

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 17, 2016
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 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 (approximately 25 exited after items 11 & 12 read first in agenda order having received parade awards), members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held October 3, 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 10/17/16 meeting. Mr. O'Leary; Chair. (To Be provided)

Committee of the Whole met today immediately prior to our council meeting this evening. Council had two items that we took up on our agenda; one was a planning and development update from Mr. Bryce Sylvester. Mr. Sylvester covered several topics including the residences that will be sold on St. Charles & Belle as well as the Hilliard Theater demolition and a number of topics that Councilmembers asked about as well. We also had a tour and the opportunity to ask some questions about the Mobile Stroke Treatment Unit staff which was kind enough to join us earlier in our Committee of the Whole meeting.

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

Motion adopted. All members voting yea.

2. Public Works Committee Report regarding Resolutions 8888-16, 8892-16 and Lakewood Park Skate House. Mr. Nowlin; Chair (Pg.4)

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

Motion adopted. All members voting yea.

3. **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. (1ST READING & REFERRED TO PUBLIC WORKS COMMITTEE 9/19/16) (Pg. 6)

Director Butler explained that the blank dollar figure in Section 6 should be substituted with the figure \$1.1 million, which is the original amount estimated for the project.

Motion by Mr. O’Leary, seconded by Mr. Anderson to amend Resolution 8888-16 in Section 6 to remove the language “to be provided” and inserting \$1,100,000.

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

Nays: None

Motion adopted. Resolution 8888-16 amended.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8888-16 as amended.

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

Nays: None

Motion adopted. Resolution 8888-16 adopted amended.

4. Health & Human Services Committee Report regarding Resolution 8891-16.
Ms. Marx; Chair (To Be Provided)

The Human Service Committee had a meeting on October 10th and present was Director Gelsomino, Councilman Anderson, and Councilman Litten. At this meeting a discussion was had regarding Resolution 8891-16 authorizing the Mayor to enter into an agreement with the County to provide public health services to the City of Lakewood. The Committee unanimously voted to recommend adoption of this Resolution. Move to receive and file.

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

5. **RESOLUTION NO. 8891-16** – 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 to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed \$214,780.00 for a one-year period commencing January 1, 2017. (REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/3/16) (Pg. 9)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8891-16.
Motion adopted. All members voting yea.

6. **ORDINANCE NO. 36-16** 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, 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. (1ST READING 10/3/16) (Pg. 12)

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

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

7. Communication from Councilmember Marx regarding Lakewood High School Nation Tour. (Pg. 14)

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

Motion adopted. All members voting yea.

8. Communication from Mayor Summers regarding Public Art Task Force Update. (Pg. 15)

The attached presentation was delivered by a member of the Public Arts Task Force.

Councilmember O’Leary expressed appreciation for the Task Force’s work and excitement about what’s to come. He expressed interest in temporary art installations that help to characterize the identity of communities and neighborhoods.

Councilmember Anderson expressed appreciation for the Task Force’s work and expressed interest in discussing it more at a Committee of the Whole. He expressed interest in combining art and advertising for small businesses and in permanent artistic tabletop tennis in parks.

Councilmember Marx agreed that the City should work to develop a vision so that artists understand what kind of art projects the City is supportive of.

Councilmember Bullock pointed out the areas of public art that were most exciting for him. He expressed interest in dedicating public money and raising money toward furthering these goals and moving projects from concept to implementation. He discussed ideas for how to move forward and identified questions that need to be answered in order to progress.

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

Motion adopted. All members voting yea.

9. Communication from Mayor Summers regarding Discussion of an amendment to L.C.O. 510.01 – Declaration of Nuisances. (Pg.16)

Councilmember Bullock noted the related problem of car alarms going off and requested that this too be addressed.

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

Motion adopted. All members voting yea.

10. ORDINANCE NO. 37-16 – AN ORDINANCE amending subsection (a) of Section 510.01, Declaration of Nuisances, of the Codified Ordinances of the City of Lakewood by including false alarm calls required to be responded to by the Division of Police as nuisance activity. (Pg. 17)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 37-16 to the Public Safety Committee.

Motion adopted. All members voting yea.

11. Communication from Finance Director Pae regarding Income Tax Code Changes. (Pg. 20)

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

Motion adopted. All members voting yea.

12. ORDINANCE NO. 38-16 – 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 128.051, Collection at Source; Withholding From Qualifying Wages, and Section 128.091, Return and Payment of Tax, of the Codified Ordinances of the City of Lakewood, in order to adopt additional changes to the Income Tax Code that were incorporated into the Ohio Revised Code. (Pg. 21)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 38-16 to the Finance Committee.

Motion adopted. All members voting yea.

13. Communication from Planning Commission regarding Changes to Chapter 1306.60, Exterior Electric and Fuel Burning Cooking Devices. (Pg. 33)

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

Motion adopted. All members voting yea.

14. ORDINANCE 3-16 – AN ORDINANCE amending Section 1306.60 of the Codified Ordinances of the City of Lakewood by expanding on the regulations governing exterior electric and fuel-burning cooking devices. (Pg. 34)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to reer Ordinance 3-16 to the Housing Committee.

Motion adopted. All members voting yea.

15. Liquor Permit Notice for C1 and C2 transfers to 7 Eleven, 14718 Madison Avenue. (Pg.)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file no objection to the liquor permit.

Motion adopted. All members voting yea.

PUBLIC COMMENT

Coletta Graham – 1286 Chase Ave

Mrs. Graham thanked Director Beno for repairing her street. She stated that the Lakewood Observer was banned from City Hall and asked why. She identified properties on Madison Ave in ill repair and asked for an update on their status.

Councilmember O’Leary clarified that the Lakewood Observer is available in the west side vestibule at City Hall.

Mayor Summers responded regarding the properties referenced by Mrs. Graham and provided a recap of the legal process the City is obligated to follow to intervene and stressed that the law affords owners due process.

Councilmember O’Leary referenced Mrs. Graham’s comments and cautioned against using particular properties to make sweeping generalizations about Madison Ave.

Tom Monahan – 1487 Waterbury

Mr. Monahan stated the City had developers and designs already prepared for the hospital site. He criticized the Council’s decision making on this topic.

*****ANNOUNCEMENTS*****

Councilmember Anderson shared resources from the Humanizing Healthcare forum on 10/6 at the Library

Councilmember Litten announced the Welcome to Lakewood event this Wed.

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

Meeting adjourned at 8:43 PM.

Approved: _____

CLERK

PRESIDENT

Attached Presentation (Public Art Task Force)