

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

Regular Meeting of the Lakewood City Council called to order at 7:38 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, Police Chief Malley, Fire Chief Gilman & Human Services Director Gelsomino

Reading and disposal of the minutes of the Regular Meeting of Council held March 19, 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. Committee of the Whole Reports regarding Committee Meeting of 3/26/18, Ordinance 1-18. Mr. O’Leary; Chair (To be Provided)

Committee of the Whole did meet March 26, 2018 the item on our agenda was ordinance 1-18. Committee of the Whole took three actions at that meeting on March 26th. The first is insertion of language into proposed Ordinance 1-18 that would require liability insurance coverage for all dogs in the City of Lakewood in an amount no less than \$10,000. Secondly, Committee of the Whole also voted to strike the section which had breed specific references in it. Third and finally, Committee of the Whole voted to recommend adoption of Ordinance 1-18 as amended and is set forth in the substitute version before us this evening.

Motion by Mr. O’Leary, seconded by Mr. Anderson to receive and file the oral report. Motion adopted. All members voted yea.

2. **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. (PLEASE SUBSTITUTE – for Ordinance 1-18 placed on 1st reading and referred to the Public Safety Committee 1/2/18, 2ND Reading & referred to Committee of the Whole 1/16/18). (Pg. 5)

Motion by Mr. O’Leary, seconded by Mr. Anderson to substitute.

Director Butler clarified that the version being substituted is the version with the changes outlined in the Committee report as well as non-substantive typographical changes that have been made since last week’s Committee of the Whole meeting.

In response to a question by Ms. George, Director Butler clarified that pit bulls in the City that had been grandfathered in under the prior law would no longer be classified by breed under Ordinance 1-18.

Councilmembers sought clarification from the Law Director regarding the definitions of a nuisance dog and a potential nuisance dog. Director Butler explained the definitions and the rationale for them. He noted that the definitions have not changed since the Ordinance was originally introduced in January. It was concluded that the definition of a nuisance dog is encompassed within the potential nuisance dog classification.

Ms. George expressed concerns about the Ordinance’s insurance requirement mandating all dog owners to carry insurance. She expressed interest in monitoring this moving forward.

On the motion to Substitute ordinance 1-18:

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

Nays: None

Motion adopted. Ordinance 1-18 substituted.

Bradley Presutto –

Mr. Presutto thanked everyone who played a role in crafting Ordinance 1-18. He expressed concerns about the provision requiring all dog owners to carry insurance on their dogs. He stated that such a provision would be too hard for the City to enforce and monitor and would place an unfair financial burden on residents. He pointed out that some insurance companies use breed specific language. He asked Council to consider removing this requirement. He invited City officials to celebrate after the meeting at the Five O’Clock Lounge.

AJ Albrecht –

Ms. Albrecht is an attorney with Best Friends Animal Society. She expressed appreciation that the Ordinance has been changed to include breed-neutral language. She made remarks about why she believes breed neutral laws are superior to breed specific laws. She thanked all who played a role in advancing breed neutrality. She requested that Council amend Ordinance 1-18 to remove the provision requiring all dog owners to carry insurance on their dogs. She pointed out that as

written, the requirement will apply to all vets and visitors to the City and that it states that proof of insurance must be furnished upon request. She expressed concern that this was unrealistic.

Venchise Glenn – Cleveland

Ms. Glenn expressed great pride in Lakewood for putting forward a breed neutral ordinance and thanked everyone who made it happen. She expressed her plans to move to Lakewood next year. She called upon City Council to ensure that all ordinances going forward foster a safe and welcoming environment. She called on pit bull owners to act responsibly and to be breed ambassadors. She urged all to build upon the mutual trust established in this endeavor.

Jason Brown

Mr. Brown identified himself as someone who was originally named a dangerous dog owner ten years ago. He reported that being named a dangerous dog owner had devastating consequences for his family. He thanked Council for listening and putting all dog owners on an even playing field. He asked Council to please reconsider the insurance requirement. He expressed optimism that an ordinance can be created that holds people accountable but that does not penalize good dog owners with a proven track record.

Jason Cooke

Mr. Cook thanked Council for the ordinance which he believes is forward progress. He expressed concern about the requirement of liability insurance for all dog owners and potential unintended consequences of this that may affect responsible dog owners. He asked Council to please strike this section and move forward with the rest of the ordinance.

Sharon Harvey

Ms. Harvey spoke from her role as President/CEO of the APL. She thanked Lakewood citizens, Council, and LASWAB for putting forth a much stronger and more effective ordinance. She remarked that the proposed Ordinance will create a safer and more humane Lakewood by removing breed specific language and by strengthening protections for dogs. She expressed concern about the ordinance's requirement for universal liability insurance. She posed questions about the intent and implementation of the ordinance that have not yet been answered. She asked Council to table the insurance requirement and pass the rest of the ordinance.

Corey Roscoe

Ms. Roscoe spoke from her role as Ohio Director of the Humane Society of the US. She expressed support for this ordinance, particularly its extra protections for animals and its breed neutrality. She thanked everyone who made it happen. She described the issues and problems with breed specific legislation and applauded the changes made to this portion of the ordinance. She also applauded the changes made to strengthen protections for dogs. She expressed concern about the ordinance's requirement for universal liability insurance, stating that it is overreaching and unclear. She asked Council to table this section.

Kara Vlach-Lasher

Ms. Vlach-Lasher applauded Council for removing the breed specific restrictions from the ordinance and for focusing on managing individual dogs with problem behavior. She asked Council to please consider amending the ordinance to remove the insurance coverage

requirement. She stated that this provision is not backed up with research and data to justify it. She gave examples of logistical and financial issues that some residents will face trying to comply with this requirement. She asked Council to study this issue further before requiring universal insurance.

Candi Rogers

Ms. Rogers spoke from her role as President of the Lorain County Pit Group. She spoke of the work that her group does. She asked Council to please reconsider the ordinance's requirement for universal liability insurance. She thanked Council for the progress made on the ordinance.

Jacque LaBou

Ms. LaBou thanked the City for helping pit bulls and other dogs through this ordinance and also asked that Council reconsider the insurance requirement.

Discussion:

Mr. Litten applauded colleagues, the administration, the APL, LASWAB and others for their work on this ordinance. He briefly addressed citizen concern about the insurance requirement, stating that the requirement is intended to ensure public safety in a proactive manner while remaining breed neutral. He stated that he doubts that implementation of the ordinance will require owners to keep proof of their insurance on them at all times, as some have speculated. He expressed a desire to hold town hall meetings to educate the community about the new law.

Mr. Rader asserted that the City is "with Charlie." He stated that the new law is not perfect. He voted in committee to remove the universal insurance requirement. He noted that the requirement will take effect in six months and that he intends that Council will revisit it six months after that and have an open mind to making any needed changes. He encouraged residents to continue to stay engaged.

Mr. O'Malley expressed his support for the ordinance as written and explained why. He stated that the existing law is not supported by science, is not enforceable, and also not supported by the community. He thanked the community and LASWAB for all of the education they have provided on this topic and for their activism. He thanked colleagues, the Police Department, the Law Department, and Mayor for their willingness to work together.

Mr. Bullock expressed thanks to citizens, colleagues and the administration for working together on this ordinance. He expressed his support for the proposed ordinance. He credited citizens for leading the way in voice and information. He remarked that the ordinance takes a better approach but will require more resources from the City and partnership from the residents. He briefly addressed citizen concern about the insurance requirement, stating that the intent is not to have a chilling effect on pet adoptions. He listed some outstanding questions about the implementation of the insurance requirement and asked that the administration seek to provide answers publically before the law goes into effect around October 1. He expressed willingness to revisit the insurance requirement should it prove too great a burden for residents.

Director Butler clarified that the legislation will take effect 40 days from passage but the insurance requirement will take effect 180 days from passage, around Oct. 1st which was designed to give the public ample time to secure insurance.

Ms. George thanked everybody who was active in reaching out to Council. She remarked that this is a good ordinance and will monitor concerns and be prepared to make changes as needed.

Mr. Anderson remarked on the motivations behind the creation of this ordinance, stating that he saw this as an opportunity to create the best dog ordinance possible for Lakewood. He reviewed some of the highlights of the ordinance including that it defines what a serious injury is as well as what a vicious dog is and provides an appeal process for administrative hearings. He highlighted the extra steps that owners of vicious dogs must take such as muzzling the dog, marking the leash, and carrying extra insurance. He expressed pride in strengthening the animal cruelty laws but remarked that more can be done in this area. He acknowledged that implementing the ordinance will be a challenge for the administration and that the focus going forward will be on answering the public's questions on implementation.

Mr. O'Leary made concluding remarks on the discussion. He sincerely thanked everyone in the room for their role in helping the City evolve its position on this topic. He concluded that the result of all the hard work is a huge step forward for the City. Regarding the insurance requirement, he explained his position, stating that it was important to balance the scales of fairness for victims of dog bites who could be impacted in a devastating way. He highlighted that the ordinance focuses on dog behavior and not breed and that it strengthens animal cruelty laws.

On the motion to adopt Ordinance 1-18 as substituted:

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

Nays: None

Motion adopted. Ordinance 1-18 adopted.

3. **ORDINANCE 21-18** – 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. (DEFERRED 3/5/18, DEFERRED 3/19/18) (Pg. 29)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 21-18.

Motion adopted. All members voted yea.

4. **ORDINANCE NO. 22-18** - AN ORDINANCE repealing Section 510.01(a), Declaration of Nuisance Activity, of the Codified Ordinances of the City of Lakewood and enacting a new section in its place to remove the offenses of Domestic Violence, Menacing and Aggravated

Menacing from the definition of Nuisance Activity under this provision. (READ, REFERRED TO THE PUBCLIS SAFETY COMMITTEE 3/19/18) (Pg. 31)

Motion by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 22-18.
Motion adopted. All members voted yea.

5. **ORDINANCE NO. 23-18** – 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 1381 Fry Avenue (PPN 312-33-054), 1379 Fry Avenue (PPN 312-33-053), and 1375 Fry Avenue (PPN 312-33-052) from C3 (Commercial, General Business) to PD (Planned Development). (READ, REFERRED TO THE PLANNING COMMISSION 3/19/18) (Pg. 34)

Motion by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 23-18.

Discussion: Mr. O'Malley expressed support for the project and the Ordinance. On behalf of the project developer he extended an invitation to Councilmembers to view similar projects by the developer in Cleveland. He pointed out that the lot is currently vacant

Mr. Bullock expressed appreciation for the invitation and interest in viewing the similar projects. He remarked on the importance of the project and how it is a sign that developers are interested in Lakewood.

On the motion: Motion adopted. All members voted yea.

6. **ORDINANCE NO. 24-18** - 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 at the earliest period allowed by law, enacting Section 131.03, Franchises, of the Codified Ordnances of the City of Lakewood in order to codified certain provisions with respect to the grant of franchises in the city. (READ, REFERRED TO THE RULES & ORDINACNES COMMITTEE 3/19/18) (Pg.37)

Motion by Mr. O'Leary, seconded by Mr. Anderson to defer.
Motion adopted. All members voted yea.

****NEW BUSINESS****

7. Communication from Councilmember George regarding Resolution Supporting the Lakewood City School District Board of Education on school safety and reducing gun violence in schools. (Pg. 40)

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

8. **RESOLUTION NO. 8994-18** – A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, joining the Lakewood City School District Board of Education in supporting school safety and reducing violence in schools. (Pg. 41)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Resolution 8994-18.

Discussion: Mr. Rader expressed strong support for the Resolution and advocacy work being done by Lakewood students.

Mr. Litten announced the upcoming forum on the topic April 12th at the LHS cafeteria

On the motion: Motion adopted. All members voted yea.

9. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Board of Zoning Appeals. (Pg. 43)

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

10. Communication from Planning & Development Director Sylvester regarding Board of Education Administrative Offices Site – Rezoning. (Pg. 44)

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

11. **ORDINANCE NO. 25-18** – 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 1456 and 1470 Warren Road (PPN 314-04-063), from C4 (Public Schools) to C3 (Commercial, General Business). (Pg. 45)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Ordinance 25-18 to Planning Commission.

Motion adopted. All members voted yea.

12. Communication from Planning & Development Director Sylvester regarding Northcoast Brownfield Coalition Community Assessment Initiative. (Pg. 48)

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

Discussion: Director Sylvester remarked that the City applied for a similar grant for the McKinley School site and received it. Permission by the site owner is required to receive the grant and the site owner here is willing.

Mr. O’Malley asked if grants were used to fund environmental testing at the Marathon gas station at Lake Ave. Director Sylvester replied that this may have been discussed but did not go forward.

It was stated that Mack Products manufactured safety glasses.

Director Sylvester clarified that the parcel is not vacant but that the buildings on the parcel have been vacant for a long time. He remarked that the biggest obstacle to redevelopment at the parcel is that the environmental conditions are unknown. Resolving this question would help to attract a developer.

On the motion: Motion adopted. All members voted yea.

13. **RESOLUTION NO. 8995-18** – A RESOLUTION supporting the application of the City of Lakewood to the Cuyahoga County Brownfield Redevelopment Fund Community Assessment Initiative in the City. (Pg. 49)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Resolution 8995-18.

Discussion: Mr. O’Leary thanked Planning and Development for bringing this matter forward.

Motion adopted. All members voted yea.

14. Communication from Law Director Butler regarding Ordinance adding training verification provision to the Code following passage of Third Amended Charter. (Pg. 50)

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

Motion adopted. All members voted yea.

15. **ORDINANCE NO. 26-18** – 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 at the earliest period allowed by law, amending Section 121.15, Duties of Clerk of Council, of the Codified Ordinances of the City of Lakewood in order to codify an obligation to verify training certificates found within the Third Amended Charter. (Pg. 51)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer to Rules & Ordinances Committee. Director Butler clarified that there is no time constraint on this ordinance and that it can be addressed along with all the others which have been proposed in order to implement the Third Amended Charter. One additional such ordinance will be forthcoming from the Law Department.

Mr. Bullock thanked the Charter Review Commission, pointing out that this Ordinance reflects one of the substantive changes they proposed.

Mr. Rader and Ms. George remarked that the training they attended was valuable and enjoyable.

On the motion: Motion adopted. All members voted yea.

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

Pastor John Lutz – 2015 Quayle Street

Pastor Lutz is pastor of the North Coast Baptist Church. He expressed concern about the Birdtown Brewery receiving its liquor license and the impact of increased traffic and tighter parking. He stated that the Brewery has expanded its original plans. He thinks there is a better place to locate the brewery.

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

Mr. Bullock announced that the Marjorie Building on Detroit has completed renovations of its upstairs units. He referred colleagues to themarjoriebuilding.com to view interiors of the eight units. He explained some of the background of the building.

Mr. Rader complimented the quality of the Citizens Police Academy program and thanked Chief Malley for providing this.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:24 PM.

Approved: _____

CLERK

PRESIDENT