

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 17, 2017
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:0 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 adopted. All members present voting yea.

Also Present: Mayor Summers, Law Director Butler, Police Representative, Fire Chief Gilman, Planning & Development Director Sylvester, approximately 9 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held January 3, 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 January 17, 2017 Committee of the Whole meeting. Mr. O’Leary; Chair. (To Be provided)

Committee of the Whole met this evening immediately prior to this meeting. We had several items on our agenda. Committee of the Whole determined its appointments to the Foundation Planning Task Force in the Council ex officio capacity as well as two appointments to Audit Committee and one to Planning Commission. In addition we had an update regarding pending and imminent lawsuits from law Director Butler as well as an update from Director Sylvester with respect to economic development. Move to receive and file that report.

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

Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8892-16** 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 after the earliest period allowed by law, appointing _____ to the **Audit Committee** of a two-year term ending December 31, 2017. (DEFERRED 11/7/16) (Pg. 5)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to insert the name Ray Cushing into the blanks.

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

Nays: None

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8892-16 as amended.

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

Nays: None

Resolution 8892-16 adopted as amended.

3. **RESOLUTION NO. 8893-16** - 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 after the earliest period allowed by law, appointing _____ to the **Audit Committee** of a two-year term ending December 31, 2017. (DEFERRED 11/7/16) (Pg. 6)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to insert the name Michelle McCue into the blanks.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley
Nays: None

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8893-16 as amended.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley
Nays: None

Resolution 8893-16 adopted as amended.

4. **RESOLUTION NO. 8895-16** - 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 after the earliest period allowed by law, appointing _____ to the **Planning Commission** for six-year term beginning January 1, 2017 and ending December 31, 2022. (DEFERRED 11/7/16) (Pg. 7)

Councilmember O’Leary acknowledged the presence of Ms. Jordan at Committee of the Whole and the General Meeting to answer questions before Council. He expressed confidence in Ms. Jordan’s talent and stated that it will be put to good use as a member of the Planning Commission.

Councilmember Marx welcomed Ms. Jordan and expressed enthusiasm for her interests in walking and cycling.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to insert the name Monica Jordan into the blanks.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley
Nays: None

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8895-16 as amended.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley
Nays: None

Resolution 8895-16 adopted as amended.

5. **RESOLUTION NO. 8915-17** – 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, appointing

Councilmember _____ to serve as ex-officio member of the Foundation Planning Task Force. (Pg.) (Pg. 8)

Councilmember O’Leary expressed confidence in Councilmember Marx serving in this role. He credited her for initiating the discussion about a Council ex-officio member on the Task Force.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to insert the name Cindy Marx into the blanks.

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

Nays: None

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8915-17 as amended.

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

Nays: None

Resolution 8916-17 adopted as amended.

6. Housing Committee Report regarding Ordinance 58-16. Mr. Anderson Chair. (Pg. 9)

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

Motion adopted. All members voting yea.

7. **ORDINANCE NO. 58-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development to market for sale the real property located at Edanola Avenue (PPN 311-15-011), pursuant to Section 155.07 of the Codified Ordinances. (READ & REFERRED TO HOUSING COMMITTEE 12/19/16, 2ND READING 1/3/17) (Pg. 10)

Councilmember Anderson described the location of the parcel.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 58-16.

Motion adopted. All members voting yea.

8. Rules & Ordinances Committee Report regarding Ordinance 59-16. Mr. Litten; Chair. (To Be Provided)

The Rules & Ordinances Committee met this evening. In attendance were Councilmembers Nowlin and Anderson as well as myself. Also in attendance were Mayor Summers, Directors Beno and Butler and two members of our public. We discussed Ordinance 59-16 Enacting Chapter 904, Use of Public Ways by Service Providers; Creating Section 901.22, Conflict with the Use of Public Ways Chapter; and amending Section 903.09, Sidewalk Permit. The Ordinance was drafted by the City's advisors who have previously helped us with AT&T public right of way regarding Uverse - resulting in the large cabinet structures on tree lawns. The City has faced an increasing applications from telecommunication providers for new mobile cell technology, or 5G.

Director Beno has been tasked with receiving these requests and has worked with providers' – a dozen up to this point, and 50 anticipated from AT&T alone. The Director lacks for guidance in the Code for how to receive these requests. The new Code would provide some more guidance on how these structures can be least impactful to the safety and aesthetics, creates an application and registration process, provides guidance as to where the structures can go, hopefully guidance related to height, and would also suggest that these companies utilize existing poles when possible instead of having to add new structures. We feel that the ordinance creates a fair and neutral procedure for any utility that wants to enter the right of way and does provide a clear application process and clear regulations. Until we can get the author of the legislation to attend the Rules & Ordinances Committee meeting we will move to defer for now.

Councilmember O'Leary explained that this legislation results from a bill passed by the Ohio General Assembly during its lame duck session. It began as a bill to prohibit municipalities from banning the sale of dogs from "puppy mills." He stated that the bill is a kick in the pants to municipalities who must deal with the fallout from it. He remarked that the legislation is required to be sent to PUCO, which it has and that a 45 day waiting period is required before Council can vote on it.

Councilmember Litten added that the intention is for Council to pass Ordinance 59-16 before the state law is enacted in March.

Councilmember Bullock relayed a discussion that took place with AT&T about the possibility of using the Uverse boxes as a canvas for public art and that AT&T ultimately denied this. He encouraged a discussion with providers about aesthetic requirements for structures.

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

9. **ORDINANCE NO. 59-16** – 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, enacting Chapter 904, Use of Public Ways by Service Providers; creating Section 901.22, Conflict with the Use of Public Ways Chapter; and amending Section 903.09, Sidewalk Permit, of the Codified Ordinances of the City of Lakewood. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/19/16, 2ND READING 1/3/17) (Pg. 12)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on Ordinance 59-16.

Motion adopted. All members voting yea.

10. Liquor Permit Notice for D1, D3, D3A and D6 transfers to DAMIJU 12900 Lake Road Unit 2 from 13368 Tavern, at 13376-80 Madison Avenue. (Defered 1-3-17) (Pg. 46)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file without objection.

Motion adopted. All members voting yea.

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

11. Communication from Councilmember O’Malley regarding Appointment to Lakewood Citizens Advisory Commission. (Pg. 47)

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

Motion adopted. All members voting yea.

12. Communication from Councilmember Marx regarding Citizens Advisory Committee Appointment. (Pg. 48)

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

Motion adopted. All members voting yea.

13. Communication from Councilmember Anderson regarding Lakewood Animal Safety and Welfare Advisory Board Appointment. (Pg. 49)

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

Motion adopted. All members voting yea.

14. Communication from Mayor Summers regarding Appointment to the Board of Building Standards and Building Appeals/Architectural Board of Review (Pg. 50)

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

Motion adopted. All members voting yea.

15. Communication from Law Director Butler regarding Extension of moratorium on cultivation, processing, or retail sale of medical marijuana. (Pg. 51)

Councilmember Anderson remarked about communities in other states that have been inundated with dispensaries before the community could get a handle on the new legal status of them. He looks forward to continuing a discussion of what Lakewood will look like as this change occurs in Ohio.

Director Butler remarked that the state's proposed regulations on medical marijuana dispensaries were put forward for the first time in December. They are available online and comments are being accepted. The original proposal is to have no more than 40 dispensaries state-wide. There are many proposed regulations on operations, security, and employees.

Councilmember O'Leary asserted that Council is not ducking the issuing by continuing the moratorium. He said that Council will consider extending the moratorium because the State has taken a long time to develop proposed rules for the program. He said that Council will not hesitate to respond and act on this.

In response to Council questions, Director Butler stated that many municipalities have adopted moratoriums on the sale of medical marijuana, some have outright banned it and others have signaled that they will welcome the industry.

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

Motion adopted. All members voting yea.

16. **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. (Pg. 52)

17: (inadvertently omitted from original agenda) Communication from Councilmember O’Leary regarding appointment to Animal Safety, Welfare Advisory Board. Submitted in full:

January 17, 2017

A.S.W.A.B. APPOINTMENT: DEREK MAXFIELD

Colleagues:

The purpose of this correspondence is to reflect my appointment of Derek Maxfield, of Belle Avenue, to the Animal Safety and Welfare Advisory Board.

Mr. Maxfield is a highly engaged and motivated resident of our city, who returned to Lakewood upon completion of his studies in graphic design. We are very fortunate to have his talents to draw from. So long as I have known him, Mr. Maxfield’s pursuits have borne the dual hallmarks of both passion, and thoughtful consideration, and I am confident he will bring both of those traits to his service to animals and his fellow citizens.

In addition to his interest and general aptitude, Mr. Maxfield has two dogs, and was among the initial applicants to receive approval for hen keeping in his backyard last year. I am confident his first-hand experience and expertise dealing with both species (as well as humans) will serve the Board well.

It is my honor and privilege to appoint him to this position, and I look forward to his contributions to our community in this role.

Yours In Service,

/s/ Sam O’Leary – Ward 2

President of Council
Committee of the Whole, Chair

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

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

****ANNOUNCEMENTS****

Mayor Summers announced that the new Foundation Planning Task Force will meet tomorrow at 7:00.

Councilmember Marx announced the community pot luck dinner on Thursday at the Women’s Club Pavilion. She also remarked that she saw a documentary on urban hen keeping at the Cleveland Museum of Art that was attended by several Lakewood hen-keeping families.

Meeting adjourned at 8:10 PM.

Approved: _____

CLERK

PRESIDENT