

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MAY 15, 2017  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by Council President O’Leary.

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Present: David Anderson, Thomas R. Bullock III, John Litten, Cindy Marx, Ryan Nowlin, Samuel T. O’Leary, Daniel J. O’Malley.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae Human Services Director Gelsomino, Fire Chief Gilman, Acting Police Chief Hassing, Planning & Development Director Sylvester, Sargent Fioritto , approximately 25 members (including Cub Scout Pack 68 that led the pledge of allegiance)

Councilmember O’Leary remarked on the vital contributions Cub Scouts; Cub Scout Pack 68 make to the City.

Pack leaders expressed appreciation to the City for recognizing its 60 year legacy in the City. He remarked on the importance of strong values and leadership that Boy Scouts of America instills. He remarked on some of the programming in which Scouts engage.

Mayor Summers presented Pack 68 with a proclamation to honor its 60<sup>th</sup> anniversary. He remarked on the history of leadership which has provided stewardship to pack youths over the years.

**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Committee of the Whole Report regarding May 1, 2017 Committee of the Whole Meeting re: Proposed Third Amended Charter. Mr. O’Leary; Chair. (Pg. 6)

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

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2. Public Works Committee Report regarding Ordinance 18-17. Mr. Nowlin; Chair. (Pg. 7)

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

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3. **ORDINANCE NO. 18-17** – AN ORDINANCE authorizing the Mayor on behalf of the City of Lakewood to enter into agreements necessary to grant three Exclusive Easements to The Ohio Bell Telephone Company, d/b/a AT&T Ohio, for placement of and access to equipment used in the transmission of signals used in the provision of communication, video and/or information services on property located at 14740 Lakewood Heights Boulevard, Lakewood, Ohio (PPN 314-13-060); 13029 Madison Avenue, Lakewood, Ohio (315-20-003); and 14601 Detroit Avenue, Lakewood, Ohio (314-04-020) (READ & REFERRED TO THE PUBLIC WORKS COMMITTEE 3/20/17, 2<sup>nd</sup> READING 4/3/17) (Pg. 8)

Councilmember Nowlin remarked that it was the intention of the Committee to defer action until Lakewood Alive has time to review the design.

Director Beno explained that he met with Lakewood Alive on Friday and that everyone is in agreement about the design that AT&T submitted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 18-17.

Motion adopted. All members voting yea.

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4. Finance Committee Report regarding Ordinances 21-17 & 22-17. Mr. Bullock; Chair. (To Be provided)

On May 1<sup>st</sup> the Finance Committee met. We met with Finance Director Pae, Bond Counsel Catherine Swartz and our Financial Advisor Jeff Rink of Kay Bank. We considered two ordinances – 21-17 and 22-17. It struck me that we are capably served by the finance team of aforementioned experts. As part of the City’s financial strategy to review our capital debt on an

ongoing basis and reduce interest costs when we can and to spread capital expenses across a period of time such that it's affordable and cost effective. So, these two ordinances are part of that ongoing review. In this case, looking at a bond series from much earlier – from 1995 and 2007.

In the case of Ordinance 21-17 it would refinance approximately \$6 million in bonds from the 2007 bond series and knock down our interest rate by at least 1.5% it would save \$320,000 over the remaining ten years of the loan.

Secondly, Ordinance 22-17 would pay off the remaining \$670,000 of a much older debt series from 1995. The value of doing so to the City is to remove some very burdensome reporting requirements that were part of the original financial agreement dating back to a time when the City, for whatever reason, including potentially inferior credit at the time, to have an annual engineering reports, minimum reserve for the fund. All those details are now considered outdated. The Finance Department has recommended we take this step and pay of the debt and therefore no longer have to incur those intensive oversight requirements. The committee, after a series of discussions, recommended adoption of both ordinances upon third reading. And I believe we are there tonight. Move to receive and file that oral report.

Director Butler requested an amendment on the floor to address an error in the title of Ordinance 22-17. The title states that the appropriation should come from the General Fund where it should be the Water Fund.

Motion by Mr. Bullock, seconded by Mr. O'Leary, to receive and file the oral report.

Motion adopted. All members voting yea.

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5. **ORDINANCE NO. 21-17** – AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$6,050,000 OF BONDS FOR THE PURPOSE OF CURRENTLY REFUNDING THE CITY'S VARIOUS PURPOSE GENERAL OBLIGATION BONDS, SERIES 2007 (LIMITED TAX), DATED MAY 30, 2007; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY. (1<sup>ST</sup> READING & REFERRED TO FINANCE COMMITTEE 4/17/17, 2<sup>ND</sup> READING 5/1/17) (Pg. 18)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 21-17.

Motion adopted. All members voting yea.

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6. **ORDINANCE 22-17** – AN ORDINANCE AUTHORIZING THE APPROPRIATION OF MONEY FROM THE GENERAL FUND OF THE

CITY OF LAKEWOOD, OHIO FOR THE PURPOSE OF DEFEASING \$670,000 WATER SYSTEM MORTGAGE REVENUE BONDS, DATED APRIL 15, 1995 ISSUED BY THE CITY, ESTABLISHING AND CREATING AN ESCROW FUND FOR SAID DEFEASANCE, AUTHORIZING THE APPOINTMENT OF AN ESCROW TRUSTEE, AUTHORIZING AND APPROVING THE FORM OF AN ESCROW AGREEMENT IN CONNECTION WITH SUCH DEFEASANCE. (1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 4/17/17, 2<sup>ND</sup> READING 5/1/17) (Pg. 27)

Motion by Councilmember O’Leary, seconded by Councilmember Anderson to amend the title of Ord. 22-17 by deleting “General” proceeding “fund” and inserting the word “water.”

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

Nays: None

Motion adopted. Ordinance 22-17 amended.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 22-17 as amended.

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

Nays: None

Motion adopted. Ordinance 22-17 adopted as amended.

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7. **ORDINANCE NO. 23-17** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect 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”). (READ, REFERRED TO FINANCE COMMITTEE 5/1/17) (Pg. 31)

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

Motion adopted. All members voting yea.

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8. **ORDINANCE 24-17** – 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 various sections of Chapter 505, Animals and Fowl, of the Codified Ordinances of the City of Lakewood to update and provide penalties for

violations of those provisions. (READ, REFERRED TO RULES & ORDINANCES COMMITTEE 5/1/17) (Pg. 34)

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

Motion adopted. All members voting yea.

**\*\*\*\*NEW BUSINESS\*\*\*\***

9. Communication from Councilmember Marx regarding Foundation Planning Task Force update. (Pg. 37)

Councilmember O’Leary thanked Councilmember Marx for her work as liaison to the Task Force, including her frequent reports.

Councilmember Marx confirmed that the dates of the Task Force meetings are posted on the City website.

Motion by Ms. Marx, seconded by Mr. O’Leary, to receive and file the communication. (Ms. Max corrected date within letter to read May 30<sup>th</sup>.)

Motion adopted. All members voting yea.

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10. Communication from Councilmembers O’Malley, Bullock and Litten regarding Recognizing National Police Week. (Pg. 38)

Councilmember O’Malley remarked that Sargent Fioritto is present to accept the Resolution on behalf of the Fraternal order of Police as well as Captain Hassing. He acknowledged that this has been a difficult week for police officers in light of the incident in Kirkersville Ohio which caused the Police Chief to be killed on the job.

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

Motion adopted. All members voting yea.

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11. **RESOLUTION NO. 8931-17** – A RESOLUTION to recognize the service of the Lakewood Police Department and law enforcement officials everywhere during National Police Week 2017. (Pg. 39)

Councilmember Bullock remarked that the Resolution ensures that we do not take for granted the service of our police officers. He stated that safety is the foundation of everything we do in Lakewood and that we are lucky to have a police department that engages in innovative work and best practices.

Councilmember Anderson called for a moment of silence in remembrance of the Kirkersville Ohio police chief who was fatally shot in the line of duty.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8931-17.  
Motion adopted. All members voting yea.

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12.Communication from Councilmember Bullock regarding Council priorities budget process: 2017 review and 2018 planning. (Pg. 40)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer to the Finance Committee.

Motion adopted. All members voting yea.

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13.Communication from Mayor Summers regarding Mayor Replacement Appointment to the Foundation Planning Task Force. (Pg. 41)

Mayor Summers indicated new member will be able to attend the upcoming Task Force retreat and updated on previous meetings.

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

Motion adopted. All members voting yea.

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14.Communication from Planning & Development Director Sylvester regarding CDBG Development Fund Loan – Western Reserve Distillers, LLC. (Pg.42)

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

Motion adopted. All members voting yea.

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**15.RESOLUTION NO. 8932-17** – 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, authorizing the Mayor or his designee to enter into an agreement with Western Reserve Distillers, LLC or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a three-year loan in the amount of \$90,000.00. (Pg. 43)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution No. 8932-17 to the Committee of the Whole

Motion adopted. All members voting yea.

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16.Communication from Finance Director Pae regarding 2017 2<sup>nd</sup> Quarter Transfers. (Pg.82)

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

Motion adopted. All members voting yea.

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**17.ORDINANCE NO. 25-17** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the transfer and advance of certain funds. (Pg. 83)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance No. 25-17 to the Finance committee.

Motion adopted. All members voting yea.

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18.Communication from Police Chief Malley regarding Bike Donation to H20. (Pg. 85)

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

Motion adopted. All members voting yea.

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**19.RESOLUTION NO. 8933-17** – A RESOLUTION to take effect immediately provided it received 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 the Mayor (Director of Public Safety), on behalf of the City of Lakewood, is hereby authorized to donate up to eight abandoned bicycles, that would otherwise to scrapped, for reconditioning and distribution through the H20 program that is supported by their annual fundraiser, Bikes and Bands. (Pg. 86)

Councilmember O’Leary remarked that he is familiar with the Bikes to Bands program and believes it to be a great cause. He thanked LPD for making the effort to repurpose bikes to go to deserving kids.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8933-17.

Motion adopted. All members voting yea.

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20. Communication from Fire Chief Gilman regarding Disposal of obsolete Self Contained Breathing Apparatus. (Pg. 88)

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

Motion adopted. All members voting yea.

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**21. RESOLUTION NO. 8934-17** - 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, authorizing and directing the Director of Finance to sell, through trade, various obsolete self-contained breathing apparatus (SCBA) with Cuyahoga community College in exchange for training classes for firefighters valued at approximately \$5,000. (Pg. 89)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution No. 8934-17.

Motion adopted. All members voting yea.

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22. Liquor Permit for D2, D2X, D3 to Harlows Pizza, (Trex) 14319 Madison Avenue from 1305 E Archwood Avenue, Akron, OH. (Pg. 90)

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

Motion adopted. All members voting yea.

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23. Liquor Permit for C1, C2 & D6 transfers to Uptown Mart; 16511 Detroit from United Dairy Farmers 310; same address. (Pg. 91)

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

Motion adopted. All members voting yea.

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{Add-ons}

24. Lakewood Heritage Advisory Board Awards. (To Be Presented)

Rick Sicha, Chair of LHAB provided a recap of LHAB’s mission and founding. He listed LHAB’s current members. He presented three awards in three different categories. He remarked on the recent trends in construction and rehab in the City and announced that May is National Preservation Month and activities occurring during the month. The 2017 Awardees are:



- 1002 Parkside Drive – Sympathetic Addition Award
- 12001-11 Detroit, the Shore Restaurant – Commercial Revitalization Award
- The Westerly – Historic Rehabilitation Award

Councilmember O’Malley congratulated the Shore restoration, stating that the work done was far more than what would ordinarily have been expected of a property owner. He noted that the Shore also did a storefront renovation this year in addition to the restoration.

Councilmember Bullock thanked the Shore for preserving part of Lakewood’s unique character. He thanked LHAB for lending its expertise.

Councilmember Marx thanked the Shore for the pride they show in their business.

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25. Communication from Councilmember Bullock and Council President O’Leary regarding opposing First Energy Corporation’s Nuclear Bail out; Opposing Ohio House Bill and Senate Bill; ( 92)

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

Motion adopted. All members voting yea.

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26. **RESOLUTION NO. 8935-17** – A RESOLUTION opposing Ohio House Bill 1788 and Senate Bill 128’s First Energy Corporation’s Nuclear Bailout. (Pg. 93)

Karen Kirsh, Manager of External Affairs for First Energy commented on the resolution, stating that First Energy’s nuclear plants are in a bad position. She stated that the company loses money any time the plants are operating. She stated that if the bill does not pass that tax revenues are lost as well as jobs. She stated that replacing nuclear with wind energy would cost \$8 billion in taxpayer dollars. She acknowledged that the proposal will include a tax increase to taxpayers but that it won’t be as much as it would be to shut down the plants. She asked to have an expert come in and explain in greater detail to Council at an upcoming meeting.

She stated that if the nuclear plants close that Ohio will have to import more power from other states.

Councilmember O'Malley expressed hesitancy to take quick action on the resolution and expressed a preference to take additional time to understand the complexity of the matter. He expressed concern about potential job losses.

Mayor Summers agreed that deferring would be prudent until all of the pieces of the puzzle are known, including NOPEC's pricing structure.

Councilmember Bullock remarked that it is reasonable to expect that this legislation won't pass until June and so deferring is acceptable. He defended the right of the City to weigh in since it is an interested party and NOPEC participant.

Councilmember O'Leary concluded on the basis of the comments made that Council will defer action on the Resolution until a Committee meeting can be held.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to refer Resolution No. 8935-17 to the Committee of the Whole.

Motion adopted. All members voting yea.

**\*\*\*\*PUBLIC COMMENT\*\*\*\***

Dick Clough – 12505 Edgewater

Mr. Clough announced a new organization, the Green Ribbon Coalition. The goals of the organization are to preserve the natural environment of Lake Erie shores and to promote projects like bikeways and parks that will make this land more accessible to the public. He described the organization's work and partners.

Councilmember Bullock expressed support for this organization.

**\*\*\*\*ANNOUNCEMENTS\*\*\*\***

Councilmember Marx encouraged councilmembers to join her to try-out the Cleveland bike share program. She also remarked on the recent tour of University Tees she attended with other councilmembers.

Director Gelsomino announced the City's Heroin to Hope event tomorrow which will include a resource room and a community conversation. She also announced

that Mayor Summers and Katie Kurtz were recognized by the ADAHMS Board for leadership on tackling the heroin epidemic.

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

Meeting adjourned at 8:50 PM.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT