

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 1, 2019
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, Meghan George, John Litten, Samuel T. O'Leary, Daniel O'Malley, Tristan Rader

Also Present: Mayor Summers, Law Director Butler, Planning and Development Director Sylvester, Human Resources Director Yousefi, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Human Services Director Gelsomino, 11 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held March 18, 2019. Motion by Mr. O'Leary, seconded by Mr. Anderson, to approve without the necessity of a reading. All members voted in favor. Motion passed.

Without objection, President O'Leary moved items #13 & #14 to the top of the agenda.

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

1. Committee of the Whole report regarding meeting held March 25th, 2019. (pg. 1)

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the report.

Motion passed. All members voted in favor.

2. Committee of the Whole report regarding meeting held April 1st, 2019. (to be provided)

Committee of the Whole did meet immediately prior to our meeting this evening. We had four items on the agenda being 9057-19 through 9059-19 as well as Ordinance 7-19. Resolution 9057-19 had previously been amended to insert the name John Hueter. Resolution 9058-19 had previously been amended to insert the name McKenzie Lane into the blank. This evening we also had an amendment to insert the name Siwita Ali Shah into the blank into the blank in Resolution 9059-19. We also had discussion of Ordinance 7-19. All four items were recommended for adoption.

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

Motion passed. All members voted in favor.

3. **RESOLUTION 9057-19** - 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 Jack Hueter to the Youth Council Planning Task Force. (Referred to COW 3/4/19. Name inserted by COW 3/18/19) (pg. 2)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9057-19.

Motion passed. All members voted in favor.

4. **RESOLUTION 9058-19** - 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 McKenzie Lane to the Youth Council Planning Task Force. (Referred to COW 3/4/19. Name inserted by COW 3/18/19) (pg. 3)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9058-19.

Motion passed. All members voted in favor.

5. **RESOLUTION 9059-19** - 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 Youth Council Planning Task Force. (Referred to COW 3/4/19) (pg. 4)

Motion by President O’Leary, seconded by Vice President Anderson to amend Resolution 9059-19 to insert the name Sawita Ali Shah into the blank.

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader
Nays: none

Motion passed. Resolution 9059-19 amended.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9059-19 as amended.

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader
Nays: none

Motion passed. Resolution 9059-19 adopted as amended.

6. Housing Committee report regarding meeting held March 25th, 2019 (to be provided)

The Housing Committee met last Monday, March 25th at 7:00 p.m. There were two items on the agenda. Ordinance 39-18 concerns Chapter 1306 and the notion of warrantless searches at point of sale inspections. The Committee scheduled a subsequent hearing on this matter for May 6th at 7:00 p.m. to have further discussion on this ordinance.

Second on the agenda was Ordinance 2-18, also concerning Chapter 1306. This proposed ordinance deals with light pollution coming from private commercial facilities. There has been a lot of effort to wrap our thoughts around how best to regulate and manage commercial property light pollution. The ordinance before us is a best reflection of our thoughts on this. Thank you to Councilmember Tom Bullock for bringing this to our attention so many months ago. The Committee voted unanimously to recommend as substituted. If it is approved it establishes enforcement of commercial light trespass. The Committee also continued to discuss the issue of resident to resident light trespass. The Committee opted not to include a potential remedy for resident to resident light trespass in this particular ordinance but pledged to discuss a stand-alone proposed ordinance which is forthcoming. That concluded the business before the Housing Committee.

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

Motion passed. All members voted in favor.

7. **SUBSTITUTE ORDINANCE NO. 2-18** – 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 1306.311, Outdoor Lighting, of the Codified Ordinances of the City of Lakewood in order to create regulations prohibiting outdoor light nuisances and for the installation of new lighting fixtures. (Placed on 1st reading and referred to the Housing Committee 1/2/18, 2nd reading 1/16/18; Placed on first reading and referred to the Housing Committee 1/2/18, 2nd reading 1/16/18. Referred back to Council 7/23/18 by Housing Committee. Substitute adopted by Council & referred to Planning Commission & ARB 9/4/18. Received & filed by PC 10/4/18. Received & filed by ARB 10/11/18. New substitute recommended for adoption by Housing 3/25/19. Please substitute for the original.) (pg. 5)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 2-18.

Discussion: Councilmember Bullock thanked everyone for their work on the ordinance. He noted that after discussion, resident to resident light trespass was not included in the ordinance. It was discussed writing this in as a potential nuisance incident that could then be enforced through the chronic nuisance process. He noted that work has begun on this new proposal. He noted that today’s ordinance is a thoughtful improvement that will govern the majority of light pollution incidents.

On the motion: Motion passed. All members voted in favor.

8. Public Works Committee report regarding meeting held April 1, 2019. (to be provided)

The Public Works Committee met earlier prior to the Regular meeting and discussed four items. The Committee deliberated on Resolution 9061-19 regarding an easement needed to install an emergency generator near the Clifton Lagoons to prevent sewage from flowing into the lake in the event of a power outage. The Committee recommended unanimously to adopt. In regard to Ordinance 10-19, which would increase pool fees for outdoor Lakewood public pools, the committee referred the matter back to full Council for consideration without a recommendation. More time was needed to determine the increased effects on pool attendance. The Committee unanimously recommended that Ordinance 11-19, which extends the City’s lease agreement with the HELP Foundation to sell concessions at Lakewood Park by one year, be adopted. Director Butler spoke with management of the HELP Foundation, who will continue with a one year lease this year, about a longer lease in the future. Councilman Anderson commented on how beneficial the HELP Foundation’s program is.

Director Butler stated that the administration takes no position on whether Ordinance 11-19 should be adopted tonight. Councilman Rader asked that the ordinance be deferred until its 3rd reading so as not circumvent Council rules.

Public works updates were provided on various parks and streets projects. Curb installation and traffic calming efforts were discussed as well. Councilman Rader expects more dialogue in the future and may consider referring some of the discussion regarding traffic calming to Public Safety Committee.

Motion by Councilman Rader, seconded by Council President O'Leary to receive and file the report.

On the motion: Motion passed. All members voted in favor.

9. **ORDINANCE 10-19** - 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, establishing rates of admission to the Lakewood municipal swimming pools located at Lakewood Park and Madison Park, and superseding Ordinance 30-09 and all other ordinances inconsistent herewith. (Placed on 1st reading and referred to Public Works Committee 3/4/19; 2nd reading 3/18/19) (pg. 16)

Motion by President O'Leary, seconded by Vice President Anderson to defer Ordinance 10-19.

Motion passed. All members voted in favor.

10. **ORDINANCE 11-19** - 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 Mayor to enter into an amendment to the concession lease agreement with HELP Foundation, Inc. for the operation of food concessions at Lakewood Park, pursuant to Section 155.08 of the Codified Ordinances. (Placed on 1st reading and referred to Public Works Committee 3/18/19) (pg. 20)

Motion by President O'Leary, seconded by Vice President Anderson to defer Ordinance 11-19.

Motion passed. All members voted in favor.

11. **RESOLUTION 9061-19** - 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 to enter into an easement agreement with Clifton Park Trustees, governing the rights of the parties relative to a parcel located at Beach Road, Lakewood, Ohio 44107 (PPN#311-02-001) which grants the City of Lakewood access to the parcel for the placement of an emergency generator to serve the Waste Water Treatment Plant and ongoing maintenance of the generator for a payment of \$1.00. (Referred to Public Works Committee 3/4/19) (pg. 34)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9061-19.

Motion passed. All members voted in favor.

12. **ORDINANCE 12-19** - 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 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. (Placed on 1st reading 3/18/19) (pg. 41)

Motion by President O’Leary, seconded by Vice President Anderson to defer Ordinance 12-19.

Motion passed. All members voted in favor.

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

13. Communication from Council President O’Leary regarding retirement of Senior Center Manager DeDe MacNamee-Gold. (pg. 43)

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

Motion passed. All members voted in favor.

14. **RESOLUTION 9065-19** – A RESOLUTION to congratulate DeDe MacNamee-Gold upon her retirement after twenty four years of public service to the City of Lakewood’s Division of Aging. (pg. 44)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9065-19.

Discussion: Mr. Rader reflected on his first impressions of Ms. MacNamee-Gold and her caring approach to public service. He wished her the best in retirement.

President O’Leary added that Ms. MacNamee has made a tremendous difference in the lives of Lakewood seniors through her dedication every day for so many years.

On the motion: Motion passed. All members voted in favor.

15. Communication from Director Pae regarding Amended 2019 Streets Contracting Authority. (pg. 45)

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

Motion passed. All members voted in favor.

16. **ORDINANCE 55-18A** - 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, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for Street Infrastructure Improvements in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (pg. 46)

Council President O’Leary made a motion to suspend the rules and allow for adoption on first reading, seconded by Councilman Anderson.

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

Nays: none

Motion passed. Rules suspended.

Councilman Rader stated that the contract amount seems like a lot, but it’s really not that much in the big picture. He noted that Cleveland will be reimbursing Lakewood for a portion of the project’s cost, adding that Director Beno clarified the reimbursement process and how ODOT will pay for the project.

Councilman Anderson inquired if there was any exposure that the City should be concerned about and if the project will finish in 2019. Director Beno replied that barring any major uncovered items under the road, Public Works does not anticipate any delays. The project involves milling the road and completing an overlay process. There is not very much underground work outside of building a catch basin. Anderson asked if Council does not

accept the proposed agreement, would ODOT not be completing the project this year. Beno stated that Lakewood stepped up and took the lead on the Lakewood Heights Blvd. and Riverside Rd. projects. ODOT gives funding quicker if a city takes the contracting lead. He noted that Lakewood is hiring a consultant to manage survey and site oversight. Any change orders would go through the Public Works Department.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 55-18A.

Motion passed. Ordinance 55-18A adopted.

17. Communication from Director Butler regarding entering into a senior van lease from the Lakewood Foundation. (pg. 48)

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

Motion passed. All members voted in favor.

18. **RESOLUTION NO. 9066-19** - 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 the Mayor as the Director of Public Safety or his designee to enter into a Vehicle Lease Agreement with the Lakewood Foundation to lease a 2019 Starcraft, Allstar 13-2 Shuttle Bus for \$1.00 annually to be used by the Department of Human Services. (pg. 49)

Motion by President O’Leary, seconded by Vice President Anderson to refer to Health & Human Services Committee.

Motion passed. All members voted in favor.

19. Communication from Director Gelsomino regarding the acceptance of additional funding for Community Based Services for At-Risk Children and Families in Cuyahoga County. (pg. 56)

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

President O'Leary added that this is a positive development for the City that is very welcome.

Motion passed. All members voted in favor.

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

20. Liquor Permit Notice for Two Bucks Lakewood LLC at 15607 Madison Ave. (pg.57)

Motion by President O'Leary, seconded by Vice President Anderson to file without objection.

Motion passed. All members voted in favor.

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

David Osburn – 1655 Elmwood Ave.

Mr. Osburn expressed concerns regarding the city's ordinance governing dogs, specifically the ban on retractable leashes. He stated that a long leash allows his cocker spaniel space to run, which it needs. He understands everybody is not responsible with their leashes. He stated that Lakewood is out of line with Ohio statute and its laws differ from communities such as Cleveland Heights & Westlake. He mentioned hypotheticals that people bring up to ban retractable leashes and refuted each point. He believes common sense and staying alert solves the retractable leash problem. He surmised that the City require fully contracted leashes in congested areas. He suggested that the City require tape leashes instead of a cord leashes. He concluded by stating that the City should give people choice on this matter and there will be less violations.

Fae Olson – 15500 Clifton

Ms. Olson stated that Council has a difficult job making laws for 11,000 dogs and 56,000 people in Lakewood. She stated that she was ticketed by a police officer for having a retractable leash on her dog. She felt upset that the policeman was waiting in front of her house and embarrassed when she got a ticket. She stated that freedom of choice of leash is important. Big dog owners will realize that they need one that is not retractable. She's been contacted by people with disabilities, carpal tunnel, etc. who can only use a retractable leash. She hypothesized that a person can go walk dogs in Rocky River, Westlake, or Avon Lake, who only require a leash and not a certain kind of leash. We have a helmet law for children. We have a law to pick up poop on the lawn. She said that the leash law doesn't make sense and commended everyone for their work. She proposed an amendment for dogs under 30 pounds. She stated she has had 3 TV stations in her house, along with Cleveland.com, to do stories on her situation.

Mayor Summers stated that the City spent a considerable amount of time on this issue a year ago. The City needed to shift its focus to dog behavior/control and dog ownership. His administration listened to the dog committee who gave ideas and best practices. The committee was very adamant about a 6 foot leash law. This was a best practice that they advocated we took at face value. His administration planned on revisiting the law. Half of the law was implemented in March 2018 and November 2018. Other communities aren't similar to Lakewood. Lakewood has 1700 dogs per square mile. There are a high amount of people per square mile. By October, the City should ask for consideration for some of the elements of the dog ordinances. Jack Crawford, animal control officer, wrote the ticket. He issued her a warning, not a citation. Ms. Olson agreed and stated that he referred her to the animal volunteer board, who referred her to the Council meeting.

****ANNOUNCEMENTS****

Mayor Summers stated that the City has been awarded \$381,000 from Ohio DNR to redo Wagar Park, which will be a year long process. Director Sylvester added that Lakewood was in competition in several other past grants and took the department's feedback to heart. Councilman Bullock asked when will Wagar Park be closed and reopened again. Director Beno replied that the City will start in this spring and finish before winter. The playground will be in use and the high traffic area of the park will be a simpler fix. Mayor Summers added that his administration has not bid the job yet and construction will start in late spring.

Councilmember Anderson pointed to multiple community events coming up over the next week.

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

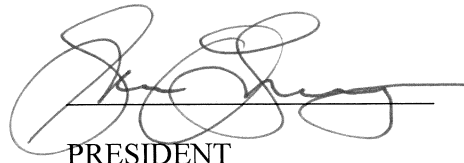
Motion adopted. All members voting yea.

Meeting adjourned 8:25 PM.

Approved: 4/15/19



CLERK



PRESIDENT