

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
May 6, 2019  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 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: Mayor Summers, Law Director Butler, Planning and Development Director Sylvester, Human Resources Director Yousefi, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Human Services Director Gelsomino, 70 members of the public

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Reading and disposal of the minutes of the Regular Meeting of Council held April 15, 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.

Reading and disposal of the minutes of the Special Meeting of Council held April 22, 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.

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

1. Committee of the Whole report regarding meeting held April 29th, 2019. (pg. 1)

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

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2. Public Works Committee report regarding meeting held April 29, 2019. (pg. 3)

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

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3. **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. (Placed on 1<sup>st</sup> reading and referred to Public Works 4/15/19) (pg. 19)

Motion by President O'Leary, seconded by Vice President Anderson to adopt Resolution 9068-19.

Councilman Bullock complimented the legislation and expressed his support for it. Councilman Rader expressed his thanks to Councilmembers Bullock and George for raising the issue and sponsoring the legislation.

All members voting yea. Motion passed. Resolution 9068-19 adopted.

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4. **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. (Placed on 1<sup>st</sup> reading and referred to Finance Committee 4/15/19) (pg. 24)

Motion by President O'Leary, seconded by Vice President Anderson to defer Ordinance 50-18A. Councilman O'Malley noted that there is a Finance Committee meeting scheduled for May 20<sup>th</sup> to consider this piece of legislation. President O'Leary added that this piece of legislation is on 2<sup>nd</sup> reading this evening.

All members voting yea. Motion passed. Ordinance 50-18A deferred.

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5. Public Safety Committee report regarding meeting held May 6, 2019. (to be provided)

Councilman Bullock stated that the Public Safety Committee met this evening to consider 3 ordinances and 1 discussion item regarding traffic calming efforts. He added that there is an

upcoming community meeting on Marlowe Ave. in Ward 3 to engage residents on traffic calming efforts. The Committee also deliberated on a distracted driving ordinance that was proposed by President O’Leary and on a repeal of a stun gun ban, which was deemed unconstitutional by state courts. The Committee voted to recommend support of Resolution 9063-19, which expresses support for the Vision Zero Initiative, which strives for 0 traffic fatalities and 0 serious traffic-related injuries for cyclists and pedestrians.

Motion by Councilman Bullock, seconded by President O’Leary to receive and file the oral report. All members voting yea. Motion passed.

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6. **ORDINANCE 05-19** - AN ORDINANCE to take effect at the earliest period allowed by law enacting Section 331.346, Using Mobile Telephones while Driving, of the Codified Ordinances of the City of Lakewood in order to update the Code so as to regulate the use of mobile phones while driving in the City. (Placed on 1<sup>st</sup> reading and referred to Public Safety 1/22/19; 2<sup>nd</sup> reading 2/4/19) (pg. 31)

Motion by President O’Leary, seconded by Vice President Anderson to defer Ordinance 05-19. All members voting yea. Motion passed.

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7. **ORDINANCE 06-19** - 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, repealing Section 549.051, Sale, Possession and use of Stun Guns, of the Codified Ordinances of the City of Lakewood as this section is no longer enforceable. (Placed on 1<sup>st</sup> reading and referred to Public Safety 2/4/19; 2<sup>nd</sup> reading 2/19/19) (pg. 33)

Motion by President O’Leary, seconded by Vice President Anderson to defer Ordinance 06-19. All members voting yea. Motion passed.

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8. **RESOLUTION 9063-19** – A RESOLUTION supporting the Vision Zero initiative, a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all, and committing to work with the Administration and community stakeholders to create a Vision Zero plan for the City, and to incorporate that plan into the City’s Bicycle Master Plan and other planning documents. (Referred to Public Safety 3/4/19) (pg. 35)

Motion by President O’Leary, seconded by Vice President Anderson to adopt Resolution 9063-19. Councilman O’Malley thanked President O’Leary for proposing the resolution. He added that Washington, DC has been successful in implementing integrated safety measures for cyclists and that currently 20,000 DC residents ride their bikes to work. Councilman

Anderson added that there are currently 180 miles of sidewalk in the city that can also be used as bike infrastructure for school-age children.

On the motion: All members voting yea. Motion passed. Resolution 9063-19 adopted.

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9. Housing Committee report regarding meeting held May 6, 2019. (to be provided)

Councilman Anderson stated that the Housing Committee met this evening to discuss Ordinance 39-18. There have been 5 different Housing Committee meetings where changes to Chapter 1306 of the City Code were discussed. The substituted version in front of Council tonight re-establishes point of sale inspections for certain situations and beefs up the right of entry inspection qualification. Ordinance 39-18 was recommended unanimously by the Committee for adoption.

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

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10. **ORDINANCE NO. 39-18** - 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, amending various sections of Chapter 1306, Property Maintenance and Safety Code, of the Codified Ordinances of the City of Lakewood in order to update the code so as to eliminate the threat of warrantless searches from the Code. (PLACED ON 1<sup>ST</sup> READING AND REFERRED TO HOUSING 9/4/18; 2<sup>nd</sup> reading 9/17/18; deferred 10/15/18) (pg. 37)

Motion by President O'Leary, seconded by Councilman Anderson to substitute.

A roll call vote was taken:

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

Nays: None

Motion passed. Ordinance 39-18 substituted.

Motion by President O'Leary, seconded by Councilman Anderson to adopt Ordinance 39-18 as substituted.

A roll call vote was taken:

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

Nays: None

Motion passed. Ordinance 39-18 adopted as substituted.

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

11. Communication from President O’Leary regarding Council recess in August. (pg. 43)

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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12. Communication from President O’Leary & Councilmember George regarding the enactment of the six week abortion ban via Senate Bill 23. (pg. 44)

President O’Leary and Councilwoman George spoke in support of Resolution 9071-19. 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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13. **RESOLUTION 9071-19** - A RESOLUTION to oppose and condemn the enactment of the 133<sup>rd</sup> General Assembly’s six-week abortion ban through Substitute Senate Bill 23. (pg. 45)

Motion by President O’Leary, seconded by Vice President Anderson to adopt.

Mr. James Mileti stated his opposition to Resolution 9071-19. He cited a statement from the American College of Pediatricians that said human life begins at conception. He referenced Bible passages focusing on protecting innocent life.

Mrs. Rebecca Mileti stated her opposition to Resolution 9071-19. She cited passages from the Bible supporting her support for the pro-life position. She added that St. Luke was a doctor and in the gospel passages that he wrote, he states that a baby could have a sense of their surroundings and feel pain while they are in the womb.

Ms. Sara Ridley of 1315 Granger Ave. stated her support of Resolution 9071-19. She believes if the abortion ban is upheld on the state level that it will negatively impact the physical and mental health of Lakewood residents.

Ms. Sarah Kepple stated her support of Resolution 9071-19. She believes it was disrespectful to women for the state assembly to pass this legislation. She believes women should have the right to make their own decision on what to do with their bodies.

Mr. McKenzie Levi stated his concern about the deterioration of policy in Lakewood and opposition to Resolution 9071-19. He asked that Council consider issues relevant to Lakewood and focus on issues that directly affect the lives of its residents, such as crime and

noise. He fears that Council is opening up opportunities for abortion clinics to settle in Lakewood. He referenced the reality that two Council members are mayoral candidates and expressed concerns about abortion advocacy groups potentially donating to their campaigns. He asked the Council to focus on local issues and basic city services.

Ms. Melissa Obodzinski of 1656 Cordova Ave. stated her support of Resolution 9071-19. She is proud of Council for putting this resolution forward and is active in helping victims of sexual violence.

Ms. Lindsey Grdina of 1538 Woodward Ave. stated her support for Resolution 9071-19. She believes that the heart beat bill passed in the Ohio Senate is overly broad. She expressed concern that there are no protections for victims of rape or protections for mothers with non-viable pregnancies. She asked Council to support women in making their own healthcare decisions.

Ms. Jennifer Jaketic of 1614 Ridgewood Ave. stated her support of Resolution 9071-19. She believes it is disservice to restrict the liberties of fellow humans before knowing their stories. She stated about 70% of Americans support safe and legal abortions for women. She added that the heart beat bill essentially erases that opportunity for women, along with Lakewood's Chapter 503 of the City Code. She stated that both laws defy the majority.

Ms. Hannah Servedio of 12209 Clifton Blvd. stated her support of Resolution 9071-19 and asked that Council rescind Chapter 503 of the City Code. She works professionally to help provide women with reproductive healthcare services. She stated that there is already a pending challenge in the courts to Senate Bill 23 and that we must do more to challenge negative language around women's reproductive healthcare.

Ms. Judy Wright of 1264 Arlington Rd. stated her support of Resolution 9071-19. She believes that Senate Bill 23 is dangerous and will negatively impact the physical and mental health of Lakewood residents. She asked that Council support Resolution 9071-19.

Ms. Virginia Hanley of 2099 Warren Rd. stated her support for Senate Bill 23. She believes it will protect the right to life of unborn babies and that abortions will give women grief and pain for the rest of their lives. She believes the bill does not go far enough and that it should provide protections to the unborn from conception.

Mr. Dan Bruce stated his support of Resolution 9071-19 and being proud of living in Lakewood.

Ms. Doris Durica of Suburban West Right to Life stated her opposition to Resolution 9071-19. She alluded to a film which argues against abortion and asked Council members to watch it.

Ms. Marilyn Kopp of Feminists for Life stated her opposition to Resolution 9071-19. She stated that her organization believes abortion is a symptom of other systemic societal failures and they do not support it.

Father Kevin Elbert of St. Luke's Catholic Church stated his opposition to Resolution 9071-19. He stated that life starts at conception and believes that the resolution is a political stunt.

Todd Harshman of 1473 Robinwood Ave. stated his opposition to Resolution 9071-19 and added that there was a significant portion of the population in Lakewood that supported Senate Bill 23.

Stacie Hackel Snow of 2198 Chesterland Ave. stated her support of Resolution 9071-19 and her opposition to Senate Bill 23.

Michelle Soukup of 1523 Chesterland Ave. stated her opposition to Resolution 9071-19 and asked all councilmembers to vote against it.

Ms. Coletta Graham of 1286 Chase Ave. stated her opposition to Resolution 9071-19.

Mr. Aaron Boron of 17540 Madison Ave. stated his opposition to Resolution 9071-19 and support for Senate Bill 23.

Councilman O'Malley cited one of the first speakers references to the American College of Pediatricians and stated that the referenced organization is a conservative political organization composed of a few dozen members. Its primary goal is to advocate against gay adoption and the organization is listed as a hate group by the Southern Poverty Law Center. Their name is intended to confuse them with the American Academy of Pediatricians which has 65,000 members and follows mainstream medical practices. Mr. O'Malley also cited the Council's ability to handle the tasks of running the city while speaking out on issues that are important to people.

Councilwoman George stated her opposition to Senate Bill 23 and believes it infringes on women's rights, highlighting the lack of consideration for pregnancy that results from rape or incest. She added that it is unacceptable that lawmakers have essentially made a woman's decision for her when it comes to having an abortion.

Councilman Rader stated his support for Resolution 9071-19 and that government should stay out of the business of regulating women's bodies. He added that he will look for ways to better promote services for women here in Lakewood.

Councilman Litten stated that the issue is being decided on state and federal levels of government and that his responsibility and the responsibility of the body is to focus on local issues brought forward by local residents. He indicated he will be abstaining from voting on the resolution.

Vice President Anderson stated his opposition to the resolution and expressed concern over spending time on this issue.

President O’Leary explained why Council was taking up the issue. He noted that members of the audience indicated that Senate Bill 23 is impacting their physical and mental health on a tangible basis here in Lakewood.

A roll call vote was called on the motion to adopt.

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

Nays: Anderson

Abstain: Litten

The motion passed and the resolution was adopted.

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14. Communication from President O’Leary regarding ordinance to repeal LCO Chapter 503, Abortions. (to be provided)

President O’Leary made a motion without objection to move item #19 up to this position on the docket, as Councilwoman George’s communication is similar in nature. No objections were made and item #19 was moved. Councilwoman George proposed that Council review Chapter 503 of the Code and determine what sections are relevant today. President O’Leary added that this is an outmoded chapter in the code and is highly dubious in its constitutionality. The chapter references directors and facilities that no longer exist.

President O’Leary made a motion to receive and file the communication, which was seconded by Vice President Anderson. All voted in favor. Motion passed.

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15. **ORDINANCE 15-19** – AN ORDINANCE to take effect at the earliest period allowed by law repealing Chapter 503, Abortions. (pg. 47)

President O’Leary made a motion to suspend the rules to allow for adoption on the first reading, which was seconded by Vice President Anderson and Councilmember George.

Mr. John A. Lutz of North Coast Baptist Church at 2051 Quail St. stated his opposition to Ordinance 15-19. He does not believe anyone has read the entire ordinance. He believes the ordinance has more restrictive language than Senate Bill 23. He asked that language regarding abortion in the ordinance be removed, as it is not moral.



Councilman O'Malley asked that since Chapter 503 of the code is 40 years old, that it refers to departments which no longer exist, and since then there have been a multitude of state and federal regulations passed that govern abortion, Council would merely be repealing this section of code and Lakewood would continue to be governed by the current standards established on higher levels of government. Councilmembers George and O'Leary indicated that was their belief. Director Butler stated he has not had time to review this piece of legislation closely. In his initial review, he does not feel that there is a section in the chapter that is not already regulated or superseded by state or federal law.

Mayor Summers stated that he did not anticipate that Council would try to pass this ordinance under first reading. He cautioned Council against doing so and asked that the ordinance receive further deliberation. Councilman Bullock added his agreement that Council should follow regular order in regard to the ordinance. President O'Leary stated that he believes that there is adequate time tonight for the analysis needed to determine if the chapter needs to be repealed. He believes the municipality does not desire to regulate abortions and that is what Chapter 503 does. Councilwoman George expressed support for suspending the rules and stated that state law already regulates abortion facilities. She sees the effort as an update to the City Code. Councilman O'Malley stated that although he has made up his mind on the issue, he is amenable to discussing the item in committee and following regular order. Councilman Rader expressed his support for Councilman O'Malley's statements. He added that there were several people that wanted to be at the meeting and he indicated to them that Council would follow a process in evaluating the law. Due to this, he stated that he cannot support the motion to suspend the rules and that he would abstain from the vote.

A roll call vote was taken on the motion to suspend the rules:

Yeas: George, Litten, O'Leary

Nays: Anderson, Bullock, O'Malley

Abstain: Rader

The motion failed.

Councilmember Bullock made a motion to refer the ordinance to the Rules & Ordinances committee, which was seconded by Councilwoman George. Councilman Rader expressed his support for the decision to place it in Rule & Ordinances committee. All members voting yea. The motion passed.

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16. Communication from Councilmembers Bullock, Rader & O'Malley regarding resolution to recognize Kara Vlach-Lasher for her five years of service on the Lakewood Animal Safety & Welfare Advisory Board. (pg.70)

President O'Leary moved to defer, which was seconded by Vice President Anderson. All members voting yea. Motion passed.

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17. **RESOLUTION 9070-19** - A RESOLUTION to recognize and thank Kara Vlach-Lasher for the quality of her service and impactful leadership of the Lakewood Animal Safety & Welfare Advisory Board since her appointment in 2014. (pg. 71)

Council President O'Leary moved to defer, which was seconded by Vice President Anderson. All members voting yea. Motion passed.

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18. Communication from Councilmembers Rader and George regarding gas tax increase approved by the Ohio General Assembly. (pg. 72)

President O'Leary made a motion to refer to the Finance Committee, which was seconded by Vice President Anderson. Councilman Rader stated Council's desire for input on how new monies resulting from the gas tax increase will be spent. All members voting yea on the motion. Motion passed.

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19. Communication from Councilmember George regarding Lakewood Codified Ordinances Chapter 503. (pg. 73)

This item was taken up as item #14.

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20. Communication from Director Sylvester regarding the acceptance of a grant from the Cuyahoga County Property Demolition Program. (pg. 74)

President O'Leary made a motion to receive and file that communication, which was seconded by Vice President Anderson. All members voting yea on the motion. Motion passed.

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21. Communication from Director Pae regarding authorizing professional memberships for 2019. (pg. 75)

President O'Leary inquired as to whether there has been any discussion regarding removing line item memberships from the ordinance requirement. Director Pae indicated that there has been some discussion about it. President O'Leary made a motion to receive and file that communication, which was seconded by Vice President Anderson. All members voting yea on the motion. Motion passed.

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22. **ORDINANCE 52-18A** - 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, to amend Ordinance 52-18, 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 Memberships as authorized by the 2019 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$80,000 without separate Ordinance of Council. (pg. 76)

President O'Leary made a motion to refer to the Finance Committee, which was seconded by Vice President Anderson. All members voting yea. Motion passed.

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23. Communication from Director Butler regarding amending LCO chapter governing small cell wireless telecommunications providers operating in the right of way. (pg. 82)

President O'Leary made a motion to receive and file that communication, which was seconded by Vice President Anderson. All members voting yea. Motion passed.

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24. **ORDINANCE 13-19** - 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, amending Chapter 906, Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures, of the Codified Ordinances of the City of Lakewood in order to regulate small cell wireless facilities located in the right-of-way. (pg. 83)

President O'Leary made a motion to refer to the Public Works Committee, which was seconded by Vice President Anderson. All members voting yea. Motion passed.

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25. Communication from Director Butler regarding 2019 second quarter codification ordinance. (pg. 103)

President O’Leary made a motion to receive and file that communication, which was seconded by Vice President Anderson. All members voting yea. Motion passed.

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26. **ORDINANCE 14-19** - 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. (pg. 104)

President O’Leary made a motion to defer, which was seconded by Vice President Anderson.

**\*\*\*\*LIQUOR PERMITS\*\*\*\***

27. Liquor Permit Notice regarding Sacred Hour Inc. (pg. 106)

Vice President Anderson stated that the city is in receipt of a report and he finds no reason to object. President O’Leary made a motion to file without objection, which was seconded by Vice President Anderson.

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

Dr. Ellen Schleckman – 13480 Lake Ave.

Dr. Schleckman thanked Council for passing Resolution 9071-19 and, as a physician, spoke out against the passage of Senate Bill 23. She believes it hinders a doctor’s ability to provide the best possible care for her patients and hinders her from being able to train throughout the state as a medical resident.

Mr. Robert Frost – 18126 W. Clifton Rd.

Mr. Frost thanked Council for not suspending regular order in regard to the repeal of Chapter 503 of the Codified Ordinances. He stated that the residents of the city deserve more opportunity for comment, discussion, and debate regarding the issue. He referred to a specific section of the chapter that forbids an individual from taking the life of a child born alive during an attempted abortion. He stated that this is murder under Ohio law. By repealing the chapter, he stated that Council is condoning this action.

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

Vice President Anderson raised his concerns regarding item #20. He asked how the grant money being accepted for the demolition of the Lakewood Hospital site impacts the overall budget of the project and whether the city was counting on this money. Director Sylvester replied that the grant does not impact the initial budget of the project. The demolition and abatement remains under the \$7 million dollar figure outlined in the master agreement. The project qualified for the Cuyahoga County Demolition program and the Planning Department was not certain that the project would be funded, but the city's bid was awarded funding. Cuyahoga County Council made the money available on a competitive basis and the city made a successful effort. Mayor Summers added that the city was not counting on this grant money to come through. He added that it creates an opportunity to ensure the project is competitive and successful, as it gives the city an extra advantage. Councilman O'Malley inquired as to whether separate legislative action will be required to allocate the money. President O'Leary stated that it is his understanding that no further action will be necessary. Director Pae confirmed that no action will be needed as the funds will be accepted as a reimbursement. Mayor Summers added that this \$600,000 reimbursement frees up funds that were spent on demolishing the site and the use has not been determined yet. Councilman Bullock proposed using the money to be put in the Land Acquisition Fund, put towards health care in Lakewood, or ensuring that the public plaza portion of the development is of the highest quality.

Councilman Litten noted that there is a traffic calming study meeting on Tuesday, May 7<sup>th</sup> on Marlowe Ave.

Vice President Anderson provided a reminder that a road construction project will be starting on Riverside Dr. this week and provided a reminder about Mother's Day.

President O'Leary made a motion to adjourn the meeting, which was seconded by Vice President Anderson. All members voting yea. Motion adopted. The meeting was adjourned.

Meeting adjourned: 9:40 p.m.

Approved: 5/20/19

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CLERK

[Signature]  
PRESIDENT