

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 16, 2018
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:45 PM by Council President O’Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O’Leary, Daniel J. O’Malley, Tristan Rader.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Fire Chief Gilman, Police Chief Malley, approximately 17 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held January 2, 2018.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

******OLD BUSINESS******

1. **ORDINANCE NO. 1-18** – AN ORDINANCE amending various provisions within Chapter 505, Animals and Fowl, and Chapter 506, Dangerous and Vicious Animals, of the Codified Ordinances of the City of Lakewood in order to update the code with respect to the regulation of dogs in the City. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 1/2/18) (Pg. 5)

Motion by Councilmember O’Leary, seconded by Councilmember Anderson to refer Ordinance 1-18 to Committee of the Whole instead of Public Safety.

Discussion: Councilmember O’Leary explained his rationale for changing the referral.

Councilmember George voiced her support for referring the Ordinance to Committee of the Whole.

Councilmember Bullock encouraged Council to try to come to a mutual agreement by the end of February. He encouraged the development of a policy on which the City and the animal community can work together and focus on owner education. He advocated for a sensible law that invites compliance and has consequences who do not comply. He expressed willingness to negotiate with all options on the table and to compromise.

Councilmember O’Leary clarified that the only potential actions on the Ordinance are a re-referral from Public Safety to COW and a deferral.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer to Committee of the Whole. m. Motion adopted. all members voting yea.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item. Motion adopted. All members voting yea.

Samantha Vidnovic – 8545 Evergreen Trail #206 Olmsted Township

Ms. Vidnovic spoke against breed specific legislation. She criticized the proposed legislation as more restrictive and difficult to enforce. She asked Councilmembers to provide safety and education information to residents about responsible dog ownership.

Greg Murray – 1585 Westwood Ave.

Mr. Murray expressed that he felt dismissed when Councilmembers refer to the “dog community.” He provided statistics about the benefits of having a pet and the number of Lakewood homes with dogs. He criticized the City’s choice to put information about PETA on its website. He spoke against breed specific legislation and elaborated on why he believes this. He advocated for comprehensive breed-neutral laws.

Kara Vlach-Lasher – 1192 St. Charles Ave.

Ms. Vlach-Lasher thanked Councilmember Rader for reappointing her to the Animal Safety and Welfare Advisory Board. She urged other Councilmembers to fill the two vacant Board positions. She stated that LASWAB is against breed specific legislation which is present in parts of Section 505 of Ordinance 1-18. She explained some of LASWAB’s initiatives.

Bradley A. Presutto – 2178 Carabel

Mr. Presutto expressed opposition to the BSL portion of proposed Ordinance 1-18. He remarked on state law regarding BSL and Lakewood’s recent election. He criticized the

sources and references used by the City in formulating its position and encouraged it to consult experts and reference the state law.

Jessica England – 17883 Lake Rd. Lakewood

Ms. England spoke from her experience as a dog trainer, breeder, and exhibitor. She discussed the mission and history of the American Kennel Club and highlighted a letter the organization wrote to Mayor Summers. She criticized the City's reliance on information from PETA. She expressed concern about the effect of mandatory sterilization on dogs and explained why. She asked Council to reconsider this portion of the legislation and questioned how it would be enforced.

Laurie Kershner – Best Friends Animal Society, Columbus Oh

Ms. Kershner spoke on behalf of Best Friends Animal Society. She helped write the revised state legislation eliminating BSL. She expressed her concerns about problems with BSL and discussed the types of legislative solutions she and her organization recommend. She remarked on Lakewood's court case on this matter and compared it to court cases in other cities. She encouraged adoption of breed neutral laws

Venchise Glenn – 4424 Franklin Blvd. Cleveland

Ms. Glenn is a pit bull owner who would like to live in Lakewood. She discussed her change of heart toward pit bulls over the years and the research she did to reach that conclusion. She remarked on her personal experiences with friendly pit bulls. She provided copies of her research for Councilmembers and advocated for breed neutral language.

Nancy McDonnell –

Ms. McDonnell spoke of her experience as a victim of a pit bull attack. She described the circumstances of the attack and her injuries. She advocated that all pit bull owners carry insurance for their dogs as well as mandatory spaying/neutering and training.

Jeannine Zabriskie – 1516 Mars

Ms. Zabriskie read a letter from her 17 year old son addressed to Council. The letter described what happened in 2008 when the City incorrectly identified his family dog as a pitbull and the fear and anxiety he experienced thinking his dog would be taken away. He advocated for changes to the ordinance to be more like Cleveland's.

Mayor Summers

Mayor Summers delivered the following statement:

While I remain convinced that certain dogs and certain breeds pose a greater safety risk to our citizens, I have listened and learned a great deal about dog safety. I acknowledge that strong and effective ownership of dogs reduces this risk.

I have spoken with people on both sides of the issue, including victims of local pit bull attacks, and my experience, knowledge and understanding of Lakewood lead me to believe it is in the city's best interest to maintain a few specific regulations regarding pit bulls and pit bull mixes.

This includes:

- Mandatory spay or neuter of pit bulls and pit bull mixes
- Mandatory \$100,000 of liability insurance covering dog attacks
- Mandatory control of the dog in public as evidenced by a harness
- Required training of both basic dog ownership and handling as well as practical education of pit bull breeds

I am willing to concede significant regulations including the elimination of the 2008 pit bull ban as well as several of the components of revisions introduced on Jan. 2, including a muzzle requirement, the mandatory spay or neuter of all dog breeds, breed specific legislation aimed at other breeds and all requirements detailing how pit bull and pit bull mixes are kept on private residences.

Chapter 506, which details the determination of nuisance, dangerous or vicious dogs, is based primarily on state law. The key requirement to the effectiveness of the improved legislation is that our citizens notify us when they experience threatening behavior from any dog in Lakewood. This will require support and education from the responsible dog owners in our community.

While I have proposed this legislation and these changes its fate is ultimately in the hands of City Council. I hope to continue this discussion in a thoughtful manner, keeping public safety in mind as the heart and soul of what's important.

2. **ORDINANCE NO. 2-18** – AN ORDINANCE amending various parts of Chapter 1306, Property Maintenance and Safety Code...(light pollution) (REFERRED TO THE HOUSING COMMITTEE 1/2/18) (REFERRED TO THE HOUSING COMMITTEE 1/2/18) (Pg. 30) Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members voting yea.
All members voting yea.

3. **ORDINANCE NO. 3-18** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development or the Mayor to enter into an agreement with Payne and Payne Custom Builders, Inc. for the sale of 2107 Robin Street, Lakewood, Ohio (PPN#315-22-074) and 2111 Robin Street, Lakewood, Ohio (PPN#315-22-120, pursuant to Section 155.07 of the Codified Ordinances. (REFERRED TO HOUSING COMMITTEE 1/2/18) (Pg. 32)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer action on this item.
Motion adopted. All members voting yea.

4. Liquor Permit Notice for D1, D2, D3, D3A and D6 transfers to Woodford Cabernet Management d/b/a Suchi Rock, 15607 Madison Avenue from Roxu, same address. (DEFERRED 1/2/18) (Pg. 44)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file without objection. Motion adopted. All members voting yea.

****NEW BUSINESS****

5. Communication from Council President O’Leary regarding Council Committee Assignments. (Pg. 45)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication. Motion adopted. All members voting yea.

6. Communication from Council President O’Leary regarding Appointment Resolutions. (Pg. 46)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication. Motion adopted. All members voting yea.

7. **RESOLUTION NO. 8976-18-** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing **(first appointee)** to the Audit Committee to a two year term beginning January 1, 2018 and ending December 31, 2019. (Pg. 47)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to allow the Clerk to read items 7-14 consecutively for a blanket motion.

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader

Nays: None

Motion adopted. Items are read by the Clerk.

*Motion, and second made after item 14 to refer items 7-14 to the Committee of the Whole.

Motion adopted. All members voting yea.

8. **RESOLUTION 8977-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing **(second**

appointee) _____ to the Audit Committee to a two year term beginning January 1, 2018 and ending December 31, 2019. (Pg. 48)

*Motion, and second made after item 14 to refer items 7-14 to the Committee of the Whole.
Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8978-18** -A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Nuisance Abatement Appeals for the three year term beginning January 1, 2018 and ending December 31, 2020.(49)

*Motion, and second made after item 14 to refer items 7-14 to the Committee of the Whole.
Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8979-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Zoning Appeals for the five year term beginning January 1, 2018 and ending December 31, 2022. (Pg. 50)

*Motion, and second made after item 14 to refer items 7-14 to the Committee of the Whole.
Motion adopted. All members voting yea.

11. **RESOLUTION NO. 8980-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ **(first appointee)** _____ to the Community Reinvestment Area Housing Council for the three year term beginning January 1, 2018 and ending December 31, 2020. (Pg. 51)

*Motion, and second made after item 14 to refer items 7-14 to the Committee of the Whole.
Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8981-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ **(second appointee)** _____ to the Community Reinvestment Area Housing Council for the three year term beginning January 1, 2018 and ending December 31, 2020. (Pg. 52)

*Motion, and second made after item 14 to refer items 7-14 to the Committee of the Whole.
Motion adopted. All members voting yea.

13. **RESOLUTION 8982-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and

be in force after the earliest period allowed by law, appointing Councilmember _____ to serve as ex-officio member of the Foundation Planning Task Force. (Pg. 53)

*Motion, and second made after item 14 to refer items 7-14 to the Committee of the Whole. Motion adopted. All members voting yea.

14. **RESOLUTION NO. 8983-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ as the ex-officio, non-voting councilmember to the Lakewood Animal Safety and Welfare Advisory Board, for the two year term beginning January 1, 2018 and ending December 31, 2019. (Pg. 54)

Motion by MR. O’Leary, seconded by MR. Anderson, to refer items 7-14 to the Committee of the Whole.

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader

Nays: None.

Motion adopted. Items 7-14 referred to the Committee of the Whole.

15. Communication from Councilmember O’Malley regarding Appointment to Animal Safety and Welfare Advisory Board (correction made on the floor of title) . (Pg.55)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication.

Motion adopted. All members voting yea.

16. Communication from Councilmember Rader regarding Animal Safety & Welfare Advisory Board Appointment. (Pg. 56)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication.

Motion adopted. All members voting yea.

17. Communication from Councilmember Rader regarding Citizens Advisory Committee Appointment. (Pg. 57)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication.

Motion adopted. All members voting yea.

18. Communication from Councilmember George regarding Animal Safety & Welfare Advisory Board Appointment. (Pg. 58)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication.

Motion adopted. All members voting yea.

- 19. Communication from Councilmember Anderson regarding Citizens Advisory Committee Appointment. (Pg. 59)

Motion by Mr. Anderson, seconded by Mr. O’Leary, to receive and file the communication.

Motion adopted. All members voting yea.

- 20. Communication from Mayor Summers regarding receipt of \$216,474.00 NOPEC, Inc. and NextEra Energy Efficiency Grant. (Pg.60)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication.

Motion adopted. All members voting yea.

- 21. Notice of C1, C2 and D6 liquor permit transfers to Lakewood Hops & Vines from Lakewood Convenient; 12901 Detroit Avenue. (Pg.61)

Motion by MR. O’Leary, seconded by Mr. O’Malley, to file without objection.

Motion adopted. All members voting yea.

- 22. Notice of New D1 liquor permit type to L B M – 12301 Madison Avenue. (Pg. 62)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members voting yea.

******ANNOUNCEMENTS******

Councilmember Litten announced the upcoming LCRAC Diversity potluck.

Councilmember O’Malley announced Lakewood Public Library’s International Lakewood series exploring the City’s diverse cultures.

Motion by Mr. O’Leary, seconded, to adjourn the meeting.

Meeting adjourned 8:54 PM.

Motion adopted. All members voting yea.

Approved: _____

CLERK

PRESIDENT