

ORDINANCE COMMITTEE MEETING  
MONDAY  
JULY 1, 2019

Committee Co-Chair Mr. Kasunick opened the meeting at approximately 6:02 p.m. Members of the Committee in attendance were Co-Chair Mr. Overstreet and Mr. Spotton. Present from Council were Mr. Hoefle, Mr. Evers, Mr. Zuren, and Council President Mr. Meyers.

Present from the Administration were Mayor Morley, CBO Menn, Finance Director Schindel, and Law Director Klammer.

Mr. Kasunick: If there is anyone privately recording this meeting as courtesy to the public will you please identify yourself so that the fellow attendees know that they are being recorded.

There was no one from the audience recording the meeting.

Mr. Kasunick: The City of Eastlake is recording this meeting. We are going to discuss the last item on the agenda first, which is to discuss a Mayor's Court. The reason for this change is because we guests from out of the city that are probably not going to want to talk about our deer or our cats. (Meeting starts with Pending item number 2.)

PROPOSED

1. To discuss an ordinance regarding feral cats.

Mr. Kasunick: We have been given some ordinances from other cities to use as a model. Mayor would you like to take this one?

Mayor Morley: All I would the chair at this time instead of waiting for Public Comments that Mayor Regovich get up and speak. He is the one that partly started Willowick's. Mayor Regovich?

Mr. Kasunick: Before you start Mayor Regovich I am just going to poll the Committee real quick. I think that we are going to leave the Mayor's Court issue in committee right now. Mr. Overstreet preference?

Mr. Overstreet: Yes.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: Yes.

Mayor Regovich: Good evening. I am here to talk about the feral cats. It is something that started in Willowick when I was a Council Member. It was one of my first big deals as a Council Member. We had a complaint and that is how it started, somebody feeding cats out of their garage. The neighbors didn't like it because they were using their neighbor's houses as a bathroom and sitting on their clean cars. We heard it over and over and our initial response was

to ban feeding, which Willowick already does, but how do we enforce that and that was the hard part. So luckily enough a lot of the people that are here tonight came to our Council Meeting and educated us. So I learned what TNR was and what we did was kind of take a step back, take a breath, and we held some meetings. What came out of those meeting that I was involved in and a lot of other good people that live in the city and actually outside the city came in who really care about animals and cats. Over however many months it took but we came up with an ordinance and a responsible way to handle feral cats. What it was that the people that feed the cats and the people who are going to continue...we knew that we couldn't stop that because we can't be running into every bodies backyard and checking what people do. And people like to do that generally...a certain amount of people like to do that. So what we did is and what I say they did is a group started Willowick Community Cats, who will come to your house trap the adults, get them spayed and neutered, then make sure they are medically fine, clip their ear so we knew that they were spayed and neutered and put them back in their territory. If you just remove that cat from the territory that person continues to feed and another cat is going to come in and say "I have a free meal" and you are going to start the process again. Any kittens that were there they would take and socialize those kittens and then hopefully adopt them out as the best they can. If not they were still medically checked, spaded and neutered their too. In the lifetime of a cat, which can have...how many kittens can cats have?

Member of the audience: Three litters a season.

Mayor Regovich: Three litters a season so you can see how they can just multiply. I can comfortably say in Willowick right now we do not have a feral cat problem. Do we have feral cats? Yes, but they are managed and controlled. If I do have an issue I simply call Joan or one of the other people in the Willowick Community Cats and they come and take care of it. They have a number of people in their network...doctors who will donate their services for free, they have some fund raising efforts and they've been able to get some money from other places to take care of these cats. And then over time you are going to find that those populations dwindle. And that was the total goal. We were able to do it responsibly, but I think the key to our ordinance and the key to what we did is if you are going to continue to feed cats we are going to hold you responsible for those cats. So as they come once they are set up and they have those cats coming and they are going to continue to feed...you have to give them shelter, you have to give them water and food, and you have to give them medical care after that point. If you need help there is help available. Some of them can't afford to feed themselves and they will feed a cat. So there are food pantries and stuff for the animals that they can also bring. That was key, because now they need to be on board so they got educated. A lot of them when they find out they have to be responsible and not just put food out, because they think that they are doing good...once they find they have to do that they took a different approach to it. Most of them will want to be responsible; some of them are maybe like it's too much for me. So it was that portion of it that make it do able so we left that in our ordinance; we're not going to tell you and we are not going to come down on you for feeding them. But if you're going to feed you're actually going to take control and responsibility for that cat and make sure it's an outdoor cat. The problem areas that we've had have gone away. We get a few in the spring time, they will pop up and they are usually taken care of in a quick response. I know that other groups that have gone through Lake County that stem from the Willowick Community Cats Group. There is Mentor Community

Cats and there are issues in other places. But it just seemed to work for us and I just hope that what we did can help you to make a decision on what you guys on what you guys do. I am will to take any questions or anything that you guys have?

Mayor Morley: Is there anything the city has to do or any of the departments to do any of the paperwork?

Mayor Regovich: We really just call Willowick Community Cats. If it comes into our Building Department we don't go...they may go check the site just to make sure it's not dirty or uninhabitable. A lot of times what you find is high grass and rodents can come because you are leaving food out. And those are part of the responsibility parts of that so it's the other things that come along with that, that we make sure they're providing the right environment. It's a controlled feed it's not an all day buffet that you can come anytime you want. You're going to feed from this time to this time and the food is gone after that so that you are not attracting anything else. So it's the responsible way to do it.

Mayor Morley: Does the paperwork go to the Building Department and the Building Department forwards it to the....

Mayor Regovich: I don't know that you would have paperwork. This is Ms. Raymond who actually helped us set up and she was my first call as a Councilman. She lives in our ward and she is the expert on it, she's actually had her own feral cat that she's fed for...how old is your colony?

Ms. Raymond: My colony lived almost 19 years, so you don't want to hear from me on how long a colony can live. I ran it like a Germany train station well before our group was started. With Willowick in terms of the way things work we are very lucky. In the sense that we don't have big properties, we don't have a lot of commercial properties, and we don't have a lot of wooded areas. Most of our colonies and for the longest time we had about 17 colonies, we went down to about 14 colonies and now we are up to about 19 colonies, but most of these are about two or three cat colonies. Our biggest cat colony is probably around 10 or 12 cats. In terms of paperwork, what happens here is I know Mayor Regovich and I send him a memo as to what is going on...texts and we keep in touch. Other cities have more stringent ways to do things, most of our calls I can count on one hand over the five years the calls that come from the Building Department. Those might be "My neighbor has cats what do I do?" Well call Willowick Community Cats and most of our calls come from word of mouth or from the Lake Humane Society, because they don't deal with these things. That is how we get the information and we are very lucky in Willowick, because people have understood, for the most part there is always out liars on everything. That in order to do this properly you can't be a buffet. You have to take personal responsibility for these animals every single day. We've been very fortunate that people have been for the most part following the script. Other cities are bigger that there are more animals. Again in Willowick we are small enough where everybody kind of knows what's going on.

Mr. Kasunick: Does anyone have any questions regarding the feral cat ordinance? Mr. Zuren?

Mr. Zuren: Mayor Regovich what year did Willowick adopt the program? How has it affected the cat population?

Mayor Regovich: 2015 was when we started.

Mr. Zuren: And how has it affected the cat population in the city?

Mayor Regovich: Like Ms. Raymond said the colonies...we have 19 now and that will change, but the idea is to keep the colonies small. Some are two cat colonies and are up to ten...those ones with 10 will probably widdle out over time. It's when you catch them and how do we usually fine them? Hey there is a bunch of kittens running around over there I'm call Ms. Raymond. She will go over and find the adult female that left the kittens and make sure that is taken care of, and then we try and get those kittens. If we get them early enough socialize them so that they can be adopted out and become pets. If it's too late there then we keep those in a colony and have them spayed and neutered. Then they will eventually branch out into their own colony or through natural selection they won't make a winter or something to that effect. But it's important to say to that if they are feeding them a lot of people will put them in a garage or a shed, because they do have to provide shelter in the winter that's part of it. So they either have to leave their garage door open and sometimes lock them in at night, which is a responsible thing to do and let them out in the morning so that they are responsible for their health. Not just out to fend for them totally.

Mr. Kasunick: Mr. Hoefle?

Mr. Hoefle: I just wanted to make sure that everyone was aware that back in March 2016 the Eastlake Community Cats was a new organization that was formed with Eastlake citizens. Basically the mission was for the TNR Program at the time I was assisting our former Councilwoman Donna Vaughn with that program. We went to meeting on it and the City of Eastlake was supportive of our efforts and the organization. I just to make sure that we are aware of the fact that we do have a document here...a letter from the Community Cats and Eastlake is supportive of it. But at the time we just didn't adopt an official TNR or an ordinance for it. So I think it's come to...now we just don't want any residents being cited for having a colony that is registered.

Mayor Regovich: I don't know if we've ever cited anybody and still have in our city you're not allowed to feed birds so close to a fence. We even want them to feed birds responsibly, so it's not a smorgasbord for them to, because what does a bird feeder attract? Every other animal that eats anything...they will go after a bird feeder. Those things still happen but what do we find out is how do you cite some body, because I would probably be citing my own mother. She loves animals. I don't think government should be in every bodies backyard and doing those invasive things. We just want to make sure that when we find that there's a issue, there's a problem, you guys are going to hear it when the neighbor calls and says "Hey I don't like it because they don't like it." So how do we intervene in a responsible way? I think this was a thing that works for us and I know that the Eastlake Community Cats shortly after ours did. I think that there's Mentor and it's just how do we support that? After seeing Mayor Morley at their fundraisers more than

once, so those are the things that if you have good people in those organizations, because it doesn't cost the city a dollar. That's huge knowing that the people that may not like that, that oh well were getting it taken care of, but it's not really using tax payer money.

Mr. Kasunick: Are there any other questions regarding the feral cat ordinance? Thank you Mayor Regovich. If there is no objection I will skip ahead to public comment on the feral cat issue only.

There were no questions or comments.

RECOGNITION OF PUBLIC (for the issue pertaining only to the ordinance regarding feral cats)

Cindy Valerio, 225 East 266<sup>th</sup> Street, Euclid, Ohio

Ms. Valerio: I am the Executive Director for Lake County Community Cat and for the Ashtabula Community Cat Groups, as well as the President of Community Cat Companions; which is a 501 C3 organization that is registered...the approved organization registered to manage the programs not only in Willowick, but in Mentor, Mentor-On-The-Lake, and Fairport Harbor. I just wanted Mayor Regovich to know a wonderful job of explaining to you the promise of TNR and that is essentially exactly what it is. I wanted to kind of go over with you how the ordinances work in all the cities. They are all from the exact same premise. Some of them are much more complicated than others, Willowick's is very simple. Some of its practices are more implied, where they are very specifically stated in some of the other ordinances. The first step with any of them is the registration process. A colony caregivers or feeders are required in all of the ordinances to register their colonies with an approved animal welfare organization, which is this case is us, and that information stays with us. We do not share that specific information and we do not share their personal contact information or addresses with the cities. They have a general colony identification, which includes the street but nothing specific. All of these ordinances require that the cats be spayed and neutered, and ear tipped. That is what they call the affirmative defense for having the cat spayed and neutered you can identify that. But it stop it there like we've been talking about and you do have a handout and I gave it to your mayor about our colony caregiver command, which are our best practices, which do require people to not leave food out no more than 30 minutes, to feed during daylight hours, to provide shelters, to provide alternate feeders, to provide litter or something like litter on their properties with that goal that you would try to keep your cats on your own property as much as possible and to the best of your ability. Because the bottom line is we want to be good neighbors. We don't want there to be complaints from other people about what you're doing. Then there is the recording component and that is where...now it's very, very informal in Willowick...we talk about the number of colonies that we have there and we have about 80 registered colonies in the City of Mentor. We report quarterly, and we have to do colony up dates. There is a lot of work on our end to satisfy them and it's all in their ordinance exactly what our responsibility is. They have it also in the other cities but again they are much smaller and there are fewer cats and fewer colonies, and it is less formal with respect to that. The goal is like you said you cannot really enforce a feeding ban or anything like that. It is very expensive and it is time consuming, and it's not affective. People are going to feed...they just are. It is much better to know who those people are, make sure those animals are spayed and neutered, make sure that those animals are

being cared for; they are vaccinated against rabies and a host of other diseases that are only transmittable to other cats. If we know about it we can manage it and we can control it.

Mr. Kasunick: I am going to have to stop you for time. I appreciate your comments very much and it sounds like you do a good work. Mayor Morley?

Mayor Morley: Out of all the ordinances that we talked about when we were talking on the phone and that you sent me; which ordinance do you like the best out of these?

Ms. Valero: Essentially there are two Willowick's and everybody else's, because what happened is that Mentor did theirs and we spent a lot of time going back and forth. Everybody said we'll just do theirs with very, very minor changes. I think that Mentor-On-The-Lake stipulated that they want the shelters to be on the back of the property. But essentially there's one or the other. Willowick's is much similar...I mean it is. It's very simple. The other one is very complicated. I included a lot of things that I gave to you and some of those are the citations or letters that they leave. They have a whole department that deals with things.

Mayor Morley: I'll make copies of what she gave me.

Ms. Valero: And there's contact information for all the different groups too.

Mayor Morley: I think that we have Willowick's ordinance, Mentor-On-The-Lake, Fairport Harbor I believe you sent me.

Mr. Kasunick: Yeah we have all the information...we have their ordinances to use as a model for our own assuming we elect to move forward with this issue.

Ms. Valero: Okay perfect are there any other questions?

Mr. Kasunick: Does anyone else wish to speak on the feral cat issue?

Kathryn, 36900 Valleyview Drive, Eastlake, Ohio

Kathryn: Sorry I didn't understand everything but once those cats are fed and taken care of are they out on the properties or do you have them in a....

Mr. Kasunick: Can you direct your comment to the chair please.

Kathryn: Are they allowed to roam?

Ms. Raymond: This is trap and neuter.

Kathryn: They are still out on the property.

Mr. Kasunick: Please direct your comment to the chair.

Kathryn: This is my concern is that we have feral cats. They are using my gardens as litter boxes and they are using my patio as a litter box. I have grandchildren that want to use my garden. These people have not said the diseases that these cats have if a child is scratched. I know four children that almost suffered blindness, that were in the Cleveland Clinic Hospitals, they lay in my ferns and if my grandchildren go back there they can be attacked. They cry at night all night long and we have two neighbors that I know of that feed them that house them and keep their garage open for them. But they have no responsibility to keep them out of my yard and to keep them away from my family. I don't mind cats. I have neighbors on both sides of me that have cats. They live next door to me for ten years...over ten years...I didn't even know they had a cat until one day they carried it out. It was a beautiful cat. And I was talking to my other neighbor and I said "Did you know they have a beautiful cat next door?" And they go "Yeah so do we." They were there ten years. Cats are house pets. Feral cats are not pets they roam the city, they are dirty, they use anything for a litter box. And to be honest I would like an ordinance to say if you are feeding a cat and your housing a cat get it declawed, take it in your house if you like it and keep it out of my yard and out of the neighbors. Every night they are crying and screeching, because I guess their garage doors open I don't know. But to me to let them out again neutered for five years...

Mr. Kasunick: Please just her finish and we will allow time for others to speak if you wish. But please...I'm instructing the audience because we have some comments from the audience.

Kathryn: I've had other communities that have done the neuter system and it didn't work. Those cats were still roaming for five years using their gardens as litter boxes. Lima came out with an ordinance that said "No you get fined, your responsible for them, you house them in your house." I'm not going to capture them. I'm busy...I'm not going to put a cage out and carry them around. This is the responsibility that the people that are feeding them should take them, care for them, and keep them on their property just like any other pet, dog, rabbit, and turtles. If you're caring for them keep them on your lot.

Donna Baker, 81 Wicklow Drive, Eastlake, Ohio

Ms. Baker: Reference to the comment we should do the homeless that way too?

Mr. Kasunick: Sorry?

Ms. Baker: She's saying we should get rid of the cats? Shouldn't we do that to the homeless people? Cats were not there they were left by someone.

Mr. Kasunick: Do you have any further comments?

Ms. Baker: No that's it.

Holly Rickert, 36320 South Riverview Drive, Eastlake, Ohio

Ms. Rickert: I don't like cats but the fact of the matter is people are going to continue dumping animals. We don't have strict laws on it and there's no repercussions for dumping a cat. Would

you rather have a group in who is going to make sure that people have to follow set guidelines and that they get vaccinated? And that they are not continuously breeding? What's that figure....

Mr. Kasunick: Sorry could you direct your comments to the chair please.

Ms. Rickert: How many kittens can a cat produce over ten years the life span?

Ms. Raymond: 27,000 not one cat.

Ms. Rickert: So you have exponential numbers of cats. My mom takes care of a colony in Euclid and she is the only one feeding there and it's not in a good neighborhood. But the colony went from 20 when she first started to I think 5 cats right now. And these are animals that are treated humanely by being fixed. They are identified by ear snip, they are fed and watered, they are mainly contained to the area that they are in now, because that is where their food, water, and litter is. It's a better way to go then poisoning them like people were prior to her stepping in. The situation is just going to get worse if you don't step in and try and mitigate the situation.

Ed Better, 419 Ridgewood Drive, Eastlake, Ohio

Mr. Better: I just wanted to mention that I can respect that they can be viewed as a nuisance and that individuals want their property and maintain their property. And they don't want cats defecating on the their property and I respect that, but I think it's important to know that I don't think this problem goes away if you just turn your back on it. I think you need to be smart about how you handle it. It sounds like the Mayor of Willowick and they took some time to consider options and they put forth something that has been affective in their community. I have had the pleasure to help with fundraisers with some of these organizations here and these people provide the resources needed to get this service done. So I think it's important for us as a community to support those kinds of activities. That is just what I wanted to comment on.

Eleanor Albany, 34545 Glen Drive, Eastlake, Ohio

Ms. Albany: Is there anything that can be done about...I think the biggest problem with the feral cats is people moving out and leaving their cats and the care takers are the ones that come forth...how do you turn against a starving animal? So they're the ones that the blame for everything and it's the people that have left the cat and dumped it. And nothing is being done about them. I've been doing TNR in Eastlake for about 15 years and the neighboring cities too and we've helped a lot of wonderful people. They are wonderful people and they should be commended...the care takers should be commended for what they're doing, because they're stopping the population humanely. They're not killing them, or letting them starve to death. They didn't start the problem the problem was started by the people...all of these cats have been dumped that's why they're there. They're not there because they were feeding them they didn't start that. The cats came to their house and they couldn't turn their back on them. Is there a law against people that leave their house and apartments are unbelievable noted for that. So that's where the real problem starts.

Mayor Morley: If we get a call like that either a dog left when someone moves out or cats we just call the Humane Society and they come and pick them up.



Member of the audience: No that doesn't happen.

Ms. Albany: I don't think so.

Mayor Morley: It doesn't then I guess.

Ms. Albany: The Humane Society?

Mayor Morley: I know that the dogs have been picked up and they come, but again with the cats...we get more on the dogs than the cats, but they do come and pick them up.

Ms. Albany: They really don't...I mean we have people on fixed incomes feeding these cats. They are using their own money and they're not just throwing food at them feeding them. They call us and we help them. We have wonderful people...the caretakers should be commended not talked against or punished for it, because they're not the ones that cause the problem.

Anthony Foarellow, 416 East 322<sup>nd</sup> Street, Willowick, OH

Mr. Foarellow: I would just like to say that just to give you a scope or gravity of what we are talking about here...I've trapped in the Valleyview area, where a resident in Valleyview spoke recently. I would be interested to know how many cats you think that I've trapped in the last couple of years in Surfside/Valleyview area?

Mr. Kasunick: You will have to enlighten us as to how many.

Mr. Foarellow: Almost thirty to be honest with you, just in the last 2 ½ years. And there are residents here who live in the surfside area that can attest to that. I can tell you I will affirm what Ms. Albany's mentioned that there are people that are just dumping the cats. Your question about Lake Humane Society...we have a number of people that call us the Community Cat Group who will say "We've called Lake Humane and we've asked them if we can drop the cat off and we've lost residents or we've had to move for whatever reason will you take our cat?" and they say "No we have other choice, but we will tell you just to leave the cat outside. It will find its own way." That is the advice that the Lake Humane Society gives the residents who do call them and I will say that to comment about urinating in gardens and so forth or making loud noises...those things go away when you trap, neuter, and return a cat. Their tendency is to roam if they are not fixed, so as soon as they do get fixed they tend to stay very close to where the caregiver who's feeding them. And we do instruct the caregiver on the proper way of feeding, removing food so they feed at timed intervals throughout the day. We do coach the caregiver in the best way to keep those cats close to their property. There are also ways in which to get residents who do not want cats on their property to detract the cat from being on their property and we will coach those residents as well. I just want to leave with this one comment...I live in Willowick and I have a next door neighbor who's got three very large dogs...Great Danes, they poop right on the edge of the driveway and if you know the houses in Willowick I can stand in my driveway and touch my neighbor's house and my house at the same time. It smells like a zoo, so to say that cats that roam and poop in the garden smells really bad...I have a neighbor whose dog stays on their property and it makes our whole area smell like a zoo, so I will just leave you with that.

Nicky Matella, 511 Riverdale Drive, Eastlake, OH

Ms. Matella: I would like to commend Mayor Regovich for his city adopting that ordinance. I think it's very fair and humane. I would also like to comment him for his attitude that government has better things to do then to be micromanaging the actions of people who feed hungry cats. I would no sooner turn away a hungry person or a cat and I really don't see what the big deal about this is. There are plenty of solutions available on the internet to everybody. Organic solutions on how to keep cats off your property, out of your flower beds, it's not that difficult. People just need to do a little bit of research. As far as cat defecation goes what about raccoon poop, deer poop, rabbit poop...it happens deal with it. That's the way it is it's a world that we share with animals and it's just something that everybody has to cope with. The last thing is to address one of the previous speaker's comments about declawing that is widely considered extremely cruel and inhumane. No animal organization will side with anybody who wants to declaw, so that's not a good solution. Hopefully this ordinance will get passed and we'll be able to feed these poor hungry cats and be able to work with Eastlake Community Cats to keep the population controlled and I think it's a plan for success.

Catharine Massena, 36260 Lakeshore Boulevard, Eastlake, OH

Ms. Massena: I have a colony of cats and if you could see those cats they're just beautiful. I feed them every morning and it's been two years now. If you look at their fur, they're fur is beautiful. It shines and their coat is beautiful. The bond with each other, they play with each other. They come when I call them...they don't let me pet them but the come when I call them. Every once in a while you'll get a stray one that will come over to the group that is not one of mine that I care for. It's all beat up and it has sores on it, and it has had a very rough life. These are all spayed and neutered. I look at every single one every morning when they come. I make sure there's no runny eyes, no sores, no anything and they are beautiful. And they get along well with each other, they play...we've even had a couple of very friendly ones that were dumped by whoever dumped them. We were able to trap those and those two were also adopted out, because they were friendly. So you keep an eye on your colony, you see what they do, you see how they look, you make sure they're all there, that they are safe, protected, and that you know what they like to eat. You really get attached it's really a nice thing.

Christy Better, 419 Ridgewood Drive, Eastlake, OH

Ms. Better: My husband and I have lived here for almost 21 years; there have always been stray or feral cats in the neighborhood. And it wasn't until probably two or three years ago as Tony mentioned when Community Cat Companions started working with people in the neighborhood to control the cat population and they have done a wonderful job in managing and controlling the cats in the neighborhood. Spaying and neutering is extremely important and then you will not hear the cats that outside in heat. A male cat will travel up to two miles to find an un-neutered female to try and have kittens; so it's extremely important. I know specifically of one in the neighborhood who for three and a half years was un-neutered and who knows how many cats he fathered in the neighborhood. I have one of his kittens; whoever as soon as he was neutered he latterly started staying in his yard. I used to see him two streets over; so that just shows you that once you do neuter the animal that they will stay where their caregiver is.

There was no one else wishing to speak at this time.

Mr. Kasunick: Are there any questions or comments from City Council? Mr. Zuren?

Mr. Zuren: This does seem like a very humane long term solution to keep the feral cat population under control. I do think this is something that we should investigate.

Mr. Kasunick: I will poll the committee. We don't have a draft ordinance yet so I take it that we should probably get a draft ordinance and we can leave it in committee for now. Does that sound reasonable Mr. Overstreet?

Mr. Overstreet: Yes.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: Yes.

Mr. Klammer: I'll work off of Willowick's.

Mr. Kasunick: Do we like Willowick's or do we like Mentor's or Mentor-On-The-Lake? Does anyone have a preference there? People seem to like Willowick's ordinance. So we will model it off of that. That concludes the discussion on feral cats, so those of you who don't want to stick around for the discussion about deer are welcome to stay or leave.

#### PENDING

##### I. To discuss the deer hunting ordinance.

Mr. Kasunick: Mayor Morley where are we at with deer hunting at this point?

Mayor Morley: After the last meeting on the deer hunting again we actually had another with Jeff...

Mr. Kasunick: Could we keep the noise down in the back please.

Mayor Morley: We had another meeting with me, Council President Meyers, Councilman Evers, and Mayor Fiala sat in from Willoughby, and Dan from Soil and Water for the County sat in. Once again we talked about Mr. Westerfield asked again if we are still on this issue and I said "yes." The newest thing that they just sent us over when I asked for was the ordinance that they suggest for city hunting/trapping ordinance, so they did send it over and I sent it over to you guys and Law Director. That is where we are at and as I said in every other meeting that either deal with it or you decide you're not going to deal with it and take it off the table. The residents that continue to call on the issues with the deer every time I tell them it's still in committee and they want to know why it's still in committee. I think you guys had your discussion whether you wanted it on the ballot or not, obviously you said that you didn't want it on the ballot at this time. So is a simple ordinance and then we would fill out our own applications if we decide to go this route. I did talk to Mayor Fiala a little and he has not engaged with his City Council yet to see

what they were doing. We did have some discussion about getting a hold of the Metro Parks for the area over by Reeves Road Park and off of Rural Road to talk about if there was any hunting over there. Other than that nothing's really changed except that they gave us the ordinance that ODNR uses and that is what I forwarded to you guys and the Law Director.

Mr. Kasunick: If any Council Members want to say where they're at, at this point, because we did vote out the last proposal, which was to put it on the ballot. Does anyone wish to speak to that issue? Mr. Hoefle?

Mr. Hoefle: My biggest concern was that we had several months of discussions on this and the one committee meeting you did poll the committee and all members of Council...the committee unanimously said that it was going to go to the vote of the people. The majority of Council agreed that it was going to go to the vote of the residents regardless if you are for or against it; it should go on the ballot. And I've been advised already that a referendum will be...if Council does pass an ordinance without it going to the vote of the people there will be a referendum. We already know how many signatures are required; they already know all the guidelines of what it takes to get it done. So it will end up on the ballot if Council decides to do it without...I just want to make sure everybody is aware of that.

Mr. Kasunick: I will poll the committee. Mr. Overstreet are we going to continue discussing deer hunting or is this a matter that we are just going to...

Mr. Overstreet: I like the version that I have right here in my hand. The suggested city hunting ordinance and trapping legislation language. I suggest that we move it forward to Three Readings.

Mr. Kasunick: Mr. Spotton is that your position?

Mr. Spotton: Move it forward and I stand my position of that.

Mr. Evers: One correction here...we can move this forward and it would be up to Council-As-A-Whole whether it goes on Three Readings.

Mr. Kasunick: Correct. It could be passed on One Reading if it's...

Mr. Evers: That would be as Council-As-A-Whole to be put on Three Readings.

Mr. Overstreet: Just my suggestion.

Mr. Kasunick: We are discussing a model ordinance that comes from ODNR. It's actually available online [www.wildohio.gov](http://www.wildohio.gov) for those who want to look at that. That is what we are moving forward at this time Mr. Overstreet and Mr. Spotton?

Mr. Spotton: Move it forward for a vote.

Mr. Kasunick: Mr. Klammer can you finalize that.

Mr. Klammer: Yeah I will just give it to Mrs. Simons.

Mr. Kasunick: Okay so we have the model ordinance and we will move that forward to Council-As-A-Whole. At this time we still have time for public comments, so some of you may be here to discuss deer hunting as well. If you want to discuss deer hunting step up to the microphone.

RECOGNITION OF PUBLIC (for the issue pertaining only to the ordinance regarding deer hunting)

Holly Rickard, 36320 South Riverview Drive, Eastlake, OH

Ms. Rickard: My backyard is DeMilta. When I bought my home five years ago now it was a foreclosure and it was falling apart. Since then we have done a ton of landscaping and updating to make it nice and I have deer going into my pond to reach plants. I've had deer up on my deck, we close the gates every night and we spray deterrents...we've blocked our deck with the car and they still come up on the deck. They gone after my dog, they've gone after us when we've walking in the woods and I had talked to Mr. Hoefle. When I first moved in I had remembered reading an article in the paper about how they didn't want to go through with it because Eastlake was a bedroom community and it could be dangerous to children. And that just showed me that there had been no research put in. Mentor's is working very well; they've even lowered the property size required by having a specific property size. You are already limiting the areas that people can hunt, so those property owners are going to be screening who's there. I don't know if Ohio still does it they used to have to do a proficiency test to make sure you what you were doing. The tree stand has to be at a height of 15 feet, so you're aiming into the ground so you're not running the risk of hurting a child. I lost hundreds of dollars this year alone to deer eating the plants that they shouldn't even be eating. That are supposed to be poisonous or not taste good to them. They ate a Japanese Maple that was \$150.00 and last winter I counted 25 deer in my yard. There is a caring capacity that an environment has that's the amount of animals that they can have and still sustain a healthy population. Twenty-five deer in one front yard is not healthy. You get disease, car accidents, property damage, and people being attacked. It can't continue to where we are right now...I can walk through Chagrin River Park at anytime and count 40 deer. And I really want something to be done about I don't know if you are familiar with Chronic Wasting Disease, but that is not something you want here. I really hope you consider this because this is something that needs to be mitigated.

Rose Mason, 34891 Amy Court, Eastlake, OH

Ms. Mason: Thank you very much for your email that you sent me. I appreciate the courtesy of the Council people that I have talked to with the proper response. My understanding is that they ODNR consider about twenty animals per square mile to be a safe and healthy population. The Lake County says that we have two to three times that. I would estimate that; that there are probably 180 deer here in Eastlake and I would agree with lady who just spoke, they are very difficult to keep out. We would have to have six to eight foot fences and I cannot buy a six to eight foot fence. They wonder through the yard. I don't care that they eat stuff but I don't want them in my yard. I also will support Council in anything that we do to reduce the herds from about thirty to forty animals per square mile, which is the Lake County estimate. To about

twenty animals per square mile, which is the ODNR safe, healthy, and keeping it away from us. The other thing to remember and people don't remember this...I don't have the numbers for the number of deer strike. I have run into a deer and it is a scary thing. It did a lot of damage to me and my car. But it is the number one insurance claim...is deer strike damage and people forget that. Oh they are lovely deer, but these things are big animals and they do a lot of damage. Not just to our plants and property, but to us and our vehicles. Whatever support you guys need to get this out to the population I am volunteering my help to do that. Yes I support culling reducing...

Mayor Morley: I trying to get you more clarification on that peanut butter fence. I looked at that the other day and between Mr. Menn, myself, and Jeffery...so I am trying to clarify some more stuff on that for you too.

Ms. Mason: It's an electric fence.

Mayor Morley: He was explaining something else today and I'm trying to get some more clarification from him. I will email you back once I get that.

Ms. Mason: Those are costly too. That is several hundred dollars.

Donna Baker, 81 Wicklow Drive, Eastlake, OH

Ms. Baker: I live right by the lake. I have deer, raccoons, skunks...I want to know how these people's property got gold on it and mine doesn't that they are so protective of it. I don't understand they're talking about their property like its gold. But yet they have no issue with killing the poor animal. Excuse me I am sorry I don't understand it. Has anyone even thought about birth control? You put it out, they eat it, and they don't make babies. I don't really understand how people can be so brutal toward animals. I really don't get it can someone explain that to me? How you can be brutal towards an animal...we have too many of them let's kill them. There's no other thing that you can do? Has anyone tried birth control?

Member of the audience: Can I answer a question on that?

Mr. Kasunick: I think I actually know a little bit about that. The birth control issue that's not a cost effect means of doing it. The myth would be that you could hit a deer with a dart and that deer will become infertile, but that's not how it works. The dart would actually be a tranquilizer dart and the deer would have to be tranquilized and a skilled veterinarian would have to go out and fix like you would a dog or a cat...and it's costly.

Ms. Baker: I remember years ago some place like Berea or Brunswick or some place that they actually put out like they do for the rabies...that the deer would eat and...

Mr. Kasunick: I don't think that they are doing it anymore. I don't think it was as affective. Mr. Evers?

Mr. Evers: Yes they did. They found out it was very ineffective.

Ms. Baker: Oh it was.

Mr. Evers: All of the other animals were eating it. They did not know how to take the dose to identify which ones got the dose and which ones didn't. It became very, very expensive...so they stopped.

Ms. Baker: At least I have an answer. All I heard was oh we want to kill them. I understand you have to cull them sometimes if the population gets too large. I'm very surprise that people just want to let's just kill them.

Mr. Kasunick: Understood and what's being proposed is a controlled hunt it's not going to be a massacre.

Ms. Baker: Where would this be happening at?

Mr. Kasunick: I believe this model ordinance is three acres right? Does it modify three acres?

Mr. Meyers: I believe that the model ordinance it would be determined by the Police Chief or his designee. So they would determine what is and what isn't a safe area.

Mr. Kasunick: There has to be sufficient acreage. So it's not just going to be in anybody's backyard. Honestly in Eastlake threes only a few parts of town where it really is conducive to deer hunting.

Ms. Baker: That's what I was wondering when they said Eastlake it's like where? You're going to be shooting in my back yard?

Mr. Kasunick: Over by DeMilta's there's some land and up on Reeves Road and some of the roads off of Reeves Road...those would be the areas I believe.

Mr. Klammer: It's the common misunderstand I think residents have. Nobody just going to go in your back yard and start shooting deer. It's when a property owner...

Ms. Baker: Bullets don't have eyes.

Mr. Klammer: It's when a property owner or multiple property owners come together and want to cull on whatever sufficient size property with a bow not with a fire arm. So that's a common misconception that people are under this impression that because this culling is going to be permitted somebody is just going to show up in my back yard with a rifle and shot deer. And that's not the way it's going to work. It's going to be basically property owner driven saying "Me and my neighbors have a problem. We would like to come together get permission from the chief and cull deer by way of a cross bow or bow."

Ms. Baker: If people don't complain you won't both?

Mr. Kasunick: It would have to be for a fixed location. They have to set up a stand where the hunting would take place.

Ms. Baker: That's a little more understandable. Like I was thinking Eastlake and I'm like no you come on my property with a gun or a bow and I'm sorry you're not going home.

Mayor Morley: You would have to agree. Like I've said my street that I live on even if three or four residents in a row said we want to do it, we would never allow it on my street, because of the particulars of where it's at and how close the housing is and all that. I think again and what I've said and I've been talking about is they have to give credit to whoever if the chief sets it up or we have someone else to do this that does hunting. It's just not going to be all of a sudden it's the wild west in Eastlake. I understand that's what maybe's been out there but it's not going to be that way.

Ms. Baker: In the morning I have to sit inside the house and watch the deer and the babies because I don't want to bother them.

Mayor Morley: I watch them on my doorbell every night go by.

Mr. Kasunick: That issue has already been moved forward to Council-As-A-Whole so I believe that is all that we have on the agenda for this evening.

There was no else wishing to speak at this time.

## 2. To discuss the Mayor's Court.

Mr. Kasunick: Mayor Morley I believe you invited a guest to be with us this evening.

Mayor Morley: Thank you we have Kathy Cole from North Olmsted. A couple months ago Councilman Spotton, Councilman Meyers and I along with Mayor Regovich and Ms. Schindel went and met with Mayor Kennedy and Ms. Cole to talk about the Mayor's Court. In the recent years and especially in the last year the court costs that Willoughby charges back to the City of Eastlake have continued to go up. So we've been looking and talking with other areas and North Olmsted has been the newest Mayor's Court out there, so Ms. Cole is here to talk about the procedures in North Olmsted. I did forward to all of you what Ms. Schindel received from Willoughby Hills on their Mayor's Court and the costs, so you should have those that I sent awhile ago. Actually at the end of May so with that I will open it up and Ms. Cole can explain some stuff on the Mayor's Court and then we can discuss it.

Ms. Cole: Our city chooses to open a Mayor's Court and I'm not sure how your set up is right now with your Municipal Court, but we did get all of our fines in the past. So the idea behind it was the court costs would be the part of the extra money that we would incur. The idea behind the fact that it was our police writing tickets on our roads and then we could go ahead and put that money back into the city. So we started our Mayor's Court and our first court was in January of 2013. All of the legislation was done in 2012 and we had about eight to ten weeks to set up



the court. Our court cost right now are \$95.00 and of that the city for every situation \$51.00 goes to the General Fund. The rest of that \$95.00 is County and State fees that have to be on every situation.

Mayor Morley: There are two pieces that we would have to mail in, one to Willoughby Court and one to Leads...

Ms. Cole: Are you in Cuyahoga County?

Mayor Morley: No Lake County.

Ms. Cole: Then you wouldn't have to do...we have to pay the county for what we call CHRIS of REDS and that's \$5.00 for each offense. I think every county is different. I know that Summit County doesn't have that and I don't know if Lake County does or not.

Mayor Morley: Mr. Klammer would we have to pay a fee back to the county.

Mr. Klammer: I don't recognize either one of those.

Ms. Cole: So I do send money to the Municipal Court and it is a \$1.50 every situation and then the rest of the \$44.00 I believe it is all goes to the state.

Mayor Morley: In the first year your costs and what you ended up having...

Ms. Cole: We did a quarterly report for the whole first year...including our start up cost for 2013 our total expenditures were \$144,000.00. That does not include...we had an additional \$21,500.00 that we had for start up costs for a computer, so basically to buy the software and the hardware. There are funds that you can set up specifically for the computerization for the Clerk's Office. That money that was set aside; which was the \$21,500.00, I believe we paid it back that first year with the amount of money that we brought in from the Computer Fund alone. It did not affect what was going into the General Fund. After our first year...just costs we did not calculate in any fine money, because the fine money would have come to the city anyway. So just costs after all court costs that we brought in less our expenses, which is the salary, the 2 Police Officers, and all of our start up cost we still...it was \$250,000.00 that went to the General Fund in 2013.

Mayor Morley: You also do housing violations?

Ms. Cole: We do. We do property maintenance. There was some discussion about doing tax failure to file but that seemed over whelming, so we haven't done that yet.

Mayor Morley: As you guys noticed we did reach out or Ms. Schindel reacted out to the Finance Director in Willoughby Hills and as you...on some of the questions that Ms. Schindel has the court uses CMA software to operate. I think that you told us that you...

Ms. Cole: We use the Baldwin Group.

Mayor Morley: It's about \$9,500.00 that your software was?

Ms. Cole: Yes and it is extremely user friendly.

Mayor Morley: They use an American bank card and credit card for processing in Willoughby Hills and they maintain separate accounts for the court. The Clerk of Court in 2019 was budgeted for \$53,700.00 and \$1,200 for longevity and the clerk in Willoughby Hills receives full benefits. The Magistrates budget in Willoughby Hills was also \$13,400.00 with no insurance benefits, and the part-time assistant Clerk of Courts salary is twenty-two thousand eight hundred with no insurance benefits. Also in moving forward if City Council decides to move forward do we hire a Clerk of Courts and they set up the rest with all of the tickets and all of that?

Ms. Cole: In my opinion I think the Clerk of Court would be the best choice instead of just hiring someone and then trying to train them. It is a different kind of position we are very specialized. It's not like you can go and take classes at a community college to figure out how to be a Mayor's Court Clerk or even a Municipal Court Clerk. You are better off with someone with experience. The court before I opened was Cuyahoga Falls in 2009 and they recruited a Municipal Court Clerk to open that Mayor's Court. I had previous experience in a Mayor's Court and then came in to start this one up.

Mayor Morley: And then when do you hold court?

Ms. Cole: We hold court on Thursdays at 5:00 p.m.

Mayor Morley: And it usually goes until 7:00 p.m. you said before?

Ms. Cole: Seven o'clock is a late night. But I do have at least four cashiers checking people out because we do have a large volume.

Mr. Klammer: How big is your city?

Ms. Cole: Our city is about 34,000.

Mr. Kasunick: About twice the size of ours I believe. Did you have to make any infrastructure upgrades to your facility? Whether the Police Station, because you said that you have four cashiers, is that a secure area? Did you set up any bullet proof glass or any kind of secure area for people, because there is a lot of cash being transferred?

Ms. Cole: We do not have bullet proof glass. I'm not even sure if we have bullet resistant glass. Basically what we did is we took two offices that were near the lobby and put some glass windows in...we started off with just one office and then our volume got larger. The doors are locked during court. Our Council Chambers is on the second floor and the clerks offices are on the first floor, so I have a police officer in the hallway outside of the clerk's office and then that is

a police officer up in Council Chambers. It says that you are supposed to have in 1905...but I also now included an auxiliary police officer, which auxiliaries are not armed, but he acts as the bailiff and the runner.

Mr. Zuren: Do happen to have the numbers for 2018 for the expenditures and the funds that went to the General Fund?

Ms. Cole: I probably don't have 2018.

Mr. Zuren: Do you have 2017?

Ms. Cole: I have what our budget is for 2019.

Ms. Schindel: The 2019 budget sounds like it would be a good idea.

Ms. Cole: Are you specifically looking at like salary or?

Mr. Zuren: No just the bottom line number. The expenditures and the estimated deposit to the General Fund.

Ms. Cole: 2018 was actually an exceptional year to be honest. We budgeted for our salaries...I am the only full-time clerk. I have two part-time individuals. The cashiers that I talk about are actually from other departments and they are there on flex time. So they get to flex the time that they are at Mayor's Court. The only thing that we actually budget for salaries are for myself and the two part-time people and then we the overtime for the police officers, that is overtime details. So with benefits and salaries I believe it was two twenty-six.

Mr. Zuren: Is that for 2018?

Ms. Cole: This is for 2019.

Mayor Morley: At the end of 2018 what was the revenue over expenditures?

Ms. Cole: I do have 2018...I just did the end of the month report for June. My total revenue...what I have in this paperwork and unfortunately I do not have the full year. But last year at this time my total revenue for 2018 for the end of the second quarter I was at \$751,000.00. But again last year we did do a large amount of citations. Currently right now the year to date at the end of the second quarter my total revenue...this is before I've disbursed anything to the state or the county is \$988,000.00. Again if you look at just the court costs in the half year I'm at \$227,000.00 for court costs last year at the end of the second quarter and this year we are at \$307,000.00. So pretty much that would cover my expenses for the year and then the next two quarters whatever that court cost is it will go to the General Fund. So you could make the assumption it's going to be close to \$250,000.00 again.

Mr. Kasunick: So caveat for our city that is heavily dependent upon your volume, so if we don't handle that level of volume then our numbers would be very different correct?

Ms. Cole: Well your court costs are charged on each citation, so it is directly related.

Mr. Evers: Say that the state takes approximately 40%?

Ms. Cole: We could say percentage but actually it's not really a percentage. They are actual set costs that the state takes. On our website there is the cost but you're talking of the different funds like Indigent Defense Support Fund, Indigent Driver Alcohol Treatment Fund...all of those funds the Victims of State those all go to the state on a reparation rotary through the treasurer.

Mr. Kasunick: Mr. Meyers?

Mr. Meyers: Do the volume of tickets issued by your officers did that increase once you implemented the Mayor's Court?

Ms. Cole: We actually did studies on that, because of the last ACLU Report. Our volume has always been...when they Mayor looked at all the numbers he looked at a...we were always at 8,000 to 9,000 citations a year and we are pretty much there. I actually have numbers from every year since we started and they really don't...I don't really know if they have any rhyme or reason but our first in 2013 we had a total citation number of 7,900. Now that would include all of the property maintenance, minor criminal as well as traffic...then compare it...they don't change that much. It then went to 8,100 and in 2015 9,900, 2016 8,200, 2017 was down to 7,379, so our average is about the same. They did the same study and went back ten years before the Mayor's Court and they are pretty much the same.

Ms. Cole: Thank you very much.

*Mr. Kasunick now moved the meeting back to proposed legislation to discuss the ordinance regarding feral cats.*

There were no questions or comments.

#### MISCELLANEOUS

There was nothing under Miscellaneous.

#### RECOGNITION OF PUBLIC

The meeting was adjourned at 7:15 p.m.

tms

APPROVED: Jason Kasubka

DATE: 8/27/19