

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
NOVEMBER 21, 2016
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:31 PM by Council President O’Leary.

Present: David Anderson, Thomas R. Bullock III, Ryan Nowlin, Samuel T. O’Leary, Daniel J. O’Malley .

Motion by Mr. O’Leary, seconded by Mr. Anderson, to excuse the absences of Mr. Litten and Ms. Marx.

Motion adopted. All members present 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 November 7, 2016.

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 November 21, 2016 Committee meeting. Mr. O’Leary; Chair. (To Be provided)

Committee of the Whole met briefly immediately before our meeting tonight. We had a discussion about the scheduling of additional Council and Committee of the Whole conversations. Most notably, Council will discuss the Community Health Foundation Task Force appointments at a Committee of the Whole meeting held from 6:00-7:00 p.m. on November 28th and again following the Finance Committee meeting Monday December 5th at 7:00 p.m. and will finalize the appointments Monday December 12th, immediately following Finance Committee, which will adjourn at 8:00 p.m. In addition to that, Council will take up the Human Rights Commission appointment it has immediately following Finance on December 19th at either 6:30 or 7:00. That was the extent of the Committee of the Whole and our discussion. I ask that that 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 present voting yea.

2. Finance Committee Report regarding 11/21/16 Meeting; 38-16, 8897-16. Mr. Bullock; Chair. (Report to Be Provided)

The Finance Committee met tonight and discussed several pieces of legislation - Resolution 8897-16, Ord 38-16 and also our ongoing budget priorities process for FY17. The Committee reported out with recommendations for adoption tonight of both pieces of legislation. The first, Resolution 8897-16, would authorize the Director of Finance to enter into and participate in two purchase agencies for acquiring products and services at better prices for the City. This is an ongoing practice that the City has used effectively to lower costs and to expand our purchasing options. And so, tonight there was a name change for one and the addition of a second purchasing entity which the Resolution will authorize. There is no down side. There is good governance on the upside, so the committee happily agreed to that Resolution.

The second was Ord 38-16 to change Lakewood’s Ordinances on tax collection to comply with state mandated changes in the timing of tax collection. This is the latest in a round of back and forth and around again changes by the State to

municipal tax departments and how they operate, in the name of uniformity. So, we are happy to comply. In fact, we are required to comply. The two changes were due dates for quarterly estimated payments – now, once again the end of the month - the 30th instead of the 15th. And the other is when a tax payer would be credited with having gotten in his or her payment. If they electronically submit, it's now the date your payment is postmarked rather than the day it is received.

The committee extensively discussed the ongoing budget priorities process for Council to initiate and create new procedures so that Council is reflecting its priorities annually in the City's budget. We had a fruitful and mutually respectful discussion between the administration and Council. Move to receive and file that oral report.

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

Motion adopted. All members present voting yea.

3. **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, 2ND READING 11/7/16) (Pg. 8)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 38-16.

Motion adopted. All members present voting yea.

4. **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. (REFERRED TO FINANCE COMMITTEE 11/7/16) (Pg. 20)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8897-16.
Motion adopted. All members present voting yea.

5. **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 & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/17/16, 2ND READING & RECOMMENDED FOR ADOPTION 11/7/16) (Pg. 27)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 37-16.
Motion adopted. All members present voting yea.

6. **ORDINANCE NO. 39-16** – AN ORDINANCE amending Chapter 1311, Entering Adjoining Property, of the Codified Ordinances of the City of Lakewood. (**PLEASE SUBSTITUTE** FOR ORDINANCE 39-16 - 1ST READING, REFERRED TO RULES & ORDINANCES COMMITTEE 11/7/16) (Pg. 30)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer Ordinance 39-16.
Motion adopted. All members present voting yea.

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

7. Communication from Councilmember Bullock regarding Finance Committee Budget Session Scheduling. (Pg. 35)

Councilmember Bullock distributed a draft schedule and asked for feedback on the content and the dates. He asked councilmembers to submit input by Wednesday at 5:00 p.m.

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

Motion adopted. All members present voting yea.

8. Communication from Mayor Summers regarding 2017 Cuyahoga County Supplemental Grant Program Application. (Pg. 36)

Discussion: It was clarified that the Resolution authorizes the Mayor to apply for the County Supplemental grant Funds jointly with the Beck Center.

Mayor Summers explained the parameters of the grant program. The program is in its first year and the application process has been cumbersome. The program does not allow a non-profit like Beck Center to apply on its own and so the City is joining the Beck Center's application.

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

Motion adopted. All members present voting yea.

9. **RESOLUTION NO. 8900-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor or his designee to apply, in collaboration with the Beck Center/West End District, to the Cuyahoga County Supplemental Grant Program for a \$50,000 grant to be used for signage and wayfinding in accordance with the City of Lakewood's strategic plan. (Pg. 37)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution No. 8900-16.

Motion adopted. All members present voting yea.

10. Communication from Finance Director Pae regarding 2016 year-end and 2017 Budget Ordinances. (Pg. 39)

Councilmembers Bullock praised the good work of the Finance Department.

Councilmember Anderson explained to the public the purpose of suspending the rules and that the 17 ordinances together effectively act as the budget.

Motion by Mr. Bullock, seconded by Mr. O'Leary, to refer the communication to the Finance Committee.

Motion adopted. All members present voting yea.

*Motion by Mr. O'Leary, seconded by Mr. Anderson, to allow the Clerk to read items 11-27 consecutively for a blanket motion.

Motion adopted. All members present voting yea.

11. **ORDINANCE NO. 40-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2016. (Pg. 40)

*Motion to refer to Finance Committee made after item 27.

12. **ORDINANCE NO. 41-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, law authorizing the transfer and advance of certain funds. (Pg. 53)

*Motion to refer to Finance Committee made after item 27.

13. **ORDINANCE NO. 42-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2017. (Pg. 55)

*Motion to refer to Finance Committee made after item 27.

14. **ORDINANCE NO. 43-16** - 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, 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. (Pg. 68)

*Motion to refer to Finance Committee made after item 27.

15. **ORDINANCE NO. 44-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after 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 enter into service contracts in accordance with the Administrative Code of the City of Lakewood for the Department of Planning & Development in accordance with the Administrative Code of the City of

Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 73)

*Motion to refer to Finance Committee made after item 27.

16. **ORDINANCE NO. 45-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, and 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 **Memberships** as authorized by the 2017 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$60,000 without separate Ordinance of Council. (Pg. 76)

*Motion to refer to Finance Committee made after item 27.

17. **ORDINANCE NO. 46-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise discharge wastewater either directly or indirectly into such system or any part thereof. (Pg. 80)

*Motion to refer to Finance Committee made after item 27.

18. **ORDINANCE NO. 47-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to amend section 915.01, Establishment of Rates, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting water rates charged against each lot, parcel of land or premises which may have an active water connection with the Municipal water system. (Pg. 82)

*Motion to refer to Finance Committee made after item 27.

19. **ORDINANCE NO. 48-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Street Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 84)

*Motion to refer to Finance Committee made after item 27.

20. **ORDINANCE NO. 49-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Wastewater System and Treatment Improvement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 86)

*Motion to refer to Finance Committee made after item 27.

21. **ORDINANCE NO. 50-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Water System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 88)

*Motion to refer to Finance Committee made after item 27.

22. **ORDINANCE NO. 51-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the administrative code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 90)

*Motion to refer to Finance Committee made after item 27.

23. **ORDINANCE NO. 52-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Vehicles, Machinery and Equipment** in

accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 92)

*Motion to refer to Finance Committee made after item 27.

24. **ORDINANCE NO. 53-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 94)

*Motion to refer to Finance Committee made after item 27.

25. **ORDINANCE 54-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Traffic Signs & Signals** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 96)

*Motion to refer to Finance Committee made after item 27.

26. **ORDINANCE NO. 55-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Parks & Pools Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 98)

*Motion to refer to Finance Committee made after item 27.

27. **ORDINANCE NO. 56-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into

a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Sidewalk Improvement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 100)

*Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer items 11-27 to the Finance Committee.

Motion adopted. All members present voting yea.

28. Communication from Senior Planner Sylvester regarding Application to Cuyahoga County Northcoast Brownfield Coalition Community Assessment Initiative. (Pg. 102)

Councilmember O’Leary expressed support for the project, stating that is a potentially significant opportunity to bring additional residential development to the City and to repurpose and redevelop the property.

In response to Councilmember questions Mr. Sylvester explained that if WXZ purchases the property that the City will work with them to navigate the process through ARB and/or Planning Commission. WXZ is in the due diligence period. The property is not historic. The current owners of the property are interested in closing the business. The Resolution marks just the first step to evaluate the site and see if there is any environmental contamination present. Full plans would have to go through ARB and/or Planning Commission. Mr. Sylvester explained that the best benefit of this step is that the property owner and the City will become aware of the status of the soil and if any clean-up is needed. It was clarified that the parcel is not zoned commercial but the gas station was grandfathered in.

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

Motion adopted. All members present voting yea.

29. **RESOLUTION NO. 8901-16-** A RESOLUTION supporting the application of WXZ Development, Inc. (WXZ) to the Cuyahoga County Northcoast Brownfield Coalition Community Assessment Initiative in the City. (Pg. 103)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8901-16.

Motion adopted. All members voting yea.

30. Communication from Senior Planner Sylvester regarding Fiscal year 2017 U.S. Department of Housing & Urban Development One Year Action Plan Resolution. (Pg. 105)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer the communication to the Finance Committee.

Motion adopted. All members present voting yea.

31. **RESOLUTION NO. 8902-16** - 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 and directing the Mayor to submit the Fiscal Year (FY) 2017 One-Year Action Plan of the FY 2015 – 2019 Five Year Consolidated Plan which includes dollar allocations and activities to be funded with federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Program (HOME) resources and incorporates the City’s application to the U.S. Department of Housing and Urban Development (HUD) for FY 2017 CDBG, ESG, and HOME funds and all amendments thereto and all understandings and assurances contained therein, (Pg. 106)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8902-16 to the Finance Committee.

Motion adopted. All members present voting yea.

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

Coletta Graham - 1286 Chase

Mrs. Graham praised the owners of the gas station. She had questions and complaints about the process of leaf pick up. She voiced concern about safety at the Manor Park/Detroit crosswalk and about the light to get into Fire Station #1.

Councilmember O’Leary, Chief Gilman, and Director Beno responded.

Marguerite Harkness – 1585 Riverside

Ms. Harkness remarked on the results of the election and Issue 64. She stated that 54% of voters did not affirm the decision to close the hospital and that there was only a 700 vote difference. She asked Council to issue an RFP and to solicit a hospital operator.

Steve Lamantia – 2164 Arthur

Mr. Lamantia spoke of the community need for additional CPR training. He thanked the Mayor for the Veteran’s Day Service.

Councilmembers and Chief Gilman discussed CPR training.

Pam Wetula – 11813 Clifton Blvd

Ms. Wetula remarked on the election outcome of Issue 64, stating that the community remains divided.

Ms. Wetula remarked that it seems inappropriate for the City to be involved with the WXZ Development at this early stage in the process.

Councilmember O’Leary explained the nature of the brownfield grant and noted that it is in the City’s best interest to be involved to ensure that there is not an abandoned gas station left lingering.

*****ANNOUNCEMENTS*****

Mayor Summers announced that Bryce Sylvester has been named Director of Planning & Development.

Mayor Summers announced that he and Congresswoman Kaptur held an event to bring attention to the Upcoming Small Business Saturday where they visited businesses including Cerny Shoes, Geiger's, Rozi's, Lion & Blue, Paisley Monkey, a pop up store next to the Tea Lab, Plantation Homes & Cotton.

Councilmember O'Leary offered congratulations to Mr. Sylvester on his appointment indicating anticipating the resolution coming forward at the December 5 meeting. Mr. Sylvester expressed great excitement to accept the position.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adjourn.
Meeting adjourned at 8:43 PM.

Approved: _____

CLERK

PRESIDENT