

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 20, 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 .

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae Acting Fire Chief Gilman, Police Chief Malley, Health & Human Services Director Gelsomino, Planning & Development Director Sylvester, Human Resources Director Yousefi, approximately 15 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held March 20, 2017.

Motion by Mr. O’Leary. Seconded by Mr. Anderson, to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Resolution 8923-17. (Pg. 5)

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

2. **RESOLUTION NO. 8923-17** A RESOLUTION 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 the Mayor or his designee to enter into an agreement with University Tees, inc. for an economic development grant, issued in the form of annual rebates, for a total amount not to exceed one hundred thousand dollars (\$100,000). (REFERRED TO THE COMMITTEE OF THE WHOLE 3/6/17) (Pg. 6)

Director Sylvester provided a summary of the brief changes that were made to the original version of the agreement that came from suggestions made by Councilmembers at Committee of the Whole. He stated that tour information and a list of all the businesses at the Omni Building will be forthcoming.

Jeff Frederico, Director of Finance – University Tees

Mr. Frederico introduced himself and University Tees COO Anthony ... He explained the mission behind University Tees and his five years' experience working at the company. He remarked on the company's rapid growth from 12 full-time employees in 2012 to 68 full-time employees now. He remarked on the need for additional space to accommodate employees and the work the company has already undertaken toward this goal. He expressed the company's commitment to Lakewood.

Councilmember Marx expressed excitement about University Tees and expressed interest in a tour.

Councilmember Bullock remarked that the Planning Department was right on to recommend University Tees for this grant since it matches well with the City's goals.

Councilmember O'Malley stated that he is pleased to know that university Tees will be staying at the Screw Factory. He congratulated them on their success.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8923-17. Motion adopted. All members voting yea.

3. **ORDINANCE NO. 17-17** – AN ORDINANCE to expand Chapter 1159, Planned Development, of the Zoning Code to permit planned developments in any zoning district and allow any use so long as that use is sensitive to the former permitted use and adjacent uses. (Read & REFERRED TO

COMMITTEE OF THE WHOLE 2/21/17, ON 3/6/17 ORDINANCE 17-17
WAS REPORTED OUT ON AND RECOMMENDED FOR ADOPTION
UPON THIRD READING) (Pg. 30)

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

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

Nays: None

Motion adopted. Ordinance 17-17 substituted.

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

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

Nays: None

Motion adopted. Ordinance 17-17 adopted as substituted.

4. Finance Committee Report regarding Ordinance 16-17 & 45-16A Mr. Bullock,
Chair. (Report to be Provided)

Tonight we met in Finance Committee with many other members present to consider Ordinances 45-16A and 16-17. One is a modest change and the other is a routine or ministerial ordinance to execute our budget. Ordinance 45-16A would add three memberships to the list of organizations and associations to which the City belongs and pays dues. The total cost of those would be \$1,075 – quite a modest cost for a purchasing cooperative, a HR professional association, and a water infrastructure association. The Committee recommended adoption of that ordinance upon 3rd reading. We are on second reading tonight.

Next, the Committee considered Ordinance 16-17 and there is a substitute version of that ordinance. The Committee recommended that the substitute be adopted tonight on third reading.

The transfers and advances ordinance which is an internal accounting mechanism by which the City’s various funds pay each other back for transfer one quarter’s worth of funds to pay for different purposes such as to assist the Office on Aging, pay for hospitalization/worker’s compensation and pay different debt service funds for wastewater treatment improvements or energy efficiency. We will do this three more times this year in the second, third, and fourth quarters. So this is a routine ordinance. The substitution is related to Fund 225 and Fund 222. There was a mistake in deposit in one fund that should be in the other that was caught in an

audit and so the Finance Director recommends that we include that and the Finance Committee agreed to that change and substitute ordinance that is before us. Move to receive and file that oral report.

Motion by Mr. Mr. Bullock, seconded by Mr. O'leary, to receive and file the oral report.

Motion adopted. All members voting yea.

5. **ORDINANCE NO. 16-17** – 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 at the earliest period allowed by law, authorizing the transfer and advance of certain funds. (READ & REFERRED TO THE FINANCE COMMITTEE 2/21/17, 2ND READING 3/6/17) (Pg. 53)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 16-17.

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

Nays: None

Motion adopted. Ordinance 16-17 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt as substituted Ordinance 16-17.

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

Nays: None

Motion adopted. Ordinance 16-17 adopted as substituted.

6. **ORDINANCE 45-16A** – 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, to amend Ordinance No. 45-16, adopted December 19, 2016 authorizing 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 enter into contracts for **Memberships** as authorized by the 2017 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$60,000 without separate Ordinance of Council. (1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/6/17)(Pg. 55)

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

Motion adopted. All members voting yea.

7. Public Safety Committee Report regarding Resolution 8916-17. Mr. O'Malley; Chair. (To Be Provided)

Public Safety Committee met this evening at 6:00 p.m. in the Council Conference Room. Present were several members of Council and also committee members. We also had Police Chief Malley, Director Butler, Director Sylvester, Director Gelsomino, Mayor Summers and several members of the public as well. The first order of business was Chief Malley presented the Lakewood Police Department's annual report which was extremely helpful in getting a broader picture of law enforcement in Lakewood in 2016. There were a number of very good statistical data in there, particularly robberies and burglaries were at the lowest they've ever been in 15 years. We continue to grapple with the opioid addiction problem here in Lakewood and had a record number of overdoses in 2016. That full report is available on the City's website as are the reports from the last several years from the Lakewood Police Department.

Council moved on to Resolution 8916-17 which is a resolution to extend our moratorium on medical marijuana by 6 months. We had a very good discussion in committee this evening. We heard perspectives from members of the Committee as well as the administration. We received communication from a potential prospective dispensary operator this past week which outlined their concerns about our moratorium and the fact that it would in their view prohibit them from proceeding and attaining a license to operate a dispensary here. Councilmembers expressed their opinions on this. Ultimately there was a recommendation to substitute this resolution to amend it to have it be a 3 month moratorium. That motion passed by a vote of two to one and there was a motion to recommend adoption of the substitute resolution and that passed by a vote of two to one.

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

Motion adopted. All members voting yea.

8. **RESOLUTION NO. 8916-17** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, to extend 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. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 1/17/17, INTERIM REPORT & DEFERRED 2/21/17) (Pg. 62)

Discussion: Councilmember O'Malley encouraged the City to move forward and determine the best approach the state's new medical marijuana program. He summarized the wide range of considerations that were touched upon during Committee discussion. He explained that in Committee he voted against implementing the moratorium because the state's regulations on the program will not become final within the next three months. He explained that he does not want to have prospective dispensaries miss the opportunity to open in Lakewood should Lakewood decide to welcome them.

Councilmember O'Leary expressed agreement with Councilmember O'Malley's remarks. He remarked that he is doubtful that the moratorium is necessary considering that the state regulations are not yet finalized. He expressed concern that by maintaining the moratorium the City could preclude itself from exploring the opportunity to have a dispensary in the future.

Councilmember Bullock reiterated matters discussed in committee and stated that maintaining the moratorium provides the City more time to deliberate about its position on medical marijuana. He argued that the City could be liable if a prospective dispensary operator were to lose income after the City changes position on the issue.

Councilmember Marx remarked that Council should use the three month moratorium to vigorously study the issue and to have the community weigh in.

Mayor Summers expressed that three months is sufficient time from the administration's perspective to explore all of the issues related to medical marijuana.

Director Butler advised that deferring or tabling the Resolution is just as effective as voting "yes" on it.

Councilmember O'Leary suggested that Council could, if it desired, table the Resolution to maintain the moratorium in place until a more definitive action is taken.

Councilmember Anderson expressed preference for having a fixed time and concrete timeline as to when Council will report back to the community and itself.

Councilmember O'Malley stated that the City has three months whether the moratorium is in effect or not and expressed concern that the moratorium is burdensome to a prospective dispensary operator.

Councilmember Anderson questioned how anyone can move forward with a dispensary application given very tentative status of the medical marijuana program regulations.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Resolution 8916-17.

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

Nays: None

Motion adopted. Resolution 8916-17 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8916-17 as substituted.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin

Nays: O'Leary, O'Malley

Motion adopted. Resolution 8916-17 adopted as substituted.

9. **ORDINANCE NO. 15-17** – 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, 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. (1st READ 2/21/17, 2ND READ 3/6/17) (Pg. 65)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 15-17.

Motion adopted. All members voting yea.

****NEW BUSINESS****

10. Communication from Councilmember Marx regarding Community Health Needs Assessment. (Pg. 67)

Motion by Ms. Marx, seconded by Mr. O'Leary, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

11. Communication from Councilmember O'Malley regarding Resolution affirming strong support for Medicare, Medicaid, and the Affordable Care Act. (Pg. 68)

Councilmember O'Leary thanked Councilmember O'Malley for bringing forward the legislation and remarked on how these are vital issues. He noted that these programs are instrumental to our family members, neighbors and friends.

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

Motion adopted. All members voting yea.

12. RESOLUTION NO. 8924-17 – A RESOLUTION to take effect immediately, provided it receives the affirmative vote of five members of council, or otherwise to take effect and be in force after the earliest period allowed by law, opposing attacks on the Affordable Care Act, Medicare, and Medicaid. (Pg. 69)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution No. 8924-17.

Motion adopted. All members voting yea.

13. Communication from Law Director Butler regarding 2017-19 collective bargaining agreement, dispatchers. (Pg. 71)

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

Motion adopted. All members voting yea.

14. RESOLUTION NO. 8925-17 – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an agreement with the Fraternal Order of Police/Ohio Labor Council (FOP/OLC), Inc. (Dispatcher Unit), for a three-year period commencing January 1, 2017 and ending December 31, 2019. (Pg. 72)

Director Butler confirmed that the agreement conforms to the 2017 budget and also that the fundamentals of the agreement – wages and healthcare – are the same as those in the other contracts that have been approved.

Councilmember Anderson stated that given this information as well as the fact that Council does not have the power to make line-item changes, he supports passage of the agreement tonight.

In response to a Councilmember's question, Director Butler added that the agreement was ratified on Sunday by the union membership.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8925-17.
Motion adopted. All members voting yea.

15. Communication from Public Works Director Beno regarding AT&T Proposed easements. (Pg. 117)

Councilmember Litten applauded the effort to ensure that structures are not in places that are not an eyesore.

Director Beno stated that the proposed locations would not require any trees to be cut down. He clarified that it would be up to Council to require or recommend landscaping where the structures will be located.

Councilmember Bullock looked forward to the chance to convey the City's high expectations to the utilities. He noted that one location is in the middle of a new streetscape plan which received \$50,000 from the County. He stated that some AT&T equipment was installed many years ago and AT&T offered to provide landscaping and the City declined it. He characterized that as a mistaken decision and hoped that progress can be made.

Councilmember O'Leary remarked that the structures are unattractive.

Director Beno remarked on the projections of the utilities in terms of number of structures and locations.

Councilmember Bullock remarked that the City will be facing decades of adding this kind of technology.

Mayor Summers remarked on the fiber to the house project which AT&T is currently pursuing and other trends in the industry. He remarked that the City has crafted thoughtful defenses for the time being and that we can make additional long term decisions as the market matures.

Director Beno stated that AT&T has half of the fiber optic capacity that it needs and remarked further on this technology.

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

Motion adopted. All members voting yea.

16.ORDINANCE NO. 18-17 – AN ORDINANCE authorizing the Mayor on behalf of the City of Lakewood to enter into agreements necessary to grant three Exclusive Easements to The Ohio Bell Telephone Company, d/b/a AT&T Ohio, for placement of and access to equipment used in the transmission of signals used in the provision of communication, video and/or information services on property located at 14740 Lakewood Heights Boulevard, Lakewood, Ohio (PPN 314-13-060); 13029 Madison Avenue, Lakewood, Ohio (315-20-003); and 14601 Detroit Avenue, Lakewood, Ohio (314-04-020) (Pg. 118)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 18-17 to the Public Works Committee.

Motion adopted. All members voting yea.

17.Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg. 128)

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

Motion adopted. All members voting yea.

18.RESOLUTION 8926-17 – A RESOLUTION proclaiming March 19 through March 25th 2017 “Severe Weather Awareness Week.” (Pg. 129)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8926-17.

Motion adopted. All members voting yea.

****ANNOUNCEMENTS****

Councilmember Anderson announced that a new state law is now in effect now which mandates that drivers keep three feet away from cyclists on the road.

Councilmember O’Leary announced that Friday was the close of the Downtown Development RFQ round 1 process. Eight proposals were received.

Director Butler announced that Lakewood has joined 80 municipalities in a suit against the state regarding Senate Bill 331 which pertains to the public right of way. The complaint alleges that the state violated municipal home rule authority.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:41 PM.

Approved: _____

CLERK

PRESIDENT