

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
JULY 3, 2017
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and on the City's website www.onelakewood.com as soon after 4 PM on the Friday before a Council meeting as possible.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The Clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
- II. Moment of Silence
- III. Roll Call

Reading and disposal of the minutes of the Regular Meeting of Council held June 19, 2017.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

1. Committee of the Whole Report regarding July 3, 2017 Committee meeting on Proposed Third Amended Charter Mr. O’Leary; Chair (To Be Provided)
2. Finance Committee Report regarding Resolutions 8938-17, 8939-17 & 8940-17. Mr. Bullock; Chair (To Be Provided)
3. **RESOLUTION NO. 8938-17** – A RESOLUTION to take effect immediately provided it received 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, approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2018, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (REFERRED TO THE FINANCE COMMITTEE 6/5/17) (Pg. 4)
4. **RESOLUTION NO. 8939-17** – 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, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real, personal property and estate taxes and special assessments collected in the year 2018 in such amounts as may be requested and available. (REFERRED TO THE FINANCE COMMITTEE 6/5/17) (Pg. 5)
5. **RESOLUTION NO. 8940-17** – 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 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officers. (REFERRED TO THE FINANCE COMMITTEE 6/5/17) (Pg. 7)
6. Rules & Ordinances Committee Report regarding Ordinance 26-17. Mr. Litten; Chair. (To Be Provided).
7. **ORDINANCE NO. 26-17** – an ordinance amending Section 142.05, Advisory, and Section 142.09, Public Records; Reporting Duties of the Codified Ordinances of the City of Lakewood to restore the role and duties of the Community Relations Advisory Commission to those set forth in the original founding ordinance and to make an administrative change. (1ST

READING & REFERRED TO RULES & ORDINANCES COMMITTEE
6/5/17, 2ND READING 6/19/17) (Pg. 9)

8. **ORDINANCE NO. 27-17** – 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 at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matters. (1ST READING 6/5/17, 2ND READING 6/19/17) (Pg. 11)

NEW BUSINESS

9. Communication from Councilmember Bullock regarding Appointment of Courtney Noster to the Citizens Advisory Committee. (Pg. 13)
10. Communication from Councilmember Bullock regarding Appointment of Erik Meinhardt to the Community Relations Advisory. (Pg. 14)
11. Communication from Human Services Director Gelsomino regarding Project SOAR. (Pg. 15)
12. Communication from Planning & Development Director Sylvester regarding Sale of 1468 W. 117th. (Pg. 16)
13. **ORDINANCE NO. 28-17** – 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 or the Mayor to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1468 W. 117th Street (PPN 315-13-103) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 17)

RESOLUTION NO. 8938-17

BY:

A RESOLUTION to take effect immediately provided it received 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, approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2018, and authorizing the filing of same with the Cuyahoga County Fiscal Officer.

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of the City in that the Tax Budget must be submitted to the County Fiscal Office on or before July 20, 2017; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The annual Tax Budget submitted by the Director of Finance of the City of Lakewood, showing the amount of money needed and the necessary expenditures in the various departments of the municipality for the year 2018, is hereby approved and the Clerk of Council is hereby ordered and directed to file the same with the Fiscal Officer of Cuyahoga County pursuant to the statutes of the State of Ohio.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor , or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

RESOLUTION NO. 8939-17

BY:

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, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real, personal property and estate taxes and special assessments collected in the year 2018 in such amounts as may be requested and available.

WHEREAS, Ohio Revised Code Section 321.34 (A)(1) provides that “[W]hen the local authorities by resolution so request, the county auditor shall pay township clerks, treasurers of municipal corporations, the treasurer of any board of education, and the treasurer of any other political subdivision or taxing district whose funds derived from taxes or other sources are payable by law to the county treasurer, any money that may be in the county treasury to the accounts of such local authorities, respectively, and lawfully applicable to the purpose of the current fiscal year in which such request is made. The auditor and county treasurer shall retain any amounts needed to make such payments of obligations of local political subdivisions or taxing districts as are required by law to be paid directly by the county authorities;” and

WHEREAS, Ohio Revised Code Section 321.341 provides that “... [A]t any time prior to a settlement under section 5731.46 of the Revised Code, the fiscal officer of a municipal corporation or a township may request the county auditor to make payment to such subdivision from the fund of an amount not to exceed seventy-five per cent of taxes paid into such fund and standing to the credit of the subdivision, including both taxes with respect to which a final determination has been made under section 5731.27 of the Revised Code and taxes subject to review and final determination under section 5731.26 of the Revised Code. Within five days of the receipt of such request the auditor shall draw a warrant in such amount upon such fund, payable to the subdivision;” and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of the City in that the Cuyahoga County Fiscal Officer requires the City to file this resolution stating the City’s intent to receive advances in 2018 prior to October 1, 2017; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Cuyahoga County Fiscal Officer is requested to draw and the Cuyahoga County Treasurer is requested to pay to the City of Lakewood Director of Finance an advance of all real, personal property and estate taxes and special assessments collected in the year 2018 in such amounts as may be requested and available.

Section 2. The Director of Finance is hereby directed to forward a certified copy of this resolution upon passage, to the Cuyahoga County Fiscal Officer.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This resolution is hereby declared to be an emergency measure necessary for the usual daily operation of City for the reasons set forth in the preamble to this resolution, and provided it receives the affirmative vote of at least five members Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

RESOLUTION NO. 8940-17

BY:

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 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2018; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within the ten mill tax limitation; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of the City; now therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The amounts and rates as determined by the Budget Commission in its certification be and the same are hereby accepted.

Section 2. There be and is hereby levied on the tax duplicate of said City, and rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Fiscal Officer's Estimate
of Tax Rate to be Levied

	<u>Inside</u> <u>10 Mill</u> <u>Limitation</u>	<u>Outside</u> <u>10 Mill</u> <u>Limitation</u>
General Fund	-0-	8.65
General Bond Retirement Fund	3.47	-0-
Police Pension Fund	-0-	1.60
Fireman Pension Fund	-0-	1.68
Sewage Disposal Fund	<u>-0-</u>	<u>2.00</u>
	3.47	13.93

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This resolution is hereby declared to be an emergency measure necessary for the usual daily operation of City for the reasons set forth in the preamble to this resolution, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 26-17

BY:

AN ORDINANCE amending Section 142.05, Advisory, and Section 142.09, Public Records; Reporting Duties, of the Codified Ordinances of the City of Lakewood to restore the role and duties of the Community Relations Advisory Commission to those set forth in the original founding ordinance and to make an administrative change.

WHEREAS, the Community Relations Advisory Commission was established in 2005 for the purpose of advancing the values of diversity, equity, and bonds of mutuality among Lakewood residents; and

WHEREAS, in 2013, Council amended Section 142.05 to require that the Commission only take up matters specifically referred to it by Council or the Administration; and

WHEREAS, this Council believes that it is in the best interest of continuing the Commission's excellent work to restore the language in 142.05 to its original form; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 142.05, Advisory, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

142.05 ADVISORY.

The Lakewood Community Relations Advisory Commission is to be advisory to and shall advise and assist Council, the Mayor, and the Mayor's administration on issues formally referred to the Board by Council.

shall be and is hereby amended to read as follows:

142.05 ADVISORY.

The Lakewood Community Relations Advisory Commission is to be advisory to and shall advise and assist Council, the Mayor, and the Mayor's administration on issues formally referred to the Board by Council. coordinate its activities with the Mayor, Lakewood City Council, Planning Commission, and any other such boards, commissions, agencies, or departments of the City of Lakewood, Ohio. The Lakewood Community Relations Advisory Commission is also authorized to undertake community relations tasks as requested by the Mayor and City Council.

Section 2. Section 142.09, Public Records; Reporting Duties, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

142.09 PUBLIC RECORDS; REPORTING DUTIES.

The Lakewood Community Relations Advisory Commission shall keep records of its meetings and activities and shall submit an annual report to Council within a manner to be decided upon by the Commission. Minutes of each meeting shall also be forwarded to the Mayor and City Council.

shall be and is hereby amended to read as follows:

142.09 PUBLIC RECORDS; REPORTING DUTIES.

The Lakewood Community Relations Advisory Commission shall keep records of its meetings and activities and shall submit an annual report to Council within a manner to be decided upon by the Commission. ~~Minutes of each meeting shall also be forwarded to the Mayor and City Council.~~

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President

Clerk

Approved: _____

Mayor

ORDINANCE NO. 27-17

BY:

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 at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter.

WHEREAS, the Walter H. Drane Company has completed a revision and updating of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council but not yet included in the Codified Ordinances of the City have now been made a part thereof; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the publication and distribution of the May 2016 Replacement Pages for the Codified Ordinances of the City of Lakewood should be conducted at the earliest date possible; now therefore,

BE IT ORDAINED BY CITY OF LAKEWOOD, OHIO:

Section 1. That the editing, arrangement and numbering and renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
3-16	11-7-16	1306.60
59-16	4-3-17	901.22, 903.09 904.01 to 904.11, 904.99
13-17	3-6-17	109.04
17-17	3-20-17	1156.01 to 1156.06

Section 2. That the Second Amended Charter published in the Codified Ordinances is the official Charter of the City of Lakewood.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

www.onelakewood.com

Lakewood City Council
SAM O'LEARY, PRESIDENT
DAVID ANDERSON, VICE PRESIDENT

Council at Large
RYAN NOWLIN
TOM BULLOCK
CINDY MARX

Ward Council
WARD I - DAVID ANDERSON
WARD II - SAM O'LEARY
WARD III - JOHN LITTEEN
WARD IV - DAN O'MALLEY

July 3, 2017

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Appointment of Courtney Noster to the Citizens Advisory Committee

Dear Members of Council:

This is to confirm that I am appointing Courtney Noster to serve on the Citizens Advisory Committee. Courtney is newly engaged in public service and demonstrates a sharp mind and an excellent work ethic. I am confident she will serve thoughtfully and attentively and help us arrive at prudent decisions about Lakewood's use of federal HUD funds.

Sincerely,

Thomas R. Bullock III
Member of Council, at Large



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

www.onelakewood.com

Lakewood City Council
SAM O'LEARY, PRESIDENT
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Council at Large
RYAN NOWLIN
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WARD I - DAVID ANDERSON
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WARD III - JOHN LITTEN
WARD IV - DAN O'MALLEY

July 3, 2017

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Appointment of Erik Meinhardt to the Community Relations Advisory Commission

Dear Members of Council:

This is to confirm that I have appointed Erik F. Meinhardt to serve on the Community Relations Advisory Commission. Erik is a very engaged citizen, knows the community well, and is conscientious and hard-working. I know he will serve the Commission well.

Sincerely,

Thomas R. Bullock III
Member of Council, at Large



Antoinette Gelsomino
Director

DEPARTMENT OF HUMAN SERVICES
16024 MADISON AVENUE • 44107
Telephone: (216) 529-6687 Facsimile: (216) 529-5937
Web site: www.onelakewood.com

July 3, 2017

Lakewood City Council
12650 Detroit Avenue
Lakewood, OH 44107

RE: Project SOAR

Dear Members of Council,

I am writing to inform you of an innovative, community effort that will provide an opportunity for hope and intervention to Lakewood residents who have substance misuse disorder and use opiates. Project SOAR, Supporting Opiates Addiction Recovery is a collaborative, community response to the opiate crisis. The City of Lakewood is partnering with the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County, Cleveland Clinic Lakewood Emergency Department and the Woodrow Project to create a rapid response pilot program launching Fall, 2017.

SOAR has three primary goals:

- Reduce opiate misuse and number of fatal overdoses
- Provide rapid access to treatment and recovery support
- Evaluate the impact of the program to determine if possible for local replication

In partnership with the Woodrow Project, a State certified Peer Support Specialist will respond at three access points: Cleveland Clinic Lakewood Emergency Department, Safe Station Lakewood (Fire House #1) and the Lakewood Municipal Court Probation Office. Peer Support Specialists are people in long term recovery who are trained to navigate and connect individuals to treatment and resources. They will work closely with Lakewood Police and Fire/EMS Departments to collaboratively respond and support residents and their families facing opiate addiction.

The City of Lakewood has hosted two community conversations about opiate abuse, and with our partner, Project Dawn, over 100 people have received training on the use of Naloxone. While our Police Department continues aggressive pursuit of those selling illegal opiates, we know that we must also decrease the demand for this drug. Project SOAR was designed using successful interventions that respond to identified gaps and road blocks to the process of recovery.

I am requesting that you refer this letter to the Health and Human Service committee for a complete presentation and explanation of Project SOAR.

Sincerely,

Antoinette B. Gelsomino
Director

The City of Lakewood, Department of Human Services, provides a continuum of responsive programs and services that enhance and promote the health and well-being of individuals, families and the community.





DEPARTMENT OF PLANNING & DEVELOPMENT
BRYCE SYLVESTER, DIRECTOR

12650 Detroit Avenue • 44107 • (216) 529-6630
www.onelakewood.com

July 3, 2017

Lakewood City Council
Lakewood, OH 44107

Re: Sale of 1468 W. 117th

Dear Members of Council:

In January, Council renewed legislation allowing for the sale of five residential and three commercial parcels held in the City's land bank. I am happy to report that the below six properties have sold:

- Residential: 2147 Dowd, 1252 Westlake, 1214 Gladys, 1635 Hopkins & 1589 Newman
- Commercial: 1482-84 W. 117th

At this time, the Department of Planning and Development requests authority to continue listing the remaining commercial parcel: 1468 W. 117th (PPN# 315-13-103). The property will be marketed by Realty Professionals, a local commercial broker who responded to a Request for Qualifications initiated by my Department.

I respectfully request approval/renewal of an ordinance to allow for the sale of this property.

Sincerely,

Bryce Sylvester, Director
Planning and Development

ORDINANCE NO.

BY:

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 or the Mayor to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1468 W. 117th Street (PPN 315-13-103) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances.

WHEREAS, the City is the owner of the above listed properties that have previously been authorized for listing and sale; and

WHEREAS, said period of time for marketing and sale of said properties has expired; and

WHEREAS, this Council has determined it is in the best interest of the City to sell said real property and that such sale shall further the interest of the City and its residents; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal department in that these properties are currently vacant and immediate action is required; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Planning and Development ("Director") or Mayor is hereby authorized and directed, on behalf of the City, to solicit proposals from licensed real estate brokers and to enter into an agreement with the broker deemed most responsive determined by the Director, to market real property located 1468 W. 117th Street (PPN 315-13-103) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances.

Section 2. Either the Director, Mayor or the Director of Law is hereby authorized and directed to enter into agreements and execute all ancillary and related instruments for the sale of said real property upon presentation of an acceptable offer as determined by the Director.

Section 3. That all prior executed agreements or ancillary instruments for the sale of said real property are hereby ratified and approved.

Section 4. The Director specifically is authorized to negotiate and or make counterproposals to any offer to purchase said real property, and shall, upon the close of the transaction, report to Council the details of the sale.

Section 5. The Director shall make no representations or warranties concerning the conditions of the property, including, but not limited to the property's environmental condition, mechanical systems, dry basements, foundations, structural integrity or compliance with code, zoning or building requirements.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved _____

Mayor

RESOLUTION NO. 8942-17

BY:

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 at the earliest period allowed by law, to extend a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed 90 days from the effective date of this resolution, in order to allow Council and the Lakewood Planning Commission to review applicable Ohio statutes, criminal codes and the Lakewood Zoning Code relative to such use.

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which became effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, with the adoption of Resolution 8878-16, Council imposed a six-month moratorium in July 2016 on medical-marijuana-related activities in Lakewood, which moratorium was subsequently extended for a period of 90 days by Resolution 8916-17 on March 20, 2017; and

WHEREAS, the rules involving these various aspects of the new law continue to be proposed and written at the state level; and

WHEREAS, as such, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, the Administration continues to research the potential impacts on medical marijuana facilities within the city as well as the availability of medical marijuana to residents of the city, in an effort to properly advise Council and the Planning Commission; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for

the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades; and

WHEREAS, this Council by a vote of at least five members thereof determines that this resolution is an emergency measure, that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood and that it is necessary for the immediate preservation of the public property health and safety and to provide for the usual daily operation of municipal departments in that the affected businesses are able to apply for a permit immediately notwithstanding the potential application of criminal and zoning codes; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby extends the moratorium imposed by Resolution 8878-16 and extended by Resolution 8916-17 on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed 90 days from the effective date of this resolution, in order to allow Council and the Lakewood Planning Commission to review applicable Ohio statutes, criminal codes and the Lakewood Zoning Code relative to such use

Section 2. For the purpose of this resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code.

Section 3. No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

Section 4. The moratorium shall be in effect for a period of 90 days from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of Lakewood to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR