

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - Final

September 30, 2019

6:00 PM

City Council – Public Meeting

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

- A. Call To Order** Called to order at 6:00 pm
- B. Roll Call** Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker

C. Also In Attendance

Mayor Ebert, Matt Peoples

D. Items for Discussion

ORD-19-053 An Ordinance To Amend Section 331.44 Of The Codified Ordinances Of The City Of Canal Winchester (**Ordinance**)

Jarvis: The item for discussion tonight is the draft ordinance for hands free devices and operating a motor vehicle. Bennett stated we discussed this topic in previous meetings; idea is to move away from hand-held devices; look at ordinance from Bexley; designated the device needs to be cradled; primary offense, sheriff could stop distracted drivers, give warning before it is actually enforced; discussions with Bexley has written approximately 60+ tickets over the past five years. Clark stated Bexley has written 73 tickets since January of 2018 and it is a \$100 fine according to the clerk of courts in Bexley; police in Bexley would have number of warnings issued, but did not respond with the information. Bennett stated it goes to show this is becoming more and more of an issue with distracted driving, the safety concern and we need to intervene in distracted driving to make it an offense and give the sheriff teeth in the law to enforce. Amos asked if Sgt. Cassell was going to attend tonight's meeting; Ebert responded that Sgt. Cassell had mandatory training with county sheriff's office. Amos stated the sheriff's department is on-board, it is meant to catch those who are driving erratically, they will use good judgement, not intended to ticket everybody, the intention is to educate the community and help everybody drive safer. Bennett state the sheriff deputy's use discretion in writing speeding tickets, looks at past warnings and tickets issued, tracking warnings given before writing tickets.

Jarvis stated the ordinance from two weeks ago has been modified by Mr. Hollins; the point of this meeting is a public meeting and give anyone in the audience an opportunity to speak on this issue; come to the podium and give us your name and you have five minutes to speak. Is there anybody who would like to speak before council? Ed Winkleman came forward to speak; he stated his appreciation for council addressing this issue; he is for the texting and driving ordinance; has two kids, one started driving; it's ridiculous, but reality is that he followed the trend of looking down at his phone, thinking he is a good driver, but soon realized he was driving distracted and it was dangerous to

himself and others; ask sheriff's to use discretion to the best of their ability. Jarvis thanked him for his time to attend. (unintelligible discussion) Jarvis stated he understands there could be another violation at the same time; Ebert said they can write multiple violations. Bennett stated he doesn't think many people in Bexley challenged their violations. Jarvis stated signage to notify people would be at every entrance to the city. Scott Conner came forward to speak (cannot hear parts of the discussion due to microphone issue); questions by Lynch, Bennett, Amos. Randy Stemen came forward to speak (cannot hear parts of the discussion due to microphone issue); comments by Bennett that Sgt. Cassell has said people would not immediately be stopped if he sees you on your phone, it depends if you are also driving erratically; comments about if phone is in a cradle; Amos stated the sheriff said he is not targeting a responsible driver, but if person is clearly driving erratically and seems dangerous to others; Walker commented about phone in cradle and sees a text come across and it is a tease to answer it and may pay more attention to it. Jarvis thanked Mr. Stemen for his thoughts. Jarvis stated that you can't legislate common sense comes and common sense comes in on the law enforcement side; we have to have something law can use as a tool; question of Bexley representative coming to speak on this issue; Ebert stated he has spoken to Bexley mayor and he said it has been a very controversial issue. Jarvis said this is not the only opportunity for public input, there will be more readings and time for input. Question of making city vehicles liable under the law; Coolman said he had raised this issue before and he would like for them to be exempt, city employees on the road crew who are mowing, plowing snow, etc. and it is important they are able to communicate efficiently and safely, they should not be using the hand-held devices for personal use. Bennett stated Bexley ordinance says it will not apply to persons using emergency vehicles, etc. or for public safety; that snow plow actions are exempt; possibly subject to discipline if in accident while on their phones depending on the severity; opportunity to exempt employees who are responding to an emergency. Jarvis asked to defer to the Mayor and Mr. Peoples on this point. Coolman stated he sees police officers on their phones all the time without their lights on; same opportunity for city employees. (unable to hear discussion due to microphone issue) Coolman said we need to allow city workers to work efficiently and word it so they can be safe and operate in a public emergency and find out where their co-workers are at and be safe. Jarvis asked for anybody else present to speak; nobody else came forward.

Jarvis asked the council members to discuss further. Bennett stated issues of how language differs from Bexley ordinance; in emergency situation you need a tool for employees and they should be covered, otherwise discourage use a hand-held device in vehicle unless emergency. Walker stated it would be nice to hear from Mayor of Bexley to give his thoughts. Amos stated that it would be nice to have Sgt. Cassell here to share his thoughts. Jarvis stated tonight was about hearing public input and opportunity to be heard

because it will affect everybody driving. Bennett said he likes how the Bexley ordinance was written and it was plainly written and very understandable. Walker commented that we are missing Mr. Hollins tonight and hearing his input, and Sgt. Cassell and the Bexley Mayor.

Jarvis stated if no further discussion we will have more opportunity at next meeting in October.

- E. *Motion to adjourn made by Bennett; seconded by Clark*
Motion carried by the following vote:

Adjournment

Yes 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker
Meeting adjourned at 6:36 pm