

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 4, 2018
7:30 P.M.**

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

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

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Police Chief Malley, Human Resources Director Yousefi, Fire Chief Gilman & Public Works Director Beno, Human Services Director Gelsomino

Reading and disposal of the minutes of the Regular Meeting of Council held July 16, 2018. 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.

Without objection, items #9 - #12 were moved to the front of the agenda.

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

1. Committee of the Whole Report Regarding Meeting held 7/30/18; Mr. O'Leary, Chair (to be provided)

Committee of the Whole did meet July 30, 2018. The item on our agenda was interviews for the position of Clerk of Council. We held those interviews and had some additional discussion regarding those candidates. That was all the business that was conducted by Committee of the Whole on July 30th.

Motion made by Mr. O'Leary, seconded by Mr. Anderson to receive and file the oral report. Motion passed. All members voted in favor.

2. Committee of the Whole Report regarding Meeting held 9/04/18; Mr. O'Leary, Chair (to be provided)

Committee of the Whole met immediately prior to our current meeting and is currently adjourned. At that meeting we interviewed an additional candidate for the Clerk of Council position. We also received an update from Law Director Butler regarding pending and imminent litigation facing the City. That was a summation of the business transacted at the Committee of the Whole meeting this evening. Move to receive and file that oral report.

Motion made by Mr. O'Leary, seconded by Mr. Anderson to receive and file the oral report. Motion passed. All members voted in favor.

3. Housing Committee Report regarding Meeting held 7/23/18; Mr. Anderson, Chair

Ordinance 18-18 which applies to license, application, form and fee is having a hearing next Monday September 10th to take that back up. So that was basically the reason for the hearing on the 23rd of July. We will have our third and final hearing on this item at our upcoming meeting this Monday.

Motion made by Mr. Anderson, seconded by Mr. O'Leary to receive and file the oral report. Motion passed. All members voted in favor.

4. **SUBSTITUTE ORDINANCE NO. 2-18** – 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 and be in force after the earliest period allowed by law, amending various parts of Chapter 1306, Property Maintenance and Safety Code...(light pollution) (REFERRED TO THE HOUSING COMMITTEE 1/2/18; SECOND READING 1/16/18; DEFERRED 6/18/18, 7/2/18) (pg. 2)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to substitute.

Discussion on the motion: Mr. Bullock remarked that he introduced the framework for the light trespass ordinance and that it has been improved over the months. He expressed optimism that it will significant improve standards and add new tools to address problems. He noted problems in the City with complaints that precipitated the introduction of the ordinance.

In response to questions by Mr. Bullock, Director Sylvester explained that the ordinance does allow the Building Department to issue citations for violations and discussed the sections in which this is outlined.

Mr. Bullock expressed his desire to have the ordinance apply to residential areas as well as commercial. He pointed to examples of light trespass in residential areas.

Director Butler agreed that the current version of the ordinance does not clearly address residential areas and that the current version needs to be cleaned up further in committee.

Mr. O'Leary clarified that the intent is for the lighting ordinance to get referred to Planning Commission and ABR.

Mr. Bullock and Director Sylvester discussed how the ordinance will interact with existing lights that may not meet the new standards. Director Sylvester pointed to Section C which requires a lighting plan to be submitted in some cases. Also, when other permits are requested the Department may require lighting updates at that time.

Mr. Bullock suggested that the word "residential" be struck in 1325.08.

Roll Call on the motion to substitute:

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

Nays: none

Motion adopted. Ordinance 2-18 substituted.

Motion made by Mr. O'Leary, seconded by Mr. Anderson to refer Ordinance 2-18 to Planning Commission and ABR.

Motion passed. All members voted in favor.

5. **ORDINANCE 35-18** - AN ORDINANCE repealing Section 516.01 and Section 510.01, Discrimination Prohibited, of the Codified Ordinances of the City of Lakewood and enacting a new section in its place to include source of income as a protected class as well a definition for the term source of income. (REFERRED TO HOUSING COMMITTEE 7/16/18) (pg. 12)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 35-18.

Motion passed. All members voted in favor.

6. **ORDINANCE 36-18** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 14519 Detroit Ave, 14501 Detroit Ave, and 1415 Marlowe Avenue (PPNs 314-07-007 to -014; 314-07-033 to -039; and 314-07-145) from C2 (Commercial, Retail) and PPN 314-07-017 from R1H (Single Family, High Density) to PD (Planned Development) (REFERRED TO COW/PLANNING COMMISSION/ABR 7/16/18) (pg. 19)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 36-18.
Motion passed. All members voted in favor.

7. **ORDINANCE 37-18** – 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 and be in force after the earliest period allowed by law, authorizing the transfer and advance of certain funds. (REFERRED TO FINANCE COMMITTEE 7/16/18) (pg. 22)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 37-18.
Motion passed. All members voted in favor.

****NEW BUSINESS****

8. Communication from Council President O'Leary regarding appointments to the Citizens Advisory Committee (pg. 24)

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

Motion passed. All members voted in favor.

9. Communication from Councilmember Rader Regarding Resolution to Recognize Prostate Cancer Awareness Month (pg. 25)

Motion by Mr. Rader, seconded by President O'Leary to receive and file the communication.
All members voted in favor. Motion passed.

10. **RESOLUTION NO. 9014-18** – A RESOLUTION to Recognize September as Prostate Cancer Awareness Month (pg. 26)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Resolution 9014-18.

Stephanie Mueller – Strongsville, OH

Ms. Mueller spoke on behalf of ZERO – the End of Prostate Cancer. She described the organization and its work. She explained how her family has been touched by prostate cancer. She spoke about the ZERO race and her participation in it. She reported facts and figures about prostate cancer.

Dr. Jim Hekman - Cleveland Clinic

Dr. Hekman spoke as Medical Director of the Family Health Center. He announced that the Family Health Center has a urologist on staff. He mentioned that family medicine practitioners do routine prostate screening as well. He introduced Dr. Charles Modlin.

Dr. Charles Modlin – Cleveland Clinic

Dr. Modlin remarked on his medical practice and career at Cleveland Clinic. The mere fact that you're having this proclamation to recognize Prostate Cancer Awareness Month and underscore the importance of screening is going to have a significant impact in terms of saving countless lives of men, of residents of Lakewood. You've heard a lot about the statistics of prostate cancer. Some of the things that fool men or make men believe that it's not important that they get screened for prostate cancer is most men who develop prostate cancer have no symptoms or signs whatsoever. And so a lot of men mistakenly think that if they don't have signs, symptoms, pains, discomfort, that they don't have prostate cancer – that there is no reason for them to get screened. The majority of men detected to have prostate cancer nowadays are detected by the simple blood test – the PSA blood test which you have heard about. It's called the prostate specific antigen blood test. In the old days before we had this test, most men were detected during a digital rectal examination. As urologists we prefer to do both examinations when screening men but a lot of men are going to refuse the examination so we at least encourage the men to get the blood test. About one in six men in the United States will develop prostate cancer. One in three black men will develop prostate cancer. Black men develop and die from prostate cancer twice as often as their white male counterparts. And the recommendation for screening is about 55 years old. Actually it's recommended that African American men start screening for prostate cancer at the age of 40. I think your resolution needs to encourage even more so African American men at younger ages to get screened. And that's because of the higher incidence and higher death rate. At Cleveland Clinic we're doing a lot of things to promote awareness about prostate cancer and screening. One of the things we have is our annual minority men's health fair, which many of you have probably heard about. We actually welcome all men regardless of race or ethnicity but we target men of color because of the higher rates. As was mentioned, prostate cancer, if detected early can potentially be 100% cured. There are different ways to cure prostate cancer, treat prostate cancer – either with surgery or radiation. One thing that you need to relay to the men of Lakewood is that not all cases of prostate cancer need to be treated. There are many situations that we as urologists are discovering that when we diagnose some men that have low grade prostate cancer, we can actually just observe them. So there are some men that may not need to be treated whatsoever. But I just wanted to say thank you for this resolution. I think you're going to have a great impact in terms of improving the health and saving lives of men in your community.

Councilmember Rader thanked Dr. Modlin for coming out. He committed to emphasizing Dr. Modlin's concern about the importance of early screening for African American men.

Councilmember O'Leary thanked Dr. Modlin for attending and for his work. He expressed optimism that the Resolution will help to raise awareness and have a positive health impact.

On the motion: All members voted in favor. Motion passed. Resolution 9014-18 adopted.

11. Communication from Councilmembers George & Bullock Regarding Resolution to Recognize National Suicide Prevention Awareness Month (pg. 28)

Motion made by Mr. O'Leary, seconded by Mr. Bullock to receive and file the communication.

Motion passed. All members voted in favor.

Human Services Director Gelsomino expressed gratitude for the resolution. She discussed the City's collaboration with NAMI, the National Alliance on Mental Illness.

12. **RESOLUTION NO. 9015-18** – A RESOLUTION to recognize National Suicide Prevention Awareness Month (pg. 29)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to adopt Resolution 9015-18.

Discussion on the motion: Mr. Anderson made remarks underscoring the connection between suicide and mental illness and emotional pain. He read the 800 number for the National Suicide Prevention Hotline.

Motion passed. All members voted in favor.

13. Communication from Mayor Summers regarding appointment to Citizens Advisory Committee (pg. 31)

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

Motion passed. All members voted in favor.

14. Communication from Mayor Summers regarding Resolution to urge Governor Kasich to invest State budget surplus into local governments (pg. 32)

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

Discussion on the motion: Mayor Summers stated that many cities will be putting forth similar resolutions including the 17 member cities of the inner ring suburbs consortium. He

emphasized that for 45 years local governments received funds from the State and that it is time they got those funds back.

Mr. Bullock expressed support for the Resolution. He pointed out that the State's divestment in municipalities has led many cities and towns to increase local taxes. He suggested that these policies are a shell game and do not lower the overall tax burden.

Mr. O'Leary expressed opposition to Governor Kasich's tax policies, stating that they are a betrayal of the understanding between the State and local governments in place for close to 50 years. He stated that tax dollars generated locally should stay local. He argued that the State has produced no real tax cuts, but only passed the tax burden onto cities. He expressed support for the Resolution.

Mr. Rader stated that Governor Kasich's tax policies are unfair to cities and metropolitan areas. He criticized the legislature for signing off on the Governor's budget. He pointed to the devastation of transportation budgets.

On the motion to receive and file: Motion passed. All members voted in favor.

15. RESOLUTION NO. 9016-18 – A RESOLUTION to urge the Ohio Governor and members of the Ohio General Assembly to invest the state budget surplus in municipalities (pg. 33)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to adopt Resolution 9016-18.
Motion passed. All members voted in favor.

16. Communication from Human Resources Director Yousefi regarding amending military leave ordinance to conform to the Ohio Revised Code (pg. 35)

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

Motion passed. All members voted in favor.

17. ORDINANCE 38-18 – AN ORDINANCE repealing Section 149.16, Military Leave; Compensation, of the Codified Ordinances of the City of Lakewood and enacting a new section in its place to conform this section to Section 5923.05 of the Ohio Revised Code (pg. 36)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to refer to Rules & Ordinances Committee.

Motion passed. All members voted in favor.

18. Communication from Direction Sylvester regarding the sale of mechanical equipment at the former Lakewood Hospital property (pg. 39)

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

Motion passed. All members voted in favor.

19. **RESOLUTION 9017-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance, Mayor or Director of Planning and Development to sell certain obsolete equipment at the site of the former Lakewood Hospital (pg. 40)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to refer to Committee of the Whole.

Discussion on the motion: In response to questions by Mr. O'Malley, Director Sylvester stated that there was mechanical equipment in the building that has not received any bids. The City is still trying to assess next steps for that equipment. Also, there is not any non-mechanical property to be put out for bid.

Motion passed. All members voted in favor.

20. Communication from City Engineer Papke regarding 2019 Ohio Public Works Commission grant applications (pg. 43)

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

Motion passed. All members voted in favor.

21. **RESOLUTION 9018-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor of the City of Lakewood, or his designee, to prepare and submit an application to participate

in the Ohio Public Works Commission State Capital Improvement Program, Local Transportation Improvement Program or any other appropriate Ohio Public Works Commission program that the 2020 Watermain Replacement Project qualifies for and to execute contracts as required. (pg. 44)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to refer to Public Works Committee.

Motion passed. All members voted in favor.

22. **RESOLUTION 9019-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor of the City of Lakewood, or his designee, to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program, Local Transportation Improvement Program or any other appropriate Ohio Public Works Commission program that the Summit Outfall Replacement Project qualifies for and to execute contracts as required. (pg. 46)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to refer to Public Works Committee.

Motion passed. All members voted in favor.

23. Communication from Law Director Butler regarding resolution to ratify Lakewood Hospital Association's Approval of Healthy Lakewood Foundation Governing Documents. (pg. 48)

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

Motion passed. All members voted in favor.

24. **RESOLUTION 9004-18A** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, adopting the recommendations of the Foundation Planning Task Force for the creation of the Healthy Lakewood Foundation, the appointment of its initial board and the approval of its initial governing documents, all in accordance with the Master Agreement governing healthcare in Lakewood dated December 21, 2015. (pg. 49)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to adopt Resolution 9004-18A.

Motion passed. All members voted in favor. Resolution 9004-18A adopted.

25. Communication from Law Director Butler regarding ordinance amending Chapter 1306 to eliminate ambiguity with respect to penalties for warrantless inspections (pg. 76)

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

Motion passed. All members voted in favor.

26. **ORDINANCE 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. (pg. 77)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to refer Ordinance 39-18 to Housing Committee.

Discussion on the Motion: Mr. Rader and Director Butler had a brief exchange about the requirement in the ordinance that paper notices be posted. Director Butler concluded that if Council decides to change this part of the ordinance, as is currently under discussion in Housing Committee, that it will be changed in both ordinances.

Motion passed. All members voted in favor.

27. Communication from Law Director Butler regarding ordinance codification. (pg. 83)

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

Motion passed. All members voted in favor.

28. **ORDINANCE 40-18** - 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 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.84)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 40-18.

Motion passed. All members voted in favor.

29. Liquor Permit notice for Rozi's Wine House Inc., 14900 Detroit Ave. (pg. 86)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to defer.

Motion passed. All members voted in favor.

30. Liquor Permit transfer to Rood Food & Pie, 17001 Madison Ave. (pg. 87)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to file with no objection.

Motion passed. All members voted in favor.

31. Liquor Permit transfer from Jammy Buggars LTD to Niko Moulagianis DBA Jammy Buggars, 15625 Detroit Ave. (pg. 88)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to file with no objection.

Motion passed. All members voted in favor.

32. Liquor Permit transfer to Gurjas Inc, DBA Eurogyro, 13429 Madison Ave. (pg. 89)

Motion made by Mr. O'Leary, seconded by Mr. Anderson to file with no objection.

Motion passed. All members voted in favor.

Motion made by Mr. O'Leary, seconded by Mr. Anderson to suspend the rules to defer items #33 - #36 collectively.

Roll Call Vote:

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

Nays: none

Motion made by Mr. O'Leary, seconded by Mr. Anderson to defer items #33 - #36 collectively.

Roll Call Vote:

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

Nays: none

33. Liquor Permit transfer to Mad Macs, 13601-03-05 Detroit Ave. (pg. 90)

34. Liquor Permit notice for Sweet Spot, 17806 Detroit Ave. (pg. 91)

35. Liquor Permit notice for Sauced Pub & Pizzeria, 14701 Detroit Ave. (pg. 92)

36. Liquor Permit transfer to Sauced Pub & Pizzeria, 14701 Detroit Ave. (pg. 93)

******ANNOUNCEMENTS******

Mayor Summers announced that the City and LCSD will meet this week to discuss school safety. The goal is to affirm current practices and to challenge ourselves about what more we can do differently and better. LCSD has two resource officers and will consider if we need more.

Mayor Summers reminded all of the Community Festival on Saturday .

Mr. O'Malley announced that the deadline for budget priority submissions has been extended to Friday September 7th.

Mr. O'Malley announced that a new ward 4 block club is having its inaugural meeting tomorrow night in the parking lot of Inn the Dog House. Also, the Gold Coast Block Club will meet on Sat Sept. 22nd at 10:00 a.m.

Director Gelsomino reminded everyone of the Cleveland Clinic health challenge beginning tomorrow evening.

Mr. Rader reported on a recent community meeting held with Mr. O'Leary and about 20 residents on the topic of the St. Charles Green. Mr. O'Leary added that the residents appeared very enthusiastic about making the space a spark.

Motion by Mr. O'Leary, seconded, to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 8:47 PM.

Approved: 10/1/18

Marion M Bach
CLERK

John O'Leary
PRESIDENT

