

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 1, 2017
7:30 P.M.**

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

Present: David Anderson, Thomas R. Bullock III, John Litten, Cindy Marx, Ryan Nowlin, Samuel T. O’Leary, Daniel J. O’Malley.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to excuse the absence of Mr. Litten.

Motion adopted. Six members voting yea.

Mr. Litten abstains.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae Human Services Director Gelsomino, Police Chief Malley, Planning & Development Director Sylvester, approximately 11 members of the public, members of the media.

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

1. Committee of the Whole Report regarding April 17, 2017 Committee of the Whole Meeting re: Concessions Agreement with Cornucopia, Inc. (Pg. 5) and May 1, 2017 Committee of the Whole meeting regarding Proposed Third Amended Charter. (To Be Provided) Mr. O’Leary; Chair.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the 4/17/17 Committee of the Whole Report.

Motion adopted. All members voting yea.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on the May 1, 2017 Report.

Motion adopted. May 1, 2017 Committee of the Whole Report deferred.

2. **ORDINANCE NO. 19-17** – AN ORDINANCE amending Section 146.04, Advisory; Reports, of the Codified Ordinances of the City of Lakewood to further clarify the role and duties of the Lakewood Animal Safety and Welfare Advisory Board. (1st READING & REFERRED TO PUBLIC SAFETY COMMITTEE 4/3/17, 2ND READING, RECOMMENDED FOR ADOPTION 4/17/17) (Pg. 6)

Discussion: Director Butler presented Council with the most updated version of the lease agreement. He explained minor changes that were made based on committee discussion. Section 4C was changed to have the City responsible for Cornucopia’s trash as long as it was placed in appropriate containers. Section 8A changed the hours of operation to reflect Cornucopia’s intention of staying open during open swim hours and during special events. Section 7 was changed to allow them to sell sunscreen, bug spray and other related products approved by the Mayor.

Councilmember Anderson expressed appreciation for the chance to discuss this with Cornucopia in public hearings and expressed enthusiasm for bringing Cornucopia into Lakewood Park.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 19-17.

Motion adopted. All members voting yea.

3. **ORDINANCE NO. 20-17** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor to enter into a concession lease agreement with Cornucopia, Inc. for the operation of food concessions at Lakewood Park, pursuant to Section 155.08 of the Codified Ordinances. (**PLEASE SUBSTITUTE** for ORDINANCE 20-17 1ST READ & REFERRED TO THE PUBLIC WORKS COMMITTEE 4/3/17, 2nd READING & RECOMMENDED FOR ADOPTION 4/17/17) (Pg. 8)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to substitute Ordinance 20-17.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley

Nays: None

Motion adopted. Ordinance 20-17 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 20-17 as substituted.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley

Nays: None

Motion adopted. Ordinance 20-17 adopted as substituted.

4. Finance Committee Report regarding Ordinances 21-17 & 22-17. (To Be Provided). Mr. Bullock; Chair.

Discussion: Councilmember Bullock remarked that the Finance Committee deliberated favorably on the ordinances and that a full report will be provided next time. He remarked that the Committee received a presentation from its financial management team that showed expert management of the City’s finances and market opportunities.

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

Motion adopted. All members voting yea.

5. **ORDINANCE NO. 21-17** – AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$6,050,000 OF BONDS FOR THE PURPOSE OF CURRENTLY REFUNDING THE CITY’S VARIOUS PURPOSE GENERAL OBLIGATION BONDS, SERIES 2007 (LIMITED TAX), DATED MAY 30, 2007; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY. (1ST READING & REFERRED TO FINANCE COMMITTEE 4/17/17) (Pg. 10)

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

Motion adopted. All members voting yea.

6. **ORDINANCE 22-17** – AN ORDINANCE AUTHORIZING THE APPROPRIATION OF MONEY FROM THE GENERAL FUND OF THE CITY OF LAKEWOOD, OHIO FOR THE PURPOSE OF DEFEASING \$670,000 WATER SYSTEM MORTGAGE REVENUE BONDS, DATED

APRIL 15, 1995 ISSUED BY THE CITY, ESTABLISHING AND CREATING AN ESCROW FUND FOR SAID DEFEASANCE, AUTHORIZING THE APPOINTMENT OF AN ESCROW TRUSTEE, AUTHORIZING AND APPROVING THE FORM OF AN ESCROW AGREEMENT IN CONNECTION WITH SUCH DEFEASANCE. (1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/17/17) (Pg. 19)

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

Motion adopted. All members voting yea.

7. Health and Human Services Committee Report regarding Community Health Needs Assessment. (To Be Provided). Ms. Marx; Chair.

Councilmember Anderson remarked that the hearing was an informative first session and there is a lot of work ahead. He remarked on the importance of making strides in key areas so that the City can look back with pride in the years ahead. He referenced the challenge of figuring out how to identify and meet strategic targets. He expressed appreciation for everyone who attended and freely shared thoughts.

Councilmember O’Malley remarked that he hopes for additional opportunities to talk about this topic with the Cleveland Clinic. He noted the importance of the Community Health Needs Assessment because it will be used as a blueprint of sorts to determine the services of the Family Health Center. He questioned why certain conditions such as asthma were included as key needs and why others, such as addiction and mental health issues were not.

Councilmember Anderson remarked on the opioid epidemic, noting that it is rightly being treated as a public health and mental health issue. He said that there is still work to be done but that the conversation is on the right track.

Councilmember Marx remarked that the Committee had a vibrant discussion and got the main players at the table. She confirmed that there will be follow up meetings.

Motion by Ms. Marx, seconded by Mr. Anderson, to receive and file the oral report.

Motion adopted. All members voting yea.

8. Housing Committee Report regarding Resolution 8928-17. (To Be Provided)
Mr. Anderson; Chair.

The Housing met one week ago tonight. All members of the Committee were available as were members of the Administration to talk about the request for expanded authority for purchasing real property in the City of Lakewood. The Committee had a robust conversation about the need to elevate from one level to another. It was driven by market forces that led us to make the recommendation to full Council to consider the Resolution as presented to us tonight.

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

Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8928-17** – A RESOLUTION to permit the purchase of real property for an amount not to exceed \$70,000 without advertising and competitive bidding or specific approval of Council as required by Lakewood Codified Ordinance §111.04 for a period of three years from the effective date of this legislation. (REFERRED TO HOUSING COMMITTEE 4/3/17) (Pg. 23)

Pam Wetula – 11813 Clifton Blvd.

Ms. Wetula expressed concern that buying properties without bidding could lead to abuse and exclusion of people. She suggested that a better strategy would be to help secure affordable housing to attract residents. She expressed her position that the Resolution would cut off competition and prevent people from living in Lakewood.

Councilmember Anderson clarified that this program has been used to address properties to which the market has not responded. In these cases, he said, the City needs to demolish the property or take steps to preserve the property so that the market will respond. 23 properties have gone through this process since 2007 and this is a tiny portion of all the distressed and foreclosed properties.

Councilmember O’Leary added that this program has been used extremely sparingly compared to the total number of structures in the City. 18 of the 23 properties that have gone through this program did so in the first few years of the housing crisis. Since then, the program has been used a handful of times.

Director Sylvester responded, stating that when the City acquires these properties it is doing so through the open market. It is not “strong arming” as Ms. Wetula said. The Resolution allows the City to do this. He asserted that the City is the most responsible land owner and provided examples.

Director Butler remarked that as a CDBG Block Grant recipient the City has an obligation to further fair housing and takes this obligation seriously. He remarked that even without competitive bidding that these contracts must be approved through a public meeting of the Board of Control which guards against the City hiring its “friends.” He explained the competitive bidding language.

Councilmember O’Malley expressed support for the resolution. He explained that it continues the City’s policy and provides flexibility to the administration to identify properties and act. He expressed support for the increase in purchasing authority due to the changing nature of the market. He argues that this program in fact helps the residents Ms. Wetula has expressed concern about – that is, people who might not otherwise be able to purchase a home. He summarized the Birdtown infill project, emphasizing the openness of the process.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8928-17. Motion adopted. All members voting yea.

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

10. Communication from Councilmembers Bullock and Marx regarding Declaring May Lakewood’s Bike Month. (Pg. 25)

Councilmember Marx expressed appreciation for this initiative and encouraged Council to join together to take a ride through downtown on UH Bikes.

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

Motion adopted. All members voting yea.

11. **RESOLUTION 8930-17** – A RESOLUTION to declare the month of May as Bike Month in Lakewood, Ohio. (Pg. 26)

Keith Pishnery - 2262 Wood Ward Ave & Ben Van Lear – 1469 Woodward Ave.

Mr. Pishnery & Mr. Van Lear thanked Council for declaring Bike Month and announced a number of cycling events to take place during the month. They discussed Bike Lakewood and its goal for declaring Bike Month as a way to encourage people to try riding.

Councilmember O’Leary expressed enthusiasm for all of the events announced and for continuing a conversation about bike infrastructure.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to adopt Resolution 8930-17.
Motion adopted. All members voting yea.

12. Communication from Councilmember O’Malley regarding Revising Lakewood’s laws on tattooing. (Pg. 28)

Councilmember O’Malley remarked that residents with whom he has spoken have been surprised that this ordinance is on the books and that it likely dates back a long time.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer the communication to the Human Services Committee.

Motion adopted. All members voting yea.

13. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Loan Approval Board. (Pg. 29)

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

Motion adopted. All members voting yea.

14. Communication from Finance Director Pae regarding 2017 Capital Lease Authorization. (Pg. 30)

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

Motion adopted. All members voting yea.

15. **ORDINANCE NO. 23-17** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into Equipment Leases in forms

approved by the Director of Law on behalf of the City of Lakewood (“City”).
(Pg. 31)

Motion by Mr. O’Leary, seconded by MR. Anderson, to refer ORDINANCE 23-17 to the Finance Committee.

Motion adopted. All members voting yea.

16. Communication from Law Director Butler regarding Minor changes to Chapter 505, Animals and Fowl. (Pg. 34)

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

Motion adopted. All members voting yea.

17. **ORDINANCE 24-17** – 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 various sections of Chapter 505, Animals and Fowl, of the Codified Ordinances of the City of Lakewood to update and provide penalties for violations of those provisions.
(Pg. 35)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 24-17 to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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

Pam Wetula – 11813 Clifton Blvd.

Ms. Wetula expressed her thoughts on the importance of the City Charter and advised Council to make sure that the revised Charter maintains the important elements needed to protect the public.

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

Councilmember Anderson expressed thanks to Keep Lakewood Beautiful for a successful Madison Park clean-up project.

Councilmember Bullock asked about the opening of Kids Cove and asked if it would be open in time for Meet the Trucks.

Director Beno discussed the construction schedule, noting that portions will be open for Meet the Trucks.

Councilmember O’Leary announced Bikes & Bands on May 7th & Bike to School Day on May 10th and for drivers to drive with extra caution.

Director Butler announced the Rotary Club’s Murder Mystery benefit on May 20th.

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

Meeting adjourned at 8:32 PM.

Approved: _____

CLERK

PRESIDENT