ahead of time.

Mr. Gorbach asked if the videos are run through the redaction software before they are watched. Captain Shafer stated that they run it through the redaction process. Once that is done, they can go back, watch it, and see what faces can be merged. They merge those faces and watch for the officers' MBT screen to make sure it does not have LEADS, listings for date of birth, and Social Security numbers. They have to redact juvenile faces. There is a specific process they have to go through before they release the video.

Mr. Miller moved to bring out Temp. Ord. A-6 with a favorable recommendation, second by Mr. Brillhart. Motion passed (3-0).

Temp. Ord. A-66

An ordinance authorizing the Director of Public Service to enter an agreement to establish the Community University Education Purchasing Regional Council of Governments, and declaring an emergency.

Ms. Teresa Hazlett, Deputy Service Director, presented Temporary Ordinance B-66 to Council. The City of Cuyahoga Falls has been a member of the Community University Education Purchasing Cooperative (CUE) for the purpose of participating in a pooled purchasing program with other local governments in order to obtain cost savings on goods and materials. The Executive Committee of CUE has recommended to CUE members that the cooperative be reorganized as a regional council of governments under Ohio R.C. Chapter 167 in order to modernize the organization and to provide legal structure provided to council of governments under Chapter 167. Pursuant to Ohio R.C. 167.01, the governing bodies of any two or more counties, municipal corporations, townships, special districts, or other political subdivisions may enter into an agreement with each other for the establishment of a regional council consisting of such governmental units. The City desires to establish and join a regional council of governments to modernize and replace CUE for the purposes of obtaining quality merchandise, materials and services at lower cost through pooled purchasing and competitive bidding. The City desires enter into an agreement to establish the Community Education Purchasing Regional Council of

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Governments (CUE COG) as a regional council of governments under Chapter 167, which agreement is in the form attached to this ordinance as Exhibit A.

Ms. Hazlett stated that this is not a new program. This has existed amongst local government entities to group purchases together in order to save taxpayers money by purchasing items such as road salt in larger quantities. This measure is merely a housekeeping matter that establishes this group of government entities as a purchasing regional council of governments

Mr. Brillhart moved to bring out Temp. Ord. A-66 with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

The meeting adjourned at 7:42 p.m.