

**MINUTES  
OF THE  
REGULAR MEETING  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JUNE 6, 2016  
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, John Litten, Cindy Marx, Ryan P. Nowlin, Samuel T. O'Leary, Daniel J. O'Malley .

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Representative Seymore, approximately 20 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held May 16, 2016.

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

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding June 6, 2016 Committee Meeting. Mr. O'Leary; Chair. (To Be Provided)

Committee of the Whole met immediately prior to our meeting this evening. We had a number of items on the agenda. We briefly referenced the communication from Mayor Summers regarding the Health & Wellness Foundation, specifically that it relates to the resolution that appears on our docket this evening creating the planning task force for that body and we will hear more about that later via the Mayor's communication. We also noted that it was possible to either move forward with that resolution this evening given that it's conceptually been discussed by council a couple of times now but also that if it were more comfortable for council we could refer it to a committee for further discussion.

We also discussed proposed ordinance 28-16 regarding the third amended charter and had some preliminary discussions regarding scheduling of a Committee of the Whole meeting in which we could have the attendance of the Charter Review Commission members, Law Director Butler, and other interested parties to move that dialogue along.

We also had a presentation from the Planning Department, specifically, City Planner Jason Russell regarding proposed Ordinance 30-16, proposed Resolution 8868-16, and proposed Resolution 8869-16. We had much discussion on all three and there were several points raised. The Planning Department is not asking for any Council action on proposed Resolution 8868-16 but rather than we just be informed about the considerations at play there. As for proposed Resolution 8869-16, Committee of the Whole did move to recommend adoption this evening. For proposed Ordinance 30-16 it was recommended that Council adopt on third reading. A number of questions were raised this evening for which additional information will be forthcoming as the process goes along.

We also had an update on a pending court action. That concluded Committee of the Whole. I ask that the report be received and filed.

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

Motion adopted. All members voting yea.

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2. **ORDINANCE NO. 30-16** – 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 market for sale the real property located at 1458 Belle Avenue (PPN 314-04-045), 1462 Belle Avenue (PPN 314-04-044), 1466 Belle Avenue (PPN 314-04-043), 1472 Belle Avenue (PPN 314-04-042), 1476 Belle Avenue (PPN 314-04-041) 1451 St. Charles Avenue (PPN 314-04-029) 1457 St. Charles Avenue (PPN 314-04-030), 1461 St. Charles Avenue (PPN 314-04-031), 1471 St. Charles Avenue (PPN 314-04-033), and 1477 St. Charles Avenue (PPN 314-04-034), pursuant to Section 155.07 of the Codified Ordinances. (1st READING & REFERRED TO THE COMMITTEE OF THE WHOLE 5/16/16) (Pg. 6)

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

Motion adopted. All members voting yea.

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3. **RESOLUTION NO. 8868-16** - A RESOLUTION declaring Council’s intent to vacate that portion of Cannon Alley lying south of Northwood Avenue. (REFERRED TO COMMITTEE OF THE WHOLE 5/16/16) (Pg. 8)

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

Motion adopted. All members voting yea.

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4. **RESOLUTION NO. 8869-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor to

enter into a lease agreement with Lakewood Child Care Center for the lease of the real property located at 1450 Belle Avenue, suite 100, also known as the Community Health Center. (REFERRED TO COMMITTEE OF THE WHOLE 5/16/16) (Pg. 11)

Judy Gillespie – 23003 Chandler’s Lane, Olmsted Falls

Ms. Gillespie questioned the correctness of the lease agreement and suggested that there were errors.

Director Butler and Councilmember O’Leary clarified that while the City has always owned the property at 1450 Belle, it has not always controlled the property. The master agreement made it so that the City again controls the property and will act as landlord to the building’s tenants. The proposed lease is an amendment to an earlier lease and references that earlier lease.

Councilmember Bullock and Anderson expressed confidence in the lease as drafted, noting that Council has had lengthy deliberations on it.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution No. 8869-16.

Motion adopted. All members voting yea.

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5. **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. 117<sup>TH</sup> Street (PPN 315-13-103), and 1482-84 W. 117<sup>th</sup> Street (PPN 315-14-002) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (1<sup>ST</sup> READ & REFERRED TO COMMITTEE OF THE WHOLE 5/2/16. 2<sup>nd</sup> Reading & RECOMMENDED FOR ADOPTION 5/16/16) (Pg. 44)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 27-16.

Motion adopted. All members voting yea.

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6. Finance Committee Report regarding Ord 36-15B, 25-16 & 26-16; (To Be Provided) Mr. Bullock; Chair.

The Finance Committee met May 23 met to consider ordinance 36-15B and recommended to the full council adoption tonight. In sum, that ordinance would amend the original contracting ordinance that is part of our budget for FY16 to add \$80,000 in additional contracting authority for fitbits for city employee wellness, for processing residential yard waste, and for additional HVAC services on city property. After discussion the Committee agreed that the purpose of the amount was appropriate to recommend adoption tonight.

The Committee also discussed with significant public participation, two ordinances that if adopted enable the construction of an erosion control revetment adjacent to the Meridian condominium. The Committee did a thorough analysis and recommended adoption to the full council with one expected amendment in section 7 of Ordinance 25-16. The Public Works

committee membership was also present so we had a full-throated deliberation by two council committees. 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 voting yea.

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7. **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. (1<sup>st</sup> READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2<sup>ND</sup> 5/16/16) (Pg. 46)

Motion by Mr. Bullock, seconded by Mr. O’Leary, to adopt Ordinance No. 36-15B.  
Motion adopted. All members voting yea.

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8. **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. (1<sup>st</sup> READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2<sup>ND</sup> READING 5/16/16) (Pg. 52)

Dr. Gabriela Kaplan – Meridian 12550 Lake

Dr. Kaplan expressed concern for the shoreline and the cliffs. She presented a petition signed by residents asking that a second opinion be obtained on the project. She referenced advice from Dr. Young and asked that the revetment be delayed while other options are explored. She argued that the certain style of revetment is problematic and promotes increased bacteria and algae. She suggested that state authorities on these issues are out of step with national trends. She asked the City to embrace best practices. She asked when the ordinances will receive a vote.

Councilmember O’Leary responded that he could not predict when the ordinances will receive a vote.

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

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9. **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. (1<sup>ST</sup> READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2<sup>ND</sup> READING 5/16/16) (Pg. 56)

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

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10. **ORDINANCE NO. 28-16** – 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, providing for the submission to the electors of the City of Lakewood, a proposed Third Amended Charter of the City of Lakewood. (1<sup>ST</sup> READING & REFERRED TO COMMITTEE OF THE WHOLE 5/16/16) (Pg. 58)

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

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11. **ORDINANCE NO. 29-16** - 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 the transfer and advance of certain funds. (1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 5/16/16) (Pg. 102)

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

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12. Health & Human Services Committee Report regarding May 9, 2016 Committee Meeting; 1) Lead Safety Measures 2) Community Health Needs Assessment. (Pg. 104)

*Discussion:* Councilmember Anderson noted that while Lakewood has made progress on this issue that it is still a major concern that must be monitored. He applauded Councilmember Marx for bringing together the group to discuss the issue.

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

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

13. Communication from Councilmember O’Malley regarding Resolution supporting the Federal Railroad Administration’s proposed ruling requiring two-person crews. (Pg. 106)

*Discussion:* Councilmember O’Leary added support to the resolution and the proposed rule, stating that it makes sense given Lakewood’s density and pedestrian traffic.

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

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14. **RESOLUTION NO. 8870-16** – A RESOLUTION Supporting the Federal Railroad Administration’s proposed ruling requiring two-person crews. (Pg. 107)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution No. 8870-16.  
Motion adopted. All members voting yea.

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15. Communication from Mayor Summers regarding Foundation Planning Task Force. (Pg. 108)

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

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16. **RESOLUTION NO. 8871-16** – 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, establishing the Foundation Planning Task Force for the purpose of creating a new Ohio nonprofit corporation charged with addressing community health and wellness needs in the City of Lakewood. (Pg. 109)

Councilmember Bullock remarked that he is pursuing applicants for consideration and asked the Mayor for an update on the applicant pool.

Mayor Summers stated that he has received about 24 applicants and that he is targeting a group of about 13 people. He encouraged councilmembers to continue to seek out talented applicants.

Councilmember Bullock remarked that he has concluded that it is most important to find people with senior experience in foundation governance and grant-making. He mentioned that it may make sense to expand the search beyond Lakewood.

Councilmembers O’Malley and O’Leary expressed appreciation for Councilmember Bullock’s points.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8871-16 to the Committee of the Whole.  
Motion adopted. All members voting yea.

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17. Communication from Law Director Butler regarding Resolution permitting Mayor Summers to enter into agreement with AT&T for Centrex telephone service. (Pg.111)

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

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18. **RESOLUTION NO. 8872-16** – 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 a three-year agreement with AT&T Corp. for the sale and purchase of citywide Centrex telephone service; authorizing the expenditure of funds in an amount not to exceed \$60,000.00 in order to effectuate the intent of the agreement; and exempting the contract from competitive bidding pursuant to L.C.O. § 111.04(a)(10). (Pg. 112)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8872-16 to the Finance Committee.

Motion adopted. All members voting yea.

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19. Communication from Law Director Butler regarding 2016 second quarter codification ordinance. (Pg. 114)

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

Motion adopted. All members voting yea.

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20. **ORDINANCE NO. 31-16** – 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, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances to provide for the publication of such new matter. (Pg. 115)

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

Motion adopted. All members voting yea.

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21. Communication from Finance Director Pae regarding 2017 Tax Budget, 2017 Tax Advance Resolution and 2017 Tax Rate Resolution. (Pg. 117)

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

Motion adopted. All members voting yea.

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22. **RESOLUTION NO. 8873-16** – A RESOLUTION to take effect immediately provided it received 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, approving the Tax Budget of the City of Lakewood, Ohio for the year 2017, and authorizing the filing of same with Cuyahoga county Fiscal Officer. (Pg. 118)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8873-16 to the Finance Committee.

Motion adopted. All members voting yea.

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23. **RESOLUTION NO. 8874-16** – 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 requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the city of Lakewood Director of Finance and advance of all real, personal property and estate taxes and special assessments collected in the year 2017 in such amounts as may be requested and available. (Pg. 119)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8874-16 to the Finance Committee.

Motion adopted. All members voting yea.

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24. **RESOLUTION NO. 8875-16** – 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, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (Pg. 121)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8875-16 to the Finance Committee.

Motion adopted. All members voting yea.

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25. Communication from Human Resources Director Yousefi regarding Purchase Request. (Pg. 123)

Director Yousefi explained that half of the cost of the FitBits will be covered by a grant from Medical Mutual. The other half will be covered by employees who purchase the devices.

Councilmember Anderson noticed that Ordinance 36-15B asked for \$15,000 in contracting authority for the FitBits but that the Resolution requests \$19,000. This was an error and quantities will be adjusted accordingly. The request will not exceed \$15,000.

Councilmember Bullock expressed support for expanding contracting authority at a future meeting.

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

Motion adopted. All members voting yea.

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26. **RESOLUTION NO. 8876-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Purchasing Manager to purchase Fitbit devices without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(1) in accordance with the City of Lakewood standard purchase order terms and conditions. (Pg. 125)

Judy Gillespie – 23003 Chandler’s Lane Olmsted Falls

Ms. Gillespie asked clarifying questions about the purchase of FitBits. She questioned the usefulness of the expenditure and asked for data that showed improved health outcomes. She asked for clarification about the previous council discussion on the contracting authority.

Councilmember Anderson provided a re-cap of that discussion in detail.

Mayor Summers responded that Lakewood is self-insured and that it is in the City's interest to create a healthier workforce. He explained how Fitbits work and remarked that getting more physical exercise is an important goal. He added that he expects the payoff from the City's wellness program to be seen after several years.

Councilmember O'Leary clarified that the FitBits will not cost the City any money because they are paid in part by a grant and by employees.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution No. 8875-16.  
Motion adopted. All members voting yea.

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27. Liquor Permit Application for new D1, D2 & D3 permit class types to Emerald Necklace marina; 1500 Scenic Park Dr. (Pg. 128)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to file the liquor application without objection.

Motion adopted. All members voting yea.

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

Tara Peppard – 1278 Edwards Ave

Ms. Peppard spoke in opposition to the closure of Lakewood Hospital. She claimed that the City ignored an offer made by MetroHealth to run the hospital. She accused City leaders of greed and lying. She accused City leaders of jeopardizing the health of the public. She asked that Lakewood Hospital be saved.

Judy Gillespie – 23003 Chandler's Lane, Olmsted Falls

Ms. Gillespie discussed the concept of 'balanced behavior' and said that a lack of balanced behavior was killing Lakewood. She asked for an update on transportation issues that were supposed to be worked out between the City and Cleveland Clinic.

Leslie Bass – 12506 Edgewater – Lakeshore Towers

Ms. Bass provided an update on the bed bug issue at Lake Shore Towers. She recognized Councilmember O'Malley for working with the residents. She also expressed concern about the closure of Lakewood Hospital and the design of the new building.

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

Councilmember O’Leary announced that the Architectural Board of Review will discuss the new family health center plans at its Thursday meeting.

He thanked City employees for a job well done at Meet the Trucks on Saturday.

Councilmember O’Malley provided an update on the bed bug situation at Lakeshore Towers. He said that HUD has conducted a formal review of LST’s bed bug addendum and concluded that it violates several HUD policies.

Councilmembers O’Leary & Litten acknowledged the success of Taste of Lakewood including the City’s safety forces.

Motion by Mr. O’Leary, seconded by Mr. Anderson to adjourn.  
Motion adopted. All members voting yea.  
Meeting adjourned 8:46 PM.

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

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CLERK

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PRESIDENT