

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JANUARY 2, 2018  
7:30 P.M.**

**\*Amended Minutes**

**\*Corrected Minutes (originally approved 1/16/18, approved with correction 2/20/18)**

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

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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, Public Works Director Beno, Human Services Director Gelsomino, 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 December 18, 2017.

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. Elections for President and Vice President of Council.

Motion by Councilmember Litten, seconded by Councilmember Anderson to recommend Sam O’Leary as Council President.

Councilmember O’Leary indicated acceptance of the nomination.

Motion by Councilmember Bullock, seconded, to close nominations for Council President.

Yeas: Anderson, Bullock, Litten, O’Leary, O’Malley  
Nays: George, Rader  
Motion adopted. Nominations for Council President closed.

*Discussion:* Councilmember George explained her reason for objecting, stating that she was elected as part of a change and that it would be a disservice for her to support the leadership of the past.

Motion by Councilmember Bullock, seconded to consider Councilmember Sam O’Leary for election to the role of Council President.

*Discussion:* Councilmember Rader expressed a lack of trust in the current council leadership and stated that he could not support the leadership of the past going forward in the future.

Yeas: Anderson, Bullock, Litten, O’Leary, O’Malley  
Nays: George, Rader  
Motion adopted. Councilmember Sam O’Leary elected Council President.

Motion by Councilmember Litten, seconded, to recommend David Anderson as Council Vice President.

Councilmember Anderson indicated acceptance of the nomination.

Motion by Councilmember Bullock, seconded by Councilmember O’Leary to close nominations for Council President.

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader  
Nays: None  
Motion adopted. Nominations for Council Vice President closed.

Motion by Councilmember Bullock, seconded by Councilmember O’Leary to elect David Anderson as Council Vice President

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader  
Nays: None  
Motion adopted. Councilmember David Anderson elected Vice President.

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2. Certificates of Election. (Pg. 4)

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

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3. **RESOLUTION NO. 8963-17** – A RESOLUTION 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 the Mayor of

the City of Lakewood, Ohio, to enter into a First Amendment of the Rockport Square Revitalization Project Tax Financing Agreement dated on or about May 10, 2004 with the Lakewood City School District. (REFERRED TO COMMITTEE OF THE WHOLE 11/20/7) (Pg. 7)

Law Director Butler provided background information and a hand out on Resolution 8963-17. The Resolution was sent to Committee of the Whole in November. The Resolution would approve an agreement between the City and the School District that would amend a 2004 agreement that the City entered into contemporaneously with the development agreement for the Rockport Square project. The Rockport project was scheduled to launch around the time of the housing market crash and stalled. The resurrection of the project has prompted the City to re-engage with the School District.

The School District pointed out that the City had been miscalculating its annual payments to be made to the School District. Because this project involved a TIFF district the normal process of receiving and distributing property taxes to the City and the schools, after that TIFF district was created in 2004, was modified. Instead of those regular tax payments being split between the City and Schools, they went into a fund that was meant to provide assistance for the public improvement aspects of the project. At that time in 2004 the City and School District entered into an agreement whereby the City would attempt to make the School District whole based on revenues that would eventually come in from the County. The City had been paying based on 2004 era millage rates in effect at the time. As the voters of Lakewood have approved additional millage since that time, the City's make whole payments should have also increased and they were not. The difference is over \$510,000 over that period of time from 2004 to 2017.

This agreement to the original make-whole agreement between the City and the Schools would permit the City to make these additional payments to the School District to make up for those lost years and would revise the waterfall of how we are to apply the money that comes in from the County while the TIFF district remains intact. It is expected to remain intact until 2026. The waterfall of payments has been revised in order to make sure that the City is able to pay all debt service for the bonds that were issued in anticipation of the Rockport project, and then pay the Schools, and then split any overage after that.

Since the agreement/Resolution was introduced in November it has been slightly modified based on discussions between the City and School District. Director Butler explained the modifications, which are ministerial in nature. The modifications necessitated a substitute version.

In response to a Councilmember question Director Pae explained why so many years have gone by without full payment being made and why the discrepancy was only recently discovered. The Rockport development was expected to be completed in 2009 and was 8 years delayed. During those years the schools increased their millage, which was not anticipated at the time of the original agreement. Recently, the schools brought this to the City's attention. The two parties have been meeting to discuss it. Also, since the development was stalled, the City was not receiving the revenue to support the difference until recently. Once the issue was brought to light, both parties worked to come to an agreement.

In response to a Councilmember's questions Director Pae clarified that the General Fund will not be supporting any payments to the schools but rather an account set up to receive property taxes.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Resolution 8963-17.

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

Nays: None

Motion adopted. Resolution No. 8963-17 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8963-17 as substituted.

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

Nays: None

Motion adopted. Resolution No. 8963-17 adopted as substituted.

**\*\*\*\*NEWS BUSINESS\*\*\*\***

4. Communication from Councilmembers O'Leary, Litten and Bullock and Mayor Summers regarding Animal Control Ordinances; Chapters 505 and 506. (Pg.14)

Greg Murray – 1585 Westwood Ave.

Mr. Murray remarked that while some portions of the proposed ordinance are a step forward that they are overshadowed by problematic breed-specific portions. He criticized the proposal as political, thoughtless and more costly and difficult to enforce than the existing breed-specific legislation. He asked Council to put its resources toward more productive endeavors.

Kristen Murray – 1585 Westwood Ave.

Ms. Murray expressed disappointment over the restrictions on multiple breeds of dogs in Section 6 of the proposed ordinance. She discussed the American Temperament Test's ranking of different breeds. She emphasized her opposition to the singling out of any dog or breed that has been well behaved.

Ken McCort – Doylstown, OH

Mr. McCort spoke from his experience as a professional animal trainer and animal behavior consultant. He complained that the proposed ordinance does not go far enough. He spoke about the factors that lead to aggression in an animal and disputed that breed is relevant. He expressed concern about the provision of the ordinance that requires behavior modification/training for dangerous dogs, remarking that the field is unregulated.

Whitney Callahan – 13885 Edgewater Dr.

Ms. Callahan spoke from her experience as owner of In the Dog House on W. 117<sup>th</sup>. She argued that restrictions on specific breeds conflict with state law. She advocated for breed-neutral legislation that creates consequences for behaviors. She questioned how the new law will be enforced and advocated education instead. She expressed concerns about the effects of muzzling and spaying/neutering on dogs.

Jennifer Scott – 1229 Manor Park

Ms. Scott expressed disappointment with the proposed ordinance, stating that it is still breed-specific legislation. She expressed concern about the requirements that pit bulls and other breeds be tethered or muzzled. She advocated for all dogs to be treated equally under the law.

Jessica England – 17883 Lake Rd.

Ms. England spoke from her experience as a dog breeder and trainer. She has also won a national dog show. She expressed concern about the spaying and neutering requirements in the proposed legislation. She remarked on the risks and problems of spaying and neutering and expressed preference for providing low-cost clinics instead of a mandate.

Sandy Iwaszho – 2364 Northland Ave.

Ms. Iwaszho spoke from personal experience with her pets about the risks and problems of spaying and neutering at an early age.

Carla Borchelt – 14977 Lakewood Heights Blvd.

Ms. Borchelt had to remove her dog from the City for four months until a DNA test proved that it was not a pit bull. She argued that breed specific restrictions are just as difficult to abide by as a ban. She posed a number of questions about how the proposal will be enforced.

Venchise Glenn – 4424 Franklin Blvd. Cleveland

Ms. Glenn expressed appreciation that the pit bull ban has been lifted and that the conversation has begun. However, she criticized the proposal as not providing fairness, equality, or a welcoming environment. She questioned the rationale of many of the breed specific provisions in the legislation.

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

*Discussion:*

Councilmember George expressed opposition to the ordinance, stating that it expands breed-specific legislation by singling out new breeds and adding new restrictions on them. She suggested working collectively on a better proposal that does not single out breeds.

In response to a question by Councilmember Rader regarding if legislation complied with state law, Director Butler clarified that the proposed ordinance complies with state law.

In response to a question by Councilmember Rader regarding timing of the proposal, Mayor Summers provided background on his multiple discussions with the Animal Safety and Welfare Advisory Board about the proposal. He disputed the allegation that the City has rushed through the proposal. He explained the research and discussions that have led up to the proposal including benchmarking other cities and listening to public input. He acknowledged that the proposal can be improved and expressed interest in using the proposal as a starting point to the discussion.

Councilmember Rader indicated he disagreed with Mayor’s assertion that the proposed ordinance provides a good starting point. He indicated he took issue with the breed specific nature of it. He stated that breed specific laws are based on racism and refused to support passing such a proposal to a committee.

Councilmember Bullock objected to the charges of racism. He remarked that the ordinance is a starting point and an invitation to begin discussion.

Councilmember O’Malley expressed interest in learning more and continuing the discussion in committee. He expressed concern with the components of the proposal regarding visual identification of breeds and reiterated his opposition to breed-specific legislation.

Councilmember Anderson remarked that the proposed ordinance is a good starting point for the legislative process to move forward. He remarked on the research he has done on the issue and residents with whom he has spoken including dog bite victims. He acknowledged that the current ordinance is not as effective as it should be. He encouraged colleagues to maintain an honest and honorable conversation.

Councilmember George maintained and further explained her concern about moving the ordinance into committee. She offered to work with colleagues to put together a better ordinance.

Councilmember O’Leary indicated he maintained his longstanding opposition to breed-specific legislation and explained that he supports the proposed ordinance as a first step in the legislative process.

On the motion to receive and file the communication:

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

Nays: George

Motion adopted.

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5. **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. (Pg. 15)

Discussion: Councilmembers discussed committee to which the ordinance should be referred.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 1-18 to the Public Safety Committee.

Motion adopted. Six members voting yea.

Nays: Rader

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6. Communication from Councilmember Bullock regarding Strengthening Lakewood ordinances to limit light pollution. (Pg. 40)

Discussion: Councilmember O’Leary remarked that a number of instances over the years have indicated light trespass to be a problem worth addressing. He acknowledged the need for this ordinance and thanked Councilmember Bullock for bringing it forward. He noted that in the past light trespass issues were able to be resolved on a one on one basis but that that is no longer always the case.

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

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7. **ORDINANCE NO. 2-18** – AN ORDINANCE amending various parts of Chapter 1306, Property Maintenance and Safety Code...(Pg. 42)

William Baker – 1494 St. Charles Ave.

Mr. Baker explained problems his family has experienced living near the post office with light shining into their windows. He expressed support for the ordinance.

Lindsay Baker – 1494 St. Charles Ave.

Ms. Baker expressed support for an ordinance to address light trespass. She remarked further on her family’s negative experience living next to the post office for two years. She asked that the ordinance set a threshold at which a light issue becomes light trespass and is enforceable.

Councilmember O’Leary expressed sympathy to those dealing with these issues directly and described steps he has taken in discussions with the post office.

Edward Schneider – 1258 Thoreau

Mr. Schneider remarked that stadium lighting at Garfield Middle School poses a problem for its neighbors.

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

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8. Communication from Planning & Development Director Sylvester regarding 2018 State Capital Budget Request. (Pg. 44)

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

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9. **RESOLUTION 8974-18** – A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to execute and file application request with the State of Ohio for \$500,000 of financial assistance through the Capital Budget to be used for the revitalization of Wagar Park. (Pg. 45)

Discussion: Councilmember Bullock applauded the administration's effort to pursue additional funds for this project. He noted the work that has been completed already on the Wagar Park project.

Councilmember George expressed excitement about the Wagar Park project and support for pursuing additional funds.

Motion by Mr. Bullock, seconded by Mr. O'Leary, to adopt Resolution 8974-18.

Motion adopted. All members voting yea.

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10. Communication from Law Director Butler regarding Prison meals. (Pg. 47)

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

Motion adopted. All members voting yea.

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11. **RESOLUTION 8975-18** – 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, authorizing the Purchasing Manager to enter into an agreement for prisoner meals with Discount Drug Mart without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in accordance with the City of Lakewood standard purchase order terms and conditions. (Pg. 48)

Motion by Mr. O'Leary, seconded by MR. Anderson, to refer Resolution 8975-18 to the Finance Committee.

Motion adopted. All members voting yea.

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12. Communication from Planning & Development Director Sylvester regarding Authority to sell real property. (Pg. 50)

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

Motion adopted. all members voting yea.

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13. **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. (Pg. 52)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to refer Ordinance 3-18 to the Housing Committee.

Motion adopted. All members voting yea.

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- 14. 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. (Pg.64)

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

\*\*\*\*PUBLIC COMMENT\*\*\*\*

Rico Dancy – 17500 Euclid Ave. Cleveland

Mr. Dancy addressed Council as the President of the National Black Deaf Advocate. He expressed concern about how the police and the community view and respond to deaf residents. He referenced police shootings of deaf residents in other states. He asked questions about police training on communicating with deaf residents and offered resources.

Mayor Summers and Chief Malley expressed interest in meeting with Mr. Dancy to discuss officer training.

Councilmember O’Malley expressed interest in addressing the matter in Public Safety Committee.

\*\*\*\*ANNOUNCEMENTS\*\*\*\*

Mayor Summers announced that Lakewood has received a \$216,000 grant from NOPEC to invest in energy efficiency and infrastructure. He mentioned potential uses for the funds and indicated that a docket letter will be forthcoming.

Law Director Butler congratulated the new councilmembers and Councilmember Bullock on their election re-election. He congratulated council leaders on re-election to leadership positions.

Director Gelsomino announced the H20 celebration on February 3rd.

Motion by Mr. O’Leary, seconded, to adjourn the meeting.  
Meeting adjourned 8:46 PM.

Motion adopted. All members voting yea.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT