

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JANUARY 19, 2016  
7:30 P.M.**

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

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Present: David Anderson, Thomas R. Bullock III, John Litten, Cindy Marx, Ryan Nowlin, Samuel T. O'Leary, Dan O'Malley

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Acting Police Chief Hassing, Fire Chief Gilman, Planning & Development Director Siley, Human Resources 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 21, 2015.(deferred 1/4/19)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to approve the minutes without the necessity of a reading.

Abstentions: Mr. Litten, Mr. O'Malley (Meeting held in 2015)

Motion adopted. Five members voting yea.

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Reading and disposal of the minutes of the Regular Meeting of Council held January 4, 2016. Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

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 January 19, 2016 Committee Meeting. (To Be Provided)

We heard first from a representative of Roundstone Management as well as our Planning and Development Department with respect to proposed resolution 8846-16, which provides for a four year development loan in the amount of \$50,000. We also addressed the Lakewood facilities assessment final report. This report was prepared by consultants hired by the City to give the City an overview of the various facilities, properties, and their various conditions so that going forward council and the administration can make the best and wisest possible choices about how we prioritize our space.

Moving on from there, Council had a very brief discussion about its schedule for making appointments including the appointments laid out in Resolution 8840-16 and 8841-16, as well as a couple of other comments about council general council planning and housekeeping issues as we start a new term, concluding with an agenda review for tonight's meeting

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

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2. **RESOLUTION NO. 8840-16** - 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 Civil Service Commission for the term beginning January 1, 2016 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/4/16) (Pg. 5)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer action on this item.  
Motion adopted. All members voting yea.

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3. **RESOLUTION NO. 8841-16** - 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 the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2016 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/4/16) (Pg. 6)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer action on this item.  
Motion adopted. All members voting yea.

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4. **RESOLUTION NO. 8846-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with Roundstone Management, Ltd or its designee for an economic development loan for a four 94) year loan in an amount of Fifty Thousand Dollars (\$50,000.00) (REFERRED TO THE COMMITTEE OF THE WHOLE 1/4/16) (Pg. 7)

Motion by Mr. O'Leary. Seconded by Mr. Anderson, to substitute Resolution No. 8846-16.  
Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O'Leary, O'Malley  
Nays: None  
Motion adopted.

Motion by Mr. O'Leary. Seconded by Mr. Anderson, to atop Resolution No. 8846-16 as substituted.

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

Nays: None

Motion adopted. Resolution No. 8846-16 adopted as substituted.

**\*\*\*NEW BUSINESS\*\*\***

5. Communication from Council President O'Leary regarding Council Committee Assignments. (Pg. 10)

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

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6. Communication from Councilmember Anderson regarding Changing Council Meeting from first and third to second and fourth Mondays of each month. (Pg. 11)

Discussion: Councilmember Bullock asked if the council schedule was codified in the ordinances and clarified that the intent was to prevent conflict with the Board of Education which also holds its meetings on the first and third Monday of the month.

Director Butler responded that the ordinance would have to be amended.

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

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7. Communication from Councilmember Marx regarding Animal Safety and Welfare Advisory Board. (Pg. 12)

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

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8. Communication from Councilmember Marx regarding Backyard Hens Pilot Program. (Pg. 13)

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

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9. Communication from Councilmember O'Malley regarding Amending chapters 516, 537, 142, 501 and 1327 – Equal Access to Employment, Housing, Public Accomodations and Education. (Pg. 14)

Motion by Mr. O'Malley seconded by Mr. O'Leary, to refer the communication to the Committee of the Whole.

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 1-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to effect and be in force at the earliest period allowed by law, to amend certain provisions of Chapter 516, Chapter 537, Chapter 142, Chapter 501, and Chapter 1327 of the Codified Ordinances of the City of Lakewood, Ohio, to ensure that all persons within the City have equal access to employment, housing, public accommodations, and education. (Pg. 15)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to place Ordinance 1-16 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

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11. Communication from Councilmember Bullock regarding Appointment of Lydia Saoirse Kelly to the Community Relations Advisory Commission. (Pg. 37)

Councilmember Marx expressed confidence in the appointment of Ms. Saoirse and praised her participation in the last meeting.

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

Motion adopted. All members voting yea.

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12. Communication from Mayor Summers regarding recognizing two Heritage Advisory Board Members. (Pg. 38)

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

Motion adopted. All members voting yea.

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13. **RESOLUTION NO. 8847-16** – A RESOLUTION TO recognize and thank Marcia Moll and Heather Rudge for their collective 38 years of public service as members of the Lakewood Heritage Advisory Board. (LHAB) (Pg. 39)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution NO. 8847-16.

Motion adopted. All members voting yea.

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14. Communication from Planning and Development Director Siley regarding Modifications to Lakewood's Sign Ordinance (Chapter 1329). (Pg. 41)

Discussion: Councilmember Bullock noted that limits on the size of political yard signs no longer apply due to recent court decisions. He highlighted the importance of spending time to discuss this important matter.

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

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 2-16** – AN ORDINANCE to amend various sections within Chapter 1329, Signs, of the Codified Ordinances of the City of Lakewood and other sign-related sections in order to update the code. (Pg. 42)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to place on 1<sup>st</sup> Reading and refer to the Committee of the Whole and Planning Commission.

Motion adopted. All members voting yea.

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16. Communication from Planning and Development Director Siley regarding Changes to Chapter 1306.60, Exterior Electric and Fuel Burning Cooking Devices. (Pg. 79)

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

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 3-16** – AN ORDINANCE amending Section 1306.60 of the Codified Ordinances of the City of Lakewood by expanding on the regulations governing exterior electric and fuel-burning cooking devices. (Pg. 80)

Motion by Mr. O’Leary. Seconded by Mr. Anderson, to place on 1<sup>st</sup> reading and refer to the Housing Committee.

Motion adopted. All members voting yea.

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18. Communication from Human Resources Director Yousefi regarding Deferred Compensation Plan Agreement. (Pg. 82)

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

Motion adopted. All members voting yea.

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19. **RESOLUTION NO. 8848-16** – 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, authorizing the Director of Human Resources to enter into one or more agreement or renewal agreements with representatives of government-employee deferred compensation plans in order to continue to provide a wide array of options for employees participating in such plans. (Pg. 83)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8848-16 to the Committee of the Whole.

Motion adopted. All members voting yea.

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20. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2016. (Pg. 85)

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

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21. **ORDINANCE NO. 36-15A** – 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, amending Ordinance 36-15, adopted December 21, 2015, 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 Appropriations 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. 86)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to place on 1<sup>st</sup> reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

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22. Communication from Law Director Butler regarding Impounding and disposition of animals. (Pg. 92)

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

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23. **ORDINANCE NO. 4-16** – AN ORDINANCE amending the Code to provide for the impounding and disposition of certain animals, and establishing related charges. (Pg. 93)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to place on 1<sup>st</sup> Reading and refer Ordinance 4-16 to the Public Safety Committee.

Motion adopted. All members voting yea.

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24. Liquor Permit application for D5 new type to Lindi Restaurants; 11850 Edgewater Drive, Unit 112. (Pg.96)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to file no objection.

Motion adopted. All members voting yea.

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25. Liquor Permit application for C1 and C2 transfers to Lakewood Stop and Shop, 14235 from Eddie one Stop. (Pg. 97)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to file no objection.

Motion adopted. All members voting yea.

\*\*\*\*PUBLIC COMMENT\*\*\*\*

Kerry Stack – 17511 Fries

Ms. Stack referenced the recent news story about 4-year-old Aleeha and her pit bull. She described the comfort that Aleeha receives from her dog during her medical treatments for cystic fibrosis. She asked council to let Aleeha keep her dog and to let her case cause a change in the existing breed-specific legislation.

Kimberly Hartnan – 1446 Ridgewood

Ms. Hartnan expressed support for Aleeha to keep her dog. She expressed opposition for breed-specific legislation. She is the owner of an American Bull Dog that she's had since before the ban went into effect. She asked that dogs be judged on their personality not stigma.

Kevin Young – 1598 Elbur Ave

Mr. Young spoke about the Lakewood Hospital transition. He argued that the new Emergency Room cannot be considered an actual ER because it is not attached to an acute care hospital. He urged council to have a letter sent to every Lakewood household describing the shortcomings of the new ER. He

Tara Peppard – 1278 Edwards Ave

Ms. Peppard objected to public statements being made about the hospital's financial losses, stating that they were manufactured losses. She speculated on potential tax increases due to the loss of jobs at Lakewood Hospital. She stated that the non-compete clause in the agreement should be removed. She praised the work of the Lakewood Hospital Foundation.

Judy Gillespie – 23003 Chandlers Lane, N. Olmsted

Ms. Gillespie thanked Dir. Siley for putting forward an ordinance to prevent fires. She stated that she enjoyed participating in Committee of the Whole and remarked on the conversation that took place in the Committee. She remarked on the Lakewood Hospital transition, stating that the public should be informed that the new ER is truly only an urgent care center. She asked council to work with members of Save Lakewood Hospital to get the message out.

Elizabeth Spice – 1550 Lakeland Ave

Ms. Spice is the grandmother of Aleeha, the four-year-old girl with cystic fibrosis. She described the family circumstances that brought Aleeha and her father to Lakewood. She described the treatments that Aleeha endures to treat her condition as well as other medical traumas she has survived. She talked about how Aleeha's dog is a comfort to her during these times and asked council to reconsider breed-specific legislation.

Director Butler remarked to Council about the pit bull case. He described the private hearing process that the dog's owner will go through which involves a private hearing and a DNA test. The hearing officer will make a decision about the dog within five days of the hearing and the owner will be notified. The City's decision is appealable to the Court of Common Pleas. He stated that the results of the DNA test may make the hearing unnecessary. He stated that unless

there is a proposed change in legislation that the existing process does not involve council. He remarked on the ADA and service animals and comfort care animals.

Chief Gilman remarked to Council that he met with Dr. Welch, the Director of the new ER. He said that the public comments about the ER were inaccurate based on his conversation with the Dr. He said that strokes will be able to be treated at the new ER. He said that a patient transported from Lakewood's ER would be given bed priority wherever they are transferred and the transfers will be covered by insurance. He expressed confidence in the new care model being provided.

Councilmember Marx stated that she has researched the difference between an ER and an urgent care center. She highlighted that an urgent care center is not open 24/7.

Director Butler announced that on Thursday at 2pm there will be a hearing for the hospital lawsuit.

Councilmember Anderson recognized the work of H20 during its recent event to help the needy.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:43 PM.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT