

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:00 p.m.
President of Council Paul A. Koomar, presiding

September 26, 2016

Present: Henderson, Koomar, Lieske, Mace, Tadych, Vincent, Acting Mayor Ebert

Excused: Mayor Sutherland, Mr. Clark

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons.

AUDIENCE

The following audience members signed in this evening: Kathy Taylor, Betsy Kapp, Jan Keberle, Tom Moran, Dennis Driscoll, Clare Banasiak

President of Council Koomar called the meeting to order at 8:00 p.m. with roll call and the Pledge of Allegiance, led by Councilman Tom Henderson, Ward 4.

Mr. Dennis Driscoll, Willoway Drive, stated that he supports the adoption of the proposed amendment to Codified Ordinance Section 505.01, Dogs Running At Large that City Council plans to vote on tonight, particularly in light of the decision to drop the three strike rule at this time. The proposed amendment is to the point and simply addresses the issues while the Council members consider an overall review and revision of all the dog ordinances. Mr. Driscoll stated further that he supports and it is important to have the hiring of an animal control office because he believes an effective animal control officer is important to insure the effective enforcement of the domestic animal ordinances. It will go a long way in helping so that we don't have any incidents again.

Betsy Kapp, Crestview Drive, addressed Mr. Vincent to verify that the last sentence in Section (d) (1) is coming out. Mr. Vincent responded affirmatively.

Clare Banasiak reminded everyone that the League of Women Voters west side is having a quorum tomorrow, September 27, 2016 for State District 16 Ohio Representation, Tommy Greene, a Bay Village native, and Dave Greenspan, and Ohio Senate District 24 Candidate Matt Dolan, and Emily Hagan. The quorum will be held at 7 p.m. at the Porter Library.

Mr. Koomar asked Fire Chief Lyons for copies of the Fire Department Mutual Aid runs which remain to be submitted to Council.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held September 19, 2016. Mr. Tadych **MOVED** to dispense with the reading and accept the minutes of the Regular Meeting of Council held September 19, 2016 as prepared and distributed. Motion passed 5-0, with one abstention by Mr. Henderson.

Mr. Vincent read **Ordinance No. 16-64** amending Codified Ordinance Section 505.01, Dogs, Cats and other Animals Running At Large and Repealing Section 505.99 Penalties, and declaring an emergency, and moved for adoption. Mr. Vincent commented that the Environment, Safety and Community Services Committee, as well as all the members of Council, the Director of Law, and the residents of the City with their input, have done a good job in revising this ordinance. The ordinance includes a one strike provision where if the animal leaves the owner's control and injures another person or dog the effect of this ordinance will result in penalties. It will be a third degree misdemeanor if the animal bites a domestic animal without provocation, and a second degree misdemeanor if the animal bites a human without provocation. If the animal injures another person or dog severely, according to the Ohio Revised Code 955.11(A) (5), it will be a first degree misdemeanor if convicted.

Mr. Vincent commented further that there was a three strike provision that was introduced initially but due to comments from residents in the audience tonight and social media, the three strike provision is removed and will be discussed further by the Environment, Safety and Community Services Committee.

The former Section (d) regarding the incremental increases in misdemeanor degrees with repeated offenses that occur within the first twelve 12 months of the first offense has been eliminated and Section 505.99 will be repealed with the passage of the ordinance.

Mr. Tom Moran commented stated that he believes the Council and Law Director have done a nice job of taking a two-phase approach to this by looking at penalties for existing laws in the first phase and a more comprehensive review over a longer period of time so we can be thoughtful about the more detailed changes. Mr. Moran supports the changes and is in favor of them.

Councilman Mace asked about section (d) (1) stating that "Whoever violates this section" and the eliminated words "or fails to comply." Mr. Mace questioned whether the words "or fails to comply" should still be in the ordinance since the ordinance talks about restraining the animal and having control over it at all times.

Mr. Vincent referred to the Law Director for his comments. Mr. Ebert stated that this was brought up before but he believes the wording is fine the way it is in the interest of enforceability. Mr. Koomar noted that this can always be taken under advisement for future changes. Mr. Ebert noted that there will be future changes. Mr. Vincent advised that the Environment, Safety and Community Services Committee will meet on October 10, 2016 at 5:30 p.m. at the Bay Village City Hall to discuss the remaining items in Chapter 505 and the Green Paper created by Mr. Henderson.

Mr. Tadych pointed out the need for the correction of a typographical error in the spelling of the word "fourth."

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-64, as amended.

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Roll Call on Suspension of Charter Rules:

Yeas – Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays – None.

Roll Call on Suspension of Council Rules:

Yeas – Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays -None

Roll Call on Adoption:

Yeas–Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-64 as amended, an emergency measure, by a vote of 6-0.

There being no further business to discuss, the meeting adjourned at 8:11 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council