

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 1, 2019
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 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, Community Relations Specialist Melissa Garrett, members of the Youth Council Planning Task Force and two members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held June 17th, 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.

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

1. Committee of the Whole report regarding meetings held June 24th, 2019.

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

All members voted in favor. Motion passed.

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

President O'Leary stated that Council heard from the Youth Council Planning Task Force, which has been meeting to create a governance structure and framework for ongoing Youth

Council operations. The Task Force reviewed with the Council the application to join the Youth Council, along with the interview questions that will be posed to applicants. Committee of the Whole did recommend adoption of Ordinance 20-19 on second reading, due to the Youth Council's operations being based on an academic calendar.

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

All members voted in favor. Motion passed.

3. **ORDINANCE 20-19** - AN ORDINANCE enacting Chapter 159, Youth Council, of the Lakewood Codified Ordinances to establish a council for purposeful planning; advising Council and the Administration on matters including but not limited to addressing youth concerns and perspectives; assisting in securing and developing programs and activities for the young people in the City; and providing programming in the community for youth to obtain leadership skills and to participate in civic affairs; and appointing six of the original members of the council. (Placed on 1st reading and referred to COW 6/17/19)

Motion by President O'Leary, seconded by Vice President Anderson to suspend the rules and allow for adoption on second reading.

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

Nays: none

Motion passed. Rules suspended

Motion by President O'Leary, seconded by Vice President Anderson to adopt.

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

Nays: none

Motion passed. Ordinance 20-19 adopted.

4. Finance Committee report regarding meeting held June 24th, 2019.

Councilman O'Malley stated the following report:

The Finance Committee met on June 24th to discuss Resolutions 9076-19, 9077-19, and 9078-19, which officially initiate the City's budget process for the upcoming fiscal year. Committee members present included Councilwoman George and myself, as Councilman Bullock was out of state. The committee was joined by Councilman Rader, Finance Director Pae, Assistant Finance Director Schuster, Assistant Law Director Swallow, and Clerk Bach. Directors Pae and Schuster explained the purpose of each resolution, highlighting the importance of the City requesting accurate revenue totals from the County upon tax collection. Finance is requesting revenues based on the prior year's collection and has added in a 1% inflation factor to account

for any variations between the sets of numbers. It's important that the City request the correct amount of revenue that it needs because the county could technically take revenue generated by Lakewood and give it to another community if excess remains. However, this occurrence is very rare. It was also noted that the millage rate assigned for the Police and Fire pension funds are set by charter and do not require a vote in order to be raised. This rate will not change however due to increases in property valuation.

The committee also spent time reviewing the Council Budget Priority Process. The deadline for Council form submission is September 3rd, which will give the body a month to consider items presented and compose a formal resolution adopting them. The goal is to have that resolution passed by Council's first meeting in October, which will give the administration 6 weeks to bake it into the budget. The budget will be introduced in mid-November. This process may become more complicated however due to impending changes in the administration and Council. As in 2008, multiple budgets may be required as temporary measures in order to get a balanced budget passed by the March 30th deadline. Contract negotiations with bargaining units are also a factor affecting the budget process.

The committee is looking to have a mid-year revenue report meeting with Finance staff on July 29th or 22nd. Updates on the scheduling of that meeting will follow.

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

Discussion: Councilman Bullock inquired about the adjustment of millage amounts for the Police & Fire Pension Fund via ordinance. Director Pae confirmed that millage for that fund would be adjusted via ordinance.

All members voted in favor. Motion passed.

5. **RESOLUTION 9076-19** - 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, approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2020, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (Referred to Finance Committee 6/3/19)

Motion by President O'Leary, seconded by Vice President Anderson to adopt Resolution 9076-19.

Councilman O'Malley noted that the Finance Committee voted to recommend adoption for the following three resolutions.

All members voted in favor. Motion passed. Resolution 9076-19 adopted.

6. **RESOLUTION 9077-19** - 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, 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, estate taxes and special assessments collected in the year 2020 in such amounts as may be requested and available. (Referred to Finance Committee 6/3/19)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9077-19.

All members voted in favor. Motion passed. Resolution 9077-19 adopted.

7. **RESOLUTION 9078-19** - 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, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (Referred to Finance Committee 6/3/19)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9078-19.

All members voted in favor. Motion passed. Resolution 9078-19 adopted.

8. Public Safety Committee report regarding meeting held July 1st, 2019. (to be provided)

Councilman Bullock stated that the committee discussed Ordinance 05-19 and Ordinance 06-19. Following discussion regarding Ordinance 06-19, the committee recommended its substitute version for adoption. The substitute legislation would bring Lakewood’s laws into compliance with a court ruling that prohibits cities from regulating the ownership, possession, and transfer of stun guns, as they were ruled to be a part of 2nd Amendment rights. The legislation would also incorporate stun guns into the sections of Lakewood’s code that concern the use of weapons.

Ordinance 05-19 is still in committee and Councilman Bullock is hopeful that it will be reported out on July 15th for full consideration by Council. This ordinance would further regulate the use of mobile electronic devices while driving. It is designed to strengthen the ability of the police to enforce public safety regarding mobile phone use while driving.

Motion by Councilman Bullock, seconded by President O’Leary to receive and file the report.

All members voted in favor. Motion passed.

9. **ORDINANCE 05-19** - AN ORDINANCE to take effect at the earliest period allowed by law enacting Section 331.346, Using Mobile Telephones while Driving, of the Codified Ordinances of the City of Lakewood in order to update the Code so as to regulate the use of mobile phones while driving in the City. (Placed on 1st reading and referred to Public Safety 1/22/19; 2nd reading 2/4/19)

Motion by President O'Leary, seconded by Vice President Anderson to defer Ordinance 5-19.

All members voted in favor. Motion passed.

10. **ORDINANCE 06-19** - 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, repealing Section 549.051, Sale, Possession and use of Stun Guns, of the Codified Ordinances of the City of Lakewood as this section is no longer enforceable. (Placed on 1st reading and referred to Public Safety 2/4/19; 2nd reading 2/19/19)

Motion by President O'Leary, seconded by Vice President Anderson to substitute Ordinance 6-19.

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

Nays: none

Motion passed. Ordinance 6-19 substituted.

Motion by President O'Leary, seconded by Vice President Anderson to adopt Ordinance 6-19 as substituted.

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

Nays: none

Motion passed. Ordinance 6-19 adopted as substituted.

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

11. Communication from President O'Leary regarding two appointments to the Citizens Advisory Committee.

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

All members voted in favor. Motion passed.

12. Communication from Mayor Summers regarding appointments to the Audit Committee and the Citizens Advisory Committee.

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

All members voted in favor. Motion passed.

13. Communication from Director Pae regarding 2019 2nd & 3rd Quarter Transfers.

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

All members voted in favor. Motion passed.

14. **ORDINANCE 21-19** – 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, authorizing the transfer and advance of certain funds.

Motion by President O'Leary, seconded by Vice President Anderson to refer Ordinance 21-19 to Finance Committee.

All members voted in favor. Motion passed. Ordinance 21-19 referred to Finance Committee.

15. Communication from Director Butler regarding an ordinance amending the code chapter governing flood damage prevention following FEMA updates.

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

All members voted in favor. Motion passed.

16. **ORDINANCE 22-19** - 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 at the earliest period allowed by law, amending Chapter 1308, Flood Damage Prevention, of the Codified Ordinances of the City of Lakewood in order to update the City's local flood management regulations to conform to new federal and state law.

Motion by President O’Leary, seconded by Vice President Anderson to refer Ordinance 22-19 to Public Safety Committee.

All members voted in favor. Motion passed. Ordinance 22-19 referred to Public Safety Committee.

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

17. Liquor Permit Notice regarding DJT Industries LLC located at 11824 Detroit Ave.

Councilman O’Malley had no objection.

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

All members voted in favor. Motion passed. Permit filed without objection.

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

Mayor Summers noted the 10 a.m. start time for the Lakewood 4th of July Parade and the fireworks taking place at Lakewood Park later that evening.

Councilman Rader asked for an update from the Mayor and Director Beno regarding the City’s solar energy initiatives. Director Beno indicated he had a phone call with representatives that they met at the most recent Public Works Committee meeting and answered questions they had about various buildings.

Mayor Summers noted that his staff recently had a meeting regarding Cove Church and will decide this fall on whether the building will be rehabbed or undergo other construction. The contractor hired to examine the building has indicated thus far that it is well built and open to adaptable reuse.

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

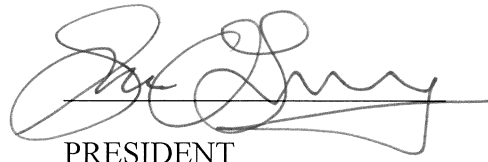
Motion adopted. All members voting yea.

Meeting adjourned 08:05 PM.

Approved: 7/15/19

Mannen M Back

CLERK

A handwritten signature in cursive script, appearing to read 'John D. ...', written over a horizontal line.

PRESIDENT