

COUNCIL MINUTES

February 2, 2015

Council Chambers

7:00 P.M.

7:00 P.M.- President Ellington called the Newark City Council meeting to order.

ROLL CALL- Mrs. Floyd, Mr. Guthrie, Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rath, Mr. Rolletta, Mr. Blake, Mr. Bubb, Mr. Cost
INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS Mr. Rath- my intent tonight is to call for a vote to waive the two day reading rule on Ordinance 15-04 which is the BSL and should that pass I want to follow that with a motion to table the Ordinance until March 16th. The reason that I am doing this is because when this went through Safety Committee I urged the committee to pass this on to full Council because of the outpouring support that we have for this issue I felt that it was necessary to have a vote from full Council. I understand that in two weeks we won't have a full Council so I would like to push this back so we can have a vote of full Council and for those who haven't made up their mind on how they are going to vote they will have plenty of time to do whatever research they want to do on the issue.

MINUTES- January 20, 2014 Motion by Mr. Rath, second by Mrs. Floyd to approve the minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same. **Motion carried by acclamation**

REPORTS OF STANDING COMMITTEE

Finance- **Received & Filed**

Capital Improvement- **Received & Filed**

Personnel- **Received & Filed**

Safety- **Received & Filed**

COMMUNICATIONS

Ohio Division of Liquor Control-transfer application for Newark Foods LLC at 814 Mt. Vernon Rd- **Received & Filed**

Ohio Division of Liquor Control-new application for M and D Groceries Inc, DBA Country Club Carryout at 597 Country Club Dr.- **Received & Filed**

Pit Bull legislation- there were 13 various forms of communication received in favor of City Council adopting Ordinance 15-04 and three in opposition. - **Received & Filed**

COMMENTS FROM CITIZENS

Stephen Baldwin of Marysville- several members of the Newark community requested that I attend tonight to discuss Pit Bulls and Breed Specific Legislation. I represent the Animal Control Task Force of Ohio which is formed as a second humane society in Union County. It is recognized by law to enforce, investigate, and seize evidence and file charges of animal cruelty. We rescued 116 dogs in 2014 and 93 of those dogs fell into your "bully breed" category. After they were rescued they were put into homes where they could be rehabilitated by using positive reinforcement techniques that have been proven time and time again to help dogs that have come out of bad situations. 91 of those Pit Bulls were successfully rehabilitated and adopted into loving families. One was euthanized for severe cancer problems and one was euthanized because its' behavior was thought to be too dangerous to be out in the community. Legislation that only focuses on the dogs and not the wrong owners who have the right dogs is not going to do what you want it to do which is create a safer community. He gave members of Council three models of non-breed specific dangerous dog ordinances to look at. He stated that they focused on responsible ownership, accountability and creating a safer community. I hope that you look at these models and consider them as a more effective means to get what you actually want to accomplish here as a community which is a safer community with responsible dogs.

Lori Carlson, Executive Director of the Licking County Humane Society, 973 Nadine Dr. Heath- I am a Pit Bull owner and can

only echo what Stephen just shared. At the Humane Society in the last four years we have placed 93 Pit Bulls or “bully breeds” for adoption, all very successfully, none of whom have subsequently hurt or injured their owners. She invited Council Members to visit the shelter and spend time with some of their Pit Bulls if they have not been exposed to Pit Bulls. She also offered to show them the work that they have been doing in the community which she felt would help with their decision. She stated that the Humane Society supported the repeal of the BSL because they have wonderful families in this community that want to adopt Pit Bulls that they have not been able to place with. She stated that they are very cautious who they allow to adopt Pit Bulls or “bully breeds”. She stated that they do background checks, record checks and veterinarian checks.

Rhonda Loomis, 870 W Church St- While the pictures I have put on the table may hurt your sensibilities, and they most assuredly do mine, I wanted you to know that what is before you is deed not breed. Each of these pictures represents a bite from a Labrador, a Jack Russell Terrier, a Husky and a Doberman. None labeled vicious prior to this. Will a law or a piece of legislation labeling them stop this from happening? Does the discretionary power of the Animal Control Officer to label a dog a Pit stop dog bites? This made more obvious since the local paper has found three stories to print showing the BSL at working. What is alarming is the fact that these Pits as reported by the Advocate are being turned back over to the negligent dog owner for self-monitored quarantine. I find that a safety issue and that is what you are here for is the safety of Newark. If your replies to this well organized group of people is true it is time to work on real legislation for making those who own the dog that has bitten someone brought to court and begin the fining process. During the last safety committee meeting, the closing statement from Ms. Floyd was that council would not be discussing the resolution to appeal the BSL from the City of Newark’s Codified ordinances. With respect, they are all here because it is on the agenda; it is on first read of course that has all changed since then. In the background you may be receiving an email from a committee member still presenting reasons to not repeal the BSL. The discussion whether in public or not, is still on going. While in court last Thursday for another personal matter in fact a failure to confine dog case that hits home for me (and by the way not one person in this room believes that person should not be in jail, he should be and should remain so for a time) there waiting in the hallway was Ali, wearing her Ban the BSL shirt. She was second up after a domestic violence and as tough as she wanted to seem, there she was with a misdemeanor, shaking, the judge saying do you understand that you have been cited under Newark’s codified ordinance 618.22, Exotic and Restricted Animals. At that point I thought I can definitely see where the confusion would come in with the charge as read. She attempted to explain her situation to which he said and I paraphrase “I am not an attorney, guilty or not guilty” and done. See the clerk, pay the fine. She wasn’t belligerent or incensed she was there; she is trying to pay fines and do all the other things necessary to bring her dog into compliance. It is costly and this young girl cannot just simply pull out her wallet and pay these mounting bills. If you say then get another type dog, well she has this dog, she loves her dog and now she is trying to pay for the discrimination against her breed. Folks don’t know the law in Pit cases until the Animal Control Officer shows up. The timing given to comply is discretionary and as you heard at committee, no real set date, no timeframe that is set in stone. Fines compound and court dates build and financial hardship occurs. By the time you have tried to understand and comply you owe a lot of money and your record has at minimum a misdemeanor. To you Mr. Rath, you have done the most unpopular thing in the realm of politics. You listened to the voices of the people that pack this room on a very unpopular topic. You are fighting against an old mindset, your party, the other party and the newspaper. You are a champion in the eyes of these common folks with their cry for justice, for change to a discriminating law. Sir, I admire the fact that you are doing exactly what you were elected to do. We have heard no other voices against repealing the BSL publicly. The stories of dog bites are vague, no names or pictures of the dog words like “alleged” and “looked like a pit” are used. This room of activists supports you for supporting them because you are showing what the difference is between a civil servant and a politician. To the rest repeal the outdated BSL as the State of Ohio did three years ago. Make this a crime of deed not profiling citizens based on the appearance of their dog. Blame the owner not the dog.

Rachel Reid, 490 Essex Downs Rd- in her government class last week her teacher used Newark’s controversial Pit Bull law as an example of local government in action. My class was really touched and interested in learning what we could do to change this law. There was a general consensus in our class that this should not discriminate against Pit Bulls but should apply to specific dogs with a history of aggression. I personally was impacted by the current law because my family went to adopt a Pit Bull but couldn’t because of the extensive insurance requirement. I am not old enough to vote however I hope that the

Council will consider the opinion of the youth in Newark and vote to change this unfair law.

Andrea Langley, 1871 Cedar Circle- I am not a Pit Bull owner, I do stand up for what is right in the face of what is wrong. I am a registered voter in Licking County. Let's consider what is before us, civil liberties are being compromised and rights are being violated. In my opinion the current ordinance treats owners of Pit Bulls as criminals finding them guilty of having a vicious dog when their dog has shown no aggressive behavior. Having a boxy head is not a sign of an aggressive dog. She stated that when these dogs are taken to the animal shelter where they await their owners to reclaim them they are housed in isolation, not giving any toys or play time and only fed once a day. If the Pits are not claimed they are not adoptable and they are put down. These are perfectly adoptable dogs whose only crime is being deemed a Pit Bull. The Pits are the collateral damage of this law. Licking County does have a dog bite problem and that problem is not related to Pit Bulls. I ask for a vote of yes to repeal the current BSL ordinance, innocent Pit Bull lives are depending on it.

Rita Huff, Newark- I have a lot of people that I work with at the post office that would total disagree with me. I am a dog owner a dog lover. I own Huskies, I do not have a Pit Bull but I am here tonight because this is not a breed problem it is an owner problem. I encounter different breeds every day, I have encountered dogs in every end of this town and it is not a breed problem it is an owner problem. It is a problem with no follow up from the City, from the Dog Warden. We don't know if owners have been spoken to, cited if there dogs were out, if there was an incident we have no follow up with the owners. The post office is on their own. If we have an issue with a dog we have to force people to move their mailboxes or force them to get a PO Box because we don't get any help from the City. Every breed has a tendency to bite. I have been bitten twice once by a protective Lab mother who had her puppies on the porch. The one bite and they are euthanized she not apply to a dog like that. My worst bite was by a Beagle who flew out the door through a screen and bit the back of my leg. I had all four puncture marks in the back of my leg and the dog was not euthanized they got a PO Box so we didn't have to walk through their yard anymore, end of problem.

ORDINANCES ON THE SECOND READING

By: Mr. Cost, Mr. Marmie, Mr. Rath, Mrs. Floyd

15-01 AN ORDINANCE EXTENDING THE AUTHORITY OF THE TEMPORARY BOARD OF ZONING DISTRICT REVISION

Motion by Mr. Cost to adopt Ordinance 15-01, second by Mr. Bubb

Motion passed by a vote of 10-0.

By: Mrs. Floyd, Mr. Marmie, Mr. Rath

15-02 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF WATER AND WASTEWATER, BY CREATING THE CLASSIFICATION OF FINANCIAL SECRETARY, AND SETTING THE COMPENSATION THEREFORE, AND ABOLISHING ONE SECRETARY POSITION.

Motion by Mrs. Floyd to adopt Ordinance 15-02, second by Mr. Bubb

Motion passed by a vote of 8-2 (Mr. Guthrie & Mr. Cost)

ORDINANCES ON THE FIRST READING

By: Mr. Rath, Mr. Marmie

15-04 AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO REGARDING BREED SPECIFIC VICIOUS DOG DESIGNATION

Motion by Mr. Rath to waive the two day reading rule on Ordinance 15-04, second by Mr. Marmie

Mr. Rath- I think this deserves a vote on full Council and I want to wait which I will do after we waive the two day reading rule.

Motion to waive the two day reading rule did not pass by a vote of 6-4.

No-Mrs. Floyd, Mr. Guthrie, Ms. Hall, Mr. Rolletta, Mr. Bubb, Mr. Cost,
yea-Mr. Rath, Mr. Johnson, Mr. Marmie, Mr. Blake

President Ellington- the two day reading rule did not pass so the ordinance will be read again in two weeks on February 17th.

By: Mrs. Floyd, Mr. Rath, Mr. Cost, Mr. Marmie

15-05 AN ORDINANCE AMENDING THE POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE, REDUCING THE POSITION OF CAPTAIN BY ONE (1) THROUGH ATTRITION RESULTING IN A STRENGTH AUTHORIZATION OF THREE (3).

Held for a second reading

RESOLUTIONS ON THE SECOND READING

By: Mrs. Floyd, Mr. Cost, Mr. Marmie, Mr. Rath

15-02 ODOT LEGISLATION TO CONSTRUCTION OF PEDESTRIAN BRIDGE OVER LOG POND RUN AND VARIOUS SIDEWALK IMPROVEMENTS AT VARIOUS LOCATIONS.

Motion by Mr. Cost to adopt Resolution 15-02, second by Mr. Bubb

Motion passed by a 10-0 vote.

By: Mrs. Floyd, Mr. Cost, Mr. Marmie, Mr. Rath

15-04 ODOT LEGISLATION FOR CONSTRUCT A NEW INTERCHANGE OVER STATE ROUTE 16 TO REPLACE CURRENT AT GRADE INTERSECTION WITH CHERRY VALLEY RD

Motion by Mr. Cost to adopt Resolution 15-04, second by Mrs. Floyd

Motion passed by a 10-0 vote.

By: Mrs. Floyd, Mr. Cost, Mr. Marmie, Mr. Rath

15-05 ODOT LEGISLATION TO CONSTRUCT A NEW INTERCHANGE OF STATE ROUTE 16 AND CHERRY VALLEY CONNECTOR

Motion by Mr. Cost to adopt Resolution 15-05, second by Mrs. Floyd

Motion passed by a 10-0 vote.

By: Mrs. Floyd, Mr. Cost, Mr. Marmie, Mr. Rath

15-06 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION
(672, Moull St Storm Sewer Fund-\$494,955.71)

Motion by Mr. Blake to adopt Resolution 15-06, second by Mr. Bubb

Motion passed by a vote of 10-0.

RESOLUTIONS ON THE FIRST READING

By: Mrs. Floyd, Mr. Rath, Mr. Cost, Mr. Marmie

15-07 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION
(623, Water Projects Fund: \$81,980.81; 621, Water Fund: \$16,915.34; 100, General Fund: \$1,300.00; 665, CSO Sewer Projects Fund: \$72,000.00)

Held for a second reading

By: Mrs. Floyd, Mr. Rath, Mr. Cost, Mr. Marmie

15-08 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION- EXPEDITE

(153, Compensated Absences Fund: \$10, 220.00-Pay out for Chad Smith)

Motion by Mr. Blake to waive the two day reading rule on Resolution No. 15-08, second by Mr. Marmie

Mr. Blake- this is an employee payout

Motion passed by a vote of 10-0.

Motion by Mr. Blake to adopt Resolution No. 15-08, second by Mr. Cost

Motion passed by a vote of 10-0.

By: Mrs. Floyd, Mr. Rath

15-09 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION- CI

(335, Capital Improvement Fund: \$32,000.00; 335, Capital Improvement Fund: \$13,500.00; Capital Improvement Fund: \$46,000.00)

Held for a second reading

COMMENTS FROM CITIZENS

Rhonda Barber, 917 Glenmore Ave- as I look around this room I didn't see anyone stand up here that wanted to continue this ban so shame on all of you that are not supporting Mr. Rath who is trying to do the will of the people. I don't understand about the tabling but it didn't sound like it went his way. Basically you are saying forget about all of you voters that are sitting here.

President Ellington- we just read it for the first time, usually it gets voted on the second reading. Mr. Rath was asking to waive the two day reading rule so he could make a motion to table it because Mr. Blake is not going to be here in two weeks and he wanted the full Council to vote on it. He didn't get enough votes to do that so it will be read again in two weeks.

Wanda Barber- so what do these people have to do to change your mind because again I haven't heard anyone stand here and say I am not for this ban? Do we need to double the number of people; do they need to get a petition and do they need to bring their dogs? Are you making an educated decision is what I am concerned about. Are class issues coming in? I am really really concerned. I vote, I blog.

Tammy Nortman, Dayton OH- I am an attorney in the State of Ohio therefore I travel at will to represent people's interest such as the dog owners here. I know we discussed it the last time I was here but I want to reiterate the due process problems that we have in the city. Since we have discussed finances and cost this evening there are two ways that can be approached with this due process problem. One is that your Animal Control Officer starts bringing the Pit Bulls and their owners in for a hearing. Now you have to have special hearings and pay your Animal Control Officer over time to come in and testify. When you have a hearing it is a rebuttal because it is already presumed that the animal is a Pit Bull so we are going to bring experts in to tell you that the dog is not a Pit Bull. We can talk about breed identification, I can provide you with an affidavit from a geneticist who has actually worked on dog genes from the University of Wisconsin. I could also provide you with studies from veterinarians who have done multiple studies, scientist who have done studies on visual breed identification. I am happy to provide all of those to you so you can take a look at them. The second way that your due process goes is that your Animal Control Officer and City Council continues to ignore the due process rights of their citizens then in that case your city gets sued and that costs the city money as well. So in reality taking out this tiny little portion of the ordinance, the breed discrimination language that we have in the City of Newark is easy and cost effective. On top of the safety issues that you are all concerned about, it is also the finances of your city. If you would like me to I can send the information to Mr. Rath and he can give it to you.

President Ellington- you can send it to Mr. Rath or I and we will get it to everyone else.

Diane King, 99 Union St- she stated that she had to give her Pit Bull up because she couldn't abide by all of the rules. He was put in the shelter on October 23rd and five days later he was adopted by a loving family and became a therapy dog. Not all Pit Bulls are vicious it is the way in which the owner raises them. She asked for the BSL to be removed.

June, 162 James St- I used to be scared to death of Pit Bulls because of what I heard, I never knew one then one of my good friends got a Pit Bull named Sady all she does is lick me. She is a good, beautiful, fantastic dog.

ADMINISTRATION

Director Rhodes- I have asked Mr. Cost to call for a Service Committee meeting. The group that is proposing the zoning change on River Rd is going to be in to make a presentation on some way to help fund the improvements that are needed out there on the street. I currently tabled it at the Planning Commission level. There is no legislation here I thought that we would allow the group to come in and make a presentation to Council. After the presentation we will take it back to Planning Commission. This will allow citizens to come in and speak as to whether they like the ideas from the development company or not. This is one more additional step that we are going to do to allow the public to have some additional input then it goes to Planning Commission and I will render an opinion and then it comes back to Council for you to make the decision to rezone it or not.

Mr. Cost- can I assume that the people in that area will be notified?

Director Rhodes- yes we will begin to notify them tomorrow and I am before you tonight in front of the media in hopes that they will get it out there too. We have a list of contracts that has come to the meetings and we will be contacting them from my office.

Mr. Cost- so there will be a public hearing for us but not at the Planning Commission?

Director Rhodes- not at the Planning Commission level we have had our public hearing and the issue has some been met with some resistance. I felt that if we had one more committee meeting with a proposal on some funding solution and we would get your feedback and then make a decision.

MISCELLANEOUS

Mrs. Floyd- it is nice to have a new Fire Chief we are happy to have one out there.

Mr. Guthrie- I am sure we will have a good discussion in two weeks on the Pit Bull issue but I did want to make a comment. It is a shame that we are dealing with this, matter of fact the last legislation regarding this was sponsored by Mrs. Loomis and if I recall she said in the minutes that legislation was fair and equitable. The folks here have been very respectful. I may share a different opinion but one thing that I think I need to make clear from my perspective is that it is not about the good owners who are in this room and there are a lot of good owners in this room. That is not why Mrs. Loomis sponsored this the last time I am sure, to penalize the good owners. It is a shame that sometimes there has to be laws on the books like this that impact good people because of bad ones. I will just going to tell you folks you deserve to know where I stand on this I am not going to vote to repeal this and I will take all the heat that comes with it but I am not going to. I have seen injury caused. This last meeting we had some beautiful young children in the front row who probably have a Pit Bull in their home and I am sure they have a loving relationship. I think of my own grandchildren, my 11 grandchildren and how we have had dogs over the years and my granddaughter who is very sick right now has a dog that is her companion. I understand Mr. Rath circulated an email that I sent of a video from a dash cam from Cincinnati, it affected me and so did the bit of the little girl from Heath in 2013 when I saw those pictures that affected me too. I am just one vote out of 10 and you need to know up front that I am going to be honest with you; I am not going to vote to repeal this.

Ms. Hall- I want to thank Mr. Guthrie for those comments. I think that we all have gone back and forth and we have yet to vote but thank you I appreciate that.

Mr. Johnson- I guess I am on the opposite side of things, I don't think that we need to label one breed of dog as vicious when there are several others that have bitten people. It comes back to the owner and if the owner doesn't take care of it then the owner should be penalized and penalized heavily.

Mr. Marmie- One of the first things that I think of any time that we have legislation in front of us is first of all is it enforceable. If it is not enforceable and it's not fairly enforceable then we should not have it on the books. I feel that this legislation is not really enforceable in a consistent manner. I think that it is cost prohibitive which is kind of a moot point if we talk about safety but there is no proof that the safety has changed because of this law. I can start this off by saying although State Farm is my bread and butter I am sold on them. Some things that you need to know about State Farm is that they are the largest property

and casualty insurer in the nation. They insure 1 out of 5 homes and they insure more homes than any other company. They have more statistical data than the government. If you ask anyone who has taken actuarial science in college the one place that they want to work is for State Farm Insurance because it is the mecca of actuarial science. They know what they are doing or they wouldn't be a large as they are. They wouldn't be in your community supporting your community. He shared a video about a dog bite that State Farm put out. State Farm used to have breed specific language we used to ask the question do you own a Pit Bull. We never asked if they owned a Chow and I can tell you what Chows have cost our insurance company more than any other breed of dog. The reason that I shared this information is because I don't claim to be smarter than other people I really don't. I firmly believe that if State Farm the largest insurance company in our country thought that breed specific was the way to go they would. In the insurance industry you are not allowed to unfairly discriminate. You are not allowed to unfairly discriminate; you are allowed to discriminate. Youthful drivers are more accident prone than drivers who are 50 years old. We discriminate, we charge a different price. We do things like that in our industry day in and day out. We have removed breed specific language ensuring that we are not unfairly discriminating. In that video you see whose responsibility is it for safety? It is the responsibility of the dog owner and the responsibility of the individual. It is my responsibility to make sure that if I am around a dog that I am safe. I face it on a daily basis whenever I go to inspect a property. I have no idea what kind of dog is there but I guarantee you that I am prepared. I make sure that I whistle as soon as I get out of my vehicle just to see if a dog barks because I want to make sure I am safe. The one time that I was almost attacked it wasn't the property that I was inspecting. It was a Rottweiler from the house next door that came up and thankfully I was still close to my vehicle and could get back into my vehicle. It was the person who owned the dogs' responsibility and they failed in that responsibility. I think this ordinance is unfairly discriminating. I think that if we do anything we need to make sure that the owners of a vicious animal are held responsible if there was anything that does occur no matter what type of animal attacks. I had another dog attack my dog I tell you what I didn't like it and that dog is still just running the same there weren't any consequences. It is up to everybody on this Council to make sure that they know you can look at statistics; I can make a graph look any way that you want it to turn out. I can make it look good either direction it is just a matter of how I put the numbers in. Look at what is the actual impact and can this law really be effectively enforced and are we fairly and equitably enforcing it? I can tell you that I don't care who you put into that position to be able to identify a Pit Bull is extremely difficult because there are so many different variations. I have my own personal opinion that there really is no true breed of Pit Bull that terminology is something that evolved. I am going to be in support of changing the language I don't believe that Breed Specific is to the benefit of our city. I have had three individuals call me. One was in support of changing the language two was not. By the time I was done with my discussion and I explained my reasoning they said I understand that now that kind of makes sense. After our discussion and I explained it to them they didn't feel the same way. I urge you to ask the people that contact you who are not in support of changing the legislation why specifically. I found that there really was no justification that it was just a feeling.

Mr. Rath- congratulations to Chief Connor and his family I think that he is going to be a great Fire Chief and I think he is going to be here for a long time and look forward to working with him. I want to personally address Mr. Guthrie's comment about circulating the video. I took a video that you sent out to every member of Council and forwarded it to one person outside of Council. What happened to it after that I don't know but if you didn't want that to be seen by anybody else outside of Council you should have specified that and if you did I tell you that it is public information and could have gotten out anyways. We have heard a lot of opinions, we have heard a lot of facts, we have had dog owners come up here and talk we have had trained professionals come up here and talk and we have had attorneys come up here and talk. I have talked to more people than I care to talk to about this issue. I can't walk out of my house without somebody coming up to me and talking about this issue and I am out of my house a lot. I have had very few people saying that they are against this. I have had an overwhelming majority of people who say they are absolutely 100% for getting rid of breed specific legislation. I will tell you my objectives here. One is I see a room full of people that are trying to effect change and they come to a Safety Committee meeting with a Safety Committee up here and other Council members back there and after a 2 ½ hour discussion and after someone blatantly said will somebody please represent us and let our voices be heard nobody stood up except for me. Shame on every one of you, shame on every last one of you because that is what we are elected to do whether you agree with their issue or not that is what we were elected to do. Whether you have a personal opinion about how you feel about this specific issue I don't care

because you are not elected to represent you, you are elected to represent the citizens of Newark. He asked for a show of hands of those who were citizens of Newark and then he asked for a show of hands of those who live in the City of Newark and are registered voters. Shame on you if you raised your hand and live in the City of Newark but aren't a registered voter. Go out and get registered. My other objective is to make the City of Newark safer. This ordinance does not make the City of Newark safer. The restrictions that we are putting on Pit Bulls and not on other dogs have done nothing to make the City of Newark safer. I have been incredibly consistent in every dog legislation that has been introduced with my message. I want it to be incredibly difficult for a vicious dog to live in the City of Newark. I want it to be incredibly painful for an individual to own a vicious dog in the City of Newark. I don't mean I wasn't a slap on the wrist, I don't mean I want a minor misdemeanor, I don't mean I want a \$9.00, \$50.00, or \$100.00 fine I want it to hurt. If you own a dog that attacks somebody I want you to feel it. I want to make sure that never happens again and I want to make sure that the dog never attacks again. I understand about rehabilitating dogs but I am not interested. If a dog viciously attacks me and goes to bite me above the shoulders I want the dog euthanized. We do have an ordinance that we passed a few months ago that gives the judge the discretion to order a dog euthanized after the first bite I think that is a good step. It gives the judge discretion, it doesn't mean that if you startle a Lab protecting her puppies and she bites you that the dog is going to be euthanized and I don't think it should. If a dog viciously attacks somebody I think it should be euthanized. Unfortunately what you have seen tonight in my opinion is a combination of class warfare and politics. Why you wouldn't give somebody more time to do more research on an issue is beyond me. It wasn't like I was calling to waive the two day reading rule and insisting that we vote on it tonight. I thought about doing that then I thought no, that would make me uncomfortable. That is ramming it down somebody's throat and I didn't want to do that. To give us more time to extend this out until the middle of March I really don't see a problem with that. So we are going to vote on this in two weeks, fortunately we will have a roll call vote and if you want to see an end to partisan politics and you are a registered voter in the City of Newark see me in the lobby after the meeting.

Mr. Guthrie- I want to make something clear, when I sent you and the other members of Council the video I did not ask people to vote one way or the other so I don't want the suggestion that I violated the Sunshine Law because I didn't I simply shared it with you and it was shared with someone else and that is fine you have the right to do that. Everybody in here has the right to Google that dash cam video. There was no intention other than to bring information in front of all of Council that this Councilman felt was relevant, the rest may not. That is a public document, if I email you anything Mr. Rath you can share it with anyone you like.

Mr. Rolletta- I want to congratulate Chief Connor and explain my vote on waiving the two day reading rule. I had a discussion with a resident in the 4th Ward today about this issue of waiving it through and she said she couldn't be here tonight and I think a lot of people are under the impression that it will be voted on in two weeks and I was under the understanding that if that were to go through but then the vote failed to waive it the next time around to a specific date then it would be called to a vote tonight. I just wanted to make sure that there was no chance that it would be rushed through tonight when there are citizens that are under the understanding that it will be in two weeks.

Mr. Blake- I am a Democrat and am joining up with three Republicans so it is not necessarily a partisan issue it is a citizen issue. I feel this is a fairness issue. It is obviously a divisive issue. I do want to thank my friend Councilman Rath because tonight's action was to allow me to vote on this issue when I come back from vacation. All of Council and Administration knows I am going to be going to Thailand for two weeks for a friend's wedding so I will not be here on the 17th to vote on this particular issue now. Mr. Rath's action was to move the issue back until I returned to Newark so I do want to thank him publicly for that effort. Unfortunately the majority of Council is not going to allow me the opportunity to do that which is unfortunate because I am in support of removing the breed specific legislation but now you are done one vote because of that so you are going to have to double your efforts. I am actually happy right now. Week after week you folks come here, you found an issue that you are passionate about. It is something that you have organized around. You can't dismiss the power of all of you have done. You have come together to advocate for something that you love and you are passionate about it. It is just amazing. If we had more citizens engaged on issues of poverty, transportation, livable wages what kind of community would we be in. I don't diminish this issue. This power that you have that people have to influence their government to influence change is amazing. I agree with what several others that it is the owner not the breed. It is divisive. I too have received Facebook

messages, emails, telephone calls are the most powerful to be honest with you. Telephone calls are so powerful because messages can be easily deleted. I know that we have some bloggers in the audience and we kind of get insensitive to that stuff but phone calls really do make a difference. I have had people call me and say that they think the law should remain the same and I asked them the question why do you feel that way and they don't offer anything because there is no justification why they want to keep it the same. They don't know the cost that this legislation is putting on people and they don't know that people have gone to jail because of this legislation. All they know is that they hear Pit Bull they don't like it keep it the same. We have heard week after week from you folks coming here and I commend you for doing that. Unfortunately I won't be here to vote on it, I have had this trip planned for some time now. I wish you good luck in your lobbying efforts with the other members. I want to thank Director Rhodes. Director Rhodes and I and Amanda at the Yes Club were working on a project for this Friday February 6th at 3:30, we are calling it #newarklove. As all of us know the weather is cold and freezing and there are those in our community that are less fortunate, those that are living on the streets and not doing well. This project is to collect gently used scarfs, hats, gloves, anything that you might be able to lend please take to the Yes Club then on Friday we are going to use the south west corner of the Courthouse Square and the trees on that corner is where we are going to put these items with messages of peace and hope so that way people can come in the evening and freely take them without prejudice or discrimination. We will also be doing this along Railroad St in the south end. He called a Finance Committee meeting.

Mr. Cost- I want to congratulate Chief Connor, I think he will be good for the City of Newark. He called a Service Committee meeting. About a year, year and a half ago we had a couple come in front of us and they were looking for a way to get their Pit Bull off the vicious category. With some back and forth we were able to find that way with some training and certification for the dog to then no longer be considered vicious. At that point in time I thought that was a good solution to what we were trying to do. I still think that has merit but now we are looking at this in a broader view and it probably isn't going to surprise anyone sitting here but I have a little bit different perspective then some of the other members. There are some things that I agree and disagree with both ways. To begin with I do believe any dog can be vicious. I think any dog can be dangerous, I think any dog can be a nuisance. When a small dog bites my ankle he is dangerous and a nuisance but when it bites a small child in the face on the floor than that dog is done as far as I am concerned. I am also realistic enough to say that if you have a larger dog it has a larger bite so you are probably going to have more injury and I don't mean just a Pit Bull I mean a larger dog. I think what we are trying to do here with removing Pit Bulls from the legislation, the way that Mr. Rath is approaching this; with all due respect, I think we are starting from the wrong end of this. I think if you will excuse the expression, we are letting the tail wag the dog. I think where we need to start is with irresponsible owners. I think that is where the problem lies and I think that is where I would like to see us work on this from instead of trying to work on it from the breed. I think we need stricter guidelines and stricter penalties and as you heard Mr. Rath agrees with that as well. If I owned a dog and I had any concerns about its behavior and if I am a responsible dog owner than I need to have that dog trained or I need to get rid of that dog. So that to me is what the definition of being a responsible owner and the definition of safety. Let's face it accidents happen even when you are doing everything the right way. Accidents happen when we have a dog on a leash which I am glad we have all dogs on a leash. Here is the final question for me, what risks are you willing to take? If you folks are convinced if this group is convinced as a whole that this is the will of the City of Newark in my opinion if this doesn't go through the way you want it to then I think you should consider a citizens initiative and find out if you think the citizens of Newark would support this. Then you would know for sure and it would be on the ballot, you would have a vote that is democracy. When I took my oath I stood here and swore that I was going to do what I felt was in the best interest of the City of Newark. As it stands now I do not feel that this legislation is in the best interest of the City of Newark and I cannot support it. I appreciate that you all have come, I appreciate that you have been here to voice your opinions, I am glad that you had the opportunity to do that and I thank you for the opportunity for me to express mine.

President Ellington- next Monday will be a committee meeting at 5:30 in this room and our next City Council meeting will not be Monday the 16th due to the holiday and instead will be on Tuesday the 17th at 7:00 P.M. I thank you all for coming and being a part of your Newark City Council and expressing your rights.

ADJOURNMENT- Motion by Mr. Rath to adjourn, second by Mr. Cost. Motion carried by acclamation. 8:21 P.M.