DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
JULY 5, 2016
7:30 P.M.

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and on the City's website www.onelakewood.com as soon after 4 PM on the Friday before a Council meeting as possible.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

I. Pledge of Allegiance
II. Moment of Silence
III. Roll Call
Reading and disposal of the minutes of the Regular Meeting of Council held June 20, 2016.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report regarding July 5, 2016 Committee of the Whole Meeting. Mr. O'Leary; Chair. (To Be Provided)

2. **ORDINANCE NO. 25-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, determining to proceed with the improvement of the shoreline abutting The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie and including any and all appurtenances thereto. (1st READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2ND READING 5/16/16, RECOMMENDED FOR ADOPTION & DEFERRED 6/6/16) (Pg. 5)

3. **ORDINANCE NO. 26-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Meridian Condominium Special Assessment Revetment Project** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2ND READING 5/16/16, RECOMMENDED FOR ADOPTION & DEFERRED 6/6/16) (Pg. 8)

4. **ORDINANCE NO. 31-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect 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 to provide for the publication of such new matter. (1ST READING 6/6/16, 2ND READING 6/20/16) (Pg. 10)

5. **ORDINANCE NO. 32-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 1722.01, Location of Family Pools, Section 1121.10, Additional Accessory Structure Regulations, and Section 1123.10, Additional Accessory Structure Regulations, of the Codified Ordinances of the City of Lakewood, in order to provide for the regulation of the location of family swimming pools within the Zoning Code. (1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 6/20/16)(Pg. 12)

6. Civil Service Commission Biennial Report regarding recommendations for Council/Mayor salaries. (Pg. 16)

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

7. Communication from Mayor Summers regarding Clean Water Act Compliance. Bob Greytak of CT Consultants Presentation. (Pg. 44)

8. Communication from Mayor Summers regarding appointments to the Lakewood Community Relations Advisory Commission. (Pg. 45)

9. Communication from Finance Director Pae regarding Capital Contracting Authority – CDBG. (Pg.46)

10. **ORDINANCE 43-15A** – 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, amending Ordinance No. 43-15, adopted December 21, 2015, authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the administrative code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 47)

11. Communication from Law Director Butler regarding Moratorium on cultivation, processing, or retail sale of medical marijuana. (Pg. 49)

12. **RESOLUTION NO. 8878-16** –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 at the earliest period allowed by law, to impose a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this resolution, in order to allow Council and the Lakewood Planning Commission to review applicable Ohio statutes, criminal codes and the Lakewood Zoning Code relative to such use. (Pg. 50)

13. Communication from City Planner Russell regarding Lakewood Garden Club donation - Gateway to Kauffman Park. (Pg.52)

14. Liquor Permit Application for A New D1 classification to Namaste India Garden; 14412 Detroit. (DEFERRED 6/20/16)(Pg. 53)

15. Liquor Permit Application for D1, D3, D3A and D6 transfers to El Torito Taqueria Bar and Grill; 1572 West. 117th from Mober Group; same address. (Pg.54)

16. Liquor Permit Application for D5 transfer to YUZU, 13603 Madison Avenue from Bonnie and Clydes same address. (Pg. 55)

First reading & referred to
the Finance Committee 5/2/16.

SECOND READING 5/16/16.

DEFERRED 6/6/16.

ORDINANCE NO. 25-16 BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, determining to proceed with the improvement of the shoreline abutting The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie and including any and all appurtenances thereto.

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the 2016 construction season is upon us; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City shall proceed with the improvement of shoreline protection for The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie, and including all necessary appurtenances thereto, as set forth in Resolution No. 8861-16, adopted on March 7, 2016, that resolution having been approved by the Board of Revision of Assessments (the "Board") in its final report previously filed with Council and attached hereto and made a part hereof as **Exhibit A** (the "Report").

Section 2. The City finds that the described project constitutes a public improvement.

Section 3. Except as modified herein, the Report is hereby approved and the assessments approved by the Board and set forth in its Report hereby are accepted and approved.

Section 4. Such improvement shall be in accordance with the Resolution as approved by the Board in its Report and in accordance with the plans, estimates and profiles now on file in the office of the Director of Public Works, and the character of the materials to be bid upon for the construction is shown on the plans and reference is made to said plans and specifications for additional information concerning the character of the materials for such improvements.

Section 5. The Board has reported to this Council that no claim for damages resulting from the improvements have been filed, but if it should be determined that any claims have been filed they shall be inquired into before the commencement of the proposed improvements and the Director of Law shall be and is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into any claims so filed.

Section 6. The cost of said improvement to be assessed shall be assessed in the manner and the number of installments provided in the Resolution and on the lots and lands abutting and abounding upon said improvement between and including the termini of the improvement as approved by the Board in its report, and the cost of said improvements shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances the amount thereon; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein; expenses of legal services, including obtaining any approved legal opinions; the cost of labor and material, together with all other necessary expenditures.

Section 7. The City having received bids for the completion of the work since the report of the Board, the list of estimated assessments as heretofore prepared by the Director of Finance and as approved by the Board in its report be and the same is hereby modified to reflect that the total assessment amount shall be changed from $704,000 to $_____ , and the assessments so to be levied shall be paid in 20 semiannual installments, provided that the owner of any property to be assessed may at his option pay such assessment in cash within 30 days of completion of the improvement.

Section 8. Pursuant to Article XVI, Section 16 of the Charter of the City, the Director of Public Works has certified to this Council that this estimate of the life of the improvement described herein is 20 years.

Section 9. The Director of Public Works be and he is hereby authorized and directed as soon as the funds hereof are available to make and execute a contract for materials and certain services with the lowest and best bidder after advertising according to law.

Section 10. The Clerk of this Council be and she is hereby directed to deliver to the Fiscal Officer of Cuyahoga County a certified copy of this ordinance within 15 days following its passage.

Section 11. It is found that the improvements to be made pursuant to this ordinance have been petitioned for in writing by the owners of a majority of the foot frontage to be assessed.

Section 12. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 13. This ordinance is hereby declared to be an emergency measure for the reasons stated in the preamble hereof, and provided it receives the affirmative vote of at least five members of Council it shall take effect and be in force immediately upon its adoption and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted:_____

_____
President

_____
Clerk

Approved: _____

_____
Mayor

First Reading and referred to Finance Committee 5/2/16.

SECOND READING 5/16/16.
DEFERRED 6/6/16.

ORDINANCE NO. 26-16 BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Meridian Condominium Special Assessment Revetment Project** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council.

WHEREAS, this Council by a vote of at least five (5) of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that certain capital improvements projects are to be undertaken this construction season in accordance with the Capital Improvement Plan for fiscal year 2016. Now therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to engage architectural and/or engineering firms to provide professional services for the design, preparation of specifications, construction and engineering, construction inspection, contract administration and to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood, for the following Infrastructure Improvements, contracts not to exceed the specified amounts shown, except as hereinafter provided:

Meridian Condominium Special Assessment Revetment Project **$704,000**

Section 2. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to enter into contracts as set forth above in amounts not to exceed the specified amounts without further action from Council; and to enter into contracts in excess of specified amounts only upon consent of Council evidenced by adoption of a resolution specifying the authorized amount.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five (5) of members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____

President of Council

_____

Clerk of Council

Approved: _____ _____

Mayor

FIRST READING 6/6/16.

SECOND READING 6/20/16.

ORDINANCE NO. 31-16 BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect 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.

WHEREAS, the Walter H. Drane Company has completed a revision and updating of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council but not yet included in the Codified Ordinances of the City have now been made a part thereof; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the publication and distribution of the May 2016 Replacement Pages for the Codified Ordinances of the City of Lakewood should be conducted at the earliest date possible; now therefore,

BE IT ORDAINED BY CITY OF LAKEWOOD, OHIO:

Section 1. The editing, arrangement and numbering and renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

Ord. No.	Date	C.O. Section
2-16	4-18-16	541.08, 1329.01 to 1329.17, 1329.99; Repeals 1151.01 to 1151.04
4-16	4-4-16	505.03
15-16	4-18-16	557.05
16-16	3-7-16	1143.05
18-16	3-21-16	331.08

Section 2. The Second Amended Charter published in the Codified Ordinances is the official Charter of the City of Lakewood.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City

and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
President

_____
Clerk

Approved: _____ _____
Mayor

FIRST READING & REFERRED TO RULES & ORDINANCES COMMITTEE 6/20/16.

ORDINANCE NO. 32-16 BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 1722.01, Location of Family Pools, Section 1121.10, Additional Accessory Structure Regulations, and Section 1123.10, Additional Accessory Structure Regulations, of the Codified Ordinances of the City of Lakewood, in order to provide for the regulation of the location of family swimming pools within the Zoning Code.

WHEREAS, Sections 1722.01, 1121.10 and 1123.10 of the Code stand to be updated to move the regulation of the location of family swimming pools to within the Zoning Code; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that it is in the best interest of the City to permit applicants an opportunity to seek Zoning Code variances during the current construction season; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1722.01, Location of Family Swimming Pools, of the Lakewood Codified Ordinances, currently reading as follows:

1722.01 LOCATION OF FAMILY POOLS.

(a) In addition to requirements contained in Section 1123.10(c) and 1121.10(c) of the Lakewood Zoning Code, no family swimming pool or family wading pool shall be placed or located in any front yard or side yard as prescribed by the Lakewood Zoning Code applicable to the lot or parcel upon which such pool is situated.

(b) Unless otherwise specifically provided the standards and regulations of this chapter shall not be applicable to family wading pools.

shall be and hereby is repealed, and new Section 1722.01, Location of Family Pools, of the Lakewood Codified Ordinances is enacted to read as follows:

1722.01 LOCATION OF FAMILY POOLS.

(a) The location of family swimming pools and family wading pools shall be governed by ~~In addition to requirements contained in~~ Section 1123.10(c) and 1121.10(c) of the Lakewood Zoning Code~~, no family swimming pool or family wading pool shall be placed or located in any front yard or side yard as prescribed by the Lakewood Zoning Code applicable to the lot or parcel upon which such pool is situated~~.

(b) Unless otherwise specifically provided the standards and regulations of this chapter shall not be applicable to family wading pools.

Section 2. Section 1121.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1121.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

(a) Accessory structures constructed of wood, excluding family swimming pools, shall:

(1) In an R1L or R1M Zoning District be located not less than three (3) feet from any lot line;

(2) In a R1H Zoning District be located not less than eighteen (18) inches from any lot line.

(b) Accessory structures having masonry walls without openings or roof projections on a lot-line side of the structure shall be not less than six (6) inches from any such lot-line.

(c) No family swimming pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1121.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1121.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

(a) Accessory structures constructed of wood, excluding family swimming pools, shall:

(1) In an R1L or R1M Zoning District be located not less than three (3) feet from any lot line;

(2) In a R1H Zoning District be located not less than eighteen (18) inches from any lot line.

(b) Accessory structures having masonry walls without openings or roof projections on a lot-line side of the structure shall be not less than six (6) inches from any such lot-line.

(c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 3. Section 1123.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1123.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

(a) Accessory structures constructed of wood, excluding family swimming pools, may not be located within eighteen (18) inches of a side and rear property line.

(b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than six (6) inches.

(c) No family swimming pool shall be located closer than five (5) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the five (5) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1123.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1123.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

(a) Accessory structures constructed of wood, excluding family swimming pools, may not be located within eighteen (18) inches of a side and rear property line.

(b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than six (6) inches.

(c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than five (5) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the five (5) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

CIVIL SERVICE COMMISSION
12650 Detroit Avenue • Lakewood, Ohio 44107
216/529-6040 • FAX 216/228-2514
Website: www.onelakewood.com
Email: civilservice@lakewoodoh.net

July 1, 2016

Lakewood City Council Members
Lakewood, Ohio 44107

RE: Recommendation for Council Members and Mayor Salaries

Dear Council Members:

The Second Amended Charter of the City of Lakewood, Article XI, Section 7 requires that the Civil Service Commission make a report setting forth its recommendations for salary and other compensation for the members of council and the mayor on or before the 1st of July in each even-numbered year. Pursuant to that mandate, the Commission issues the following report and recommendations. The report is presented in four sections; the process used in developing our recommendation, our observations and recommendation for the mayor's salary and other compensation, our observations and recommendation for council member's salary and other compensation, and our administrative recommendation.

Process

Over the past couple of months, the Commission gathered, reviewed and analyzed various sources of objective data compiled from other cities of similar size in the Greater Cleveland area. Our review also included the previous years' recommendations that have been submitted to Council for consideration. Given the on-going change in health care coverage and escalating costs over the last number of years, the Commission included in its review the current health-care plans and corresponding costs that the City of Lakewood (City) is offering to all of its eligible employees, including members of council. In this process, for both the mayor and members of council, the Commission evaluated and compared salaries, including all benefits offered by the City, to the information received from the other cities that were included in the survey conducted earlier this year. It should be noted that specific attention was given to those cities with populations and budgets similar to the City. Included in the appendix of this

report are the following documents used by the Commission. Given the changes in the members of council over the last couple of years, the Commission thought it would be helpful to provide the previous recommendations that have been made by this Commission, dating back to 2006.

The list of documents that are included in the appendix:

- 2016, 2014, 2010, 2008 Salary Survey / Council
- 2016, 2014, 2010, 2008 Salary Survey / Mayor/City Manager/Safety Director
- Recommendations for 2014, 2012, 2010, 2008, and 2006

Mayor

Summary of observations:

- Current salary is $100,000 per year plus benefits, effective 1/1/2016 (per Ordinance No. 109-10, 2/7/11).
- Per the 2016 Salary Survey:
  - All cities offer benefits, from a full range of health-care benefits to a city car
  - A total of eleven cities were included in the survey
    - one of the eleven cities surveyed employs both a mayor and a city manager
    - one of the cities surveyed employs a city manager instead of a mayor
    - In five of the eleven cities surveyed, in addition to a mayor, the city also employs a safety director, with a salary ranging from $5,000 to $117,000
  - The salaries range from $81,500 to $149,700 for mayor and $161,162 for city manager
  - In all but two of the eleven cities, the mayoral salary increased since the 2014 survey; the increases ranged from approximately 4% to 16%
- The Commission believes it noteworthy that our mayor also serves as safety director. As stated above, in a number of the surveyed cities there is a separate safety director position, often at a significant salary.
- With the exception of the city of Euclid, those surveyed cities with comparable population size to Lakewood either pay their mayors a considerably higher salary or have a safety director - or both.
- The increasing demands in recent years of managing the size, complexity and fiscal constraints of the City requires the skills and judgment to insure the overall satiability of our community and be prepared to meet the future challenges.
- The Commission continues to believe that to attract the best candidates, the City needs to provide a total compensation package commensurate with the scope of responsibilities and time commitment required.

Recommendation for the Mayor

In 2014, the Commission recommended that the mayor's salary be in the range of $105,000 to $110,000 plus benefits as of 1/1/2015 and in the range of $110,000 to $115,000 as of 1/1/2016. However, as of January 1, 2016, the current salary is at $100,000. In light of significant increases in mayoral salaries in nearby cities of comparable size, the Commission does not believe this is a competitive or appropriate salary for Lakewood's mayor.

For instance, Cuyahoga Falls, contiguous to Akron, has a population very comparable to that of Lakewood. As in Lakewood, the mayor serves as safety director. With an increase of 8% since our salary survey in 2014, the mayoral salary for Cuyahoga Falls is now $121,575, which, of course, is more than $21,000 higher than the salary for the mayor of Lakewood. Westlake, another nearby – and less populous - community in which the mayor also serves as safety director, pays its mayor $148,000, which is 10% more than in 2014. These comparisons lead to the conclusion that the salary for the position of mayor of Lakewood should be significantly increased.

Pursuant to the current Charter as well as the current version of the proposed Third Amended Charter (discussed in greater detail below), the salary of the current Mayor cannot be increased during the current term which results in what we believe to be untenable delays in the ability to implement reasonable increases.

To ensure that the City can attract the most competent people to the most important position in our city, the mayoral salary needs to be commensurate with the level of talent, expertise and commitment required.

Thus, the Commission recommends that the salary for mayor be set in the range of $120,000 to $125,000 plus benefits as of January 1, 2020. While this salary will continue to be less than the salaries of mayors of other comparable cities, which are likely to increase if recent trends are indicative; the recommended increase will bring the salary closer to a competitive market value for what we believe to be the most important position in the City of Lakewood.

There is still a need to provide an appropriate, ongoing and predictable increase in the mayoral salary, which is addressed as an "Administrative Recommendation" below.

Members of Council

Summary of observations:

- The salary of council members is currently $13,000 for ward council members (per Ordinance No. 38-14, 12/15/14) and $7,000 for at-large council members. However, the

salary for the latter will also rise to $13,000 as of January 1, 2018 (per Ordinance No. 38-14).

- Health care benefits are offered to members of council
- Per the 2016 Salary Survey:
    - A total of 11 cities were included in the survey
    - The salaries range from $8,466 to $20,540
    - Of those cities with comparable population the salary range is from $11,000 to $18,841
    - The majority of cities provide a slightly higher salary for the council president
    - Five of the cities for which we have data increased the salary for council members since 2014, five did not.
    - Approximately half of the cities offered benefits to council members.
- The increasing cost of health care benefits, specifically medical, has added to the total value of compensation being received by those members of council who have elected to participate in the City's health insurance program.
- The increasing demands in recent years related to the social needs, complexity and fiscal constraints of the City requires the skills and judgment to insure the overall sustainability of our community and be prepared to meet the future challenges.
  The Commission continues to believe that to attract the best candidates, the City needs to provide a total compensation package commensurate with the scope of responsibilities and time commitment required.

Recommendation for Council Members

Based upon our review of the compensation information referred to above and the stated observations along with consideration of the City fiscal resources, the Commission recommends no change in the salary for members of council beyond the already scheduled increase for at-large members. However, as recommended for the mayoral salary, the Commission strongly believes there needs to be a mechanism for a regularly scheduled, predictable increase in salary for members of council. That need is discussed further below.

Administrative Recommendation

Based upon the Commission's experience with the current process of conducting a survey every two years, the amount of time and effort that is consumed, the importance of providing reasonable compensation for elected officials, and the understandable reluctance of elected officials to vote themselves a salary increase (evidenced by the fact that salary for council members had not changed from 1982 to 2016) the Commission continues to believe that there is a need for a more effective and efficient method of setting and adjusting salaries for elected officials. As was suggested in the Commission's 2010 and 2014 reports, the salaries of both the mayor and the members of council should be adjusted annually pursuant to some administrative mechanism.

The benefit of such a system of administrative adjustments is that the City would not be faced with the situation presented over the past decade or so: every two years we have seen that because of the current cumbersome process for evaluating and adjusting salaries, the salaries of Lakewood's elected officials are usually not in line with those of other similar municipalities. Then the Commission and Council engage in an effort to bring the salaries in line, but are continually playing catch-up.

Accomplishing such annual adjustments, however, is problematic under both the current Charter and the proposed Third Amended Charter submitted by the Charter Review Commission, that may be voted on this coming November. Both documents provide that there can be no change in the salary for the mayor or for members of council that would take effect during their respective current terms. In other words, the salary in effect at the beginning of a mayor's or council member's term will remain the same throughout their four-year term. Thus, in the normal course of events, at the end of that four-year term, the salary will be too low since the incremental increases that many, if not most, City workers receive cannot be realized by these important officials.

The Commission has discussed two possible ways to resolve this issue. One is to simply eliminate the language regarding the timing of a salary change altogether. Another is to define the administrative adjustments in the Charter and make provision for those salary adjustments only to be allowed during an official's term. After consultation with the Law Director, the Commission came to the conclusion that the former method would be clearer and more efficient.

If a system calling for an annual administrative adjustment is adopted, there remains the question of how to determine the particular adjustment. The Commission has investigated ways in which other cities make such adjustments. One method is to simply settle on a percentage of increase at the beginning of the term, which seems to call for predicting what will be appropriate. Alternatively, a number of cities tie adjustments to collective bargaining agreements. The latter method would seem to be more accurately linked to such factors as the City's financial condition and other market factors.

In addition to the proposed annual salary adjustment, the proposed Third Amended Charter calls for the Commission to undertake a review and report to council every four years instead of two. If provision is made for annual administrative adjustments, that seems a sound suggestion. However, the timing of the four-year review called for in the proposed Third Amended Charter, i.e., during the year of a presidential election, would potentially result in changes to the base salaries during the terms of the officials involved. It seems a better practice to have the base salaries set before candidates for the elected positions file petitions to run for office. Thus, the Commission recommends that the review and report process called for in the proposed Third Amended Charter take place early in the year of a mayoral election, so that any adjustments to salaries are determined prior to candidate filings. It should be noted that some of the other cities we consulted have similar deadlines for setting salaries.

With the assistance of the Law Director, the Commission proposes certain revisions to the proposed Third Amended Charter that would implement our recommendations discussed

above. The revisions to the proposed Third Amended Charter recommended by the Commission are attached to and incorporated as part of this report.

We understand the time constraints involved in Council's consideration of these matters. Of course, any questions are welcome and we are more than willing to work with Council regarding these important matters.

Respectfully,
Lakewood Civil Service Commission

By: Kenneth Haber
Kenneth Haber, President

By: J. Gibbons
Joseph Gibbons, Commissioner

By: K. J. Kowalski
Kenneth Kowalski, Commissioner

Recommended changes to Third Amended Charter proposed by Civil Service Commission:

ARTICLE TWO.

COUNCIL

2.3 COUNCIL SALARIES

(a) Salaries. The salaries of the members of council shall be established by ordinance or resolution, provided that the legislation is adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of councilmember for the next term, and subject to further provisions of this charter. Notwithstanding the foregoing, on January 1 after any year in which the salary of council has not been increased by ordinance or resolution or by operation of Section 2.3(b), the salary of council shall be increased by the average percentage wage increase earned by city employees covered by collective bargaining agreements during the immediately preceding year.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission shall become effective as if adopted by ordinance or resolution under Section 2.8~~, but consistent with Section 2.3(c)~~.

~~(c) Timing of Salary Change. No change in the salary for a member of council shall take effect during the current term of that member.~~

ARTICLE THREE.

OFFICE OF THE MAYOR

3.5 SALARY OF THE MAYOR

(a) Salary. The salary of the mayor shall be established by ordinance or resolution, provided that the legislation must be adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of mayor for the next term, and subject to further provisions of this charter. Notwithstanding the foregoing, on January 1 after any year in which the salary of the mayor has not been increased by ordinance or resolution or by operation of Section 3.5(b), the salary of the mayor shall be increased by the average percentage wage increase earned by city employees covered by collective bargaining agreements during the immediately preceding year.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission with respect to the mayor's salary shall become effective as if adopted by ordinance or resolution under Section 2.8~~, but consistent with Section 3.5(c)~~.

~~(c) Timing of Salary Change. No change in the salary for the mayor shall take effect during the current term of the mayor.~~

ARTICLE SIX.

CIVIL SERVICE COMMISSION

6.7 SALARY RECOMMENDATIONS

On or before ~~July~~ March 1 of each year in which a ~~presidential general~~ regular mayoral election is held, the civil service commission shall review and make a written report to council, which report shall be filed with the clerk of council and the office of the mayor, setting forth the commission's recommendations for the salary and other compensation for the offices of mayor and members of council. Council shall place that report on the next docket at a regularly scheduled council meeting. If council takes no action or fails to decline to follow the suggestions within 90 days, the recommendations shall take effect as if council had adopted them by ordinance approved by the mayor. However, no increase in salary under this section shall exceed 10 percent of the salary for the office of mayor or council, unless there has been no increase in salary for that office in the preceding 10 years.

		2016 Salary Survey Mayor							
City	Cont	City Budget	Mayor	C. Mgr	Safety Direc	Salary/Benefits I	S/B City Mana	S/B Safety Director	
Bay Village	Joan	22,000,000.00	yes	no	yes appointed by the Mayor	84,432.00 plus hosp and vehicle	n/a	5,000.00 plus hosp.	
Cleveland Hts.									
Cuyahoga Falls	Nanc	32,985,461.00	yes	no	Mayor serves as	121,575.00 benefits same as employees medical etc.	no	n/a	
Euclid	Anita	99,222,420.00	yes	no	Mayor Serves as	85,000.00 with medical, dental, vision & life ins.	n/a	n/a	
Fairview Park	Matt	27,941,000.00	yes	no	Mayor serves as	84,000.00 with hospitalization and use of city car	n/a	n/a	
Mentor	Victo	60,108,259.00	no	yes	City Manager serves as	161,262.00 with hosp., dental and life ins.	n/a	n/a	

N. Olmsted		67,287,289.00	yes	no	yes	100,843.00 with hosp, eye and dental	n/a	89,300.00 with hosp, eye and dental	
Parma	Rene	50,000,000.00	yes	no	yes	112,500.00 with hosp, life, dental and vision	n/a	93,279.42 with hosp, vision, life and dental	
Rocky River	Mike	22,000,000.00	yes	no	yes	81,500.00 with hosp available		93,640.02 with hosp available	
Shaker Hts.	Cait F	45,605,060.00	yes	yes CAO	Mayor serves as	87,000.00 hosp, car with full ins. Coverage	150,117.00 with hosp and full benefits	n/a	
Strongsville	Colle	88,000,000.00	yes	no	yes	149,136.00 with hosp and auto	n/a	117,353.00 with hosp and auto	
Westlake	JoAn	113,136,778.00	yes	no	Mayor serves as	148,700.00 plus hosp and life ins.	n/a	n/a	
Lakewood	JP	39,257,445.00	yes	no	Mayor serves as	100,000.00 and 25K Life ins. Can sign up for health, dental & vision ins.	no	n/a	

2016 Salary Survey Council

City	Co	Population	City Budget	Council Men	# At Larg	Salary	Pres. Sal	VP Sal	Council Benefits
Bay Village	Joa	15,560	22,000,000.00	4	2	8,466.00	9,598.00		no benefits offered
Cleveland Hts.									
Cuyahoga Falls	Na	50,000 +	32,985,461.00	8	3	18,236.00	19,452.00		offered, prem. higher than employees, 10K Life Ins.
Euclid	An	48,920	99,222,420.00	8		11,000.00	13,000.00	n/a	50K Life Insurance
Fairview Park	Ma	16,571	27,941,000.00	5	1	12,000.00	12,500.00	n/a	no benefits offiered
Mentor	Vic	47,000	60,108,259.00	4	3	12,000.00	17,000.00	12,000.00	Hospitalization, Dental & Life
N. Olmsted		32,718	67,287,289.00	4	3	13,256.00	n/a	n/a	no Benefits, At-Large Council 12,909.02
Parma	Re	80,015	50,000,000.00	7		20,540.78	22,497.78	n/a	Available, Medical, Life, Dental & Vision
Rocky River	Mi	20,433	22,000,000.00	4	3	12,000.00	13,500.00	12,000.00	No benefits offered
Shaker Hts.	Cai	28,448	45,605,060.00		7	9,000.00	n/a	n/a	Offered, paid in full by Council member
Strongsville	Co	44,750	88,000,000.00	4	3	18,841.79	20,091.18	19,467.00	no benefits offered
Westlake	Joa	32,729	113,136,778.00	6		14,780.00	22,160.00		no benefits noted
Lakewood	JP	51,143	39,257,445.00	4	3	13,000.00 (wards)			offered Med., dental & vision
						7000.00 (at-large) will increase			

			2014 SALARY SURVEY/ MAYOR/CITY MANAGER/SAFETY DIRECTOR					
City	Contac	City Budget	Mayor	C. Mgr	Safety Director	Salary/Benefits Mayor	S/B City Manager	S/B Safety Director
Bay Village	Joan K	$25,364,390	Y		Mayor serves	81,153.00 w/hospitalization		
Cleveland Hts.	Laure	$42,236,295	Y	Y	City Manager	Pres of Council serves as Mayor	140,000.00/hosp/auto/457 contrib	City Manager serves as Safety Dir.
Cuyahoga Falls	Vickie	$164,364,251	Y		Mayor	112,575.01 Hosp/Vis/Life/Dental		Mayor serves as Safety Dir.
Euclid	Dawn	$38,593,000	Y		Mayor	$79,000-Hosp.		Mayor serves as Safety Dir.
Fairview Park	Matt H	$24,000,000	Y		Mayor	$77,000-Hosp		Mayor serves as Safety Dir.
Mentor	Victori	91,476,138	N	Y	N	155,000 Medical, Dental, Life/AD&D, Voluntary vision, Supp. Life, Critical Illness & Accidental Ins.		
N. Olmsted	Donna	$74,921,291	Y		Y appt Mayor/Council	96,928 Hosp/Vision/Dental/Life Ins		85,832.76 Hosp/Dental/Vision/ Life ins S. Dir. oversees Police, Fire, Service, Fleet, WWTP
Parma	Renee	$46,913,895	Y		Y	112,580.00 Hosp/Vision/Dental		93,279.42 Hosp/Dental/Vision Appointed by Mayor
Rocky River	S. Whi	$ 38,000,000	Y		Y	$81,500-Hosp/Auto		85,9000. Hosp/vacation sick leave use of city vehicle
Shaker Hts.	Cait Fe	42,170,309	Y	Y	Mayor	$75.000-Auto/Ins/Hosp	144,228.00 Hosp	Mayor is the Safety Director
Westlake	Martha	35,007,085	Y			134,000./Hosp/ City Car		
Lakewood		36,701,549	Y	N	Mayor	$90,000.00- Med/Dent		Mayor is Safety Director

			2014 SALARY SURVEY/ COUNCIL						
City	Contact	Population	City Budget	Council Mem	# At Large	Salary	Pres. Sal	VP Sal	Council Benefits
Bay Village	Joan Kemp	15,936	$25,364, 390	4	2	$8,138	$9,410	$8,138	none offered
Cleveland Hts.	Laure A. W	46,121	$42,236,295		7	$9,270.00	$11,840.00	$9,270.00	none offered
Cuyahoga Falls	Vickie Stei	49,652	$164,364,251	8	3	$16,886.25	$18,012.00		Hosp/
Euclid	Dawn Mc!	48,281	$38,593,000	8		4/9000, 4/11,000	$13,000		Life Ins.
Fairview Park	Matt Hrub	16,826	$24,000,000	5	1	$7,000	$7,500		none offered
Mentor	Victoria M	47,126	$91,476,138	4 Ward, (7 total with Pres)	2	$12,000.00	17,000.00		All benefits offered. 6 of the council people take advantage
N. Olmsted	Donna Ecc	32,718	$74,921,291	4	3	$12,742	$12,742	At large Council 12,656.	none offered
Parma	Renee Guy	82,000	$46,913,895	9		$20,540.78	$22,497.28		Hosp/Vis/Dental
Rocky River	S. Whitma	20,213	$38,000,000	4	3	$12,000	$13,500		none offered
Shaker Hts.	Cait Farrel	28,448	$42,170,309		7	$9,000			Offered/ paid in full by council member
Westlake	Martha Ca	33,000	35,007,085	6		$14,480	21,720.00		
Lakewood		52,101	$36,701,549.00	4	3	7,000.00	7,000.00	7,000.00	Medical/Dental

			2010 SALARY SURVEY/ MAYOR/CITY MANAGER/SAFETY DIRECTOR					
City	Contac	City Budget	Mayor	City Mg	Safety Direct	Salary/BBenefits Mayor	S/B City Manager	S/B Safety Director
Bay Village	Joan K	$25,005,636.00	Y		Mayor serves	$80,350.00-Hosp/Auto		
Cleveland Hts.	Robert	$40,053,177	Y	Y	City Manager	11840 Serves as Council Pre	$125,000.00 Hosp Car	
Cuyahoga Falls	Sandra	$177,063,589.00	Y		Mayor	107,566,54 Hosp/Vis/Life/Dental		
Euclid	Audrey	$39,526,000	Y		Mayor	$79,000-Hosp/Life Ins/Auto		
Fairview Park	Diane	$23,447,003	Y		Mayor	$77,325-Hosp/Auto		
Lorain	Ronald	29,174,879 general						
		105,846,240 all	Y		Y	$102,433.24 Hosp, Drug, Vision, 25,000 Life Ins.		65,000 Hosp, Drug, Vision, 25,000 L
N. Olmsted	Donna	$53,418,092	Y		Y	$92,082.00 Hosp Car		$75,171.00 Hosp car
Parma	Anna L	$43,516,384	Y		Y	$110,372.60-Hosp/Eye/Den		$88,769.98-Hosp/Vision/Den
Rocky River	S. Whi	$ 49,534,995.00	Y		Y	$81,500-Hosp/Auto		$89,556.04 Hosp
Shaker Hts.	Cait Fa	60,982,253	Y	Y	Mayor	$75.000-Auto/Ins/Hosp	$140,000.00-Full benef	Mayor is the Safety Director
Lakewood		36,701,549.00	Y	N	Mayor	$75,653.00- Med/Dent		Mayor is Safety Director
Elyria	Collee	85,649,000	Y		Y	79,000.00, Hosp, Longevity		75,406.00 Hosp, 50K Life Ins., Car
Mentor	Gerry I	51,783,723	C Pres	Y	City Mgr	none	114,998 Hosp offered 10% of City cost	

			2010 SALARY SURVEY/ COUNCIL							
City	Contact	Population	City Budget	# Council r	# At Larg	Council Salary	Council Pres Sala	Council VP	Council Benefits	
Bay Village	Joan Kemper	16,087	$25,005,636	4	2	$8,058	$9,410	$8,058		
Cleveland Hts.	Robert C. Johnson	47,100	$40,053,177		7	$9,270.00	$11,840.00	$9,270.00		
Cuyahoga Falls	Sandra Stroup	51,009	$177,063,589	8	3	$16,133.52	$17,208.88		Hosp/$10,000 ins.	
Euclid	Audrey M. Molnar	52,717	$39,526,000	8		$9,000	$10,000		Life Ins.	
Fairview Park	Diana Sarka	17,572	$23,447,003	5	1	$6,720	$7,200			
Lorain	Ronald Mantini	68,652	29,174,879 gen							
			105,846,240 all	8	3	$11,286.29	11,677.72		medical, drug, vision 25,000 lif	
N. Olmsted	Donna Eccleston	34,113	$53,418,092	4	3	$12,105	$12,105			
Parma	Ann Louise Brass	85,655	$43,516,384	9		$19,547.84	$21,409.96		Hosp/Vis/Dental	
Rocky River	S. Whitman	20,735	$49,321,800	3	3	$10,000	$11,500			
Shaker Hts.	Cait Farrell	29,405	$60,982,263		7	$9,000				
Lakewood		56,646	$36,701,549.00	4	3	7,000.00	7,000.00	7,000.00	Medical/Dental	
Elyria	Colleen	55,953	$85,649,000	7	4	$11,500	$11,750		Hospitalization	
Mentor	Gerry King	51,593	$51,783,723	4	3	$12,000.00	17,000.00	$9,888.00	Hosp	

2008 SALARY SURVEY/ MAYOR/CITY MANAGER/SAFETY DIRECTOR

City	Contac	City Budget	Mayor	City M	Safety Direct	Salary/BBenefits Mayor	S/B City Manager	S/B Safety Director
Bay Village	Joan K	$25,005,636.00	Y		Mayor serves	$77,625-Hosp/Auto		
Cleveland Hts.	HR Ma	$44,155,255	Y	Y	City Manager	$11,840.00	122,000 and car	
Cuyahoga Falls	Shelba	$ 174,288,986.00	Y		Mayor	$104,132.29/Hosp/Full Ins.		
Euclid	Audrey	$39,526,000	Y		Mayor	$79,000-Hosp/Life Ins/Auto		
Elyria	Colleen	85,649,000	Y		Y	79,000.00, Hosp, Longevity		75,406.00 Hosp, 50K Life Ins., Car
Fairview Park	Lisa M.	$20,680,163	Y		Mayor	$77,325-Hosp/Auto		
Lorain	Ronald	29,174,879 general						
		105,846,240 all	Y		Y	96,553.16 Hosp, Drug, Vision, 25,000 Life Ins.		65,000 Hosp, Drug, Vision, 25,000 Life Ins
Mentor	Gerry K	51,783,723	C Pres	Y	City Mgr	none	114,998 Hosp offered 10% of City cost	
N. Olmsted	Donna	$56,393,799	Y		Y	$94,795-Hosp/Auto		$73,696-Hosp/Auto
Parma	Elayne	$48,264,535	Y		Y	$106,086.76-Hosp/Eye/Den		$87,029.54-Hosp/Vision/Den
Rocky River	S. Whi	$ 49,321,800.00	Y		Y	$79,500-Hosp/Auto		$83,542
Shaker Hts.	Cait Fa	66,659,539	Y	Y	Mayor	$75,000-Auto/Ins/Hosp	$157,045.16-Full be	Mayor is the Safety Director
Lakewood		36,701,549.00	Y	N	Mayor	$71,506.00- Med/Dent		Mayor is Safety Director

			2008 SALARY SURVEY/ COUNCIL						
City	Contact	Population	City Budget	# Council mem.	# At Large	Council Salary	Council Pres Salary	Council VP	Council Benefits
Bay Village	Joan Kemper	16,087	$25,005,636	4	2	$7,843	$9,271	$7,843	
Cleveland Hts.	HR Manager	50,750	$44,155,255		7	$9,270.00	$11,840.00	$9,270.00	
Cuyahoga Falls	Shelba N. marshall	50,398	$174,288,986	8	3	$15,619.84	$16,661.16		Hosp/$10,000 ins.
Euclid	Audrey M. Molnar	52,717	$39,526,000	8		$9,000	$10,000		Hosp/Life Ins.
Elyria	Colleen	55,953	$85,649,000	7	4	$11,500	$11,750		Hospitalization
Fairview Park	Lisa M. Rocco	17,572	$20,680,163	5	1	$7,000	$7,500		Hospitalization
Lorain	Ronald Mantini	68,652	29,174,879 gen						
			105,846,240 all	8	3	$10,638.41	11,077.37		medical, drug, visic
Mentor	Gerry King	51,593	$51,783,723	4	3	$12,000.00	17,000.00	$9,888.00	Hosp
N. Olmsted	Donna Eccleston	34,113	$56,393,799	4	3	$12,252	$12,578		
Parma	Elayne M. Siegfried		$48,264,535	9		$19,164.60	$20,990.32		Hospitalization
Rocky River	S. Whitman	20,735	$49,321,800	3	3	$10,000	$11,500		
Shaker Hts.	Cait Farrell	29,405	$66,659,539		7	$7,200			
Lakewood		56,646	$36,701,549.00	4	3	7,000.00	7,000.00	7,000.00	Medical/Dental

CIVIL SERVICE COMMISSION
12650 Detroit Avenue • Lakewood, Ohio 44107
216/529-6040 • FAX 216/228-2514
Website: www.onelakewood.com
Email: civilservice@lakewoodoh.net

July 1, 2014

Lakewood City Council Members
Lakewood, Ohio 44107

RE: Recommendation for Council Members and Mayor Salaries

Dear Council Members:

The Second Amended Charter of the City of Lakewood, Article XI, Section 7 requires that the Civil Service Commission make a report setting forth its recommendations for salary and other compensation for the members of Council and the Mayor on or before the 1st of July in each even-numbered year. Pursuant to that mandate, the Commission issues the following report and recommendations. The report is presented in four sections; the process used in developing our recommendation, our observations and recommendation for the Mayor's salary and other compensation, our observations and recommendation for Council member's salary and other compensation, and our administrative recommendation.

Process

The Commission has meet over the past couple of months gathering, reviewing and analyzing various sources of objective data compiled from other cities of similar size in the Greater Cleveland area. Our review also included reviewing the previous years' recommendations that have been submitted to Council for their consideration. Given the on-going change in health care coverage and escalating costs over the last number of years, the Commission included in its review the current health-care plans and corresponding costs that the City of Lakewood (City) is offering to all of its eligible employees, including members of Council. In this process, for both the Mayor and members of Council, the Commission evaluated and compared salaries, including all benefits offered by the City, to the information received from the other cities that were included in the survey conducted earlier this year. It should be noted that specific

attention was given to those cities with populations and budgets similar to the City. Included in the appendix of this report are the following documents used by the Commission. Given the changes in the members of Council over the last couple of years, the Commission thought it would be helpful to provide the previous recommendations that have been made by this Commission, dating back to 2004.

The list of documents that are included in the appendix:

- 2014, 2010, 2008 Salary Survey / Council
- 2014, 2010, 2008 Salary Survey / Mayor/City Manager/Safety Director
- Employees earning more than the Mayor – Base salary – for the year ending 12/31/13
- Employees earning more than the Mayor – Total earnings(includes overtime) – for the year ending 12/31/13
- 2014 Cobra Rates – City of Lakewood
- 2014 Rates – comparison of various health-care plans
- Recommendations for 2012, 2010, 2008, 2006 and 2004

Mayor

Summary of observations:

- Current salary is $90,000 per year plus benefits, effective 1/1/2012
- Pending salary of $100,000, effective 1/1/2016 (per Ordinance No. 109-10, 2/7/11)
- As of 12/31/2013 there are five city employees with a base pay that is greater than the Mayor's, all serving in the Public Safety Department (The highest is $99,092)
- As of 12/31/2013, there are 32 city employees with earnings (base pay + overtime) that are greater than the Mayor's (The highest is $118,641)
- Per the 2014 Salary Survey:
    - All cities offer benefits, from a full range of health-care benefits to a city car
    - A total of 11 cities were included in the survey, including two that employ both a city mayor and a city manager and one that employs a city manger
    - The salaries range from the mid- $70,000s to $134,000 for Mayor and $155,000 for City Manager
    - Based on comparing prior surveys, three of cities have not increased the Mayor salary since 2008 and it appears that four cities have ratable adjusted the Mayor salary since 2008.
- The increasing demands in recent years of managing the size, complexity and fiscal constraints of the City requires the skills and judgment to insure the overall satiability of our community and be prepared to meet the future challenges.
- The Commission continues to believe that to attract the best candidates, the City needs to provide a total compensation package commensurate with the scope of responsibilities and time commitment required.

Recommendation for the Mayor

Based upon our review of the compensation information referred to above and the stated observations along with consideration of the City fiscal resources, the Commission recommends that the Mayor's salary be in the range of $105,000 to $110,000 plus benefits as of 1/1/2015 and in the range of $110,000 to $115,000 as of 1/1/2016.

Members of Council

Summary of observations:

- The current salary of $7,000 has been the same since 1982
- Health care benefits are offered to members of Council
- The last two recommendations of the Commission has been to set the salary for Council members at $11,000 with the option to receive health care benefits – with total compensation not to exceed $14,300
- Per the 2014 Salary Survey:
  - A total of 11 cities were included in the survey
  - The salaries range from $7,000 (Fairview Park) to $20,540 (Parma)
  - Of those cities with comparable population the salary range is from $9,000 to $12,000
  - The majority of cities provide a slightly higher salary for the Council President
  - Based on comparing prior surveys, four of cities have not increase the salary for council members since 2008 and it appears that three cities have ratable adjusted the councils salary since 2008
  - Approximately half of the cities offered benefits to council members
- The increasing cost of health care benefits, specifically medical, has added to the total value of compensation being received by those members of Council that have taken advantage of the City's offer
- The increasing demands in recent years related to the social needs, complexity and fiscal constraints of the City requires the skills and judgment to insure the overall satiability of our community and be prepared to meet the future challenges.
- The Commission continues to believe that to attract the best candidates, the City needs to provide a total compensation package commensurate with the scope of responsibilities and time commandment required.

Recommendation for Council Members

Based upon our review of the compensation information referred to above and the stated observations along with consideration of the City fiscal resources, the Commission recommends that the salary for members of Council be set at a base salary of $13,000 with the option to receive health care benefits – with total compensation not to exceed $16,000.

Administrative Recommendation

Based upon the Commission's review of the current process of conducting a survey every two years, the amount of time and effort that is consumed, the importance of providing reasonable compensation for elected officials, and understandably the reluctance of elected officials to vote themselves a salary increase (evidence by the fact the current salary for council members has not changed since 1982) the Commission believes that there is a need for a more effective and efficient method that should be implemented. As was suggested in the Commissions 2010 report, the salaries of both the Mayor and the members of Council should be adjusted annually subject to review by the Commission, based upon factors such as the Consumer Price Index, composite increases provided by the city to the other salary employees, and the current City's fiscal condition. The Commission offers no opinion on a specific formula for future adjustments.

In addition to the proposed annually salary adjustment, we suggest that every four to five years the Commission would conduct a salary survey similar to what is currently being done, or at the request of the Council, or at the discretion of the Commission.

The Commission is available to answer any questions at your request.

Respectfully,
Lakewood Civil Service Commission

By: Michael Dever / JP
Michael Dever, President

By: Joseph Gibbons / JP
Joseph Gibbons, Commissioner

By: Kenneth Haber / JP
Kenneth Haber, Commissioner

CIVIL SERVICE COMMISSION
12650 Detroit Avenue • Lakewood, Ohio 44107
216/529-6040 • FAX 216/228-2514
Website: www.onelakewood.com
Email: civilservice@lakewoodoh.net

January 16, 2013

Lakewood City Council
Lakewood, Ohio 44107

Dear Council members:

At the Civil Service Commission meeting of January 10, 2013, the Commission reviewed the 2010 salary recommendations for the Mayor and Council Members. Following that review, the Commission determined to simply reiterate the 2010 recommendations for salaries of the Mayor and Council Members and the recommendation letter is attached.

On behalf of the Commission, we also extend our sincere apologies for the delay in providing this recommendation.

Respectfully,
Lakewood Civil Service Commission

By: Joseph Gibbons /JP
Joseph Gibbons, President

By: Jay Carson /JP
Jay Carson, Commissioner

By: Michael Dever /JP
Michael Dever, Commissioner

Attachment

CIVIL SERVICE COMMISSION
12650 Detroit Avenue • Lakewood, Ohio 44107
216/529-6040 • FAX 216/228-2514
Website: www.onelakewood.com
Email: civilservice@lakewoodoh.net

July 1, 2010

Lakewood City Council Members
Lakewood, Ohio

Recommendations for Council Member and Mayor Salaries

Dear Council Members:

The Second Amended Charter of the City of Lakewood, Article XI, Section 7 requires that the Civil Service Commission make a report setting forth its recommendations for salary and other compensation for the Mayor and members of Council on or before the 1st of July in each even-numbered year. Pursuant to that mandate, the Commission issues the following report and recommendations.

This report and recommendation is based on the Commission's review of objective data compiled from other cities in the Greater Cleveland region, as well as similarly sized cities throughout Ohio. The Commission surveyed these municipalities to determine the level at which their mayors (or in some cases, city managers) and city council members were compensated. In reviewing the results of the current survey, as well as surveys conducted in 2002 through 2008, the Commission gave particular attention to those cities with populations and budgets similar to Lakewood's. Further, the Commission looked at the total compensation of the Mayor and Council members, i.e., salary and benefits, to determine the total value of the compensation package these officials. The results of these surveys are attached to this report.

In addition, in regard to the Mayor's salary, the Commission reviewed current salaries of other city employees, and determined that 18 city employees serving in executive or managerial roles were paid more than the Mayor. Lastly, the Commission reviewed its salary recommendations made in 2004, 2006, and 2008 and the surveys on which it had based those recommendations.

The Commission found that Lakewood's Mayor and City Council members were consistently paid less than their peers in cities with similar demographics and fiscal resources. The Commission believes that to continue to attract the best candidates for these offices, the City needs to provide a salary and benefits commensurate with the responsibilities and time commitments required; and that those salaries should be on par with the Mayoral and Council salaries paid by similarly situated cities. At the same time, the Commission is sensitive to the City's need, particularly in the recent economy, to exercise fiscal discipline.

Based upon a review of the compensation information referenced above and other relevant information, a recognition of the need to attract and retain well-qualified candidates, the City's resources, and the need to use those resources responsibly, the Commission recommends that the Mayor's salary be set at $100,000 plus benefits, and that the salary for Council members be set at a base salary of $11,000 with the option to receive health care benefits—with total

compensation not to exceed $14,300. In addition, the Commission believes that going forward, these salaries ought to be subject to an annual adjustment, subject to review by the Commission, based on factors such as the Consumer Price Index, the City's financial condition, and any increases provided in the City's collective bargaining agreements.

The Commission offers no opinion on a specific formula for these future adjustments, but notes that determining an appropriate basis for regular salary adjustments will allow Council to avoid having to make drastic adjustments in the future to ensure reasonable compensation for the elected officials in the City of Lakewood.

Respectfully,
Lakewood Civil Service Commission

By: Jay Carson
Jay Carson, President

By: Joseph Gibbons
Joseph Gibbons, Commissioner

By: Michael Dever
Michael Dever, Commissioner

12650 DETROIT AVENUE • 44107 • 216/529-6040 • FAX 216/228-2514

CIVIL SERVICE COMMISSION

June 12, 2008

Lakewood City Council Members
Lakewood, Ohio

Recommendations for Council Member and Mayor Salaries

Dear Members of Council:

As you are aware the Second Amended Charter of the City of Lakewood, Article XI, Section 7 requires the Commission to make a written report setting forth recommendations for salary and other compensation to the Clerk of Council and the Mayor on or before the 1st of July in each even-numbered year. Pursuant to this mandate, the Commission met today and reviewed the 2008 survey results from surrounding cities comparable to the City of Lakewood in size and population.

This Commission agrees with the recommendations of prior commissions that the salaries for the Office of Mayor and Council Members must be raised to a level comparable to the salaries set forth in the survey attached to this letter. The commission respectfully asks for and additional 90 days to present a specific plan to Council and the Mayor for their consideration and action.

Respectfully,
Lakewood Civil Service Commission

By: _____
Kevin Spellacy, President

By: _____
Jay Carson, Commissioner

By: _____
Joe Dangelo, Commissioner

Cc: Mayor FitzGerald

12650 DETROIT AVENUE • 44107 • 216/529-6040 • FAX 216/228-2514

CIVIL SERVICE COMMISSION

June 29, 2006

Lakewood City Council Members
Lakewood, Ohio

Re: *Recommendations for Council Member and Mayor Salaries*

Dear Members of Council:

As you are aware, Article XI, Section 7 of the Amended City Charter of the City of Lakewood requires the Civil Service Commission to make a written report to Council setting forth the *Commission's recommendations for the salary and other compensation to be established for the offices of Mayor, Members of Council, President of Council and Vice-President of Council for the next ensuing term of office.*

Unfortunately, the Commission was unable to reach a consensus with regard to the salary recommendations referenced above. One member of the Commission disqualified himself from participating in these recommendations and the remaining two Commission members were unable to reach an agreement.

Accordingly, due to the importance of this issue, the undersigned respectfully submits this report, which is being submitted in the undersigned's individual capacity as President of the Lakewood Civil Service Commission. As in the past, the Commission conducted a survey to obtain information regarding salaries paid to council members, mayors, city managers and safety directors from 13 comparable cities throughout the State of Ohio. A copy of the survey is attached, along with copies of the Commission's recommendations dated July 1, 2004, July 1, 2002, June 16, 2000 and June 17, 1998.

Since 1990, the Commission has consistently recommended increases from the then current compensation for both the position of Mayor and Council Member. As reflected in the prior recommendations, the salary for the office of Mayor has not increased since 1991, and the salary for the office of Council Member has not increased since 1982.

The City of Lakewood is the third largest city in Cuyahoga County, with a current population of approximately 56,646. The City of Lakewood has a total of 675 employees, of whom 521 are full-time employees, and an annual budget of approximately $133,300,622. As

you know, the operation of a municipality such as Lakewood is growing more complex and demanding each year, which is particularly true of inner ring suburbs such as Lakewood that have aging infrastructure and limited opportunity for new development.

In order to attract and retain qualified individuals for the office of Mayor and Council Member, it is imperative to pay just and livable compensation.

With regard to the office of Mayor, although not surprising, that there are currently 45 positions in the City of Lakewood with base salaries that are above the salary for the office of Mayor, which is more than double the number of positions the higher base salary set forth in the Report of the Commission dated July 1, 2004. One need look no farther than the increasing costs of utilities, health care and even gasoline to appreciate the necessity of an increase in compensation. If the compensation of the Mayor was appropriate in 1991, it is beyond imagination to argue that it remains appropriate in 2006. The Mayor is the chief executive officer of the City of Lakewood, and all positions, including the 45 positions that earn a higher base salary than the Mayor, report to the office of Mayor. The office of Mayor is a full-time position, which requires availability virtually 24 hours per day, 365 days per year. Accordingly, in all probability, the Mayor's salary would be the only source of earned income. A brief review of the 2006 salary survey for the office of Mayor clearly reveals that the salary for the office of Mayor of the City of Lakewood is well below salaries afforded to mayors in similar communities. It is particularly interesting to note that in an each city that employs a city manager, the salaries are significantly higher, presumably to attract the most qualified individual in the open market. In short, the office of Mayor is woefully under-compensated, which undermines the ability of the City to retain and attract the most qualified individuals for this crucial position.

With regard to the office of Council Member, all of the foregoing discussion remains relevant. However, unlike the office of Mayor, the office of Council Member is a part-time position, which allows the office holder to have other employment, which is usually the primary source of income for the office holder.

Based upon the foregoing, the following recommendations are respectively submitted:

<u>Mayor</u>

Greater of (i) $95,000; or (ii) $86,000 (as recommended in 2002 to be effective in effective January 1, 2004) plus an annual percentage increase equal to the average percentage increase in salaries established each year in the collective bargaining agreements between the City and the various unions recognized by the City from January 1, 2004 through January 1, 2008, such increase to become effective January 1, 2008.*

** Note: This proposed increase represents an increase of slightly more than 2% per year since the last increase for the office of Mayor.*

Council Members, President and Vice-President of Council

The same recommendations contained in Commission Recommendation of July 1, 2002, with an additional percentage increase consistent with the Mayor's increase reflected above, such increase to become effective January 1, 2008 (January 1, 2010 for at large positions).**

** *Note: In considering the salary increase for the office of Council Member, it is further recommended that the value of health care benefits be taken into consideration. While not all Members of Council subscribe for available health care benefits through the City, the value of these benefits has increased significantly over the years, resulting in an increase in the overall compensation to Council Members in light of their part-time status.*

Council must take prompt action with regard to the salary increases discussed above, particularly the office of Mayor, to protect and promote the best interests of the City of Lakewood.

Respectfully submitted,

Joseph P. Gibbons/gap

Joseph P. Gibbons, President
Lakewood Civil Service Commission

cc: Lakewood Civil Service Commission

12650 DETROIT AVENUE • 44107 • 216/521-7580• fax 216/521-1379
Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

July 5, 2016

Dear Members of City Council,

In a variety of ways our government has been working diligently to develop solutions that will place Lakewood in compliance with the Clean Water Act of 1972. Tonight, we are prepared to share a summary of these solutions along with the estimate of the financial implications of these solutions.

City Council will need to become more familiar with these issues, strategies, and their implications to shape public policy, Laws, water and sewer rates, and other dimensions of implementation.

Tonight's presentation by Consulting Engineer, Bob Greytak of CT Consultants begins a new chapter of City Council's deliberations over the management of storm and sanitary water in Lakewood. I ask that you refer this presentation to the appropriate committee for further consideration.

Sincerely,

Mike Summers

12650 DETROIT AVENUE • 44107 • 216/521-7580• fax 216/521-1379
Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

July 5, 2016

Lakewood City Council
Lakewood, Ohio 44107

Re: **Mayoral appointments to the Lakewood Community Relations Advisory Commission**

Dear Members of Council:

It is with great pleasure that I announce my appointments of Tariq Ata and Samiha Abushrekh to the Lakewood Community Relations Advisory Commission. Their terms will begin immediately and expire on December 31, 2018.

I am grateful that these fine Lakewood citizens are willing to volunteer their time, energy and knowledge to improve the quality of our community. I am confident that they will bring commitment, prudence and enthusiasm to this important responsibility.

Sincerely,

Michael P. Summers

Jennifer R. Pae
Director of Finance

12650 DETROIT AVENUE . 44107 . 216/529-6092 . FAX 216/529-6806

July 5, 2016

Lakewood City Council
Lakewood, OH 44107

Re: Capital Contracting Authority – CDBG

Dear Members of Council:

Attached is an amended ordinance to increase Community Development Block Grant capital contracting authority by $150,000 from $600,000 to $750,000 in order for the 2016 CDBG capital projects to be completed.

I respectfully request that this be placed on first reading and referred to the Finance Committee.

Sincerely,

Jennifer R. Pae
Director of Finance

ORDINANCE NO. 43-15A BY:

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, amending Ordinance No. 43-15, Adopted December 21, 2015, authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the administrative code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council.

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that certain capital improvements projects are to be undertaken during the current construction season; now therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1 of Ordinance 43-15, adopted December 21, 2015 currently reading as follows:

> Section 1. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to engage architectural and/or engineering firms to provide professional services for the design, preparation of specifications, construction inspection, contract administration and to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood, for the following Infrastructure Improvements, contracts not to exceed the specified amounts shown, except as hereinafter provided:
>
> C.D.B.G. Infrastructure Projects $600,000

is hereby amended to read:

> Section 1. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to engage architectural and/or engineering firms to provide professional services for the design, preparation of specifications, construction inspection, contract administration and to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood, for the following Infrastructure Improvements, contracts not to exceed the specified amounts shown, except as hereinafter provided:

C.D.B.G. Infrastructure Projects **$750,000**

Section 2. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to enter into contracts as set forth above in amounts not to exceed the specified amounts without further action from Council; and to enter into contracts in excess of specified amounts only upon consent of Council evidenced by adoption of a resolution specifying the authorized amount.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

_____
President of Council

_____
Clerk of Council

Approved: _____

_____
Mayor

KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. SWALLOW
CHIEF ASSISTANT
LAW DIRECTOR

ANDREW N. FLECK
ASSISTANT PROSECUTOR/
ASSISTANT LAW DIRECTOR

LAW DEPARTMENT
OFFICE OF PROSECUTION
12650 Detroit Avenue, Lakewood, Ohio 44107
(216) 529-6030 | Fax (216) 228-2514
www.onelakewood.com
law@lakewoodoh.net

Direct dial: (216) 529-6034
kevin.butler@lakewoodoh.net

July 5, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Moratorium on cultivation, processing, or retail sale of medical marijuana

Dear Members of Council:

The resolution that follows imposes an up-to-six-month moratorium on the opening or expansion of businesses engaging in the cultivation, processing or retail sale of medical marijuana in the city. The moratorium is necessary because on June 8, 2016, the Governor signed into law 131 Sub. H.B. 523, which permits patients in Ohio to use physician-recommended medical marijuana; creates state regulatory oversight of its cultivation, processing, retail sale and use; authorizes municipal regulations of retail medical marijuana dispensaries; and prohibits the cultivation, processing and retail sale of medical marijuana within 500 feet of a school, church, library, playground or park.

The new law becomes effective September 8, 2016. I ask for Council's final vote on this resolution by July 18 to ensure Lakewood acts prior to the effective date, and I am happy to address any questions from the floor this evening or in a committee of your choice.

Very truly yours,

Kevin M. Butler

Kevin M. Butler

RESOLUTION NO. BY:

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 at the earliest period allowed by law, to impose a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this resolution, in order to allow Council and the Lakewood Planning Commission to review applicable Ohio statutes, criminal codes and the Lakewood Zoning Code relative to such use.

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which becomes effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

WHEREAS, as such, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades; and

WHEREAS, this Council by a vote of at least five members thereof determines that this resolution is an emergency measure, that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood and that it is necessary for the immediate preservation of the public property health and safety and to provide for the usual daily operation of municipal departments in that the affected businesses are able to apply for a permit immediately notwithstanding the potential application of criminal and zoning codes; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby imposes a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this resolution, in order to allow Council and the Lakewood Planning Commission to review applicable Ohio statutes, criminal codes and the Lakewood Zoning Code relative to such use

Section 2. For the purpose of this resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

Section 3. No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

Section 4. The moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of Lakewood to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

12650 DETROIT AVENUE • 44107 • 216/529-6600 • fax 216/529-5652
Website: www.onelakewood.com
PLANNING AND DEVELOPMENT

June 27, 2016

Dear Members of Council,

I am pleased to announce that the Lakewood Garden Club is celebrating its 100th year anniversary by creating a gateway to Kauffman Park from Andrews Ave. The City has been working with the Lakewood Garden Club and accepts their gracious donation.

The Lakewood Garden Club is providing an estimated $11,000 in improvements to make the Andrews Avenue entrance into Kauffman Park, a welcoming and calming experience. Newly poured stamped concrete, benches and native plantings will provide a beautiful transition into the park.

Lakewood is very fortunate to have organizations such as the Lakewood Garden Club, who are committed to the beautification of our community. We look forward to working with Lakewood Garden Club to implement this project and others.

Sincerely,

Jason M. Russell
City Planner II

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

6297150 PERMIT NUMBER	NEW TYPE	TO NAMASTE INDIA GARDEN LLC DBA NAMASTE INDIA GARDEN 14412 DETROIT RD LAKEWOOD OH 44107
ISSUE DATE		
06 08 2016 FILING DATE		
D1 PERMIT CLASSES		
18 TAX DISTRICT / 286	C / B25043 RECEIPT NO.	FROM 06/10/2016

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	

MAILED 06/10/2016 RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/11/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C NEW 6297150
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

DLC 4052 REV. 03/09

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

2493902 PERMIT NUMBER / TRFO TYPE	EL MACHE LLC DBA EL TORITO TAQUERIA BAR & GRILL 1572 W 117TH ST LAKEWOOD OH 44107
01 22 2016 ISSUE DATE	
06 06 2016 FILING DATE	
D1 D3 D3A D6 PERMIT CLASSES	
18 TAX DISTRICT / 286 / C / F16272 RECEIPT NO.	

FROM 06/08/2016

60726190005 PERMIT NUMBER / TYPE	MOBER GROUP LLC 1572 W 117TH ST LAKEWOOD OH 44107
01 22 2016 ISSUE DATE	
06 06 2016 FILING DATE	
D1 D3 D3A D6 PERMIT CLASSES	
18 TAX DISTRICT / 286 / RECEIPT NO.	

MAILED 06/08/2016 RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/11/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C TRFO 2493902
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

DLC 4052 REV. 03/09

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

9811576 PERMIT NUMBER	TRFO TYPE	YAKUZA FOOD SERVICES LLC DBA YUZU 1ST FL & BSMT FRONT 13603 MADISON AV & PATIO LAKEWOOD OHIO 44107
10 01 2015 ISSUE DATE		
06 20 2016 FILING DATE		
D5 PERMIT CLASSES		
18 286 C F16366 TAX DISTRICT RECEIPT NO.		

FROM 06/22/2016

0826937 PERMIT NUMBER	TYPE	BONNIE AND CLYDES LLC 1ST FL & BSMT FRONT 13603 MADISON AV & PATIO LAKEWOOD OHIO 44107
10 01 2015 ISSUE DATE		
06 20 2016 FILING DATE		
D5 PERMIT CLASSES		
18 286 TAX DISTRICT RECEIPT NO.		

MAILED 06/22/2016 RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/25/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C TRFO 9811576
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

DLC 4052 REV. 03/09