

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 16, 2018
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:39 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Daniel J. O'Malley, Tristan Rader.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Police Chief Malley, Human Resources Director Yousefi, Fire Chief Gilman & Public Works Director Beno

Reading and disposal of the minutes of the Special Meeting of Council held April 30, 2018. 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.

Reading and disposal of the minutes of the Regular Meeting of Council held July 2, 2018. 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.

Without objection, items #10 & #11 were moved to the front of the agenda.

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

1. Committee of the Whole Report Regarding Meeting Held 7/9/18; Mr. O'Leary, Chair

Committee of the Whole met last Monday, July 9th. We had two items on our agenda. The first was a discussion regarding Ordinance 33-18 which is a proposed lease between IceLand USA – Lakewood, LLC and the City of Lakewood for the continued operation for Winterhurst Serpentine Rink. We had a pretty lengthy discussion about both of the offers that the City received in that respect, their implications for the City, users of the rink, both inside and outside the City, as well as potential maintenance liabilities, etc. We also discussed the compensation.

Councilwoman George had a couple of suggested changes that ultimately were renegotiated into the lease and a substitute version is before us this evening.

We also had a discussion of Council's process for filling, on a permanent basis, the role of Council Clerk as well as additional Council staffing needs beyond that. Council determined that we will select from the applications that have been submitted as well as our internal candidate and conduct interviews two weeks from this evening, hopefully Monday July 30th.

Motion by Mr. O'Leary, seconded by Mr. Anderson to receive and file that oral report.
Motion adopted. All members voting yea.

2. **ORDINANCE NO. 33-18** - 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, authorizing and directing the Mayor to enter into a first amendment to the amended and restated lease agreement with IceLand USA-Lakewood, LLC for the lease of the real property located at 14740 Lakewood Heights Boulevard, known as Serpentine Arena at Winterhurst, pursuant to Section 155.08 of the Codified Ordinances. **(SUBSTITUTE TO BE PROVIDED)** (READ & REFERRED TO COMMITTEE OF THE WHOLE 6/18/18, SECOND READING 7/2/18; SUBSTITUTE RECOMMENDED FOR ADOPTION 7/9/18)

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

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader
Nays: none

Motion adopted. Ordinance 33-18 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt as substituted.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader
Nays: none

Motion adopted. Ordinance 33-18 adopted as substituted.

3. Finance Committee Report Regarding Meeting Held 7/16/18; Mr. O'Malley, Chair

Finance Committee met this evening. We had three items on our agenda. We first discussed Ordinance 44-17A which would amend Ordinance 44-17 to include the Small Business Grant Program as part of that Ordinance. It is a very worthwhile program. I think I speak for the rest of the Committee in noting the potential this has for businesses, a number of whom have already been helped and are expressing interest and participating in this program which is being

administered through the Small Business Administration. The Committee unanimously recommends that Council adopt Ordinance 44-17A.

We then moved on to a discussion of Council's budget priority process. This is our third year. This was something that was started when Councilman Bullock was Chair and we talked about timeline. This is just a reminder for all councilmembers of the submission deadlines for budget priorities. Councilman Rader asked a good question about the expectations about the process in terms of working with the administration. We should be regularly communicating our priorities even outside this process as well throughout the year and even over the course of several years, depending on the size and scope of these priorities. We'll be working through the recess on these. Those will be due at the end of the recess. We have already scheduled two Finance Committee meetings for the end of September to discuss our budget priorities and our hope is that we'll have these passed or at least presented for adoption at the first meeting in October.

Finally, I had asked Director Pae to provide an update on our revenues to date. We received a good report. I would encourage all councilmembers to review thoroughly the Finance Department documents that are sent out every month with the month-end financials for the City. Particularly, the revenue analysis illuminates where we are as a City in terms of our revenue. We're in a very good spot right now. All of our revenue sources are above where we were at this point last year and are well in line with our projections for the year.

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to receive and file the oral report.

Motion passed. All members voted in favor.

4. **ORDINANCE NO. 44-17A** - 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, amending Ordinance 44-17, adopted December 18, 2017, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into service contracts in accordance with the Administrative Code of the City of Lakewood for the Department of Planning & Development in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (READ & REFERRED TO FINANCE COMMITTEE 6/18/18, SECOND READING 7/2/18) (pg. 12)

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to adopt Ordinance 44-17A.

Discussion: Mr. O'Malley clarified that the Ordinance does not expand the amount of dollars spent.

Director Sylvester provided a brief synopsis of the Lakewood Small Business Grant Program. Cuyahoga County puts in \$150,000. Lakewood puts in \$50,000 and small business owners go through an SBA-backed loan process. Council approved the program in the fall and the City has been marketing the program for four months. The program is open to existing and new businesses looking to grow in Lakewood. In response to a question by Ms. George, he discussed the conditions under which the business loan is forgiven. He mentioned that the program supplements existing programs such as the Storefront Renovation Program.

On the motion: Motion passed. All members voted in favor.

5. Public Works Committee Report Regarding Meeting Held 7/16/18; Mr. Rader, Chair (to be provided)

We held a meeting this evening. We were looking at two things primarily, though there were four things on our agenda. Two items we had time to cover and we had a pretty robust discussion on both. The first was Ordinance 34-18. The Ohio legislature passed a set of laws that we had to implement and make sure that we are giving cell phone companies and contractors permission to allow for cell phone towers in our right of ways. This law permits us to make them go through a more stringent process when it comes to doing permitting. It does not affect the design. These towers and structures still have to go through the planning and ABR process which we will be working on as a Council later when we will have much more discretion over that. This is mostly controlled by the Ohio legislature and what they have outlined for us. It being sort of boilerplate and having gone to outside counsel for this, I felt comfortable with this. There was a robust discussion on that. Mr. Butler, now would be a great opportunity if you'd like to add anything.

Director Butler added that Ordinance 34-18 complements the existing public right of way ordinance passed last year. Ordinance 34-18 imposes new fees, application requirements, and obligates the wireless telecommunications industry to provide protections to the City for using the right of way. The Ordinance does not impact the design. Design guidelines will be reviewed by ARB and Planning Commission this fall.

Mr. Rader: We recommended Ordinance 34-18 for adoption tonight as substituted. There were a few minor changes.

The other thing we talked about was Resolution 9010-18. This is the largest part of the project for the digester. We went into a lot of discussion on that. We referred it back to Council without a recommendation. Director Beno was kind enough to provide me with something I had asked for on short notice – so thank you. This is the original budget. We were over budget with the digester as it came down at a little over \$8 million, where it was budgeted at \$7,700,000. I would like to ask the Finance Director, what kind of impact would an additional \$300,000 cost?

Director Pae responded that the City has borrowed \$5 million towards the estimated \$8 million for the project. The City borrows for this. It is paid out of an enterprise fund. Since it is related to the waste water treatment plant it is fund 511, which is wastewater treatment which is a portion

of the sewer revenue. So it would go into the calculations of our debt service which are supported by our rates.

Mr. Rader: Thank you. One of the things that came to light about this project was that it is 100% essential, mainly for safety reasons too that we separate our electric and methane so that we don't have some kind of catastrophe. It is an ancient facility down there and needs a lot of upgrades. This is something that has been coming for a long time. Another reason why we referred it back to Council without recommendation was that we were right on the heels of the Finance Committee.

Motion by Councilmember Rader, seconded by Councilmember O'Leary to receive and file the report.

Motion passed. All members voted in favor.

6. **ORDINANCE NO. 34-18** – 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, enacting Chapter 906, Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures, of the Codified Ordinances of the City of Lakewood in order to regulate small cell wireless facilities in the right-of-way. (READ & REFERRED TO PUBLIC WORKS 7/2/18) (pg. 15)

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to substitute Ordinance 34-18.

Discussion: It was clarified that the substituted changes are typographical errors.

On the motion:

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

Nays: none

Motion passed. Ordinance 34-18 substituted.

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to suspend the rules to adopt on second reading.

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

Nays: none

Motion adopted. Rules suspended.

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to adopt Ordinance 34-18 as substituted.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader
Nays: none

Motion adopted. Ordinance 34-18 adopted as substituted.

7. **RESOLUTION 9010-18** - 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, authorizing the amendment to the design-build agreement for the wastewater treatment plant digesters between the City of Lakewood and Kokosing Industrial in order to set a fixed price for the project.
(**SUBSTITUTE TO BE PROVIDED**) (REFERRED TO PUBLIC WORKS 6/18/18) (pg. 25)

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to substitute Resolution 9010-18.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader
Nays: none

Motion passed. Resolution 9010-18 substituted.

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to adopt Resolution 9010-18 as substituted.

Discussion: Mr. Rader expressed support for the Resolution as is. He thanked Shawn Aiken of CT Consultants for vetting the project.

Mr. Anderson thanked the administration for providing the original budget numbers and the final budget numbers. He expressed support for the project.

Mr. O'Leary expressed support for the Resolution and the project. He thanked the team that has been working on it.

On the motion:

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader
Nays: none

Motion adopted. Resolution 9010-18 adopted as substituted.

****NEW BUSINESS****

8. Communication from Councilmember Rader Regarding Source of Income Protection Ordinance (to be provided)

Today I am recommending that we add “Source of Income” (SOI) to our anti-discrimination in housing ordinance, as a protected classification.

The goal here is to do what we can to remove what barriers we are able and help low-income people find decent, safe and affordable housing. Individuals and families who receive public assistance have every right to participate in our local rental markets. Including SOI protections in anti-discrimination laws has been shown to decrease discrimination and make it easier for low-income people to find suitable housing. In what form a person or family pays rent should not determine what community will or will not accept them.

Currently, eight states and many counties, cities and towns across the country that have SOI protections that include public assistance. In Cuyahoga alone, there are four: Linndale, South Euclid, University Heights, and Warrensville Heights.

I look forward to much discussion in committee. I’m sure there will be a lot of good input and questions to come. At which time, I would hope, we also discuss what we can do as a city to help landlords to understand these changes, should they be adopted.

I have also reached out to organizations such as The Fair Housing Center, Cuyahoga County and CMHA to understand how we might work closer to ensure that implementation is efficient and effective with an aim to benefit both tenants and landlords.

I humbly request that this be referred to the Housing Committee.

Motion by Mr. Rader, seconded by Mr. O’Leary to receive and file the communication.
Motion passed. All members voting in favor.

9. **ORDINANCE 35-18** - AN ORDINANCE repealing Section 516.01 and Section 510.01, Discrimination Prohibited, of the Codified Ordinances of the City of Lakewood and enacting a new section in its place to include source of income as a protected class as well a definition for the term source of income. (pg. 28)

Motion by Councilmember O’Leary, seconded by Councilmember Anderson to refer to Housing Committee.

Motion passed all members voting yea.

10. Communication from Mayor Summers regarding July 4th Parade Grand Marshals (pg.35)

Mayor Summers presented awards to parade award winners in the categories of Best Color Guard, Best Float, Most Original Entry, Best Bicycle, & Most Spirit. A spokesperson from each group said a few words about their group.

Mr. O’Leary thanked awardees and congratulated them.

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

Motion passed all members voting yea.

11. **RESOLUTION 9013-18** – A RESOLUTION to thank Mr. Chas Geiger and Mr. Gordon Geiger for participating as the 2018 Grand Marshals in the City of Lakewood 4th of July Parade (pg. 36)

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to adopt Resolution 9013-18.

Mr. O'Leary thanked the Geigers for their work in the community and for leading this year's parade.

Motion passed all members voting yea. Resolution 9013-18 adopted

12. Communication from Finance Director Pae Regarding 2018 Third Quarter Transfers & Advances Ordinance (pg. 37)

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

Motion passed. All members voted in favor.

13. **ORDINANCE 37-18** – 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, authorizing the transfer and advance of certain funds. (pg. 38)

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to refer to Finance Committee.

Motion passed. All members voted in favor.

14. Communication from Planning Director Sylvester Regarding Former Lakewood Hospital Site Rezoning – Planned Development (pg. 40)

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

Motion passed. All members voted in favor.

15. **ORDINANCE 36-18** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 14519 Detroit Ave, 14501 Detroit Ave, and 1415 Marlowe Avenue (PPNs 314-07-007 to -014; 314-07-033 to -039; and 314-07-145) from C2 (Commercial, Retail) and PPN 314-07-017 from R1H (Single Family, High Density) to PD (Planned Development) (pg.41)

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to refer to Planning Commission, ABR, and Committee of the Whole.

Motion passed. All members voted in favor.

16. Communication from Police Chief Malley Regarding D.A.R.E. Program Funding (pg.44)

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

Motion passed. All members voted in favor.

17. **RESOLUTION 9012-18** - 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, authorizing the Mayor as the Director of Public Safety or his designee to enter into an agreement with the Ohio Attorney General to accept and expend funds for the City's Drug Abuse Resistance Education (D.A.R.E.) program in the amount of \$44,019 to continue to educate young people of the City of Lakewood as to the hazards of alcohol and drugs. (pg. 45)

Motion by Councilmember O'Leary, seconded by Councilmember Anderson to adopt Resolution 9012-18.

Motion passed. All members voted in favor. Resolution 9012-18 adopted.

****PUBLIC COMMENT****

Scott Koons – 1519 Marlowe

Mr. Koons lives at the corner of Franklin & Marlowe Aves. He expressed concern about traffic safety near his home and a recent increase in accidents, including one fatal accident. He asked Council to evaluate the situation and to consider reducing the speed limit from 35 mph to 25 mph to keep the community safe.

Councilmember Litten responded, referencing additional accidents along Franklin. He expressed interest in gathering data on this issue.

Councilmember Bullock stated that he would like to see the speed limit changed to 25 mph on Franklin.

Karen Wagner – 1514 Marlowe

Ms. Wagner lives close to the site of a recent fatal traffic accident and expressed concern about traffic safety on Franklin Ave. She pointed to the many students using Franklin and suggested changing the speed limit from 35 mph to 25 mph.

****ANNOUNCEMENTS****

Mayor Summers mentioned some of the work the administration will be undertaking during August recess including budgets, strategy, and the Resiliency Task Force.

Councilmember O'Malley acknowledged members of the administration including LPD, LFD, Melissa Garrett, and Mayor's Office staff for their help in creating a safe and fun Fourth of July celebration.

Director Butler complimented Councilmember Anderson and his wife on their job emceeding the parade.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:33 PM.

Approved: 9/4/18

(Acting) Manner M Bach
CLERK
[Signature]
PRESIDENT

Beno, Joe

Subject: budget information for tonight's meeting

<u>Scope</u>	<u>Original Budget</u>	<u>Final Budget</u>
CHP	\$ 2,100,000.00	\$ 1,753,200.00
Boilers	\$ 2,600,000.00	\$ 1,907,500.00
Digester Rehab	\$ 2,000,000.00	\$ 2,449,000.00
Misc./ Gas Safety	\$ 1,000,000.00	\$ 1,021,700.00
Digester Cleaning	\$ -	\$ 924,000.00
	\$ 7,700,000.00	\$ 8,055,400.00

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