

Ravenna City Council Public Health and Safety Committee
Meeting Minutes
March 12, 2012

The Public Health and Safety Committee Meeting was called to order at 5:24 P.M. by Chairman, Bruce Ribelin. Present were: Sharon Spencer, Fred Berry, Jack Ferguson, Amy Michael, Scott Rainone and Fran Ricciardi. Also attending the meeting were Service Director, Kelly Engelhart; City Engineer, Bob Finney; Donna Swigart of 528 East Riddle Avenue and a number of residents of the community and the surrounding area.

Mr. Ribelin said there were nine items on the agenda, some are intertwined. The first item is the health task force update. His wife has been coming in and giving a regular update. She is on the health board and didn't have a great deal to say about it tonight. She email the health commissioner who will give an update at a later time.

President Ricciardi asked how many of the people in the audience were there for the dog issue alone. A number of people acknowledged their presence for the dog issue alone. Mr. Ricciardi said they were not going to let every one of them speak. There just isn't that kind of time. He would appreciate it if they would select one or two people that can address this committee for about five minutes each and hopefully not repeat the same issues over and over again. Give that some thought and when it comes time to discuss that issue, there will be a couple of them address the committee.

Mr. Ribelin said that there were three or four people he did ask to come. That was the dog warden, Mr. McIntyre. He spoke with the director of the APL, Roses Rescue and Mrs. Scarlett is here about the matter on Spruce Street and brought some very vivid pictures.

Mr. Ribelin said the first item for discussion is the Portage Radio Tower use.

Ms. Engelhart said this is to allow the mayor to enter into an agreement with the Portage County Board of Commissioners to utilize their tower on the courthouse. There were some issues with the city's antennae not being tall enough at the Fire Department. The solution was that instead of spending \$7,000.00 to purchase a new tower, that they get permission from the county commissioners to share their tower and then they just have to run a cable across the street. Permission is needed for the mayor to enter into that memorandum of understanding.

Mr. Ricciardi asked what would be the cost, if any.

Ms. Engelhart said she doesn't know. Captain Rarrick has been doing the estimates for the wiring portion of it. She thinks it is less than \$2,000.00 to do the wiring across the street. There are no funds to be paid to the county; it's free to use.

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There being no questions or comments, it was decided by those present that a tracking sheet would be submitted for Finance Committee approval.

Mr. Ribelin said the next item on the agenda is the Family & Community Services radio tower use.

Ms. Engelhart said that this is to have permission for the mayor to enter into a lease agreement with Family & Community Services for the use of their tower which houses the city's radio repeater system. Again, it's for emergency communications. From what she understands, there is no cost, just the use of the tower.

There being no questions or comments, it was decided by those present that a tracking sheet would be submitted for Finance Committee approval.

Mr. Ribelin said that the next item on the agenda is the repeater system contract and user fees for Ravenna Township, Edinburg Township, Brimfield Township, Palmyra Township, Deerfield Township and Paris Township.

Ms. Engelhart said this has two components to it. The first is that this is the equipment Ravenna Township has transferred over to the city of Ravenna. It was part of their Fire Com radio communications equipment. They were no longer using that when the city took over the dispatch service. The township trustees are transferring that to the city of Ravenna so they need legislation to accept that equipment and to pay \$1.00 for the purchase of that equipment.

Ms. Engelhart went on to say that the second component then is to enter into the user agreements with those townships that they provide the radio communications to.

Mr. Ricciardi said that he sees this involves user fees from the various entities.

Ms. Engelhart responded in the affirmative stating the current contracts which would expire at the end of 2013. There would be no charge. But at the end of 2013, those fees will be re-evaluated. The current contracts with those entities stand. When they start using this equipment that the township is transferring, for the remainder of those contracts, no adjustments will be made to their rates but in 2013, they could potentially do so.

There being no questions or comments, it was decided by those present that a tracking sheet would be submitted for Finance Committee approval.

Mr. Ribelin noted the next item for discussion is the FOP contract for fitness incentive program.

Ms. Engelhart said this is to amend the Fraternal Order of Police contract. They had an incentive requirement for fitness and they are changing that to voluntary. That's really the only change to the contract. It is a memorandum of understanding with the Fraternal Order of Police.

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Mr. Ribelin said the next item is pool/spa fees in the Health Department.

Ms. Engelhart said this is a requirement just like the food services, there is a cost methodology to set the fees. They found out this year when the Ohio Department of Health came into the health department, they also have to have a cost methodology for setting the pools and spa fees. There are four public pools licensed through the health department in the city of Ravenna. There needs to be a cost methodology for those. The fee structure that is currently in the ordinance needs to be changed. She is currently working on the cost methodology and will take it to the Board of Health on Wednesday. She is trying to expedite that this month because they send out the letters to renew the licensure in April.

There being no questions or comments, it was decided by those present that a tracking sheet would be submitted for Finance Committee approval.

Mr. Ribelin said the next item on the agenda is the COPS hiring grant. Chief Adkins did email him about this issue. This has been applied for previously. The grant will pay for an officer for two years and then after the third year, the city is responsible for paying the officer. If the city is in such a financial emergency when that third year kicks in, he believes that the officer would not have to be paid but the city would lose that officer. They've talked about these COPS grants before and debated them at length before. He believes they are a couple of police short right now.

There being no questions or comments, it was decided by those present that a tracking sheet would be submitted for Finance Committee approval.

Mr. Ribelin said the next issue is fire damage deposit at 414 South Meridian Street. Once again, this where the insurance company makes a deposit until the fire chief says the property is acceptable. The money is then returned to the insurance company.

There being no questions or comments, it was decided by those present that a tracking sheet would be submitted for Finance Committee approval.

Mr. Ribelin said the last item on the agenda is the proposed legislation for dog kennels. This was sent back to committee from in Finance. They felt it needed more discussion and input before taking action. In the meantime, he visited the dog warden who gave him state legislation dealing with dog kennels. As he said, he called the APL and he spoke with Rose's Rescue after the meeting the other night. There are some problems in the city that they are trying to address. They are pretty deplorable situations in a couple of cases one is in Mr. Rainone's ward. He asked Mrs. Scarlett who is the neighbor of this situation. The pictures had been distributed previously. He would like Mrs. Scarlett to start off and address what she is looking for. He distributed the pictures again to all those present, including the members of the public.

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Karen Scarlett of 718 East Spruce Street, Ravenna, Ohio said she is not here to try to put a number on how many dogs a person can have. She is not here to ban rescue and foster kennels. She is here to try to get an illegal and deplorable kennel shut down that is next to her. This woman is running a dog breeding business and the conditions are deplorable and unsanitary. You can smell the dog feces around the block. The barking never stops and it is a residential neighborhood. The kennels are on her concrete driveway. They are ruining their property value. She has a deck she has not been able to use for two years. She cannot open her windows because of the terrible stench that never goes away. She cannot even have people over for cookouts or work in her yard. She has to hold her breath to go from her car to her house and from the house to the garage. The stench just hits you in the face as soon as you pull into her driveway. People have to hold their noses to get from the car to the house. The stench of the dog poop and urine never goes away. It is baked into concrete. They leave the urine and feces on the driveway for hours to bake in the hot sun. The cleanup is just as bad. She hoses down the driveway. Then you get the heavy, thick smell of wet dog feces and urine. Then she puts bleach on the driveway and you can't breathe and your eyes burn from the strong bleach. She had a person putting in a new outside door last summer and he had to keep taking breaks to come into the house because he was so sick from the stench. This year, she needs a new garage and driveway put in and nobody wants to do the work because of the dogs and the stench. She is living next to deplorable conditions. It is an eyesore. The stench alone has to be a health hazard. All she wants is the mess out of the driveway next door. She has rights and should not have to live next to these deplorable conditions. She couldn't even sell her house if she had to. The policeman who came to her house on the 25th, did tell her that those kennels or structures are illegal. All she wants is those structures or kennels or whatever they are, out of the driveway. That's all she wants.

Mr. Ribelin thanked Mrs. Scarlett and said currently there is legislation in place in the city against feces, people not cleaning it up. There are fines associated with it. There is also in place regarding noise, violations by dogs in the city. There are fines that go along with that. They also have a nuisance, complaint ordinance that was put into effect which they are waiting for it to really kick in. He hopes once they get it fully computerized, it's going to be easier.

Ms. Engelhart said this situation has received a chronic nuisance letter. They have 30 days to comply according to the chronic nuisance ordinance. On March 23, it will be 30 days and they would start receive fines if the city has not heard from them, if the situation has not been abated or if they have not provided the service director with a remediation plan. She has not heard anything from the property owners.

Mr. Ricciardi said that this person has it posted on the internet that this is a dog breeding business, which is against current city ordinance.

Mr. Ribelin said he would imagine there are some zoning questions regarding the outbuildings that are on that property.

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Mr. Finney said since he has been performing the multi-tasks that he does, over the last two years and a couple of months, it has become apparent to him that a city lot being 60 feet wide is not real conducive to obviously running an animal business. Houses could be 12 to 15 feet apart and hearing one dog bark can be annoying. They started to do some research of what other local municipalities have. They see a number of communities limiting the number of animals a resident can have. Originally he thought three dogs would be sufficient. Council members did not like that idea so he proposed four dogs as a limit. Rocky River has two; Streetsboro has five; Akron has four; Lakewood has two. Kent had a proposed ordinance but they didn't pass it or backed out of it. Stow has four. What they are seeing with the high rental rate that they have is people have these animals and are not able to maintain or take care of them. Two dogs can make just as big of a mess as four dogs.

Mr. Ribelin asked what the percentage of rental units are in the city.

Mr. Finney said they are looking at approximately 70-71% of the rental units. This is based on water billing customers. It's not necessarily a structure. It is based on the number of units. They were in a house in August with full respirator, Hazmat suits because it wasn't fit to walk in and breath. The man who lived in this particular house was sheltering animals. Nobody questions his intent but he lost control of the situation. He had 12 dogs in his basement at one time. When they went in, there was one dog and it was not very healthy. He completely lost track of how many cats he had. The number of cats that he said there were, they didn't find. The guy's house was completely shut up and the neighbors called and said there was something wrong. The odor is now coming through the walls anytime he opens the door. They got in, had them clean the place up. This is not the only case. They have heard about this on many occasions. Other people have said to just enforce the chronic nuisance. The problem with the chronic nuisance is its subjectivity of the odor, of the barking. He has responded to council through emails that if the police officer is called out to investigate a dog barking and by the time they show up, the dog isn't barking, it's an unfounded nuisance. By the same token, the home owner or the dog owner, at this point, just should have some rights, too. If the resident simply just does not like the neighbor, they can call at any time about a dog barking. There is nothing in the code that says a dog can only bark 20 times straight before it's a nuisance. They can't get into that. Nor should they address a chronic nuisance complaint to a resident who says their dog isn't barking. They don't know the truth. The police officer shows up and it's unfounded, what do they do? The same thing with odor. Okay, they can see a pile of dog doo in the yard. But who is going to run out daily and check over a 24 hour period. Again, this is the subjectivity of this whole issue. It's his belief if they could put a limit on the animals at a house, some of these issues are going to go away. The reason he proposed the sheltering and fostering is simply from the people who aren't doing this for the right reasons. They're not working with the APL or Rose's Rescue. It's the people who say they'll hold this dog for so and so. Before you know it, they keep accumulating these animals. Through zoning, it's his intent to stop some of this from happening.

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Ms. Michael asked how this situation on Spruce Street has been allowed to go on for so long. They have all these ordinances in place; why is this continuing?

Mr. Finney said they are certainly working to remedy it. She is right. He can't give an explanation as to why it has lingered as long as it has.

Ms. Michael asked why they would create something else if they can't enforce what is already in place.

Mr. Finney said there are some things in place. She is right. The odor and the dog business is certainly being addressed.

Mr. Ribelin asked if there is the ability to start court proceedings against this resident in order to shut the business down, since they are in violation of the zoning code.

Mr. Finney said it's his opinion they are going to receive their cooperation shortly. He's sure there will be newspaper articles tonight or tomorrow morning. They are going to get to the bottom of it. Where one person may accept the odor as normal, the neighbor or the four neighbors surrounding might say they don't agree and they shouldn't be forced to live this way. It comes back to is it fair to all of the neighbors that one resident things, five, six, seven dogs is adequate. They believe they are doing a good job but the neighbors all around them say they aren't. It comes back to subjectivity. It is very subjective. He believes four dogs is a lot more manageable. In his opinion, they have to set a number somewhere, whatever that number is. He doesn't know. His belief is that based on other municipalities, four is adequate.

Mr. Ricciardi said that it's somewhat similar, when talking about subjectivity, as the noise ordinance and the Big Dog Saloon. They had folks come in and say they don't have any problems with it and others said it's too loud and they can't use their patios or leave their doors open.

Mr. Finney said that his proposal is black and white, in the ordinance. Here it is. Mr. McIntyre and he previously discussed this and he scratches his head and asks how can they even monitor this. As they discussed, Mr. McIntyre said that if there is a problem, he'll knock on the door. He has the right to do that. That's about the ultimate way of enforcing this; making sure these people have registered. There was some concern that he is going to knock on their door and take their dogs away from them. They're going to do that. But there is going to be a point in time when those dogs pass away and that limit will still be in place and the resident will then know they cannot exceed this number of dogs.

Mr. Rainone said when they talked about the Spruce Street property, Mr. Finney mentioned concern with proof of a business. Do they have that proof?

Mr. Finney responded in the affirmative.

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Mr. Rainone asked if Rose's Rescue certifies the people who foster the rescued dogs; some type of site approval.

Rose Sachs of Rose's Rescue said she does home visits and vet checks to see if they are responsible.

Mr. Rainone asked if she would place an animal at a sight that she had not checked previously.

Ms Sachs responded in the affirmative.

Mr. Rainone asked if there is any way in this proposed legislation, to exempt those who have been certified an APL or Rose's Rescue.

Mr. Finney said they can write this ordinance any way they want. If they want to tailor it to something like that, sure.

Mr. Ricciardi asked if Rose's Rescue does any kind of follow up.

Ms. Sach responded in the affirmative noting she visits the foster homes frequently.

Mr. Ricciardi asked how many foster homes does she have in the city of Ravenna.

Ms. Sachs said there are nine but the only one in Ravenna and another that does occasional fostering in Ravenna. She really only has one foster that fosters all of the time in Ravenna.

Mr. Ricciardi noted that this won't impact her a whole lot.

Ms. Sachs responded that it would not but she is looking at the impact on the dog pound and the loss of animals if people think they are going to have to take their dogs.

Mr. Finney said they wouldn't do that. He doesn't have the staff or the means of doing that.

Ms. Sachs said there again, with new volunteers that come in, too, if they are exempt from that, she doesn't know how many rescues are out there.

Mr. Finney said that is something they are going to have to work out; whether it's through the APL or wherever. The two or three regulars she has in Ravenna, it's not difficult to monitor. But if they are talking 30-40 residents, it gets a little more difficult.

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Ms. Sachs asked how many complaints do they get with dog issues in the city of Ravenna.

Mr. Finney said over the past few years, it's been a bunch. He has been working on one on West Main Street right now. It happens to be a rental property. It is an older woman who has tenants in the building and they left. They left their dogs on the premises. This lady who is not able to take out her own garbage is stuck with these animals.

Ms. Sachs said she can see both sides of the coin. You can't determine noise. It's one person's perception. If they aren't going to enforce it as Ms. Michael said, what is the point.

Ms. Engelhart said there are two different issues she sees going on here. There is this situation on Spruce Street which is really a business that is being operated in a residential area. There is zoning that can be used to enforce that issue. It's going to take some time because it will have to go through the court system if they don't get compliance from the owner. The other issue is how do they handle the issues of feces, the barking dogs, the nuisance complaints beyond the nuisance ordinance because it's so subjective. It's the same issue they have with the Big Dog Saloon. She thinks there are two separate issues. The Spruce Street and the kennels, if they know a business is being operated, can be handled through zoning. She does think they need some kind of concrete way to help them enforce these other issues where there is feces, property owners are being affected by what is happening in their neighborhood. That is difficult to do. Since she has been here in August, between the Health Department, the Police Department and the Building Department, there are at least five or six complaints they are getting regarding dog issues. It's either barking dogs or feces. It is a routine issue they have in the city because people aren't taking care of their animals. They don't mean to go out there and do anything to the people who are taking care of their animals. It's those who aren't. But they need to have some mechanism to better be able to enforce the ordinances. That's why they are bringing it to council.

Mr. Rainone asked how often they get those five complaints; per week, per month?

Ms. Engelhart said that what she can think of off the top of her head, there are five overall. She only knows the ones she hears about through the Health Department and through the Building Department because they come through the Service Department or the Health Department. They don't have a good way of connecting yet, with the Police Department. The hope is that the computer software system will do this for them. This situation on Spruce Street, Mrs. Scarlett was calling the Police Department. The Police Department was calling the Service Department so all of them rallied around the situation to try to figure out to rectify the problem. They did bring in all of the police reports as well.

Mr. McIntyre said part of the Dog Warden's concern is that they can only do certain things. One of the things he has a big concern with this legislation is that they have 32 kennels at the office. Out of those 32 kennels, currently, they probably have 28 dogs. He knows they said something about maybe grandfathering in some dogs. He is getting different conversations with different people. One thing he does know is that he would not be able to handle 100 dogs from

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the city. There is a provision in the law that allows him to bill the city for anything that they do. When he came in as the Dog Warden, he took that out. He doesn't believe that is fair to the cities. He believes they take dog license fees from everybody. Therefore, he feels they should be everywhere that wants them. They've already been taking in about 125 dogs from the city of Ravenna a year. The township is another 150.

Mr. Ricciardi asked if these are strays.

Mr. McIntyre said they are dog bites, strays. Sunday he got four dogs out of the city. There were two pit bulls; two dogs left out at Havre's Woods.

Mr. Ricciardi asked how many of those dogs are reclaimed by the owners.

Mr. McIntyre said he didn't do that number this year but in the past, it's usually about 33%. When they canvassed the city, that number went up but as the years go back, that number is slowly going back down. They don't put animals down. They will only euthanize a dog if it is sick or vicious. They rely heavily on Rose's Rescue and the other volunteers. Rose's Rescue is not the only in the city that has a rescue group. As a matter of fact, they are probably looking at 15 or 20 different rescue organizations in the city, under some branch or another, or they are fosters for different rescue groups. He does believe they have everything they need as far as the ordinances already go, as far as health and wellness with the feces; barking dogs, they already have an ordinance. There is new legislation now with vicious dogs, dangerous dogs and nuisance dogs. One thing they have tried very hard to do is work cooperatively with the city and with this new dog law coming in, they plan on getting with each police department as it is. He would like to hear from the communities when they get something dog related. They could have a talk and he can tell them what they are seeing from their end. They are trying to coordinate with the police department. If they get a barking dog complaint; call his office. If it's a nuisance dog; call his office. They have a nice computer program that they're putting everything in. The two pit bulls running loose yesterday, the faxed the police report right into the computer. There was a dog bite on Harris. They are working with the city very well. But as far as being able to implement something like this, that would overload their resources; even if they told owners they could keep their dogs awhile, he thinks there would be others who feared they would be charged in the courts and they would try to get rid of them. Just yesterday, bringing in four dogs on a Sunday afternoon, that's what they get when it starts getting them nice outside. They are willing to help them out anyway they can but it has to make sense on both sides. If it starts getting to a point where 50% of their animals are coming from Ravenna City, he doesn't know if he could go very much longer, not charging the city for those services. He doesn't want to. He wants to work with them instead.

Mr. Ribelin said he thinks they have had a good working relationship and have come up with some solutions in the past. They were able to reach a compromise with that situation two years ago.

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Mr. McIntyre said he does know there is new legislation out there now along with HB14 that also deals with kennels. There are a lot of things out there. This is not just a localized problem with kennels but there is really no way to handle them. There is really no checking on them right now.

Mr. Finney asked if Mr. McIntyre would explain what a kennel is. He thinks some of these people think a kennel is a dog cage.

Mr. McIntyre said you can get a kennel license for two reasons; for sale or breed of a dog, over five dogs in your kennel. The cost is \$60.00. The other reason for a kennel is you could breed your dogs for hunting. The auditor's office controls the licenses. The auditor's office gives out the kennel license or not. That's out of his control.

Mr. Ricciardi asked if the person living next to Mrs. Scarlett has a kennel license.

Mr. McIntyre responded in the affirmative.

Mr. Ricciardi asked if they are aware that if that is business, it is not a permitted use in a residential area in Ravenna.

Mr. McIntyre said he would hope with all that is going on, she would know that. It's not their job to tell them the city's zoning laws.

Mr. Ricciardi asked if before these kennel licenses are issued, does any one check on the zoning.

Mr. McIntyre responded in the negative.

Mr. Ricciardi asked if they just write them for anyone. That's not much in the way of cooperation that they're talking about.

Mrs. Scarlett said the policeman who came to her house on the 25th told her that a kennel license allows you to have more than four dogs. It does not entitle them to have these structures or outdoor structures in their driveway. He said these are illegal.

Ms. Sachs asked if with the complaints the city is getting, is it always people who have four or five dogs or is it one dog that is doing a lot of barking.

Mr. Finney said that it is commonly multiple dogs, three to five dogs. How they circle the yard. The yard is a mess and people aren't cleaning up after them. They are in residential areas. It isn't all rental. It's hard to throw a dart at a city map and not hit a rental property. By the same token, a lot of the complaints are coming from owner occupied, too.

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Mr. Ricciardi asked if Ms. Sachs has a dog that needs placed and she has a volunteer who already has five dogs, does she place that dog with that volunteer.

Ms. Sachs responded that she has done that, yes.

Mr. Ricciardi noted that from her perspective, it doesn't matter if they have one or 15 dogs. If they say they can take another dog, they are given the dog.

Ms. Sachs said that is if that person can handle it and it really depends on the person.

Mr. McIntyre said that the situation on Cleveland Road was a hoarding case and there are laws for that, too. The problem with those hoarding cases, they don't know what they have until they get inside the house. They never let the animals outside. The doors and windows are shut up.

Mr. Finney said that in that particular case, the resident was letting his 12 dogs in the back yard. Complaints came through over the last two or three years. Before his time, complaints were issued and he started to get rid of the dogs but he never got rid of the cats. There were complaints of fecal issues, noise, barking, etc.

Mr. McIntyre said he doesn't care who it is, if he gets a call and is asked, he will run a tag check. There is only so much they can do. If a dog is running loose, they can handle it. If it's not licensed, they can handle it. But if it's barking, it becomes a city ordinance but they will send one of their people at any time to help them out.

Chalan Lowry, Director of the APL, said her main concern is the care of the animals. The Humane officer goes out and does a license check, animals at large. The opposite is true for them. They are concerned with the quality of their life. If they are being mistreated or living in feces. If there are issues like that, they'll go out and do a check. If there is some concern with the animals that they can address, obviously, they'll go out and take care of that. She has the same concerns as Mr. McIntyre as far as their kennel space. They have even less than he does. They have about 25 spaces for dogs. They are usually full. If they do have space, they usually take some from Mr. McIntyre when they can to leave some room for him. They have to take on abandoned animals or those that have been neglected. She can say if the ordinance is put into place, it would certainly effect them. She can't say that it would effect them negatively because she hasn't seen what would happen if it does get put into place. She could imagine. They turn animals away every day for space. If they have to take more, she isn't sure how that would work.

Mr. Finney asked if when Rose's Rescue places an animal into foster care, what numbers does she typically see in these homes? If these people have eight dogs and they're adding two more or if they have two or three dogs; what does she normally see in the city of Ravenna.

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Ms. Sachs said she only has two. One has been steady at it. She has six or seven of her own and she fosters three right now. But she keeps up on everything there so she isn't concerned and the neighbors have no complaints against her. A lot of people who neglect their dogs will leave them tied up outside. That's a big issue and they're allowed to do that. But if they're neglecting the dog so badly, it will chronically bark. That's just one individual dog.

Mr. Ricciardi said that's a terrible thing but it's not much consolation to folks live next door to them. That's the issue they are dealing with here. He owns dogs. He has owned dogs all his life. He has one left; an APL rescue dog he got 14 years ago. But what he can say is this, not everyone cares for their dogs. Not everyone confines them properly. Not everyone cleans up after them and not everyone cares whether or not their neighbors are being disturbed by barking at 3:00 in the morning. That is the problem they are dealing with here. Those are the complaints they are getting from various people throughout the community. What they are trying to do is address that particular issue. He understands there are a lot of exceptions to what he is saying and there are people who are wonderful with their pets and love the animals and treat them maybe better than a lot of people get treated. That is a whole different issue.

Mr. Finney said the neighbors to these homes may say something completely different. The subjectivity is different. Someone could sit at their picnic table and have a cookout with all of these dogs running around, that's fine. The neighbors may not agree to that and would never want to live in that circumstance.

Mr. Ricciardi said what they have here is a balancing act. They understand what's going on here. He understands that Rose's Rescue places these dogs at various places throughout the county. She only has a couple of places here in Ravenna, if he understands it correctly, at least for the moment. They aren't here to harm these rescue organizations, etc. but they have to do it with some moderation. They have to look at those issues.

Ms. Sachs said that she has over nine foster homes. There is only one steady one in the city and another that does it occasionally.

Deanna Webb of 1063 West Riddle Avenue, Ravenna, Ohio said what she hasn't heard is that the people who have show dogs, train dogs. For those folks, on occasion, she might take a dog or two from a breeder to an AKC show event. She'll work them out in her backyard. She put in a nice, heft fence. At times she trains them for the show ring and hands them back to the owner. It's a buddy system. She has five dogs housed in her home on a regular basis right now. She's had United States Customs knock on her door for bomb detection training. She places dogs on her own. A lot of people do that. She thinks the people at the meeting are probably the responsible people that will pick up after their dogs, etc.

Mr. Ricciardi said that a lot of times they are preaching to the choir in terms of those particular issues. Again, they are looking at the flipside of this coin, which is not as pretty as the other side. It's wonderful to save as many of these animals as they can. That's a good, kind and nice thing to do. He would wish they all treated each other as well as they treat their pets sometimes and they don't always do that, unfortunately, but here they are with the flipside of this thing.

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Mr. Finney said one of the amenable approaches to all of this; again, the people they see here today are the people who are responsible. Obviously, the ones who aren't responsible didn't show up. They get calls from the neighbors, even from people who are here, that there are issues. They don't like the fact that these people have four, five or six dogs, many of them. Whether they are owner occupied or rentals, it doesn't matter. With the understanding there are issues in Portage County with dog drop offs, etc., if they can come up with a solution to allow people to foster an animal; it was a thought to possibly allow them to foster two dogs on top of the four dog limit. There would have to be some form of check and balance to say that these people are certified or qualified from some organization; whether it's the APL or Rose's Rescue, the Dog Warden, whoever it is; some way to say these people meet the criteria necessary that they will do a good job.

Mr. Ricciardi asked who is going to establish the criteria.

Mr. Finney said he would hope the APL could come in. Like Ms. Sachs said, she has one in this town. He doesn't expect there to be an abundant amount.

Mr. Rainone said it would seem that the problem they are trying to mitigate has more to do with responsibility than it does the number.

Mr. Finney said he looks at it as what is a responsible amount and again, that's where four has come from. He believes it is a responsible amount. It is a number that most people can respectfully; respectfully to the neighbors, adhere to and stick to and maintain.

Ms. Michael said she does not agree; what about people with ten kids, are they going to restrict them from having more?

Mr. Ricciardi said to finish the analogy. If they have irresponsible parents who are harming the children, do they ignore that and say to give them more?

Ms. Engelhart said that the children are taken from the parents if they are irresponsible.

John Plough of 447 Madison Street, Ravenna, Ohio said that he found two states that upheld the limit of dogs or cats as unconstitutional. The one case is from Minnesota. It said, "the court finds the ownership of dogs and other pets as a property right which is protected by the constitution when he granted the summary judgment for the owners of the dogs that were accused of violating a dog ordinance law in Minnesota. Then a different case, in Pennsylvania, says "the current law in Pennsylvania is legislation seeking to control ownership of cats based solely on numbers is invalid. This decision is a law of Pennsylvania and not binding on other states". But in her decision, Judge Freedman lays out the applicable law in a straightforward well reasoned manner that is easy to follow. Any local government in the United States may be contemplating similar legislation may realize the error of their ways by reading this decision." T

Mr. Ricciardi asked if Mr. Plough has a Supreme Court citations on that.

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Mr. Plough responded in the negative, stating he thinks it is an arbitrary number. One city says two, another says five. The number of dogs really doesn't decide whether you are a responsible person; one dog can make as much noise as 20 dogs, if they're not taken care of properly and if the owner isn't responsible.

Mr. Ricciardi said this kind of legislation doesn't go to who is responsible and who isn't. It goes to the end result and that's different.

Mr. Plough said that it's an arbitrary number. Four dogs is arbitrary. It's two in some; it's four in some; it's five in some. It's just a number picked out of the air. Mr. Finney said he decided because he looked at all these other laws and decided four. Why not five, six, seven, eight, nine or ten.

Mr. Ricciardi said his position, and they have differed many times over the years, it's basically what seems to be reasonable.

Mr. Plough said that it's an arbitrary number.

Mr. Ricciardi said that it may be arbitrary. They could have said one.

Mr. Plough interjected stating the constitution protects them against arbitrary-ness of the law. They had a man here who works with dogs on a daily basis. He just told you. They have laws right now, in effect, that need to be enforced and they're not being enforced. He drives up and down the street and sees people on Main Street going 50 miles an hour. Nobody is enforcing these laws in this city. It's not just dog laws.

Mr. Ricciardi said that Mr. Plough knows, having sat on the bench for years, that you can't enforce a law instantaneously if something happens if you see it and there is no police officer there to see it. How do you do that? That's the same situation they are talking about here. When you see a violation, then you enforce it.

Mr. McIntyre said he knows the police aren't always there to hear a barking dog but there's nothing to say a person can't take a video recorder and tape that dog barking. They have won cases on that in the past.

Mr. Finney asked what is done to the people who are in violation.

Mr. McIntyre said they are charged under the nuisance laws.

Mr. Finney said that is a misdemeanor in the fourth degree.

Ms. Engelhart said there is a \$250.00 fine.

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Mr. McIntyre said that from what he understands, this is an every day violation. Each time it is a separate violation. It's not the best answer. He understands that. It's not a catch all but it's like they are trying to reinvent the wheel to go after some of these.

Mr. Ricciardi said that it's kind of like different judges imposing different penalties. Which is kind of arbitrary, too. Some judges might put them in jail. Some judges might fine them \$50.00 and suspend \$40.00. Some fine them \$250.00. It's arbitrary in that sense.

Mr. Finney said this council has the option right now to decide if they want to try to bring back the zoning laws and give him something additional to enforce in black and white, that is not subjective in any way, shape or form. It's up to them. If they decide to do that, they will pass it on to Finance Committee. If they decide the number should be six or ten. You can imagine if you're neighbor has a mess. There is a certain amount that would drive you crazy individually. He doesn't know what that number is. There is a certain breed of dog that would, too. Three drives him crazy in his house. He understands. He can look at the council members who have called him and say there is something he needs to do something with the neighbor's dogs.

Ms. Michael said she has called him regarding some matters but the problems are still there and they're not getting resolved. Then she is told that the service director didn't know anything about the matter and it's been going on and on and on. Her thing is, if they're not going to enforce what they have currently or take care of it, she doesn't want to create more things to harm the people who are responsible.

Mr. Finney said he doesn't see it harming anybody.

Mr. Ribelin said that he sees in the ordinance regarding feces, it talks about the feces being cleaned up expeditiously. That is pretty specific.

An unnamed gentleman said there are chemicals you can get that will take the odor right now. He has ten dogs. He puts it on the carpet twice a week. They are house dogs but they rake the yard. There is no odor.

Ms. Sachs said it sounds like they should go after the people who are the offenders instead of blanketing the whole city.

Mr. Finney said he gets the phone calls from the people who are complaining. Again, it goes back to subjectivity of it. You don't want to receive the nuisance complaint but that's what they have to go with.

Vickie Overfield of 229 South Scranton Street, Ravenna, Ohio. She has a German Shepherd. If she didn't clean up the yard every day, her neighbors would hate her. Whenever he goes, it looks like an elephant lives there. The same person who lives next door to her and has four poodles isn't going to be as much of a nuisance as her big dog is if she doesn't clean up after him. Putting a number on the dogs, she doesn't see where it's going to help them.

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Mr. Ribelin said they have been kicking this around and around. He really feels the city has legislation in place, if it is enforced, to take care of the problem. He agrees there are two separate problems here. He thinks that they need to take care of this situation on Spruce Street as expeditiously as possible and any others that are the same.

Ms. Scarlett said her neighbors have probably six or seven Italian mastiffs. They are going on the concrete driveway and it lays there for hours. It lays there for hours and hours. That is animal neglect.

Mr. Ribelin said he would like to thank everybody for coming out tonight. He thinks they have tried to give everybody a chance to say what they wanted to say. At this point, they are going to leave this issue right where it is.

Ms. Michael said she agrees.

Mr. Rainone concurred.

There being no further business for discussion, the meeting adjourned at 6:24 P.M.

ATTEST:

Clerk of Council

Bruce Ribelin, Chairman
Public Health and Safety Committee