

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 16, 2019
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, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Daniel O'Malley, Tristan Rader

Also Present: Mayor Summers, Law Director Butler, Planning and Development Director Sylvester, Human Resources Director Yousefi, Finance Director Pae, Police Chief Malley, Acting Fire Chief Dunphy, Public Works Director Beno, Human Services Director Gelsomino, and several members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held September 3, 2019.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to approve without the necessity of a reading. All members voted in favor. Motion passed.

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

1. Public Works Committee report regarding meeting held September 9, 2019. (to be provided)

Motion by Councilmember Rader, to defer.

All members voted in favor. Motion passed.

2. **RESOLUTION 9087-19** - 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 at 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 the Summit Outfall Replacement Project qualifies for and to execute contracts as required. (*Referred to Public Works Committee 9/3/19*) (pg. 1)

Councilmember Rader remarked that Resolution 9087-19 was recommended for adoption by the Public Works Committee on September 9, 2019.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9087-19.

All members voted in favor. Motion passed. Resolution 9087-19 adopted.

3. **SUBSTITUTE ORDINANCE 23-19** - 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 at the earliest period allowed by law, enacting Chapter 161, Tree Advisory & Education Board, of the Lakewood Codified Ordinances to establish a permanent Tree Advisory & Education Board for the purpose of collaborating with City officials regarding its urban tree policies and practices, promoting the City’s tree programs and educating residents regarding responsible tree stewardship and the benefits of tree planting on private property. (*Placed on 1st reading 7/15/19; 2nd reading 9/3/19*) (pg. 3)

Councilmember Rader remarked that Ordinance 23-19 and Resolution 9081-19 were recommended for adoption by the Public Works Committee on July 22, 2019. He noted that in anticipation of passage, the Council office solicited applications for the Tree Advisory & Education Board.

Motion by President O’Leary, seconded by Vice President Anderson to substitute Ordinance 23-19.

Director Butler clarified that the version being substituted corrects the Chapter number.

A roll call vote was conducted as follows:

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

Nays: none

Motion passed. Ordinance 23-19 substituted.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 23-19 as substituted.

Discussion: Councilmember Bullock complimented Chairman Rader for his focus on the recommendations of the Tree Task Force. He expressed support for the legislation.

A roll call vote was conducted as follows:

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

Nays: none

Motion passed. Ordinance 23-19 adopted as substituted.

4. **SUBSTITUTE RESOLUTION 9081-19** - A RESOLUTION to endorse the principles for tree care and the urban forestry management goals recommended by the 2013-2014 Lakewood Tree Task Force and City Forestry Manager.*(Referred to Public Works 7/15/19) (pg. 5)*

Motion by President O’Leary, seconded by Vice President Anderson to substitute Resolution 9081-19.

A roll call vote was conducted as follows:

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

Nays: none

Motion passed. Resolution 9081-19 substituted.

Marianne Quasbarth Usiak – 1057 Abbieshire Ave.

Ms. Usiak spoke as a member of the former Tree Task Force. She thanked Council for its support of both pieces of tree legislation. She emphasized the long-term benefits of trees to the City.

Councilmember Rader acknowledged the work of Director Beno, Councilman Bullock and Chris Perry for their work in committee on these items.

A roll call vote was taken as follows regarding adoption of substitute Resolution 9081-19:

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

Nays: none

Motion passed. Resolution 9081-19 adopted as substituted.

5. Public Safety Committee report regarding meeting held September 9, 2019. (to be provided)

Public Safety Chairman Bullock delivered the following oral report:

The Public Safety Committee met on September 9th and considered two matters. One is a communication from Councilman Litten & myself regarding alternate July 4th parade routes and the other is Resolution 9080-19. On the communication regarding alternating parade routes, we held informal discussion with members of the administration who were present including Fire, Law, Planning, and Community Relations Manager Melissa Garrett. The consensus on the parade route - which, this year, due to Lake Ave. construction did not follow the traditional path of starting from the west and coming east to Lakewood Park. Instead, it started east and came west – was that it went well. There were a couple small wrinkles for police and fire regarding making sure that Fire could move their equipment if needed and have access. And with Police, closing Nicholson at an earlier time probably. Everybody else seemed to have a positive experience. The informal consensus of the committee seemed to be that the concept of alternating every second year, the parade route to share the fun and share the burden of that route is a good idea. There is no formal action contemplated. This is more of a discussion with the new Mayor in the new year. Committee members pointed out the walkability from the Gold Coast and those neighborhoods is improved by having the route we had this year. I was heartened by that discussion.

Second committee item was Resolution 9080-19 which is a proposal to purchase a portion of the Donato's Pizza property for the expansion of Fire Station #2. The reasons behind this are several. First, the station was built in the 1920s and expanded in 1989. The station was designed for 15 people. Now 21 work there. Vehicles are large. The space in the garage where the vehicles are kept is very tight and the turnout gear gets coated in diesel exhaust. There is an important effort in the firefighting profession to reduce cancer exposure because there is a higher incidence of cancer with career firefighters. If we were to expand we would create more space for the trucks and ambulance and create clean gear storage to invest in the long-term health of the workforce. Our new Acting Chief also pointed out that if we expand this fire station we create a public art opportunity on the wall facing Donato's, which I think is a wonderful combination of our City's goals and opportunities. At the conclusion of this, the Committee voted in favor of recommending adoption to Council as soon as we are prepared – since we do not have an exhibit A attached to the Resolution.

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

President O'Leary expressed support for reducing the cancer rates among first responders and that this is a logical approach. He also expressed support for the proposal to alternate parade routes.

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

6. **RESOLUTION 9080-19** - 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 and Director of Law to enter into a purchase agreement with Emerald Light Investments,

Ltd., an Ohio limited liability company, owner of the property located at 18100 Detroit Avenue, Lakewood, Ohio (PPN 311-17-013), and to execute all documents necessary to effectuate the purchase and sale according to the terms of that agreement. (*Referred to Public Safety Committee 7/15/19*) (pg. 8)

Motion by President O’Leary, seconded by Vice President Anderson to defer Resolution 9080-19.

In response to a question, Director Butler stated that the administration will have a substitute version with the purchase agreement available by the next Council meeting.

On the motion: All members voted in favor. Motion passed. Resolution 9080-19 deferred.

7. Finance Committee report regarding meeting held September 16, 2019. (to be provided)

Finance Chairman O’Malley delivered the following oral report:

Finance Committee met this evening to discuss the budget priority items that Council proposed. We got feedback from other members of Council and the administration and we will continue on with the other items at our next meeting.

Motion by President O’Leary, seconded by Vice President Anderson to receive & file the report.

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

8. **ORDINANCE 25-19** - AN ORDINANCE repealing 905.07 Animals, and enacting a new 905.07 Animals which require that all dogs in any park be registered with the County Fiscal Officer and wear a registration tag. (*Placed on 1st reading and referred to Rules & Ordinances 9/3/19*) (pg. 11)

Motion by President O’Leary, seconded by Vice President Anderson to defer Ordinance 25-19.

On the motion: All members voted in favor. Motion passed. Ordinance 25-19 deferred.

****NEW BUSINESS****

9. Communication from Council President O’Leary regarding new codification ordinance. (pg. 14)

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

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

10. **ORDINANCE 26-19** - 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 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 matter. (pg. 15)

Motion by President O’Leary, seconded by Vice President Anderson to defer Ordinance 26-19.

On the motion: All members voted in favor. Motion passed. Ordinance 26-19 deferred.

11. Communication from Councilmember Rader regarding Council appointments to the Tree Advisory Education Board. (to be provided)

Public Works Chairman Rader delivered the following oral communication:

The following three resolutions are the three appointments Council will have to make to the Tree Advisory & Education Board. In your email and at your desk you will have a packet with some of the applicants. Feel free to look over that but I am going to move to defer the next three pieces of legislation until we review our applicants and after that the administration will have a chance at appointing two members.

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

Discussion: Council discussed the process by which it will narrow down its selection of applicants. It agreed to discuss further in Committee of the Whole.

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

12. **RESOLUTION 9090-19** - 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, appointing ____ (1st appointee) _____ to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2020. (pg. 17)

Motion by President O’Leary, seconded by Vice President Anderson to refer Resolution 9090-19 to Committee of the Whole.

On the motion: All members voted in favor. Motion passed. Resolution 9090-19 referred to Committee of the Whole.

13. **RESOLUTION 9091-19** - 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, appointing ____ (2nd appointee) _____ to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2021. (pg. 18)

Motion by President O’Leary, seconded by Vice President Anderson to refer Resolution 9091-19 to Committee of the Whole.

On the motion: All members voted in favor. Motion passed. Resolution 9091-19 referred to Committee of the Whole.

14. **RESOLUTION 9092-19** - 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, appointing ____ (3rd appointee) _____ to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2022. (pg. 19)

Motion by President O’Leary, seconded by Vice President Anderson to refer Resolution 9092-19 to Committee of the Whole.

On the motion: All members voted in favor. Motion passed. Resolution 9092-19 referred to Committee of the Whole.

15. Communication from Councilmember Litten regarding affordable housing. (to be provided)

Councilman Litten delivered the following communication:

Colleagues,

By many accounts, and even based on sheer development spending in Lakewood, we are in the midst of a development boom in our city. Many in this room and beyond have worked very hard to put Lakewood in this position for economic growth.

This growth can have drawbacks related to affordability. The gateway to becoming a part of our great community could be growing smaller, and if we are to be the diverse community we strive to be, then we ought to seek ways to keep gateways open. I also believe that we ought not use a “stick” when we haven’t tried to use a carrot first.

There are examples both in Cleveland and Columbus of hybrid approaches where there has been housing development or renovation that included both market rate housing and affordable housing. Tremont Pointe, the Snavely Project at 25th & Detroit in Ohio City and affordable housing strategies being implemented in Columbus are all examples of hybrid approaches to increase affordable housing. They aren’t perfect in the eyes of many, and aren’t necessarily cookie cutter approaches for Lakewood, but they offer us an opportunity to see how we can be creative about solving a problem.

It seems to me that if a local government is willing to limit its own revenues, it can also set its own terms for how it helps people and how it incentivizes this sort of approach to property owners and developers. Lakewood ought to explore the options related to new development and renovation that require a certain percentage of units to be deemed affordable housing.

At any rate, I’d be very interested in having our administration, specifically our planning department, investigate this sort of an approach with an expectation of a response within a few months. I’d then welcome for that response to be discussed within our housing committee or other committee deemed appropriate.

In my opinion, there are two basic challenges to adding more affordable housing – market forces and politics. I believe we have the ability to work through both using this approach, without jeopardizing Lakewood’s growth.

I look forward to further discussion.

Sincerely,



John Litten
Councilmember – Ward 3

Motion by President O’Leary, seconded by Councilman Litten to refer to Housing Committee.

Discussion: Vice President Anderson reminded Council of the Housing Committee hearing in March on the topic of affordable housing and expressed interest in incorporating this communication in a broad discussion of affordable housing strategies.

President O’Leary expressed enthusiasm for this important conversation.

Councilman O'Malley expressed agreement with the goals.

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

16. Communication from Mayor Summers regarding Cove Church FIT Analysis. (pg. 20)

Mayor Summers asked that Council refer the communication to an appropriate committee for ongoing discussion.

Motion by President O'Leary, seconded by Vice President Anderson to refer the communication to Committee of the Whole.

Discussion: Councilman Bullock expressed agreement with financing assumption #6. He also stated, regarding financing assumption #5, the potential to sell off certain assets the city owns and maintained that the city should hold ownership over the Hilliard Theater site to ensure quality development there. President O'Leary added that weighing building rehabilitation versus a new build is important to consider as firms responding to an RFP will have varying skillsets that may be better suited for either type of project.

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

17. Communication from Mayor Summers regarding appointment to Community Relations Advisory Commission. (pg. 22)

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

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

18. Communication from Mayor Summers regarding appointment to Board of Zoning Appeals. (pg. 23)

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

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

19. Communication from Chief Malley regarding acceptance of funds from Attorney General for D.A.R.E. curriculum. (pg. 24)

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

Discussion: Councilman Litten inquired as to whether the funds could be used for other programs besides D.A.R.E. in the future. Chief Malley clarified that the funding being accepted is specifically for D.A.R.E. and that there is funding for other programs as well.

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

20. Communication from Director Sylvester regarding economic development rebate for WXZ Development’s Lake Ave. Homes project. (pg. 25)

Director Sylvester gave an overview of the economic development grant for the Lake Ave. townhomes project. He directed members attention to the entire development agreement located in the docket and an exhibit which provided a summary of the project.

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

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

21. **RESOLUTION 9093-19** - 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 at the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with WXZ Residential Group/Lakewood, LLC for an economic development grant, issued in the form a single rebate, for a total amount not to exceed one hundred thousand dollars (\$100,000.00), in order to assist the grantee in preparing the site for residential development. (pg. 26)

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

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

******LIQUOR PERMITS******

22. Liquor Permit Notice regarding Hacienda Tapatia at 1572 W. 117th Street. (pg. 50)

Councilman O’Malley had no objection and noted that the owner of this business also operates the popular Tapatias Taqueria restaurant in Cleveland’s Jefferson neighborhood. He is glad they are opening up another business in Lakewood.

Motion by President O’Leary, seconded by Vice President Anderson to file without objection.

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

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

Fay Olson – 15500 Clifton Blvd. – Ms. Olson expressed her disagreement with the city law banning retractable dog leashes. She provided history on its invention and use. She recapped a instance where she was told by an officer that retractable leashes are not permitted to be used in Lakewood. She noted that this upcoming October will mark the one-year anniversary of the law and hopes the administration and Council will repeal it. She inquired as to when the law will be revisited. President O’Leary noted that there are currently no committee meetings scheduled to review the topic.

Phyllis Dutton – Mathews Ave. – Ms. Dutton expressed her disagreement with the city law banning retractable dog leashes. She argued that some people have better control over their dogs with a retractable leash and that they are better suited for smaller dogs. President O’Leary stated that Council was careful in its consideration of the leash law and the data that shows the potential harm they have to pedestrians and animals. Mayor Summers shared that he has asked Chief Malley to conduct an internal review of the law in the upcoming months. Vice President Anderson asked Chief Malley if any citations have been issued for violating the leash law and the Chief indicated that there have been no citations and officers have been advising people of the law.

Devin Baty – Robinwood Ave. – Mr. Baty advocated that Lakewood move in the direction of adopting no mow lawns. He presented a variety of statistics that marked the negative environmental impacts that come with mowing lawns. He suggested planting clover instead of turf grass, starting with people’s tree lawns. He provided example photos of various no mow lawns. President O’Leary noted that its worth examining the code to update it and look for ways to make it more environmentally friendly. Councilmembers Bullock, O’Malley, and Rader thanked Mr. Baty for his presentation and asked for him to share the example photos via email.

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

Councilman Bullock noted that there is an electric vehicle car show at Winterhurst Ice Rink on September 17th from 5:30 p.m. to 7:30 p.m. There were 21 vehicles and 58 registered attendees for the event. The event is cosponsored by the Lakewood Chamber of Commerce. He shared stories of a contractor and a business who invested in an electric vehicles and asked him to continue advocating that Lakewood invest in more electric charging stations.

President O’Leary noted that the Lakewood Community Festival was well attended and welcomed interim Chief Dunphy to his new role.

Councilman Litten stated that Ward 3 has two high schools located in it and both schools received potential threats in the past few days. He thanked Chief Malley and the Division of Police for keeping people informed and following protocol to properly address the incidents.

President O'Leary made a motion, seconded by Vice President Anderson, to adjourn. All members voted in favor. Motion passed.
Meeting adjourned: 8:48 p.m.

Approved: 10/7/2019

Mamen M Bach
CLERK

[Signature]
PRESIDENT