

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 17, 2017
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 PM by Council President O’Leary.

Present: David Anderson, John Litten, Cindy Marx, Ryan Nowlin, Samuel T. O’Leary, Daniel J. O’Malley.

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

Motion adopted. All members present voting yea.

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 July 3, 2017.

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

Motion adopted. All members present voting yea.

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

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

Committee of the Whole did meet tonight immediately prior to our meeting. The subject was our Third Amended Charter. The Committee did consider this evening 13 formally proposed changes to the proposed Third Amended Charter. We rejected five of those changes and approved eight of those changes with a resulting Third Amended Charter in its final form which is attached to ordinance 28-16 this evening. We had a spirited discussion joined not only by Director Butler who has been present at many of these conversations but also the charter review commission members themselves. We are grateful for everyone's participation in this important civic discussion. Move to receive and file that oral report.

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

Motion adopted. All members present voting yea.

2. **ORDINANCE NO. 28-16** – 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, providing for the submission to the electors of the City of Lakewood, a proposed Third Amended Charter of the City of Lakewood. (**PLEASE SUBSTITUTE** for ORDINANCE 28-16 placed on first reading and referred to the Committee of the Whole May 16, 2016, 2ND READING June 6, 2016. (Pg. 4)

Councilmember O'Leary noted that this project is over three years in the making. He explained that this ordinance sends the agreed upon document to the Board of Elections to be included on the November ballot.

Director Butler clarified that in addition to changes in the exhibit, the ordinance itself has a change to include the correct date.

Councilmember O'Malley expressed gratitude to the Charter Review Commission for its diligent work. He remarked that the new charter will improve the efficiency of City business. He noted that while there remain a few changes with which he is not entirely comfortable, that overall the proposed third amended charter is an overwhelming improvement and he will advocate for its passage in November.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 28-16.

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

Nays: None

Motion adopted. Ordinance 28-16 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 28-16 as substituted.

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

Nays: None

Motion adopted. Ordinance 28-16 adopted as substituted.

3. Public Works Committee Report regarding Resolution 8937-17. Mr. Nowlin; Chair. (Pg. 48)

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

Motion adopted All members present voting yea.

4. **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. (**PLEASE SUBSTITUTE** for Resolution 8937-17 referred to the Public Works Committee 6/5/17.) (Pg. 49)

Director Butler distributed changes to the contract attached to the resolution and explained them. These changes were sent to councilmembers last week by Director Beno. Pricing details have been added but they do not affect the overall project costs.

Director Beno corrected Director Butler and said that the pricing was the same as what was in the prior version and that this new substitute contains additional dates and project scheduling details.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to substitute Resolution 8937-17.

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

Nays: None

Motion adopted. Resolution 8937-17 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8937-17 as substituted.

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

Nays: None

Motion adopted. Resolution 8937-17 adopted as substituted.

****NEW BUSINESS****

5. Communication from Council President O’Leary regarding CAC Appointments. (To Be Provided)

I am writing tonight to inform council of my appointment of Maureen Sweeney to the Citizens Advisory Committee. Ms. Sweeney is a graduate of CWRU’s School of Nursing and currently is the Associate Medical Director for Frontline Service. In the past she has also served with MetroHealth as a nurse and in addition, the Centers for Families and Children. I am confident that her existing professional and educational background will make her a very valuable member of the Citizens Advisory Committee and look forward to her participation this fall. Move to receive and file that communication.

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

Motion adopted. All members present voting yea.

6. Communication from Councilmember Litten regarding Scott Koons Reappointment to Lakewood Citizens Advisory Committee. (Pg.86)

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

Motion adopted. All members present voting yea.

7. Communication from Mayor Summers regarding 2017 Grand Marshal of the 4th of July Parade. (Pg. 87)
(Referenced under Resolution)

8. **RESOLUTION NO. 8943-17** – A RESOLUTION to thank Mr. David Stein for participating as the 2017 Grand Marshal in the City of Lakewood 4th of July Parade. (Pg. 88)

Mayor Summers praised the 4th of July parade and attributed its success to the enthusiasm from its participants. He proceeded to recognize the parade winners.

He remarked on the contributions of David Stein who served as the parade's Grand Marshal.

Best Color Guard – Vietnam Veterans of America Chapter 249

Best Float – The Goodwin Family

Most Original Entry – Lake Trail Nation Adventure Guides

Best Bicycle – Emerson Elementary Unicycle Club

Most Spirit – H2O “Help to Others”

Councilmember O’Leary thanked all parade participants on a fantastic job.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8943-17.
Motion adopted. All members present voting yea.

9. Communication from Mayor Summers regarding retaining McCaulley & Company to advocate for funds. (Pg.89)

Justin McCaulley, President of McCauley and Co. addressed Council to explain the work that his firm does. He expressed enthusiasm for getting work underway and described previous successful grant writing for the City. He concluded saying that he will be looking for any and all opportunities to bring funds back to Lakewood.

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

Motion adopted. All members present voting yea.

10. Communication from Law Director Butler regarding Ordinance amending Section 549.01, weapons definitions. (Pg. 90)

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

Motion adopted. All members present voting yea.

11. **ORDINANCE NO. 29-17** - 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 Section 549.01, Definitions, of the Codified Ordinances for the City of Lakewood in order to provide clarity for the regulation of weapons offenses within the Criminal Code. (Pg. 91)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 29-17 to the Public Safety Committee.

Motion adopted. All members present voting yea.

12.Communication from Finance Director Pae regarding 2017 3rd Quarter Transfers. (Pg. 99)

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

Motion adopted. All members present voting yea.

13.**ORDINANCE NO. 30-17** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) 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. 100)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 20-17 to the Finance Committee.

Motion adopted. All members present voting yea.

14.Communication from Fire Chief Gilman regarding Acceptance of EMS grant funds for 2017. (Pg. 102)

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

Motion adopted. All members present voting yea.

15.Communication from Law Director Butler regarding Add-On resolution approving three-year collective bargaining agreement with AFSCME public works union. (Pg. 103)

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

Motion adopted. All members present voting yea.

16.**RESOLUTION 8944-17** – 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an agreement with the Local 1043 (Public Works 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. (Pg.104)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8944-17.
Motion adopted. All members present voting yea.

****PUBLIC COMMENT****

Greg Murray

Mr. Murray spoke out in strong opposition to the City’s ordinance banning pit bulls and called into question many aspects of the ordinance’s effectiveness and fairness. He stressed that the real problem is irresponsible dog owners. He reported incidents in the City of residents and their dogs who were subject to enforcement. He argued that the pit bull ban is ineffective and should be reversed.

Casey Ocasia – 14313 Birchwood Ave., Cleveland

Ms. Ocasia was looking to move from Cleveland to Lakewood. She found a home on McKinley Ave that she was in the process of purchasing when she found out about the City’s pit bull ban. Because she has a pit bull she decided to change her plans and not move to Lakewood at this time. She asked Council to lift the ban so that families like hers are not kept out of Lakewood.

****ANNOUNCEMENTS****

Councilmember O’Leary announced that Council is on recess for the month of August.

Mayor Summers hinted that the administration will be introducing exciting new initiatives in the fall having to do with the sustainability and resiliency of the City

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:16 PM.

Approved: _____

CLERK

PRESIDENT