

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 5, 2018
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 PM by Council President O’Leary.

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

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Fire Chief Gilman, Police Chief Malley, Human Services Director Gelsomino, Human Resources Director Yousefi.

Reading and disposal of the minutes of the Regular Meeting of Council held January 16, 2018.

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 Reports regarding Committee Meetings of 1/22/18 (submitted – Pg. 8) and 2/5/18 (To be Provided)

Motion by Mr. O’Leary, seconded by Mr. O’Leary, to receive and file the 1/22/18 report and to defer the report for 2/4/18/.

Motion adopted. All members voting yea.

Dean Dilzell – 1276 French Ave.

Mr. Dilzell asked that Committee of the Whole meetings be published with more advanced notice. He also referenced a community planning meeting in August 2015 to discuss plans for the

hospital site where attendees discussed the different pros and cons of commercial, residential, and mixed use development. He was disappointed that there were not future opportunities to discuss these options.

Councilmember O'Leary responded, expressing a desire to provide as much notice for committee meetings as possible but also explaining the scheduling constraints that sometimes prevent this from being possible. He also provided examples of public meetings held after August 2015 on the topic of downtown development and remarked that additional meetings will be scheduled in the future.

Mayor Summers also responded pointing out examples of well-attended public meetings on the topic of downtown development.

Mr. Dilzell clarified his remarks, stating that his chief complaint is that the public did not get to further debate the pros and cons of mixed use verses other types of development after August 2015.

2. **ORDINANCE NO. 34-17** – 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 Section 1103.02(zz), Definitions (Outdoor/Seasonal Dining Facility), of the Codified Ordinances of the City of Lakewood in order to further clarify an outdoor dining space. (1st READING & referred to the COMMITTEE OF THE WHOLE & PLANNING COMMISSION 9/18/17, 2ND READING 10/2/17, REPORTED OUT FROM PLANNING COMMISSION AND DEFERRED 11/20/17) (Pg. 9)

Motion by Mr. O'Leary, seconded by MR. Anderson, to adopt Ordinance 34-17.

Motion adopted. All members voting yea.

3. **ORDINANCE NO. 36-17** – AN ORDINANCE to take effect at the earliest period allowed by law, amending various sections and enacting new chapters of the Zoning Code of the Codified Ordinances of the City of Lakewood in order to further clarify and regulate parking plan review in the City. (1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 10/16/17, 2ND READING 11/6/17) (Pg. 11)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 36-17.

Motion adopted. All members voting yea.

4. **RESOLUTION NO. 8976-18** - A RESOLUTION 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, appointing **Ray Cushing** to the Audit Committee to a two year term beginning

January 1, 2018 and ending December 31, 2019. (PLEASE SUBSTITUTE for RESOLUTION 8976-18 REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (Pg. 16)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Resolution 8976-18.

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

Nays: None

Motion adopted. Resolution 8976-18 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8976-18 as substituted

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

Nays: None

Motion adopted. Resolution 8976-18 adopted as substituted.

5. **RESOLUTION 8977-18** - A RESOLUTION 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, appointing Michelle McCue to the Audit Committee to a two year term beginning January 1, 2018 and ending December 31, 2019. (PLEASE SUBSTITUTE for RESOLUTION 8977-18 REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (Pg. 17)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Resolution 8977-18.

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

Nays: None

Motion adopted. Resolution 8977-18 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8977-18 as substituted

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

Nays: None

Motion adopted. Resolution 8977-18 adopted as substituted.

6. **RESOLUTION NO. 8979-18** - A RESOLUTION 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, appointing Chris Bindell to the Board of Zoning Appeals for the five year term beginning January 1, 2018 and ending December 31, 2022. (PLEASE

SUBSTITUTE for RESOLUTION 8979-18 REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (Pg. 18)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to substitute Resolution 8979-18.

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

Nays: None

Motion adopted. Resolution 8979-18 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8979-18 as substituted

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

Nays: None

Motion adopted. Resolution 8979-18 adopted as substituted.

7. **RESOLUTION NO. 8978-18** -A RESOLUTION 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, appointing _____ to the Board of Nuisance Abatement Appeals for the three year term beginning January 1, 2018 and ending December 31, 2020. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (19)

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

Motion adopted. All members voting yea.

8. **RESOLUTION NO. 8980-18** - A RESOLUTION 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, appointing **(first appointee)** to the Community Reinvestment Area Housing Council for the three year term beginning January 1, 2018 and ending December 31, 2020. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (Pg. 20)

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

Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8981-18** - A RESOLUTION 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, appointing **(second appointee)** to the Community Reinvestment Area Housing Council for the three year term beginning January 1,

2018 and ending December 31, 2020. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (Pg. 21)

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

10. **RESOLUTION 8982-18** - A RESOLUTION 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, appointing Councilmember _____ to serve as ex-officio member of the Foundation Planning Task Force. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (Pg. 22)

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

11. **RESOLUTION NO. 8983-18** - A RESOLUTION 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, appointing _____ as the ex-officio, non-voting councilmember to the Lakewood Animal Safety and Welfare Advisory Board, for the two year term beginning January 1, 2018 and ending December 31, 2019. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18) (Pg. 23)

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

12. Public Works Committee Report regarding January 22, 2018 Meeting. (Pg.) Rader; Chair. (Pg. 24)

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

13. **RESOLUTION No. 8973-17** – A RESOLUTION to take effect immediately provided it receive 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, appropriating \$337,000.00 and authorizing the Mayor to enter into an agreement which will allow the City of Lakewood to participate in the resurfacing of Riverside Drive (SR237) from 215 feet North of Riverway Drive to 265 feet North of West Clifton Boulevard in the City of Lakewood with the Ohio Department of

Transportation. 9REFERRED TO THE PUBLIC WORKS COMMITTEE 12/18/17)
(Pg. 25)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8973-17.
Motion adopted. All members voting yea.

14. Housing Committee Report regarding Ordinances 2-18 & 3-18. (To Be provided) – Anderson; Chair.

The Housing Committee met and discussed 2-18 to amend various parts of Property Maintenance about light trespass and efforts to improve management of light trespass. It was indicated that there was an opportunity for Council to learn more about this and further disc will be scheduled.

Regarding Ordinance 3-18 had discussion of Birdtown in-fill project bringing 4 single family homes. Council to approve sale of lots to Payne and Payne. Groundbreaking to take place in April and finish in September. Appreciate Mr. O’Malley’s expressed support as well as Mr. Rader’s.

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

Motion adopted. All members voting yea.

15. **ORDINANCE NO. 2-18** – AN ORDINANCE amending various parts of Chapter 1306, Property Maintenance and Safety Code...(light pollution) (REFERRED TO THE HOUSING COMMITTEE 1/2/18) (REFERRED TO THE HOUSING COMMITTEE 1/2/18, 2ND READING 1/16/18) (Pg. 44)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.
Motion adopted. All members voting yea.

16. **ORDINANCE NO. 3-18** – 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 or the Mayor to enter into an agreement with Payne and Payne Custom Builders, Inc. for the sale of 2107 Robin Street, Lakewood, Ohio (PPN#315-22-074) and 2111 Robin Street, Lakewood, Ohio (PPN#315-22-120, pursuant to Section 155.07 of the Codified Ordinances. (REFERRED TO HOUSING COMMITTEE 1/2/18, 2ND READING 1/16/18) (Pg. 46)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 3-18.

Motion adopted. all members voting yea.

17. Liquor Permit Notice of a New D1 permit type to LBM 12301 Madison Avenue.
(Deferred 1/15/18) (Pg. 58)

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

Motion adopted. All members voting yea.

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

18. Communication from Councilmember Rader and Council President O’Leary regarding
Resolution in Support of County Plastic Bag Fee Ordinance. (Pg. 59)

Mr. O’Leary added comments supporting the initiative.

Mr. Anderson asked if there was any data relative to other communities in Cuyahoga County without automated bucket recycling pick up like Lakewood. He questioned if prohibiting the types of blue bags that have been used for recycling could have a negative effect on overall recycling in other communities. He asked if there was a ten percent regressive tax.

Mr. Rader referenced the regressive part that food stamp recipients would be exempt from the initiative.

Mr. Anderson indicated he would want to know what the County Council’s final iteration of the legislation would be before voting.

Mr. O’Leary indicated support of general objectives of the resolution accepting that it would not be the final iteration of the legislation.

Mr. Anderson indicated the unintended consequences may be a reason that County Council has not finalized the legislation.

Mr. Bullock indicated faith in the County being able to work through the obstacles. He indicated that the county-wide approach is helpful.

Square footage of types of stores was briefly discussed and the exemption of smaller businesses was stated.

Mr. Rader indicated that the Sierra Club estimates five million pounds of plastic end up in the Lake every year and indicated that as a County this would help mitigate that as a proactive step.

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

Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8984-18** – A RESOLUTION supporting the adoption of proposed Ordinance No. 02017-0006 by the County Council of Cuyahoga County; an ordinance creating a \$.10 fee to be charged for disposable plastic bags, countywide. (Pg. 60)

Motion by Mr. O’Leary, seconded by Mr. Rader, to adopt Resolution 8984-18.

Motion adopted. Six members voting yea

Nays: Anderson

20. Communication from Councilmember George regarding Citizens Advisory Committee Appointment: Michael Bentley. (Pg. 201)

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

Motion adopted. All members voting yea.

21. Communication from Councilmember O’Malley regarding Resolution supporting the Ohio Fairness Act. (Pg. 62)

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

Motion adopted. All members voting yea.

22. **RESOLUTION NO. 8985-18** – A RESOLUTION supporting the Ohio Fairness Act. (Pg. 63)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8985-18.

Motion adopted. All embers voting yea.

23. Communication from Councilmember O’Malley regarding Ordinance amending housing license requirements for condominium rental property. (Pg. 202)

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

Motion adopted. All members voting yea.

24. **ORDINANCE NO. 18-18** – AN ORDINANCE amending Section 1306.43, Housing and Vacant Property License, and Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood in order to update the code with respect to the regulation of condominium associations and unit owners in the City. (Pg. 203)

Motion by Mr. O’Leary, seconded by Mr. O’Leary, to refer Ordinance 18-18 to the Housing Committee.

Motion adopted. All members voting yea.

25. Communication from Mayor Summers regarding Keep Lakewood Beautiful Board Members. (Pg. 64)

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

Motion adopted. All members voting yea.

26. Communication from Mayor Summers regarding NOPEC Grant Award Documentation & Acceptance. (Pg. 65)

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

Motion adopted. All members voting yea.

27. **RESOLUTION NO. 8986-18** – 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 accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s). (Pg. 66)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8986-18 to the Public Works Committee.

Motion adopted. All members voting yea.

28. Communication from Finance Director Pae regarding Income Tax Ordinance Amendments. (Pg. 75)

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

Motion adopted. All members voting yea.

29. **ORDINANCE NO. 4-18** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to adopt 128.22 through 128.2215 of the Codified Ordinances as mandated by the state legislature to authorize state officials to collect and administer municipal net profit taxes. (Pg. 76)

Motion by Mr. O’Leary seconded by Mr. Anderson, to refer Ordinance 4-18 to the Finance Committee.

Motion adopted. All members voting yea.

30. Communication from Law Director Butler regarding Ordinance adding formerly chartered street establishment, naming and vacation provision to the Code following passage of Third Amended Charter. (Pg. 98)

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

Motion adopted. All members voting yea.

31. **ORDINANCE NO. 5-18** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council ENACTING Sections 131.01, Provisions, Alteration, Dedication and Vacation of Streets and 131.02, Board of Revision of Assessments, and amending Section 107.11, Notice of Public Hearing, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions related to the establishment, naming and vacation of streets. (Pg. 99)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 5-18 to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

32. Communication from Law Director Butler regarding Ordinance revising Planning Commission voting requirements in the Code following passage of Third Amended Charter. (Pg. 104)

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

Motion adopted. All members voting yea.

33. **ORDINANCE NO. 6-18** – AN ORDINANCE amending Section 1134.03, Procedures for Identification, Nomination and Designation of an HPD or HP, of the Codified Ordinances of the City of Lakewood in order to adjust the voting requirements of the Planning Commission based upon its new composition under the Third Amended Charter. (Pg. 105)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 6-18 to the Rules & Ordinances Committee and Planning Commission.

Motion adopted. All members voting yea.

34. Communication from Finance Director Pae regarding 2018 Bond Anticipation Notes in an amount not to exceed \$32.287 million and 2018 Municipal Capital Lease in an amount not to exceed \$1.5 million. (Pg. 107)

*{Motion by Mr. O’Leary, seconded by Mr. Anderson, to allow reading of items 35-45 for a blanket motion (after item 45)}

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader
Nays None – Clerk reads items 35-45 for blanket motion. }

35. **ORDINANCE NO. 7-18-** AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes in the amount not to exceed \$21,687,000 in anticipation of the issuance of bonds to pay costs of 2016 & 2017 issued one year Bond Anticipation Notes. (Pg. 108)

*Referred to Finance in blanket motion after item 45

36. **ORDINANCE NO. 8-18 –** AN ORDINANCE authorizing issuance of special obligation Income Tax Revenue Notes not to exceed \$160,000 for City Parking Lot Resurfacing. (Pg. 117)

*Referred to Finance in blanket motion after item 45

37. **ORDINANCE NO. 9-18 –** AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$375,000 for Police Firing Range. (Pg.126)

*Referred to Finance in blanket motion after item 45

38. **ORDINANCE NO. 10-18 –** AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$375,000 for Parks Improvements. (Pg. 135)

*Referred to Finance in blanket motion after item 45

39. **ORDINANCE NO. 11-18 –** AN ORDINANCE authoring the issuance of special obligation income tax revenue notes not to exceed \$475,000 for Municipal Building Roof Improvements. (Pg. 144)

*Referred to Finance in blanket motion after item 45

40. **ORDINANCE NO. 12-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$700,000 for Sidewalk Improvements. (Pg. 153)

*Referred to Finance in blanket motion after item 45

41. **ORDINANCE NO. 13-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$1,325,000 for Lake Avenue Improvements (Belle Avenue. To W. 117th.) (Pg. 162)

*Referred to Finance in blanket motion after item 45

42. **ORDINANCE NO. 14-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$2,315,500 for Water Line Replacements. (Pg. 171)

*Referred to Finance in blanket motion after item 45

43. **ORDINANCE NO. 15-18** - AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$2,375,000 for Sewer Improvements. (Pg. 180)

*Referred to Finance in blanket motion after item 45

44. **ORDINANCE NO. 16-18** - AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$2,500,000 for Wastewater Treatment Plan Digester Improvements. (Pg. 189)

*Referred to Finance in blanket motion after item 45

45. **ORDINANCE NO. 17-18** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of two thirds 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. 198)

*Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer items 35-45 to the Finance Committee.

Motion adopted. All members voting yea.

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

Mayor Summers – update from RTA re: growth of CSU line. 2014 was the base yr. improvements in Dec 2014 from then to present the line has had 45% increase in volume. From mid to high 90s the riders have expressed satisfaction of quality of service etc. Mass transit is under siege and RTA facing losses. This line will continue to be important. Will be greater intervals btwn buses = fewer buses. Need to understand the trends and combat them.

Mr. Anderson – uses the bus regularly. Have noticed increase in ridership. 26 used by people who rely on public transport. Comparing the 26 and the 55 in LW. Both are important.

Ms. George – Sad to see that available buses may drop off despite increased ridership. What is the plan?

Mayor Summers – number of buses at rush hour under question. \$20 million loss...can we find an alternative finding method? Need a mindset change in Columbus. Need to discuss county-wide transport.

Anderson – thanks to all who planned and supported the Lakewood Community Relations Advisory Commission Diversity Potluck.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:56 PM.

Approved: _____

CLERK

PRESIDENT