

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 19, 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, Police Chief Malley, Human Resources Director Yousefi, Fire Chief Gilman & Public Works Director Beno.

Reading and disposal of the minutes of the Regular Meeting of Council held March 5, 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******

Without objection from Council, items 8 & 9 were brought forward to the beginning of the agenda.

1. Committee of the Whole Reports regarding Committee Meeting of 3/12/18 & 3/19/18 Mr. O'Leary; Chair (To be Provided)

Committee of the Whole did meet on March 12th. At that meeting we continued our ongoing discussion of animal control legislation. We had a number of sub-topics of conversation, including an extensive discussion on tethering as well as the use of certain training devices such as choke collars and pinch collars. From those conversations as well as the other sub-topical conversations that we had, there were in particular four legislative changes that were brought to us tonight referencing Sections 505.02 (f), 505.02 (h) 3, 505.09 (a) 3, and 505.09 generally. Council at our meeting tonight accepted those proposed changes.

With respect to the meeting held today, 3/19/18, we again discussed the animal control ordinance. We had some additional discussion of tethering with respect to harboring animals outdoors generally. We also briefly got into the topic of insurance coverage. We had two

additional topics which were Council staffing. We discussed the process by which Council will go about replacing our current Clerk, Mary Hagan when she retires in a couple of months.

Also we discussed Resolution 8991-18 which is Council's ex-officio appointment to the Resiliency Task Force. Council decided to appoint myself, Council President Sam O'Leary into that role. Committee of the Whole recommended that Resolution for adoption this evening. There being no additional business before Committee of the Whole we adjourned shortly before our meeting tonight.

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

2. **ORDINANCE NO. 19-18** – AN ORDINANCE to take effect immediately provided it receives the 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 the transfer and advance of certain funds. (REFERRED TO FINANCE COMMITTEE 2/20/18, 2ND READING & RECOMMENDED FOR ADOPTION 3/5/18) (Pg. 5)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 19-18.
Motion adopted. All members voting yea.

3. **RESOLUTION NO. 8970-17** – 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, authorizing and directing the Mayor to enter into an amended agreement with the Cleveland Clinic Foundation (CCF) which will allow police officers employed by the Cleveland Clinic Police Department to exercise limited police powers within the City of Lakewood on and around hospital property owned or operated by CCF. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 12/4/17, REPORTED OUT, RECOMMENDED FOR ADOPTION 3/5/18) (Pg. 7)

Motion by Mr. O'Leary, seconded by Mr. Bullock to adopt Resolution 8970-17.

Ms. George expressed appreciation for the additional time given to consider this Resolution. While she favored deferral at the last meeting, she now supports adoption after discussing the matter with the Police Chief.

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

Nays: O'Leary, Rader

Motion adopted. Resolution 8970-17 adopted.

4. **ORDINANCE NO. 20-18** - 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 at the earliest period allowed by law, enacting Chapter 141, Special Assessments, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to the special assessment process for public improvements. (1st READING & REFERRED TO RULES & ORDINANCES COMMITTEE 3/5/18) (Pg. 21)

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

Motion adopted. All members voting yea.

5. **ORDINANCE 21-18** – 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 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. (DEFERRED 3/5/18) (Pg. 29)

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

Motion adopted. All members voting yea.

****NEW BUSINESS****

6. Communication from Council President O’Leary regarding appointing ex-officio, non-voting councilmember to Resiliency Task Force. (To Be Provided)

I would note simply for the record that Resolution 8991-18 carries into effect the contemplated portion of the Resolution creating the Resiliency Task Force which provides for an ex-officio non-voting member of Council.

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

Motion adopted. All members voting yea.

7. **RESOLUTION NO. 8991-18** - 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 Resiliency Task Force, for the term ending December 31, 2019. (Pg. 31)

Motion by Mr. O’Leary, seconded by Mr. Anderson to insert the name Sam O’Leary into the blank in Resolution 8991-18.

Motion adopted. All members voting yea.

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Resolution 8991-18.

Motion adopted. All members voting yea.

8. Communication from Councilmembers Litten and O’Leary regarding Down Syndrome Awareness Day. (Pg. 32)

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

Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8992-18** – A RESOLUTION proclaiming March 21, 2018, as “DOWN SYNDROME AWARENESS DAY” in Lakewood. (Pg. 33)

Liz Maxwell, Gigi’s Playhouse Site Coordinator

Ms. Maxwell addressed Council on behalf of Gigi’s playhouse volunteers, participants and board members. She thanked Council for designating a day to recognize Down’s Syndrome in Lakewood. She encouraged Councilmembers to spread the word about Gigi’s Playhouse free services and remarked on its work serving families throughout the region. She encouraged the public to visit the Sweet Spot on March 21st from 12:00 – 9:00 p.m. to help support Gigi’s Playhouse.

Mr. O’Malley encouraged colleagues to tour Gigi’s Playhouse.

Motion by Mr. O’Leary, seconded by Mr. Litten to adopt Resolution 8992-18.

Motion adopted. All members voting yea.

10. Communication from Councilmember Rader regarding appointing Maya Camhi to Lakewood Resiliency Task Force. (Pg. 34)

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

Motion adopted. All members voting yea.

11. Communication from Councilmember Bullock regarding Appointment of John Mitterholzer to Lakewood Resiliency Task Force. (Pg.35)

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

Motion adopted. All members voting yea.

12. Communication from Councilmember Anderson regarding appointing Kevin Hudson to Lakewood Resiliency Task Force. (Pg.36)

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

Discussion: Mr. Rader added that he personally knows Mr. Hudson and is glad that he was selected by Mr. Anderson to serve, as he is a fine choice.

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

13. Communication from Councilmember George regarding appointing Savannah Dugan to Lakewood Resiliency Task Force. (Pg. 37)

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

Motion adopted. All members voting yea.

14. Communication from Councilmember Litten regarding appointing a member to the Lakewood Resiliency Task Force. (To Be Provided)

I would like to appoint Beverly Beurtzloff. She brings 25 years as a Lakewood resident. She is currently an air quality planner for NOACCA working on long-term air quality strategy, spent 10 years as a trustee at RTA, 12 years as a legislative aide in the U.S. Senate and the House working on energy and natural resource policy. She also spent three years as a legislative aide to Cuyahoga County Commissioner Tim Hagan and also served on various Lakewood boards and commissions.

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

Motion adopted. All members voting yea.

Without objection from Council, items 25 and 26 were addressed after item 14 on the agenda.

15. Communication from Mayor Summers and Councilmember O’Malley regarding Ordinance removing domestic violence as a defined nuisance activity. (Pg. 38)

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

Motion adopted. All members voting yea.

16. **ORDINANCE NO. 22-18** – AN ORDINANCE repealing Section 510.01(a), Declaration of Nuisance Activity, of the Codified Ordinances of the City of Lakewood and enacting a new section in its place to remove the offenses of Domestic Violence, Menacing and Aggravated Menacing from the definition of Nuisance Activity under this provision. (Pg. 39)

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

Discussion: Mr. Bullock welcomed a discussion in Public Safety in April or May. He referenced recent news reports about the potential misuse of the City’s existing ordinance to punish victims of domestic violence.

Mr. O'Malley expressed support for the nuisance law and stated that the ordinance seeks to create clarity.

Mr. Rader thanked Mr. O'Malley for putting forward the ordinance.

On the Motion: Motion adopted. All members voting yea.

17. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Community Relations Advisory Commission. (Pg.42)

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

18. Communication from Planning and Development Director Sylvester regarding Fry Avenue Rezoning-Planned Development. (Pg. 43)

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

Discussion: Mr. Bullock remarked that this is a great example of how the City has gone from addressing concerns about its housing to managing growth. He asked for an opportunity for a Council committee to have a hearing on the topic.

Mr. O'Leary responded that he expects Planning Commission to refer the matter back to Council once they address it.

Motion adopted. All members voting yea.

19. **ORDINANCE NO. 23-18** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 1381 Fry Avenue (PPN 312-33-054), 1379 Fry Avenue (PPN 312-33-053), and 1375 Fry Avenue (PPN 312-33-052) from C3 (Commercial, General Business) to PD (Planned Development. (Pg. 44)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Ordinance 23-18 to Planning Commission.

Director Sylvester remarked on the anticipated timeline for Planning Commission to address the Ordinance. Both Planning Commission and ABR must make a preliminary approval and then a final approval. The process is expected to take 3-4 months.

Motion adopted. All members voting yea.

20. Communication from City Planner Harnocz regarding Entrepreneur in Residence. (Pg.47)
Director Sylvester introduced Michael DeAloia, the City's new Entrepreneur-in-Residence.

Michael DeAloia

Mr. DeAloia expressed enthusiasm for his new role and remarked on some of his experience and qualifications. He remarked that Lakewood has great potential for technology and start-ups. He expressed his vision for the start-up incubator he has proposed.

Mr. Bullock remarked on the need for leadership in this area and expressed ideas for how progress can be made.

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

21. Communication from Law Director Butler regarding Ordinance adding formerly chartered franchise provisions to the Code following passage of Third Amended Charter. (Pg.48)
Motion by Mr. O'Leary, seconded by Mr. Anderson to receive and file the communication.
Motion adopted. All members voting yea.

22. **ORDINANCE NO. 24-18** - 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 at the earliest period allowed by law, enacting Section 131.03, Franchises, of the Codified Ordinances of the City of Lakewood in order to codified certain provisions with respect to the grant of franchises in the city. (Pg.49)
Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Ordinance 24-18 to Rules & ordinances Committee.
Motion adopted. All members voting yea.

23. Communication from City Engineer Papke regarding High Rate Treatment Facility WWTP Improvement Project (Pg. 52)
Motion by Mr. O'Leary, seconded by Mr. Anderson to receive and file the communication.
Motion adopted. All members voting yea.

24. **RESOLUTION NO. 8993-18** - 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 Mayor, Director of Public Works,

Finance Director, Law Director or City Engineer to apply for, accept and enter into a Water Pollution Control Loan Fund (“WPCLF”) Agreement on behalf of the city for planning, design and construction of the High Rate Treatment Facility Waste Water Plan Improvements Project (“Wastewater Facilities”) and designated a dedicated repayment source for the loan. (Pg.53)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Resolution 8993-18 to Finance Committee.

Motion adopted. All members voting yea.

*25. Communication from Council President O’Leary regarding appointing Isaac Robb to the Lakewood Resiliency Task Force. (Pg. 55)

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

Motion adopted. All members voting yea.

*26 Communication from Councilmember O’Malley regarding Lakewood Resiliency Task Force appointment. (Pg. 56)

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

Motion adopted. All members voting yea.

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

Michael Bentley & Vicki Smigelski

Mr. Bentley & Ms. Smigelski addressed Council on behalf of the Foundation Planning Task Force. They described the work being done by the Task Force over the past year and the level of commitment displayed by its volunteers. They encouraged Councilmembers to delve into the work that’s been done in order to fully understand it. They invited Council to attend the Task Force’s next meeting on April 10th and all meetings as well as to meet one on one with members and to read all material posted by the Task Force posted on the City’s website. They provided hard copies of that material.

Mr. O’Malley thanked Mr. Bentley & Ms. Smigelski for their work and remarked on Mr. Bentley’s work reaching out to the community and also described a helpful one-on-one meeting he had with Mr. Bentley. He expressed enthusiasm for reviewing the recommendations.

Mr. Bullock thanked Mr. Bentley & Ms. Smigelski for all of their work and remarked on the importance of this work. He discussed the expected timeline for additional administrative steps in order to receive the first payment from LHA per the master agreement. He encouraged colleagues to delve into the Task Force’s work through small group meetings with Task Force members.

Mr. Litten shared his impressions of the Task Force's work based on the last time he sat in on a meeting. He applauded the members' time and energy.

Mr. Anderson remarked that it is appropriate for the Task Force to be somewhat independent from Council up to this point but agrees that now is the time to come back together to get on the same page.

Mr. O'Leary explained to the audience that additional information about the Task Force is available on the City's website and that the next meeting is Tuesday April 10th at 6:00 p.m. in the auditorium.

Venchise Glenn – 4424 Franklin Blvd. Cleveland

Ms. Glenn expressed opposition to the inclusion of breed specific provisions in the latest version of the dangerous dog ordinance such as the use of harnesses and required training and liability insurance for certain breeds. She reported back on calls she made to insurance companies regarding liability insurance for pit bulls and other dogs.

Dean Dilzell – 1276 French Ave.

Mr. Dilzell expressed concern about the transparency of the Foundation Planning Task Force and made recommendations about how this could be remedied.

****ANNOUNCEMENTS****

Mayor Summers announced that the Beer Engine donated \$6,000 to the Lakewood Charitable Assistance Corp. This is the second year that the Beer Engine has raised a significant sum for this organization as a result of fundraising.

Mayor Summers announced that Lakewood Alive will host a forum on school safety April 12th at Lakewood High School.

Mr. O'Malley asked about the status of Lake Ave. resurfacing and restriping. Directors Sylvester addressed the questions, stating that a number of community meetings will be held in the near future on this topic and analysis from NOACCA will be completed to consider.

Mr. O'Malley inquired about the status of Cove Park renovations. Director Beno responded that the park is scheduled to be completed by July 1st.

Mr. O'Malley inquired as to the status of Title III funding for senior nutrition funds. Mayor Summers reported no changes.

Mr. O'Malley recognized Officers McNeeley and Summerville for heroically saving a life during a fire on March 5th.

Mr. O’Leary reported back from a meeting held on the future of the Lakewood Public library’s Madison branch. The library is looking to renovate and expand the space. A survey is available online for the public to weigh in.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:53 PM.

Approved: _____

CLERK

PRESIDENT