

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
NOVEMBER 4, 2019
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:32 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, Fire Chief Dunphy, Public Works Director Beno, Human Services Director Gelsomino, and many members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held October 21, 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.

Without objection, President O’Leary moved docket items #20 & #16 to the top of the agenda.

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

1. Committee of the Whole report regarding meeting held October 28, 2019. (pg. 001)

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

All members voted in favor. Motion passed.

2. **RESOLUTION 9097-19** - A RESOLUTION to take effect immediately provided it receives the 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 (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and /or the Purchasing Manager to establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction for the repurposing of Cove Church without the necessity of competitive bidding; and exempting the City from certain provisions within the Ohio Revised Code related to design-build contracting for the purposes of this project. (*Referred to Committee of the Whole 10/7/19*) (pg. 002)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9097-19.

Motion by Councilmember George to defer Resolution 9097-19.

Discussion: Councilmember O’Malley insisted that Council be involved throughout the process, particularly in the selection panel. He stated that the project is very important to him, as it is in ward 4.

President O’Leary expressed support for Councilmember O’Malley’s sentiments.

Councilmember George expressed her rationale for the motion to defer. She expressed support for the project and acknowledged that the design-build approach leaves a lot of leeway to the administration and prefers to include language in the resolution to assure Council’s involvement.

At the request of President O’Leary, Director Sylvester explained that Council will vote on the contractor that is selected.

Councilmember Rader expressed support for the project. He asked the City’s Urban Designer, Allison Hennie to explain the project timeline and the potential impact of a delay.

Ms. Hennie described the differences between the design-bid-build and design-build approaches and the advantages of design-build in this project. She explained the impact of delaying, stating that a modest delay now could result in larger delays later due to the holidays and change in administration.

Mayor Summers clarified that the resolution simply sends the project out to the marketplace and that the City is best served by taking quick action in this regard. He stated that the next Council and administration will be the decision makers at all the key points in the future.

Councilmember Bullock proposed amending the legislation to address Council’s interest in ensuring its continued involvement and discussed the mechanics with Law Director Butler.

Mayor Summers emphasized that he fully intends Council to be involved and pointed to past projects that went through multiple public hearings to get to their final iterations. He stated that this project is less complex than others since the structure only needs to be modified, and not built from scratch.

Councilmember O'Malley reiterated his strong support that Council be involved in the decision-making process.

Director Butler stated that if Council wishes to be involved in every step of the process, his desire would be that the current legislation be amended to include that provision. President O'Leary proposed Section 2 of the legislation as an appropriate place for such an amendment.

Councilmember Bullock proposed inserting the amendment so that Council is able to adopt the legislation tonight. Councilmember George concurred. Director Sylvester stated that it was the administration's intent to include a Councilmember in the selection panel and invited input from other members.

Vice President Anderson stated that the administration has involved Council on past projects and spoke to his own experience serving on the Trinity Lutheran Church project panel.

Motion by Councilmember Bullock, seconded by President O'Leary to amend Section 2 of Resolution 9097-19. He then deferred to Director Butler to create the language. President O'Leary stated that the amendment read as “, appoint a member of Council to the selection committee.” at the end of Section 2.

Councilmember Bullock made a motion, seconded by President O'Leary to add “, appoint a member of Council to the selection committee.” at the end of Section 2.

Discussion: Councilmembers O'Malley and George expressed their support for the motion and Council remaining involved with the process. Councilmember Bullock asserted that the Ward 4 councilperson should be appointed to the position by Council leadership immediately to avoid any delays in involvement in the process. Councilmember Litten noted that the selection committee is not needed until the end of the month, so Council has time to make the appointment. Director Butler added that Council could appoint the selection panel member via resolution upon the body's next meeting. President O'Leary stated that Council will appoint via resolution at its next regular meeting.

All members voted in favor. The amendment passed.

Motion by President O'Leary, seconded by Vice President Anderson to adopt as amended.

A roll call vote was taken as follows:

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

Nays: none

Motion passed. Resolution 9097-19 was adopted as amended.

3. **ORDINANCE 28-19** - AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and currently described as 14503 Madison Avenue (PPN TBD) from C2 (Commercial, Retail) and the rear parking lot (PPNs 314-19-007 to 010 and 314-19-045 to 049) from R2 (Residential, Single and Two Family) to PD (Planned Development). (*1st read and referred to COW 10/21/19*) (pg. 005)

Motion by President O’Leary, seconded by Vice President Anderson to defer Ordinance 28-19.

All members voted in favor. Motion passed. Ordinance 28-19 deferred.

4. Public Works Committee report regarding meetings held October 28, 2019 & November 4, 2019. (to be provided)

Public Works Committee Chairman Rader delivered the following oral report:

The Public Works Committee met tonight and on 10/28. All members of the committee were present on both occasions as well as members from the administration, namely, Assistant Law Director Jen Swallow. The main topic of these meetings was Resolution 2019-01. We also discussed vehicle efficiency with Councilman Bullock.

Resolution 2019-01 is the Resolution that would authorize the Mayor to enter into a power purchase agreement to install solar panels on four of our City buildings. This project was introduced by Councilman Bullock and I in July and this Resolution is the product of that. Some of the changes since we presented this in Public Works in July were that we changed the agreement from 20 years to 30 years. The reason the agreement was extended was because there was an inverter that ended up costing a lot more than the original inverter which changed the numbers to make sure that we are saving taxpayer dollars and adding this renewable resource to our City. We talked at length about roof condition and other topics relating to the installation itself. After discussing this three times in Public Works Committee, we ended up recommending this for adoption as substituted.

Motion by Councilmember Rader, seconded by President O’Leary to receive and file the committee report.

All members voted in favor. Motion passed.

5. **RESOLUTION 2019-01** - A RESOLUTION to take effect immediately provided it receives the 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 a solar power purchase agreement with Enerlogics Solar LLC for the installation of solar panels and purchase of the power generated from the solar panels at four City locations. (*Referred to Public Works 10/21/19*) (pg. 008)

Motion by Councilmember Rader, seconded by President O’Leary to substitute Resolution 2019-01.

Councilmember Rader thanked Director Beno and Assistant Law Director Swallow for the expertise they brought to this discussion. He recognized a representative from Enerlogics in the audience present to address and questions from Council.

Vice President Anderson explained the reason for the substitute, which is to fill in all the empty figures in the draft agreement on the docket. He explained that over 30 years, these solar panels will save the City \$800,000 in energy costs and paves the way for additional city buildings to be utilized in this way. He characterized this as a small but significant step.

Councilmember George thanked councilmembers and members of the administration for taking this step.

On the motion to substitute:

A roll call vote was taken as follows:

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

Nays: none

Motion passed. Resolution 2019-01 substituted.

Motion by President O’Leary, seconded by Councilmember Rader to adopt Resolution 2019-01 as substituted.

A roll call vote was taken as follows:

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

Nays: none

Motion passed. Resolution 2019-01 adopted as substituted.

6. Public Safety Committee report regarding meeting held November 4, 2019 (to be provided)

Public Safety Committee Chairman Bullock delivered the following oral report:

The Public Safety Committee met prior to tonight’s Council meeting and nearly all members of Council were present. We were able to speak with the new Chief Dunphy and nearly the full official leadership of the Fire Department union. It was an opportunity to discuss leadership trends in the Fire Department upon the occasion of the new chief coming onto his term of service. We had a good overview of the management procedures of the department and we also had some executive session

discussion about personnel matters and the performance of a public official and it was all a helpful and frank dialogue and a good opportunity for Council to get an update.

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

All members voted in favor. Motion passed.

7. **ORDINANCE 29-19** - 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 at the earliest period allowed by law amending or repealing various sections of the Lakewood Codified Ordinances that regulate owning, possessing, purchasing or other acquisition, transporting, storing, carrying, sale or other transfer, manufacture, keeping, and reporting of loss or theft of firearms within the City of Lakewood. (*1st read & referred to Public Safety 10/21/19*) (pg. 034)

Motion by President O’Leary, seconded by Vice President Anderson to defer Ordinance 29-19.

All members voted in favor. Motion passed. Ordinance 29-19 deferred.

8. Finance Committee report regarding meeting held November 4, 2019 (to be provided) Finance Committee Chairman O’Malley delivered the following oral report:

We simply met to approve the minutes of the previous Finance Committee and then reported out without a recommendation on Ordinance 50-18B. The Public Safety Committee beforehand went quite late and we simply did not have enough time to discuss this ordinance. I am conscious that it needs to be passed this evening and so I would appreciate a discussion on the floor about it at the next agenda item. That concludes my report.

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

All members voted in favor. Motion passed.

9. **ORDINANCE 50-18B** - 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, amending Ordinance 50-18A adopted May 20, 2019, 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 2019 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 read & referred to Finance 10/7/19, 2nd reading 10/21/19*) (pg. 048)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 50-18B.

Discussion: Councilman O’Malley noted that the piece of legislation needs to be amended.

President O’Leary made a motion, seconded by Vice President Anderson to amend his previous motion to substitute Ordinance 50-18B.

Discussion: Director Pae indicated that there was an increase in contracting authority to organic waste disposal, along with additional increases to other items that total \$348,000. These increases include overages on contracts with vendors where the city has had to spend more on a contract than what it initially anticipated. The contracts involve administrative services, technology services, supplies the city has purchased, and citizen service provisions. Councilmember O’Malley noted that the ordinance merely focuses on the contracting authority and that funding has already been appropriated to all the items included in it. He expressed his support for the substitution. Vice President Anderson noted that there are cases within the budget where the amount appropriated for a particular item may not have been spent in full, leaving left over money in the budget.

A roll call vote was taken as follows:

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

Nays: none

Motion passed. Ordinance 50-18B substituted.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 50-18B as substituted.

A roll call vote was taken as follows:

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

Nays: none

Motion passed. Ordinance 50-18B adopted as substituted.

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

10. Communication from President O’Leary regarding board & commission appointments.
(pg. 055)

Animal Safety and Welfare Advisory Board, for a two year term beginning January 1, 2020 and ending December 31, 2021. (pg. 061)

Motion by President O’Leary, seconded by Vice President Anderson to collectively refer docket items 11 through 15 (Resolutions 2019-03 through Resolutions 2019-07) to Committee of the Whole.

Discussion: Councilmember Bullock complemented Council leadership and the Council Clerk for organizing the appointments to be made.

A roll call vote was taken as follows:

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

Nays: none

Motion passed. Resolution 2019-03 through Resolution 2019-07 were referred to Committee of the Whole.

16. Communication from Councilmember Bullock regarding donation from Discount Drug Mart to Lakewood Police Department K-9 Unit. (pg. 062)

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

Ian Andrews, Executive Director of Lakewood Alive addressed Council and spoke about the successful partnerships between Lakewood Alive and Discount Drug Mart and Lakewood Police Department.

Diane Woodward, Assistant General Manager, Discount Drug Mart addressed Council, stating that she is thankful for the opportunity to give back to the Lakewood community.

Councilmember O’Malley thanked Lakewood Alive and Discount Drug Mart for their great work organizing the Spooky Pooch and other signature community events throughout the year.

Vice President Anderson complimented the event and spoke about DDMs role providing free hotdogs and drinks at the Spooky Pooch Parade.

At the invitation of President O’Leary, Mr. Andrews & Ms. Woodward presented a ceremonial check to Police Chief Malley.

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

17. Appointment by Councilmember George to the Lakewood Animal Safety & Welfare Advisory Board. (pg. 063)

Motion by Councilmember George, seconded by President O’Leary to receive and file the communication.

All members voted in favor. Motion passed.

18. Communication from Planning Director Sylvester regarding expanding affordable housing tools in Lakewood. (pg. 064)

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

Discussion: Councilmember Bullock highlighted that this is an emerging issue in Lakewood and noted that a previous Housing Committee meeting was held on this topic earlier in the year. Councilmember Litten asked questions regarding to the city’s ability to change its capacity for affordable housing under the Community Reinvestment Act. Councilmember George asked how the 100-unit threshold was compiled in the Director’s communication and whether the resolution would have any impact on ongoing projects. Councilmember Rader asked what the timeline of implementing this legislation is. Director Sylvester noted that the city can work the state development agencies to manage its Community Reinvestment Area (CRA) and that the number of units to be added is up for discussion. He also added that developers would have the option to include this component in any of their projects and its introduction tonight marks the starting point of the deliberation process.

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

19. **RESOLUTION 2019-08** - 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, amending Ordinance No. 58-04, adopted July 6, 2004, for the purpose of fostering the investment and development of affordable housing in new multi-family and mixed-use construction projects in Community Reinvestment Area (CRA) #1, which is the citywide CRA. (pg. 066)

Motion by President O’Leary, seconded by Vice President Anderson to refer Resolution 2019-08 to Housing Committee.

All members voted in favor. Motion passed. Resolution 2019-08 referred to Housing Committee.

20. Communication from Police Chief Malley regarding donation from Hayes Elementary to Lakewood Police Department K-9 Unit. (pg. 074)

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

Ms. Hvizdos and Ms. Perez explained that the donation came from a class project on economics and focused on giving back to the community.

At the request of Vice President Anderson, Chief Malley discussed the members of the canine unit, Alan and Dano. He explained that they have been members of the Police Department since they were puppies. They are now ages 4 and 6. They live with their handlers, who are LPD officers, in Lakewood. He described how the dogs are used to protect residents and officers and solve crimes.

The teachers and students presented a ceremonial check to Police Chief Malley.

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

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

21. Liquor permit to Summer House LLC – 12900 Lake Ave, Unit #2 (pg. 075)

Councilmember O’Malley stated that he has no objection.

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

All members in favor. Motion passed.

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

Ian Andrews of Lakewood Alive applauded the administration’s efforts to address the issue of affordable housing through the CRA. He shared examples of where residents were just over income thresholds to be enrolled in his organization’s paint assistance program, yet still did not have adequate funds to repair their homes. He noted that helping individuals stuck in the 80%-120% area median income (AMI) gap is crucial. Councilmember Bullock asked about the administration’s efforts to meet with HUD to adjust Lakewood’s AMI and poverty threshold. Mayor Summers indicated that his administration met twice with HUD and the meetings were not fruitful due to the organization’s multi-county regional approach to calculating poverty statistics. Discussion ensued regarding how HUD operates and how it impacts Lakewood.

****ANNOUNCEMENTS****

Mayor Summers provided a recap of his administration's meeting with the U.S. Department of Justice and the U.S. Environmental Protection Agency (EPA) last week. They met for 8 hours to review and discuss the merits of the city's Clean Water Act compliance plan. The mayor indicated that DOJ and EPA staff seemed to have a legitimate desire to comprehend the city's plan. The administration made the case that the city's plan provides the biggest bang for the buck and allows for flexibility needed to address Clean Water Act compliance. Councilmember Bullock asked where the city is at in the process. Mayor Summers indicated that the State of Ohio has to issue a new NPDES permit, as the city's expired in August, however the state has made it clear that it is not worried about the expiration and that Lakewood can continue to operate under the expired one for the near future. Federal agencies are now examining whether they believe the city's control features presented in its plan are adequate.

Vice President Anderson questioned whether there would be a Veteran's Day ceremony at Lakewood Park the following week. Mayor Summers confirmed that to be true.

President O'Leary made a motion, seconded by Vice President Anderson, to adjourn. All members voted in favor. Motion passed.

Meeting adjourned: 9:15 p.m.

Approved: 11/18/2019


CLERK


PRESIDENT