

PUBLIC AFFAIRS COMMITTEE MINUTES

October 27, 2014

The meeting was called to order by Mrs. Groat at 7:30 p.m.

MEMBERS PRESENT: Deborah Groat, Nevin Taylor, Henk Berbee

OTHERS PRESENT: Tim Aslaner, Chief Golden, Barb Taylor, Bethany Anderson with the Union County Humane Society, Ryan Horns with the Journal Tribune.

APPROVAL OF MINUTES: The minutes for the meeting on September 22, 2014 were approved as presented.

AGENDA:

1) Discuss Chapter 505.01 and 521.12

(a) Cats Running At Large

Cats Running at Large:

Mrs. Groat asked Ms. Taylor for an update on her concerns. Mrs. Taylor said they are still the same. She did yard work on Saturday and today, and she cleaned up 13 piles within those two days. Mrs. Groat asked Chief Golden, if he visited the homes families? Chief Golden said Ms. Taylor gave him names of three people. He contacted two of them, one of them he didn't not contact due to an ongoing situation with Ms. Taylor and them. He said the day he was there, there wasn't any cats running around. He talked with Dana Clay on Millington Way by telephone, she talked to Stephanie Holland on Millington Way personally, at that time he did not know how many cats she has. She said she has been trying to keep her cats in. There have been no complaints of cats since the last meeting, there have been two cats hit by cars one on Fifth Street and one on Elwood, and another attacked by dog on Fifth Street.

Mr. Taylor said Mr. Aslaner brought a couple pieces of legislation for the committee's review. (see below)

Public Affairs- Proposed Ordinances to Discuss

No owner, keeper, or harbinger of any cat(s) shall fail at any time to keep either physically confined or restrained upon the premises of the owner, keeper, or harbinger by an adequate fence, secure enclosure, leash or tether, or under reasonable control of some person.

The owner, keeper, or person having charge of a dog or cat (or other animal) shall remove all matter excreted by such dog or cat upon any property not belonging to the owner, keeper or person having charge of such dog or cat.

Mrs. Groat said if the second piece is passed, what would be the proof system for going back to the owner and charging the owner for failure to remove the excrement. Mr. Aslaner said this is the same issue that has come up with all of these proposals. Mr. Aslaner said there is a difference in enforceability and proof-ability. Mr. Aslaner said it would be a minor misdemeanor, if you own an animal and do not clean up the excrement from your animal in someone else's yard.

Mr. Taylor said we are getting into a situation where it is a he said she said issue.

Mrs. Groat asked Ms. Taylor if this ordinance was passed, would you go to Court and definitively challenge the owners of that animal (like in the provability section Mr. Aslaner is talking about), would that be something that you could meet the standard if it is passed? Ms. Taylor said no. Mrs. Groat confirmed that if this ordinance was passed it would not help Ms. Taylor.

Ms. Taylor said what would help me would be having people registering their cats just like people registering their dogs, you are going to have to walk your cats like you walk your dog. What he has written there, unless she sets out with a camera and take a picture, it is wasting too much time.

Mrs. Groat said without putting words in your mouth, I am suggesting that you do not like the ordinance that Mr. Aslaner brought us.

Mrs. Groat read the first proposed ordinance, and Ms. Taylor said that was not acceptable either. If Ms. Taylor calls Chief Golden and he comes out and picks up a yellow and white cat, if they do not have the license on them, then we are back to the no enforceability.

Chief Golden said he has looked at the proposal, and he is not in favor of them, due to the enforceability of it. Mr. Aslaner said the Chief and I have met and discussing this topic. There is in code about impounding animals, which is geared toward dogs.

Mrs. Groat said Ms. Taylor's only solution would to be create a bureaucracy to tag the cats and then she would have to find a place to contain them, before we could make this work.

Mr. Aslaner said we are confusing provability with enforceability. Both proposals can be enforced but they will be difficult to approve.

Mr. Berbee asked would you venture to guess how many people buy dog tags. Ms. Anderson said there is no way to know, the Humane Society does microchip the dogs they adopt out.

Mr. Taylor said where do we want to go with this issue? Mrs. Groat asked Mr. Aslaner if we make a law that is more strict than the Ohio Revised Code is there an issue that can be challenged? Mr. Aslaner said as long as it is not unconstitutional, he did not see a problem with that. Mr. Aslaner said there are plenty of municipal laws that are stricter than state laws.

Mrs. Groat asked if the committee is willing to have Mr. Aslaner create an ordinance that all cat owners need to keep their cats leashed or tagged and we would also have to find a place to put the cats. Mrs. Groat said this is a controversial enough issue that we need council to vote on it.

Mr. Berbee said the humane society is there to protect the animals, the dog warden is there to protect the people when there is a potential danger to people. Defecating in someone's yard is not a danger to people it is unsanitary and a nuisance but is it not a danger. There are remedies, small claims court if you have damage to your yard and if you can prove ownership of the cat who caused the damage. Mr. Berbee agreed with Mrs. Groat this is not something that he would vote in favor of during a council meeting.

Mrs. Groat asked Mr. Aslaner if motion ready cameras would work as proof in either small claims or municipal court. Mr. Aslaner said yes, he would not see why a camera would not be used.

Mrs. Groat asked Mr. Taylor if Mr. Aslaner did the ordinance and all the work that is going to come along with this ordinance, would you propose this to Mr. Aslaner?

Mr. Taylor said owners should be responsible for their nuisance animals. Solon has legislation out there for their area. Does he see the budget having money to fund a cat warden, and for an extra wing at the Humane Society to house the cats? No. Is there a problem that needs addressed? Yes. Mr. Taylor said that it is time for the other four council members to weigh-in and give us their opinion. He is not in favor of licensing all the cats. If we send us to council, they might have a solution and they might say it should have been passed on. If we go before council we will get a general consensus of what is supposed to represent the whole city. Mrs. Groat asked is it a fair statement that to say as a committee of three we do not support new legislation.

As committee chair she will draw together these two proposed ordinances, Solon's ordinances, and anything else Mr. Aslaner would like to put together, and bring it before the whole council. Mr. Aslaner said we should put this on the council's agenda as a discussion item. Mr. Aslaner said before we go into resolutions and ordinances we put on a discussion item. Mr. Aslaner said this way we could know what the other council members are thinking on this. Mr. Taylor asked Mr. Aslaner, if there are any places in Ohio that require cats to be licensed. Mrs. Taylor said not in Ohio.

Mrs. Groat said she would be willing to gather information, and ask Ms. Taylor to show up and speak to council. Have Mr. Taylor limit the speaking time for the discussion. Mr. Taylor said that

Ms. Taylor will have five minutes and Mrs. Groat said that it will be five minutes for each council member.

Mrs. Groat said Ms. Taylor would present for five minutes, and then council would have a discussion as a group and then council would have two choices:

- 1.) Send it back to public affairs with a recommendations to draft
- 2.) Council as a group of seven would close the issue.

Mr. Taylor said Mr. Aslaner what we really need to know is license starting points and ending points, what you can find.

Mrs. Groat said are we at a consensus?

Mr. Aslaner asked a couple questions, 1. If we talk about putting in place a law that says owners need to license your cat. That means 3 out of 100 cats will be licensed, if the owners do what they are supposed to do. Mrs. Groat said Ms. Anderson said that 3 out of 100 get picked up from the shelter. Mrs. Groat said if we had a 100% compliance that only 3 people would go look for their cats. Ms. Taylor disagreed, she said when people put the money into licensing their cats, they will go look for them. Mrs. Groat said to make sure that she states that to Council when she comes.

Mrs. Groat said she would like to bring this to Council and have Ms. Taylor speak on behalf of licensing cats, and Mr. Aslaner can speak on the legal aspects. Mr. Taylor said if he is running this as meeting and if there are a lot of people that show up for the meeting, we will make it a one agenda item.

Mrs. Groat said asked if the November 6, 2014 agenda too early to put it on? Mr. Taylor said no, we just need to get with Mrs. Krutowskis and Mrs. Jones before Friday. Mr. Aslaner is going to get with Mrs. Krutowskis and Mrs. Jones.

Mr. Taylor asked if Mr. Horns or another gentleman had any comments? Mr. Horns said he is glad to see if is going forward for further discussion.

Mrs. Groat asked for final comment: Mr. Taylor said this is not a simple solution, because of they take the directions of it and look at payroll. He said Ms. Taylor needs to be prepared that the Council might tell her it is a Court issue.

The meeting adjourned at 8:25 p.m. The next Public Affairs is November 24, 2014 at 6:00pm.