

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
July 3, 2017  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 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 Police Acting Chief Hassing, Planning & Development Director Sylvester, approximately 70 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held June 19, 2017.

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

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding July 3, 2017 Committee meeting on Proposed Third Amended Charter Mr. O’Leary; Chair (To Be Provided)

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

Motion adopted. All members voting yea.

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2. Finance Committee Report regarding Resolutions 8938-17, 8939-17 & 8940-17. Mr. Bullock; Chair (To Be Provided)

On June 26th the Finance Committee met and discussed the three resolutions in front of us today. They are together the city's tax budget that we file annually here so that our budget is coordinated properly with the County which does the collection of property taxes and transfers and advances to us twice a year and also coordinates the amount of taxes the City collects with all the other taxing entities in the County such as school districts, library districts, parks districts and more.

So what we have in front of us today are three resolutions, the first of which is time sensitive (we face a July 20 deadline) – and that is the tax budget itself which is a projection of revenues and expenditures to establish the City's property tax rate for the 2017 tax year which is the 2018 collection year. There were no changes proposed but we nevertheless certify to the County what we expect to collect and we show what we expect also to incur in expenditures along the various sections of our collections.

Secondly, Resolution 8939-17 allows the City to receive early payments twice a year from the County which is a little earlier than we would otherwise receive them. This is a longstanding practice that helps our cash flow and so we do that every year. The third thing is the tax resolution itself that authorizes the collection of our property tax rates for the tax year 2018. The good news is that it is level. Once again this year, there is no increase or decrease. That represents close to 25 years since there's been a change in Lakewood's property tax. It's been much longer than that for income tax. For property tax there was a minor increase in the early or mid-90s for one small portion of what we did. We've been level ever since and that includes even through recent turbulent times such as the great recession, state budget cuts to the local government fund and state changes to the municipal income tax.

The committee discussed this in detail and concluded by recommending adoption to the full Council all three of these resolutions.

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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3. **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. (REFERRED TO THE FINANCE COMMITTEE 6/5/17) (Pg. 4)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8938-17.  
Motion adopted. All members voting yea.

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4. **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. (REFERRED TO THE FINANCE COMMITTEE 6/5/17) (Pg. 5)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8939-17.  
Motion adopted. All members voting yea.

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5. **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. (REFERRED TO THE FINANCE COMMITTEE 6/5/17) (Pg. 7)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8940-17.  
Motion adopted. All members voting yea.

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6. Rules & Ordinances Committee Report regarding Ordinance 26-17. Mr. Litten; Chair. (To Be Provided).

The Rules & Ordinances Committee met on June 12th. Present were all members as well as Councilmember Anderson, Assistant law Director Swallow and three members of the public.

We had one agenda item that was to discuss Ordinance 26-17 amending sections of the Code related to the Community Relations Advisory Commission, to essentially restore its role and its duties to those set forth in its original founding ordinance and to make an administrative change. The Law Department expressed no objection to the ordinance. I pointed out in that meeting that a committee was formed in 2013 which looked at all the boards and commissions of the City and changed it, at the time, unanimously. Of course I asked why the change now. Councilmember Marx explained, as our liaison to LCRAC that LCRAC feels restricted in its ability to bring ideas to the Mayor and to Council and would like to bring their ideas forward more easily. As an advisory group to be able to advise. Also, they have had to cancel meetings recently due to a lack of quorum, lack of interested membership. Ultimately the decision was made to recommend adoption of Ordinance 26-17.

Motion by Mr. Litten, seconded by Mr. O’Leary, to receive and file the oral report. Motion adopted. All members voting yea.

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7. **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. (1<sup>ST</sup> READING & REFERRED TO RULES & ORDINANCES COMMITTEE 6/5/17, 2<sup>ND</sup> READING 6/19/17) (Pg. 9)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 26-17. Motion adopted. All members voting yea.

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8. **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. (1<sup>ST</sup> READING 6/5/17, 2<sup>ND</sup> READING 6/19/17) (Pg. 11)

*Discussion:* Councilmember O’Leary explained the administrative nature of the ordinance that officially instructs City’s ordinance publisher to publish the ordinances that have been changed in the preceding quarter of the year.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 27-17.

Motion adopted. All members voting yea.

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

9. Communication from Councilmember Bullock regarding Appointment of Courtney Noster to the Citizens Advisory Committee. (Pg. 13)

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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10. Communication from Councilmember Bullock regarding Appointment of Erik Meinhardt to the Community Relations Advisory Commission. (Pg. 14)

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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11. Communication from Human Services Director Gelsomino regarding Project SOAR. Supporting Opiates Addiction Recovery. (Pg. 15)

*Discussion:* Councilmember O’Leary re-emphasized the importance and urgency of the topic, thanked Chief Gilman, the Lakewood Police Department Mayor Summers for their leadership on the issue.

Councilmember Marx thanked Director Gelsomino for bringing this forward and expressed enthusiasm for a discussion in the Health & Human Services Committee.

Director Gelsomino informed Councilmembers that the Plain Dealer will feature an interview of city officials on this topic.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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12. Communication from Planning & Development Director Sylvester regarding Sale of 1468 W. 117<sup>th</sup>. (Pg. 16)

*Discussion:* Councilmember Bullock asked about the sale price and types of buyers for the properties that did sell and if there is any particular reason that the remaining parcel has not yet sold.

Director Sylvester reported that the final price for 1482-84 W. 117<sup>th</sup> was approximately \$35,000. The properties surrounding 1482-84 W. 117<sup>th</sup> are apartment buildings that are in need of parking and so the lot is going to be turned into 8 parking spaces for tenants. The nearby property that has not yet sold is more challenging to repurpose because it is narrow and deep. The City has not received much interest in the property, although Director Sylvester acknowledged that four months is not that long to have a property on the market. The Department would like to keep it on the market another 120 days. He remarked on the sale of the residential properties and the process. He clarified that the existing authority to market the properties has expired.

Councilmembers O'Malley, O'Leary, and Anderson expressed support for approving the ordinance tonight and discussing it in committee later.

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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13. **ORDINANCE NO. 28-17** – 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 and directing the Director of Planning and Development or the Mayor to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1468 W. 117<sup>th</sup> Street (PPN 315-13-103) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 17)

Motion by Mr. O'Leary, seconded by MR. Anderson, to suspend the rules requiring this ordinance to be read on three separate occasions and placing Ordinance 28-17 on final reading.

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

Nays; None

Motion adopted. Rules Suspended.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 28-17.

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

Nays; None

Motion adopted. Ordinance 28-17 adopted.

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14.Add-on – Public Safety Committee Report regarding Resolution 8942-17.  
Mr. O’Malley; chair (To Be Provided)

The Public Safety Committee met this evening and discussed the two items on our agenda. One was to discuss the pending resolution to extend the moratorium on medical marijuana for an additional three months. The second was to continue our discussion that was held previously about proposed regulations from the Planning Department. Director Sylvester reviewed those recommendations. There were questions from Council. Mayor Summers offered the suggestion that the administration continue to work on these and propose some regulations, not only as they relate to zoning but in terms of fee structures and the like as well. Those would come if not before, after our recess. There were comments and questions from other members of Council. Director Pae raised the point that those fee structures are not just as simple as coming up with a number and there is some research that needs to be done in terms of what our abilities are and that there would need to be some time to further research that. We had prospective dispensary owner Steve Ernst who was present with his attorney Tom Harem. Mr. Ernst indicated that he had secured a lease option on a retail space on Madison Ave. The Committee voted 3-0 to recommend adoption of Resolution 8942-17.

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

Motion adopted. All members voting yea.

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**15.Add-on RESOLUTION 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. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/5/17) (Pg. 18)

Motion by Mr. O’Leary, seconded by MR. Anderson, to adopt Resolution 8942-17. Motion adopted. All members voting yea.

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

Venchise Glenn – 4424 Franklin Ave, Cleveland

Ms. Glenn asked Council to please reconsider its breed specific laws. She discussed the cruelty that pit bulls suffered at the hands of Michael Vick and told of how the majority of them recovered and became sociable pets with proper help.

Aaron Philip – 4424 Franklin Ave, Cleveland

Mr. Philip spoke against breed specific laws. He is the owner of a pit bull in Cleveland and would like to live in Lakewood. He argued that dogs should be judged on the merit of their personalities not their appearance or breed.

Joe Glenn – 4424 Franklin Ave, Cleveland

Mr. Glenn spoke against breed specific laws. He admitted to initially being alarmed when he found out his daughter acquired a pit bull. He said that he became enlightened by an essay by Malcolm Gladwell, which he shared with Council.

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

Councilmember O’Malley announced that a recent episode of HGTV’s Lakefront Bargain Hunt featured a couple looking for an apartment on the Gold Coast in Lakewood. He found that Lakewood was featured in a very positive way.

Councilmember Litten announced the July 4<sup>th</sup> festivities and the Summer Meltdown on July 8<sup>th</sup>.

Councilmember Marx thanked Mr. Glenn for speaking and for his service to the country.

Mayor Summers announced that Kids Cove will be closed all day tomorrow due to public safety and the arrival of the fireworks.

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Motion by Mr. O’Leary, seconded by Mr. Anderson to adjourn.  
Motion adopted. All members present voting yea.  
Meeting adjourned 8:17 PM.

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

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CLERK

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PRESIDENT