

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 5, 2017
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:31 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, approximately 60 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held July 17, 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 September 5, 2017 Committee meeting. Mr. O’Leary; Chair (To Be Provided)

Committee of the Whole did meet very briefly immediately prior to this meeting. The topic of discussion was a procedure for committee minute approval and that procedure was approved of by Council without objection. We also had a report from Law Director Butler briefly about the progress as to getting the other City boards and commissions online with their minutes as well. 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 voting yea.

2. Health & Human Services Committee Report; Project SOAR Supporting Opiates Addiction Recovery. Marx; Chair. (Pg. 5)

Discussion: Councilmembers expressed appreciation to Councilwoman Marx for her regular updates on the status of Project SOAR, recognized the commitment of the City’s Human Services leadership for driving this Project, and voiced confidence in the effectiveness of the Project. The potential of a follow up committee meeting was discussed. It was mentioned that Project SOAR was highlighted in a recent issue of Cleveland Magazine.

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

Motion adopted. All member voting yea.

3. **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. (First Reading & REFERRED TO Public Safety Committee 7/17/17) (Pg. 6)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this ordinance.

Motion adopted. All members voting yea.

4. **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. (First Reading & Referred to Finance Committee 7/17/17) (Pg. 14)

Discussion: Councilmember Bullock remarked that the Finance Committee met tonight and recommended adoption of Ordinance 30-17 upon third reading.

Motion by Mr. Bullock, seconded by Mr. O’Leary to defer for adoption on final reading at next meeting.

Motion adopted. All members voting yea.

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

5. Communication from Council President O’Leary regarding appointment of Mark Schneider to the Citizens Advisory Committee. (To Be Provided)

I am appointing Mark Schneider, a ward 4 resident to the Citizens Advisory Committee. I am confident that Mark will serve our community well. He has expressed interest in serving our community and I look forward to his contributions on the Citizens Advisory Committee. 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 voting yea.

6. Communication from Councilmember Marx regarding Introduction to Ms. Gina Gavlak, President and CEO of North Coast Health. (Pg. 16)

Ms. Gina Gavlak, President/CEO of North Coast Health addressed Council, sharing updates on the work of her organization. She discussed the mission and history of North Coast Health and the persistent health needs of Lakewood residents who can’t afford care elsewhere. She highlighted new initiatives that NCH will be pursuing to reach out to seniors, Birdtown residents and the working poor employed in Lakewood’s small businesses.

Councilmember O’Leary thanked Ms. Gavlak for her work and the work of North Coast Health.

Councilmember Marx stressed the need for Councilmembers to help get the word out about North Coast Health’s services and that they provide care to people regardless of insurance status or ability to pay.

Councilmember O’Malley expressed excitement about North Coast Health’s initiatives effecting ward 4 residents and initiated a meeting with Ms. Gavlak to discuss further.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer to Health & Human Services Committee.

Motion adopted. All members voting yea.

7. Communication from Councilmember O’Malley regarding Tattooing Regulations. (Pg. 17)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer to the Health & Human Services Committee and to Planning Commission.

Motion adopted. All members voting yea.

8. **ORDINANCE NO. 31-17** – AN ORDINANCE repealing Chapter 1793, Tattooing, amending Schedule 1129.02, Permitted Uses in Commercial Districts, and creating new Section 1161.03(XX), Supplemental Regulations for Specific Uses (Body Art Establishments), of the Codified Ordinances of the City of Lakewood in order to permit tattoo studios as a conditional use in commercial districts within the City of Lakewood. (Pg. 18)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 31-17 to the Health & Human Services Committee and to the Planning Commission.

Motion adopted. All members voting yea.

9. Communication from Councilmember Bullock regarding Council 2018 Budget Priorities. (To Be Provided)

The Resolution that follows is a placeholder resolution that can be used as a vehicle to attach whatever budget priorities for the 2018 budget that Council decides it would like to designate. This is merely a framework ordinance with no content yet attached to it. As we discussed in the Finance Committee tonight, we anticipate continuing our discussion at the second meeting in September and concluding it at the first meeting in October with a report for the full council’s consideration and votes that could come as amendments to this resolution. This parallels what we did last year and I’m proposing that we continue that practice again.

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

Motion adopted. All members voting yea.

10.RESOLUTION NO. 8945-17 A RESOLUTION to formally identify agreed-upon priorities that Council would like to see reflected in the 2018 budget. (Pg. 29)

Discussion: Councilmember O’Leary expressed appreciation for Councilmember Bullock’s leadership and optimism that the process will be productive and effective this year.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8945-17 to the Finance Committee.

Motion adopted. All members voting yea.

11.Communication from Mayor Summers regarding Medicinal Marijuana Control Program. (Pg. 31)

Tom Harem – 11747 Ivy Ridge Drive, North Royalton

Mr. Harem asked Council to consider amending the proposed legislation in several ways:

- Change the proposed 1,000 foot buffer zone around schools and parks to a 500 foot buffer to provide additional potential real estate.
- Mirror the state regulations and allow for local licenses to be transferable
- Eliminate the 2% tax on income over a certain threshold

Mr. Harem also discussed the timeline for applications to the State and that applicants will want to be certain that they have local support by the time they submit their applications.

Mayor Summers clarified that the Ordinance intends to make the buffer zone 500 feet.

Director Butler advised that because there is still a moratorium in effect that Council ought to make a separate vote to repeal the moratorium immediately following passage of any legislation to enable dispensaries.

Councilmember Anderson highlighted that smoking marijuana is not an approved use per the state law.

There was a discussion of a timeline for further discussion on the Ordinance and how that timeline ought to coordinate with Planning Commission.

Councilmember Bullock highlighted lingering questions and concerns he has about the topic.

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

Motion adopted. All members voting yea.

12.ORDINANCE NO. 32-17 – 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 various sections and enacting new chapters of the Codified Ordinances of the City of Lakewood in order to regulate medical marijuana cultivators, processors, dispensaries and testing laboratories in the City. (Pg. 33)

Discussion: Councilmember O’Leary explained his rationale for referring the Ordinance to Committee of the Whole, that is, it addresses economic development and has the potential to affect every ward.

Motion by Mr. O’Leary, seconded by Mr. Bullock, to refer Ordinance 32-17 to the Committee of the Whole and Planning Commission.

Motion adopted. All members voting yea.

13.Communication from Mayor Summers regarding Resiliency & Sustainability. (Pg. 58)

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

Motion adopted. All members voting yea.

14.Communication from Mayor Summers regarding Winterhurst. (Pg. 59)

Councilmember Litten disputed Winterhurst’s assertion that there is a diminished demand for ice time.

Councilmember O’Malley asked for evidence supporting the statements of the lessee to gain a full and accurate understanding of the situation.

Mayor Summers suggested bringing neighbors and stakeholders into the communications. He added that Winterhurst recently submitted a proposal to the City to change the terms of the 2018 lease.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer the communication to the Committee of the Whole.

Motion adopted. All members voting yea.

15.Communication from Human Services Director Gelsomino regarding Juvenile Diversion Program. (Pg. 60)

Discussion: Councilmember O’Leary spoke of the profound impact that the Juvenile Diversion Program has on young people’s lives and applauded the continued support of the program.

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

Motion adopted. All members voting yea.

16.Communication from Human Services Director Gelsomino regarding Title III of the Older American’s Act, 2018-19 Proposal. (Pg. 61)

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

Motion adopted. All members voting yea.

17.RESOLUTION NO. 8946-17 – 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, authorizing the Mayor or his designee to apply for and enter into an agreement with the Western Reserve Area Agency on Aging for title III of the Older Americans Act, Senior Community Services for the 2018-2019 program years. (Pg.62)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8946-17 to the Health & Human Services Committee.

Motion adopted. All members voting yea.

18. Communication from Fire Chief Gilman regarding Donation to Lakewood Alive. (Pg. 64)

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

Motion adopted. All members voting yea.

19. RESOLUTION NO. 8947-17 – 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, authorizing and directing the Director of Finance to purchase tools and smoke detectors in an amount not to exceed \$500.00 and to donate those tools and equipment to Lakewood Alive for the purpose of installing smoke detectors in Lakewood homes that are in need of them. (Pg. 65)

Motion by Mr. O’Malley, seconded by Mr. O’Leary, to adopted Resolution 8947-17.

Motion adopted. All members voting yea.

20. Communication from Planning and Development Director Sylvester regarding SBA Municipal Matching Grant Program Cuyahoga County Contract Authorization & Economic Development Fund Contracting Authority. (Pg. 67)

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

Motion adopted. All members voting yea.

21. RESOLUTION NO. 8948-17 - 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, authorizing and directing the Mayor to enter into a grant agreement with the County of Cuyahoga for the operation of a Lakewood-SBA Small Business Performance Grant Program, and approving the expenditure of an amount not to exceed \$50,000.00 from the economic development account within the General Fund for the purposes of the program. (Pg. 68)

Motion by Mr. O’Leary, seconded by Mr. Bullock, to refer REsoulution 8948-17 to the Committee of the Whole.

Motion adopted. All members voting yea.

22.Communication from City Engineer Papke regarding Ohio Public Works Commission – Program Year 2018 (Pg. 88)

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

Motion adopted. All members voting yea.

23.RESOLUTION NO. 8949-17 - 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, authorizing the Mayor of the City of Lakewood, or his designee, to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program, Local Transportation Improvement Program or any other appropriate Ohio Public Works Commission program that these projects qualify for and to execute contracts as required. (Pg. 89)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8949-17 to the Public Works Committee.

Motion adopted. All members voting yea.

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

Kerry Stack – 30401Oakwood Circle, North Olmsted

Ms. Stack indicated she moved out of Lakewood three months ago because of breed-specific legislation. She indicated there were over forty people in the auditorium standing in opposition to BSL. She asked that the legislation be reversed.

Councilmember O’Leary expressed appreciation for the attendance everyone in the audience. He expressed support for breed-neutral language.

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

Mayor Summer announced the Madison Park Community Festival this Saturday

Councilmember O'Malley announced his town hall tomorrow at Cove United Methodist Church to meet residents and talk about issues. All residents are welcome.

Councilmember Anderson praised the new futsal courts at Madison Park. He encouraged people to go and watch players play. Councilmembers and the Administration discussed using existing courts for pickleball.

Councilmember Bullock announced a Drive Electric Week event at The Buckeye Beer Engine on September 14th at 4:00 p.m.

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