

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
OCTOBER 2, 2017  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:46 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.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Human Services Director Gelsomino, Planning and Development Director Police Chief Malley, Human Resources Director Yousefi, approximately 30 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held September 18, 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 October 2, 2017 Committee meeting. Mr. O’Leary; Chair (To Be Provided)

Committee of the Whole did meet immediately prior to this meeting. We had three items on our agenda. We touched on the Winterhurst Ice Rink conversation. The result of that conversation is that councilmembers were reminded that we have 28 names that have been submitted so far. There is a lots of citizen interest in participating in this discussion and Mayor Summers and I will put our heads together to try and get a resolution before Council that we can then open up to discussion and ultimately make appointments to that group.

We also discussed Ordinance 32-17. This is the medical marijuana regulations ordinance. It was discussed extensively. We had a couple of members of council raise issues and had comments and questions with respect to that piece of legislation. We also heard from two members of the audience and ultimately Committee of the Whole did recommend to full council to adopt Ordinance 32-17 this evening.

Ordinance 34-17 was deferred in Committee of the Whole and we will look forward to addressing that at a later date.

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. **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. (1ST READING, REFERRED TO COMMITTEE OF THE WHOLE AND PLANNING COMMISSION 9/5/17, 2ND READING 9/18/17) (Pg. 5)

*Discussion:* Councilmember Bullock expressed concern that increased access to marijuana will lead to an increase in abuse and addictive behavior among the population. He asked that the City evaluate the impact of medical marijuana access on potential addiction and drug abuse going forward. He acknowledged that the State regulations have more of an impact on this issue than any legislation that the City can put forward. He stated that the ordinance adequately protects City property from safety or nuisance concerns by controlling the location of dispensaries in the City.

Councilmembers O’Malley & O’Leary expressed support for the ordinance and the hope that access to medical marijuana will help to mitigate substance abuse in the community since medical marijuana treats chronic pain.

Dean Dilzell – 1276 French

Mr. Dilzell linked the issue to the closure of Lakewood Hospital and made the sarcastic suggestion that the City turn Winterhurst into a medical marijuana processing plant.

Councilmember Litten remarked that the proposed dispensary is planned to be located in ward 3 and that he has confidence that residents will communicate with the City if they experience

negative spillover effects. He pointed out that the City's regulations are along the strictest in the state, particularly in regards to fee.

Mayor Summers remarked on the use of the fees. He stated that a decision on their use will be made jointly between Council and the administration but that he wants it to support Human Services, particularly Project SOAR.

Motion by M. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 32-17.

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

Nays: None

Motion adopted. Ordinance 32-17 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 32-17 as substituted.

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

Nays: None

Motion adopted. Ordinance 32-17 adopted as substituted.

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3. **ORDINANCE NO. 34-17** – 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 1103.02(zz), Definitions (Outdoor/Seasonal Dining Facility), of the Codified Ordinances of the City of Lakewood in order to further clarify an outdoor dining space. (1st READING & referred to the COMMITTEE OF THE WHOLE & PLANNING COMMISSION 9/18/17) (Pg. 30)

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

Motion adopted. All members voting yea.

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4. Finance Committee Report regarding Resolution 8945-17 & Ordinance 43-16A. Mr. Bullock, Chair. (To Be Provided)

Finance Committee met tonight. All members were present. In fact, all of Council was present. We considered two pieces of legislation. The first was Ordinance 43-16A which is an ordinance to amend the authorized contracting authority for a number of different city services and functions. We periodically do a mid-year or late-year update to allow for increase needs to get increased contracting authority so we can pursue the City's business. That is the nature of ordinance before us tonight. Finance recommended adoption of a substitute version on second reading tonight. That recommendation was based on the time sensitive nature of the administration's needed additional funds. The Committee happily agreed to that.

The second resolution that we considered was Resolution 8945-17 to formally identify agreed upon priorities that Council would like to see reflected in the 2018 budget. This is the second year of our Council budget priorities process and we worked through it on an earlier timeline in order to adopt a resolution and thereby give to the administration a set of priorities to incorporate into the budget book writing process which includes a lot of planning work, coordination work, and budgeting due diligence that the administration takes the lead on under Director Pae's leadership.

We went through a series of changes to the proposed resolution. The Finance Committee agreed to support and recommend for adoption that substitute version. I want to note the hard work of our Council Office for supporting us throughout this process. There was a real spirit of possibility, creativity, and initiative from councilmembers and a partnership from the administration and I think it was a healthy and rewarding and successful process that I hope we continue in future budget years. Move to receive and file that oral report.

Councilmember O'Leary thanked everyone who played a role in the process, especially Councilmember Bullock, the Finance Department and the administration.

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

Motion adopted. All members voting yea.

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**5. RESOLUTION NO. 8945-17 - A RESOLUTION to formally identify agreed-upon priorities that Council would like to see reflected in the 2018 budget. (REFERRED TO FINANCE COMMITTEE 9/5/17) (Pg. 32)**

*Discussion:* Councilmember Bullock explained the changes to the Resolution that were recommended during this evening's Finance Committee meeting.

Motion by Mr. Bullock, seconded by Mr. O'Leary, to substitute Resolution 8945-17.

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

Nays: None

Motion adopted. Resolution 8945-17 substituted.

Motion by Mr. Bullock, seconded by Mr. Anderson, to adopt Resolution 8945-17 as substituted.

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

Nays: None

Motion adopted. Resolution 8945-17 adopted as substituted.

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6. **ORDINANCE NO. 43-16A - 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, amending Ordinance 43-16, adopted December 19, 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 2017 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. (1st READING & REFERRED TO THE FINANCE COMMITTEE 9/18/17, 2<sup>ND</sup> READING 10/2/17) (Pg. 73)

Councilmember Anderson requested additional time to consider this item separately.

Motion by Councilmember Anderson, seconded by Councilmember O'Malley to amend the Substitute version of Ordinance 43-16A to remove the section titled Government Agreements.

*Discussion on the Motion to Amend:*

Councilmember O'Leary expressed a preference to pass Ordinance 43-16A as is and explained his rationale.

Director Pae asked that the section not be entirely removed per the motion but that the line remain funded at the previous amount - \$210,000.

Director Butler advised that additional motions are not necessary to accomplish Director Pae's request. The original line will remain.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 43-16A.

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

Nays: None

Motion adopted. Ordinance 43-16A substituted.

Motion by Mr. O’Leary, seconded by Mr. Bullock, to adopt Ordinance 43-16A as substituted.

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

Nays: None

Motion adopted. Ordinance 43-16A adopted as substituted.

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7. Public Safety Committee Report regarding Ordinances Nos. 29-17 & 33-17. Mr. O’Malley; Chair. (Pg. 79)

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

Motion adopted. All members voting yea.

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8. **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, 2ND READING 9/5/17) (Pg. 80)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 29-17.

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 33-17** – 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 333.01, Driving or Physical Control while under the Influence, as contained in the Traffic Code. (1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/18/17) (Pg. 88)

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

Motion adopted. All members voting yea.

\*\*\*\*NEWS BUSINESS\*\*\*\*

10. Communication from Mayor Summers, Council President O’Leary and Planning Director Sylvester regarding Recommended Developer for the Mixed-Use Development in the Heart of Lakewood. (Pg. 112)

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.

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11. Communication from Council President O’Leary regarding Appointment Resolution. (Pg. 114)

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. 8955-17** - 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, appointing \_\_\_\_\_ to the vacancy on the Board of Building Standards and Building Appeals and Architectural Board of Review for the balance of the term beginning January 1, 2015 and ending December 31, 2019. (Pg. 115)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8955-17 to the Committee of the Whole.

Motion adopted. All members voting yea.

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13. Communication from Councilmember O’Malley regarding Resolution supporting the Deferred Action for Childhood Arrivals (“DACA”) Program. (Pg. 116)

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. 8956-17** - A RESOLUTION in support of the continuation of the Federal Deferred Action for Childhood Arrivals Program. (Pg. 117)

*Discussion:* Councilmembers expressed support for the Resolution and thanked Councilmember O’Malley for bringing it forward.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8956-17.

Motion adopted. All members voting yea.

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15. Communication from Mayor Summers regarding Opposition to Centralized Business Net Profit Tax Collection in HB 49. (Pg. 119)

*Discussion:* it was clarified that the legislation in question has passed as part of the state budget and the only avenue available to the City is Court action.

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. Communication from City Engineer Papke regarding Submerged Land Lease; 12900 Lake Avenue – Carlyle Condominiums. (Pg. 120)

*Discussion:* Councilmember O’Malley remarked that he will recuse himself on this item since he is a condo owner in the building being discussed.

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

Motion adopted. Six members voting yea.

Mr. O’Malley abstains.

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**17. RESOLUTION NO. 8957-17** – 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, approving the use of submerged lands for property located at and abutting 12900 Lake Avenue, Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A” and “Exhibit B”), in order to permit the owners the opportunity to undertake lakeshore protection measures. (Pg. 121)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8957-17 to the Public Works Committee.

Motion adopted. Six members voting yea.

Mr. O'Malley abstains.

\*\*\*\*ANNOUNCEMENTS\*\*\*\*

Mayor Summer announced the Fallen Firefighter Ceremony at Fire Station 1 and swearing in of three new firefighters on Sunday at noon.

Director Gelsomino announced the upcoming memorial service dedicated to lives lost in opioid crisis.

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

Motion adopted. All members present voting yea.

Meeting adjourned 9:09 PM.

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

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CLERK

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PRESIDENT