

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 17, 2019
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, 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, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Human Services Director Gelsomino, and several dozen members of the public.

Motion by President O'Leary, seconded by Vice President Anderson to excuse the absence of Councilmember Litten.

All members voted in favor. Motion passed.

Reading and disposal of the minutes of the Regular Meeting of Council held June 3rd, 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 items #14-#17 to the top of the agenda.

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

1. Committee of the Whole report regarding meetings held June 3, 2019 & June 10th, 2019. (pg. 1)

Motion by President O’Leary, seconded by Vice President Anderson to receive and file reports from Committee of the Whole’s June 3rd and June 10th meetings.

All members voted in favor. Motion passed.

2. Communication from Councilmember Litten expressing support for Substitute Ordinance 36-18 regarding the rezoning of the former Lakewood Hospital property. (pg. 2)

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

All members voted in favor. Motion passed.

3. **SUBSTITUTE ORDINANCE 36-18** – 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 described as 14519 Detroit Ave., 14501 Detroit Ave., and 1415 Marlowe Ave. (PPNs 314-07-007 to -014, 314-07-033 to -039, and 314-07-145) from C2 (Commercial, Retail) to PD (Planned Development); and set forth and described as V/L Belle Ave., 1478 Marlowe Ave. and 1484 Marlowe Ave. (PPNs 314-07-017, 314-07-025 and 314-07-026) from R1H (Single Family, High Density) to PD (Planned Development). (pg. 3)

President O’Leary recognized the presence of representatives from Carnegie Management Development Corporation and RDL Architects. George Papandreas of Carnegie Management spoke briefly about the One Lakewood Place project and asked for the support of councilmembers in the rezoning.

Motion by President O’Leary, seconded by Vice President Anderson to adopt as substituted.

Discussion: Councilman Bullock commented on the high quality of the project. Councilwoman George recognized the amount of hard work and meetings put into the project and expressed her support for it. Councilman Rader expressed his appreciation for the developer’s responsiveness to residents. Councilman Anderson highlighted the project’s multifaceted ability to serve the public and highlighted how it complements the Family Health Center. President O’Leary spoke about the vision required to move the project forward.

All members voted in favor. Motion passed. Substitute Ordinance 36-18 adopted.

4. Communication from Planning Director Sylvester regarding Marathon Gas Station Redevelopment Update. (pg. 7)

Director Sylvester asked that the rezoning request for the Marathon Gas Station Redevelopment be referred back to the Planning Commission and Architectural Board of Review. The City has identified an opportunity to invest \$100,000 in the remediation of the site. The investment will be voted on at a future meeting date by Council and could potentially stand to reduce the number of homes on the site or address issues that have been expressed in regard to the setback of the project.

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

All members voted in favor. Motion passed.

5. **ORDINANCE 09-19 - 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 described as 13900 Lake Avenue (PPN 312-05-011) from R1M (Single-Family Residential, Medium Density) to PD (Planned Development). (Placed on 1st reading and referred to Planning Commission/ABR 3/4/19; 2nd reading 3/18/19) (pg. 9)

Motion by President O’Leary, seconded by Vice President Anderson to simultaneously refer the ordinance to Committee of the Whole, Planning Commission, and Architectural Board of Review.

Discussion: Councilman Bullock expressed his interest in finding out more about the \$100,000 investment and stated his belief in the importance of promoting varying housing types that will attract residents to the area.

Mayor Summers stated the need to address the environmental factors in the proposed development. He added that no lender would be agreeable to establishing a project on the site without remediation taking place first, and that leaving a vacant storefront there would not enable the City to leverage its investment with private sector assistance.

President O’Leary noted that the Marathon site is one of the oldest service stations in the city with multiple fuel tanks onsite. He also highlighted components of the planned development code that requires it to fit in, not match, surrounding architecture and character of a neighborhood.

Councilman O’Malley stated that councilmembers need to apply a reasonable standard when variances are sought in regard to developments, while holding developers accountable.

Vice President Anderson brought up past examples where meaningful site repurposing failed, which resulted in the establishment of vacant lots.

On the motion: All members voted in favor. Motion passed. Ord. 09-19 referred to Committee of the Whole, Planning Commission & ABR.

6. Public Works Committee report regarding meetings held June 10th & June 13th, 2019. (to be provided)

Motion by Councilman Rader, seconded by President O’Leary to receive and file the oral report and add his written notes to the committee minutes.

All members voted in favor. Motion passed.

7. **ORDINANCE 13-19** - 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 Chapter 906, Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures, of the Codified Ordinances of the City of Lakewood in order to regulate small cell wireless facilities located in the right-of-way. (Placed on 1st reading and referred to Public Works Committee 5/6/19; 2nd reading 5/20/19) (pg. 11)

Motion by President O’Leary, seconded by Vice President Anderson to adopt.

All members voted in favor. Motion passed. Ordinance 13-19 adopted.

8. Finance Committee report regarding meeting held June 17th, 2019. (to be provided)

The Finance Committee met tonight. We approved the minutes of the most previous meeting and then we discussed a communication from Councilmembers Rader and George regarding the gas tax increase approved by the Ohio General Assembly. This was a very illuminating meeting in that Director Pae was able to provide some guidance to the Committee on how those revenues can legally be used. We are all in receipt of an email from her back in April which discussed that but we were really able to have a more thorough conversation about what Council can do within the constraints of state law. The City will be receiving significant sums as a result of the increase in that gas tax this year and going forward. That will fluctuate based on habits and the cost of gas. It was a very illuminating meeting and I am happy to provide the materials from it to any other councilmembers as well. I wanted to express my appreciation to Councilmembers Rader and George for calling our attention to this and calling for a more thorough discussion.

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

All members voted in favor. Motion passed.

9. Rules & Ordinances Committee report regarding meeting held June 17th, 2019. (to be provided)

There were two items on the agenda this evening – the first was to discuss Ordinance 15-19 which is to repeal LCO Chapter 503, Abortions. Councilman Rader was present from the Committee as was Councilman Anderson and Law Director Butler. Various members of the public, including members of NARAL spoke during that meeting. The Committee came to the conclusion that state and federal law already regulates abortion so we voted that out of committee. The next item we discussed was Ordinance 16-19 which is regarding public records. Law Director Butler pointed out that City of Cleveland has a nice public records portal that we’re going to look at further and we’re going to continue that discussion at a future Rules & Ordinances Committee meeting.

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

All members voted in favor. Motion passed.

10. **ORDINANCE 15-19** – AN ORDINANCE to take effect at the earliest period allowed by law repealing Chapter 503, Abortions. (Placed on 1st reading and referred to Rules & Ordinances Committee 5/6/19; 2nd reading 5/20/19) (pg. 31)

Cecilia Brown of 2182 Lakeland Ave. asked about the timing of the ordinance. President O’Leary stated that he did not realize that the City had this chapter in its code and added that it seems superfluous and unconstitutional. Councilwoman George added that the chapter contains language that refers to directors of old city departments that are no longer employed by the city or the departments themselves no longer exist. Ms. Brown asked that if an abortion clinic wanted to open in Lakewood, would that be a matter upon which the public or City Council can vote. President O’Leary stated that such a matter would be addressed in the same manner as any other land use question before the city.

Jaime Miracle of NARAL stated her support of Ord. 15-19. She expressed concern over specific language in Chapter 503 and argued that it is outdated and stigmatizing.

Hannah Servedio of NARAL and 12206 Clifton Blvd. stated her support of Ord. 15-19. She stated that she has had conversations with City Council regarding Chapter 503 and that state law already regulates the matter of abortion.

Jennifer Jaketic of NARAL and 1614 Ridgewood Ave. stated her support of Ord. 15-19. By removing Chapter 503 from the code, she stated that Council would be indicating that it cares about its residents’ well-being.

Anna Mulfalato of Pre-Term and 2142 Glenberry Ave. stated her support of Ord. 15-19. She stated that the code is outdated and stigmatizing. She added that the state already regulates and regularly inspects Pre-Term, which is located in the Buckeye-Shaker neighborhood of Cleveland.

Councilman O’Malley noted that many of the councilmembers were not alive the last time Chapter 503 was considered by Council and expressed his astonishment in regard to its presence in the

City's code. He stated he thinks by repealing it, it will bring the City further in line with law already governing the issue. He added that he thinks Chapter 503 would open up the City to lawsuits in the event it was ever attempted to be enforced.

Motion by President O'Leary, seconded by Bullock to adopt Ord 15-19.

Vice President Anderson stated his belief that Chapter 503 should remain on the books until a determination has been made in regard to its constitutionality. He proposed doing a line by line review of Chapter 503, as state law regulating abortion is awaiting judgment in higher courts. President O'Leary stated that Chapter 503 does not comport with current state law and is of no application to Lakewood.

Councilman Bullock stated his lack of objection to letting members of the public speak on the issue, despite them signing in on the wrong sheet.

Virginia Hanley of 2099 Warren Rd. stated her opposition to Ord. 15-19. She argued that Chapter 503 keeps the woman and Lakewood safe.

Jean Smith of 2037 Warren Rd. stated her opposition to Ord. 15-19. She stated that life starts at the moment of conception. She stated she feels that Council is voting to remove Chapter 503 from the City code so that an abortion facility can be built in Lakewood.

Judy Salcedo of 14301 Bidwell in Cleveland stated her opposition to Ord. 15-19. She added that all life is sacred and in regard to children conceived as a result of rape or incest, that two wrongs do not make a right.

Cuyahoga County Councilman Dale Miller gave an update on issues being worked on in County Council currently, not the abortion issue. He noted that Council recently passed a ban on single use plastic bags that will go into effect January 1st of next year. He discussed the consideration of the County Health and Human Services levy. The county is hiring more guards and installing stronger management in the jail. County Executive Budish has hired Bill Mason to be his chief of staff.

Antoinette Sabo of 17500 Franklin Ave. stated her opposition to Ord. 15-19. She was around when the Chapter 503 passed and stated the intent behind it was to ensure any abortion clinic that would come into Lakewood is regulated to prioritize the health and safety of women. She asked Council to review Chapter 503 line by line instead of throwing the entire chapter out.

Regina Wyzykowski of 5633 Dunham Rd. in Maple Heights stated her opposition to Ord. 15-19. She stated that Council should keep the chapter out of concern for the safety of women in Lakewood and update it as necessary.

Mark Armbruster of 28549 Brookstone Tr. in Middleburg Heights stated his opposition to Ord. 15-19. He shared his personal history and strongly encouraged Council to vote against the measure.

Members Bullock, George, O’Leary, O’Malley, and Rader voting yea. Vice President Anderson voting no. Motion passed. Ordinance 15-19 adopted.

11. **ORDINANCE 16-19** - AN ORDINANCE enacting new Chapter 110, Access Public Records, of the Codified Ordinances of the City of Lakewood to create transparency and timely easy-of-access to public records and set requirements for the city’s online public records request system. (Placed on 1st reading and referred to Rules & Ordinances Committee 5/20/19; 2nd reading 6/3/19) (pg. 54)

Motion by President O’Leary, seconded by Vice President Anderson to defer.

All members voted in favor. Motion passed.

12. **ORDINANCE 18-19** - AN ORDINANCE amending Chapter 1323, Registration of Contractors, of the Codified Ordinances of the City of Lakewood to require contractors registered with the City to receive a training or orientation to be provided by the City. (Placed on 1st reading & referred to Housing Committee 6/3/19) (pg. 60)

Motion by President O’Leary, seconded by Vice President Anderson to defer.

All members voted in favor. Motion passed.

13. **ORDINANCE 19-19** - AN ORDINANCE amending Section 541.04, Criminal Mischief, of the Codified Ordinances of the City of Lakewood to include residential light nuisances. (Placed on 1st reading & referred to Housing Committee 6/3/19) (pg. 65)

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

Vice President Anderson noted that agenda items #12 and #13 will be deliberated upon at an upcoming Housing Committee meeting.

All members voted in favor. Motion passed.

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

14. Communication from President O’Leary regarding new affiliation between North Coast Health & Neighborhood Family Practice. (to be provided)

President O’Leary gave an overview of the North Coast Health and Neighborhood Family Practice organizations and the services they have provided to some of Lakewood’s most vulnerable residents.

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

All members voted in favor. Motion passed.

15. Community Update from Jean Polster, President/CEO & Gina Gavlak, Vice President of Business Development regarding new affiliation between North Coast Health & Neighborhood Family Practice. (pg. 68)

Gina Gavlak and Jean Polster gave a presentation on North Coast Health’s transition into Neighborhood Family Practice, while providing information on the services the organizations provides and who they serve.

Councilman Bullock commented on the good work both organizations have done in the past and complimented them on their long-term plan for the future. President O’Leary highlighted the impact of the services provided by the organizations.

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

All members voted in favor. Motion passed.

16. Communication from Mayor Summers regarding a report of the Lakewood Youth Council Planning Task Force. (pg. 77)

President O’Leary noted the objectives of the Lakewood Youth Council Planning Task Force and discussed procedural components to its creation.

Members of the Youth Council Planning Task Force (Elizabeth Halko, Tristan Rumsey, Collin Hunt) gave a presentation on how the Task Force will operate.

Councilman Rader thanked the Task Force for attending and asked how the Task Force will be working with City Council and the administration moving forward. The members highlighted portions of the group’s by-laws that note the future Youth Council will relay any youth concerns to the Lakewood Community Relations Advisory Commission and attend regular Council meetings as needed.

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

All members voted in favor. Motion passed.

17. **ORDINANCE 20-19** - AN ORDINANCE enacting Chapter 159, Youth Council, of the Lakewood Codified Ordinances to establish a council for purposeful planning; advising Council and the Administration on matters including but not limited to addressing youth concerns and perspectives; assisting in securing and developing programs and activities for the young people in the City; and providing programming in the community for youth to obtain leadership skills and to participate in civic affairs; and appointing six of the original members of the council. (pg. 89)

Motion by President O’Leary, seconded by Vice President Anderson to refer to Committee of the Whole.

All members voted in favor. Motion passed. Ordinance 20-19 referred to Committee of the Whole.

18. Communication from Mayor Summers regarding the appointment of Nathan J. Kelly to the Planning Commission. (pg. 91)

It was determined that Mr. Kelly’s unexpired term will last for another 2-3 years before an opportunity for reappointment.

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

All members voted in favor. Motion passed.

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

McKenzie Levi – 14811 Hilliard Rd. – Mr. Levi spoke about difficulties he has encountered in his bid to be a write-in candidate for Lakewood mayor and his disagreement with the rules set up in order for people to get their names on the ballot. He also raised concerns about individuals with physical handicaps being able to get signatures from Lakewood residents in order to get on the ballot. President O’Leary stated that individuals with physical disabilities have served as elected officials in Lakewood in the past.

****ANNOUNCEMENTS****

Mayor Summers provided a reminder that Lakewood's Summer Solstice event will be taking place this Friday evening at Lakewood Park.

Director Butler publicly thanked Jaime Miracle and her colleagues at NARAL for providing comment on Chapter 503. He also thanked Professor Dave Forte from the Cleveland State University Marshall College of Law and a Lakewood resident for providing comments from the opposite side of the debate as well. All of those comments helped the Law Department get up to speed on the current state of law regarding abortion in Ohio.

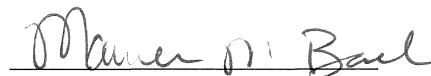
Councilman O'Malley publicly thanked the Fire Department, Police Department, Public Works Department, and Lakewood Chamber of Commerce for their assistance with two recent community events held in Madison Park, especially the Taste of Lakewood. President O'Leary added his thanks to Michelle Nochta and the Planning Department for organizing the rededication ceremony at Cove Park.

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

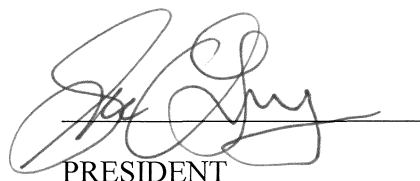
Motion adopted. All members voting yea.

Meeting adjourned 10:12 PM.

Approved: 7/1/2019



CLERK



PRESIDENT

City Rooftop Solar Presentation

- Mike Wise of McDonald Hopkins and Mike Foley of The County Office of Sustainability delivered the Solar Energy presentation.
- After a competitive bid process, the County partnered with Enerlogics Solar to install solar arrays on three County buildings this summer. Under a cooperative purchase agreement, allowed by state law, Lakewood and other municipalities are entitled to the same terms and pricing as the County if we enter into a Power Purchase Agreement (PPA). This would mean the City of Lakewood would receive the same rate of 9.95 cents Per Kw/h as the larger county projects.
- This year, the private 3rd party owner of the technology is entitled to a 30% federal tax credit, which is passed on as cost saving to the city in the form of the low rate on the PPA. If the city acts before Jan. 1, 2020 this would maximize the cost saving of the project as the federal tax incentives are set to decrease in 2020 and continue to be reduced every year thereafter. The Mayor as well as members of the committee expressed that this was a particularly attractive offer as the city alone would not qualify for this credit.
- The Committee and the administration focused its discussion on the feasibility of such a project on the roof of the Streets and Parks Garage (behind City Hall). It was determined that such an installation would produce more energy than the building currently consumes. In this case, the excess energy would be returned to the grid and the City would receive a reduced credit. In order to avoid any loss, the Committee discussed the possibility of connecting the garage and City Hall through an underground trench so that excess energy from the garage could be used at City Hall. 3rd Sun Solar is currently working with Pubic Works to vet this option.
- Mayor Summers and Director Beno expressed support and committed to vetting the idea further with the possibility of completion by the end of 2019 and will be speaking with Mike Wise and others to get the ball rolling.

NOPEC Grant Funds

- The Mayor briefly stated that the best use of these funds is to continue replacing old street lights with LED lights. Lights on Detroit and Madison have already been replaced. The quality of the LED light is nearly indistinguishable from the old lights and the City has heard little feedback from residents. The Mayor proposed using the funds to replace lights on Clifton, Franklin and Lake.

Ordinance 13-19

- Law Director Butler and Director Beno explained that the ordinance is the result of rules adopted by the FCC. The Committee voted unanimously to recommend adoption to Council on 6/17.