SAFETY COMMITTEE MEETING
MINUTES
May 11, 2010
5:30 P.M.

Council Committee Members: Chair Mark Masser, Matt Lampke, Jed Morison

Call to Order: Mr. Jed Morison, Vice Chair and Mr. Matt Lampke. Mr. Masser had been previously excused.

Others Present: Mayor Brennan, Lou Chodosh, Bill Harvey, Ben Kessler, President McClelland, Chief Rinehart, Richard Sharp and Rick Weber.

Review of Minutes from April 13, 2010- **Approved**

Report of Chief of Police – Chief Rinehart announced they had selected a new Animal Control Officer, Amy Jennings. She will be starting on May 24th. She previously worked for the Franklin County Animal Control and is going to be a tremendous asset to the City. Mr. Weber asked about her hours. Chief Rinehart said he did let her know that the hours would be flexible. Both Mr. Morison and Mr. Weber agreed that weekends and evenings would be a true benefit to the City.

Chief Rinehart reminded Council that he had two officers who would be retiring soon. They both have 35 years with the City and he would like to have some type of community event because all the residents know both of them. Tony Martin will be retiring as of the 1st of the year and Bob Cull will probably be retiring this year. He has used the hiring process from the last list and will have their replacements trained and ready to go prior to the officers retiring. Mr. Weber volunteered to help assist with the planning of the retirement events.

The "Ride Bexley Ride for CHOICES" will be held on Saturday, May 22nd at the Jeffrey Mansion. He encouraged Council to participate and said the community has been very supportive of this event.

Report of Mayor/Safety Director- Mayor Brennan said the Bexley High School Senior Party has been shortened this year. The event will end at 2:00 a.m. versus 3:00 a.m. as in the past years. This will help save money and allow the junior parents an earlier time to come in to clean up.

Capital University's graduation was very successful. The Lion's Club was collecting at Drexel Avenue but it did not cause any traffic problems or concerns.

Mayor Brennan stated that he did receive a few phone calls and letters from residents living near the Governor's Mansion in connection with the potential issues from the inmates. He spoke with the State Highway Patrol officer working at the Governor's Mansion. He

requested that the bus not sit and idle while waiting for the inmates to arrive at the bus. He also requested that the bus select different areas to pick up each day. He suggested that the residents write to the Governor about their concerns. He believes he relieved the residents' fear about the issue by explaining that the inmates are all "honor" inmates that work at the mansion.

Mayor Brennan said he had received some calls regarding a "party bus" that is used by the Capital students. Apparently they are dropping off the students in a residential area and they are requesting that the bus use Capital's property. Chief Rinehart said Capital University is not endorsing or in favor of the use of any "party buses" and do not want them to use their property. Chief Rinehart asked the Mayor to provide him with the resident's name and address and he will speak to them about the situation. Mr. Sharp suggested that the "party bus" should use different locations for the drop off so it won't be disturbing the same residents on a frequent basis.

Proposed Ordinances:

Third Reading

Ordinance 22-10 establishing a Drug Offense Nuisance and Abatement Procedure for felony drug offenses occurring on any premises, introduced by Mr. Lampke, (Introduced on April 13, 2010)

Mr. Lampke said he received the revised Ordinance from Mr. Hatzifotinos. He did make some changes to his original Ordinance including the wording "may" to "shall". He said his Ordinance incorporates the State statutes to provide an easier guide for the City to follow. He explained the nuisance statue is independent from the landlord statutes. He said the City will need a separate Ordinance pertaining to landlords. This Ordinance pertains to drug offenses taking place in vacant property. It would allow the City to take action whether that would be additional lighting, etc. This Ordinance pertains to reputation, felony or actions left up to the discretion of the City Attorney.

President McClelland asked what the ultimate remedy would be. Mr. Lampke said it would allow for a property to be shut down for a period of one year. President McClelland asked why realistically, the City would not just have the police go to the property and arrest them. Mr. Lampke said the police can't force the landlord to evict. He said the statutes describe the amount of drugs that would be considered a felony. Mr. Sharp asked about Chapter 6, 24-05 (b) stating that it refers to "owner, occupant, etc." Section (e) refers back to that same reference so he is not sure what is actually being added. Mr. Lampke said Section 2 is incorporating the State statute only to inform the City of the possible remedies.

Mr. Sharp said there is already a procedure established to initiate action. He asked if this Ordinance pertains to a conviction or an arrest. A person is considered innocent until proven guilty. Most drug offenders are good at concealing their use from their own families so how can you take action based on reputation unless you are referring to the use of search warrants or an undercover buy. President McClelland said there is a burden of proof connected with the "nuisance". Mr. Chodosh said the civil issues would be the least of the burden.

Special Guests or Presentations: Dimitri Hatzifotinos, Willis Law Firm regarding the proposed Nuisance Ordinance. Mr. Hatzifotinos said he had previously emailed Mr. Lampke and Ms. Maynard a copy of his revised Ordinance. He stated this Ordinance included in the Agenda was not his suggestions and he was strongly opposed to the proposed Ordinance.

The standards listed in the proposed Ordinance become more "owner" issues. Making a property dormant for one year and adding more red tape before being able to take action is certainly not a remedy. This would cause a large delay rather than allowing the owner to take action. Mr. Hatzifotinos said by the time a conviction occurs, whatever has happened has happened. This is geared toward the owners of property. Another issue is what happens if it is the owner of the property who commits a felony. Making procedures concerning eviction requirements makes sense but practically speaking; by the time a felony conviction occurs after due process in the courts could take months and civil suits could take years.

Mr. Kessler asked what the scenario currently is pertaining to drug suspension. Mr. Chodosh said the Chief starts with criminal prosecution which may or may not result in eviction. We would notify the landlord. Mr. Kessler asked if the landlord could take action at that point. Mr. Chodosh said the police can direct the landlord to evict.

Mr. Hatzifotinos said there are over 70,000 units in Columbus. If any tenant is convicted, this statute has nothing in it to evict a resident. If just states a "nuisance" language. Mr. Kessler stated that "nuisance" is negligence with respect to property and the burden is on to the City. Mr. Sharp said currently the City can act upon a problem if someone has knowledge of the felony drug offense. Nuisance abatement would be allowed to be started at this point.

Mr. Morison said it is clear that Council needs more clarification. Mr. Hatzifotinos distributed his proposed Ordinance. Mr. Lampke stated he was not in support of Mr. Hatzifotinos proposed Ordinance.

Mr. Morison suggested that the Committee take a vote on Tabling the Ordinance in order to have more time to research the issue. Mr. Lampke said he was concerned about delaying the Ordinance and did not think it would be in the best interest for the residents.

Voice vote – Ordinance Tabled. Mr. Morison suggested that Mr. Chodosh work with both Mr. Lampke and Mr. Hatzifotinos in respect to this proposed Ordinance. Mr. Chodosh was in agreement.

Other Business: Mr. Morison said he would like to discuss the proposed island at Fair Avenue at the next meeting. Mr. Weber said Mr. Morison could use the Zoning timeframe for his next Safety Meeting.

Mr. Morison said he was contacted by Tim Madison requesting that Council consider a possible law for children under the age of 18 years to wear bike helmets. He would like Council to consider this issue for future discussion.

Comments from the Audience - Ms. Jones addressed Council to state she is certainly in favor of Capital University students using the "Party Buses" because it prevents drunk driving in the City.

She also stated that she had recently visited some Township Trustees Meetings and said Bexley City Council should be very proud of the professional manner in which the meetings are run.

She had recently attended a Liquor Control Meeting regarding a citation and a Bexley Police Officer was present and very impressive and professional as well.

Next meeting –May 25th, 2010 at 5:30 p.m.

Mr. Morison said he would be in agreement to discuss this recently Tabled Ordinance at the end of his meeting if time allowed.

Adjourned 6:20 p.m.