

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

Regular Meeting of the Lakewood City Council called to order at 7:38 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 17, 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 November 7, 2016 meeting. Mr. O’Leary; Chair. (To Be provided)

Committee of the Whole met about 25 minutes ago. We had five items in the agenda although four of them were a set of resolutions pertaining to Council's appointments for the next terms commencing in the next year. Council briefly discussed that we would be making these appointments following an opportunity to convey to the community these additional opportunities and see what additional interest or renewed interest might be out there. We will take the next several weeks to allow that process to play out and to consider the many and varied talents as we cast our net that we are sure to capture.

We also discussed a possible investment by the City in a joint venture between the City and School Board to create additional recreational and fitness space in new athletic complex/gymnasium that is currently being constructed at Lakewood High School. We concluded that discussion which reflected Council's collective desire to see more information regarding the capacity, the access to the community of such a site as well as to concerns about how it will be operated and carried forward. However, we did authorize the Mayor by our own motion to continue that discussion directly with the Board and the Superintendent of the Lakewood City Schools and to come back to us with a report and possibly a proposal with more definition as to how and exactly when that investment might occur.

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

Motion adopted. All members voting yea.

2. Public Safety Committee Report regarding Ordinance 37-16 (below) & Ordinance 28-15 (Amending 135.05, Traffic Guards to adapt the Code). Mr. O'Malley; Chair (To Be Provided)

The Public Safety Committee met on October 24th 2016. Present were myself and Committee member Councilmember Bullock, as well as Councilmembers Anderson and Marx, Mayor Summers, Chief Gilman, Chief Malley and Assistant Director Swallow. First item on the agenda was proposed Ordinance 37-16 amending subsection (a) of 510.01, Declaration of Nuisances. In 2014 the Lakewood Police Department responded to 1,654 alarm calls. Out of the 1,654 alarms, only 47 were for actual crimes. The rest were false alarms. On average, two officers are dispatched per call. The City would like to amend the ordinances to discourage false alarms. The proposed ordinance would allow the City to cite repeat offenders for false alarms. This action is recommended because it would

free up officers to respond to actual crimes. A motion was made to recommend adoption of Ordinance 37-16 and that motion passed.

The Committee then turned to a discussion on the opioid epidemic in Lakewood. Chief Gilman reviewed highlights from the handouts that were provided. He provided a number of figures on the incidents of overdose calls received by EMS and the rates of Narcan use. One change in 2016 is that EMS has needed to administer a higher quantity of Narcan per person because of the strong effects of fentanyl and carfentanil, which is a drug 100 times stronger than fentanyl. Chief Malley explained the steps taken after authorities respond to an overdose call. Getting users into the court system has shown to help catalyze behavior change in some cases. Mayor Summers explained that the City is applying for a competitive national program called Facing Addiction. The application process will guide the City to take a community view of the drug epidemic. The Mayor will update Council on this process in 1-2 months. The Committee discussed some of the patterns and characteristics of opioid abuse and overdose including age of victims, repeat victims, and behavior of an opioid addict.

Council then turned to a discussion of proposed Ordinance 28-15 Amending Section 135.05 Traffic Guards. Mayor Summers stated that the administration is requesting more flexibility in the Traffic Guard ordinance because the current ordinance is too prescriptive. Essentially, the traffic guard position is not attractive for many reasons and it is difficult to recruit reliable people to fill the role. The administration feels it needs more latitude to address these challenges. It was mentioned that Directors Yousefi and Pae needed to be included in future discussions.

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

Motion adopted. All members voting yea.

3. **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. (1st Reading 10/17/16) (Pg. 6)

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

Motion adopted all members voting yea.

4. Housing Committee Report regarding Ordinance 3-16. Mr. Anderson; Chair
(To Be Provided)

Per the communication provided by Bryce Sylvester in his role as the Planning Commission Secretary at the Planning Commission's meeting of October 7th reviewed and recommended to Council the proposed changes to expand on the regulation of the Property Maintenance and Safety Code for exterior electric and fuel-burning cooking devices. Proposed additions to section 1306.6 aim to further clarify the types of cooking devices permitted on structures above the first floor. So what was reviewed tonight is a replacement of an ordinance that was first brought to the committee's attention back around January of 2016 and placed on first and second reading in February and then referred back to the Planning Commission for substitutions and changes. The specific section is 1306.60 to be replaced by the section approved by the Planning Commission or at least recommended for Council's review. Specifically, the fuel source for permanent electric and fuel burning cooking appliances shall be installed per the manufacturer's written requirements with a manual shut off within six feet of the appliance and in compliance with applicable state codes. So this is really permanently fixing these electric or fuel burning cooking appliances as opposed to portable and the reaction that we received from the Fire Chief was that this really allows for a specific shut off be identified should there be a problem with these devices, within six feet of the appliance as opposed to having to evacuate an entire building. The situation, if there is one can be isolated and dealt with accordingly. So I think the enforcement of this is much more of a surgical nature, should any issues arise. After a number of questions and comments from members of the Committee, as well as the Fire Chief, the Housing Committee recommended that full council pass the proposed ordinance in substitute form before us tonight.

In regards to the second reason the Housing Committee met tonight, was to receive a Housing Forward update. The Housing Forward update was very complete. There was a lot of back and forth and look for a more complete report in a future docket. I think that would serve not only the comments that were made but the discussion that we had. I'd appreciate a bit of time before I put that full report on the docket. This meeting of the Housing Committee occurred earlier this evening.

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

Motion adopted. All members voting yea.

5. **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. (**PLEASE SUBSTITUTE** FOR ORDINANCE 3-16 PLACED ON 1ST READING & referred to the housing committee 1/19/16; 2ND READING 2/1/16. Additional changes recommended by Planning Commission 10/7/16, REFERRED to HOUSING 10/17/16. (Pg. 9)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to substitute Ordinance No. 3-16.

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

Nays: None

Motion adopted. Ordinance No. 3-16 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 3-16 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 3-16 substituted.

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, 2ND 10/17/16) (Pg. 11)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 36-16.

Motion adopted. All members voting yea.

7. **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. (1ST READING & REFERRED TO FINANCE COMMITTEE 10/17/16) (Pg. 13)

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

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

8. Communication from Council President O’Leary regarding City Council Boards and Commission appointments. (To Be Provided)

You will find on our docket this evening the four resolutions that I mentioned earlier. They are two appointments to Audit Committee, one appointment to the Lakewood heritage Advisory Board, and one appointment to Planning Commission. Their terms are set forth and we will move forward in soliciting interest from community members who would be willing to serve. I move that we receive and file that communication.

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

Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8892-16** 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, appointing _____ to the **Audit Committee** of a two-year term ending December 31, 2017. (Pg. 25)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8893-16** - 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, appointing _____ to the **Audit Committee** of a two-year term ending December 31, 2017. (Pg. 26)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members voting yea.

11. **RESOLUTION NO. 8894-16** - 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, appointing _____ to the **Lakewood Heritage Advisory Board** for the balance of a four-year term beginning January 1, 2015. (Pg. 27)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8895-16** - 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, appointing _____ to the **Planning Commission** for six-year term beginning January 1, 2017 and ending December 31, 2022. (Pg. 28)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members voting yea.

13. Communication from Councilmember O’Malley regarding Resolution to Celebrate 50th Anniversary of VMCAD College. (Pg. 29)

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

Motion adopted. All members voting yea.

14. **RESOLUTION NO. 8896-16** – A RESOLUTION celebrating the 50th anniversary of VMCAD, previously known as the Virginia Marti College of Art and Design. (Pg. 30)

Councilmember O’Malley recognized VMCAD President Dr. Milasinovic and other College staff present

Dr. Milasinovic made brief remarks thanking the City for its cooperation working together. He expressed pride in being located in Lakewood and announced that the VMCAD has begun offering four year degrees a few months ago.

Councilmember O’Leary expressed appreciation for VMCAD and all of its efforts over the years. He remarked that VMCAD has had an incredible positive influence in Lakewood and has made a positive impact on student’s lives.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8896-16.

Motion adopted. All members voting yea.

15. Communication from Mayor Summers Appointment to Board of Zoning Appeals. (Pg. 31)

LaTrese Yelder was recognized in attendance and addressed Council, thanking them for the opportunity to serve.

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

Motion adopted. All members voting yea.

16. Communication from Finance Director Pae regarding Authority for Purchasing through Consortiums & Purchasing Organizations. (Pg. 32)

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

Motion adopted. All members voting yea.

17. RESOLUTION NO. 8897-16 – 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 Director of Finance to enter into agreements with various purchasing agencies to continue the efficient purchasing with the City of Lakewood and to permit direct purchasing from said agencies without necessity of advertising and bidding as required in Lakewood Codified Ordinance §111.04, Bidding. (Pg. 33)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8897-16 to the Finance Committee.

Motion adopted. All members voting yea.

18.Communication from Human Services Director Gelsomino regarding Cuyahoga County Community Social Service Program 2017-2018 (CSSP). (Pg. 40)

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

Motion adopted. All members voting yea.

19.RESOLUTION NO. 8898-16 – 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 or his designee to enter into an agreement with Cuyahoga County to accept funds estimated to be \$85,000 for the provision of congregate meals and transportation for seniors through the Division of Senior and Adult Services. (Pg. 41)

Councilmember O’Leary remarked on the importance of these funds to seniors.

Director Gelsomino explained the timeline of the funding and the request for timely passage.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8898-16.

Motion adopted. All members voting yea.

20.Communication from Public Works Director Beno regarding Purchase of pool deck chairs. (Pg. 42)

Director Beno clarified that since CDBG funds can only be used for Madison Park, the new chairs will go there and existing chairs will be moved to Foster Pool in Lakewood Park. He described the look of the chairs, stating that they are similar to the style of the current chairs. He expects them to hold up well because they are stored indoors during the off-season. He remarked on the quotes he received, stating that they were all within \$1,000 of each other.

Councilmembers Bullock and O’Leary thanked Director Beno for taking action on this request by Council and the School Board.

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

Motion adopted. All members voting yea.

21.RESOLUTION 8899-16 - 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 Purchasing Manager to purchase pool deck chairs without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in accordance with the City of Lakewood standard purchase order terms and conditions. (Pg. 43)

Motion by Mr. Bullock, seconded by Mr. O’Leary, adopt Resolution 8899-16.
Motion adopted. All members voting yea.

22.Communication from Law Director Butler regarding Amendments to Chapter 1131, Entering Adjoining Property. (Pg. 47)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive and file the communication.
Motion adopted. All members voting yea.

23.ORDINANCE NO. 39-16 – AN ORDINANCE amending Chapter 1311, Entering Adjoining Property, of the Codified Ordinances of the City of Lakewood. (Pg. 48)

Motion by Mr. Anderson, seconded by Mr. O’Leary, to refer Ordinance 39-16 to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

24.Liquor Permit Notice for C1, C2, and D6 transfers to AB Stores D/b/a Lakewood Convenient, 12901 Detroit Avenue. (Pg. 53)

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****

Steve Lamantia – 2164 Arthur Ave

Mr. Lamantia advocated for the needs of North Coast Health, spoke about the importance of available CPR classes and more accessible AEDs. He asked for the City to remove tree stumps

from tree lawns this season. He commented on the recent Public Arts Task Force presentation and made suggestions for artistic themes.

Chief Gilman responded to the comments about CPR training and AEDs saying that CPR training will be expanded. He stated that all AEDs are clearly marked and are inspected regularly.

Coletta Graham – 1286 Chase

Mrs. Graham asked for information about the Lakewood Observer at City Hall, stating that she was unable to find a copy.

Councilmember O’Leary indicated the Lakewood Observer has not been banned and that copies were most likely taken as they are placed in the vestibule City Hall.

Mrs. Graham expressed concern that the Barton Center charges seniors \$2 per ride each way and asked for the fee to be dropped.

Director Gelsomino responded that Barton Center programming is separate from the City’s senior transportation program.

Mrs. Graham expressed concern that the new Family Health Center will not be built until 2018.

Mayor Summers indicated the timeline was within standard construction practices.

Mrs. Graham and City officials discussed the status of the City-owned homes on Belle Ave.

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

Meeting adjourned at 8:38 PM.

Approved: _____

CLERK

PRESIDENT