



Safety Committee Minutes December 9, 2024

PRESENT: Committee Chairwoman Lisa Maruschak, Vice-Chair Stephanie Palmisano and member Lesley DeSouza, Clerk of Council Allen, Law Director Schneider, Service Director Sepik, Safety Director Scharschmidt and in the audience Council President Rounds.

The meeting was called to order on Monday, December 9, 2024 by Chairwoman Maruschak at 5:31 p.m.

Clerk Allen called the Roll call: **DeSouza, Palmisano, Maruschak**

Chairwoman Maruschak: Opened the discussion with item 3 of Old Business regarding Chapter 619; Clean Indoor Air which the Law Department has been so kind as to update it for us to reflect the current State regulations. There are some highlighted areas that we should take a closer look at. I hope to recap and make changes necessary starting with 619.01. We have a couple of highlighted areas; Retail Tabacco Store and the Retail Vaper Store. I'll turn to Director Schneider to explain further.

Director Schneider stated that the reason we highlighted that is so that this committee has taken on this topic, and these are regulated by the state and the city. This topic will inadvertently address two other topics the city is currently considering. I look forward to working with you and I think it's very important to review these topics. They have some higher interest issues with somethings the city is considering.

DeSouza added what does upcoming litigation mean?

Director Schneider stated that many cities have moratoriums on the vaping facilities. There is consideration of the health and affects and the effects of ingesting these items. Much of these have been city, by city, by city, is how we define such a facility. Many of those regulations are being litigated by communities that have placed such restrictions either through temporary restraining orders or administrative appeals of denial of use permits or variances. They are in the Common Pleas Courts right now. Brunswick, Brook Park are in litigation right now. Parma attempted to regulate found it very difficult to enforce.

Chairwoman Maruschak stated that this is not going to be a cut and dry topic. We will have to watch how the other cities handle this issue and maybe we can put together a draft with what we are comfortable with and then go back and amend later.

Director Schneider added that is merely to provide this committee a starting point. You can take a look at the current chapter as well as what was transposed from the State Law. I would suggest as it relates to vaping and hookah smoke, move forward with any changes you may see, the Law Department is here to facilitate that for you.

Councilwoman Palmisano stated that 619.01 (a) it talks about vapor product; there is a nicotine free e-liquid vape that you can use with the e-cigarettes. I think we need better wording when we talk about vapor product to specifically speak to cartridges that have regulated chemicals in it; outside of the e-liquid that doe not contain nicotine. I don't think we should be regulating things that aren't regulated in the market.

Chairwoman Maruschak stated that she doesn't know how that would be enforced unless they are checking cartridges.

Councilwoman Palmisano stated that she doesn't know how to enforce that either. I just think that if we put in (a) that the vaper product that we're talking about are the controlled substance vapor products.

Director Schneider added that there is an exception that reads burning the substance. Maybe the burning of the substance is exception. Director Sepik and I spoke and we agree that some of these items are very difficult to detect let a lone enforce. Maybe someone from the Board of Health could be helpful in distinguishing the differences.

Chairwoman Maruschak so you're suggesting that maybe someone could come and speak at an upcoming Safety meeting?

Director Schneider said yes, and perhaps we could reach out and try to report back to you the current status.

Chairwoman Maruschak added that sounds good, I don't want to over regulate.

Councilwoman Palmisano agreed. Discussion regarding 619.01 (b and c) was had but no changes were ultimately changed to these sections. Moving on to 619.02 (a), discussion regarding the range of ingress or egress, perhaps adding 20 ft. away.

Chairwoman Maruschak asked Director Sepik his thoughts on a 20 ft range sounded to him since he deals with more of the establishments. It seems that they would have to completely re-create layout to provide for this because it seems that most bars, they have it where they can step immediately outside and people walking in need to go through the smokers to gain access to the location. A few local locations were mentioned. I agree, I don't like walking through it, but I think we'll have to look at other cities.

Councilwoman Palmisano added that she would say it's inhibiting additional business because you literally can't walk into the front door without walking through a cloud of smoke. Some people are very sensitive to cigarette smoke and it's unhealthy. I don't think I have a lot of empathy for a business owner who doesn't want to take steps to protect probably half of their patrons. I know we look to other cities but I don't mind being the leader or doing something different than the rest of the neighboring cities.

DeSouza stated that referencing other cities might help us with ideas on how we can actually build upon that.

Chairwoman Maruschak stated that she felt 20 feet was a bit far, but other local cities have nothing updated. Moving onto 619.03...

Chairwoman Palmisano asked to remove in (a) "or are not related to the owner." Section (c) I think we need to remove the entire section. If you have a family-owned business, and you are employing family members, you have stopped being a family member and now have established an employer/employee relationship. Employees should retain the same benefits or protections as any other employee.

Chairwoman Maruschak said she would read these sections over and we can discuss at another meeting. No changes other suggested changes for this section. Moving on to 619.06.....

Chairwoman Palmisano asked in section (a), it states that all signage will contain a phone number for reporting violations, does anyone know the phone number?

Chairwoman Maruschak responded that she safely assumes it's the number to the Ohio Board of Health. We will have to take a look. If someone were to call locally, we could send the call to the Safety Director and then it could be reported to the Board of Health.

Director Scharschmidt said that is a reasonable request, or addition to the department.

Director Schneider added that if we start creating additional steps between something observed and actually taking place vs. acting on could be the difference between overtime and regular time. You could imagine a business owner calling to state that someone could have been within 20 feet of the door smoking. It could have been hours ago, that's just a general consideration. If we need to make some kind of trouble line, we could consider putting that in there.

Chairwoman Maruschak stated that in the interest of time, I would like to pause here and give some thought to some of these considerations for the next meeting. We will be working on this into the new year. I don't want to rush through this, we have time to do research and pursue some of these suggestions we heard tonight. I would like to move on to the hand out's that you did get, Chapter 630.04 Curfew. In section (c), it states that any organization should have mayor's approval, that seems a little outdated. Section (d) do we want to add in any other locations.

DeSouza added that she thought that was changed in the Administrative Code.

Chairwoman Maruschak continued in (e1) it states that through age 11; 8 p.m. EST./9:00 p.m. EDST. Do you think that's okay to leave that Director Scharschmidt?

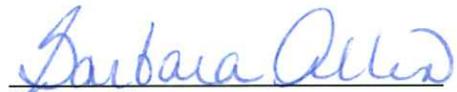
Director Scharschmidt I would remove that and leave just one time in there.

Chairwoman Maruschak said good, so we'll remove the Day Light Savings Time and just leave the Eastern Standard Time in. A little bit of homework, perhaps you look at 630.06 for our next meeting, which I had printed for you. It doesn't have anything about home schooling. I think we need to get this up with the times. Any other questions or concerns? Seeing none.

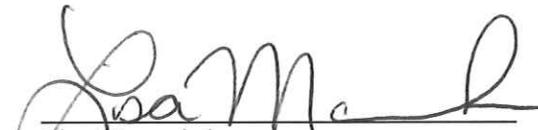
I'll look for a motion to adjourn by Councilwoman DeSouza; seconded by Councilwoman Palmisano

Council Clerk: Roll Call: **Aye: DeSouza, Palmisano, Maruschak**

Safety Committee meeting is adjourned at 6:15 p.m.



Barbara Allen
Clerk of Council



Lisa Maruschak
Chair, Safety Committee