

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 6, 2016
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 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 .

Motion adopted. All members voting yea.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Human Services Director Gelsomino, Assistant Director for Planning & Development Sylvester, approximately 60 members of the public members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held July 18, 2016. 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 September 6, 2016 Committee of the Whole Meeting. Mr. O'Leary; Chair. (Report to Be Provided)

Committee of the Whole met immediately prior to our meeting this evening. We had two items on the agenda. The first was the communication and related Resolution from Mayor Summers and Councilmember Bullock regarding the weatherization program that we will see more of this evening. Council had a pretty extensive discussion regarding that program as well as other programs available to low and moderate income residents in the City and ultimately recommended

adoption of that Resolution given the time-sensitive nature, on its first reading tonight.

Subsequent to that, the Committee heard from Mike Coletta, the City's IT program Director and got a cursory introduction to our new technology that we're muddling our way through this evening. As has been noted, we have a number of new screens. The audio/visual components of the meeting have been augmented significantly in hopes that we can further engage with both the administration and the public and be able to access technology and use it to our best advantage going forward. We appreciate Mike's efforts and the administration's efforts going forward to make sure our meeting space continues to do a service to this community and we look forward to using that and to having good civic conversations going forward. Without additional business, the Committee adjourned. Move that that report be received and filed.

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

Motion adopted. All members voting yea.

2. Finance Committee Report September 6, 2016 Committee Meeting. Mr. Bullock; Chair. (Report to Be Provided)

The Finance Committee met tonight, Tuesday September 6th and discussed two items. First, the overview of the Community Development Block Grant and Emergency Services Grant budgeting process. Second, we considered Ordinance 33-16, an ordinance to authorize transfer and advance of certain funds – our third quarter transfer and advance ordinance for FY16. The Committee recommended adoption of that ordinance on third reading, with that, concluding the business. Move to receive and file that oral report.

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

Motion adopted. All members voting yea.

3. **ORDINANCE NO. 33-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the transfer and advance of certain funds. (1ST READING & REFERRED TO FINANCE COMMITTEE 7/18/16) (Pg.6)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer.
Motion adopted. All members voting yea.

4. Health & Human Services Committee Report regarding July 25, 2016 Committee Meeting. (Pg. 8)

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

5. Rules & Ordinances Committee Report re: Ordinance 34-16. Mr. Litten; Chair. (Report to Be Provided)

The Rules & Ordinances Committee met this evening. Councilmembers Nowlin, Anderson, and myself were in attendance as well as Law Director Butler and out Clerk Mary Hagan. Our lone agenda item was Ordinance 34-16 which essentially replaces Ordinance 59-14 from January of last year, specifically related to insurance coverage for contractors and the auto-liability portion being too onerous for would-be contractors in the City of Lakewood. That current level is at \$1 million coverage and the proposed ordinance would change that to \$100,000 per occurrence and \$300,000 in aggregate. The \$1 million is not commercially acceptable or accepted and the recommended change is to Section 4. We ultimately moved to recommend adoption on third reading.

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

6. **ORDINANCE NO. 34-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to establish minimum coverage limits and fees required under various sections of the Lakewood Codified Ordinances related to insurance. (1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/18/16)(Pg. 10)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer.
Motion adopted. All members voting yea.

7. Planning Commission Report regarding Modifications to Sanitary and Zoning Codes Related to Swimming Pools – Ordinance 32-16. Mr. Sylvester; City Planner;(Pg. 12)

Councilmember O’Leary reminded Council that the Rules & Ordinances Committee has previously issued a report and favorable recommendation on Ordinance 32-16.

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

8. **ORDINANCE NO. 32-16** - 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, amending Section 1722.01, Location of Family Pools, Section 1121.10, Additional Accessory Structure Regulations, and Section 1123.10, Additional Accessory Structure Regulations, of the Codified Ordinances of the City of Lakewood, in order to provide for the regulation of the location of family swimming pools within the Zoning Code. (**PLEASE SUBSTITUTE** FOR ORDINANCE 32-16 - 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE. Substitute version recommended by the Planning Commission August 4, 2016. 6/20/16, 2nd READING 7/5/16, recommended for adoption July 5, 2016 by Rules & Ordinances Committee)(Pg. 13)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to substitute Ordinance 32-16.

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

Nays: none

Motion adopted. Ordinance 32-16 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 32-16.

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

Nays: none

Motion adopted. Ordinance 32-16 adopted as substituted.

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

9. Communication from Mayor Summers and Councilmember Bullock regarding Approval of Weatherization Agreement with Empower Gas & Electric. (Pg. 19)

Discussion:

Councilmember O’Leary expressed appreciate to the Mayor and Councilmember Bullock for bringing this issue forward. He remarked on the need for it and benefits to be achieved.

Councilmember O’Malley asked how Empower will compile its list of contractors and determine which are reputable.

Councilmember Bullock replied that this will be determined but will happen in partnership with the City. He noted the City’s registered contractor list.

Mayor Summers provided additional context around the agreement with Empower and remarked that the City will be monitoring the new program carefully to make sure that homeowners are protected against high-pressure sales and receive the promised benefits. He noted that the program is new but came highly recommended by the Cleveland Foundation.

Councilmember Bullock explained that other regional entities such as the County Office of Sustainability have interest in making the program successful.

Councilmember Anderson stressed that the homeowner cooperation will be key and that neither the City nor Empower will be able to gather or reveal any private information about the home.

Motion by Mr. Bullock, seconded by Mr. Anderson, to receive and file the communication.

Motion adopted. All members voting yea.

10.RESOLUTION NO. 8882-16 – 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 enter into a contact with the Empower Gas & Electric LLC for the implementation of a grant obtained from the Cleveland Foundation to assist residents in identifying energy efficient improvements for their homes and to accept said grant from the Cleveland Foundation. (Pg. 20)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8882-16.

Motion adopted. All members voting yea.

11. Communication from Councilmember Bullock regarding Appointment to Citizens Advisory Committee. (Pg. 28)

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

Motion adopted. All members voting yea.

12. Communication from Councilmember Bullock regarding Ordinance to update references to technology. (Pg. 29)

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

Motion adopted. All members voting yea.

13. **ORDINANCE NO. 35-16** – AN ORDINANCE amending Section 121.07, Official Reports, of the Codified Ordinances of the City of Lakewood to reflect current technology and practices. (Pg. 30)

Councilmember O’Leary expressed his preference to leave the ordinance on the docket and not refer to committee.

Councilmember Bullock thanked the work of the council staff for preparing the ordinance.

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

Motion adopted. All members voting yea.

14. Communication from Mayor Summers regarding Lakewood Historical Society – Skate House Project. (Pg. 32)

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

Motion adopted. All members voting yea.

15. Communication from Finance Director Pae regarding Amended purchasing and Contracting Ordinance FY2016. (Pg. 33)

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

Motion adopted. All members voting yea.

16.**ORDINANCE 36-15C** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, amending Ordinance 36-15B, adopted June 6, 2016, 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 contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2016 appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 34)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 36-15C to the Finance Committee.

Motion adopted. All members voting yea.

17.Communication from Finance Director Pae regarding Additional Membership for 2016. (Pg. 40)

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

Motion adopted. All members voting yea.

18.**ORDINANCE NO. 38-15A** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, amending Ordinance 38-15, adopted December 21, 2015, 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 contracts for professional services, and to advertise for bids and enter into contracts for **Memberships** as authorized by the 2016 Appropriation Ordinance and the Administrative Code of the city of

Lakewood, contracts not to exceed \$60,000 without separate Ordinance of Council. (Pg. 41)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 38-15A the Finance Committee.

Motion adopted. All members voting yea.

19. Communication from Human Services Director Gelsomino regarding Resolution authorizing renewal of Service Coordinator Agreement with SS C&M Haven, Inc. (Pg. 48)

Discussion:

Councilmember O’Leary remarked that Fedor Manor is integral to the fabric of the community and that it is critical that residents have the benefit of this staff person.

Council and Director Gelsomino discussed why the position is structured the way it is. All agreed it was a good arrangement for the City, born from a collaboration and commitment to serve the neighborhood.

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

Motion adopted. All members voting yea.

20. RESOLUTION NO. 8883-16 – A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with SS C&M Haven, Inc. that will permit the City to continue to assign a full-time employee to act as service coordinator for Fedor Manor and to accept reimbursement from SS C&M Haven, Inc. for salary and benefits related to that position. (Pg. 49)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8883-16.

Motion adopted. All members voting yea.

21. Communication from Fire Chief Gilman regarding Notification of grant award from the Community West Foundation for the purpose of replacing EMS Life Paks and AEDS. (Pg. 52)

Discussion:

Councilmember Litten remarked that the Community West Foundation was born out of a hospital transaction that is benefitting the community and could be a helpful roadmap for Lakewood.

Councilmember Marx asked if all EMS units would have this equipment in them.

Chief Gilman indicated that all four front lone ambulances have them, that two were purchased with City funds through capital improvements and will be purchasing two with the grant money.

Ms. Marx asked further that if there is somebody having a heart attack if it is sent to the Emergency Department or Hospital.

Chief Gilman indicated that it would be sent to the hospital it would be transporting to; in the case – recently was sent to Metro, another was sent to Fairview. All pre-set into monitor to the different hospitals Lakewood transports to;

Ms. Marx – so they are prepared at the Hospital.

Chief Gilman indicated there have been cases where they went right to the Cath. Lab.

In response to Council questions Chief Gilman explained that four frontline City ambulances will be equipped with the Life Paks. Two were purchased with City funds and two were purchased with the new grant. The data gets sent to the hospital the patient is being transported to. Chief Gilman discussed other equipment upgrades that need to take place. He spoke about the capabilities of the Life Paks compared to the AEDs.

It was discussed that about twenty are out in the community and Councilmember Bullock suggested that more AEDs be available throughout the City.

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

Motion adopted. All members voting yea.

22. Communication from Fire Chief Gilman regarding Disposal of Obsolete Turn out Gear. (Pg. 53)

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

Motion adopted. All members voting yea.

23. RESOLUTION NO. 8884-16 - – A RESOLUTION 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 and directing the Director of Finance to transfer 20 sets of obsolete surplus fire gear to the Western Reserve Fire Museum. (Pg.54)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8884-16.

Motion adopted. All members voting yea.

24. Communication from Senior Planner Sylvester regarding Update from the Planning Department on Cove and Wagar Parks Planning. (Pg. 56)

Councilmember Marx asked if security cameras were installed at the parks. She expressed interest in installing them.

Mr. Sylvester replied that cameras are not currently installed but that they will be soon.

Councilmember Anderson asked about the proposed plan to block off a part of Rosewood Ave to expand Wagar Park.

Mr. Sylvester replied that this is a design the City is considering to add 11% more park space. Resident feedback on the proposal was varied.

Councilmember O’Leary relayed resident feedback about traffic concerns in the area of Wagar Park.

Councilmember O’Malley expressed appreciation for the community engagement that was sought.

Councilmember Bullock supported the idea of security cameras in parks to be used as a deterrent and for additional high end investments in parks.

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

Motion adopted. All members voting yea.

25. Communication from City Engineer Papke regarding Ohio Public Works Commission – Program Year 2017. (Pg. 57)

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

Motion adopted. All members voting yea.

26. RESOLUTION NO. 8885-16 – 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. 58)

Councilmember Litten asked how residents will be notified about work being done on their water mains.

Director Beno responded, explaining the timeline of the grant application to OPWC. He said that such public notification would be several years in the future.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8885-16 to the Public Works Committee.

Motion adopted. All members voting yea.

27. Liquor Permit Application for C1 & C2 transfers to Birdtown Beverage from NAIF of OHIO; 12118 Madison Avenue. (Pg. 80)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file this liquor notice without objection.

Motion adopted. All members voting yea.

28.Liquor Permit Application for C1, C2 and D6 stock designations to 11701 Detroit Avenue Walgreens (Pg. 81)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file this liquor notice without objection.

Motion adopted. All members voting yea.

29.Liquor Permit Application for C1, C2 and D6 stock designations to 14815 Madison Avenue Walgreens; (Pg. 82).

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file this liquor notice without objection.

Motion adopted. All members voting yea.

****PUBLIC COMMENT****

Tom Monahan – 1487 Waterbury Ave

Mr. Monahan relayed the story of a friend whose mother had a stroke and needed to be air lifted from Fairview Hospital to Cleveland Clinic Main Campus. He asked why there was no stroke unit at the Lakewood ER as promised. He asked about putting together a resolution to thank the local first responders.

****ANNOUNCEMENTS****

Mayor Summers announced that the Lakewood Community Festival and the Beer and Wine Festival will be held this Saturday.

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

Meeting adjourned at 8:58 PM.

Approved: _____

CLERK

PRESIDENT

