

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 3, 2019
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Daniel O'Malley, Tristan Rader

Also Present: Mayor Summers, Law Director Butler, Planning and Development Director Sylvester, Human Resources Director Yousefi, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Human Services Director Gelsomino, and several members of the public.

Reading and disposal of the minutes of the Regular Meeting of Council held July^{15th}, 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.

President O'Leary made a motion to move items 12 & 9 to the top of the agenda, to which there were no objections.

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

1. Public Works Committee report regarding meeting held July 22, 2019. (pg. 1)

Chairman Rader made motion, seconded by President O'Leary, to receive and file the committee report.

All members voted in favor. Motion passed.

2. **SUBSTITUTE ORDINANCE 23-19** - 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 and be in force at the earliest period allowed by law, enacting Chapter 161, Tree Advisory & Education Board, of the Lakewood Codified Ordinances to establish a permanent Tree Advisory & Education Board for the purpose of collaborating with City officials regarding its urban tree policies and practices, promoting the City's tree programs and educating residents regarding responsible tree stewardship and the benefits of tree planting on private property. (Placed on 1st reading 7/15/19) (pg. 2)

President O'Leary made a motion, seconded by Vice President Anderson, to defer S. Ordinance 23-19.

All members voted in favor. Motion passed. S. Ordinance 23-19 deferred.

3. Housing Committee report regarding meeting held July 22, 2019. (to be provided)

Chairman Anderson read the following report into the record:

The Housing Committee met on July 22nd with all members present, along with members of the administration and a couple members of the public. The minutes from the committee's previous meeting on May 6th were approved. The committee reviewed and discussed Ordinance 18-19, which requires contractors registered with the City to receive a training or orientation to be provided by the city. This concept is consistent with the landlord training provided by the city over the last several years. More research is needed on this concept and findings will be reviewed at the committee's next meeting on 9/23/19. A request was put in to the Building Department for the number of contractors currently registered with the city. The largest drop in number of registered contractors took place in 2011, 2012, and 2013. In total there has been a drop off in about 400 contractors over the past 7 years. The committee plans on looking into the lists and contacting contractors no longer registered to see what the back story might be for their drop off.

Chairman Anderson made a motion, seconded by President O'Leary, to receive and file the report.

All members voted in favor. Motion passed.

4. **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 and referred to Housing Committee 6/3/19; 2nd reading 6/17/19) (pg. 4)

President O’Leary made a motion, seconded by Vice President Anderson, to defer.

All members voted in favor. Motion passed.

Councilman Bullock clarified that the Housing Committee recommended the piece of legislation for adoption.

President O’Leary rescinded his motion to defer and substituted a motion to adopt, seconded by Vice President Anderson. Several members commented on the value of having this piece of legislation in the city code.

All members voted in favor. Motion passed.

5. Finance Committee report regarding meeting held September 3rd, 2019. (to be provided)

Chairman O’Malley read the following report into the record:

The committee approved the minutes from its last meeting and reviewed Ordinance 21-19, which is the quarterly transfer and advance ordinance. There were no advances, but several transfers which were routine in nature. The committee voted unanimously to recommend the ordinance for adoption. The committee also received a mid-year revenue report from Director Pae and Assistant Director Schuster. There has been a significant increase in property tax receipts due to increases in property valuations. Income tax revenue receipts are projected to be where the city would like them to be. The city has also seen a significant increase in interest earnings as well. The committee held discussion on the 2020 budget process and received 15 Council budget priorities. Each councilperson gave a brief synopsis of what he or she proposed. It was urged that Council members discuss these priorities with respective directors. Lastly, discussion was had regarding the 2020 Council Office budget. The conversation focused on the various memberships that Council has to organizations, such as the National League of Cities, as well as the possibility of adding a Council intern.

President O’Leary made a motion, seconded by Vice President Anderson, to receive and file the report.

6. **ORDINANCE 21-19** – 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 and be in force at the earliest period allowed by law, authorizing the transfer and advance of certain funds. (Placed on 1st reading and referred to Finance Committee 7/1/19, 2nd reading 7/15/19) (pg. 7)

President O'Leary made a motion, seconded by Vice President Anderson, to adopt Ordinance 21-19.

All members voted in favor. Motion passed. Ordinance 21-19 adopted.

7. Public Safety Committee report regarding meeting held September 3rd, 2019. (to be provided)

Chairman Bullock read the following report into the record:

The committee met right before this meeting with all members present, along with other councilmembers. The committee came to recommend a substitute version of Ordinance 05-19 for adoption, which proposes to regulate the use of mobile phones while driving. The main points include prohibiting texting while driving, taking calls while driving, and making both of those things a primary offense for police to stop motorists. There are exceptions for mobile device use for emergencies, being pulled over on the side of the road, 1 touch dialing while mounted, 1 touch for accepting a fare, and voice activated calls. The 1 amendment addressed in the last session was to include 1 touch navigation along with 1 touch dialing. As time goes on, Council hopes that voice activated technology will address concerns regarding distracted driving and safety. There is a 90-day effective period before the ordinance takes effect, so public education efforts can take place.

Chairman Bullock made a motion, seconded by President O'Leary, to receive and file the oral report.

All members voted in favor. Motion passed.

8. **ORDINANCE 05-19** - AN ORDINANCE to take effect at the earliest period allowed by law enacting Section 331.346, Using Mobile Telephones while Driving, of the Codified Ordinances of the City of Lakewood in order to update the Code so as to regulate the use of mobile phones while driving in the City. (Placed on 1st reading and referred to Public Safety 1/22/19; 2nd reading 2/4/19) (pg. 9)

President O'Leary made a motion, seconded by Councilman Bullock, to substitute. A roll call vote was taken as follows:

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

Nays: none

Motion passed. Ordinance 5-19 substituted.

Members discussed the importance of making the law's guidelines clear to all parties, drivers, police, and prosecutors, and making sure that the law is not abused by future administrations. The importance of eliminating distracted driving for public safety purposes was also discussed.

President O'Leary made a motion, seconded by Vice President Anderson, to adopt Ordinance 5-19 as substituted. A roll call vote was taken as follows:

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

Nays: none

Motion passed. Ordinance 5-19 adopted as substituted.

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

9. 2019 Audit with Distinction Award – presented by the Auditor of the State. (to be provided)

Jake Altman, Northeast Regional Liaison for Auditor of State Keith Faber, presented the award for 2019 Audit with Distinction to the City of Lakewood. Over 6,000 entities across the state are audited by the Auditor of State office and less than 4% receive the Audit with Distinction Award.

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

All members voted in favor. Motion passed.

10. Communication from President O'Leary regarding Welcoming Week. (pg. 11)

President O'Leary made a motion, seconded by Vice president Anderson, to receive and file the communication.

All members voted in favor. Motion passed.

11. **RESOLUTION 9083-19** - A RESOLUTION to proudly support the mission and spirit of Welcoming Week 2019, a national series of events that brings communities

together September 13th- 22nd, in the spirit of unity to affirm the benefits of welcoming immigrants and other newcomers. (pg. 12)

President O’Leary made a motion, seconded by Vice president Anderson, to adopt Resolution 9083-19.

Discussion: It was noted that this will be the first time that Welcoming Week will be celebrated in the Cleveland area and that a variety of events will be taking place throughout the region where contributions of immigrants will be recognized.

All members voted in favor. Motion passed.

12. RESOLUTION NO. 9084-19 - A RESOLUTION to recognize and thank Chief Scott Gilman for the extraordinary length and quality of his service and leadership to the Lakewood Fire Department over the past three and a half decades. (pg. 13)

President O’Leary read the resolution in its entirety.

Chief Gilman thanked the members of the Fire Department and Mayor Summers for the opportunity to serve. Mayor Summers and all members of Council gave their praise to the Chief, thanking him for his service and complimenting his vast knowledge of all fire and rescue related matters.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9084-19.

All members voted in favor. Motion passed. Resolution 9084-19 adopted.

13. Communication from Vice President Anderson regarding registering your dog with the County. (pg. 14)

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

All members voted in favor. Motion passed.

14. Communication from Vice President Anderson regarding ordinance to require dog registration. (pg. 15)

Vice President Anderson made a motion, seconded by President O'Leary, to receive and file the communication.

All members voted in favor. Motion passed.

15. **ORDINANCE 25-19** - AN ORDINANCE repealing 905.07 Animals, and enacting a new 905.07 Animals which require that all dogs in any park be registered with the County Fiscal Officer and wear a registration tag. (pg.16)

President O'Leary made a motion, seconded by Vice President Anderson, to refer to Rules & Ordinances Committee.

All members voted in favor. Motion passed.

16. Communication from Councilmember George regarding demolition and re-build of homes. (pg. 19)

Councilwoman George made a motion, seconded by Vice President Anderson, to refer to Housing Committee.

Discussion: Councilmember Rader expressed enthusiasm about the forthcoming discussion on this topic.

All members voted in favor. Motion passed.

17. Communication from Vice President Anderson regarding appointment to Community Relations Advisory Commission. (pg. 20)

Vice President Anderson made a motion, seconded by President O'Leary, to receive and file the communication.

All members voted in favor. Motion passed.

18. Communication from Councilmember Bullock regarding appointment to Community Relations Advisory Commission. (pg. 21)

Councilman Bullock made a motion, seconded by President O’Leary, to receive and file the communication. Ms. Stevens was present in the audience and thanked Council for the opportunity to serve.

All members voted in favor. Motion passed.

19. Communication from Councilmember George regarding appointment to Community Relations Advisory Commission. (pg. 22)

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

Discussion: Councilmember Litten thanked his colleagues for stepping up and swiftly filling vacancies on LCRAC.

All members voted in favor. Motion passed.

20. Communication from Councilmember O’Malley regarding appointment to the Citizens Advisory Committee. (pg. 23)

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

Discussion: Councilmember O’Malley announced that his former appointee Jason Estremera is moving to Chicago to take a position as an Executive Director at a community development corporation. He remarked on his service to the City , region, and Latino community.

All members voted in favor. Motion passed.

21. Communication from Mayor Summers regarding the replacement of lead drinking water supply lines. (pg. 24)

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

Discussion: Council President O’Leary thanked the Mayor for embracing this policy which is about doing the right thing the first time.

All members voted in favor. Motion passed.

22. Communication from Mayor Summers regarding the acceptance of Ohio Arts Council Grant Award & Commitment of Matching Funds. (pg. 27)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

Discussion: Council President O'Leary remarked that this is a worthwhile endeavor that will be appreciated by the community.

All members voted in favor. Motion passed.

23. **RESOLUTION 9085-19** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood enter into an agreement with the Ohio Arts Council to accept a grant in the amount of \$2,381 and authorizing a match in the same amount. (pg. 28)

President O'Leary made a motion, seconded by Vice President Anderson, to adopt Resolution 9085-19.

All members voted in favor. Motion passed. Resolution 9085-19 adopted.

24. Communication from Mayor Summers regarding a mayoral appointment to the Lakewood Citizens Advisory Committee. (pg. 33)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

All members voted in favor. Motion passed.

25. Communication from Mayor Summers regarding a mayoral appointment to the Lakewood Citizens Advisory Committee. (pg. 34)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

All members voted in favor. Motion passed.

26. Communication from Director Gelsomino regarding an application to the NOACA 5310: Enhanced Mobility for Seniors & Individuals with Disabilities. (pg. 35)

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

Discussion: Council President O’Leary remarked that this is a great opportunity for the City.

All members voted in favor. Motion passed.

27. **RESOLUTION 9086-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to apply for a grant through the Northeast Areawide Coordinating Agency (“NOACA”) for Cleveland Urbanized Area Federal Transit Administration(FTA) funding from the Enhanced Mobility for Seniors and Individuals with Disabilities Program. (pg. 36)

President O’Leary made a motion, seconded by Vice President Anderson, to adopt Resolution 9086-19.

All members voted in favor. Motion passed. Resolution 9086-19 adopted.

28. Communication from City Engineer Papke regarding the Ohio Public Works Commission – Program Year 2020. (pg. 38)

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

All members voted in favor. Motion passed.

29. **RESOLUTION 9087-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor of the City of Lakewood, or his designee, to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program, Local Transportation Improvement Program or any other appropriate Ohio Public Works

Commission program that the Summit Outfall Replacement Project qualifies for and to execute contracts as required. (pg. 39)

Councilman Bullock made a motion, seconded by President O'Leary, to refer Resolution 9087-19 to Public Works Committee.

All members voted in favor. Motion passed. Resolution 9087-19 referred to Public Works Committee.

30. Communication from Director Sylvester regarding the Trinity Church Adaptive Reuse Project. (pg. 41)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

Discussion: Councilmember George expressed enthusiasm that both proposals preserve the church.

Vice President Anderson noted that four of the five proposals submitted preserved the church and that the final two really stand out. He is looking forward to the process moving forward.

President O'Leary remarked that both proposals incorporate native Lakewood elements.

In response to a question by Councilmember Rader, Mayor Summers explained that the forthcoming development agreement would spell out the details of the transfer of the title.

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

31. Communication from Director Sylvester regarding the Cuyahoga County Bicycle & Scooter Share Program. (pg. 42)

Councilman Bullock made a motion, seconded by President O'Leary, to refer to Public Safety Committee. Members and the mayor discussed mutual concerns over electric scooter use in Lakewood. It was clarified that electric scooter use is currently not permitted in the city of Lakewood. Director Butler stated that the devices are not specifically outlawed in the code. They would fall under existing law that prohibits use on city streets and for that type of commerce occurring on sidewalks.

All members voted in favor. Motion passed.

President O'Leary requested a draft of a moratorium on electric scooters. Director Butler stated he can assist with drafting the piece of legislation.

32. Communication from Director Sylvester regarding the donation of items from Cove Church. (pg. 44)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

President O'Leary remarked that Dr. Christine Johnson from the Worldwide Anglican Church was present and signed in. She had intended to express her appreciation for the donation.

All members voted in favor. Motion passed.

33. **RESOLUTION 9088-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the donation of various items that remain at Cove Church to Lakewood organizations including the Lakewood Historical Society, LakewoodAlive, Barton Center, The Beck Center, Dr. Christine Johnson-Anglican Church, Habitat for Humanity. (pg. 45)

President O'Leary made a motion, seconded by Vice President Anderson, to adopt.

All members voted in favor. Motion passed.

34. Communication from IT Manager Coletta regarding the donation of computer monitors to LakewoodAlive. (pg. 49)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

All members voted in favor. Motion passed.

35. **RESOLUTION 9089-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or

otherwise to take effect and be in force after the earliest period allowed by law, authorizing the City of Lakewood Division of Information Technology to donate five computers monitors that are no longer in use to LakewoodAlive for the purpose of replacing theirs which have recently failed. (pg. 50)

President O'Leary made a motion, seconded by Vice President Anderson, to adopt.

All members voted in favor. Motion passed.

36. Communication from Director Yousefi regarding the acceptance of exercise equipment donated to the City. (pg. 52)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

All members voted in favor. Motion passed.

37. Communication from Chief Malley regarding the acceptance of funds donated to the city by a private estate intended for the purchase of body armor for police and K9's. (pg. 53)

President O'Leary made a motion, seconded by Vice President Anderson, to receive and file the communication.

All members voted in favor. Motion passed.

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

38. Liquor Permit Notice regarding Covelli Collective LLC at 11806 Detroit Ave. & 11802-14 Detroit Ave. (pg. 54)

Councilman O'Malley had no objection. President O'Leary made a motion, seconded by Vice President Anderson, to file without objection.

All members voted in favor. Motion passed.

39. Liquor Permit Notice regarding Covelli Collective LLC at 11794-96 Detroit Ave. (pg. 55)

Councilman O'Malley had no objection. President O'Leary made a motion, seconded by Vice President Anderson, to file without objection.

All members voted in favor. Motion passed.

40. Liquor Permit Notice regrading Ashirvad Beverage LLC at 1630 W. 117th Street S/E Unit. (pg. 56)

Councilman O'Malley had no objection. President O'Leary made a motion, seconded by Vice President Anderson, to file without objection.

All members voted in favor. Motion passed.

41. Liquor Permit Notice regarding Talia and Brothers LLC at 14412 Detroit Rd. (pg. 57)

President O'Leary had no objection. President O'Leary made a motion, seconded by Vice President Anderson, to file without objection.

All members voted in favor. Motion passed.

42. Liquor Permit Notice regarding Albestan LLC at 13610 Detroit Ave.- Types C1 & C2 (pg. 58)

Councilman Litten had no objection. President O'Leary made a motion, seconded by Vice President Anderson, to file without objection.

All members voted in favor. Motion passed.

******ANNOUNCEMENTS******

Mayor Summers provided a reminder that the Lakewood Community Festival will be taking place this upcoming Saturday at Madison Park.

President O'Leary noted that the NOPEC charging station has been installed in the City Hall Auditorium, which was previously voted on earlier in the year.

Councilman O'Malley asked Mayor Summers and Chief Malley about an increased presence of State Highway Patrolmen and Sheriff's Deputies on the Lakewood section of I-90. Both were unaware of any increased presence. It was noted that portions of the fines that come with speeding tickets go to the city or the state depending on how a driver is cited and under which code, the city code or the Ohio Revised Code.

Vice President Anderson and Councilman Litten expressed their thanks to the Council staff for putting together a large docket, coordinating communications, and producing video. Councilman Litten added his thanks to Chief Gilman and Chief Malley for making their staff available for block clubs and block parties throughout the summer.

President O'Leary made a motion, seconded by Vice President Anderson, to adjourn.

All members voted in favor. Motion passed.

Meeting adjourned: 9:37 p.m.

Approved: 9/16/2019

Maura M. Bach

CLERK

[Signature]

PRESIDENT