

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JUNE 5, 2017  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:42 PM by Council President O’Leary.

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

Also Present: Mayor Summers, Law Director butler, Finance Director Pae, Public Works Director Beno, Human Services Director Gelsominio, Police Chief Malley, Fire Chief Mroz, Human Resources Director Yousefi, approximately 10 members of the public.

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to excuse the absence of Mr. Anderson.

Motion adopted. All members present voting yea.

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1. Committee of the Whole Report regarding May 15, 2017 (Proposed Third Amended Charter) & June 5, 2017 Committee of the Whole Meeting. Mr. O’Leary; Chair (To Be Provided)

Committee of the Whole did meet May 17<sup>th</sup> and discussed our continued review of the third amended charter. We went through a number of pages. I’m going to refer to the minutes for a more detailed accounting of the pages that we went through. I would also note that going forward we have tentatively scheduled future Committee of the Whole meetings on this subject for July 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup> so that we can be sure that we’re on track to get the final amended Charter language down to the Board of Elections prior to our August recess. So again, I ask that Councilmembers refer to the minutes for a more detailed accounting of the

individual Charter provisions that were discussed on May 17<sup>th</sup> and note that we have at a minimum time scheduled coming up for Committee of the Whole discussions on the 3<sup>rd</sup>, 10<sup>th</sup>, and 17<sup>th</sup> of July.

With respect to Committee of the Whole this evening, June 5<sup>th</sup> we did meet immediately prior to the meeting to discuss the Western Reserve Distillers LLC economic development assistance report and summary and ultimately agreement that was presented by Dan Wyman from Planning & Development as well as Bryce Sylvester. Basically, this is an over \$3 million investment in the Madison Ave. commercial corridor – a very exciting partnership business between a distillery company and separately a restaurant that will go in and will be able to provide a full dining experience in addition to the distillery. This is in the Freidrich moving and storage building which is up on Madison Ave. – approximately across from Lakewood High School on the south side. This was an incredibly challenging rehabilitation project given the moving and storage nature of the building. It was constructed about 100 years ago for the purpose of being a moving and storage facility and has been in that role ever since until it was vacated. So this is an exciting project. The City’s assistance will be in the form of \$100,000, \$90,000 of which will be a forgivable loan over a five year period which is also supported by job creation requirements and because the funds being used here are federal Community Development Block Grant funds, it’s also guaranteed that 51% of those jobs will be for low to moderate income residents. So this was a proposal and a project that Council is excited about and has looked forward to. Ultimately Committee of the Whole recommended adoption tonight. Move to receive and file that oral report.

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

Motion adopted. All members present voting yea.

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2. **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. (READ & REFERRED TO COMMITTEE OF THE WHOLE 5/15/17(Pg. 7))

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to adopt Resolution 8932-17.  
Motion adopted. All members present voting yea.

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3. Finance Committee Report regarding Ordinances 23-17 & 25-17, Council Budget priorities. Mr. Bullock; Chair. (To Be provided)

On May 22nd the Finance Committee met and all members of the committee were present as were Director Pae and Councilmember Anderson. We considered three matters at that meeting. First two are legislation on tonight’s docket. First, Ord 25-17 is our second quarter transfers ordinance. This is our routine quarterly transfer ordinance that allows us to carry out various transfers between City funds as part of our internal accounting practices. We recommended adoption of an anticipated substitute version, which we have tonight and I anticipate some floor discussion. Second Ordinance was 23-17, our equipment leases ordinance. This is a regular financing ordinance that we have to provide for financing for replacement of equipment that we use every year. The City this year went to three different banks to receive quotes. We selected US Bank due to the favorable rates and terms. The agreements to execute purchases under the financing that this ordinance would provide all will go before the Board of Control before we actually make those purchases. We have a substitute version tonight for this as well to make a change in the lease term from 15 to 5 years. The committee recommended adoption of a substitute version.

The third item discussed was the council priorities process for the 2018 budget year. This is an early discussion internal to Council for our own attempts to improve our budget priorities process. We discussed the value of holding an oversight hearing to review the status of our implementation of our 2017 priorities with the administration. It may make sense to do this in June since the president just described July as needing to focus on other matters including the Charter. Second, we talked about moving up the 2018 council priorities timeline so that Council may agree on a final set of priorities by September 30th. Doing so would allow us to incorporate more or all of our recommendations in the planning, coordination, and analysis involved in the writing of the budget book. We hit that deadline last year on a preliminary basis but there are advantages that we discussed to submitting a final set of expectations. Depending on our schedule, we may see if we can accelerate our process. But more discussion on that in the future. That concludes the matters that we covered in that Finance Committee hearing. Move to receive and file that oral report.

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

Motion adopted. All members present voting yea.

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4. **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”). (**SUBSTITUTE TO BE PROVIDED** 1<sup>ST</sup> READ, REFERRED TO FINANCE COMMITTEE 5/1/17, 2<sup>ND</sup> READING 5/15/17) (Pg. 46)

*Discussion:* Finance Director Pae explained the nature of the changes in the substitute version. At the time the ordinance was prepared, the financing company was not yet secured. The words ‘U.S. Bank’ should be substituted for the blanks in the ordinance. The original lease schedule was 15 years for the Cad system and has been changed to 5 years.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to substitute Ordinance 23-17.

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

Nays; None

Motion adopted. Ordinance 23-17 substituted.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to adopt Ordinance 23-17 as substituted.

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

Nays; None

Motion adopted. Ordinance 23-17 adopted as substituted.

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5. **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. (**SUBSTITUTE TO BE PROVIDED** 1<sup>ST</sup> READING & REFERRED TO FINANCE COMMITTEE 5/15/17) (Pg. 49)

*Discussion:* Finance Director Pae explained the nature of the changes in the substitute version.

There was a transfer between two funds that was a one-time transfer in the first quarter. This was a one-time transfer and not a repeat transfer so it was removed from the substitute version.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to substitute Ordinance 25-17.

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

Nays; None

Motion adopted. Ordinance 25-17 substituted.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to defer Ordinance 25-17 as substituted.

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

Nays; None

Motion adopted. Ordinance 25-17 deferred as substituted.

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6. Rules & Ordinances Committee Report regarding Ordinance 24-17. (To Be Provided). Mr. Litten; Chair.

The Rules & Ordinances Committee met on May 22, 2017 to discuss Ordinance 24-17 which proposes to add penalty sections to two portions of the Code currently lacking such sections. All members of the Committee were present as were Councilmember Bullock and Assistant Prosecutor Andy Fleck.

Mr. Fleck explained that every offense in the Code is supposed to be accompanied by a penalty. By some previous oversight, sections 505.10 and 505.19 lack penalties. This oversight recently came to light when a case came before the Judge under section 505.10. Due to the lack of a penalty the case could not go forward. The Law Department is seeking a correction by adding minor misdemeanor penalties to these sections of the Code. A minor misdemeanor is the lowest offense and comes with a \$150 fine and no jail time.

After some brief discussion the Committee unanimously moved to recommend adoption of Ordinance 24-17 for adoption by full Council. Move to receive and file this communication.

*Discussion:* Councilmember O’Leary clarified that the ordinances to be amended have to do with the proper keeping and care of animals.

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

Motion adopted.

All members present voting yea.

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7. **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, 2<sup>ND</sup> READING 5/15/17) (Pg. 51)

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

8. Communication from Council President O’Leary regarding Amending Sections of the Code pertaining to Lakewood Community Relations Advisory Commission. (Pg. 54)

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

Motion adopted. All members present voting yea.

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9. **ORDINANCE NO. 26-17** – an ordinance amending Section 142.05, Advisory, and Section 142.09, Public Records; Reporting Duties of the Codified Ordinances of the City of Lakewood to restore the role and duties of the Community Relations Advisory Commission to those set forth in the original founding ordinance and to make an administrative change. (Pg. 55)

Councilmember O’Leary clarified that the administrative change in the Ordinance is to eliminate the requirement in the Code that LCRAC forward copies of their minutes to the Council office. This requirement is seen as unnecessary because all minutes are now posted on the website.

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to refer Ordinance 26-17 to the Rules & Ordinances Committee.

Motion adopted. All members present voting yea.

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10. Communication from Council President O’Leary regarding Notice of August Recess. (Pg. 57)

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

Motion adopted. All members present voting yea.

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11. Communication from Council President O’Leary and Councilmember Litten regarding Lakewood Catholic Academy Green Ribbon Recognition. (Pg.58)

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

Motion adopted. All members present voting yea.

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**12. RESOLUTION NO. 8936-17** – a resolution to recognize the students, teachers and administrators of Lakewood Catholic Academy for their environmental stewardship and to congratulate them upon being selected as a 2017 U.S. Department of Education Green Ribbon School. (Pg. 59)

Councilmembers Nowlin & O’Leary congratulated LCA on the recognition and for making a difference.

Brian Sinchak, President of Lakewood Catholic Academy expressed gratitude to the City. He introduced students, a teacher and an administrator from LCA also in attendance. He expressed gratitude for living next to Lakewood Park and thanked the City for keeping the park and the City beautiful and for its commitment to environmental awareness and education.

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to adopt Resolution 8936-17.

Motion adopted. All members present voting yea.

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13. Communication from Councilmember Marx regarding Welcome The Centers for Families & Children’s new Early Learning Center. (Pg. 60)

Michael Miller of The Centers addressed Council. He stated that the new Early Center is what he hopes will be a sustained investment in the City. He stated that the Early Learning Center is a \$225,000 investment. He described the offerings at the Early Learning Center and invited everyone to attend the upcoming open house.

*Discussion:* Councilmembers O’Leary Litten expressed excitement about the presence of this new investment in the City.

Director Gelsomino remarked on the history of The Centers in Lakewood and the high quality of their services.

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

Motion adopted. All members present voting yea.

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14. Communication from Mayor Summers regarding Advancing Sustainability of Lakewood. (Pg.61)

Councilmember Marx thanked Mayor Summers for his commitment and leadership to make Lakewood a green community.

Councilmembers O’Malley & O’Leary recognized Mayor Summers for being the first Mayor in the State to sign onto the Mayor’s Climate statement.

Councilmember Bullock drew attention to the success of the City’s recycling program and a Clean Vehicles study that is in the works. He recognized the continual need for the City to step up to meet these challenges.

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

Motion adopted. All members present voting yea.

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15. Communication from Public Works Director Beno regarding Design-Build contract approval for Kokosing Industrial. (Pg. 62)

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

Motion adopted. All members present voting yea.

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**16. RESOLUTION NO. 8937-17** – A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Director Public Work to enter into a design-build form of agreement for the design and construction of upgrades to the wastewater treatment plant with Kokosing Industrial in an amount not to exceed \$1,300,000. (Pg. 63)



*Discussion:* Director Beno explained that this agreement included design and preliminary prep work. Cleaning needs to be done to get inside the digesters to make evaluations and do structural analysis. The next approval will be for full construction. He pointed out that the contract does show the cost break down across four categories. Half of the work will be design and the other half physical work, but no new construction.

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to refer Resolution 8937-17 to the Public Works Committee.

Motion adopted. All members present voting yea.

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17.Communication from Finance Director Pae regarding 2018 Tax Budget, 2018 Tax Advance Resolution and 2018 Tax Rate Resolution. (Pg. 83)

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

Motion adopted. All members present voting yea.

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**18.RESOLUTION NO. 8938-17** – 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, approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2018, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (Pg. 84)

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to refer Resolution 8938-17 to the Finance Committee.

Motion adopted. All members present voting yea.

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**19.RESOLUTION NO. 8939-17** – 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, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real, personal property and estate taxes and special assessments collected in the year 2018 in such amounts as may be requested and available. (Pg. 85)

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to refer Resolution 8939-17 to the Finance Committee.

Motion adopted. All members present voting yea.

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**20.RESOLUTION NO. 8940-17** – 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 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officers. (Pg. 87)

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to refer Resolution 8940-17 to the Finance Committee.

Motion adopted. All members present voting yea.

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21.Communication from Law Director Butler regarding 2017 quarterly codification ordinances. (Pg. 89)

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

Motion adopted. All members present voting yea.

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**22.ORDINANCE NO. 27-17** – 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 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 matters. (Pg.90)

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

Motion adopted. All members present voting yea.

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23.Communication from Planning and Development Director Sylvester regarding 2017 Community Vision Update. (Pg. 92)

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

Motion adopted. All members present voting yea.

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**24.RESOLUTION NO. 8941-17** - 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 at the earliest period allowed by law, concur with the Lakewood Planning Commission in the adoption of the updated Lakewood Community Vision. (Pg. 93)

*Discussion:* Councilmember Bullock asked for a redline document to better understand the changes that are being proposed and welcomed the chance for Council to engage on this issue.

Motion by Mr. O’Leary, seconded by Mr. Bullock, to refer Resolution 8941-17 to the Committee of the Whole.

Motion adopted. All members present voting yea.

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25.Communication from Law Director Butler regarding Second extension of moratorium on cultivation, processing, or retail sale of medical marijuana. (Pg. 95)

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

Motion adopted. All members present voting yea.

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**26.RESOLUTION NO. 8942-17** – 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 at the earliest period allowed by law, to extend a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation processing, or retail sale of medical marijuana for a period not to exceed 90 days from the effective date of this resolution, in order to allow Council and the Lakewood Planning Commission to review applicable Ohio statutes, criminal codes and the Lakewood Zoning Code relative to such use. (Pg. 96)

Mike Tuttle – 1500 Lauderdale

Mr. Tuttle expressed support for Lakewood to take advantage of tax revenue from medical marijuana. He remarked that medical marijuana has been legalized and the City cannot stop it. He suggested a ballot question for residents on the topic.

Councilmember O’Leary thanked Mr. Tuttle and noted that a number of council members have expressed similar sentiments.

Director Butler confirmed that referring the matter to Public Safety has the effect of continuing the moratorium per the zoning code.

Mayor Summers assured Councilmember O’Malley that the Public Safety Committee could meet to again discuss the administration’s recommendations about medical marijuana establishments. He summarized the questions that remain on this topic and how the conversation should be focused.

Councilmember O’Leary reiterated his support for medical marijuana and his preference for a medical marijuana business to be located here rather than in a bordering town where we cannot regulate.

Motion by Mr. O’Leary, seconded by Mr. Nowlin, to refer Resolution 8942-17 to the Public Safety Committee.

Motion adopted. All members present voting yea.

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27.Liquor Permit Application for a new C1 permit class to Ryang Familys LLC d/b/a Gorkhali Grocery 13413 Madison Ave, (Pg. 99)

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

Motion adopted. All members present voting yea.

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28.(ADD-ON) – Liquor Permit application for C1 & C2 transers to You Shop We Drop, 14235 Madison Avenue from Lakewood Stop and Shop same address. (Pg. 100)

Councilmember O’Leary reminded councilmembers that the annual review of all liquor permits is coming up. Councilmembers have the authority to object to liquor establishments in their wards and should follow up with Clerk Mary Hagan or Law Director Butler.

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

Motion adopted. All members present voting yea.

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

Councilmember Marx reminded everyone that Sunday is the Taste of Lakewood.

Councilmember Litten applauded the Meet the Trucks, the unveiling of Kid's Cove, and the Nature's Bin concession stand. All exceeded expectations.

Councilmember O'Leary congratulated the City on a successful Meet the Trucks event and announced the Early Learning Center's grand opening Wed. June 14th.

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

Mike Tuttle – 1500 Lauderdale

Mr. Tuttle praised the City's quick response to a problem property at 1510 Lauderdale.

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

Meeting adjourned at 8:48 PM.

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

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CLERK

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PRESIDENT