

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 4, 2019
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Dan O'Malley, Tristan Rader

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Human Resources Director Yousefi, Police Lieutenant Albrecht Fire Chief Gilman & Human Services Director Gelsomino, Public Works Director Beno

Reading and disposal of the minutes of the Regular Meeting of Council held February 4, 2019.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer. All members voted in favor. Motion passed.

Without objection Council President O'Leary moved docket items #10-11 to the top of the agenda.

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

1. Committee of the Whole report regarding meeting held February 4, 2019. (to be provided)

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

All members voting yea. Motion passed.

2. Committee of the Whole report regarding meetings held January 28, 2019. (pg. 1)

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

All members voting yea. Motion passed.

3. **ORDINANCE 02-19** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development or the Mayor to enter into an agreement for sale the real property located at 1468 W. 117th Street, Lakewood, Ohio (PPN 315-43-103). (Placed on 1st reading and referred to COW 1/7/19; 2nd reading 1/22/19) (pg. 2)

Motion by President O’Leary, seconded by Mr. Anderson to substitute Ordinance 2-19.

President O’Leary and Law Director Butler explained the reasons for the substitute.

On the motion to substitute:

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

Nays: none

Motion passed. Ordinance 2-19 substituted.

Motion by President O’Leary, seconded by Mr. Anderson to adopt Ordinance 2-19 as substituted.

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

Nays: none

Motion passed. Ordinance 2-19 adopted as substituted.

4. Housing Committee report regarding meeting held January 28, 2019. (to be provided)

Councilman Anderson stated that one more hearing is necessary to review stipulations in Ordinance 39-18 regarding point of sale inspections.

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

All members voting yea. Motion passed.

5. Health & Human Services Committee report regarding meeting held 2/4/19. (to be provided)

Councilman Litten stated that the committee met this evening to discuss raising the smoking and vaping age in Lakewood to 21 (ORD 76-18). Directors Butler and Gelsomino were in attendance, along with Councilmembers George, Bullock, and Rader. About a dozen members of the public were in attendance as well. Terry Allen and Rick Novikis were representatives from the Cuyahoga County Board of Health that provided information on this initiative in other communities in the county. They said Euclid serves as a good model. Council colleagues were curious about other municipalities that passed the law. The committee may consider having Public Safety Department officials attending future meetings. Signage for the proposed ordinance would not be effective until June. Several different groups were represented at the meeting including shop owners and anti-smoking advocacy organizations. Move to receive and file the report.

Motion by Mr. Litten, seconded by President O’Leary to receive and file that report.

All members voting yea. Motion passed.

6. **ORDINANCE 76-18** - AN ORDINANCE to take effect at the earliest period allowed by law, enacting Chapter 1727, Cigarette and Tobacco Vendors; Sales to Persons Under 21, of the Codified Ordinances of the City of Lakewood in order to amend and create regulations involving licensing for and sales of tobacco products. (Placed on 1st reading and referred to HHS 12/17/18; 2nd reading 1/7/19) (pg. 9)

Motion by President O’Leary, seconded by Mr. Anderson to defer Ordinance 76-18.

All members voting yea. Motion passed.

7. **ORDINANCE 03-19** - AN ORDINANCE enacting new Chapter 507, Campaign Finance Regulations, of the Codified Ordinances of the City of Lakewood to help preserve the public trust and foster public confidence in city government and elections. (Placed on 1st reading and referred to COW 01/22/19) (pg. 21)

Motion by President O’Leary, seconded by Mr. Anderson to defer Ordinance 03-19.

All members voting yea. Motion passed.

8. **ORDINANCE 04-19** - AN ORDINANCE enacting new Chapter XXXX.XX, Lakewood Ethics Commission, of the Codified Ordinances of the City of Lakewood to help preserve the public trust and foster public confidence in city government and elections. (Placed on 1st reading and referred to COW 01/22/19) (pg. 27)

Motion by President O’Leary, seconded by Mr. Anderson to defer Ordinance 04-19.

All members voting yea. Motion passed.

9. **ORDINANCE 05-19** - AN ORDINANCE to take effect at the earliest period allowed by law enacting Section 331.346, Using Mobile Telephones while Driving, of the Codified Ordinances of the City of Lakewood in order to update the Code so as to regulate the use of mobile phones while driving in the City. (Placed on 1st reading and referred to Public Safety 01/22/19) (pg. 30)

Motion by President O’Leary, seconded by Mr. Anderson to defer Ordinance 05-19.

All members voting yea. Motion passed.

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

10. Communication from Council President O’Leary regarding resolution to thank Lakewood United Methodist Church for establishing a temporary 24/7 warming center. (pg. 32)

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

All members voting yea. Motion passed.

11. **RESOLUTION 9054-19** – A RESOLUTION to express gratitude to Lakewood United Methodist Church for opening its doors to serve as a 24/7 warming center for the community during last week’s dangerously cold temperatures. (pg. 33)

Motion by President O’Leary, seconded by Mr. Anderson to adopt Resolution 9054-19.

Discussion: President O’Leary reiterated his thanks to the Lakewood United Methodist Church for helping so many in the community with its warming center and throughout the year.

All members voting yea. Motion passed.

Pastor Laura Jaissle – She thanked the city for working with them, especially the assistance of first responders. Over 40 people were served by the center over a two-day period.

12. Communication from Councilmember Litten regarding appointments to various City boards and commissions. (pg. 34)

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

All members voting yea. Motion passed.

13. Communication from Mayor Summers regarding Integrated Wet Weather Improvement Plan Phase 2 Overview. (pg. 35)

Mayor Summers stated that the city is in the second phase of analyzing the installation of above ground tanks that catch rainfall and slowly releases it at the east end of Lakewood. His administration is arguing to the EPA for five year increment allotments to complete the work of the Integrated Wet Weather Improvement Plan (IWWIP).

Council President O’Leary noted that Council has dedicated February meetings of Committee of the Whole to discuss the IWWIP at length. He inquired about the city’s potential acquisition of Cove Church in the future and asked if the second treatment facility is necessary in the administration’s view.

Mayor Summers replied that there is a tentative agreement in place to purchase Cove Methodist Church for \$900,000, however the agreement is non-binding and completing due diligence is necessary. Nothing is off the table with the property, however it is important to gain control of land that is strategic to the proper functioning of the water treatment plant. It could be a park if the capital investment is decided against.

Council President O’Leary is concerned about the volume and concentration of dirt in the water and supposes storage could be better than treatment and release of it.

Councilman O’Malley requested the details of the non-binding letter to purchase the church. He would like to discuss the near and long term uses of the property. The city spent \$1 million on a park right down the road. There has been talk in the community about turning the church into a senior center. He also asked when Council can see the IWWIP plan that will be submitted to the EPA. Mayor Summers agreed to send the tentative agreement letter and send chapters of the plan that they have thus far. He noted that EPA writing is very technical and that Council will be voting on a resolution to support the proposed plan.

Councilman Bullock inquired about the definition of “Lakewood MHI” in the plan and stated that Council and the administration should have a discussion about turning the church into a senior center. He also asked whether above ground tanks are more affordable than others and if they will be effective. Mayor Summers replied stating that the administration is bringing on an architect/designer who will explore the issue of redevelopment of the church. There is a lower cost to above ground tanks and they are effective generally; they should work very well against the majority of storms, however maybe not against a once in a 10 year storm.

Councilman Rader asked if Cove Church has a stipulation to keep the property for a period of time. Mayor Summers replied that the Church is concerned that someone will buy low for it and sell it at a higher price. The city won’t do that and may share some of the profits with them.

Councilman Litten stated that Council and the administration should weigh new construction at the site versus rehabbing the Cove Church property. He asked if there have been any new policy changes to how the EPA manages us. Mayor Summers stated in regard to the EPA, we will find out how they manage us with the plan submission, but the city has a very strong case to argue that the state be the chief regulating authority of the IWWIP. Many cities are under federal consent decree, which have harmed cities. The mayor of Lima, OH has been a good ally to Lakewood. He has argued that the consent decree has been a great burden to his city and that it is better to have the state as a regulator.

Councilman Anderson asked what Chapter 2 argues in the IWWIP provision. Mayor Summers stated that the city needs flexibility to deal with untreated water issue due to municipal financial burdens.

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

All members voting yea. Motion passed.

14. Communication from Mayor Summers regarding NOPEC grant award documentation and acceptance. (pg. 36)

In response to a question by President O’Leary, Mayor Summers indicated that the administration has no plans for the grant funds as of yet.

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

Discussion: Mr. Bullock suggested that it would be helpful to evaluate the use of last year’s NOPEC grant projects as part of a discussion in Public Works.

All members voting yea. Motion passed.

15. **RESOLUTION 9051-19** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to take all actions necessary to submit an application and accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s). (pg. 41)

Motion by President O'Leary, seconded by Mr. Anderson to refer to Public Works Committee.

All members voting yea. Motion passed.

16. Communication from Mayor Summers regarding Cleveland Foundation grant. (pg. 43)

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

All members voting yea. Motion passed.

17. Communication from Mayor Summers regarding re-appointment to the Lakewood Community Relations Advisory Commission. (pg. 44)

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

President O'Leary expressed enthusiasm for Mr. Ata's appointment, noting that they were classmates at LHS together.

All members voting yea. Motion passed.

18. Communication from Mayor Summers regarding new appointments to the Lakewood Community Relations Advisory Commission. (pg. 45)

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

All members voting yea. Motion passed.

19. Communication from Human Services Director Gelsomino regarding purchase of MySeniorCenter software without the necessity of bidding. (pg. 46)

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

Discussion: Mr. Rader remarked that he sought out additional information from Director Gelsomino on the software and was very impressed. He noted that the software is included in the budget. He expressed his support for the resolution.

All members voting yea. Motion passed.

20. **RESOLUTION 9052-19** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor, Director of Finance, Director of Law, Director of Public Works or Purchasing Manager to purchase MySeniorCenter software from Xavus Solutions without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in accordance with the City of Lakewood standard purchase order terms and conditions. (pg. 47)

Motion by President O’Leary, seconded by Mr. Anderson to adopt Resolution 9052-19.

All members voting yea. Motion passed. Resolution 9052-19 adopted.

21. Communication from Law Director Butler regarding repeal of L.C.O 549.051 prohibiting possession of stun guns. (pg. 50)

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

Discussion: President O’Leary expressed hope that upon repealing the existing prohibition that the City can insert new regulations such as ensuring that minors are unable to possess stun guns.

All members voting yea. Motion passed.

22. **ORDINANCE 06-19** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, repealing Section 549.051, Sale, Possession and use of Stun Guns, of the Codified Ordinances of the City of Lakewood as this section is no longer enforceable. (pg. 51)

Motion by President O’Leary, seconded by Mr. Anderson to refer to Public Safety.

All members voting yea. Motion passed.

23. Communication from Law Director Butler regarding Cuyahoga County Solid Waste Management Plan Update. (pg. 53)

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

Discussion: In response to a question by Mr. Bullock, Director Beno shared information about the plan update that he learned at a recent information session. He noted that the solid waste disposal fee will be increasing. He noted that the plan will impact all member communities and that it won’t necessarily change the way Lakewood collects refuse and recycling.

President O’Leary announced the dates and locations of the upcoming information sessions on the plan update.

Director Beno noted that it would be a challenge for District staff to attend Council/Committee meetings of all of its members but that it may be possible.

On the motion: All members voting yea. Motion passed.

24. **RESOLUTION 9053-19** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, adopting the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District. (pg. 54)

Motion by President O’Leary, seconded by Mr. Anderson to refer to Public Works Committee.

All members voting yea. Motion passed.

******LIQUOR PERMITS******

25. Liquor Permit notice regarding Brownstone Private Child Care at 18225 Sloane Ave. (pg. 114)

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

All members voting yea. Motion passed.

26. Liquor Permit notice regarding NCR Ventures Inc. (pg. 116)

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

All members voting yea. Motion passed.

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

Councilman Rader requested an update from Law Director Butler on a public records lawsuit that the city has been named as a defendant in. Butler stated that a court ruled in December that the city owed no further duty to give more documents and ordered that the city eliminate some redactions. Those documents have been un-redacted and are under review. They should be released by the end of the week.

Councilman Bullock asked if the city is pursuing a grant from the solid waste district for a recycled materials evaluation and education program. Public Works Director Beno stated that the grant comes through the Ohio EPA and that Lakewood’s recycling contamination rate is lower than Cleveland and its surrounding suburbs. It is a very labor intensive grant where you’re looking through people’s trash to determine if there is waste. Ultimately, the grant just provides data to the EPA and Lakewood will not be pursuing it.

Councilman Anderson asked about the time, location, and duration of the city’s landlord training seminar. Mayor Summers and Law Director Butler stated that it is next Tuesday from 7-8:30pm. At the meeting, there will be a presentation of the Housing Forward Survey, an update from insurance experts on policies, and a robust conversation on affordable housing and requiring landlords to accept housing vouchers.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:00 PM.

Approved: 2/19/19

Maria M. Bach

CLERK

[Signature]

PRESIDENT