

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
SEPTEMBER 19, 2016  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 PM by Council President O'Leary.

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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.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Sylvester, Human Resources Director Yousefi,, Approximately 15 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held September 6, 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 19, 2016 Committee of the Whole Meeting. Mr. O'Leary; Chair. (Report to Be Provided)

Committee of the Whole met immediately prior to this meeting. There was only one agenda item and that was an update on all litigation pending and imminent against the City and that the City is otherwise involved in, including litigation that the City has initiated, which we received from Law Director Butler. I would ask that that brief oral 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.

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2. Finance Committee Report of September 19, 2016 re: Ordinance Nos. 36-15C, 38-15A, 33-16 & Budget Priorities - 2016 Mr. Bullock; Chair. (Report to Be Provided)

Finance Committee met tonight. All members of Council were present. We considered Ordinances 36-15C & 38-15A and we recommended that both be adopted by the full Council on the third reading with a substitute anticipated for Ordinance 38-15A. We then continued the discussion of the Finance Committee’s 2017 council budget priorities process. We heard at least six proposals by various Councilmembers with several more to follow from other Councilmembers for deliberation. We also agreed that October 3rd, our next Council meeting, would be a conclusion of the Council priorities process at which we will hope to settle upon which of those priorities discussed that Council will collectively signal its priorities for the preparation of the budget book by the administration and for budget legislation later this year. 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.

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3. **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. (1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 9/6/16) (Pg. 5)

Councilmember Bullock asked how many Fitbits would be purchased with the extra funds and how many employees were participating in the City's fitness program.

Director Yousefi stated that the City will purchase Fitbits in an amount less than \$5,000. She shared anecdotal accounts of employee interest in the devices. She estimated that the City would likely order no more than 50 Fitbits.

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

Motion adopted. All members voting yea.

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4. **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. (1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 9/6/16)(Pg. 11)

Motion by Mr. O'leary, seconded by Mr. Anderson, to defer.

Motion adopted. All members voting yea.

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5. **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. (1<sup>ST</sup> READING & REFERRED TO FINANCE COMMITTEE 7/18/16, 2<sup>ND</sup> 9/6/16) (Pg. 18)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 33-16.

Motion adopted. All members voting yea.

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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. (1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/18/16, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING & RECOMMENDED FOR ADOPTION ON FINAL READING 9/6/16)(Pg. 20)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 34-16. Motion adopted. All members voting yea.

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7. Public Works Committee Report regarding meeting of 9/12/16; Resolution 8885-16. (Report to Be Provided) Mr. Nowlin, Chair.

On September 12, 2016 the Public Works Committee met. Present were Councilmembers Bullock, O’Malley, Litten, Mayor Summers, and various members of the Administration and a member of the public. We discussed Resolution 8885-16 which would authorize the Mayor to prepare and submit an application to the Ohio Public Works Commission grant program. We discussed the grant program and how it works. It was noted that in the past several years the City has had water main projects funded through this program and will continue to apply for similar projects this year. We discussed the origins of the grant dollars. The preliminary list of funding decisions is posted in December and the list is finalized in early 2017 after an appeals process.

The Mayor indicated that the Public Works Committee should take more time to contemplate the matter of spending public money on private property sewer projects, which is an issue that we will be taking up in the future. After further discussion we recommended adoption of the Resolution to full Council at tonight’s meeting.

We also discussed the communication from the Mayor regarding the skate house project, talking about how the space can benefit more people in the community, particularly seniors. The Mayor indicated conversations about the future of the skate house are underway and that Council’s thoughts and participation are welcome. He also indicated that the Historic Society has received a commitment of grant dollars to contribute toward renovation of the skate house. The administration will update Council once design concepts are ready and there is more detailed pricing. It was discussed that Councilmembers were invited to tour the skate house. Move to receive and file this oral report.

Motion by Mr. Nowlin, seconded by Mr. O'Malley, to receive and file the oral report.

Motion adopted. All members voting yea.

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8. **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. (REFERRED TO PUBLIC WORKS COMMITTEE 9/6/16)(Pg. 22)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8885-16.

Motion adopted. All members voting yea.

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9. **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. (1<sup>ST</sup> READING 9/6/16) (Pg. 24)

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

Motion adopted. All members voting yea.

**\*\*\*\*NEW BUSINESS\*\*\*\***

10. Communication from Council President O'Leary regarding appointment of Maureen Bach to Citizens Advisory Committee. (To Be Provided)

Council Colleagues,

Please note my appointment of Council Liaison, Maureen Bach to the Citizens Advisory Committee. Of course, Ms. Bach is a Lakewood citizen, but more than that, her background and education will be a real asset to the Committee. As you know, the President of Council receives two appointments to this body and my appointment of Ms. Bach provides the dual purpose of providing Councilmembers with yet another contact with this Committee with whom they are familiar and able to approach for insights into the important work of this dedicated group of citizens. I ask that this communication be received and filed.

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

Motion adopted. All members voting yea.

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11.Communication from Councilmember Bullock regarding Council priorities budget resolution. (Pg.26)

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

Motion adopted. All members voting yea.

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**12.RESOLUTION NO. 8886-16** – A RESOLUTION to formally identify agreed-upon priorities that Council would like to see reflected in the 2017 budget. (Pg.27)

Discussion: Council President O’Leary thanked Councilmember Bullock for his leadership to make Council’s priorities reflected in the budget.

Councilmember Bullock explained that he will submit a substitute Resolution at the next meeting containing an agreed-upon list of priorities.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolutoin 8886-16 to the Finance Committee.

Motion adopted. All members voting yea.

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13.Communication from Police Chief Malley regarding Resolution for D.A.R.E. Program Funding. (Pg. 29)

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

Motion adopted. All members voting yea.

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**14.RESOLUTION NO. 8887-16** – A RESOLUTION to take effect immediately provided it received 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 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 \$41,931 to

continue to education young people of the City of Lakewood as to the hazards of alcohol and drugs. (Pg. 30)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution No. 8887-16.

Motion adopted. All members voting yea.

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15.Communication from City Engineer Papke regarding 12700 Lake Avenue (Winton Place) Shoreline Protection – Resolution of Necessity. (Pg. 34)

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

Motion adopted. All members voting yea.

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**16.RESOLUTION NO. 8888-16** – A RESOLUTION to take effect immediately provided it received 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, declaring it necessary to construct and provide improvements to protect the northerly property line of the Winton Place Condominium from erosion by Lake Erie, including repairs and maintenance to the existing revetment system constructed along the water’s edge of Lake Erie appurtenant to the Winton Place Condominium located at 12700 Lake Avenue. (Pg. 35)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8888-16 to the Public Works Committee.

Motion adopted. All members voting yea.

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17.Liquor Permit Notice for C1 & C2 Transfers to East End market; 12500 Detroit Avenue. (Pg. 38)

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

Motion adopted. All members voting yea.

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Fire Chief Gilman announced the sudden passing of Firefighter Terry Scovone.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:01 PM

Approved: \_\_\_\_\_

CLERK

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PRESIDENT