

## COUNCIL MINUTES

**March 16, 2015**

Council Chambers

7:00 P.M.

**7:00 P.M.** - President Ellington called the Monday March 16, 2015 Newark City Council to order

### ROLL CALL

**INVOCATION** – Mrs. Floyd

**PLEDGE OF ALLEGIANCE**-City Auditor, Stephen Johnson

**CAUCUS- Mr. Marmie**- in miscellaneous with the agreement between the Majority and Minority Leaders we are going to invoke Rule 11 on a particular issue in order to make sure it meets a deadline for us to purchase salt for the upcoming year.

**MINUTES**- of March 2, 2015 Newark City Council Meeting Motion by 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 & Filed**

Personnel- **Received & Filed**

### REPORTS OF CITY OFFICIALS

**Stephen E Johnson, City Auditor**-operating report for the period ending February 28, 2015. -**Received & Filed**

### COMMUNICATIONS

**Mayor Hall**- will be proclaiming the month of March, 2015 as Developmental Disabilities Awareness Month- **Received & Filed**

**Daniel Crawford**- email received with his comments made during Citizens Comments during the March 2<sup>nd</sup> Newark City Council meeting. - **Received & Filed**

**Terry Lyle**- 2 emails received in favor of and encouraging Council Members to repeal the BSL. - **Received & Filed**

**Sandra Horvath**- emailed information to Council Members from Ohio Voters For Campion Animals, Inc. and stating that they are in support of ending breed restrictions.- **Received & Filed**

Email received on behalf of Humane World not in support of City Council repealing the BSL. - **Received & Filed**

**Michael DiPietro Milewsky**- email received in support of Council repealing the BSL- **Received & Filed**

**Holly McGee**- email in support of removing the BSL from City ordinances -**Received & Filed**

### COMMENTS FROM CITIZENS

**Rhonda Loomis- 870 W Church St**, I remember sitting up there on Council and I remember saying it's different, every vote is on behalf of every citizen and I remember the responsibility being a serious civil duty. So I truly know how hard it is to vote the way that you think you should vote. The oath that gets thrown around in this situation, seemed to have been forgotten while voting on a flawed union contract causing disparity as well as costing the taxpayer approximately 500,000 more in salary costs. And you frankly, none of you have sat on this side; none of you have sat on this side. Have you ever spent time in this pew? No. You came, you saw, you conquered. The split is odd and I had to really think why one from each party would be on the opposite side of their party's stance. Mr. Blake is a survivor and I say survivor because he surely is not a victim but an overcomer of discrimination of one sort or other, and one could assume that he knows firsthand how labels hurt and that civil liberties are hard won and should be fought for. His dog, Cyrus, made our little group's page when he got out while Mr. Blake was in Thailand. These folks worked as hard to find his dog as they would have to find yours. I met this group as they were humanely removing 8 puppies and a mother dog from a bad situation. The ACO fined and jailed the person, rightfully so, but this group took the real action and the LCHS received the dogs. Mr. Blake's dog, a Chow, from my understanding, was brought to him by the dog warden. That would have been a reunion that would have made everyone cry, they are like family. But that would not have happened for anyone else. You pick it up at the pound and pay the fee. No one here begrudges you getting

your dog back. No one begrudges you your happy ending but it was certainly different treatment that you did not ask for. So I believe your yes vote is born of many things because I have stepped back for the last few weeks just watching and reading. The R's are voting yes to repeal because that is what R's do. If a law is not enforceable, we don't have it. If a law violates a civil right, we don't vote for it. We don't believe in creating a big government, no big brother telling us that we cannot have guns, or that we must have health insurance and or furthermore that government will dictate which dog is dangerous. By sight not by deed. Young Rolletta claimed he could not support the repeal because for one, it would allow people to own five pits. Two things, then why did you not take up the legislation Mr. Rolletta as requested or amend what you think is wrong. There has been plenty of time. Frankly, that makes me wonder about people that have five Rotts, or Chows. Is that ok, or as I took Mr. Cost's letter to mean, is it time to ban them all to the BSL. And Mr. Rolletta, if you know the 4<sup>th</sup> Ward and you do, then what about the house with the live chickens and roosters in it? To me, that is the ACO's job. Goats aren't listed, but we go after them. Chickens are listed but they are alive and well in a residential home in the 4<sup>th</sup> Ward. The comments online and the naysayers by email are not Newark residents. I still have mine from 2012 and 2013. You speak of fear from those folks to come forward, and I say to you no one passionate has fear. These folks here are enduring some odd things; one couple had a man pound on their door to yell shut your dogs up that barked because he pounded on the door. They are beagles not pits. Then he threatened police and walked away. Not from the neighborhood. No cops came of course as we doubt they were called. But the harassment happened. It causes folks to fear to let their dog outside as poison could be thrown in a tasty treat over their fence. They come to the podium and give their names and addresses. In fear. But they came, keep coming and will all be here. This could be the theme this year as the group is fully prepared to collect and turn in the signatures for a citizen initiative. Raising funds over \$4,000.00 to date and while you might think this is the way to move on, I assure you they are determined. How about you challenge the out of town naysayers to referendum your decision to repeal the BSL? Because they will just troll on to another entity coming into 21<sup>st</sup> Century and repealing the archaic, unenforceable law. Now this second part here is from Betsy Mentzer. Because of a severe anxiety disorder, I cannot do any public speaking. I am, however, not mute so I give my permission for Rhonda to read this. My parents Robert Mentzer, assistant superintendent of Licking County Schools and, June Mentzer, child psychologist for Newark City Schools and Licking County School were founders and co-founders of many of the special education programs with Katie Carter and Eleanor Weiant Starlight, Headstart, EMR testing, etc. They raised us to be fair, unbiased, and to think with open minds. I've done my homework on the BSL and I believe it is an obsolete version of what really needs to be done in Newark. I am sure my parents would be right here beside us in our protest. Furthermore, they were both registered voters, as am I, and our family has many friends in Newark since I've lived here 66 years. If you expect to be re-elected next term, you may want to re-think your positions on this issue unless you care more about the money and power than you do about the citizens of this town.

**Beau Bromberg**- 407 Mt. Vernon Rd, I think that it was about two years ago that citizens first brought this injustice with this bill to City Council. This is the second time so I want to thank everyone who has been a part of this process over the couple of years. I think that this bill as it currently stands really effects the poorer people of this town. Putting requirements for insurance on them makes it harder for some people. Ryan and I rent to a lot of the same people and they are good people but they struggle financially sometimes. Jeremy you represent some of the poorer areas and you understand that some of these people really struggle with this. To me it doesn't make sense if somebody is struggling to pay their insurance on a dog to fine them or possible jail them just doesn't really make sense. It doesn't make sense to me the roads the way that they and the safety forces being under staffed that we are going to spend time, energy and money enforcing people not paying insurance on their dogs. I think that the citizens of Newark are just coming here looking for a change of heart. Why don't we have government help people rather than out to hurt people, or fine them or throw them in jail because they can't pay their dog insurance. Why don't we look for a way that we can help people rather than hurt people? We need your vote to change this. This needs to be fixed.

**Terry Lyle**- 294 Stare Rd, I am a Democrat although I am not sure I want to be anymore. The BSL as it stands now is racist and discriminatory because you are picking one particular thing and that is what this law does to the Pit bull. The law as it stands now does nothing but penalize people who would probably be more of a responsible owner if they weren't looking at thousands of dollars in expenses in this economy they can't afford. Just having this law on the books is not going to make

anyone safe. Aren't there laws on the books against driving while intoxicated? Does that keep people safe? No. People still drink, get in their cars, have accidents and kill people. You all had a chance to champion this bill and I thank Mr. Rath for stepping up and have the fortitude to do it. I heard that there are sufficient penalties for irresponsible owners. You pass this and we are more than willing to sit down at this table and help you draft laws that will make higher penalties or make it so they can't own a dog again whatever you want. It was in the paper this week that Georgia is the 20<sup>th</sup> state to ban BSL within the state. Utah did it last month. This has been going on for several years and suspect you are going to see a lot more of it.

**Anthony Hottinger**- 746 Russell Ave, I am running for Mayor on the Democratic ticket for Newark but that is not why I am here today. I am here today as a veteran, Tony Hottinger. I was told by both sides of the isle to stay out of this fight because it is too messy and that you will get dirt on you no matter what side you stand for. If you didn't know I served in the infantry in the United States Army and I am from Newark Ohio's working class people. Getting dirty is where I am most comfortable. Unfortunately I have a thing called empathy. I heard stories; it was the women to be honest. You hear these stories of 52 year old women getting misdemeanors. As a city we have to take care of these 52 year old ladies and make sure they are off the streets. They are trouble makers and we are a little bit safer today because 52 year old ladies get misdemeanors. Some of these young ladies would like to have a dog that can protect them. It seems to me that this city is harassing women under the name of the law and safety. It seems to me that it is the part of our government who is picking out the weak, sifting through who they can go after. I am sick of hearing about people being locked up for a prejudicial law. This ruins their lives. They can't afford to be locked up. They can't hit a speed bump. They don't have the luxury of hitting speed bumps. This law has zero compassion for the citizens. If this is about medical bills than legislate. Put in the law take it back to Committee make them accountable. Make them accountable after not beforehand but that's not what the law is about. It's about the city government hammering what you can hit the citizen's heads on and snooping in on people's private matters where it doesn't belong. It is about a law that targets citizens that have neither malicious intent nor negligent oversight. Is this law unjust? Darby once said that an unjust law is in itself a species of violence. This law is not only prejudice to a dog but to citizens who are attracted to a certain type of dog. Requiring people to have insurance on their pet based on prejudice of breed and look instead of scientific data or studies is a guilty before innocent law that is unjust. What you don't understand is like how they pointed out people are going to own whatever damn dog they please and it is up to you whether you want to make them criminals or not for that. Council has decided to fight instead of teaming up with the people on this. Instead we have decided to play political football where there has to be winners and losers. All I ask is that we come together and make a law that everyone can live with including the Pit bulls. Everyone could have won except the bad guys. I have said that Newark has a heart problem and I meant it. Council and the Mayor's office has sat and heard your account of the abuse of power over that animal control has over your citizen's heads. The sad true is that there are many laws on the books and if they look at any one of us deep enough they will find reasons to fine us or lock us up. This is the very definition of Tierney when common citizens are treated as criminals. I know that some of you believe that there is a silent majority that opposes this. That being said it is not for one citizen to decide the life decisions of another. Irrational fears, insecurities and traumas have ripped all our hearts and given us prejudice but we must be fair to one another in spite of these prejudices. A majority should not rule prejudice and control over a minority. I am sad that we have not yet grasped this truth. People at the end of the day have to trust one another for society to work. When one is reckless and actually guilty of some great malice or negligence we will punish them. Trust your citizens be partners today, repeal this law and commit to partnership with these people to keep the American Stafford Terrier breed and other bully breeds out of the bad guys hands who would make these dogs suffer and this would actually make Newark safer. As a soldier I am asking you to lay down your arms, drop your defenses, cross the isle, hug your neighbor's neck, and tell them that you have their best interests at heart but together we can find a better way.

**Melissa Lanter**- 116 Maholm St, I don't own a Pit bull I am coming here because I want to support these people who love their dogs. My dog was murdered and it is like a family members. They are humans to us. The fines that these people get for their dogs are steeper than the fine the gentleman for murdering my dog. Trust your citizens that they know their animals. Punish the ones who don't. There are no words to tell you what my heart and my family have gone through from the loss of our dog. Listen to your citizens please. Don't take a loved one from them when they are part of the family.

**Rodd Acord**-476 Allston Ave, I have been to all of these meetings except one and I have heard maybe a hundred people come

up and say why they want this changed but I haven't seen one person stand up against it. I just wonder where the opposition is. The only opposition I have come up against is behind this desk. I was to understand that City Council was here to represent the people of the city and all of our voices have said that we want it changed. I haven't heard another one say otherwise. I have heard that there were emails but no one has ever stood up here behind this desk and voiced that opinion to you. Only the ones that want it changed. If you going to do the jobs you sit here to do and represent the voice of the people, the voice is clear.

**Justin Williams**- 108 W Locust St, I have some pretty serious concerns with this ordinance the way that it is written. I apologize I haven't been here at previous Council meeting because I normally have class at this time but I am on spring break. I problem in general with all breed specific legislation really is they are incoherent, they are inconsistently applied and overall they are ineffective in their application. The biggest inconsistency is in the definition. I am not going to attack the definition of the legislation. I understand the purpose of this legislation. I understand that it was not designed to attempt to take away liberties, it was designed to keep people safe and I get that. My problem is that it is based off of the assumption that the Pit bull is an aggressive dog by nature; paired with its physical stature it is a big dog and can do some damage. I understand that was the concern. I would like to challenge that it is aggressive by nature. Any statistics that could prove that are correlational. They are not based on facts. They are based on reports which have been proven through actually studies to be completely ineffective at actually getting the truth. Forty percent of dog bites are reported as Pit bull bites, of those 20 % are never identified and out of the ones that are identified half of them are not actually Pit bulls. If someone says that it was a Pit bull that bit me then according to the official record it is a Pit bull even if it is proven otherwise. I have personally been bitten four times in the City of Newark, never by a Pit bull. I have also never reported it so I am also skewing the statistics right there. I am not saying that the damage inflicted by some of these dogs that have become aggressive dogs based on their training and by their treatment is not horrific. I have seen that same pictures you all have. They have done studies though. One in particular in The American Journal of Society and Research showed that Veterinarians themselves couldn't even tell whether a dog was a Pit bull by sight. 80% of the time they disagreed whether it was or not and 60% of the time that they actually agreed it was a Pit bull DNA evidence showed that was incorrect it had zero pit in it at all or less than 10%. So a dog catcher going out and saying that is a Pit bull by sight when veterinarians can't agree and can't get it right I don't see how a dog catcher can. I will go back to the aggressive part. Independent studies done at the University of Pennsylvania that Pit bulls and other aggressive dogs such as Rottweilers, German Shepherds and Chows actually test very low on aggression compared to other dogs. They are actually below average with strangers both human and other dogs. They are not aggressive dogs. The most aggressive dogs are Dachshund hounds followed by the Chihuahua and Jack Russell Terrier and the miniature Poodle. If you pair the dogs up on aggression and weight the most dangerous dog in the world is a Beagle. I think all of us would agree that is not true. Basically what I am saying is that the science doesn't add up. This law is completed unneeded. The dogs are not aggressive by nature. Other studies have also proven that the statics are a little bit skewed when it comes to dog, Pit bull victims. Pit bulls are generally owned by bad people they found. Aggressive people tend to own "aggressive" dogs. Actually they did a study to see what dogs criminals owned. Criminals were three times more likely to own a Pit bull, Rottweiler or German Shepherd over every other breed that was given as an option. So is the dog really bad or just the people who own the dogs just bad. When it comes down to it, it is the people. You ban Pit bull that is fine they will choose Rottweilers, Boxers or another dog that is equally as powerful as the Pit bulls. It doesn't matter bad people will get a hold of bad dogs and they will miss treat them, it's not the dog.

**Lindsey Craft**- 6094 Lakeview Dr, I have a Pit Bull, he is a 1 ½ years old and he is a therapy dog. He has been in 4 different states and he has traveled all around the world with me. I would just like for you to rethink your thoughts before you are to judge this breed that is more as a nanny. They were known as nannies of children and families, protectors and lovers. Please just think before you vote tonight.

**Ryan Stone**- 39 Wing St, this is the third meeting that I have attended regarding this is, I work evenings so I have to take time off of work to be here. When I came in December I requested that the BSL be changed. Shortly after that Mr. Rath championed the bill. The second meeting I came to it was the vote to pass it on to full Council. I expressed my gratitude that the Law Director and Mr. Rath had come up with some language that fit the specific needs I requested. The next day I sent an

email to each one of the representatives here asking for their position on the bill and a defense of their position. I received four responses. I received one from Jeff, Jeremy, Mr. Cost and Don Ellington who doesn't even vote unless it is a tie. I am very disappointed. You can say that you didn't get my emails but obviously some of them did. As a representative of Newark you guys should be reading your emails. Mr. Cost, you answered my email. You responded that you felt like you had to choose between safety and liberty or what was right. I disagree with that assessment. This specific proposal is asking you to choose between what is right. The majority of people here will stand up with you and be behind you 100% to increase the penalty for irresponsible owners and increase the penalty for a truly vicious dog. As far as the proposal this evening we are only asking you to choose what is right. Breed Specific legislation is ineffective as far as increasing the safety of Newark City. If I could just convince one person to change their vote to yes I hope that it is enough that the law.

**Laura Carrol**- N Westmoore Ave, I was very surprised I didn't know this legislation existed. I don't own a Pit bull but I have in the past. A beautiful, well behaved dog. The BSL doesn't work because the people you are punishing aren't following the rules. You have to go after the people who are not following the rules. Those are the people that you need to target. I am appalled to sit here and think that there are hardworking, taxes paying citizens getting criminal records and humongous fines because they choose to own a dog that you don't like or think is a safety issue. The real safety issue is people not doing what they need to do by not registering and training these dogs. I would just like to have some consideration for these animals. It is wrong that we allow our Animal Shelter to kill these animals because of this law. These dogs have a right to be in a loving home. If my dog bit somebody I would be at the vets putting my dog down because I am a responsible owner. Bad owners are the problem not the dog.

**Daniel Crawford**- 163 S 2<sup>nd</sup> St, The power of democracy in action is hard to ignore. In the past three months, a group of concerned citizens have come before our city government hoping to be heard. Their courage and solidarity in showing up and presenting their case week after week cannot be praised enough. For whatever it is worth, those of you who have participated in this effort must recognize that Ordinance 15-04 is only on Council's agenda because of your hard work. Regardless of the vote's outcome, the victory still belongs to you and to democracy itself. No matter how Council votes, I hope that all of you take note of your accomplishments in at least starting a serious conversation about repealing a law which you have deemed as unjust. See this moment for what it is; a shining example of what the people can do when they engage the system. Please, for the sake of our city and popular sovereignty, do not stop with this issue. Seize this democratic energy which you have so successfully harnessed and utilize it to transform our community. Each and every one of you ought to resolve to keep attending these meetings whenever possible. Tell your friends and family what you've succeeded in doing and encourage them to attend and become active as well. Through your vigilant civic participation, you can ascertain that the city you envision Newark becoming is realized. Just remember, that your obligations as a citizen do not end with casting a vote on Election Day or when you pay your taxes. Instead, a good citizen is a perpetually active one who – in concert with their peers always aspires to stand up and speak out for a better society as we march onward in time. Consider, as you look towards the future through the lens of activism, the importance of living wage job creation, affordable housing, transportation, and the imperative of ensuring that our safety forces have all the resources they need to serve us. Certainly your collective voice on these issues can be just as powerful and effective, since each one of them and many others unmentioned affects you and your loved ones in some way in day to day life. Tackle them one at a time, if you must. Either way, it would serve us all well if we as a community devoted to these causes the energy that you have put on display since December. Pertaining specifically to the issue before us here, I want to add to the plea of my fellow citizens for a repeal of the Breed Specific Legislation. I not only say this as someone who doesn't own a dog, but as someone who once used to believe that so called pit bulls were naturally vicious animals. Over time, and especially here recently, I have come to recognize that I was wrong to blindly label these pets as universally dangerous to our community and am hopeful for a responsible end to a law that seems to cause more harm than it is supposed to prevent. Even so, I want to note that part of me sympathizes with and respects the concerns of those who want to avoid a hasty repeal. Ultimately, City Council must do what is in the best interests of us all. While weighing this impending decision, it should be acknowledged that such will have an impact both on the welfare of our city and on the lives of real people. So, with that, I implore Council to heed the call of the people who've assembled before you either by adopting Ordinance 15-04 and then promptly acting to establish stronger protections for the public from

irresponsible owners, or by carefully writing an ordinance which achieves the same objective in a way that balances the freedom to own a dog of your choosing with the need to guarantee public safety.

## **ORDINANCES ON THE SECOND READING**

**By: Mr. Rath, Mr. Marmie, Mr. Blake**

**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 adopt Ordinance 15-04, second by Mr. Marmie**

**Mr. Rath-** I didn't take this up because I am a Pit bull lover. I didn't take this up because I am an animal activist; I am neither one of those. Tony, I know how you feel, I have had people all over the place telling me to get out of this issue. I took this up because of all of you. Because of the overwhelming loud voice of people screaming to be heard. That was what we were elected to do was represent the people. Rodd Acord, you said that there is no opposition to this and that is not true. We have gotten a lot of emails that are opposing this. Unfortunately the overwhelming majority of all of those emails have all come from dogbite.org. It is one small organization, it is very well organized and they travel throughout the Country trying to overturn this legislation. As far as citizens in Newark, I agree with you I have not heard the opposition. I have talked to hundreds of people and only two or three that have opposed this. I can't walk into a room without somebody bringing this up. I ask everyone who brings it up what their opinion is and they are all for this. There have been suggestions that we take this to a referendum. I hope you guys decide to do that but shame on you guys for suggesting that. That is what I have done for the last two months. I have taken this to the citizens of Newark. Everywhere I go people talk about this issue and everywhere I go that people talk about this issue I ask them their opinion. As far as I know I am representing at least 90% of the population in Newark. I have talked to hundreds that is a pretty good poll. We have heard from the Ohio Voters for Companion Animals, the Humane Society including the local, state and national, the Ohio State Safety Council, the Ohio State Animals Abuse Squad and we heard from the State of Ohio 3 years ago when they overturned this legislation. Even the White House has come out against breed specific legislation. What is my favorite saying in politics, don't confuse me with the facts. We have heard from almost every professional organization out there. There are authorities on this issue that have said breed specific legislation does not work. Breed specific legislation is wrong. Singling Pit bulls out as aggressive, vicious dog is wrong. It does not do anything for the safety of the citizens, you need to overturn it and yet here we are. Our own Police Chief came out and said our breed specific legislation is doing absolutely nothing to keep the City of Newark and the citizens of the City of Newark safe. Our own Safety Director said the same exact thing. If you are choosing between safety than I am going to challenge you and tell you that this breed specific legislation puts our citizens at a much larger risk of being bitten by a dog. Why? Because Toby Wills, our Animal Control Officer spends more time chasing down these people out here making sure they are compliant, levying fines, bring people to jail, bringing dogs to the dog pound than he does chasing after vicious animals. You eliminate all the problems out here with all of these good owners who don't have dogs that bite people, let Toby go out and take of the ones that do. You want a safer place, free his time up and let him take care of the vicious animals in this town and get him off of these people's backs. That simple. You want to choose between safety, choose to overturn breed specific legislation, vote yes on this. We talked about Cincinnati people brought in pictures of the little girl there who was mauled by a Pit bull. Cincinnati just passed a new dog ordinance that has nothing to do with breed specific legislation. It levies some serious fines on people who vicious dogs. I have said from the beginning and I don't mean the beginning a few months ago the beginning a few years ago that I want to make it incredible difficult for a vicious dog to live in the City of Newark. I want to make it incredibly painful to own a vicious dog in the City of Newark but I will not support levying that pain on vicious dog owners as long as this group of people is included in that group because it is prejudicial, unjust, unfair and overbearing. I am going to vote yes tonight and I would encourage the rest of my Council members to follow suit.

**Mr. Guthrie-** I want to ask a question

**President Ellington-** ok, what is your question

**Mr. Guthrie-** is Mr. Spurgeon here?

**President Ellington-** is that your question?

**Mr. Guthrie-** because Mr. Rath made a general comment about Mr. Spurgeon's position and I want to make sure that it is accurate. Is that fair for Mr. Rath to restate that for Mr. Spurgeon to respond?

**President Ellington-** sure, I think that is fair. Mr. Spurgeon, Mr. Guthrie would like to ask you if this is correct.

**Mr. Rath-** please correct me if I mis-speak. I said that our Safety Director said that this current breed specific legislation has had no effect on increasing the safety of the citizens of Newark.

**Director Spurgeon-** not entirely accurate. When you asked me during committee what the numbers show, it is showing to be steady. The numbers aren't going down and the numbers aren't going up and I am not going to hypothesis what that means. What I will stand by what my metrics show.

**President Ellington-** which is what, will you summarize that again for us one more time?

**Director Spurgeon-** the numbers are level. One side could say they are not going up so it is working and another could say they are not going down

**Mr. Rath-** maybe I interpreted that as having no effect since it had not increased or decreased.

**Mr. Johnson-** we have been accused of not paying attention and I get all of the emails that everyone else has gotten. They are wonderful to read and a lot of them do come from outside the world. I have several things that I would like to talk about with this legislation. First of all, we continuously call this Pit bull legislation and from everything that I have read we are banning something that doesn't exist. There is not a breed called the Pit Bull. Now if you want to ban the American Staffordshire Terrier or the American Bull Terrier or several other dogs that are quote Pit Bulls that is one thing but to ban Pit bulls is like saying we are not going to have water anymore. I am really getting tired of going through this kind of thing. I have people call me and grab me and there are several things that I would like to say about it. Since I have the opportunity I think I will. The dogs that are a serious problem are the dogs that are trained. We say the dogs are vicious and bite; well a lot of dogs are vicious and bite. My 74 year old sister 70 years ago got bit in the lip by a Springer Spaniel and she still has the scar on the top of her lip. So we are talking about eliminating something that first of all doesn't exist and secondly I think if anything we need to go back and redo this legislation and if we want to make it specific, specifically name the dogs. Then if we want to start naming Chows, German Shepherds, Dobermans and every other dog in the world then Newark came be known as the place not to have a dog. I am really upset about the way that this thing has come down and the way that it is looking. I don't like to hear that the dog enforcement person is only going after Pit bulls. There certainly has to be other dogs out there that need to be enforced. I am going to vote yes and I don't want anyone to think because I didn't answer an email that I am not in their camp. I think that we really need to look at this. I am going to vote yes on this but I think that we maybe really need to completely re-evaluate this whole legislation.

**Mr. Marmie-** Mr. Stone I thought that I did respond and my response was then and is now, I didn't support the breed specific language when the original legislation came through. I voted no on that legislation because it had breed specific in it and I still don't support it. One comment that I will echo that Mr. Johnson indicated that there is not a breed called a Pit bull and that alone helps me to support the issue that we shouldn't have that language in our legislation. Anything that unfairly discriminates should not be in any kind of law especially within the City of Newark. It is profiling pure and simple, that is what this is. Toby has the legal ability to profile. Do you all want to be the city known as legally profiling? There has been an agreement that there needs to be stricter enforcement in place before we remove the breed specific language, there has been ample opportunity for you to do that and it would have been welcomed to a majority of people and why wasn't it done if that is your reason for not voting to remove the breed specific language? Can we fairly and consistently enforce the law? I would challenge that. I would say that with the issues that I have heard about as far as our animal control officer trying to enforce this law, other municipalities trying to enforce this law it is very, very difficult to enforce, especially to enforce it fairly and consistently. There have been numerous discussions about how can you really determine whether or not it is a "Pit bull". I believe the only way is a DNA test. Are we willing to go that far to prove that our law is valid and do we require a DNA test for them to register that dog? Is that where we want to go with this? For those of you who want to keep breed specific language in our ordinance it is very self-righteous to think that we are smarter the State government and businesses like State

Farm who have done away with breed specific type of underwriting and other municipalities that has done away with this. Are we so bold to think that we are smarter than them by keeping this language in our ordinance in which we can't enforce and which is discriminatory and flat out wrong. What is next? What are we going to say as far as the safety of our citizens? If someone is wearing a hoodie are they automatically a criminal? Are they not allowed to be in the City of Newark because they wear a hoodie? Everybody knows the statistics show that criminals all wear hoodies. Do we want to go that far? I really think that if you want to be prejudice, if you want to unfairly discriminate and if you want to allow profiling then go ahead and keep this breed specific language in it but realize you are basically saying that it is ok for those actions. The breed specific language in this situation does nothing less than that.

**Mr. Blake-** first of all I want to thank Council because it was delayed for two weeks for me to have an opportunity for me to vote on this important piece of public policy so I do want to acknowledge that publicly and thank the members for tabling it until tonight. Secondly, it was mentioned in public comments about my dog Sirius missing and I can't say it is uncommon for Newark because Newark is a loving community and the people here in this City do come together. The only way I communicated with people was when I had a WI FI connection in Thailand so Facebook was the only way to do that. When I received word from my sister that Sirius was missing it was Nicki Arter and several others in this room that immediately started posting pictures of my good friend and 8 days later he was found. I want to thank you to everyone who helped find my friend. When it comes to this ordinance I am also a yes vote. The Humane Society has come out saying that breed specific legislation is not effective. We have had notices from American Veterinarian Medical Association, the State of Ohio, and the White House. There are different groups that I agree have done far more research and gone more in depth on this issue than I so I will be following the lead. I will be voting in support of this tonight. It is interesting how I came to my position, each of us have our own reasoning as to how we're going to vote on this piece of legislation tonight. Mine really does come down to fairness. Is this law bringing the people of Newark together or is it dividing the people of Newark and this law is dividing people. I can't be in favor of a piece of legislation that is dividing people so drastically that isn't fairly enforced, ineffective and I just can't do it. I urge members to consider everything that has been discussed, emailed and given to us in the various different mediums. We need to look at issues not look at party and look at how we fall down on issues and do what we believe is the best for the citizens of Newark. Right now I believe what is best for the citizens of Newark is to support Ordinance 15-04.

**Mr. Johnson-** I just wanted to echo what Jeremy said. We think this is about dogs but it's not it is really about people and what people do. Whether they own them, take care of them, or if they train them and how they use them.

**Mr. Guthrie-** I know a lot of my colleagues get sick of hearing me say how long I have been in this but I was elected the first time 40 some years ago last November and I don't think in that 40 plus years that I have had not had a more challenging issue to deal with. I am going to vote no but I think that there are some extremely legitimate concerns about enforcement here. Some people on Council are going to hate me because I am going to bring it back up because I do think that we have to fix this. I think that the administration with Council's support should sit down with the County and talk about an agreement for the County to take over animal control and an agreement with the Humane Society which I know also has to exist because the Law Director shared that with me. This is a terrible issue. Mr. Marmie made a nice presentation regarding State Farm's position on Pit bulls. I would have loved to have brought the dash cam in here from Cincinnati but the reason that I didn't is because I respect the good owners in this room and I didn't think it was fair to them. That dash cam video really impacted my feelings. Maybe it is wrong and I know that there are a heck of a lot of good people who own Pit bulls and take good care of them but as a grandpa and a fairly emotional one right now I simply can't at this time vote to repeal this but I am committed to get it right. I will gladly sign a petition to put this on the ballot because I believe all of the citizens of our citizen should have a right to vote on it. I have no problem with that what so ever no matter what my position is. Back when this think passed in December of 2013, Ms. Loomis the sponsor at that time wanted a fair and equitable alternative and we thought we had it. Maybe we don't but I do believe that we would make a grave error if we defeat this tonight and we simply walk away from the enforcement issue. There has to be a fix to the enforcement issue whether it is an internal issue that just needs to be fixed by the administration or whether it is a situation where we contract out with the County and the Humane Society it absolutely has to be fixed. I wish I knew what the damn answer is. I am going to stick with what I have said all along and I am



going to vote no but I am committed to a fix because there is a major enforcement problem with this legislation.

**Mr. Cost-** on a number of occasions I have expressed the problem that I have with this legislation has nothing to do with whatever breed this is. I have said three times now that any dog can be vicious. I believe that any dog can. Any dog can be dangerous, any dog can be a nuisance, and any dog can be vicious. I think that Mr. Guthrie is right in that we do need to take a serious look at enforcement but I also think that we need to take a much more serious look at the safety factor in terms of addressing irresponsible owners and I don't care if that is an owner of a Chihuahua, Pit or a Collie. An irresponsible owner as Mr. Johnson said the problem is back to the person. Until we have legislation that deals with an irresponsible owner for guidelines and penalties I don't think that we have changed anything over what we have right now.

**Mr. Rath-** I just wanted to make a point of clarification. Mr. Johnson made reference to a statement that I made and I don't think that it was intentional but it made me think that my statement sounded bad. When I mentioned that Toby was spending all of his time chasing all of these people making sure they were compliant, I didn't mean to insinuate that it was bad or that was wrong or something that he shouldn't be doing. It is what he should be doing it is his job. It is a difficult job, very difficult job dealing with a lot of emotions, a lot of rules and laws. The fact of the matter is the way our law is written and the way that it works is that it takes a lot of his time to do his job. Whether he does it well or not is not what I am saying. It takes a lot of his time and his time should be better well spent going after dogs that are actually a safety hazard for the citizens of Newark instead of bothering all of these people.

**Mr. Marmie-** I am hearing comments, I am hearing problems with enforcement. We need to punish irresponsible owners. The law is flawed, so why do we have the law in place? That is what this Council is supposed to have, is enforceable laws that can be fairly and consistently enforced and we don't have that with this. So why do we have this? Why are we debating on the fact of a breed specific and punishing the people and making them jump through hoops to own a particular dog in town that doesn't exist but why are we doing that to the citizens? Why are we tearing apart this community as Mr. Blake has indicated, because of somebody's own fear of a specific breed? Pit Bull everybody fears those words. I don't understand why we would vote no on this if we know that this law is flawed.

**Motion to adopt Ordinance 15-04 did not pass by a vote of 6 Nays (Mr. Guthrie, Ms. Hall, Mr. Rolletta, Mr. Bubb, Mr. Cost and Mrs. Floyd) 4 Yeas (Mr. Johnson, Mr. Marmie, Mr. Rath and Mr. Blake)**

## **ORDINANCES ON THE FIRST READING**

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

**15-06** AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE DEPARTMENT OF PROPERTY MAINTENANCE, BY RECLASSIFYING THE ACCOUNT CLERK 1 POSITION TO THE POSITION OF PROPERTY MAINTENANCE INSPECTOR/ANALYST, AND SETTING COMPENSATION THEREFORE

**Held for a second reading**

## **RESOLUTIONS ON THE SECOND READING**

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

**15-16** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

**Motion by Mr. Blake to adopt Resolution No. 15-16, second by Mrs. Floyd**

**Motion passed by a vote of 10-0**

**By: Mr. Blake, Ms. Hall, Mr. Cost, Mrs. Floyd, Mr. Rath**

**15-18 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION**

**(335 Capital Improvement Fund-\$69,307.00: Vehicles & Equipment/Machinery)**

**Motion by Ms. Hall to adopt Resolution No. 15-18, second by Mrs. Floyd**

**Mr. Marmie-** I am going to vote against this legislation. I feel that we need to get a handle on our capital improvements. Looking at our streets and what has happened over the winter, I believe that we need to put a higher priority on our street maintenance within this year. Given the preliminary numbers, nothing I have seen concrete has far as the numbers towards paving I think that it is not enough. We really need to scrutinize our capital improvements this year since we moved funds from the capital improvements that was legislated previously so I am not going to support this until I can see a clear picture as far as where we are and how we are going to get our streets repaired and pot holes filled I am not going to be in support of any capital improvement.

**Mr. Guthrie-** can I ask Mr. Rhodes a question?

**President Ellington-** It is related to this I assume, yes sure

**Mr. Guthrie-** can you touch on how the acquisition of this equipment can assist with our road improvements?

**Director Rhodes-** one piece of equipment will be a hot patch machine that will assist in that.

**Mr. Guthrie-** you likely wouldn't come to us if you didn't feel that

**Director Rhodes-** the bottom is burnt out of the other one and we have replaced it three times.

**Motion passed by a vote of 9-1 (Mr. Marmie)**

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

**15-19 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION**

**(334 Construction Fund-\$1,000,000.00: Professional Services)**

**Motion by Mr. Blake to adopt Resolution No. 15-19, second by Mr. Cost**

**Motion passed by a vote of 8-2 (Mr. Guthrie, Mr. Rolletta)**

## **RESOLUTIONS ON THE FIRST READING**

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

**15-20 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION- EXPEDITE**

**(153 Compensated Absences-\$27,600.00: Pay out Chief Sarver; 231 Jail Diversion Grant-\$2599.11: Refund to State; 231 Jail Diversion Grant Fund-\$1400.00 Law Enforcement Supplies; 231 Probation Improvement Grant-\$12,500.00: Services General)**

**Motion by Mr. Blake to waive the two day reading rule on Resolution No. 15-20, second by Mrs. Floyd**

**Mr. Blake-** part of this is related to an employee pay out and the other is there are deadlines regarding the grants and the refund of money.

**Motion passed by a vote of 10-0**

**Motion by Mr. Blake to adopt Resolution No. 15-20, second by Mrs. Floyd**

**Motion passed by a vote of 10-0**

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

**15-21** A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF THE SAFETY DEPARTMENT PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

**Motion by Mr. Blake to adopt Resolution No. 15-21, second by Mrs. Floyd**

**Motion passed by a vote of 10-0**

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

**15-22** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR PATRICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY.

**Motion by Mr. Cost to adopt Resolution No. 15-22, second by Mrs. Floyd**

**Motion passed by a vote of 10-0**

### **COMMENTS FROM CITIZENS**

**Justin Williams**-108 W Locust, I wanted to express my own disappointment on how the voting went on ordinance 15-04. I genuinely believe that you are not trying to do anything that would be offensive intentionally. Mr. Guthrie and Mr. Cost both expressed they had severe issues with the legislation as it exists right now yet you still voted to support it which I believe is in my opinion a discredit to your own personal selves to be honest. You have problems with this legislation but you continue to support it even knowing that it is flawed. There are many arguments against breed specific legislation I just chose to go with one argument; the argument that it is prejudice against poor people and minorities. I would not be surprised if after this vote that someone would not go back through the data of Newark's enforcement of this to see if a class action law suit could be filed against the city. Many cities that do have breed specific legislation have opened themselves up to liabilities in civil rights violations, class action and individual by people claiming that the dogs are not as they say Pit bulls. This specific legislation that we have in Newark is flawed in its definition because it doesn't define what a Pit bull is as Mr. Johnson said. As Councilman of the 5<sup>th</sup> District said they don't exist, there is no such thing as a Pit bull it is a social construct. You particularly Mr. Guthrie mentioned the video, Mr. Guthrie I am speaking to you could you look at me? I am speaking to him directly

**President Ellington**- No, no. He can hear you

**Justin Williams**- Mr. Guthrie you mentioned a video about the dash cam of a Pit bull, I can show you a gruesome mulling by a cat of an infant. Does that mean that you are going to vote to outlaw all domesticated cats in the City of Newark? I can show you videos. I assume that none of you actually did your own independent research because had you done that you would have seen that there is no evidence to support breed specific legislation, it does not actually make people safer. Your own Safety Director said that it has had no change what so ever in the amount of dog bites that have happened in City since this implementation. I don't believe that it will survive judicial review anyway. It has not been challenged in Ohio courts since the State legislature removed it from its' own legislation. There is a clause within the State revised code that actually prohibits local ordinances that contradict it. I believe that the legislative intent was very clear when the state legislature removed breed specific legislation from the code. I believe that it will be challenged eventually anyway. I believe that you have taken a very gross miss-step of your authority and that you have ignored your constituents. Three of the members that voted no are At-Large members and are going to be up for election and I may actually consider running against all three of you at this point. Mr. Guthrie you have severed for 47 years, not to say that you haven't done a great service but in this I think that you all have ignored your constituents very much to your own peril.

**Paul Moran**, 63 N 4<sup>th</sup> St- a week ago Sunday the Advocate put a big piece in about 5 ideas to improve our community. I am sure everybody here read that. Some of it I agree with and some of it I don't. I don't understand why affordable

housing, public transit and to have a downtown job training center wasn't included. You want people to better themselves and get out of poverty this is the way to go. I was disappointed with that article. I hope that we can come up with ideas to help people.

## **ADMINISTRATION**

**Director Mauter-** two brief items to share with members of Council coming out of the Department of Development. We have a very busy day tomorrow doing two demolitions. The first demolition is located at 110 S 4<sup>th</sup> St it is a severely blighted property in the community that Jeremy you are probably very familiar with. It is a very intensive property for our safety forces to take care of as well. Case in point this was one of the fires that took place earlier this year when we had a rash of fires. That will be demolished tomorrow beginning about 8:30 AM. You are all welcome to attend. The second item is the property located at 191 Hudson Ave. The ODAG house, the house is known from the name of the grant that was used with that property. It is in Carol Floyd's district and it has been a blighted property. Mayor Hall made it a priority to deal with this property and I am proud to say that we are finally going to bring this to fruition for the community tomorrow morning. It will follow the demolition at 110 S 4<sup>th</sup> St and should commence somewhere around 10-10:30 in the morning. We just wanted to make sure that all Council members were aware of this and invite you to attend.

## **MISCELLANEOUS**

**Law Director Sassen-** I would like to thank Councilman Blake for inviting me to attend a meeting at Denison University last week about what is known as the Ohio Fair Hiring Act, House Bill 56. If you don't know anything about it based on our lunch today you are going to find out in the near future. We have heard a lot of talk about laws that are fair and equitable, laws that do the right thing. We heard a lot of that talk here tonight. Quite honestly once you get to understand what the Ohio Fair Hiring Act is it may well go down in history as the most fair and equitable act the Ohio General Assembly has considered. I would encourage all of you to educate yourselves on the Ohio Fair Hiring Act. I am a little disappointed to see the media leave so early because I wanted to announce that you are in for a life time of purple and orange. My middle daughter who will be graduating from Clemson this year has been hired full time as a Financial Analyst for Clemson University Foundation.

**Mayor Hall-** I just want to thank the Newark High basketball team both the men and the women have had a very exciting week and wish them the best. This is the first time that the ladies in basketball have ever been to the State Championship and the men will move on to the regionals.

**Mr. Guthrie** – regarding Mr. Williams's reference to me, the only thing that I can really say about it is Mr. Williams I have been highly respectful to all positions on this issue. I talked to a great deal of people in this community and I think to be honest with you and maybe I am an island here, but the people that are approaching me in this community were against this repeal. So maybe I am just running in the wrong circles, different circles than Mr. Rath but the people that I have been running into are against the repeal and they are probably not going to like the direction that I am going to take in the future. I want to take my minute or two here to, everybody keeps saying to me that I need to ignore Ms. Loomis. Well, I am so bothered by her constant attacks. Rhonda let me tell you something. You know I don't care what you say about party stances. You saw tonight that there was no party stance on this. There was no part stance on this. We had the Democratic candidate for Mayor come in here tonight and take a contrary position to some of the Democrats on Council. We had the Democrat candidate for Council At Large come in here tonight what is this party stance business? You are making everything political Ms. Loomis because it is ridiculous, just ridiculous.

**Ms. Loomis from the audience-** is he allowed to attack a citizen in the audience?

**Mr. Guthrie-** comments like young Rolletta, I think Mr. President that you need to step in when those types of comments are made. Referring to him as Sparky, it is absolutely beyond the pale.

**Mr. President-** I don't believe she said that, maybe I missed it.

**Mr. Guthrie-** it has happened. We don't need to get personal here and we don't need to be accusing people of politics

when there isn't any politics being played on this issue. This issue has straight down the line been everybody making decisions on their own based on what they believe. What a baptism of fire this has been for especially new members of Council. It is not fair to imply that a decision like Council dealt with tonight was a party stance. It is ridiculous and the Republicans on this Council know that that statement is ridiculous.

**Mr. President-** I appreciate your comments Mr. Guthrie but Mrs. Loomis is allowed to state her opinion. I am not sure that she was out of line tonight; I think that she just stated her opinion tonight. There is a fine line where I gavel somebody.

**Mr. Guthrie-** she referred to him as young Rolletta.

**President Ellington-** that is a possibility, I might have missed that.

**Mr. Guthrie-** It is very insulting.

**President Ellington-** ok, we are done. Ms. Hall

**Mr. Marmie-** I want to along with the Majority Leader to invoke Rule 11 and bring Resolution 15-22 to the table.

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

**15-22** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR PATRICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY.

**Motion by Mr. Marmie to adopt Resolution No. 15-22, second by Mrs. Floyd**

**Mr. Marmie-** just to explain in case anyone missed it, this is our one and only chance to get salt for next year as far as on our own. Last year we went in with the County, we were fortunate. There is where we go in and purchase salt from the state. Hopefully it will be an equitable solution for us; regardless we are going to need the salt. That is why we have to expedite this. It is the last minute but we just found out about it and we need to move forward with it.

**Mayor Hall-** they actually will have one later in the year but they think because of trucking being down this time of year because construction is not in that they could gain on some advantages on pricing for delivery. That is why the rush from ODOT.

**Motion passed by a vote of 10-0**

**Mr. Marmie-** I am going to agree with Mr. Guthrie that there were citizens that came up to me that wanted to keep the breed specific legislation. I had both ways, I really did. Now what I did with the folks that said that they wanted to keep it was their biggest thing was they fear Pit bulls and I just talked to them and explained to them. I didn't necessarily change their mind, some of them I didn't even ask if I did. I at least educated them on why I was choosing to go the direction that I did and every single one of them said oh, ok. They didn't come back and be argumentative about it. I did have folks that wanted to keep it. I had a phone call on my way to this meeting from a lady that said I am just old and I am afraid of those dogs. I want to thank everybody on Council on this issue. Mr. Guthrie is right, for those of you who are new on Council this is not a common thing. I want to commend all of you, we don't get this many emails on every issue. I know that we don't always agree on things but we can agree to disagree and that is the great thing about democracy. I also want to echo another thing; you know I don't like the party politics either. We are all Americans are we not? Are we all not trying to do what is best for the City of Newark, the State of Ohio and the United States of America? That is what we are here for. Whether we have our own beliefs be it party beliefs or religious beliefs or whatever beliefs they are is what makes America. Our diversity is what makes us strong so bring those beliefs with you, bring them to the table. We welcome them and together we will make this city a better place. I am a firm believer in that. I would really like to ask the Capital Improvements Committee to ask Mr. Rhodes for a plan for capital improvements. Mr. Guthrie is right there was one piece of equipment on there and I was well aware that it has to do with paving but I indicated to Mr. Rhodes that if a piece of legislation comes through on capital improvements I am not going to support it until I see a plan. We have always had a full capital improvements budget. It isn't a budget that is adhered to necessarily; it can be changed and modified. It isn't like we pass legislation for every one of those expenditures but we have always been given a plan and it was similar to our normal budget. It didn't normally come out at the same time as our budget but it came out

relatively quickly because most of the time they had to wait and see what kind of paving they could do. I want to see in writing what the plan is because I am getting just as many calls and comments these days about pot holes and bad roads and I do combat them with we have weather issues right now and we are trying to get to them. I can tell you that David's crews are out there fixing pot holes and making repairs and they are doing a good job but they can't keep up with it. So we have to come up with a plan. I would like to see that so I can know where our capital improvement dollars are going for the year. I want to commend both of the Newark High teams on a fantastic season and let's hope that it's not over and I wish them well in the week to come.

**Mr. Rath-** I know that it was throw out there about moving our animal control issue to the County, I have been thinking that for a long time but I don't know that I can support that as long as we have the breed specific legislation because obviously there is way too much to do which is unfortunate because he should be doing other things. I stand by my position. I want to make it very difficult for a vicious dog to live in the City of Newark. I want to make it very painful to own a vicious dog in the City of Newark and I will reintroduce some other legislation. I thought that this was a good first step towards that. I didn't want to make it too complicated evidently that was not a good plan. So we will start again.

**Mr. Blake-** called for a Finance Committee meeting. This Thursday we have a Newark Youth Council meeting. I want to thank the Mayor for guiding that group of young people for the last two meetings since I was away. We are getting t-shirts for the Youth Council and they will have a logo on them. They are going to be \$7.00. If you want to get a t-shirt just send me an email. Their final project is going to be a painting a mural. I will give you more information once they get the details together. That will be their final project in May. April 11<sup>th</sup> the Saturday after Easter is going to be the south end clean up. We are looking for people who are senior citizens, disabled or veterans that may need assistance around their home, any outside project whether it be weeding or cleaning up debris just send me an email and we will make sure that volunteers go to your home to help with the spring cleanup. This will be our third annual spring clean-up for the Newark Civic Association. I want to echo what Director Sassen said, I thought last Thursday's meeting was a very productive meeting. I know Director Buskirk and I have shared a few emails about what our employment application looks like for the City of Newark. Even Representative Ryan came out publicly in support of HB56 at that meeting. I think that it is a good piece of legislation and we are going to draft something here in the City of Newark to mimic it.

**Mr. Rath-** I simply just wanted to reiterate Mr. Marmie's request for a capital improvement s plan.

**Mr. Cost-** I just want to say after what we have gone through over the last couple of months over the Pit bull issue it is both encouraging and discouraging at the same time. I am encouraged because we have tried very hard to see what we can do to solve this. At the same time it is discouraging to have someone say that we are looking at this because we are discriminating or because we are looking at this from a view point of being partisan. I am really lost on that one. Again I am back to an irresponsible owner not about viewing this from a view point of a Democrat or Republican. I think that there will be more work at trying to deal with enforcement and deal with safety as an issue by putting my guidelines in for irresponsible owners. That is the only focus I have in this. It has nothing to do with breed specific and it might surprise you but it has nothing to do with re-election. It has to do with doing what I think is right for the citizens of Newark.

**Mrs. Floyd-** called for a Personnel Committee meeting. Congratulations to the City of Newark boys and girls basketball teams. I want to talk a little bit about and I know we are all tired of talking about the legislation tonight but I have not said a whole lot about it but I certainly read more than a 120 emails in addition to all of the websites, the things that were passed out here and in addition to the speeches that were made. We kept hearing we have facts, we read facts on both sides of the issue. You may not have considered them facts but I considered them facts. There were a lot of emails and phone calls that came locally. I like Mr. Guthrie and Mr. Marmie talked to a lot of people. I walked into a Newark High basketball game and someone said vote no Carol, vote no. The first night that we talked about it even before we had legislation I got a phone call from a number I wasn't familiar with so I looked the number up and it was from an attorney in Boston who wanted us to repeal BSL. There were lots of viewpoints; I spent a lot of time thinking about this. This was definitely not a party decision. I am the Majority Leader of Newark City Council and there is not one person up here I tried to convince to vote one way or the other. It took me several weeks before I decided how I was going to vote. I talked to every person I could and asked them to tell me their viewpoint. I was glad to see so many people come and

participate in democracy. I don't think it is necessarily shame on us that we didn't necessarily agree with everything that they said. We could have 100 people in here telling us something that is totally awful for Newark and just because there are a bunch of people involved doesn't mean that it is good for the community. We are elected we have the right to make decisions about what we wanted to do. I am glad that they participated and I am glad to hear that they are seriously considering having an initiative because I think several of us feel, I mean I feel that most people would like us to keep it as it is but if the citizens vote the other way, so be it. That is what democracy is all about. I don't see going through a petition and a ballot issue as a lazy way of handling things. To me it is a democratic way of handling things. I think that it is really important that it do take place. I heard a lot about laws not being enforceable, there are a lot of laws that are hard to enforce. We all had a chance to say our piece we all had a chance to listen to everything. I think obviously we have more to do in terms of the dog issue but I think Newark has lots of other issues to be concerned about. There are so many good things that are in the process of happening that I don't want to see us spend all of our time on one issue. I think that if we want to work on enforcement, we need to do it by a committee sitting down working it out then bringing it to us then go from there without meetings that go on for three months. This has been going on for a very long time.

**President Ellington-** I am going to take my minute to discuss Mr. Guthrie's comment. You know as President I try really hard to be fair to everybody up here, I try to let everybody speak and not to cut anybody off. I try not to have an opinion on legislation to sway Council one way or the other. I have very seldom passed the gavel. Same thing goes for the people in the audience I try to let them come up and have their opinion and try to let them speak freely. Yes, did I miss young Rolletta; I must have missed that this evening. Is it offensive, probably but if it was said about me I would have been happy but I can understand it. That was over the line. You have sat in this seat, it is tough to gavel when this is America and it is a matter of having free speech. There is a fine line there. Maybe you don't think that I hit the gavel enough, maybe you think I let people cross the line but I try to let them have their opinion and be fair and I guess that is what I am going to continue to do. If you think that I am not doing something correctly then keep letting me know and I will work on it. I am going to do the best I can to be fair to everybody.

There is no meeting March 23<sup>rd</sup> the next meeting is March 30<sup>th</sup> for committees. The next Council meeting is April 6<sup>th</sup> .

**ADJOURNMENT-** Motion by Mr. Cost, second by Mr. Johnson, motion carried by acclamation. 9:00 P.M.