

COUNCIL MINUTES

January 20, 2015

Council Chambers

7:00 P.M.

President Ellington- before we start this evening I know a lot of you are here regarding the Pit Bull legislation so I want to let you know that Mr. Rath and Mr. Rolletta are working on legislation which will be brought up at the next Safety Committee meeting. The legislation will be discussed during the committee meeting that takes place here in Council Chambers. The meeting starts at 5:30 P.M. If the legislation gets voted out of committee it goes to Council for a first reading on February 2nd and then two weeks after that it will get voted on. There is nothing on the agenda tonight but I know some of you may want to speak during citizens comments and that's fine but I just ask you to give a brief comment, it is not a question and answer time with Council. Please don't all of you come up and say the same thing if you could have two or three of you be the spokesman that would be great.

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

Absent- Mr. Bubb

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Motion by Mr. Marmie to excuse Mr. Bubb, second by Mrs. Floyd. **Motion carried by acclamation**

MINUTES- January 5, 2014 Mr. Rath, second by Mr. Johnson 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 and Filed

Service- Received and Filed

Personnel- Received and Filed

Safety- Received and Filed

REPORTS OF CITY OFFICIALS

Stephen E Johnson, City Auditor- announcement that the City Auditor's office was awarded the Certificate of Achievement for Excellence in financial reporting by the Government Finance Officers Association.- **Received and Filed**

Stephen E Johnson, City Auditor-operating report for the period ending December 31, 2014. - **Received and Filed**

Barb Jobes, City Tax Administrator - Income Tax Collection Reports ending December 31, 2014- **Received and Filed**

COMMUNICATIONS

Ohio Department of Disabilities- notification that Consumer Support Services Inc. has applied for the issuance for 4 persons with developmental disabilities at 352 Brooke Way, Newark, OH.- **Received and Filed**

Daniel Crawford- typed statement that was read to City Council members on January 5, 2015 regarding decriminalizing of marijuana. - **Received and Filed**

Ohio Environmental Protection Agency- notice of receipt of isolated wetland permit for a project on Beech Rd in New Albany- **Received and Filed**

COMMENTS FROM CITIZENS

Rhonda Loomis, 870 W Church St- the discussion on social media and the Advocate's site have been all over the place in regards to the BSL and the City of Newark. Emotion comes into play with sweet pictures of pits, and the not so sweet pictures of the aftermath of a dog attack. The Advocate ran a story with a picture of an alleged fresh, just happened dog bite. However the most frightening thing out of that article was that the pit was given to the irresponsible owner to quarantine. Something seems off or very, very wrong. Remove emotion. I like to research and I like facts. First, I have an answer to my own question as I have not heard from the Safety Chairman and I would like to thank Mr. Rath for taking the time to research and discuss

this with me. I questioned whether or not the ACO (Animal Control Officer) was circumventing the legislation by changing Vicious to Exotic. The pit bull legislation is covered in two separate ordinances which lead to the confusion. They're covered under 618.15 which talks about dogs being deemed dangerous or vicious, covering all breeds that have bitten. Then 618.22 which is titled, Exotic and Restricted animals is where the permits come into play and all their restrictions. So when I heard the word Exotic I found it just happens to be where that section of the law dealing with permits is within the codified ordinance. I have here information from the Health Department that I am going to pass out showing dog bites and of those bites how many are pit bull bites. You are going to see that there have been very, very little. I have a copy of a Special Order by the City of Reynoldsburg in regards to their officers seeing a Pit in Licking County. This booklet is from Janis Bradley who helped introduce HB 14, which is what the State of Ohio passed to eliminate the BSL for the State. This is for Jeff Rath only, who graciously offered to sponsor new legislation. Does the BSL change the outcome of the bites / attacks? People that are going to break the law, break it. People that take no responsibility for their pets, will never do so, yet keep getting them. The identification process appears to be flawed or subjective. I just don't believe the law stops a bad dog from biting any more than a restraining order stops a person intent on killing their spouse. It may be time to stop wasting City time and resources on a law that is outdated, that is clogging up (and losing in) our local court system. Judge Higgins' response in the Reynoldsburg case is on YouTube, he ruled in favor of the defendant. Council stated three years ago that they wanted to see what the repercussions were from the State pulling BSL from State Law. That is three years ago, it is time to repeal a law that is no longer relevant. Like everything else, there was a time for it. Now it is too much discretionary power for a one man office. I think Toby's job would be horrible, full of what we humans are capable of with our animals. We have an over population of dogs and cats, starving animals and at the moment one idiot human who is allegedly trapping and drowning cats in the Licking River for fun, bragging at his workplace that he has done so. An attorney at the meeting Monday night pointed out potential flaws in the law. You can debate it, you can disagree; you can try to tighten it, rewrite it. But ladies and gentlemen, don't fix it, repeal it.

Janae Stollfire, 780 Cedar Run Rd- thank you for the opportunity to speak in front of all of you tonight. I have been a business owner in the City of Newark for over 10 years. In lieu of recent events involving dogs I feel the need to say that more needs to be done not only to protect the citizens of Newark but also the dogs that are owned by careless and irresponsible people. Not only are people victims in these instances but the dogs also suffering as victims at the hands of their owners. As a responsible dog owner I too want to be protected from the reckless few who disregard the laws that govern responsible ownership. I know some try to make this a breed issue but this has nothing to do with breed. This is a dog issue and an issue surrounding the careless people who sometimes own a dog. I am recommending that we eliminate the breed specific from the Newark Code of Ordinance 618.5 Dangerous and Vicious Dogs, specifically 5c and anything that pertains to breed specifics. I am asking we remove the term Pit Bull from the definition of a vicious dog in the current law. I do realize that there will be some people concerned on behalf of what they feel is a risk factor involved with this change but helping to educate all the dog owners on proper responsibilities as pet owners and providing resources to keep our community and animals safe will help reassure this. The momentum is clearly changing as communities are realizing that aggressive dogs are not breed specific but is a trait that many factors contribute to such as socialization and how a dog is cared for. Animal Control Officers in Newark can be far more effective in protecting Newark by focusing on a dogs' behavior not the breed. Another reason to end BSL in our community is the waste of resources from the City of Newark and its' taxpayers with resources being used on owners and dogs that are no threat as a public safety. These resources are being diverted from true safety threats. Breed Specific Laws make people less safe not more safe. Breed discriminatory laws cost the citizens of Newark an estimated \$79,790.00 yearly while accomplishing very little. As an active member and business owner I would like to offer any assistance in resources I have to make Newark Ohio a safe community for dogs and the citizens that call this town home.

ORDINANCES ON THE FIRST READING

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

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

Held for a second reading

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.

Held for a second reading

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

15-03 AN ORDINANCE ASSUMING MAINTENANCE RESPONSIBILITY FOR THE FULL WIDTH OF LICKING SPRINGS ROAD FROM THE EXISTING CITY OF NEWARK CORPORATE BOUNDARIES, AS SHOWN ON THE MAP ATTACHED AS EXHIBIT "A", EXCEPT FOR A 24" CULVERT LOCATED ADJACENT TO 8022 LICKING SPRINGS ROAD, UPON ANNEXATION OF 47.211 ACRES, MORE OR LESS LOCATED IN NEWTON TOWNSHIP, TO THE CITY OF NEWARK, AGREEING TO COOPERATE IN THE MAINTENANCE OF SAID ROADWAYS, AND INDEMNIFYING THE TOWNSHIP OF NEWTON AND LICKING COUNTY; AND DECLARING AN EMERGENCY.

Motion by Mr. Cost to adopt Ordinance 15-03, second by Mr. Rath

Mr. Cost- my understanding is that there is a Commissioners hearing on this next week which is why there has been an emergency clause added to this in order to meet that deadline.

Motion passed by a vote of 8-1(Mr. Guthrie)

RESOLUTIONS ON THE FIRST READING

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

15-01 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION- EXPEDITE
(153, Compensated Absences-\$4,250.00; 295, Jag Grant Fund-\$11,482.48)

Motion by Mr. Blake to waive the two day reading, second by Mrs. Floyd

Mr. Blake- this is dealing with employee compensation

Motion to waive the two day reading rule passed by 9-0.

Motion by Mr. Blake to adopt Resolution 15-01, second by Mrs. Floyd

Motion passed by a vote of 9-0

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.

Held for a second reading

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

15-03 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2015 RECREATIONAL TRAILS PROGRAM-EXPEDITE

Motion by Mr. Blake to waive the two day reading, second by Mrs. Floyd

Mr. Blake- I understand that there is a deadline that we need to meet applying for this program.

Motion to waive the two day reading rule passed by 9-0.

Motion by Mr. Blake to adopt Resolution 15-01, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

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

Held for a second reading

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

Held for a second reading

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)

Held for a second reading

COMMENTS FROM CITIZENS

Amanda Sears- 422 Wellington Ave, she stated that she has a son with cerebral palsy and she agreed that the laws needed to be changed as far as what kind of people are allowed to own certain breeds of animals. She asked for more discrimination against owners and not the breeds. She stated that her dog is great with her son and she would hate for anything to hinder that or take her away from her son.

Sara Burke- 11330 Miller Rd Johnstown, I am a proud guardian of three Pit Bulls and I am the Vice President of I Have a Dream Rescue. We are primarily a Pit Bull based organization. Our dream is that one day no dog will be persecuted for the shape of its' head and rather be judged based on the content of their character. I am here to speak on behalf of the people of the City of Newark. These dogs are wonderful and these laws are unfair to the dogs and responsible owners. Pit Bulls are wonderful and they deserve a chance to live a wonderful life without having to prove themselves just like any other dog. The problem is irresponsible owners it's not a specific type of dog and I truly believe that. She shared a personal story about one of her Pit Bulls waking her and her husband up one night that there was a fire in their home. She credits the dog for saving their lives.

President Ellington- once again if the legislation gets finished it will be presented on next Monday during the Safety Committee meeting.

Allie Long- 217 S Quentin St, she stated she was there to back up what everyone else said. She stated she was being charged right now for having and harboring an exotic animal in her house. They are not exotic; they are a special kind of dog. To go back on the reputation that they do have, they were bred to be fighting dogs but not only for that. They were also used as nanny dogs back in the 1900's I think. She stated that she has had her Pit Bull for a year and she hasn't had any trouble with him but a Chow that she rescued has bitten her twice over a few months of ownership. She gave Council a binder with signatures of people who want these dogs taken off the vicious list but also want the dogs to be able to be rescued and adopted out instead of being euthanized after three days in the pound.

Daniel Crawford- 163 S 2nd St, democracy is a beautiful thing. I rise in solidarity with all of the dog owners here. I am not a dog owner myself but what I see is truly inspirational. The people here have seen an injustice in the law and organized to bring an end to it. For me it is a testimony of how strong people's power is when they are united and their resolve strong. I want to extend thanks to Councilman Rolletta as Safety Chairman for giving them an opportunity to speak last week and Councilman

Rath for taking up their cause. Hopefully in the weeks ahead this gets dealt with and I encourage all of the citizens who have showed up here tonight and the previous weeks to remain persistent in this cause.

Allie Long-217 S Quentin stated that she made a small video clip of the “so called” exotic animals and she asked if she could somehow share it with Council.

President Ellington- email it to our Clerk and she can distribute it to everybody.

MISCELLANEOUS

Mr. Cost- called for a Service Committee meeting

Mrs. Floyd- wanted to make everyone aware of the events coming up at the Midland Theatre. She stated that Ricky Skaggs and Michael Bolton were going to be there and a number of good shows. She encouraged all to check the schedule of events and to attend an event downtown.

Mr. Rath- the City of Newark lost a great citizen this week of Roger Hall who is a Navy Veteran, a member of The Knights and a member of The Elks and also a city auctioneer. I am very excited about all of the legislation that is going through about the Cherry Valley Rd interchange on the west side of Newark, it is absolutely phenomenal that we are pushing that through and I can't wait to see that under construction and finally completed. I would be remiss if I didn't mention now that we have Cherry Valley interchange moving forward we need not drop the ball and see if we can get funding for construction on Reddington Rd and that expansion as well. In regards to the Pit Bull issue, I think if nothing else this is a great example of the City Government at work. I am very glad to see everybody here and very glad to see the kids here in the audience because it gives them an opportunity to see that if you want something changed where you live you can do that, hopefully you can do that, time will tell. This is at least the process that you go through. Whether you are successful or not this is the process of City Government. This is the citizens standing up and I commend you all for that.

Mr. Rolletta- called for Safety Committee meeting

Mr. Blake- called a Finance Committee meeting

President Ellington- I want to thank everyone for coming and like Mr. Rath said this is how City Government works. Next Monday January 26th there will be a committee meeting which starts at 5:30 P.M. Then Monday February 2, Council will meet in this room at 7:00 P.M.

ADJOURNMENT- 7:31 P.M.