

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

Chairman Marshall Spalding called the meeting to order at 8:34 PM

PRESENT: Spalding, Baker, Bryant, Skinner, Joseph

ABSENT:

Approval of Agenda

Agenda stands approved.

Approval of Minutes

a. Public Safety, Law and Courts Committee – Committee Meeting – January 22, 2018

RESULT: ACCEPTED

NEW LEGISLATION/DISCUSSION ITEMS

LIQUOR PERMIT REQUEST #2464010 EL BURRITO LOCO Y PUPUSERIA LLC

Acting Chief Early: Officer Danzy did once of our standard liquor investigations on this. He concluded that he can find no reason based on Section 4303.292ab to deny the transfer of request.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE SIX (6) POLICE CRUISERS AND RELATED EQUIPMENT FOR THE REYNOLDSBURG POLICE DEPARTMENT. --- Spalding. Public Safety, Law and Courts Committee.

Acting Chief Early: We had originally put in the budget to get us six additional cruisers. Five of our cruisers at the time are the Crown Vics, they're very high mileage, they're really maintenance hefty, and one of those is the transport van. It really leaves us about 12 on any fully staffed day at the PD between having our full day shift officers, two sergeants, our commuter resource bureau, the officers on special duty, and any officers going to and from court. We really need about 18 cruisers. That would kind of brought us up to that point. Since we had put in the original request one of those high mileage cruisers was gone. The engine is done and one of our other cruisers was in an accident and it was recently, just within the last week, totaled out by the insurance company. We had put in a legislative request to see if we could use some of the money from the cruiser rentals that we get from The Limited to buy an additional four cruisers to give us enough to really get things up in running so we can get guys out of the station and out on the street.

Ms. Bryant: Can you tell me how many cruisers that we have in the fleet at the moment?

Acting Chief Early: We currently have, minus the two that were, the one that was totaled and the one we took out recently because of the engine, that would leave us with 17.

Ms. Bryant: Ok. So, 17 cruisers?

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

Acting Chief Early: Correct.

Ms. Bryant: And then how many transport vans?

Acting Chief Early: The transport van would be one of those 17 and then there's an additional four cruisers that are the old Crown Vics, the high mileage ones. Typically, we use them out at The Limited complex. Those are the ones that bring in the rental fees. One of them is around 150,000 miles and they've become a maintenance nightmare. They're not really dependable.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 2/12/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	

ORDINANCE AUTHORIZING MAYOR TO PURCHASE FOUR (4) POLICE CRUISERS AND RELATED EQUIPMENT FOR THE REYNOLDSBURG POLICE DEPARTMENT; AND APPROPRIATING FUNDS THEREFOR. --- Spalding. Public Safety, Law and Courts Committee.

Mr. Spalding: *inaudible

Acting Chief Early: I kind of combined those. We initially asked for those six. We're down two more. If we get another four that should get us to a point where we can fully staff our day shift times. Meet our needs. Cruisers we might need for traffic details for the specialty jobs and for our commuter resource bureau.

Ms. Bryant: So, if we get the 10 cruisers that you're asking for where would that put us?

Acting Chief Early: Well, we're probably going to have to look... there's no immediate relief to any of this. If we approve this and everything we're usually looking at anywhere from 9 to 10 months by the time the cruisers are ordered, arrived, they're up fitted and serviced and I would foresee at that point in time at least three more of those four Crown Victoria's are going to be done. We did get The Limited; they actually bought us a cruiser. It's not ours, it's theirs, and it will be ours in three years. It's fully used up at The Limited, so that will give us some relief because one of the vehicles that we are currently using it will be stored there and then after three years it will get rotated and become our fleet. It's our hope that they'll do that again for us as we continue that specialty job with them.

Ms. Bryant: So, in a perfect world, what would you be needing in terms of to be functional as a fleet force?

Acting Chief Early: In a perfect world we would have 18 cruisers that all the technology works, they run, they're up and ready to go every day.

Mr. Clemens: *inaudible

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

Acting Chief Early: Yes sir, the ones that we purchased from this point forward. They don't make the Crown Victoria anymore. The only one they actually make is the Ford Explorer, which is an SUV type and the cost that we have for that would be for the additional four would be the same. That's the State bid price. There is a certain amount of equipment that we can repurpose, especially with the 800 megahertz radios and the marks system. There's certain things that we are going to have to buy.

Mr. Clemens: *inaudible

Acting Chief Early: Yes sir, I believe that's correct.

Mr. Clemens: *inaudible

Mayor McCloud: There's two different funding sources that's why we broke them up that way.

Unknown: *inaudible

Acting Chief Early: Yes sir, that's something I did neglect to mention. In addition to the 12 officers that we do want to, our plan was to bring on at least five more this year and bring our full strength officers up to around 60.

Mr. Joseph: Just to clarify, once we've purchased these cruisers that's all we will need once we have increased our police strength to 60 officers?

Acting Chief Early: That is correct.

Mr. Baker: And these cruisers that we're purchasing, these are full efficient cruisers, correct?

Acting Chief Early: That's a really good question. I don't...

Mr. Baker: If they're not brand new I'd like them for them to be full efficient and save the department extra money.

Acting Chief Early: We're very limited by what we can get. The only one that really makes any type of cruiser package like this is the Ford or the Dodges. I don't know if you've seen the Dodges with the osp drives. They're not very much more full efficient than then SUV's and they lack a lot of room for technology and equipment, so we felt the smart move for us would be to go with SUV's and that's what most of the suburban agencies in the Franklin County area are in.

Mr. Baker: I mean, I understand that, but even some of the suburban's are kind of fuel efficient now.

Mr. Joseph: Isn't true that most of our cruisers do a lot of idle time? Is that correct?

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

Acting Chief Early: Yes sir.

Mr. Joseph: And so, idle mode you're not going to see a big difference in fuel efficiency whenever you have a vehicle idling. I thought I'd just point that out.

Unknown: *inaudible

Ms. Bryant: Can you clarify the two funding sources on the vehicles and why they are separated?

Acting Chief Early: The six that we did originally were with our annual budget request and then obviously as we got closer to that rather than come back and ask you for 10 cruisers we thought well, there's essentially about \$370,000 that's been raised from the rental fees from the two cruisers at The Limited which are part of the maintenance problems and we thought we'd ask you even though that money is in the general fund could we get that back out and buy the additional one's to get us back up to where we need to be so we can be up and running.

Mr. Joseph: Traditionally we have *inaudible out cruisers every year or two due to just the age. As we look forward to the next couple years how many cruisers are we looking at continuing to trade out maybe over the next year or two? Do you know that? Not counting what we're doing this year, but as far as getting into the next year or two. What are we looking at as far as continuing to trade vehicles out?

Acting Chief Early: Three of the oldest cruisers we have, two are 2011's and one's a 2010 and like I said, they have anywhere between 130,000 and 150,000 miles. I'm factoring in the fact that those aren't going to make it much longer and by the time we have these upfitted and in our fleet and ready to go I think the mechanics will gladly see that we can get rid of these and either trade them or sell them.

Mr. Joseph: How many was that again?

Acting Chief Early: At least three of those. Three to four. We lost one where the engine died last week.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 2/12/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Kristin Bryant, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	

ORDINANCE AUTHORIZING "MEMORANDUM OF UNDERSTANDING - FRANKLIN COUNTY DRUG TASK FORCE"; AND DECLARING AN EMERGENCY. --- Spalding, Public Safety, Law and Courts Committee.

Acting Chief Early: We are declaring it as an emergency. Not because we need any money or funding to do this, but we have an opportunity with the Franklin County Drug Task Force to put one of our detectives on there. They require a memorandum of understanding. There are some things

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

that we'll get from it. In the long run they will reimburse some of our overtime for that detective. They're going to provide training outside of here with credibility that we could never hope to get and then possibly a vehicle somewhere down the road and *inaudible money. There's certainly incentives, but not a reason to do it. Our main reason is we want to get our narcotics program here up and running again based on everything that happened and this is probably the best opportunity and the best equipped and best trained people to do that for us.

Ms. Bryant: You mentioned that there would be one person from the department that would participate?

Acting Chief Early: Yes, we'll have one of our detectives that will be the task force member and they'll be fully assigned to that task force and then we've recently posted for a second detective spot to have someone that's going to work narcotics just locally and then they'll obviously be able to work in conjunction with each other as well.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 2/12/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	

ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST. --- Spalding. Public Safety, Law and Courts Committee.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 2/12/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Kristin Bryant, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	

LEGISLATION FOR SECOND READING

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 505.01 DEFINITIONS OF CHAPTER 505 ANIMALS AND FOWL. --- Spalding. Public Safety, Law and Courts Committee.

Bruce Sowell: 2100 Brice Road, Reynoldsburg, Ohio 43068. I'll get right to the point; pit bull attacks change lives and sometimes end them. Despite the constant parade of pit bull attack news stories pit bull advocates continue their assault on home rule rights of cities with banner or other forms of BSL. Communities in Ohio have home rule rights to regulate the dogs for purpose of public safety. This has been ruled constitutional by the Ohio Supreme Court twice. Federal District Courts and Supreme Courts have affirmed that the constitutionality in 2008 when they refused to hear an appeal on Toledo vs. Tellings. A recent appellant court ruling has been promoted as declaring BSL unconstitutional in the State. While the west side is run by the Ohio Supreme Court, the ruling is an appellant court ruling and you can look that up. This ruling is very likely to be challenged. One Ohio community is already considering this. Current Ohio laws expect it to be revised. Bills have been produced to both Ohio Senate and Ohio House to tighten up the laws

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

passed in 2012. There have been 15 fatal mauling's in our state in the slightly over 5-years since the passage of HB14. There were three fatal dog mauling's in the decade prior to passage HB14. There has been some questions by Council members of whether we're going to get sued. There's somebody worried about \$50,000 and there's some that who are sitting here, in this very position, stating *inaudible. When you worry about the money, think about the little girl that's from Dayton who's got a million plus injuries. No *inaudible advocate has ever stepped forward to help this little girl. You and I in this room, we pay in directly when we pay into Medicaid and we pay into Medicare. We're taking care of this girl. What happens if that happens in Reynoldsburg? The blood will be on the hands here. I think our law has protected this *inaudible years and if we really want to do something, hire an animal control officer and enforce the law. Now, like I said, that really *inaudible Licking County, I understand all that, but what I'm saying now is that we have to maintain our home rule rights and this is what this is about. Whether we can regulate these dogs for our safety. Ohio ORC says we can.

Phil Calabrese: I'm an attorney in Cleveland at 950 Main Ave, Suite 500, Cleveland, Ohio 43113. I was council of record in the law suit of Darlene Russ vs. City of Reynoldsburg. I really just want to make three points this evening for you. First is, I want to tell you my background that I bring to this. I think this issue stirs up a lot of emotions from people and there's a lot of people who come at it as activists with the best of interest of one kind or another. I am not an activist on this issue. I'm not a member of any animal rights organizations. I'm a practicing lawyer. In the Russ case I was just doing my job of representing my client. That said, my second point, and with respect to the prior speaker, I have to say that yes, it's true that municipalities and political subdivisions in the State of Ohio have home rule rights. In the City of Reynoldsburg, not just in this case, but in other prior cases has been very vigorous in defending those rights. In this case, Mr. Hood, who I saw earlier, was a worthy adversary and did a very fine job that I think all members of this community can be proud of, but ultimately the 5th District Court of Appeals in Licking County ruled that the City of Reynoldsburg's current ordinances on the books are unconstitutional and that's where I would just respectfully disagree with the prior speaker. The Ohio Supreme Court has never addressed the Ohio Constitution's Home Rule limitations on municipalities when it comes to dangerous dog ordinances. The Ohio Supreme Court simply has not. The 5th District has and the 5th District is controlling here at least with respect to Licking County. Since 2012 when the General Assembly enacted House Bill 14 and moved from regulating dogs based on their breed to regulating them based on conduct after an extensive set of fact finding and legislative hearings. Since then, there have been three court decisions that have addressed municipal home rule authority and every one of them has ruled as Reynoldsburg did, that when municipalities deviate from Chapter 955 they exceed their authority under the home rule amendment to the Ohio Constitution. So, that's the state of play in the law today. I think the last point I would leave you with is to say, again, I don't come at this as activist with an agenda. I come at this as a lawyer trying to uphold the rule of law and I think to the extent, based on the experience that any of you are struggling with any particular factual or legal questions I'm more than happy to assist you. I can either answer questions tonight or if you want to reach out to me offline I'm more than happy to do that as well. Thank you.

Dolores Thomas: 1177 Matterhorn Dr, Reynoldsburg, Ohio 43068. I've lived in Reynoldsburg for 57-years. We came here as bride and groom, raised four children here, and some of our

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

grandchildren live here now. I have always felt this is a wonderful community in which to live and that our city officials have always tried to do what is best for our residents. Now I'm concerned. I can't imagine why we're discussing this subject of pit bulls again after only three years. Three years ago the City Council decided that we should not lift the ban on pit bulls. One of our residents who argued against lifting the ban then is now promoting it. What has happened since that time to change the situation? Have pit bulls become more loveable? Has there been decrease in the incidents of tragedy and involving pit bulls? You only have to follow the news to learn that these incidents are on the rise. An especially horrific story told about a 22-year old woman who took her two pit bulls for a walk. On that walk they turned on her and killed her, their owner. Well, any dog can bite. Attacks by pit bulls statistically are more likely to be fatal. These animals were responsible for 28 of the 34 fatal dog attacks in the United States in 2015. They make up just 6% of the total dog population, but account for 82% of fatal bites. I understand that it's difficult to enforce this law because of the judgements in counties around us. Nevertheless, I agree with Mr. Clemens that we should keep the ban in place to give us the tools for the future. If we should have a pit bull attack, fatal pit bull attack, God forbid, there would be an outcry from Reynoldsburg residents and they will demand an explanation as to why we saw fit to lift the ban. We know a man who has been a long time Reynoldsburg resident. He owned a home here. He became ill and had to go to a nursing home. His family put the house on the market. It was quickly in contract. Then the prospective buyer learned that there was a pit bull living next door. He withdrew his offer and that sale failed. So, some people think this issue does not affect your property values they're just not thinking clearly. We need to keep this ban in place for the safety of our residents. Thank you.

Patty Rolwing: 7651 Burkey, Reynoldsburg, Ohio 43068. I've lived here for 42-years, five children through the Reynoldsburg Schools. A wonderful place to grow up because we've had more pit bulls. Let me give you a little background. I have been bitten nine times. Thankfully, never by a pit bull. These dogs were bred to catch large animals by the head, namely cattle. That is their breeding, grab by the head, the face, the nose. It's part of their genetic makeup now. In 2014 the Franklin City Dog Shelter reported that 70% of serious maiming dog bites were committed by pit bulls, Franklin County Ohio. In 2015, a pit bull literally took off half the face of a nine year old girl in Cincinnati, according to the Cincinnati Enquirer. I called the Franklin County Animal Control in 2013 or 2015, I can't remember when, because in my carport there was this huge male Rottweiler who was attached to his spiral spoke in the ground and of course he was strong enough to remove it and drag it and the spiral spoke got caught under my tire. Could I go out and get into my car? No, because we have no dog catcher. I had to wait 3-hours. I had to pay for a doctor appointment. I couldn't make on time because a loose dog, a Rottweiler, was caught under my tire, in my carport and we have no animal control officer. I taught in the City of Columbus from 1987 to 2006. I often concerned about some of my students. I would visit their homes or their apartments. I learned very quickly, oh naive me, that pit bulls were used to protect drug houses. So, there is an association there. Even our Police Department do not use pit bulls. They use German Shepherds. The head of a victim is usually the target. I am considered now to be an old woman who can no longer run or fight or keep a dog at bay. My head will probably be gone if I'm so unlucky, but I still enjoy walking the streets of Reynoldsburg. Why would my city officials *inaudible the right of someone to own a certain breed of dog over my safety? Why? Or the safety of children? Or even of grown men, who still don't stand a chance against a pit bull? Why would people even consider that? Pit bulls don't pay taxes

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

any more than lions down here on Main Street in the cages. The number of pit bulls needing to be adopted, all you need to do is look at the East Side Messenger or the Reynoldsburg News, all these lovely dogs that need to be adopted. Virtually 50% to 75% of them are pit bulls. I called the Franklin County Shelter. They are turned in almost more than any other breed of dog because they are difficult to train and difficult to manage. I recognize nurture and nature. I respect both, but I do have a very healthy respect for nature. Please do your job. Thank you very much.

Cindy Balach: 8109 Priestley Dr, Reynoldsburg, Ohio 43068. We don't own a pit bull and I'm going to be the first to tell you that if it didn't fit in our bag we won't have a pit bull, but I also have seen happy pit bulls go in to a shelter because I volunteer there and that is where a lot of times they turn because you try staying in an 8 x 8 room for 100-days. You're cute, you can sit, you can fetch, you can search and rescue. I have a friend who lobbies in Missouri for pit bulls. I have information I will send to the Clerk. I'd like you guys to see. I have begged people to read the lost dogs about the micro *inaudible dogs. 57 dogs were taken out of bad news kennels. 30 plus passed their good canine citizens test. They were adopted. Johnny Justice is in a reading program. Children read to him. We also have little Red who just left. He's a therapy dog. These dogs cannot all be bad people, I'm telling you. I have a hound mix. Most of the people have met my Cody. Cody is one of the sweetest things you'll ever meet, but Cody's fast. I was bringing my Aussie in, Cody literally slipped behind my back, shot across the street. She was off leash. Now Cody was just wanting to go make some friends, but these other dogs didn't know that. So, I can hear this rrrrr, as I'm running across the street, you never saw a *inaudible go in the house so fast, but my hound mix, who has no bit of pit bull in it, would have been designated as vicious because it was off leash, I did not have control, and there would have been nothing I could have done about it. Now, I have to have control of my dog just as much as a pit bull owner has to have control over theirs. If you cannot control your dog you pay the price. Simple as that, but I do not believe that a pit bull is any different than any other dog and that's all I have to say.

Ms. Bryant: I have a question for our City Attorney. Mr. Hood, you were kind enough to provide me with some information tonight and one of which was the court's opinion in the Licking County case that we have with Darlene Russ. Can you tell me was there a memorandum in support of jurisdiction applicable to Supreme Court to appeal the decision of this court?

Mr. Hood: No. If you also look at the notes that I provided to you during the executive session, I spoke to Council about our options. There's a list of them there. That was one of the one's we discussed. It was not *inaudible.

Ms. Bryant: Just wanted to put that on the record.

Mr. Baker: I guess it's more of a general statement than it is a question, but I understand there's passion on both sides about this particular issue. Some people told personal stories. Some people told stories that they heard through the news. I personally have owned a pit bull before. Granted, let me rephrase that, my brother owned one, but it was basically mine because I took care of it. It was a loving dog. No ifs, quarrels, ands, or buts about it. It was sad when we had him put down, but you know, life took its course, but we did not have one issue with that dog and it was because we took

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

care of the dog, we fed it, we loved it and in return she loved us back. So, me personally, dealing with pit bulls, I can say this much right now, they are not bad dogs. They've been getting bad raps, but that's because news media has spun it to where these are just bad, bad dogs and I don't believe one second that just because you have a pit bull means you're dealing drugs because we had a pit bull. I wasn't dealing drugs.

Mr. Clemens: *inaudible

Ms. Bryant: Chief Early, one of your officers is here that was dealing with the pit bull ban. Is that correct?

Acting Chief Early: That is correct.

Ms. Bryant: Officer, would you mind coming up? Would you please educate us on what you have gone through to deal with the enforcement of the pit bull ban?

Officer Vincent Scalmato/Badge # 151: So, about four years ago I was approached by second shift supervisor regarding the enforcement of Reynoldsburg City Code 505.35A and that's our pit bull ban. In looking at the law in itself the first question I had what is a pit bull. It's not clearly defined. At that point I reached out to the Franklin County Animal Shelter who provided me some insight as to how they classify dogs and identification. I went and spent some time with them. Obtained some training, as well as through the Department of Agriculture with a man named Dave Hunt who handles primarily dog fighting cases in the State of Ohio, in particular pit bull cases. In short, that's pretty much the training that I received in addition to maybe speaking with local veterinarians here as far as breed identification through visual.

Ms. Bryant: What is your experience taking care of these types of cases here in Reynoldsburg?

Officer Vincent Scalmato: Off the top of my head, I don't have the numbers. I think it's important to note that I haven't handled one of these cases in roughly four years. I have not issued a citation in four years and I'd have to consult with Lt. Early, but I don't even know if we've responded to these calls for service anymore due to lack of prosecution. As far as the cases that we had in Licking County Municipal Court, the first case that we had was a resident by the name of JoAnne Wade. She undisputed had a pit bull. It was verified through her registration of the animal through veterinarian paperwork and through her admission of it herself. That case came before the Reynoldsburg Mayor's Court. She was found guilty and subsequently transferred the case down to Licking County Municipal Court. Case then went in front of Judge Dansbury. We went through a full trial and at the end of it he went word by word through the statute and had ruled that the law was vague, ambiguous, convoluted, and had some concerns that mimicked that of State Law, in addition, it didn't even give the individual themselves an opportunity to appeal any type appeals process. With that being said, the Newark City Prosecutors office had made it clear that Mr. Hood needed to work with them as far as possibly new legislation and/or abolishing this city ordinance or to simply not send any cases on to Licking County Municipal Court. We had a 50/50 chance, as there were only two judges down at Licking County Municipal Court. We then had a case, I don't recall if it

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

went to trial or not. I know Judge Higgins specifically say that this law is unconstitutional and he will have entertained the cases. We had a total of I think five cases that went down there. One was a not guilty ruling and the rest were just dismissed without prejudice and it was simply merely because the language that the law. It didn't mimic that of a State Law to which removed pit bulls from the vicious dog list in 2012.

Ms. Bryant: Have you had anything in Fairfield or Franklin County?

Officer Vincent Scalmato: I have not. No.

Ms. Bryant: Do you know if there's been any citations in either County?

Officer Vincent Scalmato: There have not been.

Ms. Bryant: Thank you.

Officer Vincent Scalmato: Real quick. It's also important to mention that these cases were specifically all deemed pit bulls and we haven't even gone to whether someone's disputing whether it's a pit bull and that's a whole other topic and issue. There's no judge or jury that I know that will put more merit into a Police Officer than a Veterinarian that gets on the stand if you want to dispute whether the dog's a pit bull or not. Yes, I have training, but I mean, simply put, there's no way a veterinarian, an officer will override that veterinarian as far as their profession as far as breed identification through visual.

Ms. Bryant: Anything else you think we should know?

Officer Vincent Scalmato: I think the City of Reynoldsburg has a problem, but I do not believe it pertains to dogs within the City of Reynoldsburg.

Mr. Baker: To get back to Councilman Clemens statement about the pit bull ban. My thing is the law restates vicious dogs. You know, a Chihuahua could be listed as a vicious dog if they attack, bite, or you know, maim somebody. I'm not saying that happens on a daily basis. For example, a German Shepherd can be listed as a vicious dog, especially if they're foaming at the mouth. So, just to single out a dog because of bad publicity I think is just not right and we do have laws in the books that states if it's not on a leash, if it's not well maintained, if it hurts somebody, you're in charge. The owner is in charge. It is the Ohio Revised Code that specifically addressed a vicious dog. If you're saying some of these pit bulls are vicious, well, they already fallen under vicious.

Mr. Clemens: *inaudible

Ms. Bryant: Mr. Hood, did you have any conversations with the Newark Prosecutors about revising or otherwise amending the statute?

Mr. Hood: It's not my job to revise statutes. It's yours. It's a legislative conundrum we've been

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

dealing with for quite some time. I guess I take a little bit of exception to Officer Scalmato's characterization. Judge Stansbury was the Judge who ruled the constitutional at the trial level. We won in his court. He upheld the validity of the ordinance. We lost at the 5th District Court of Appeals. I don't prosecute our cases in Licking County. I do prosecute them here in Mayor's Court. We prevailed as Ms. Bryant would know, but for the benefit of the rest of the Council our Mayor's Court is a Court of knowledge in our jurisdiction. So, any defendant accuses anything can always remove their case from our Mayor's Court here *inaudible appropriate Municipal Court and that's what happened. We prevailed. We won and the defendant has a right to a trial date nova, which is a fancy way of saying do-over. Prosecution doesn't have that right, but the defense does. They exercised that and we lost. That's what happens in some cases. Once again, and I've share with you Ms. Bryant, my proposed solutions in executive session, prior to you becoming a member of Council, I think they all are still viable, but once again, I think this is a need of a legislative solution.

Ms. Bryant: Thank you.

Unknown: *inaudible

Mr. Hood: No. When we lay those options out, I think it was May. Yes, there's certainly time restrictions that are well passed.

Mr. Baker: Could the city take it to the Supreme Court?

Mr. Hood: That's what he just asked.

Mr. Baker: Oh, sorry. I guess I should be paying attention.

Unknown: *inaudible

Mr. Hood: That wouldn't be something that would be initiated here.

Unknown: *inaudible

Mr. Hood: A referendum, think of it as a reversal of something that exists now. An initiative petition would be initiated by citizens to change something that is the status quo. Does that make sense to everyone? The processes are very similar. They're just called something different. When you initiate change or you referend or reverse. I have not specifically looked at the validity of a referendum, but generally speaking legislative actions are always the *inaudible. Administrative actions of the Mayor are not. If you guys recall the rezoning of the famed church of the former *inaudible site *inaudible vigorously as well and that was the issue in that case.

Mr. Joseph: Mr. Hood, would any kind of vote of the people be able to override a court decision? I don't think so. Would it?

Mr. Hood: I have not looked into it. The short answer is generally not. If you look at Proposition 8

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

in California the voters voted one way and I think their Supreme Courts overruled that particular vote. You can't even with voter initiated action do something that's unconstitutional. If that makes sense.

Mr. Joseph: Yes, thank you.

Ms. Bryant: Mr. Hood, would it be fair to say that the only way to conceivably find this constitutional would be to try to prosecute one in Fairfield or Franklin County and let it run its course?

Mr. Hood: Well, not necessarily us, but anyone who has a similar type of ordinance in a different circuit or different appellate court that creates a conflict. In that case, I believe the Supreme Court would finally take this up to make a decision one way or the other. Now, there's no way to predict that in the future. It's one of the reasons that I informed the Chief to stay *inaudible. We asked the Chief to stay the enforcement of these ordinances city wide after the unfavorable court ruling happened in the 5th District and not subject our citizens to potential enforcement. That's why I had the executive session directly after that.

Mr. Spalding: *inaudible

Mr. Clemens: *inaudible

Mr. Baker: But the fact of the matter is pit bull will fall under the vicious dog laws anyway, so why make it specific breed when they're going to fall under the general law anyway and I know for a fact Reynoldsburg Police do write tickets because I had a couple of them.

Mr. Joseph: I suggest that we'll have another opportunity to have conversations at another committee meeting. Given the lateness of the hour I suggest that we move it on and we can bring the conversation back in 2-weeks.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 2/12/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	

LEGISLATION FOR THIRD READING

15-18

ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST. --- Spalding. Public Safety, Law and Courts Committee.

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
February 12, 2018

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 2/12/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Kristin Bryant, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	