

**MINUTES
OF THE
REGULAR MEETING
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 2, 2016
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 PM by Council President O’Leary.

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.

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 18, 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 10 & 11 were read first in the agenda order}

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

1. Committee of the Whole Report regarding May 2, 2016 Committee Meeting. Mr. O’Leary; Chair. (To Be Provided)

Committee of the Whole met this evening immediately prior to this meeting. On our agenda tonight were several topics. Councilmembers were asked to consider what meeting topics they’d like to discuss in a joint meeting of the Lakewood City Council and the Lakewood School Board and if they have thoughts on that topic to submit them to myself or Clerk Hagan to compile those topics.

We also had a somewhat lengthy discussion with the Mayor and members of council regarding the formation of the community wellness foundation planning body. We discussed possible timetables as well as possible roles and a number of other topics as well.

In addition we mentioned that the procedural review was done electronically. And also that the proposed 3rd amended charter remains a viable document for this body’s consideration. Councilmembers were asked to reacquaint themselves with it or acquaint themselves with it as the case may be. Move to receive and file that oral report.

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

Motion adopted. All members present voting yea.

2. Housing Committee Report regarding Ordinance 23-16; Mr. Anderson; chair. (Pg. 5)

Councilmember Litten presented prepared remarks.

“Standing in the middle of the road is very dangerous; you get knocked down by traffic from both sides.” – Margaret Thatcher

On the issue of hens in Lakewood, I have worked to remain neutral on the issue, in part because it was never something I was passionate about from either perspective. It was clearly a contentious issue as the pilot was passed by our previous council, and in some ways embodies how nothing can be viewed in black and white terms. There is always a shade of gray. I think it is important as legislators to embrace and understand the gray areas as best we can, and to work toward compromise with each other where there is contention.

Ultimately, as this legislation went through its process, I viewed my role as that of insuring that the legislation was manageable by participants, manageable from the city’s perspective, and incremental in its growth. I also viewed changing parameters from what was in the original pilot as akin to “moving the goal posts”. I was pleased to find that my colleagues were open to these ideas and principles if they weren’t thinking them already.

What we are left with is an ordinance which keeps a cap on the number of permits, eases into that number slowly, keeps setbacks and coop heights as they were in the pilot, adds clarity that permit holders must be outside with hens when they leave their coops, and is timed in a way that

will prevent permit holders from keeping hens in their own homes. We've also got a group intent on doing this right and following the rules, another group intent on holding them to that, and an administration that is committed and equipped to handle the program.

My hope is that we can move on from this issue so that we can embrace the many other gray areas that remain in Lakewood and need to be clarified.

The other point I'd like to stress, and if I learned one thing most from observing the pilot, it is the importance of neighbors knowing and informing each other. Asking and answering questions, supporting and being understanding as best we can, and being willing to compromise with each other in the name of the greater good – our community. One Lakewood.

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

3. **ORDINANCE NO. 23-16** – AN ORDINANCE amending Section 505.18, Certain Animals Prohibited, of the Codified Ordinances of the City of Lakewood, in order to permit the keeping of hens in the City under certain conditions. (1st Reading & REFERRED TO HOUSING COMMITTEE 3/21/16, 2ND READING 4/4/16) (Pg. 7)

Councilmember O'Leary stated that Council received an email communication from Mayor Summers with a proposed amendment to the Ordinance. The amendment will be considered on the floor.

April Stoltz – 1224 Edwards Ave

Ms. Stoltz expressed gratitude to Council for its support of the pilot program. She spoke about the pilot's success and that it was an opportunity to test drive the idea. She spoke about how hens create community and embody visionary planning. She asked Council to vote for the ordinance and thanked them for their partnership with Hens in Lakewood.

Andy Tabor – 1588 Alameda

Mr. Tabor stated that he is a licensed realtor in Ohio. He explained the evolution of his position on Hens in Lakewood. After being undecided he is now in support of hens. He stated that he is impressed with the investment that hen-keepers have made into their coops and wished that dog owners were as dedicated to their pets. He asked Council to vote in favor of the ordinance.

Ann Stahlheber – 1081 Forest Cliff Dr

Ms. Stahlheber spoke in favor of the ordinance. She is a member of the pilot program and remarked about how the hens have brought her neighbors together. She welcomed council and the public to contact her for information about hen-keeping.

Chris Stark – 13124 Harlon

Mr. Stark asked Council to support the ordinance. He is a member of the pilot program. He provided examples of how the program can be used to educate children.

Shannon Hoffman - 1323 Brockley Ave

Ms. Hoffman is the neighbor of a hen-keeper and supports hens in Lakewood. For the first month, she was unaware that her neighbors had hens, as they produced no smell or noise that she could determine. She said that the coops are beautiful and have allowed her to meet neighbors. She spoke in favor of the hens for the purposes of education, food, and companionship.

Jan Dregalla – 1571 Roycroft

Ms. Dregalla spoke in favor of the ordinance. She is a member of the hen pilot program. She spoke about her positive experiences sharing her hens and their eggs with neighbors. She asked Council to support the ordinance.

Steven Giallourakis -1574 Roycroft

Mr. Giallourakis is the neighbor of a hen-keeper and supports hens in Lakewood. He stated that although he has a compromised immune system that his doctor allows him to interact with hens as long as he washes his hands. He spoke about the mental health benefits of interacting with hens. He asked Council to support the ordinance.

Drucilla Knutsen - 16927 Lake Ave

Ms. Knutsen is the neighbor of a hen-keeper and supports hens in Lakewood. She reported that hens have enhanced neighborliness. She asked Council to pass the ordinance.

Timothy Riffle – 2870 Meadowbrook Blvd, Cleve Heights

Mr. Riffle spoke in favor of hens. He believes that chickens are becoming normalized in the community and that they no longer stand out. He asked Council to allow for chickens because of the nice environment they create.

Catherine Hilow – 12547 Lake Ave

Ms. Hilow stated that she loves the hens she received as an easter gift. She is doing a science experiment to compare the nutrition of a store bought egg to an egg from a backyard hen. Her experiment is going on to the state science fair. She asked Council to support the hen ordinance.

Lori Thorat – 2033 Westlake Ave

Ms. Thorat spoke in favor of the ordinance. She is a member of the pilot program. She stated that both she and her neighbors have enjoyed her hens and that she shares her eggs. She stated her neighbors did not know about her hens for the first month she had them. She asked Council to support the hen ordinance.

Laura Germaine – 1580 St. Charles

Ms. Germaine is a member of the pilot program and a 4th grade teacher at Emerson. She spoke about her experience bringing her hens into the classroom and the reaction of her students. She asked Council to support the hen ordinance.

Dr. Laura Roketenetz – 1460 Alameda

Ms. Roketenetz is a member of the pilot program. She spoke about hens as part of the sustainable lifestyle and something to educate kids. She thanked Council for the pilot program and asked Council to support the hen ordinance.

Motion by Mr. O’Leary, seconded by Mr. Anderson to amend Section 505.18 (e) (3) of Ordinance 23-16 as follows:

Inspection. Within 30 days of the Director of Public Safety or his or her designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this subsection (e); and note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, or such as the applicant’s proximity to other approved or proposed coops such that a neighborhood may be adversely impacted, that would militate against the granting of the application. For new permit applications, an inspection of the coop and any fencing shall be conducted within 30 days’ notice from the applicant that the coop has been installed. A determination shall be made, within 30 days of the inspection, whether the permit should be issued.

Mayor Summers explained his rationale for proposing the amendment. He stated that the Mayor’s Office was integral in managing the pilot program and fielded concerns about hens. He stated that the City’s population density may pose challenges if a number of families in a small area decide to apply for permits. He explained how the amendment would help in this situation. It would give the Mayor discretion to speak with neighbors before making decisions about permits. He expected that a problem of this nature will likely not occur for a few years and even then it is not likely. He noted that the ordinance has built in an appeal process in case an applicant feels they are unfairly denied. He acknowledged that there are neighbors with strong opinions on both sides of this issue and that the Mayor’s office needs tools to help work through differences of opinion. He recapped the different ways in which the Mayor’s Office has supported the hen program.

Councilmember Marx had asked Mayor Summers to specify the circumstances that could cause him to exercise discretion and how he would do so.

Mayor Summers responded that he would call the group of neighbors together to discuss the permit applications. He said that three neighbors within a small area would trigger him to do this, especially if there was known tension. He pointed out that the current ordinance provides no remedy even if three homes in a row apply for permits. He believes that this puts the City at a disadvantage.

Councilmember O’Leary asked about the criteria by which Board of Building Standards would uphold or deny an appeal.

Mayor Summers responded that noise and smell would be among the standards used.

The composition of the Board of Building Standards was clarified as the appointing authority for its members.

Councilmember Anderson stated that the concept of the Mayor’s amendment was discussed in Committee but specific language was not considered. He expressed confidence that the amendment would not be a vehicle for a Mayor to over-reach and deny.

On the amendment:

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

Nays: None

Motion adopted. Ordinance amended.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt as amended.

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

Nays: None

Motion adopted. Ordinance 23-16 adopted as amended.

Discussion:

Councilmember O'Malley thanked the members of the pilot program for their diligence. He thanked the Mayor and the administration for administering the pilot. He thanked Councilmembers Bullock, Marx, and Anderson for their leadership on the legislation. He expressed support for the Ordinance.

Councilmember Anderson remarked that the pilot was an opportunity to test whether or not hens would increase neighborliness and he believes that they have. He expressed support for the Ordinance and thanked the committee for its involvement.

Councilmember O'Leary remarked on how his views on hens have changed. He thanked the pilot families, Mayor Summers, April Stoltz, and Director Siley. He remarked on the expertise that has made the program a success.

Councilmember Marx thanked the pilot families for job well done.

4. Rules & Ordinances Committee Report regarding Resolution 8861-16. Mr. Litten; Chair (To Be Provided)

Rules & Ordinances Committee met this evening to discuss one item, Resolution 8861-16 creating the volunteer peace officer dependent fund board and naming two appointees to that board. The Committee moved to recommend adoption with two appointees in mind Gayle Wellman and Dan Saracina. Motion to receive and file.

Motion by Mr. Litten, seconded by Mr. Anderson, to receive and file the oral report.

Motion adopted. All members present voting yea.

5. **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, DEFERRED 4/18/16) (Pg. 17)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to amend Resolution 8861-16 by inserting the names Gayle Wellman and Dan Saracina.

Yeas: Anderson, Bullock, Litten, Marx, O’Leary, O’Malley
Nays: None
Motion adopted. Resolution 8861-16 amended.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8861-16 as amended.

Yeas: Anderson, Bullock, Litten, Marx, O’Leary, O’Malley
Nays: None
Motion adopted. Resolution 8861-16 adopted amended.

6. **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. (1ST READING 4/4/16, 2ND READING 4/18/16) (Pg. 19)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 24-16.
Motion adopted. All members present voting yea.

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

7. Communication from Councilmember Marx regarding Lakewood’s free-standing Emergency Department. (To Be Provided)

Councilmember Marx expressed concern that the Save Lakewood Hospital group was making public statements inferring the free-standing ER was not a ‘real’ Emergency Room. She indicated the importance of an Emergency Room in it’s vital source care for those in need and stated concerned about the dangers of misinformation being circulated that may prevent people in need from seeking care there.

- Ms. Marx read website material from Cleveland Clinic referencing a guide for the most appropriate place to go for based on their symptoms. She asked the public to become familiar with the information and emphasized that if you need to be admitted to the hospital from a freestanding-ER that you get first priority for a bed.

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

Discussion:

Councilmember O’Malley asked about how the insurance might bill at the freestanding-ER.

Councilmember Marx stated that insurance will cover transport to a hospital from the ER if it is a medical need. She stated that the Finance Department will work with residents struggling to pay for transport.

Motion adopted. All members present in favor of receiving and filing the communication.

Brian Essi – 15306 Edgewater Dr.

Mr. Essi stated that freestanding-ERs will cost patients more and that care is not as good as the care offered at a hospital ER. He stated that the loss of the hospital will result in deaths due to delays in care.

Judy Gillespie – 23003 Chandler’s Lane, Olmsted Falls

Ms. Gillespie remarked that people in the community don’t understand the issues of billing and transport and they need to know. She said that directing people to a website does not help and that they need a direct mail piece sent to their homes.

Councilmember O’Leary remarked that Council has spent a lot of time speaking with residents on this issue but that efforts are thwarted when they must continually correct misinformation. He said that the City will undertake robust communications and that Chief Gilman has been speaking with seniors.

Councilmember Marx responded to public comment. She continued to criticize misinformation spread by Save Lakewood Hospital about the capabilities of the ER. She expressed a desire to move forward in a united manner and to educate the community, especially the elderly.

8. Communication from Councilmember Marx regarding Gary Rick appointment to Community Relations Advisory Commission. (Pg. 23)

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

9. Communication from Councilmember Litten regarding Rachel Donaldson to Lakewood Community Relations Advisory Committee. (Pg. 24)

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

10. Communication from Councilmember Litten regarding Foster Care Awareness Month. (Pg. 25)

Councilmember Marx asked to join the communication and expressed support for foster care month and introduced Kevinee Gilmore who spoke about her personal experience in the foster care system since the age of 13. She provided statistics on the outcomes of kids in foster care, stating that only 2% graduate from high school. She asked Councilmembers to help develop creative ways to keep foster children from living a lifetime of poverty. She expressed interest in creating partnerships to achieve this goal.

Councilmember Marx thanked Ms. Gilmore and remarked on her accomplishments.

Director Gelsomino remarked on steps that Lakewood is taking to support kids in foster care and those who are aging out of the system

Councilmembers Bullock and O'Leary lent their support to the communication.

11. **RESOLUTION NO. 8865-16** – A RESOLUTION designating May as Foster Care Month in Lakewood, Ohio. (Pg. 26)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8865-16
Motion adopted. All members present voting yea.

12. Communication from Police Chief Malley regarding Receipt of \$868.99 from Ohio Tactical Officers Association. (Pg. 27)

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

13. Communication Finance Director Pae regarding Amending Purchasing and Contracting Ordinance FY2016. (Pg. 28)

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

14. **ORDINANCE NO. 36-15B** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, amending Ordinance 36-15A, adopted February 16, 2016, 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 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. 29)

Motion by Mr. O'Leary, seconded by MR. Anderson, to refer Ordinance 36-15B to the Finance Committee.

Motion adopted. All members present voting yea.

15. Communication from Law Director Butler regarding the Meridian Condominium shoreline protection, final assessment ordinance. (Pg. 35)

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

16. **ORDINANCE NO. 25-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, determining to proceed with the improvement of the shoreline abutting The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie and including any and all appurtenances thereto. (Pg. 36)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 25-16 to the Finance Committee.

Motion adopted. All members present voting yea.

17. Communication from Finance Director Pae regarding Capital Contracting Authority – Meridian Revetment Special Assessment Project. (Pg.40)

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

Motion adopted. All members present voting yea.

18. **ORDINANCE NO. 26-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Meridian Condominium Special Assessment Revetment Project** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 41)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 26-16 to the Finance Committee.

Motion adopted. All members present voting yea.

19. Communication from Planning & Development Director Siley regarding Sale of vacant land. (Pg. 43)

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

Motion adopted. All members present voting yea.

20. **ORDINANCE NO. 27-16** – 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, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 11900 Madison Avenue (PPN

315-15-025), 1468 W. 117TH Street (PPN 315-13-103), and 1482-84 W. 117th Street (PPN 315-14-002) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 44)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 27-16 to the Committee of the Whole.

Motion adopted. All members present voting yea.

21. Liquor Permit Application for new C1 & C2 permit classes to Natures Oasis, 15613 Detroit. (Pg. 46)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members present voting yea.

****ANNOUNCEMENTS****

Councilmember O’Leary announced that Lakewood Historical Society Sale On the Grounds will take place this weekend.

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

Motion adopted. All members present voting yea.

Meeting adjourned. 10:11 PM.

Approved: _____

CLERK

PRESIDENT