

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 19, 2017
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, John Litten, Cindy Marx, Ryan Nowlin, Samuel T. O’Leary, Daniel J. O’Malley.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae Human Services Director Gelsomino, Police Chief Malley, Planning & Development Director Sylvester, Human Resources Director Yousefi, Public Works Director Beno, approximately 50 members of the public

Motion by Mr. O’Leary, seconded by Mr. Anderson, to approve the minutes without the necessity of a reading.

Motion adopted. Six members voting yea.

Mr. Anderson abstaining.

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

1. Committee of the Whole Report regarding June 19, 2017 Committee meeting on Proposed Third Amended Charter & Resolution 8941-17; Mr. O’Leary; Chair (To Be Provided)

Committee of the Whole met immediately prior to our meeting this evening. On the agenda were two items. We had additional discussion of the proposed Third Amended Charter, specifically several provisions on compensation, notice, and a number of others. We will continue that conversation next time with a number of other provisions on elections, timing, and other related issues. We also discussed

Resolution 8941-17 which was a resolution approving the Planning Commission's update of our Lakewood Community Vision document. This is an update that is done every five years and we are lucky enough to have the most recent iteration done and we were glad to recommend adoption of Resolution 8941-17 this evening.

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

Motion adopted. All members voting yea.

2. **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. REFERRED TO THE COMMITTEE OF THE WHOLE 6/5/17) (Pg. 4)

Councilmember O'Leary remarked that Council received a robust and thorough presentation from the Planning Department on this item. He praised the Planning Department's work to maintain the Community Vision as a living document that guides the City.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8941-17.

Motion adopted. All members voting yea.

3. **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. (1ST READING & REFERRED TO FINANCE COMMITTEE 5/15/17, 2ND READING, SUBSTITUTED AND RECOMMENDED FOR ADOPTION 6/5/17) (Pg. 6)

Councilmember O'Leary reminded Councilmembers that the substitute version of Ordinance 25-17 was approved at the previous Council meeting and that the Ordinance was recommended for adoption by Finance Committee.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 25-17 as substituted.

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

Nays: None

Motion adopted. Ordinance 25-17 adopted as substituted.

4. Public Works Committee Report regarding 8937-17. Mr. Nowlin; Chair.
(To Be Provided)

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

Motion adopted. All members voting yea.

5. **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. (REFERRED TO PUBLIC WORKS COMMITTEE 6/5/17) (Pg. 8)

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

Motion adopted. All members voting yea.

6. **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. (1ST READING & REFERRED TO RULES & ORDINANCES COMMITTEE 6/5/17) (Pg. 28)

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

Motion adopted. All members voting yea.

7. **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. (1ST READING 6/5/17) (Pg. 39)

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

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

8. Communication from Police Chief Malley regarding \$250.00 Ann Rutledge Chapter 453, Order of the Eastern Star Gift for K9 unit. (Pg. 32)

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

9. Liquor Permit Notice for a TREX type to 3 Thirty 3 Hospitality, 12112 Madison Avenue from Bevy in Birdtown same address. (Pg. 33)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file without objection.
Motion adopted. All members voting yea.

{Add-on items 10 & 11)

10. Communication from Director Butler regarding the AFSCME Administrative contract for 2017-2019 after fact-finding.

Director Butler remarked on the process that led to the fact-finding report. At the end of 2016, the City began meeting to negotiate with each of the City’s seven bargaining units for the next three-year contract. The City’s negotiations with its two AFSCME units and the police officers were extensive, extending into 2017. Ultimately, the parties agreed to engage a neutral fact-finder to weigh the proposals of each party and to make a decision on which proposal is more acceptable. The fact-finder’s report was delivered today. The Union will separately decide whether it will accept or reject the fact-finding report. The administration decided today that it is supportive of the report.

Mayor Summers presented on the highlights of the agreement including wages, healthcare, and the recognition of specific skills sets held by employees warranting extra pay. A career path is built into the Building Inspection profession for the first time.

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

11. RESOLUTION 8943-17 – 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, **RATIFYING AND AUTHORIZING THE** Mayor of the City of Lakewood, Ohio, to enter into an agreement with the Local 1043 (Administrative Employees Unit), AFL-CIO and Ohio Council 8, American Federation of State, County and Municipal Employees for a three-year period commencing upon January 1, 2017 and ending December 31, 2019.

In response to questions by Mr. O'Malley, the administration clarified that the agreement calls for a 3% wage increase in 2017, 2% increase in 2018, and 2% increase in 2019; which is the same increase structure as the other bargaining units. He highlighted the point that the 2017 increase is effective at the start of this month, not Jan. 1, 2017. The administration acknowledged that it changed its wage offer/structure to 1.5% in 2017 at the start of the fact-finding process about one month ago. Mayor Summers provided financial justification for this proposed change. He remarked on the rising cost of health care claims and the fiscal impact on the City's budget. Mr. O'Malley and the Mayor discussed the relocation of New York Life and its impact on payroll tax. The administration has a strategy in place to recoup nearly half of that loss.

In response to questions by Mr. O'Malley Director Butler explained that according to ORC, the fact-finding report will take effect unless Council rejects it within seven days. He explained that it was put before Council to give it an opportunity to review it. If Council takes no action, the report will still go into effect. AFSCME also has seven days to reject the report. If they do, the City could impose the agreement on them, or they could strike. It was clarified that the fact-finder's report governs the contract between the City and the bargaining units and that supporting or rejecting the report is equivalent to supporting or rejecting the contract.

Mayor Summers remarked that the most recent fact-finding session encompassed eight hours in which each party had ample opportunity to make its case before the fact-finder. The session culminated eight months of previous negotiation. He disagreed with Mr. O'Malley's characterization that these contracts are more complicated than the others. Director Yousefi added that only areas of disagreement were addressed by the fact-finder.

Councilmember Bullock asked clarifying questions which were addressed by the administration. He expressed support for the Resolution.

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

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

Tom Harem – 11747 Ivy Ridge Drive, North Royalton

Mr. Harem spoke about medical marijuana and the state’s Medical Marijuana Control Program. He spoke about experiences in communities out of state where medical marijuana businesses are operated. He remarked that his clients are seeking to serve the patients of Lakewood with medical marijuana.

Steve Ernst – 31213 Manchester Lane, Bay Village

Mr. Ernst spoke about his businesses North Coast Therapeutics and Great Lakes Medicinal which are seeking a processing license and potentially two dispensary licenses in the State. He stated that their business would offer a \$50,000 franchise to the City, use off-duty Lakewood police for security, and contribute 1.5% of profits to the City’s dangerous drug diversion efforts.

Dr. Theodore Togliatti – 339 Cline Avenue, Mansfield

Dr. Togliatti operates a pain management clinic in Mansfield. He spoke of the suffering that his patients experience and how they can potentially be helped by medical marijuana. He implored the City to help these patients get access to medical marijuana to ease their suffering. He asked Council to please reconsider the moratorium on medical marijuana.

Councilmember O’Leary expressed support for suspending the moratorium and remarked that the issue will be discussed further in Public Safety Committee.

Referring to a remark made by Dr. Togliatti, Councilmember Anderson clarified that the medical marijuana program does not allow for the smoking or combustion of marijuana.

Chris Ramsey – 15805 Chadbourne Road, Shaker Heights

Mr. Ramsey is a dog trainer for Shaker Heights Academy who has trained over 600 dogs. In his experience, he has not found a connection between a dog’s breed and its behavior. Unfair to size up a dog based on outward looks/breed. Please change minds.

Jennifer Scott – 1229 Manor Park

Ms. Scott spoke in opposition to Lakewood’s ban on pit bulls, calling it racist and classist. She asked Council to please change the ban immediately. She spoke about her personal experience having a pit bull as a pet and an ongoing situation she has with the City regarding her current dog.

Kerry Stack – 30401 Oakwood Circle, North Olmsted

Ms. Stack spoke about her group, All Breeds Lakewood and the broad support they have received at community events. She spoke about the upcoming work they plan to do in the City.

Greg Murray – 14323 Madison Ave.

Mr. Murray introduced Council to the mission of All Breeds Lakewood and asked Council to change the current ordinance. He argued that a ban on pit bulls does not make the City safer but that stronger enforcement of laws pertaining to all dogs will.

Councilmember O’Leary expressed agreement that the pit bull ban should be reversed. He called for a holistic examination of the issue and expressed openness to the conversation.

Daniel Zielinski – 2197 Northland Ave

Mr. Zielinski has ordered a new electric vehicle and noticed that there are no charging stations in Lakewood. He remarked on the importance of public charging stations. He noted that many of the City’s neighboring communities have them. He remarked that there will be many more electric vehicles in the future and that the City must strategically position itself.

Councilmember Bullock agreed with the importance of making charging stations available. He asked if they ought to be complimentary or metered.

Mr. Zielinski replied that the most important thing is that they are publically available in a high traffic area but that the ones available now are complimentary.

Director Sylvester noted that while no charging stations are currently being planned that the Department and the City would like to explore the idea in the future.

Councilmember Anderson noted that Giant Eagle and Walgreens are installing these in other communities and that perhaps we can call on these companies to invest in stations in Lakewood.

Dan Rogan – 1252 W. Clifton Blvd.

Mr. Rogan spoke about the police incident that occurred in November at the Madison branch of the library. He referenced details from the lawsuit, news coverage, and the City’s statement. He indicated the incident warranted the firing of the officer involved, that Police Chief Malley needed to apologize for the press statement he issued and that greater accountability, use of force protocols needed to be followed and the policy published.

Mayor Summers responded, acknowledging that the officer violated the use of force policy. He remarked that the matter will be going before a Judge where both sides will be presented. He discussed the disciplinary action taken on the officer but disagreed that the officer should be fired. He expressed support for Chief Malley’s leadership. He added that new software will allow for greater police monitoring.

Brian Taubman – 1253 Bunts

Mr. Taubman expressed support for medical marijuana and called for the City to allow dispensing and processing. He also asked Council to lift the pit bull ban and implement breed neutral laws.

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

Mayor Summers announced the Solstice Steps Celebration event on Wed. 6/21

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

Motion adopted. All members present voting yea.

Meeting adjourned 9:05 PM.

Approved: _____

CLERK

PRESIDENT