

Chairman Fallis called the meeting to order at 6:09pm

Present: Fallis, Flores, Arroyo

Absent: Thornsberry, Koziura

Discussion of the implementation of a smoking ban in city parks, piers, bicycle paths, etc.

CHAIRMAN FALLIS: What we would like to discuss tonight is a potential smoking ban in our city parks. I took a look at some of the ordinances from several local communities, Avon Lake, North Ridgeville, Oberlin, Sandusky and I put some discussion points together to consider putting into an ordinance to ban smoking for public parks. I don't know if folks have had a change to take a look at that or not but it is a page and a half document. I guess I would open it up for city council if they have any questions or comments on that particular ordinance or not. These points do not include an ordinance addressing the outdoor green spaces of other city owned property, for example, City Hall, it only addresses parks. After we go over the points for banning smoking use in parks I would also like to hear from the public to see if they are interested in also us pursuing an ordinance to formally ban smoking in the other land areas that the City owns. Now, we do have our personnel policy which says that smoking is banned but we don't really have it in an ordinance so from my perspective I think we should highly consider that because the public really will not see and does not have access to our personnel policy. I think there are just a couple of things that we would like to discuss tonight so I will open it up to City Council to see if they have any questions or comments on the points to be considered for inclusion in the ordinance to ban smoking in public parks.

COUNCILMAN ARROYO: Are there any representatives from any of these communities or agencies that are in attendance that you presented to us here tonight? Anyone from the Metro Parks?

CHAIRMAN FALLIS: We have someone here from the Lorain County Public Health. I do not know if there is anyone else from any other public governmental agencies. If there are could you please raise your hands?

COUNCILMAN ARROYO: Say if we did move forward with this would this be a policy enforced by LPD or would we look at giving auxiliary the responsibility to do this?

CHAIRMAN FALLIS: I think that is up for discussion. There is a bullet point that talks about who would have the authority to enforce the ordinance and in these bullet points it talks about the police officers, city employees or city managers. We can add to that, the city auxiliary is a point well taken, I did not put that in the first bullet point and obviously those things we would have to address with the administration and the police department and the auxiliary to see if in fact they would agree to that but we can put that in there for consideration, Angel.

COUNCILMAN ARROYO: I am just asking. I think it is important that we know where we go if we are going to push this because I know we pushed real hard a couple of weeks ago for the no parking last month and the 30 days are up on the expired plates and whatnot but we are still not enforcing that yet so I think this is something that is going to be very difficult to enforce inside the parks. It is something that I agree with but as you stated, the city has a policy with no smoking in city vehicles and police cars and fire trucks and whatnot but I think it is going to be tough for us to pass this and enforce this on our residents if this is still happening in our own city vehicles. That would be something that I would like to see cleaned up before we start pushing an ordinance on no smoking in the parks rather than a designated area.

CHIEF OF STAFF DORE: I was reading some of the ordinances from other cities and the way that it is stipulated in their ordinances is that other city employees can...a person who doesn't obey a city employee who tells you to cease smoking is guilty of a minor misdemeanor. The problem with that

is that only police officers can actually charge the person with the minor misdemeanor so ultimately only a police officer can enforce the ordinance because they would have to be charged with the minor misdemeanor. They could be directed or instructed to cease smoking but only the police officer could enforce it.

COUNCILMAN ARROYO: I see in some of these it says no vaping but does no vaping include electronic cigarettes or are those both the same thing?

CHAIRMAN FALLIS: My understanding is that they are the same thing.

CHIEF OF STAFF DORE: That would just depend on how you stipulate what vaping is in your definitions in the ordinance that you do create.

CHAIRMAN FALLIS: At this time we will open it to the public. If you would like to speak on this particular subject please come up to the mic and state your name and address. We are here at this public meeting and we want to hear the plusses and minuses of your thoughts relative to this proposed ordinance. Please step forward and we will duly note your comments.

DENVER CASTO 3516 Jaeger Road: This ordinance as far, as I can see, is not a bad ordinance but what I am seeing and what I am hearing, if you have a city employee, which is just another individual that is employed by the city trying to tell somebody or physically trying to force someone to do something I think you ought to look at the logistics of that to see what would fall back onto the City because you are responsible for all of your employees. Another thing, vaping, if anyone has done any reading or checking up on vaping, it is worse than smoking. If you are going to kill one you cannot afford not to kill the other. With this, I would say that you would have to put vaping in with the smoking.

CHAIRMAN FALLIS: Mr. Casto, on our proposed points to be included in the ordinance we do include smoking, inhaling, vaping and chewing tobacco.

CASTO: Now, who is going to be responsible for enforcing this?

CHIEF OF STAFF DORE: City employees could instruct people to stop smoking but that is as far as it can go. They cannot charge someone with a minor misdemeanor. Only a police officer can charge a person with a minor misdemeanor. Ultimately you can have people saying hey, I am informing you that the City of Lorain has an ordinance against smoking, would you please put your smoking material out and maybe that person would comply. If they didn't or if you wanted them charged only a police officer could do that.

CASTO: That is another thing that I think that we are going to run into with the enforcement because we have so many ordinances that it is impossible for all of them to be enforced. Myself, I have complained about bicycle licenses and that is apples and oranges but I was told by the administration that we don't have enough people to enforce that. If we cannot enforce something that is already on the record how do we even think that we could enforce something like smoking? If you are smoking in your car is that different than smoking outside of your vehicle?

CHAIRMAN FALLIS: That is not addressed in the points for the ordinance so that is a good question.

CASTO: I think that we ought to take a serious look at what you have. I am not saying that it is bad. I am a non-smoker. I smoked for years but I quit but if we go ahead and allow cigarettes to be sold in the city and vapes to be sold in the city what are we sending forth to the community? Maybe that is something that we ought to look at, too. Some changes farther on down the road.

ABBY GLEASON 1018 Lakeview Drive: I guess I am one of the two people that sent emails when Avon Lake passed their smoking ban and I live right across from Lakeview Park and they have softball games there all summer and it has been an issue. My husband and I will go around and we have trash pickers that go around and pick up trash with and there are just cigarette butts everywhere

and if you think about it these are little kids who are playing baseball and parents or whoever are standing there smoking while kids are engaging in physical activity to keep them healthy, so that is one thing. Another thing that I am curious about since it says beaches is this going to apply...I mean obviously it is going to apply to Lakeview Park because it is a city owned park, but would this apply to Lakeview Beach that is a Metro Park because last summer there was someone sitting on the grass hill going down to the sidewalk and down at the sidewalk it says this is a smoke free environment, which is like is it just the sidewalk or the entire park? I approached a ranger and asked him and he did not know. I then called the Metro Parks to ask them and they did not know. They said they guess it is just the boardwalk and up by the parking lot where you can find piles of cigarette butts but they don't know if it is non-smoking or not. I am just curious if since it is in the City of Lorain and it is a public place if this would apply to that?

CHAIRMAN FALLIS: The answer to that question is I don't know. That is something that we will have to speak to our Law Director about. We lease that land to the Metro Parks so I don't know if there are any prohibitions or not in our lease with the Metro Parks that would allow us or not allow us to enforce a smoking ban in Lakeview Park North. That is something that we just don't have an answer to at this point at time. Good questions.

ABBY GLEASON: I guess the other thing, too, is if you are worried about enforcing this, this would at least if you had signs up around the park saying that this is a smoke-free environment. I was at a park in Ligonier, PA and they had signs about vandalization and no smoking so that at least you have that signage up and if one citizen wanted to approach another citizen and say this is a non-smoking environment we would at least have grounds to do that where there is signage stating that it is a smoke free environment. I have a two year old and I am pregnant and a lot of people if you say would you mind putting out your cigarette they will comply knowing that you have little kids with you. If they are a real jerk they might not but at least it would give other citizens grounds to remind people and then if they don't want to you could always call the non-emergency police number and get someone over to have them put out their cigarette. I guess some people will say that is a waste of time but you also look at the fact that I am 29, my husband is 36, we have soon to be two kids and we are looking at if we want to stay in Lorain or not and you have the schools that are already having all of their problems. This is one simple thing that you could do that would pretty much cost zero dollars to do that would potentially improve the city a little bit. The other thing, would this apply to Black River Landing?

CHAIRMAN FALLIS: Black River Landing is not owned by the City of Lorain and we don't lease that. It is owned by a separate entity that is the Lorain Port Authority. We have no jurisdiction there. If you are interested in starting a conversation with them about having non-smoking I would suggest that a letter be sent to them and asking them to consider doing that at Black River Landing.

ABBY GLEASON: Okay. But this could potentially apply to the beach?

CHAIRMAN FALLIS: Yes, because we own the property and we have a 100 year lease with them. It may, depending on how it is worded so we need to research that out. To get back to your couple of points, in our points relative to items to be included in the ordinance we don't address signage to indicate that it is unlawful to smoke in a park but typically some ordinances that I have read in the past it is pretty much the whole park once you get in there is how it is written.

ABBY GLEASON: Just if you have signage it is a little bit easier to say hey, it says right there, no smoking. I know I contacted Lori about a multitude of things over at Lakeview Park this summer but one of them was signage for vandalization because we have graffiti all over and that never used to happen and then I said can we put a no smoking sign up and she said we don't have an ordinance against that so no we couldn't put a sign up. So I guess if we are going to do that it would cost some

money to put signs up in city parks but I think that having some sort of sign in a central location by the picnic shelter or playground or something like that would be helpful.

CHAIRMAN FALLIS: I would agree. We have guests coming to our parks so I think it is fair to let folks know what the rules of the ballgame are if we in fact do that. We without a shadow of a doubt should have signage in our parks indicating that there is no smoking permitted so I think that would be a critical component of our ordinance and to highly consider putting in our ordinance that we do in fact place signs in the city parks indicating no smoking.

ABBY GLEASON: One other thing, will this be something that is put to city council to vote on or what is the process after this?

CHAIRMAN FALLIS: Well, we wanted to get the public's input on yes or no to see what their interests were and if the committee thinks that there is enough interest we would go back to legal, gather all of the information that is presented here tonight and all the information that we put together as some points that we thought would be important in an ordinance and we would present that our law department and then they would draft a legal ordinance that would come before council to consider and vote.

ABBY GLEASON: And then people who have been kind of involved in having interest in it, would we continue to get updates if that went through?

CHAIRMAN FALLIS: You would. I would just keep your eyes out for City Council's agenda when we meet next. It will be on our agenda items so keep an eye out for that and that will let you know when the next meeting will be. We will do our best to get that word out in the newspapers as well.

CHIEF OF STAFF DORE: Just a point of information about the park rangers. Park rangers in the State of Ohio have police powers. They are in fact police officers and they carry weapons and can arrest people. If there is an ordinance in place or a park rule that establishes that it is a minor misdemeanor to smoke in the park they can be ticketed or arrested but there has to be something in place that causes the park ranger or police officer to be able to charge them. There has to be a law or an ordinance that establishes that whoever does this is guilty of a minor misdemeanor or they have no power to do anything just because they want to and whoever puts up a sign that says no smoking if they don't have the authority that is established by an ordinance or law that sign is worthless as well so there has to be something that puts teeth into your rules and regulations that creates some authority to charge these people.

CHAIRMAN FALLIS: Thank you, Mr. Dore, and in our proposals for an ordinance we do in fact have a stipulation in there that says that if someone violates the ban on smoking in parks it would subject to a minor misdemeanor offense. Just so the public knows that that is something that we are looking at for consideration. You don't want to have a rule on the books and not have any teeth to enforce it.

WILLIAM A. MADANSKY 720 W. 36th St.: You probably saw my letter in the Journal on Saturday and I already had a letter in the Chronicle. That Black River Landing...I talked to Tom Brown already on the Port Authority and he would like to have it. This council voted it down before they could even answer on it last time. I am not standing for it this time. We need to do something because people use those places like ashtrays! That includes Lakeview Park, Black River Landing, you go across the Bascule Bridge when they've got something down there and it looks like somebody dropped a bomb down there and you've got all those kids down there. I was eating ribs this summer at the International Festival and a guy was spitting tobacco juice into an empty beer cup right next to me. I will tell you that is just filthy! And then you tell them that and they say mind your own business. Same thing happened when a girl was pushing twins in a stroller in the taco line maybe six months old. She was smoking a cigarette probably eight inches long blowing it right into

my face by her in line. I said do you think you could put that out? She told me to mind my own f***** business, and she didn't say it nicely, she said the actual word! She was probably 20 years old. These people use these places like ashtrays. Just walk Lakeview Park and find all the damn cigarette butts in the beach sand. People think it is an ashtray. Just check any open storefront down Broadway here. Every storefront has cigarette butts whether it is a gas station, bar, store, anything! I have seen people get out of cars at the gas station, light up a cigarette, take two puffs and walk inside and just toss it. There could be a puddle of gas out there. These people don't give a hell and I am tired of it. You cannot smoke in bars so why the hell should you smoke where the public is at? I am going to keep this up and bring the Port Authority in here because that Black River Landing is like a cesspool in there after you get done with anything in there. And if you don't get any more food stands in that International, your International Festival is just about done here. There wasn't enough food in that place this past summer to even keep a good party going. Thank you for letting me talk but I am not done yet. We have got to get something on the books because this is too far already. These people are just....ban it like CVS does! Quit selling that junk. Christ, you walk into a gas station and there are six walls of tobacco products.

CAT BRAY, Health Education Specialist, Lorain County Public Health: Smoke free environments are healthier environments and we have some experience as the County Health Dept with helping city entities, parks, worksites, etc. with implementing smoke free policies and tobacco free policies. The difference is just that- a smoke free policy would be strictly prohibiting smoking, whether it is an e-cig, vaping device or cigarette and 100% tobacco free would include things like chew and some of those other tobacco products. There are a couple of comments and questions brought up that I do have some additional insight on that I wanted to share. First, North Lakeview Park with the Metro Parks is tobacco free, but it is a rule that was put into place, not a formal policy so there are no teeth for the rangers to not ticket at North Lakeview Park. It is a positive enforcement campaign where they are to confront people who are in violation of smoking or using tobacco at Lakeview Park. The Ohio Department of Health has tobacco free signage that is low cost or free that Lorain County Public Health can assist the city with getting so that could help reduce the cost of signage and there may be other grants that could be sought after to help support the policy if it were to pass. Lorain Metropolitan Housing Authority recently went smoke-free; I just wanted to note that, those properties are smoke free indoors and within 25 feet of the building. That is all I have for now but please let me know if you have any questions.

CHAIRMAN FALLIS: No questions from council, but I appreciate you bringing forward that information relative to how we might be able to get some signage if we go forward with this project. I appreciate your comments, thank you.

MADANSKY: In Cuyahoga County the Metro Parks have signs in their parks that state cigarette butts are also trash. Why can't they do that here in Lorain with all these people throwing them all over the sidewalks and streets? Put some signs up so that these people know. People just use this city as an ashtray. It seems like that is all Lorain is good for anymore. Like I said, she said no smoking down there at Lakeview Beach but the kids on the beach they just smoke and put the cigarette butts right into the sand! They have to rake them out every morning. The same thing at the Black River Landing they have barrels everywhere but do you think that they use them? No. Just like on Broadway, every storefront has cigarette butts whether it is a bar or gas station or a storefront. Make the owners clean this place up and maybe they'll start enforcing something.

DEANNA KNICELEY 1961 E. 31st St.: I have a cousin who has Cerebral Palsy and she cannot even go down to the lake. Even when cigarette butts are around she cannot breathe. She cannot go to the Black River Landing when they have the concerts or anything because of cigarette smoke. I think

that it would be good but I do agree that it would be difficult but at least if we had signs that would make a difference because you could say something to someone and maybe that would click in something that they would be able to relate to someone else that has a difficult disease. Also, I know this is a parks meeting and I do want to mention because of what happened this last weekend with the storm, I really think and would suggest to the administration that at Oakwood Park, the trees that are already dead really need to be cut down. There was a person that was hurt from the trees falling down and I think it needs to be addressed again by the administration.

CHIEF OF STAFF DORE: We have identified 36 large, mature trees that are scheduled to be taken down so we are in that process. They have actually started already before that storm but we agree. There are 36 that we consider an immediate need to take down now and that is just in that park. There are over 100 trees in our parks that we determined should be coming down. We are trying to get to them as we can but we understand that there are those trees that need to come down and they have been marked.

DEANNA KNICELEY: Yes, we noticed that there are new marks on them.

CHIEF OF STAFF DORE: Yes, I did that.

DEANNA KNICELEY: But especially with this last storm it was just a concern.

CHAIRMAN FALLIS: There was a company that said safety is job one and safety is job one in the City of Lorain so that is a high priority for us and we are pushing to get that thing done sooner rather than later but thank you for your concern. It is much appreciated.

COUNCILMAN FLORES: I understand the desire to encourage and promote a healthy lifestyle and a safe environment for our citizens who visit and utilize our parks. I hate those little cigarette butts, I really do. When was the last time someone was cited for mowing grass into the street? You cannot ride a horse down Broadway, they have an ordinance that says you cannot ride a horse down Broadway but when was the last time someone was cited for that? Even though it becomes an ordinance I would support it wholeheartedly. I guess if we have it on the books then it can be enforced. Right now we don't have anything so I would support a smoking ban in the city parks, piers, bicycle paths, etc.

COUNCILMAN ARROYO: I guess just a little clarification would be good and maybe Mr. Dore can explain this. On the front page it says on bullet point four, because she brought up the lease of the park, it says "as used in this section "City Parks, Piers, Bicycle Paths, etc. within the City of Lorain, owned, leased (such as Lakeview Park North) or managed by the City of Lorain and also includes playgrounds, beaches, fields, wildlife preserves and those park areas that have been set aside for recreational and/or park purposes", if I am right from what I understood last week, the Metro Parks lease the beach from us, correct? So even if they do have the park rangers it still gives the city the right to go into the metro parks and fine them if need be, correct?

CHIEF OF STAFF DORE: Actually, that not only would help us to enforce it but it would also help them to enforce it because they may have a rule but that rule doesn't establish if they don't have the authority or have some sort of legislation that makes their rule a minor misdemeanor they cannot do anything except tell people not to do it. If it was in fact an ordinance those park rangers could then do the same thing as our police officers and enforce it with tickets or charging people with minor misdemeanors as well. This ordinance as I see it would allow that to occur there and I do not believe that there is any reason to think that a Lorain Police officer, even though we are leasing that property, doesn't have the jurisdiction in area of our city. That would be the case, I think our officers do have that jurisdiction it is just that in the parks as well the park rangers have jurisdiction.

COUNCILMAN ARROYO: I appreciate it. Again, I think this is something that I would support. If private agencies or organizations can do it I think we can too. I just think we need to figure out who

has the right whether it be auxiliary police officer but we need to enforce it and give them the authority to do it. We cannot expect two officers in South Lorain to enforce Oakwood like that but it is something that I would support.

CHAIRMAN FALLIS: Just to bring clarity to the situation, we did ask the Lorain Law Director whether this ordinance would include or not include the leased property at Lakeview North and, again, he indicated to us that he would have to take a look at our lease agreement between the City of Lorain and the Lorain County Metro Parks and see if there were any stipulations in there that would prohibit us from enforcing a smoking ban if we do in fact pass this ordinance. That is something that we will work on with the Law Director and bring forth that answer as soon as he is able to provide that to us.

PRESIDENT JOEL ARREDONDO: Thank you for calling this meeting this evening. Unfortunately I look at the audience and I don't see too big of a concern about this ordinance but once again, this is the first time that we talked about it. Possibly in the future, as you said, it'll go to council and council could decide. Less than half of the council people are here tonight. We have to remember a couple of things and I think Mr. Flores mentioned one of them and that is enforcement. To enforce anything, yes we have to have it on the books. You cannot run before you walk, you cannot walk before you crawl, so that is the first step of anything to be enforced is to have something that we can go back on, so that is the first step. All the rest comes into play, the enforcement, I am just looking at our police enforcement code and this would probably be down on the list. I don't see it being in the top 10 violations that police would report to but at least we would have something on the books. Mr. Madansky, I know he is pretty adamant about it and there are others but once again, your rights end where mine begin and we are supposed to do things for the majority for the best part of the City. Some people don't like to think that you are doing it for them or for their interest so council has to weigh that also. The point is, we are talking about it, we are getting to a point there. Yes, it would be nice for homeowners and business people to clean up after you. We did have a little control program here back in the seventies and eighties, I think even into nineties but grant money went away. If we don't care about it ourselves nobody else is going to do it. Thank you for hosting the meeting tonight, Mr. Fallis, I am sure that we will be hearing more about this topic in the future.

CHAIRMAN FALLIS: I just have a couple of last minute comments here. I agree that cigarette butts in our parks really make our parks uninviting to our citizens and to our guests. Again, someone had commented about children being in our parks and adults smoking. I don't really think that sends the right signal. I am an ex-smoker. I started smoking when I was 18. If I wasn't around the wrong people I would not have started. Smoking kills. It will kill you if you smoke it long enough. I think there is a lot of value to trading the smoking ban that would benefit our young people because they are just not being exposed to it, number one. Number two, it would improve the appearance of our parks and the third item, as President Arredondo and a couple other folks said, if we pass this it is not going to be the highest ranking order that our LPD will be going out to enforce; however, it will set a standard for our city if we put it on our books and those people who abide by laws will abide by that. Those who are disrespectful and don't care about our ordinances will not and at some point will be subjecting themselves to a misdemeanor if we go down this path. I think it is a good ordinance for our city. I think there are a lot of benefits to it, again, we put laws on the books to stop speeders, does everybody abide by those rules? No. We are not going to catch every speeder out there but I think there is a lot of value to highly considering placing an ordinance on our books to make our city more beautiful and attractive. It is also very offensive, as Mr. Madansky has said, he has spoken and given two really solid examples as to why we should in fact have a smoking ban in the parks because people are disrespectful in those cases that Mr. Madansky said. The public needs to be respectful to

fellow citizens in Lorain and that behavior is inappropriate. So, those are my comments for tonight, as a go forward I am hearing from council that they are interested in pursuing this so what we will do is we will take the ideas presented to the public meeting and incorporate it into these points that we would like to have put into an ordinance. We will have that submitted to City Council for consideration for a first reading and at that point I would probably recommend that once we have our first draft of an ordinance that we would probably have a second meeting so that we can get some additional comments on something that we have that is more definitive than what you see here tonight.

There being no further comments, Chairman Fallis adjourned the meeting at 6:49pm.