

**MINUTES  
OF THE  
REGULAR MEETING  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
APRIL 18, 2016  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:32 PM by Council President O’Leary.

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Present: David Anderson, Thomas R. Bullock III, John Litten, Cindy Marx, Samuel T. O’Leary, Daniel J. O’Malley .

Motion by Mr. O’Leary, seconded by Mr. Anderson, to excuse the absence of Mr. Nowlin.

Motion adopted. All members present voting yea.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Planning & Development Director Siley, Approximately 50 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held April 4, 2016.

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

Motion adopted. All members present voting yea.

*{Without objection from Council item 13 was read first in the agenda order”*

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

1. Committee of the Whole Report regarding April 18, 2016 Committee Meeting. Mr. O’Leary; Chair. (To Be Provided)

Committee of the Whole met immediately prior to our meeting this evening. There were four items on the agenda. We did not do a procedural review of the agenda, however we did discuss the other three items.

Proposed ordinance 2-16 which deals with the sign code and has been discussed a couple of times was recommended for adoption this evening with a note that there will remain implementation issues for which additional information will be provided from the Law Department.

Next was proposed Resolution 8853-16. This deals with a Resolution supporting an agreement with the Board of Education for fiber optic cable to various Board facilities, also eliminating a payment by the City to the Board of Education for TV studio access. That Resolution was discussed and also recommended for adoption this evening.

Finally we had a communication from Mayor Summers regarding the health and wellness foundation. We will hear from Mayor Summers tonight and we will schedule an additional meeting for Council's deliberation on that topic. I ask that this report be received and filed.

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

Motion adopted. All members present voting yea.

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2. **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. (FIRST READING AND REFERRED TO THE COMMITTEE OF THE WHOLE & PLANNING COMMISSION 1/19/16, 2<sup>ND</sup> READING 2/1/16, REFERRED TO COMMITTEE OF THE WHOLE 3/7/16, DEFERRED 3/21/16)(Pg. 4)

Ed Graham - 1286 Chase

Mr. Graham objected to provisions of the ordinance, expressing concern that the City is placing too many restrictions on signs and should not be involved in determining the content of signs because these measures are subjective. He asked that Council consider amending the ordinance.

Councilmember O'Leary corrected the record stating that Ordinance 2-16 has been read three times. He stated that the sign features mentioned by Mr. Graham, such as size are objective.

Motion by Mr. O'Leary, seconded by Mr. Anderson, adopt Ordinance 2-16.

Motion adopted. All members present voting yea.

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3. **RESOLUTION NO. 8853-16** - 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 Mayor to enter into an agreement with the Board of Education of the Lakewood City School District to authorize the connection of the public school buildings to the fiber optic network that is currently under construction within the city of Lakewood. (REFERRED TO COMMITTEE OF THE WHOLE 2/16/16, DEFERRED 3/7/16) (Pg. 41)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8853-16.

Motion adopted. All members present voting yea.

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4. Finance Committee Report regarding Ordinance 32-15A. Mr. Bullock; Chair. (To Be Provided)

The Finance Committee met today and heard and agreed to the changes in the proposed substitute which were to rectify a typo. There was no substantive change. The Committee recommended incorporating those changes in our legislative motions tonight.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to receive and file the report.

Motion adopted. All members present voting yea.

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5. **ORDINANCE NO. 32-15A** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of council to take effect and be in force at the earliest period allowed by law, to amend Ordinance No. 32-15, adopted November 2, 2015, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices for the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (FIRST READING & REFERRED TO THE FINANCE COMMITTEE 3/21/16, 2<sup>ND</sup> READING & SUBSTITUTED 4/4/16) (Pg. 73)

Motion by Mr. Bullock, seconded by Mr. O’Leary, to substitute Ordinance 32-15A.

Yeas: Anderson, Bullock, Litten, Marx, O’Leary, O’Malley.

Nays: None

Motion adopted; Ordinance No. 32-15A substituted.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to adopt Ordinance No. 32-15A as substituted.

Yeas: Anderson, Bullock, Litten, Marx, O’Leary, O’Malley.

Nays: None

Motion adopted; Ordinance No. 32-15A adopted as substituted.

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6. Public Works Committee Report regarding Resolution 8864-16. Acting Chair Bullock; Anderson (To Be Provided)

Tonight the Public Works Committee met to hear deliberation on Resolution 8864-16, a resolution to enter into a contract with the State of Ohio for new and improved signals along Hilliard Road and Franklin Blvd. This is the final phase of a multi-phase traffic signal replacement and improvement project that spanned ever since I’ve served on Council. First Detroit Ave, then Clifton, and last year Madison Ave; now this final east-west corridor. The Committee recommended a substitute version of tonight’s ordinance that would reduce the cost to the City by about \$70,000 to \$441,118, which is approximately 20% of total cost of the project which is around \$2.1 million. The only change in the actual configuration of lights is one at the western end of the City at Hilliard and North Marginal where the traffic counts did not warrant retaining that signal according to state definitions of what is

warranted. Public Works Director reported on a multi-month implementation of applying a blinking red there and a lane reconfiguration to ensure that morning rush hour could safely allow for the removal of that one light and there were no problems so that's what's incorporated in the proposal before us tonight. Move to receive and file that oral report.

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

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7. **RESOLUTION 8864-16** – 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, appropriating the estimated sum of ~~\$509,754.00~~ (\$441,118.00) for and authorizing the Mayor to enter into an agreement which will allow the City of Lakewood to participate in the upgrade and interconnection of traffic signals along Hilliard Road and Franklin Boulevard in the City with the Ohio Department of Transportation. (READ & REFERRED TO PUBLIC WORKS COMMITTEE 4/4/16) (Pg. 75)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Resolution 8864-16.

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

Nays: None

Motion adopted. Resolution 8864-16 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8864-16 as substituted.

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

Nays: None

Motion adopted. Resolution 8864-16 adopted as substituted.

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8. Rules & Ordinances Committee Report regarding Ordinance 15-16 & Resolution 8861-16. Mr. Litten; Chair (TO BE PROVIDED)

The Rules & Ordinances Committee met this evening to discuss two items. One was Ordinance 15-16 amending 557.05 of LCO related to application fees, that they be non-refundable because of the City's actual costs of accepting those applications for things like parades and 5Ks where the streets are closed. The City has done a few years of tracking on this. Given the expense the City takes on to determine when and how to put on these events it would make sense to keep the fee and not refund if the event is not cancelled in a fair amount of time. The Committee did recommend adoption of a substitute version.

Director Butler explained the substitute which allows the Director of Public Safety to waiver permit fees for appropriate City sponsored events.

The Committee moved to recommend adoption of the substituted ordinance.

Resolution 8861-16 creates the Volunteer Peace Officer Dependent Fund Board as established by the Ohio Revised Code. This applies to our Lakewood Auxiliary Police Officers, similar to one already in existence for volunteer fire fighters. The Committee recommended to it only so it can come up with two suitable candidates to serve.

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

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9. **ORDINANCE NO. 15-16** – AN ORDINANCE amending Section 557.05, Fees of the Codified Ordinances of the City of Lakewood to reflect that the application fee shall not be refundable as the City's actual costs in accepting and processing any permit application along with the minimal services required for any special event permit exceed the application fee. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16, DEFERRED 3/7/16) (Pg. 83)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 15-16.  
Yeas: Anderson, Bullock, Litten, Marx, O'Leary, O'Malley  
Nays: None  
Motion adopted. Ordinance 15-16 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 15-16 as substituted.  
Yeas: Anderson, Bullock, Litten, Marx, O'Leary, O'Malley  
Nays: None  
Motion adopted. Ordinance 15-16 adopted as substituted.

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10. **RESOLUTION NO. 8861-16** – 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, creating the Volunteer Peace Officer Dependent Fund Board for the purpose of assisting in the review and determination of validity of claims made under the Volunteer Peace Office Dependent Fund established by ORC Chapter 143 for death or disability of a volunteer peace officer, and naming two appointees to the board. (REFERRED TO RULES & ORDINANCES COMMITTEE 3/21/16) (Pg.85)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer.  
Motion adopted. All members present voting yea.

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11. **ORDINANCE NO. 24-16** – 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, to amend Section 1133.09, Demolition or Removal of Residential Structures, of the Codified Ordinances of the City of Lakewood. (READ 4/4/16) (Pg. 87)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer.  
Motion adopted. All members present voting yea.

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

12. Communication from Councilmember Litten regarding appointing Ms. Dana Textoris to Lakewood Animal Safety and Welfare Advisory Board. (Pg. 91)

Motion by Mr. Litten, seconded by Mr. O’Leary, to receive and file the communication appointing Ms. Dana Textoris to the Board.

Motion adopted. All members present voting yea.  
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13. Keep Lakewood Beautiful Awards Presentation. (To Be Provided)

Ruth Gillett, Chair of Keep Lakewood Beautiful presented its Beautiful Home Awards. She announced KLB’s other initiatives including the upcoming Earth Day Clean Up and Humus Sale as well as the Adopt-a-Spot program and its Tree Committee. She remarked on the purpose of the Beautiful Home Awards and the process by which winners are selected. She announced the winners and Mayor Summers distributed decorative plaques.

Councilmember O’Leary expressed appreciation to KLB for recognizing the work of Lakewood homeowners and for the work itself.

Presentation provided:

2015 winners were Anne and Don Steiner of 1212 Granger Avenue; Andrew and Stefania Bodjanac and Anne Rusnak of 1124/26 Summit Avenue; Adrienne and Greg Good of 1488 Parkway; Tim Kaye and Robert Gallagher of 1488 Belle Avenue; Carol Wilson of 2231/33 Northland Avenue; Bill and Laura Cannon of 2090 Baxterly Avenue; and Cindy and Jake Marx of 1587 Grace Avenue.

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14. Communication from Finance Director Pae regarding Meridian shoreline protection project; report of Board of Revision of Assessments. (Pg. 92)

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

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

Motion adopted. All members present voting yea.

Meeting adjourned at 9:35 PM.

**PUBLIC COMMENT**

Linette Eady – 12506 Edgewater

Ms. Eady spoke about continuing problems at Lakeshore Tower including intimidation of residents by management.

Maureen Koons - 12506 Edgewater

Ms. Koons discussed her experience dealing with bed bugs at LST, stating that it is upsetting and disgusting. She expressed her belief that bed bugs are a building-wide problem. She thanked Councilmember O'Malley for his letter to LST management. She expressed appreciation to Councilmember O'Malley and Director Gelsomino for attending a tenants meeting.

Tom Yanks – 17452 Norton Ave

Mr. Yanks asked Council to strengthen its breed-specific laws to make it more difficult for pit bulls to be in Lakewood. He asked for Council to look at both sides of the issue and to not relax the breed specific laws.

Shareasa Morris -

Ms. Morris is a former AmeriCorps Vista worker working on bed bug issue at LST. She described the situation as a massive building-wide problem dating back to 2006. She asked Council for help to enforce laws against management at LST.

Frank Sonvary - 12506 Edgewater

Mr. Sonvary is a 16 year resident of Lakeshore Tower and remarked on his experiences with bed bugs and management there.

Steven Gass -12506 Edgewater

Mr. Gass told of an account of how a neighbor at LST who had bed bugs knocked on his door to ask for help. When he mentioned the encounter to management, he indicated they charged him \$500 for a bed bug treatment.

Barbara Coleman – 14916 Arden Ave

Ms. Coleman spoke in opposition to the master agreement with Cleveland Clinic, stating that Council has acted unethically and conspired to eliminate quality medical services. She asked who will benefit from the upcoming Ambulance Chase.

Kevin Young – 1598 Elbur Ave

Mr. Young asked council to send a direct mail piece to all residents telling them not to go to the new Emergency Room if they are having a stroke or heart attack. He suggested that the City will need to purchase additional emergency vehicles, stating that the vehicles will be spending additional time in transit.

Chief Gilman corrected statements made about the recent death of a patient who had visited the new ER. He explained that the LFD is purchasing a new ambulance as part of a standardized plan that has been in place since 1999.

Councilmember Bullock expressed support for the Ambulance Chase event and explained that LWH Foundation is the beneficiary. He explained that Lakewood Hospital Foundation is distinct from LHA.

Brian Essi – 15306 Edgewater Drive

Mr. Essi spoke in opposition to the master agreement with Cleveland Clinic. He accused the City of steering bids. He asked about the composition of LHA.

Councilmember Bullock responded, stating that while he appreciates the idea of clearer communication between the City and residents that Council is not in a position to vote on or dictate the exact nature of those communications as has been suggested. He suggested that advising people to call 9-1-1 in an emergency is the best message.

Judy Gillespie – 23003 Chandlers Lane, Olmsted

Ms. Gillespie criticized a recent Cleveland Clinic advertisement, stating that it is deceptive, false and misleading. She read the definition of a Trojan horse and explained how she finds it relevant to the City's situation with the hospital.

Chief Gilman made clarifying remarks about the nature of the new Emergency Room. He stated that most people seen at any ER are not admitted to the hospital.

Nancy Vaughn – 14909 Clifton

Ms. Vaughn made the following statement: "I am Norman[inaudible]."

Jeanne McKay – 13428 Lake Ave

Ms. McKay argued that the new Emergency Room is not a true Emergency Room. She urged Council to inform the public about when they should go to a full service hospital. She suggested that the downtown wayfinding signs be changed.

Councilmember O'Leary stated that when someone is having a life threatening emergency that it's imperative to call 9-1-1 for their own safety and for the safety of others.

Chief Gilman stated that it has been the recommendation of the American Heart Association to call 9-1-1 since 1970s. He discussed LFD's protocol for stroke and explained that the same doctor that diagnoses stroke at Fairview will diagnose at the Lakewood ER through telemedicine.

Councilmember O'Leary added that the mobile stroke unit is scheduled to come online at Lakewood soon.

Councilmember Marx stated that Save Lakewood Hospital supporters are the only people who don't think the ER is a real ER. She explained that Medicare recognizes the ER as such and bills it accordingly. She stated that Save Lakewood Hospital is doing a disservice to citizens to tell them to not go there in an emergency.

Ed Graham - 1286 Chase

Mr. Graham remarked on the recent death of a patient who presented at the Lakewood ER and claimed that he died in transit from Lakewood to St. John's.

Chief Gilman stated that the patient did not die in transit but died hours after being admitted to ICU at St. John's Westshore.

Tom Monahan – 1487 Waterbury

Mr. Young asked council to send a direct mail piece to all residents telling them not to go to the new Emergency Room if they are having a stroke or heart attack.

Pam Wetula – 11813 Clifton

Ms. Wetula criticized the master agreement with Cleveland Clinic saying that it was untruthful. She asserted that the master agreement promised that the new ER would offer care that is equivalent or better than before and that such a promise is impossible. She distributed a brochure sent from Cleveland Clinic to residents and noted that the new ER was not recognized on it.

Councilmember Bullock said that he would follow up on the mailer because it seems erroneous. He agreed with residents that clarity of communication is needed but noted that the precise text of that communication is not for council to legislate or vote on.

Steve Lamantia – 2164 Arthur Ave

Mr. Lamantia made the point that residents should not rely on an Emergency Room to fulfill 100% of their health needs. He suggested that residents seek out knowledge about CPR, AEDs, vaccines which are more important to community health. He provided suggestions for getting the new foundation up and running.

Chief Gilman responded that the City is in the process of providing CPR training to employees. He noted that there are 22 AEDs in the City. He announced an app called Pulse Point which tells you where the nearest AED is at all times.

Captain Steve Eggert – 902 Beach Lagoon

Capt. Eggert said that what happened to Lakewood Hospital was a huge mistake. He referenced the brochure sent from Cleveland Clinic that did not recognize the new ER.

Councilmember Marx responded.

Councilmember Litten stated that he would like to seek clarification on the Cleveland Clinic document. He noted that there is a discrepancy between information on the flyer and the Cleveland Clinic website.

Chief Gilman stated that the only thing the ER isn't doing now that it do in 2015 is admit patients.

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

Councilmember O'Leary announced the Keep Lakewood Beautiful Earth Day Clean Up on Saturday 4/30.  
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Motion by Mr. O'Leary, seconded by Mr. Anderson to adjourn the meeting.  
Motion adopted. All members present voting yea.  
Meeting adjourned. 9:22 PM.

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

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CLERK

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PRESIDENT