

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
APRIL 15, 2019  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by Council President O’Leary.

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

Also Present: 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, 18 members of the public

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Reading and disposal of the minutes of the Regular Meeting of Council held April 1, 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.

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*Without objection, President O’Leary moved items #8 & #9 to the top of the agenda.*

**\*\*\*\*OLD BUSINESS\*\*\*\***

1. **ORDINANCE 07-19** - 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, providing for the submission to the electors of the City of Lakewood an amendment to the Third Amended Charter of the City of Lakewood in order to create a primary election for the office of municipal court judge. (Placed on 1<sup>st</sup> reading and referred to COW 2/19/19; 2<sup>nd</sup> reading 3/4/19) (pg. 1)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 07-19.

Councilmember O'Malley remarked that there will be an open race for Municipal Court Judge in a few years where there could feasibly be a very large number of candidates. He believes that the incumbent in this role should be elected by a majority of the voters. Making this change to the Charter would guarantee that. He noted that the change is ultimately up to the voters.

President O'Leary expressed support of the underlying Charter amendment and for the proposal to ask voters to vote on it. He reminded all that tonight's vote is simply to pose the question to the electorate.

On the motion:

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

Nays: none

Motion passed. Ordinance 7-19 adopted.

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2. Finance Committee report regarding meeting held April 15, 2019 (to be provided)

We had a Finance Committee meeting this evening. Our sole agenda item was to discuss Ordinance 01-19. This is the paid parental leave ordinance that Councilmember George introduced back in January. We had representatives from two of our collective bargaining units available – AFSCME and the Firefighters. We heard from representatives of both of those unions and got some really good feedback from them on this ordinance. We had some discussion amongst ourselves. We plan to meet one more time on this as a Finance Committee. We had a very good discussion. Most of our directors were there as were our Chiefs and most of City Council, so thanks very much.

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the oral report.

All members voting yea. Motion passed.

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3. **ORDINANCE 01-19** – AN ORDINANCE to establish paid parental leave benefits for full-time employees of the City of Lakewood. (Placed on 1<sup>st</sup> reading and referred to Finance Committee 1/7/19; 2<sup>nd</sup> reading 1/22/19) (pg. 5)

Motion by President O'Leary, seconded by Vice President Anderson to defer Ordinance 01-19.

All members voting yea. Motion passed.

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4. Public Safety Committee report regarding meeting held April 15, 2019. (to be provided)

The Public Safety Committee met immediately prior to tonight's Council meeting. We had a presentation of the Annual 2018 Report from Judge Carroll and his new Clerk of the Court, Christina McCallum. It was our goal to understand the trends that the Court is experiencing in the cases that it receives annually. We expect that there will be increases in work related to drug treatment cases and also potentially significant increases in misdemeanor cases due to changes from the state related to efforts to reduce the prison population that will have an effect on City courts. It is incumbent on all of us to understand how to partner with the Municipal Court to ensure that our Public Safety needs resources and laws are attuned accordingly. The Committee discussed that we also anticipate inviting the Police Chief to similarly present the 2018 Annual report, which also contains a lot of data so that we can track and better understand cases and trends in the City.

Motion by Councilmember Bullock, seconded by President O'Leary to receive and file the oral report.

*Discussion:* In response to a Councilmember question, Chief Malley stated that the 2018 Police Department Annual Report will be released shortly.

On the motion: All members voting yea. Motion passed.

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5. **ORDINANCE 10-19** - 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 after the earliest period allowed by law, establishing rates of admission to the Lakewood municipal swimming pools located at Lakewood Park and Madison Park, and superseding Ordinance 30-09 and all other ordinances inconsistent herewith. (Placed on 1<sup>st</sup> reading and referred to Public Works Committee 3/4/19; 2<sup>nd</sup> reading 3/18/19) (pg. 10)

*Discussion:* President O'Leary asked the Public Works Committee whether it gave any recommendation regarding Ordinance 10-19 and if it was awaiting any information from the administration. Councilman Rader clarified that the committee gave no recommendation and thanked Director Beno for providing additional information he requested during the last Public Works Committee meeting. Director Beno stated that if any component of the legislation were to be changed, it would have to happen then, as the Recreation Department was setting up information regarding pool fees on its website in anticipation for the start of the summer. Councilman Rader recapped some of the main components of the legislation, such as rounding up fees to not deal with change and allowing usage of an updated online payment system for family pool passes. Rader also noted that the operating deficit of the pool has gone down over the past several years and that the legislation increases seniors' pool charge by 100%. He advocated that seniors only pay \$1 instead of the proposed \$2.

Councilman Bullock stated that he supported Councilman Rader's change and said it would be better if Council understood the trends in attendance of the pool and the rationale behind the rate changes.

Vice President Anderson stated that Council has had very little time to work on this legislation due to the Recreation Department's timing. He expressed his support for increasing the working wages for pool employees and asked if those increases are baked into the increase in fees. Director Beno replied that there is not a dollar for dollar offset created by the fees and the focus was mainly on rounding up to avoid change. Vice President Anderson stated that he's not convinced that the proposed rate increases will not have a negative effect on pool attendance. He proposed leaving the fees as they are and rounding down on current fees that require change to be made. He added that the Recreation Department needs to come to Council sooner in the year to address rate increases and to discuss the long term vision for the pools and the investments that are made with them.

Council President O'Leary made a point to mention that no motions have been made on the ordinance at that point in the discussion. He stated that the outdoor pool facilities are designed to meet needs from a past time and should call into question what kind of services the city should be providing to its citizens, noting that the body of Council does not have time for during this meeting. He also expressed a frustration with the quality of user experience at the pools. Vice President Anderson stated that a longer conversation on the strategic vision for the pools needs to be had at some point in the future.

Vice President Anderson made a motion to keep the fees the same for the upcoming 2019 pool programming year and to adjust uneven rates (including the student, senior, and non-resident rates) down to whole dollar totals, which was seconded by Councilman Rader.

Councilwoman George noted that while good points were made during the discussion; she preferred to maintain the current level of fees for the pool.

Councilman Rader questioned whether the supplemented version of the legislation had the appropriate age designation groupings (such as the age ranges for student, senior, etc.) and Director Beno clarified that the updated age ranges were not in the legislation. Councilman Bullock added that section 2 of the ordinance explains the age ranges and he believed that the listing in that section would be adequate. He added that he would like to keep the online pay feature for residents in the ordinance.

Council President O'Leary questioned whether the family pool pass fee amount was changing or not. Director Beno stated that a family could be charged based on the amount of people in it, where the proposed legislation states that the cost of a family pass is kept at \$100 regardless of the amount of people in the family.

Council President O'Leary stated that there is currently one motion before Council and asked Law Director Butler if it marries the two proposals. Law Director Butler gave an outline of the procedure.

Councilman O'Malley stated that he is uneasy about lowering fees for non-residents, but is amenable to Councilman Anderson's motion otherwise and agrees with his comments. He added that the 2017 report held that there were 21,000 daily admissions amounting to \$10,500 in reduced revenue that year. He stated that reduced fees might increase overall revenue through increased attendance.

Director Beno stated that the initial proposal from the Recreation Department was created with input from the City and the Public Works Department. He added that staff is not going to run the pool any differently and the Recreation Department does not base employees' wages off of what the pool rates are. The proposal changes what the amount that the City is going to reimburse the Recreation Department for pool operation. He acknowledged that a plan for the pool is a long term item that needs to be addressed, however the administration just has not had the time to address it yet.

Director Pae stated that the Recreation Department has fixed costs and that attendance at the pool is based on weather. She hypothesized that pool fees can be reduced, but people still won't show up to the pool on a 65 degree day. She noted the amount that the City pays to the Recreation Department has gone down over time and that's a good question to be addressed moving forward. She added that the City pays for the overage of costs in materials and supplies through the Water Fund, which is supported by water rates paid to the City. She concluded that she does not think it would be wise to decrease pool rates and asked for the status quo to be maintained.

President O'Leary stated he would support a third amendment for family season passes to be available online and added that an amendment needs to be made to make the exhibit with the legislation consistent with the law's language.

Councilman Bullock inquired about the level of the annual subsidy from the Water Fund. Director Pae stated that the highest amount came in 2008 at \$108,000 and gave a rundown of subsidy costs over the years. Councilman Bullock stated the City should be improving online capabilities and that the age changes in the ordinance are satisfactory.

Vice President Anderson stated that if it is the will of the Council, he is willing to withdraw his motion and keep fees current. Council President O'Leary consulted with Law Director Butler on the procedure necessary to complete this action. Council President O'Leary then made a motion to table Vice President Anderson's motion, which was seconded by Anderson. Council President O'Leary then made a motion to amend the age ranges of the ordinance's text, which was seconded by Anderson.

On the motion: All members voting yea. Motion passed.

Council President O'Leary made a motion to amend the exhibit to reflect the proposed family season pass fee of \$100 as the new current effective fee for the 2019 season and to retain all other fees as listed at the current rates, which was seconded by Vice President Anderson.

On the motion: All members voting yea. Motion passed.

Council President O’Leary made a motion to adopt the legislation as amended, which was seconded by Vice President Anderson.

On the motion: All members voting yea. Motion passed.

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6. **ORDINANCE 11-19** - 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 after the earliest period allowed by law, authorizing and directing the Mayor to enter into an amendment to the concession lease agreement with HELP Foundation, Inc. for the operation of food concessions at Lakewood Park, pursuant to Section 155.08 of the Codified Ordinances. (Placed on 1<sup>st</sup> reading and referred to Public Works Committee 3/18/19; 2<sup>nd</sup> reading 4/1/19) (pg. 14)

President O’Leary reminded all that this item was discussed in Committee and has received three full readings.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 11-19.

All members voting yea. Motion passed. Ordinance 11-19 adopted.

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7. **ORDINANCE 12-19** - 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, 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. (Placed on 1<sup>st</sup> reading 3/18/19; 2<sup>nd</sup> reading 4/1/19) (pg. 28)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 12-19.

All members voting yea. Motion passed.

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

8. Communication from President O’Leary regarding resolution to recognize LHS Academic Challenge Team. (pg. 30)

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

Mr. Sedlak addressed Council as co-advisor to the Academic Challenge Team. He introduced each student present and made remarks on their areas of expertise. He complimented the students on their intellect and curiosity.

Mr. Petto addressed Council as co-advisor to the Academic Challenge Team. He credited the team's cooperation and success partly to the nature of the Lakewood community.

Councilmember Litten complimented Mr. Sedlak and Mr. Petto as model advisors and educators.

Councilmember Bullock thanked Mr. Sedlak and Mr. Petto for making learning fun and complimented President O'Leary for recognizing academic achievements.

On the motion: All members voting yea. Motion passed.

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9. **RESOLUTION 9067-19** - A RESOLUTION to recognize the Lakewood High School Academic Challenge Team for its hard work, practice and preparation which have resulted in an outstanding record of success during its 2018-2019 season. (pg. 31)

Motion by President O'Leary, seconded by Vice President Anderson to adopt Resolution 9067-19.

All members voting yea. Motion passed. Resolution 9067-19 adopted.

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10. Communication from Councilmember Bullock regarding creating a program to enable street tree planting on private front lawns on certain streets. (pg. 32)

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

All members voting yea. Motion passed.

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11. **RESOLUTION 9068-19** - A RESOLUTION establishing a program on certain streets in Lakewood to enable the City to plant street trees on front lawns of private properties, contingent upon a signed contract with the property owner. (pg. 33)

Motion by President O'Leary, seconded by Vice President Anderson to refer Resolution 9068-19 to Public Works Committee.

All members voting yea. Motion passed.

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12. Communication from Councilmembers Bullock & George regarding Tree Task Force recommendations & tree canopy. (pg. 38)

Motion by Councilmember George, seconded by President O’Leary to refer to Public Works Committee.

All members voting yea. Motion passed.

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13. Communication from Councilmember Rader regarding appointment of Cassie Gaffney to the Lakewood Animal Safety and Welfare Advisory Board. (pg. 39)

Motion by Councilmember Rader, seconded by President O’Leary to receive and file the communication.

*Discussion:* President O’Leary remarked that he recently met Ms. Gaffney and has confidence in her ability to serve LASWAB.

All members voting yea. Motion passed.

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14. Communication from Director Butler regarding approving the purchase agreement for the Cove United Methodist Church property. (pg. 40)

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

All members voting yea. Motion passed.

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15. **RESOLUTION 9069-19** 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 and Director of Law to enter into a purchase agreement with Cove United Methodist Church *fka* Detroit Avenue Methodist Church Inc., an Ohio non-profit corporation, owner of the property located at 12525 Lake Avenue, Lakewood, Ohio (PPN 312-28-006), and to execute all documents necessary to effectuate the purchase and sale according to the terms of that agreement. (pg. 41)

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

*Discussion:* Councilmember O'Malley expressed general support for the idea of purchasing Cove Church. He contrasted the decision with the decision to purchase Trinity Lutheran Church and remarked on that process. He noted that the City has several concrete ideas for the use of the property and that he looks forward to deliberating on them.

President O'Leary noted that the City already has an abundance of potential uses it is exploring relative to this property. He suggested that Council analyze the resolution to approve the sale separate from discussion of the potential future uses and focus on the process and sale price.

Councilmember George expressed enthusiasm for forthcoming discussions on the purchase and future use of the property. She expressed support for the purchase.

On the motion: All members voting yea. Motion passed.

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16. Communication from Director Pae regarding the Amended 2019 Purchasing and Contracting Authority. (pg. 62)

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

All members voting yea. Motion passed.

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17. **ORDINANCE 50-18A** 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, amending Ordinance 50-18 adopted December 17, 2018, 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 2019 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (pg. 63)

Motion by President O'Leary, seconded by Vice President Anderson to refer to Finance Committee.

All members voting yea. Motion passed.

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18. Communication from Director Yousefi regarding the update in job title for the former Senior Center Manger position. (pg. 70)

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

All members voting yea. Motion passed.

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19. **ORDINANCE 64-18A** 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 after the earliest period allowed by law, amending Ordinance No. 64-18, adopted December 17, 2018 to reflect the change in the title of Senior Center Manager to Manager, Community Center/Senior Services, as approved by the Lakewood Civil Service Commission. (pg. 71)

Motion by President O’Leary, seconded by Vice President Anderson to suspend the rules for purpose of adoption upon first reading.

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader

Nays: none

Motion passed. Rules suspended.

Motion by President O’Leary, seconded by Vice President Anderson to adopt Ordinance 64-18A on first reading.

*Discussion:* In response to a Councilmember’s question, Director Yousefi explained that there has been no change in job description or duties of the position. The salary remains the same.

On the motion: Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader

Nays: none

Motion passed. Ordinance 64-18A adopted.

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20. Communication from Director Yousefi regarding the establishment of an on-site health clinic pilot project available to be made available to city employees. (pg. 76)

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

*Discussion:* Councilmember George expressed support for the initiative. In response to a question by Councilmember George, Director Yousefi explained that UpShot Health was selected to run the clinic through a previous working relationship with the City. She also

explained that Medical Mutual has provided the City with wellness dollars that it has used toward the purchase of exercise equipment.

On the motion: All members voting yea. Motion passed.

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21. Communication from Chief Gilman regarding a surplus of radio equipment received by the Lakewood Fire Department. (pg. 78)

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

All members voting yea. Motion passed.

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

Steve Lamantia – 2164 Arthur Ave

Mr. Lamantia stated that he believed it was a good idea when Lakewood decided to install 2 electric car charging stations in the city. In listening to plans for proposed residential communities near Bunts Rd. & Detroit Ave. and the One Lakewood Place project, he discovered that there were no provisions for any electric car charging stations and put an inquiry in with the Mr. Solove’s (real estate developer) assistant regarding the matter. He asked that Council consider requiring car charging stations whenever there is a new residential or commercial development. He noted that stations are a lot cheaper to install with initial construction. He concluded with a statement that Ford Motor Co. predicts that the cost of ownership of an electric vehicle will be less than that of a gas oriented car within the next 6 years.

Councilman Bullock thanked him and complimented him on his suggestions to the developer.

Fay Olson – 15500 Clifton

Ms. Olson stated that since she’s been visible in the media regarding the ban on retractable leashes, people have started to ask her questions. She said at the last meeting, the mayor stated that the dog ordinances will be reviewed within the next 6 months and she asked to be kept informed of when that meeting is. She asked that rule #3 of the ordinances be changes, arguing that all other surrounding suburbs do not have bans on retractable leashes. She believes it is a restriction on her civil liberties and claims it has taken the joy out of walking her dogs. She believes the leash ban is a vengeful measure taken by the City for losing on the pit bull issue. She believes she is being surveilled and said the City should hire more animal wardens if it is serious about enforcing the law. She inquired as to how the dog ordinances were created.

Council President O’Leary stated that the laws were made during a legislative process that took months, taking into account input from animal experts and the Lakewood Animal Welfare and Safety Advisory Board. Councilman Rader added that the advisory board members dropped literature all over the city and that he dropped off literature at the Westerly building. Law Director Butler added that the City included information on the changes to the city’s dog ordinances, which should have reached every mailbox in the city.

Councilman Bullock asked the Chief of Police or the Law Director to clarify that no citations have been issued regarding the new dog ordinances. Police Chief Malley indicated that there have been no citations issued and that the plan is to educate the public on the laws. Councilman Bullock further added that the City’s policy is to continue to inform the public on the changes and educate citizens over time. Council President O’Leary added that the comments being made that there is no support for these laws is not true. He added that he has heard from multiple constituencies that they are in support. He concluded by raising multiple issues that are associated with retractable leashes and describing the thought process behind the law, specifically highlighting the public safety concerns that the laws address outweighing the infringement of personal liberty.

McKenzie Levi – 14811 Hilliard

Mr. Levi warned Council against the Green New Deal being proposed on the federal level of government. He stated it was drafted by a freshman member of Congress and mimics the UN Agenda of 2030. He asked Council to look into the Green New Deal and added that it is a socialist machination. He asked Council to refrain from taking up environmental justice agenda items.

**\*\*\*\*ANNOUNCEMENTS\*\*\*\***

Director Pae acknowledged the work of the Tax Department for its work. Today a front counter record was broken with 437 people served. \$150,000 came into the City just today. She thanked the Department and the taxpayers.

President O’Leary announced Council’s Special meeting on April 22, 2019 to take place with the School Board.

President O’Leary announced his upcoming townhall on Thursday April 18<sup>th</sup> at the Madison Branch of Lakewood Public Library.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:25 PM.

Approved: 5/6/19

Mamen M Bach

CLERK

[Signature]

PRESIDENT