

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
DECEMBER 19, 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, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Sylvester, Human Services Director Yousefi, approximately 17 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held December 5, 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 December 12 and December 19, 2016 Committee meetings. Mr. O’Leary; Chair. (Submitted and To Be provided) (Pg. 9)

Committee of the Whole met on December 12th and finalized seven of its nine appointments to the Community Health Foundation Planning Task Force. Those seven names are reflected in my correspondence, which I think as a technical glitch might not have shown up as attached to the docket but was docketed with this item and will be reflected in the minutes in the future. I’ll summarize briefly. Those appointments were Dr. Curry, Dawn Pyne, Martha Halko, Kristin Warzocha, Bryan deBoer, Dr. Garven, and Daniel Cohn. The Clerk has that correspondence and that sums up the December 12th Committee of the Whole meeting. Committee of the Whole did not meet today, December 19th. I would ask that this report be received and filed.

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

Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8871-16** – A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, establishing the Foundation Planning Task Force for the purpose of creating a new Ohio nonprofit corporation charged with addressing community health and wellness needs in the City of Lakewood. (**PLEASE SUBSTITUTE** for Resolution 8871-16 REFERRED TO COMMITTEE OF THE WHOLE 6/6/16) (Pg. 11)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to substitute Resolution 8871-16.

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

Nays: None

Motion adopted. Resolution 8871-16 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8871-16 as substituted.

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

Nays: None

Motion adopted. Resolution 8871-16 adopted as substituted.

3. **RESOLUTION NO. 8903-16** – 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 a position on the Human Rights Commission for the term beginning January 1, 2017 and ending December 31, 2019. (DEFERRED 12/5/16) (Pg. 13)

Council President O’Leary expressed his intention that Council make this appointment as soon as possible. The topic was supposed to be discussed in Committee of the Whole this evening but

Committee of the Whole was not held. Council continues to solicit interest and also deliberated on the current applicant pool. He anticipated a robust discussion in January 2017.

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

Motion adopted. All members voting yea.

4. Finance Committee Report regarding End of Year Financial Legislation. Mr. Bullock; Chair(To Be Provided)

The Finance Committee concluded tonight our extensive and energetic and thoughtful deliberations on the 2017 budget. I commend Council on the fine job done and Legislative Liaison Maureen Bach who worked hard on this as well as our Council Clerk Mary Hagan. Thanks also to the administration - the Finance Director and her team who put in many hours, not just in the budget process but throughout the year to support the drafting of a very thorough and competent budget and public deliberation. We are pleased tonight to be in a position to recommend adoption of all of the budget ordinances with a few substitutions, and in one case - the Council resolution establishing certain priorities of Council - some amendments.

Collectively, the budget that we are about to consider tonight – I will give some highlights. The City's proposed budget is \$110.9 million across all funds. It maintains the City's full-time headcount at 411 budgeted positions. That is, it holds steady rather than an increase or decrease. It holds our municipal income tax steady at 1.5%. We are now one of only three municipalities in the entire County who can say that. City property taxes are also held steady. We anticipate collections to be in line with 2016, which was a 4.6% improvement over 2015 due to triennial property value updates the County conducts. There are other features of revenue that factor into this, such as funds received from the Lakewood Hospital transition plan. We have in hand and contractually scheduled to be paid to the City the equivalent of 11 years' worth of revenues equivalent to tax withholdings from employee income of hospital employees. That represents significant financial reserves and strength to deal with the expected ups and downs of that transition from Lakewood Hospital. The budget also allocates \$12.37 million in capital projects across many different purposes such as sewers and wastewater treatment, streets, vehicles, water system, our buildings and facilities, our sidewalks and our parks. So there is a lot of activity and it really represents a continuation of our financial strategy and our civic investment strategy of recent years. Importantly, I thought during our budget discussions, Council affirmed the administration's approach to financial reserves, fiscal prudence and investing in productivity of City staff through training and technology and through energetic management.

I should touch on our projected reserves. There are four major areas that the administration has identified for reserves and the Council is proposing to affirm tonight. 1) Maintaining \$1 million towards the City's economic development account line for future projects within our City; 2) To make additional investments towards employee separation payments; 3) To make investments toward the next 27th pay time period in which we are going to have to pay 27 instead of 26 pay checks to our employees in 2026. 4) To increase the General Fund budget stabilization account line to 5% of our prior year revenues equivalent to \$1.871 million. All that is important to the City's ability to effectively, efficiently, nimbly, and robustly perform our core services in public safety, refuse, parks, building and property maintenance and everything else that we do in the City. If City did not have this strength to stand on our own two feet we would be in a position

scrambling to react to crisis. That's never been more important. It seems that since I've been involved in 2008 we've weathered crisis after crisis. First, it was our own City budget crisis – we got through that. Then we had the great recession. Then we had state budget cuts. Now we've had to plan for the transition from Lakewood Hospital. Now comes huge uncertainty from new federal government that's about to take over January 23. The more that the City can and has budgeted prudently the better we can plan for the future and be effective servants to the citizens of Lakewood. That is not new but it is something we are affirming again tonight and I think it's important to say that explicitly. 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 voting yea.

5. **RESOLUTION NO. 8904-16** – A RESOLUTION to formally establish certain Council priorities for the City of Lakewood's 2017 budget. (REFERRED TO FINANCE COMMITTEE 12/5/16) (Pg. 14)

Councilmember Bullock proposed amendments to Resolution 8904-16 recommended by the Finance Committee this evening.

Amendment 1) Motion by Councilmember Bullock, seconded by Councilmember O'Leary to amend in Exhibit A under the summary of item 2, "ensure a net gain of 500 new trees for 2017." Change that wording to, "maximize new plantings and tree prunings in 2017." And then, to add as item #9, "Up to \$7,500 to conduct an alternatives analysis for clean and efficient vehicle technology that could be deployed for Lakewood's vehicle fleet." And to add as item #10, "commit seed funds to an initial public arts project as recommended by the Public Arts Task Force."

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. Bullock, seconded by Mr. O'Leary, to amend Resolution 8904-16.

Motion 2) Motion by Councilmember Bullock, seconded by Councilmember O'Leary to amend Exhibit B on page 22. The title should be changed from "Ensure a net gain of 500 new trees in 2017" to "Maximize new planting and tree plunings in 2017." And then, under Section 1 in the first paragraph, strike where it says "for new plantings to a level sufficient for 500 new plantings in 2017," and replace that with "maximize new plantings and young tree prunings in 2017."

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

Nays: None

Motion adopted. Resolution amended.

Discussion: Councilmember Bullock summarized the Council budget priorities process that took place for the first time this year. He expressed appreciation for Council's cooperation.

Motion to adopt Resolution 8904-15 as amended.

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

Nays: None

Motion adopted. Resolution 8904-16 adopted amended.

6. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2ND READING 12/5/16) (Pg. 32)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute ordinance 40-16.

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

Nays: None

Motion adopted. ORDINANCE 40-16 adopted amended

7. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2ND READING 12/5/16) (Pg. 45)

Brian Essi – 15306 Edgewater

Mr. Essi remarked on the deliberation that took place during the Finance Committee. He referenced \$29,000 for a draft RFQ.

Mayor Summer indicated that in addition to an RFQ the City expended funds for a market study to explore who might choose to invest in the property.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute ordinance 40-16.

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

Nays: None

Motion adopted. Ordinance No. 41-16 adopted amended

8. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2ND READING 12/5/16) (Pg. 47)

Motion by Mr. Bullock, seconded by Mr. Anderson, to

9. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 460)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

10. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 65)

Brian Essi - 15306 Edgewater

Mr. Essi referenced the treatment plant discussed in Finance Committee related to sewer issues on Edgewater.

Mayor Summers responded, stating that the design of the City's sewer system varies greatly by neighborhood. Solutions to sewer problems will also vary by neighborhood.

Councilmember O'Malley explained the rationale of the questions that he brought forth in Finance Committee regarding the professional services contracting ordinance. He remarked that he felt assured that Council will be apprised of any significant changes at the hospital site.

Councilmember Bullock stated that he Council received reassurance from administration that Council and the public will be engaged in conversations about the hospital site. He expressed confidence that this will happen. He noted that the \$500,000 in contracting authority is expected

to cover legal fees, maintenance, and planning. He added that all substantive conversations are ahead of us and that transition funds are being preserved for their intended purpose.

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

11. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 68)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 45-16.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, adopt Ordinance 45-16 as substituted.

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

Nays: None

Motion adopted. Ordinance 45-16 adopted substituted.

12. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 72)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

13. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 74)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

14. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 76)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

15. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 78)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

16. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 80)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

17. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 82)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

18. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 84)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

19. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 86)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

20. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 88)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

21. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 90)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

22. **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. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 11/21/16, 2nd READING 12/5/16) (Pg. 92)

*Blanket Motion was made after item 23 to adopt Ordinances, 43-16, 44-16, (item 45-16 required substitution) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

23. 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, (Referred to FINANCE COMMITTEE 11/21/16, DEFERRED 12/5/16) Pg. 94)

Motion by Mr. O’Leary, seconded by Mr. Bullock to adopt Ordinances, 43-16, 44-16, (Ordinance 45-16 required substitution and was addressed after item 23) 46-16, 47-16, 48-16, 49-16, 50-16, 51-16, 52-16, 53-16, 54-16, 55-16, 56-16

Motion adopted. All members voting yea.

24. Public Works Committee Report regarding Ordinance 57-16; Chair; Mr. Nowlin; (To Be Provided)

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

Motion adopted. All members voting yea.

25. ORDINANCE NO. 57-16 – 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, determining to proceed with the improvement of the shoreline abutting The Winton Place Condominium, 12700 Lake Avenue, by the construction and installation of improvements to protect the northerly property line 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. (READ & REFERRED TO PUBLIC WORKS COMMITTEE 12/5/16) (Pg. 97)

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

Motion adopted. All members voting yea.

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

26. Communication from Councilmember Marx regarding supporting the Utility Workers Union of America, Local 270. (Pg. 101)

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

27. **RESOLUTION NO. 8909-16** – A RESOLUTION supporting The Utility Workers Union of America, Local 270 and demanding FirstEnergy fulfill the moral obligation to its active members and retirees by fairly sharing the cost of health care coverage. (Pg. 102)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8909-16.

Chris Erickson, VP of Local Utility Workers of America Local 270

Mr. Erickson supported the Resolution and criticized FirstEnergy’s intention to eliminate subsidies for retiree healthcare. He remarked on the physical and risky jobs performed by utility workers and that health repercussions of the job can sometimes present later, during retirement. He encouraged Council to pass the resolution and for Lakewood citizens to support utility workers.

Councilmember O’Leary expressed support for the resolution. He stated that walking away from workers doesn’t benefit our community.

Councilmember O’Malley remarked on the hard job that utility workers perform and the special way in which it interfaces with the City. He stated that an honest day’s work deserves an honest day’s pay and that a lifetime of work deserves a secure retirement.

Motion adopted. All members voting yea.

28. Certificate of Result of Election on Issue 64. (Pg.104)

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

Motion adopted. All members voting yea.

29. Communication from Mayor Summers regarding Re-Appointments to Boards, Committees and Commissions. (Pg. 105)

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

Motion adopted. All members voting yea.

30. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2016. (Pg. 107)

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

Motion adopted. All members voting yea.

31. **ORDINANCE NO. 36-15C** – 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, amending Ordinance 36-15B, adopted June 6, 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 2016 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. 108)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance 36-15C on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. O’Leary, seconded by Mr. Anderson, adopt Ordinance 36-15C.

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

Nays: None

Motion adopted. Ordinance 36-15C adopted.

32. Communication from Planning & Development Director Sylvester regarding Sale of vacant land. (Pg. 114)

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

Motion adopted. All members voting yea.

33. **ORDINANCE NO. 58-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development to market for sale the real property located at Edanola Avenue (PPN 311-15-011), pursuant to Section 155.07 of the Codified Ordinances. (Pg. 115)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 58-16 to the Housing Committee.

Motion adopted. All members voting yea.

34. Communication from Planning & Development Director Sylvester regarding 2017 Transportation for Livable Communities Initiative Planning Grant Application. (Pg.117)

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

Motion adopted. All members voting yea.

35. **RESOLUTION NO. 8910-16** - 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 to the Northeast Ohio Areawide Coordinating Agency (NOACA) for a \$30,000 planning grant through the Transportation for Livable Communities Initiative (TLCI) program, the grant to be used for study and planning of dedicated bike infrastructure on Lake Avenue in anticipation of 2018 repaving of Lake Avenue. (Pg. 119)

Councilmember Bullock complimented the administration on prioritizing the implementation of a bicycle master plan. He was pleased that the administration is seeking outside resources to help fund large-scale plans.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8910-16.

Motion adopted. All members voting yea.

36. Communication from Fire Chief Gilman regarding the trade-in of breathing air compressor and fill station equipment. (Pg. 121)

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

Motion adopted. All members voting yea.

37. **RESOLUTION NO. 8911-16** – 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 Director of Finance to sell, through trade-in, breathing air equipment in conjunction with the purchase of a new compressor and fill station equipment. (Pg. 122)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8911-16.

Motion adopted. All members voting yea.

38. Communication from Fire Chief Gilman regarding Transfer of surplus fire hose nozzles to Garfield Heights Fire Department. (Pg. 124)

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

Motion adopted. All members voting yea.

39. **RESOLUTION NO. 8912-16** – 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 Director of Finance to donate two fire hose nozzles to the City of Garfield Heights. (Pg. 125)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8912-16.

Motion adopted. All members voting yea.

40. Communication from Law Director Butler regarding New Chapter 904, Use of Public Ways by Service Providers. (Pg. 127)

Director Butler stated that the administration may seek a brief moratorium on small cell tower applications while Council considers the Resolution. He stated that the City is being inundated with applications.

Councilmember O'Leary lamented the State's action to eliminate local control of these cell towers. He stated that residents will feel and see the impact. He expressed support for any effort to appropriately regulate.

Director Butler clarified that the new state law hamstrings municipalities but permits municipalities certain local controls. The Resolution maximizes those local controls. Director Butler provided more specific information about the new state law.

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

41. **ORDINANCE NO. 59-16** - – 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, enacting Chapter 904, Use of Public Ways by Service Providers; creating Section 901.22, Conflict with the Use of Public Ways Chapter; and amending Section 903.09, Sidewalk Permit, of the Codified Ordinances of the City of Lakewood. (Pg. 128)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to refer Ordinance 59-16 to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

42. Liquor Permit Notice for a D5 TREX to SMYF LLC d/b/a LBM - 12301 Madison Avenue. (Pg. 162)

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

Motion adopted. All members voting yea.

****PUBLIC COMMENT****

Tom Feeser - 17852 Lake Rd

Mr. Feeser asked if the budget that was passed set aside funds for the Clifton Blvd. Extension project. He stated that many neighbors have been contacting him with this question.

Council affirmed that funds were indeed set aside in the 2017 budget.

Rob Showalter – 14723 Delaware Ave

Mr. Showalter introduced himself to Council as applicant to serve on the Audit Committee. He briefly explained his many qualifications and certifications for the position.

Coletta Graham – 1286 Chase

Mrs. Graham asked Council to pass an ordinance prohibiting street parking during snow. She complained that during the recent storm her neighbors parked in the street and plows could not do their work.

Councilmember O’Leary responded, stating that main routes impose a ban on parking during heavy snow fall. He stated that there are 40,000 vehicles titled in Lakewood and that many residents don’t have anywhere to park.

Brian Essi – 15306 Edgewater

Mr. Essi referenced the Master Agreement and stated that transportation has not been addressed in the past year indicating that the Master Agreement was not improved from the original Letter of Intent.

Councilmember O’Leary stated that he stands by his comment that the Master Agreement is objectively indicating the securing of a stated amount for the community health foundation where previously it would be the amounts left after a wind down. He indicated that among other tangibles the City will have nearly a six acre site to develop as a result of the negotiations.

Councilmember Marx stated that the City has not ignored the issue of transportation and she directed him to examples of what is being done by the Human Services Department.

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

Meeting adjourned at 9:00 PM.

Approved: _____

CLERK

PRESIDENT

