

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 18, 2019
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by Council President O'Leary.

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

Also Present: Mayor Summers, Law Director Butler, Planning and Development Director Sylvester, Human Resources Director Yousefi, Police Chief Malley, Fire Chief Gilman & Human Services Director Gelsomino

Reading and disposal of the minutes of the Regular Meeting of Council held March 4, 2019. Motion by Mr. O'Leary, seconded by Mr. Anderson, to approve without the necessity of a reading. All members voted in favor. Motion passed.

Without objection, President O'Leary moved items #9 & #10 to the top of the agenda.

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

1. Committee of the Whole report regarding meeting held March 18th, 2019 (to be provided)

Committee of the Whole met immediately prior to this meeting with administration officials to explore ways to make to the city website more user friendly and make the City Council portion of the page more accessible. Three resolutions which would appoint the members from the Council portion of the Youth Council Planning Taskforce were also discussed. Two names were put forward this evening and further discussion will be had at the April 1st meeting.

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the report.

All members voting yea. Motion passed.

2. Finance Committee report regarding meeting held March 18th, 2019 (to be provided)

Finance Committee met immediately prior to this meeting and discussed Ordinance 08-19, which focuses on transfers and advances of the city's budget. The Hospitalization & Workers' Comp fund was paid a portion is to account for workers in the city's municipal court. The Police & Fire Pension fund is improving due to increased property valuations. CDBG and ESG funds are also headed in the right direction. The committee is hopeful that the ordinance includes the last transfer out to the Winterhurst fund, excluding future payments for the lease and utilities. The committee voted 3-0 to recommend adoption of the ordinance.

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the report.

All members voting yea. Motion passed.

3. **ORDINANCE 08-19** - AN ORDINANCE 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 at the earliest period allowed by law, authorizing the transfer and advance of certain funds. (Placed on 1st reading and referred to Finance 2/19/19) (pg. 1)

Motion by President O'Leary, seconded by Vice President Anderson to adopt.

All members voting yea. Motion passed.

4. Housing Committee report regarding meeting held March 11, 2019. (pg. 3)

Mr. Anderson provided the following oral report and submitted the attached written report:

The Housing Committee met at 6:00 p.m. on Monday, March 11, 2019, and discussed proposed Ordinance 35-18. This is a follow up to a previously held hearing on this matter. All members of the Committee were present as well as other members of Council, Mayor Summers, members of the Administration and numerous residents.

As promised in late 2018 in response to the proposed Ordinance, the Administration presented a summary and potential action steps of a proposed Affordable Housing

Strategy. I anticipate much more conversation and deliberation regarding the proposed strategy and the seven action steps contained therein in the coming months via the Housing and other Committees. However, it is the view of this particular member of Council as least that most, if not all, of the proposed action steps relate to policy and strategy that has been employed by the Administration and promoted and supported by Council for many years. For example, Community Development Block Grant allocations, programs that focus on supporting low/moderate income households, partnerships with Lakewood Alive/community entities and other similar programs are all emphasized in this proposed strategy. This demonstrates that City Council and the Administration have taken seriously the issue of affordable housing in Lakewood for many years and will continue to do so. The proposed Affordable Housing Strategy frames these and other possible tools in a seemingly composite and comprehensive nature and, again, this member of Council looks forward to further deliberation on this matter.

Regarding proposed Ordinance 35-18, Housing Committee members voted unanimously to not recommend adoption by City Council.

Motion by Vice President Anderson, seconded by President O'Leary to receive and file the report.

Discussion: Mr. Bullock stated that he had a 2 hour discussion with housing specialists in the Community Development department and became familiar with the tools available to Lakewood to increase affordable housing. He added that some inspection work might be needed and a conversation with HUD would help address some of the market gaps. Lastly, he stated that the committee and the legislative sponsor did good work that resulted in no passage. Mr. Rader stated that the city's plan is a great starting point. He added that the deliberation ended up being a really good learning experience on how we think about and how we strategize for affordable housing in the future. He stated that source of income in regard to housing might be a better statewide protection than on the city level.

On the motion: All members voting yea. Motion passed.

5. Health & Human Services Committee report regarding meeting held March 11, 2019. (to be provided)

Health & Human Services Committee met with representatives from the Cuyahoga County Board of Health and staff from the Human Services Department to discuss lead exposure among children. Mr. Sobolewski from the Board of Health shared that strides have been made; 18.6% of kids in 2004 were tested with higher level amounts of lead in their blood, compared to 2017 where only 6.3% were found to have higher blood lead levels. We currently are being reactionary only in our approach. 80% of ages 0-6 are being tested, however only 50% of kids between ages 1 & 2 are being tested. Conservatively, 65% of Lakewood residences have a possibility of being impacted by

lead. Assistant Law Director Swallow has found a section of code that could enable inspectors to make citations on the interior of a home. Casey Tobik spoke and shared a personal experience regarding one of her children being affected by lead. This should be viewed as a public health issue instead of a individual home repair issue. It was suggested that a taskforce come together to combat the issue. The Health & Human Services Committee is scheduled to meet again on April 8th to continue discussing the issue.

Discussion: Mr. Bullock stated that he spoke to the Lakewood Alive board about the lead issue and believes they should be invited to the next committee meeting; Mr. Litten confirmed he is in contact with Lakewood Alive in regard to the next meeting. Mayor Summers added that the first applicant for the Lakewood Alive Pride fund is for a lead remediation project.

Motion by Councilman Litten, seconded by Council President O'Leary to adopt receive and file the report.

All members voting yea. Motion passed.

6. **SUBSTITUTE ORDINANCE 76-18** - AN ORDINANCE to take effect at the earliest period allowed by law, enacting Chapter 1727, Cigarette and Tobacco Vendors; Sales to Persons Under 21, of the Codified Ordinances of the City of Lakewood in order to amend and create regulations involving licensing for and sales of tobacco products. (Placed on 1st reading and referred to HHS 12/17/18; 2nd reading 1/7/19) (pg. 4)

Public Comment: Mr. Tom Corrigan, attorney for Robusto & Briar premium tobacco shop, spoke on the matter and provided and attached written statement. He stated his client is grateful to the committee and will be following the law. He commends the decriminalization component in the ordinance, but he cautioned Council to be careful about delegating authority and to watch how the regulations are implemented. His client hoped for a carve-out in ordinance for premium tobacco shops. He added that his client was told local tobacco laws would not change until state's do; however his client realizes that Council cannot be held to the word of past administrations or Councils. Lastly, Mr. Corrigan proposed 3 amendments to the legislation for consideration: 1) top add a definition for premium tobacco specialty store and make an exception for the age restriction 2) adopt the definition of premium tobacco store and allow signage to remain consistent with current federal regulations 3) to direct enforcement with the priority and volume and frequency of underage sales with care not to unduly burden premium tobacco stores.

Mr. Terry Allen of the Cuyahoga County Board of Health stated that there was great dialogue in committee discussion of this law and that people are in favor of a Tobacco 21 law. He added that 425 cities across the country and 22 states have all passed Tobacco 21 laws. He was very active during the statewide smoking ban law that was comprehensive across bars, restaurants, bingo halls, and all business that passed in 2006. Public support

started at 58% and now it currently is 82%. He noted that when casinos came to operate in Ohio, they got onboard with the law because it was comprehensive and ensured a level playing field.

Mr. Yogi Patel, owner of Ross Beverage located in Lakewood, spoke against the proposed ordinance. He has been a business owner in Lakewood for the last 15 years and has not been cited once for selling underage to children. He stated businesses thrive where uniformity lives. He has stores in Bay Village & Lakewood and his employees work shifts at both stores. He claims they are going to have difficulty with varying regulations between communities. He stated that the real health issue is people's cardiac health. He asked that the Council wait until laws become uniform on the state and federal levels of government, as he saw that Governor DeWine has proposed raising the statewide age for tobacco sales to 21. He stated that Lakewood is built on small, successful businesses and asked to what level cigarette sales went down in Cleveland once the Tobacco 21 law was passed there. He implored Council and the administration to wait until the state comes up with legislation.

A motion was made by Councilman Litten and seconded by Council President O'Leary to adopt the legislation as substituted.

Discussion: Mr. Bullock stated that he is a customer of Mr. Patel's store and he too saw a note about Governor DeWine proposal. He argued that there is an important health value to taking this step on the local level. Mr. Bullock did mention that if there is no damage to the public health value of the ordinance, that he doesn't see anything wrong with a carve-out or recognizing a premium tobacco store or unique business. He could support the first 2 amendments proposed by Mr. Corrigan (defining premium tobacco stores and only requiring signage that complies with federal regulation). He offered to make a motion to amend if other colleagues on Council support it.

Mr. O'Malley stated that he is supportive of the ordinance. A couple years ago he proposed an ordinance that passed that removed the city's effective prohibition on tattoo parlors, with the reason that the local government should not make moral judgments on legitimate business owners or on what adults choose to do with their bodies. He supports this ordinance due to a preponderance of scientific data and that we should be considering smoking in the same light as drinking and gambling, which require one to be 21 years old to participate. He wishes that Council did not have to do this piecemeal and that this were a federal or state law.

Mr. Anderson stated that he does not believe a thing that the tobacco industry says about what's actually in their products and brought up past examples where the industry misled customers. He added that it was not demonstrated to him that the ordinance would provide an undue burden on Mr. Corrigan's client's establishment. That is why Mr. Anderson did not pursue a carve-out. To Mr. Patel's points, he appreciates his commitment to Lakewood; however he is not convinced that there is undue burden on Mr. Patel or his employees. Mr. Anderson stated he is not of the appetite to entertain the proposed amendments.

Mr. Litten stated the he is not inclined to support a carve-out. He feels it would be a slippery slope and that this ordinance is not an undue burden to Robusto & Briar or any small business in Lakewood. He added it is not intended to hurt business owners, but to save young people. He shared that he lost his father 5 and half years ago to lung cancer, who started smoking at a very young age.

Mayor Summers stated that he appreciates Mr. Patel's point and will support the ordinance if Council passes it. He added that he will send notes to mayors of surrounding communities, such as Westlake, Bay Village, Rocky River, etc., imploring them to implement Tobacco 21 laws in order to make the policy uniform among the Westshore suburbs.

Motion by President O'Leary to substitute Ordinance 76-18.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader
Nays: none

Motion passed. Ordinance 76-18 substituted.

Motion by President O'Leary, seconded by Vice President Anderson to adopt Ordinance 76-18 as substituted.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader
Nays: none

Motion passed. Ordinance 76-18 adopted as substituted.

7. **ORDINANCE 09-19** - AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 13900 Lake Avenue (PPN 312-05-011) from R1M (Single-Family Residential, Medium Density) to PD (Planned Development). (Placed on 1st reading and referred to Planning Commission/ABR 3/4/19) (pg. 18)

A motion was made by Council President O'Leary, which was seconded by Councilman Anderson, to defer Ordinance 9-19. All members voting yea. Motion passed.

8. **ORDINANCE 10-19** - AN ORDINANCE 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,

establishing rates of admission to the Lakewood municipal swimming pools located at Lakewood Park and Madison Park, and superseding Ordinance 30-09 and all other ordinances inconsistent herewith. (Placed on 1st reading and referred to Public Works Committee 3/4/19) (pg. 20)

A motion was made by Council President O’Leary, which was seconded by Councilman Anderson, to defer Ordinance 10-19. All members voting yea. Motion passed.

******NEW BUSINESS******

9. Communication from President O’Leary regarding resolution to recognize LHS student - athlete Tyler Hannah. (pg. 24)

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

Motion passed. All members voting in favor.

10. **RESOLUTION 9064-19** – A RESOLUTION to recognize Lakewood High School senior Tyler Hannah for his talent and dedication to the sport of track and field, which have helped him earn the Division I Indoor state title in the 60 meter hurdles and place 13th in national competition. (pg. 25)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9064-19.

Discussion: Mr. O’Leary reiterated his congratulations to Mr. Hannah and Coach Dow. Mr. O’Malley added his congratulations and noted that Mr. Hannah is a Ward 4 resident. Mr. Rader recognized Mr. Hannah’s finishing time in the state race and thanked him for his hard work.

On the motion, all members voted in favor. Motion passed.

11. Communication from Council President O’Leary and Councilmembers George and Rader regarding parking on Edwards Ave. and Granger Ave. (pg. 26)

Ms. George provided an update on the proposed Edwards Ave. beer garden. She and Mr. Rader are concerned about the project’s impact on parking in the neighborhood. She

relayed that residents from Granger Rd. & Edwards Ave. have contacted both her and Mr. Rader and have observed that Granger is being used as a commuter lot.

Motion by Councilmember George, seconded by President O'Leary to refer the communication to Public Works committee.

Discussion: Mr. Bullock stated he has heard from constituents on the issue too. He further noted that commercial development is a good thing and that there is often a struggle between commercial corridors and residential property nearby. Residents wanted more permitted parking when he was Ward 2 councilman, encountering this conflict near Warren Rd. While working as the Ward 2 councilperson, he heard conflicting views on this issue: some residents wanted more permit parking while others wanted it removed where it already exists because they viewed it as an unfair hassle and expense that didn't improve parking on their street. He stated the boards & commissions processes worked on this project and that the developer demonstrated quite a lot of responsiveness in design and land use. He added that parking demand isn't the same at all times of day. He concluded with the notion that Council needs to balance to commercial and residential interests.

Mr. Rader replied that his intention was to create a space for residents to interface directly with the administration on the issue. He added that it's important to get residents into the committee meetings.

Mr. Anderson noted that in the communication there was a reference to a parking study and he questioned to which one it was referring. Director Sylvester responded that a parking study was done after approval. It proposed a parking plan of 44 spaces for the project. Planning staff conducted a study after coming out of planning commission. Mr. Anderson replied that the the study said the only major impact was that parking would be a struggle only during tee ball games at Edwards Park. He's asked the Ward 1 police officer to do his own parking study. He noted that all cars parked over on Granger were registered to Lakewood residents and that there is parking available on this section of Granger. The feedback that he has gotten is that there is parking available over on Granger. Lastly, Mr. Anderson offered to forward the latest iteration of that report from the Ward 1 police officer.

On the motion: all members voted in favor. Motion passed.

12. Communication from Council President O'Leary regarding Sunshine Week: Increasing Government Transparency and Citizen Access in the Council Office. (pg. 27)

Motion by Council President O'Leary, seconded by Vice President Anderson to receive and file the communication.

All members voting yea. Motion passed.

13. Communication from Councilmember Rader regarding Sunshine Week and Open Government Week. (pg. 28)

Mr. Rader noted that we are living during a time where there is an ongoing threat to the free press. He noted that the economics of the press have hollowed out media structures and very few reporters come to Council meetings anymore. He thinks the city is on the right path to further citizen engagement.

Motion by Council President O'Leary, seconded by Vice President Anderson to receive and file the communication.

All members voting yea. Motion passed.

14. Communication from Law Director Butler regarding Lakewood Park concession lease with HELP Foundation, Inc. (pg. 29)

Law Director Butler stated that Ordinance 11-19 renews lease with HELP Foundation for concessions at Lakewood Park.

Motion by Council President O'Leary, seconded by Vice President Anderson to receive and file the communication.

All members voting yea. Motion passed.

15. **ORDINANCE 11-19** - AN ORDINANCE 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 and directing the Mayor to enter into an amendment to the concession lease agreement with HELP Foundation, Inc. for the operation of food concessions at Lakewood Park, pursuant to Section 155.08 of the Codified Ordinances. (pg. 30)

Motion by Council President O'Leary, seconded by Vice President Anderson to refer Ordinance 11-19 to Public Works Committee.

Discussion: Mr. O'Malley asked if the city or the HELP Foundation have thought about making a multi-year agreement. Mayor Summers responded that it's a good idea and worth consideration. Mr. Litten asked if there are any material changes to the agreement. Director Butler replied that there are none.

On the motion: All members voting yea. Motion passed.

16. Communication from Law Director Butler regarding codification ordinance. (pg. 44)

Director Butler stated that the communication is routine and would result in the codification of ordinances that were adopted for the code book since October 1, 2018. He asked that it would either be considered on the floor or referred to a committee for consideration.

Motion by Council President O'Leary, seconded by Vice President Anderson to receive and file the communication.

All members voting yea. Motion passed.

17. **ORDINANCE 12-19** - AN ORDINANCE 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 at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (pg. 45)

Motion by Council President O'Leary, seconded by Vice President Anderson to defer and consider on the floor.

All members voting yea. Motion passed.

******PUBLIC COMMENT******

Coletta Graham – 1286 Chase Ave. – She stated that in November and December she had appointments at the new Lakewood Cleveland Clinic medical facility. She was having spinal blocks and was thankful for the facility having a valet service. Later in December, she found that there are no more valets. She understands that city hall cannot enforce anything in regard to facility. She said that it's hard for her to park her car in the back of the new building and that it's hard to find a parking spot. She approached the mayor and was told that the city does not have control over how Clinic runs their buildings. She surmised that it cannot be costing the Clinic that much to maintain a valet service. In

regards to the old hospital, she noted that it still had valet parking after it was determined it would no longer be in service. She claimed the city destroyed the two Christmas trees in the front and got rid of all the parking meters. She asked why contractors are allowed to park there now and why did the city cut the trees down. She stated that there hasn't been anyone in the Curtis building for 20 years and complained of the prints in the window. She asked why are we saving that building instead of the hospital. She also inquired about the Christian life center and asked if that is being leveled or saved?

Mayor Summers responded that the valet parking was not very well used. He noted that there is a person that works there who can help you when you come in. The old facility did not have close parking, which is why it had valet. He added that the trees were going to have to come down at some point, as the new facility needed area for staging. There will be serious impact to those buildings in the coming weeks. Director Sylvester clarified that she was talking about the parking spaces on Belle. He noted that it was a public safety decision to eliminate them. The fence comes all the way up to the curb and that some contractors are parking there. Mayor Summers stated that the Curtis building was cleared by the city as a historical structure and that it is looking to preserve that. It will stay in its current form and is under consideration for how it will be reused. He does not think the Christian Life center will survive.

Steve Skantos - 1437 Parkwood – Mr. Stansos spoke regarding the Solove Development on Detroit & Bunts. He invited members of Council & the mayor to meet with residents in that area to discuss the project. They had an informal meeting with a representative from the developer today regarding a revised proposal for the project. They would like to express their concerns. He noted Councilman Litten has been at a Planning Commission meeting on issue, along with Councilman Bullock. The residents would like a face to face meeting with Council. Council President O'Leary stated he would like to speak with residents and encouraged Mr. Stansos to get his contact info and find a date to meet. He noted that Ohio has open meetings laws which prevent Council from meeting without proper notice being issued to the public. He added that Council has some bureaucratic hurdles to clear to make it happen and that the purpose of laws is that the meeting should be public. Councilman Bullock added he would be happy to meet with him and drove by the area after emailing back and forth with residents.

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

Mayor Summers noted that \$10,100 was collected by Woodstock and the Beer Engine for the Lakewood Charitable Assistance Corporation. He added that the organization gives food baskets to families at Christmas and Thanksgiving.

Councilman Litten stated he's been monitoring the project concerning Solove and would welcome a meeting. In response to Mrs. Graham's inquiries, he said that the city looked at moving the trees around hospital, but it was found that they would not survive the move after having an arborist look at it.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:58 PM.

Approved: 4/1/2019

Mamen M Bach

CLERK

[Signature]

PRESIDENT

STATEMENT OF ROBUSTO & BRIAR ON PROPOSED ORDINANCE S. 76-19

On behalf of my client, Robusto & Briar, and its principal, Patrick Siegel, concerning the proposed Tobacco 21 ordinance for the City of Lakewood, we are grateful for the care and consideration given to us by the Committee, its Chair, and this Council, as well as the commentary and guidance of the City's Law Director. I am offering these additional comments, both to make the record clear and assist Council in its final deliberations and vote.

First, Robusto & Briar does not, has not, and will not breach the directives of Lakewood law by ordinance, or any of the similar and applicable state and federal regulations, by selling tobacco products to underage persons. We are a premium cigar and pipe tobacco retail emporium and we would not sully our investment or reputation by involving ourselves in the sale of cigarette, vapor products, "imitation" pipe tobacco, or the related paraphernalia, the real culprits in the explosion in underage use.

Second, the decriminalization of improper tobacco transactions is a meaningful collateral step to the proposed changes of the Lakewood regulatory environment concerning tobacco. Nevertheless, Council should be alert to the risks of regulatory abuse and uneven enforcement that even civil penalty authorization can hold, particularly when the City is delegating its permitting and enforcement to another agency, even one as beneficent as the Cuyahoga County Board of Health. The target is the rapid acceleration and growth in the vape marketing to young consumers and the low-cost "bait and switch" techniques of improper sales to minors, but the ordinance's breadth is wider than that target. For example, Robusto & Briar is already required by its existing license to "card" for anyone who appears to be 27 years of age or younger, but this ordinance changes that threshold to 30 years of age. We are not convinced there is a rational way to distinguish those three years in the appearance of potential customers, or how a violation for "failure to card" might occur if the customer is actually over 21. We recommend that Lakewood require that its delegated permitting/enforcing agent be required to report to this Council, on some reasonable regular basis, about the direction, statistics, and results of enforcement in Lakewood.

Third, we had been hoping for some carve out or exception for premium tobacco retailers, who are not the problem or among the professed targets of the generous volunteer anti-tobacco and health organizations supporting this ordinance. We are told that making "exceptions" creates a "slippery slope" for adequate enforcement, and so our hope for a "carve out" was squashed. We are not expecting any major difficulty in complying with the ordinance, largely because the Law Director has opined that our expensive investment in our walk-in humidor and our existing retail methods for purchases, signage, and carding will be in compliance. Remember that when Robusto & Briar made its

more than one-half million dollar investment in our Lakewood business, we were told that Lakewood would not be changing its local tobacco regulations unless the State of Ohio did so. I know the Governor has proposed a statewide Tobacco 21 initiative, but it is not yet Ohio law. But we will comply.

Finally, if you want to make the Lakewood ordinance unique, keep its focus on the retailers and others who make the underage use their livelihood, and abide by the good faith directions of prior administrations when Robusto & Briar made its investment in what has become an attractive regional destination and significant economic retail site for Lakewood, you could still consider any one of three changes to the proposed legislation:

I. Amend 1727.01 to include a definition **“h)” for “Premium Tobacco Specialty store” means any retail establishment in which more than eighty-five percent (85%) of the establishment’s annual sales involve cigars, pipes, and related premium products for which the average retail price exceeds nine dollars per item.** And then make an exception insert in 1727.02 at the end: **except that premium tobacco specialty stores shall abide by current State of Ohio law as to age restrictions.**

II. Amend 1727.01 with the above suggested definition and then make an exception insert in the Signage section, 17207.07 (a) at the end: **“Premium tobacco specialty stores shall comply with the federal and state regulations concerning signage.”**

III. Amend 1727.01 with the above suggested definition and then make an insert about policy preference in 1727.08 (a) at the end: **The policy of the City is to direct enforcement with the priority on volume and frequency of underage sales, with care to not unduly burden premium specialty tobacco stores, which obviously are almost exclusively making tobacco products sales and for whom the volume and frequency of underage sales have been shown to be minimal.**

In any event, be sure of Robusto & Briar’s commitment to follow the law, however it may finally be enacted, and our great appreciation for the City of Lakewood and our customers. Thank you for your consideration.