

Safety Committee Minutes

Honorable Council
City of Newark, Ohio
April 29, 2014

The Safety Committee met in Council Chambers on Monday, April 28, 2014 following the Service Committee with these members present:

Alex Rolletta, Chair
Marc Guthrie
Jeff Rath

Curtis Johnson
Carol Floyd

We wish to report:

1. A representative from the Licking Metropolitan Housing Authority will be doing a short presentation on safety related issues that her agency deals with.

Jodi Hall Arthur- I am the Director of the Licking Metropolitan Housing Authority
Nancy Brown- Executive Assistant at the Housing Authority

Ms. Arthur- we have been asked here tonight to explain what the Housing Authority does. First I would like to read the LMHA mission statement. Licking Metropolitan Housing Authority improves the life in Licking County by providing decent, safe, sanitary and affordable housing to low to moderate income families. To accomplish this LMHA will operate within an efficient manner within HUD guidelines and through partnerships in the community. LMHA will operate with a high degree of organizational effectiveness in order to remain financial viable. Licking Metropolitan Housing Authority is a political subdivision of the State. Our funds come direct from the Federal Government through the Department of Housing and Urban Development. We have two entities. The first being our public housing program which consists of a 7 story high-rise building in downtown Newark with 100 units. 99 of those are rentals. One of them is an office. That program is the only public housing we have in Licking County. It is owned and operated by the Housing Authority. The tenant's portion of the rent is based on their income the difference is made up through a subsidy given to us by HUD. We also have a large program. The Housing Choice Voucher Program, we serve the entire county of Licking, we assist approximately 2,600 participants on the program. We have about 1100 vouchers out in the county. That program we also give rental assistance but it is to the person not the unit so it is portable. Once a person on our program gets a voucher they can find a unit, if it passes certain tests from the Housing Authority like an inspection, an affordability test, a rent reasonable test then we will assist with the rent. The participant also pays a portion of the rent based on their income. In both entities, since this is a

safety meeting, I thought that I would explain the inspection standards that we use. The first one is the uniform physical condition standards used for public housing which is quite similar to the housing quality standards used in the larger housing voucher program. There are HUD performance and acceptability standards, I think 13 indicators.

Nancy Brown- the standards that are covered are the sanitary facilities, food preparation and refuse disposal, space and security, thermal environment, illumination in the electricity, structure and materials, interior air quality, water supply, lead based paint, access, sight and neighborhood, sanitary conditions and smoke detectors.

Ms. Arthur- we do have some life threatening situations that we expect to be repaired within 24 hours. I need to back up a little bit. Upon getting a voucher the participant would find a unit they would like to rent. At that point if it passes the affordability test and the rent responsible test we would then schedule an inspection. They brought the inspection forms that the Federal Government wants them for anyone interested in a copy. They also brought the quick reference guide books that they use for common fail items.

Once we do the inspection if it does not pass inspection for common failed items for example, they would have a period of time to correct those items. If it was an emergency failed item which pertains to someone who is already in a unit, it would have to be repaired within 24 hours. Once a unit passes the initial inspection we will do a minimum of one inspection annually thereafter. We do approximately 1,700 plus inspections in a year.

Issues that would be considered an example of an emergency item would be anything that jeopardizes the security of the unit, major plumbing leaks or flooding, water logged ceiling or floor in imminent danger of falling, gas or fuel leaks, any electrical problem or condition that could result in shock or fire, absences of a working heating system when outside temperatures are below 60 degrees, utilities not in service including no running hot water, conditions that present the imminent possibility of injury, obstacles that prevent safe entrance or exit of the unit, absence of a functioning toilet, inoperable smoke detectors.

Mr. Rolletta- generally at the initial inspection do potential housing units meet the quality standards and how often would you say that is the case?

Ms. Arthur- I think that they do. As an estimate I would say about 85% of the time.

Mr. Rolletta- if a unit doesn't meet the standards would you say that the problems are usually corrected and then the units are rented or do they go on to look for another option?

Ms. Arthur- normally the problems are usually corrected

Mr. Guthrie- thank you ladies it is very kind of you to be willing to give us your time and be willing to sit through a park presentation for a while. I think this is interesting and I think and I think that I speak for most of the folks here this is an educational experience for us and it is really good to have you.

Do you have a waiting list for occupancy at the high-rise?

Ms. Arthur- yes we do

Ms. Brown- it is about 100

Mr. Guthrie- so basically you have one person on the waiting list for every unit you got in the building is that fair to say?

Ms. Arthur- with the public housing at the high-rise but with the voucher program the wait is probably 3-4 years.

Ms. Brown-there is approximately a 1,000 people on that waiting list

Mr. Guthrie- you referred to an emergency item can you give us some examples of some emergency items?

Ms. Arthur- furnace being red tagged, tenant is responsible for the gas and it is below 60 degrees and the tenant didn't pay the gas bill and the gas is shut off. It could be tenant responsibility or landlord. We just call what we see. Visual inspection actually.

Mr. Guthrie- does your inspector have the right to inspect the inside of one of the voucher homes?

Ms. Arthur- our inspector and the Housing Authority have an obligation under the Federal regulations to inspect every unit that we pay rental assistance on.

Mr. Guthrie- but I am talking about between those regular inspections. Say there is a complaint, say there is a complaint by a resident or a complaint by a landlord, do you have a right then under both of those circumstances to go in and inspect?

Ms. Arthur- we do

Ms. Brown- we also conduct inspections that are requested by the tenant

Mr. Rath- do you have the ability to do a random inspection without a complaint or a request from the landlord or a tenant?

Ms. Arthur- we do drive by's, normally we have to have a reason to enter a unit. We have quality control inspections so that might help to answer that question. We do have a percentage of units inspected through the year that we are required to recheck which is basically inspecting the work of the inspectors. We have more than one inspector actually. Those would be random inspections but only for that reason.

Mrs. Floyd- thank you again for coming we appreciate it. You gave the example that somebody's gas is shut off because a tenant didn't pay the bill. If that happens what would happen?

Ms. Arthur- the landlord would receive a letter from the inspector and we would also make a phone call because it needs to be repaired within 24 hours, we can't get a letter to someone within 24 hours. We usually give them 2-3 days to make arrangements to make the payment to get it turned back on. If they don't then we have to stop rental assistance on that unit because that is a Federal regulation.

Mrs. Floyd- so the landlord has to pay the bill if the landlord has not, is that correct?

Ms. Arthur- no, it would be a landlord's choice. Some landlords may not want to continue that contract anyway.

Ms. Brown- it would depend upon also who was responsible for the utilities.

Mr. Rolletta- what would you say is the most common safety violation that you see when an inspection is done?

Ms. Arthur- I would say there are some both tenant's and landlord's responsibility. They are normally small items but there are some very important items. One that is not small is smoke detectors. Many times I think the participants pull the batteries. We will fail a

unit for that because of the safety. Running water, gas leaks, broken window or a lock on a window that doesn't work but the utilities being off is the main one.

Mr. Rolletta- each unit gets the once annual inspection?

Ms. Arthur- absolutely they always get the once annual; some get the random quality control inspections. They then also get follow ups if it didn't pass. We have a process that we go through. We recheck in 30 days, if it is not corrected at that time we abate the funds and then they would have another 30 days then at the end of that 30 day period it would be terminated per the contract.

Mr. Rath- obviously there are Federal funds that are being given to these people to pay for the places that they are living in, with those funds comes strings. You can have these but you have to agree to this. What is the education process that you go through to educate the tenants as to what the strings are that are attached to them receiving those funds?

Ms. Arthur- Once their name comes up on the waiting list they have to go through a formal notice process then there is a voucher debriefing. That is probably the education you're talking about.

Mr. Guthrie- trash removal, are there any stipulations on trash removal whether it is on the tenant or the landlord? Whether there is a frequency of trash removal required?

Ms. Arthur- do you mean having trash service?

Mr. Guthrie- yes

Ms. Arthur- the utility structure can have so many variables. If it would be the tenants responsibility than they would have to have trash service. If trash was piling up and someone called and complained then that would warrant a special inspection. The inspector would go out and fail the unit for that reason. If it was the landlord's responsibility it would be basically the same thing.

Mr. Guthrie- do you have any idea what percent of your units that the landlords versus the tenants are responsible for trash removal

Ms. Arthur- we don't but we can find that out

Mr. Guthrie- I would love to know that if that would be possible for us to know. I have talked to some landlords and I know that maybe at one point that Mrs. Floyd might have mentioned the idea of landlords being responsible for making sure there is trash removal on rental properties and I have talked to some landlords that do it because they don't want to take the risk of trash not being removed. I would be interested in knowing that. You do have records on that?

Ms. Arthur- yes we have a utility structure on every single one of the 1100 units that we pay rental assistance on in the county.

Mr. Guthrie- maybe this isn't information that you are allowed to share but of those 1100 rental units do you have some landlords that might have 50, 60 or 70 units or is it generally a fairly lone number?

Ms. Arthur- we have a wide variety. We have in our active database probably 650 landlords, we have very large property management companies, and we also have partnerships that own the properties. We pay rental assistance on a variety of properties. Anywhere from mobile homes to duplexes, single family dwellings to large

apartment communities that have 350 units in them. We have properties in nice subdivisions in Reynoldsburg and Pataskala.

Ms. Hall- I want to thank you for coming. I have two questions. It would be neat if we could share information. I know that you are federally funded but our Property Maintenance if he goes to a residence that happens to be on your list he can't go in but you can. If he suspects other things going on inside, maybe drug related or problems inside that he should let you know about. Could our Property Maintenance, Joe Paul have a list of properties in the City of Newark only that are on your list?

Ms. Arthur- I can answer the question in a general sense if I may. The staff at the Housing Authority is required to research any report that is made to us. We do background checks and our staff runs all kinds of crime reports. Because of privacy of the matter we can't discuss what we have done. We are not even permitted to tell you who is on the program. We have a very good repos with our landlords and try to provide amply quality stock for our participants. We could not go in and do an inspection for another entity but we would very much appreciate any report. As far as a list if you make a public records requests and we have honored those in the past but you have to do that in writing then we give it to our legal counsel who has to extract some information because some of the information that comes from our database is not for public eyes, it is too private. We are very willing to working with everyone.

Ms. Hall- my second question, are the landlords notified of any issues that may come up during your inspections.

Ms. Arthur- yes we do

2. **Ordinance No. 14-04 A** amending chapter 618 of the codified ordinances of the City of Newark, Ohio to require that all dogs be leashed when off the premises of the dog owner was considered.

Mr. Cost- several weeks ago we discussed this ordinance about asking dog owner to have their dogs on a leash when they are out walking in public. We had a good discussion and Chief Sarver was nice enough to come and give us some suggestions on how to word it in different ways. We tried to fine tune the wording. One concern that was expressed was if your dog is on your own property nobody expects your dog to be on a leash but if you choose to take a walk and go to somebody else's property then we are asking that the dog be put on a leash until you get to the other property. When you are then on private property we are not asking for the dog to be on a leash. To me this is really a common sense piece of legislation. I think that it deals with responsible ownership of the dog. We are not trying to tell people how to live their lives. This came from the vicious dog legislation and we realized that the City of Newark did not have a leash law, a lot of people were under the impression that we did. The parks have a rule that requires the dog to be on a leash so everyone assumed that we a leash law but we don't. There is also a lot of conversation about what is or is not reasonable control. I am not an expert on this but I say that probably 80% of all dogs what reasonable control means is them being on a leash. I know that is what it would mean for my dog. My dog is not trained but just as sure that there are a lot of dogs that are very well trained and can be under

reasonable control by voice. I still think a dog is a dog and if it sees something that they want to get at then they will take off. If it wants to chase a dog on a leash or a child or run out in front of a car, I am trying to save some of those incidents. I know that if I am walking down the street and I see a dog and a dog owner coming down the street if the dog is not on a leash I am not sure if that dog is under reasonable control and I am not sure the dog is friendly. If the dog is on a leash I am feeling a lot more secure about what I am seeing in front of me coming towards. That is really all that is being asked for. One of the other concerns that were expressed and frankly I never thought of this. If you are having a dog exhibition or event we are certainly not looking for a leash for that and we are also not looking for a leash when police or service dogs are being used in training or service. I think this is really a pretty simple concept and I think that the whole thing would be complaint driven piece of legislation. I just think that is in the best interest and safety of the citizens and the animals. We have tried to reword this in a way that is more reasonable and I am pleased with what we have.

Mr. Rath- I don't see this anyway in the legislation but it used to say you had to have reasonable control, is that no longer in the legislation?

Mr. Cost- it does, right in the very beginning. It says currently contains various provisions.

Mr. Rath- where?

Mr. Cost- the first paragraph under the bold print. So what we are doing if I am understanding your question, is again I understand the concept of reasonable control, I guess I am asking for something a little more specific, something just a little bit more reassuring for the average citizen to see a dog on a leash.

Mr. Guthrie- if the committee votes this forward tonight if there is any question on this reasonable control issue it can be worked out with the Law Director before it comes for a final vote before full Council. I think that the reasonable control issue is in here; it seems to me that it is adequate but we probably need the legal mind to chime in on that.

Mr. Rath- the way that I read this is that if you have a dog on a leash you are fine but that eliminates the requirement of reasonable control. I would be willing to enter into any argument saying that just because you have a dog on a leash does not mean you have reasonable control. If you have a 6 year old girl walking a St. Bernard or a Great Dane down the road on a leash that is most definitely not reasonable control. As a matter of fact that doesn't mean that I would have reasonable control on a dog of that size just simply because they are on a leash.

Mr. Cost- I think that you have to have reasonable circumstances as well. I am not saying that the leash is going to solve all of the problems. I am saying in an average normal setting I think that it could be a huge help. It is not going to solve every problem there is no way. Even if your dog is on a leash it can get away I get that but I think that a leash is a deterrent. It is there to help the average situation.

Mr. Johnson- I have two dogs and when I walk then every morning on the bike path I have them on leashes and when I walk them on the street I have them on leashes. I don't see a problem in the world having a dog be on leash. I grant you that a St. Bernard could take a 6 year old girl down the road with no problem; it could take me down the road but I still believe that to have this in place at least we still have some method of controlling. I just don't see the problem with having a leash law and that is my strong opinion.

Motion by Mr. Johnson to send Ordinance 14-04 A to full Council, second by Mr. Guthrie

Captain Barry Connell of NPD- one of the things that I would like to maybe clarify your question; if you look at subsection B as it is currently written. When the original version was written a few weeks ago from the Police Department's aspect we had a couple of issues with how the wording played out and that it said that the dog must be on a leash. That leaves a lot of legal loop holes for somebody to put a leash on it but not hold the leash, legally you could get away with that. If you notice in section B it does say that it must be securely restrained by the leash at all time. There is about reasonable control, section F, as far as the impoundment of the dog. We had a very lengthy and spirited discussion regarding leash versus reasonable control. The Law Director, Mr. Cost, Mr. Rolletta and I discussed the tools of reasonable control versus a state of being if you will reasonable control. I can say from a police aspect a leash law with securely restrained is a pretty bright line rule for us to follow. I think that if you have the 6 year old walking down the street with the St. Bernard on a leash in our minds that would not be securely restrained by a leash. I think that it would have to with stand a court test but I think that in my mind it could be chargeable. Does that answer it at all?

Mr. Rath- yes, it just raises more questions to me

Captain Connell- it raises a lot of questions for us as well. Personally since I have a deep history of working with dogs I am more in favor of a reasonable control standard myself but I also understand the concerns of Council

Mr. Rath- can I carry on with a good string of questions if you don't mind?

Mr. Rolletta- yes

Mr. Rath- just for some background what is your experience?

Captain Connell- I have been City of Newark's police dog trainer since 1994 and the handler since 1992. I was a State Evaluator; I was on a subcommittee of setting explosive standards for the State of Ohio. I was a National United States Police Canine trainer.

Mr. Rath- with the reasonable control the way that we have it now before the ordinance change, do you see any issues with that?

Captain Connell- there are a lot of enforcement issues because it comes down to a reasonable standard, I wish Director Sassen was here to further explain that but, reasonable standards are set by a jury, they are set by legal standards. They are harder to enforce, case in point, if I were walking down the street with my dog and he strayed away from me 10 feet and I can call him back immediately is that reasonable control? Or is it 11 feet and he doesn't come back to. I think that it is harder to prove a reasonable standard but it also allows for more things that you can do with your dog.

Mr. Rath- I guess I am confused, I could care less if a dog chases a squirrel but I think the spirit of this legislation is to prevent a dog from maybe chasing another dog and harming that dog or chasing a cat and harming that cat or maybe chasing a person and harming a person. Whether that dog is on a leash or not, if that dog harms another dog, cat or domestic animal or a person isn't it not blatantly obvious that the dog was not under reasonable control?

Captain Connell- you could not under reasonable control either on or off leash. I think that it could happen both ways. It has come upon law enforcement to make that decision when we respond to a particular case.

Mr. Rath- in your opinion by introducing the requirement of leash is it making our dogs, cats and other domestic animals and people safer?

Captain Connell- it would be hard to quantify that answer because there are so many variables on this. I have 6 dogs in my house, I live in the county, reasonable control for 5 of them would be a leash and one of them would be off leash reasonable control. I am very well versed in dog training so that makes me the smaller 20% that we discussed. For 80% of the other people a leash would be an important thing.

Mr. Rath- I think that you did a good job of avoiding my question

Captain Connell- I see both sides of it

Mr. Rath- I have up to 5 dogs at my house and I understand the concept of reasonable control and I understand for all 5 of those dogs reasonable control is going to be a leash in most cases. By adding this stipulation to the ordinance very specifically is this making Newark a safer place by requiring a leash as opposed to reasonable restraint that we have right now?

Captain Connell- I would have to make a semi qualified answer to that but I don't see any difference in data either way. We really don't have enough cases that we have responded to, to say either way whether a leash was or wasn't a factor in reasonable control. Quite frankly we don't deal with these cases a lot so we don't have a lot of data to go on. So I guess I can't really give a good answer.

Mr. Rath- I will tell you the reason that I am asking that question for anybody who cares. I am all for the less government the better. If this is a complaint driven ordinance like you said Mr. Cost, I haven't heard nor seen a complaint about not having a leash law ever. I don't think that there is anybody on Council that has been on Council as long as I have that is any more fine-tuned to dog and this ordinance than I am and I have never heard anybody complain about the absence of a leash law or the absence of a controlled dog. If we are going to increase government restrictions and there hasn't been an issue where that has proven to be necessary or even beneficial I don't see a reason for it other than government coming in and saying this is how you are going to live your life. That is my own personal opinion for what it is worth.

Mrs. Floyd- I just want to say as a citizen just the idea of walking down the street and knowing that a dog coming towards me on a leash makes me feel safer. I work several events downtown on the square and I see people who have their dogs down there and sometimes I think why are you doing that because especially with safe trick or treat there are so many little kids down there but the idea that I would know that they would have to have it on a leash to me makes sense. I am all in favor of this.

Mr. Cost- two things that I would like to address. First of all I understand where you are coming from Mr. Rath however it is not about being concerned about a dog chasing a squirrel however it is about that dog going across the street in front of a car and not only crushing the owner, crushing the dog and crushing the driver of a car who is totally innocent of the situation, I would like to think that we could avoid that with something as simple as a leash. That is helpful. The second part, I don't know that it is an absence of

people not complaining about having a leash law but I certainly have had enough people complaining that people are out with a dog without a leash. That to me is a distinction.

Mr. Rolletta- Director Spurgeon would you like to give any comments about the proposal?

Director Spurgeon- I would be uncomfortable rendering an opinion. I would be happy to answer a question.

Mr. Guthrie- I agree with the point that Mr. Cost just made. I have not heard people say why don't we have a leash law because most of us thought we did anyhow and I think that is part of the problem but I have had people complain about dogs running loose. Again I think the assumption of the public was that we had a leash law so you don't hear much about it. One thing that I do hear quite a bit from folks, there are those of us who love dogs, I am a dog lover myself but there are people who are afraid of dogs and I understand where they are coming from. I have talked to people who have said to me that they might just be walking down the street and they might see a dog as tame as Lassie and it scares them. I think that we are doing a good thing here. I don't think one way or the other we are going to have any major impact but I think that we are going to give some of our residents who now know that we don't have a leash law a piece of mind knowing that we do have one if this approved by Committee and then by Council.

Mr. Johnson- this seems to me that it give Police the tools to be able to do something if there is a problem. Most of the dogs I see walking on the bike path are on a leash, some are not and there are a couple of them that if they were not on leashed I am not sure if the owner or anybody else would be able to hold the dog back because they get very aggressive when I walk by with two dogs. I am not for more government either but I am for protecting people from unnecessary dog bites. If you have ever had a dog bite you would understand that.

Mr. Rath- I guess we can go to vote after this. I am certainly for protecting people from excessive dog bites and I have an ordinance coming through in a couple of weeks that addresses that specifically. As far as the dog on the bike path that is obviously a dog that they don't have reasonable control over. To other arguments that were given. Everybody in town thinks that we had a leash law now yet we still see dogs running loose. Putting a leash law in I don't see how that is going to affect that. Everybody in town knows we have speed limits we still have people who speed and people who complain about it. Everybody in town knows that you can't run through red light and we still have people that do that. Even with a leash law we are still going to have dogs running loose I understand that and if people are afraid of dogs and feel more comfortable seeing that dog on a leash, I can understand that fear as well. It wasn't too long ago that everybody was afraid of somebody in a hoodie; I don't want to put people in a hoodie on a leash just because somebody is afraid of that stereo type. I don't understand how this is an improvement. I am not going to hold it up. I hope that our resident hoodie puts an article in the newspaper and let's everybody know that we will be voting on this in three weeks and I hope we pack out Council Chambers and we get people who voice their opinion one way or the other. If we get 50 people in here saying Rath you are an idiot and nobody agreeing with me then great I will stand corrected. I will vote to send it on to full Council but I am not saying that I will support it when it comes to that.

Mrs. Floyd- what Mr. Rath suggested, I have said many times if we could legislate responsibility of citizens our job would be really easy. Unfortunately we can't and that affects almost all of the things that we have to deal with so I think this is a good measure.
Motion to pass on to full Council passed by a 5-0 vote.

Alex Rolletta, Chair