



City of Gahanna

Meeting Minutes

City Council - Special

200 South Hamilton Road
Gahanna, Ohio 43230

Karen J. Angelou
Brian D. Larick
Jamie Leeseberg
Nancy R. McGregor
Brian Metzbower
Stephen A. Renner
Michael Schnetzer

Kimberly Banning, Clerk of Council

Tuesday, December 11, 2018

9:30 PM

City Hall, Council Chambers

A. CALL MEETING TO ORDER - Roll Call.

Gahanna City Council met in a Special Session on Tuesday, December 11, 2018, in Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio. President of Council, Brian D. Larick, called the meeting to order at 9:34 p.m. Agenda for this meeting was published on December 10, 2018.

Present 6 - Brian D. Larick, Jamie Leeseberg, Stephen A. Renner, Nancy R. McGregor, Brian Metzbower, and Karen J. Angelou

Absent 1 - Michael Schnetzer

B. ORDINANCE: INTRODUCE, WAIVE SECOND READING AND ADOPT

[ORD-0113-2018](#) TO AMEND CHAPTER 505, ANIMALS AND FOWL, SECTION 505.14 - DANGEROUS AND VICIOUS ANIMALS, OF THE CODIFIED ORDINANCES REGARDING THE PERMIT FEE AND MINIMUM INSURANCE COVERAGE FOR ANY DANGEROUS AND/OR VICIOUS ANIMAL; AND TO DECLARE AN EMERGENCY.

President Larick called for speakers. Stated Ms. Hoffman has 3 minutes to speak.

Brenda R. Hoffman, 279 Highmeadow Dr.; Sent you letter last week. Asking for over a year for fence code. Fence did belong to victims and has been in disrepair. There was no code for maintenance. People don't know what they're responsible for. Attack was the responsibility of the owners for sure, but it could have been prevented. Council might be administering to the one. I went to planning commission and went to code committee. I got laughed at. We were basically shut down. When city was

asked, they said, "I feel that in 20 years nothing has ever happened and we're administering to the one." The fence was the first line of defense. There were 3 prior breaches of that fence. There's no reason for this. So the next time it happens, what will we do? The relationship between these neighbors is broken. Who can get permission to fix the fence. Will we put a lock on the gate as ORC allows? Somebody else said we can chain the dog? What about when the house changes hands and we start over? When will this be solved once and for all? I know someone who was arrested because a neighbor had a relationship with someone who was a police officer. Police officer arrested that person for trespassing. Every time now I want to maintain my fence I have to stand in a 1-foot offset that I put in. I called every company I knew of and told them ORC does not apply in Gahanna. Called Bonnie Gard and said can you tell them they can be arrested for trespassing? We need to address it once and for all. Thank you very much.

A motion was made by Renner, seconded by Metzbower, that the Ordinance be Adopted as an Emergency.

Discussion on the motion: Leeseberg said for clarification this is just for the fee and insurance only. Larick said yes. Larick said from committee on Monday we want to take action but want to be prudent and not jump too fast and do something that puts us in a situation that's not legally supportable. First step is for the fee structure and liability requirement. Add a statement that permit shall be acquired prior to January 20 each year or within 20 days of designation as dangerous/vicious animal. Change fee for permit from \$500 to \$750. If permit is after July 1, prorated to \$375. Update liability insurance from \$100,000 to \$250,000.

Leeseberg asked for the insurance, is this per incident, per animal, total over life of policy. Insurance is variable from policy to policy. Larick said, having the code in front of me, an adjustment may need to be made to go deeper into subject of a limit of not less than \$250,000, that is the specific language

Angelou asked, because it said by the "vicious animal" not "dangerous", should that be changed to "vicious and/or dangerous"? Is that what we want to say so it's the same as number 3? I think it should be amended to read the same.

The motion carried by the following vote:

Yes: 6 - Larick, Leeseberg, Renner, McGregor, Metzbower and Angelou

Absent: 1 - Schnetzer

A motion was made by Angelou, seconded by Renner, that the Ordinance be Amended.

Discussion on the motion: Renner said I agree and I'm trying to follow the hierarchy of code and believe it may already be covered. Larick said, major

section (a), major section (b), and the section we're amending is major section (c). Metzbower asked why is it covered elsewhere in the code, but not this area. Leeseberg said I think the designation is because Franklin County or the Environmental Court has the designation of vicious but not dangerous. Angelou said we also have other references if you go to section E, of vicious but not dangerous. Where we're changing the numbers it should probably read the same for both of them. Metzbower said I'm fine supporting it I guess I would just also make sure it's legally compliant. Angelou said I would only say that because in 3 it should always start "dangerous and or vicious" so we should have the same continuity and ask city attorney if that's something he feels is necessary. Ewald said it is consistent with ORC 955. Larick said place dangerous ahead of vicious. We are simply discussing amending the ordinance at hand, which is amending the code section. Leeseberg asked, just section C, not the entire code. Larick said this is specific to this section but we can take a look at the rest of the code when we do a deeper review.

Larick said we still have a motion to adopt as amended. Redlined with the addition of "dangerous" in section C. Asked for any further discussion on the ordinance and motion as amended? There was none. Larick stated in Committee, the discussion was regarding the changes that were prudent and seemed within reason to pass legal muster, in order to take action on this as quickly as possible. For the future, this will go to Committee on January 14, to implement temporary quarantine, and furthermore at the beginning of the year, will take a look at code to make a variety of improvements since it was last updated 16 years ago. Metzbower called to question.

The motion carried by the following vote:

Yes: 6 - Larick, Leeseberg, Renner, McGregor, Metzbower and Angelou

Absent: 1 - Schnetzer

C. ADJOURNMENT.

By Leeseberg at 9:49 p.m.