

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
SEPTEMBER 18, 2017  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by Council President O’Leary.

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

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Human Services Director Gelsomino, Fire Chief Gilman, Police Chief Malley, Human Resources Director Yousefi, approximately 150 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held September 5, 2017.

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.

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

1. Committee of the Whole Report regarding September 11 & September 18<sup>th</sup>, 2017 Committee meetings. Mr. O’Leary; Chair (To Be Provided)

Committee of the Whole met last Monday September 11th. We had three items on our agenda and we discussed two of those, being Resolution 8948-17 which was to authorize the City to enter into a matching grant for the Lakewood SBA small business performance grant program. The terms of the program, very briefly, are that the City would contribute \$50,000 into a new fund called the Credit Enhancement Fund to match the County’s \$150,000 which is then also leveraged again by the SBA. If the City is able to expend the full \$50,000 that’s in this account, we will have been able to successfully leverage \$1.2 million in total funds. That was recommended out for adoption this evening.

We also discussed at that meeting Ordinance 32-17, the medical marijuana regulations ordinance. We had a thorough update from Ms. Swallow of the Law Department both regarding where these types of entities can be located and also other facets of the regulatory scheme that the City is contemplating for this use. We had some additional discussion on issues that we needed additional information on so we will continue that discussion next Monday or the following Monday when we take up that issue again.

Tonight Committee of the Whole also met. We had first an update in executive session on pending and imminent litigation. We then came back for a brief discussion regarding the Winterhurst ice rink discussion headed by Mayor Summers who reported that we are at this time in need of interested citizens who are knowledgeable about Winterhurst and about the use of that facility in our community to help guide our discussion going forward. I would move that this oral report be received and filed.

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

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2. **RESOLUTION NO. 8948-17** - 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 and directing the Mayor to enter into a grant agreement with the County of Cuyahoga for the operation of a Lakewood-SBA Small Business Performance Grant Program, and approving the expenditure of an amount not to exceed \$50,000.00 from the economic development account within the General Fund for the purposes of the program. (REFERRED TO THE COMMITTEE OF THE WHOLE 9/5/17) (Pg. 6)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8948-17.  
Motion adopted. All members voting yea.

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3. **ORDINANCE NO. 32-17** – 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, amending various sections and enacting new chapters of the Codified Ordinances of the City of Lakewood in order to regulate medical marijuana cultivators, processors, dispensaries and testing laboratories in the City. (1ST READING, REFERRED TO COMMITTEE OF THE WHOLE AND PLANNING COMMISSION 9/5/17) (Pg. 32)

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

Motion adopted. All members voting yea.

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4. Health & Human Services Committee Report re: Ordinance 31-17, Resolution 8946-17, North Coast Health; Ms. Marx; Chair. (TO BE PROVIDED)

Dear Colleagues,

Health & Human Services held a meeting on September 11th. Present were the committee members as well as Councilmember O'Malley, Director Gelsomino, Director Sylvester, and Gina Gavlak of North Coast Health, and members of the public.

Resolution 8946 was discussed. This is authorizing the Mayor or his designee to apply for and enter into an agreement with the Western Reserve Area Agency on Aging for title III of the Older Americans Act, Senior Community Services for the 2018-2019 program years. This is an ongoing agreement that the Mayor enters. It allows the City of Lakewood to access funds for meals to be delivered to seniors – for the senior centers and home delivered meals. This is a very important program that is necessary for those underserved in our community. Director Gelsomino discussed the timeline of the application. She asked for Council's approval tonight in order to meet the necessary deadlines. We all voted on that and it passed.

We also spoke to Ms. Gavlak of North Coast Health who discussed the transition of North Coast Health from providing free clinic care to primary care preventive and wellness services. She explained that they transitioned from a free clinic to a charitable clinic which allows them to treat everyone on a sliding fee scale ranging from \$10 to \$40. No one is denied service due to inability to pay. She described the team of medical professionals on staff including the 2016 hire of a behavior health counselor. She encouraged those of us on Council to make public this outreach to the community so anyone in need of health care services can reach out to North Coast Health.

Ord 31-17 was discussed repealing Chapter 1793 tattooing parlors in Lakewood. We discussed that and many issues were brought up that need further investigation so we deferred that.

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

Motion adopted. All members voting yea.

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5. **RESOLUTION NO. 8946-17** – 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 or his designee to apply for and enter into an agreement with the Western Reserve Area Agency on Aging for title III of the Older Americans Act, Senior Community Services for the 2018-2019 program years. (REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE 9/5/17) (Pg. 51)

Motion by Ms. Marx, seconded by Mr. O’Leary, to adopt Resolution 8946-17.  
Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 31-17** – AN ORDINANCE repealing Chapter 1793, Tattooing, amending Schedule 1129.02, Permitted Uses in Commercial Districts, and creating new Section 1161.03(XX), Supplemental Regulations for Specific Uses (Body Art Establishments), of the Codified Ordinances of the City of Lakewood in order to permit tattoo studios as a conditional use in commercial districts within the City of Lakewood. (1ST READING, REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE & PLANNING COMMISSION 9/5/17) (Pg. 53)

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

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7. Public Works Committee Report regarding Resolution 8949-17; Mr. Nowlin Chair. (Pg.64)

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

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8. **RESOLUTION NO. 8949-17** - 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 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 these projects qualify for and to execute contracts as required. (REFERRED TO THE PUBLIC WORKS COMMITTEE 9/5/17)(Pg. 89)

Motion by Mr. O’Leary, Seconded by Mr. Anderson, to adopt Resolution 8949-17.  
Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 30-17** – 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 the transfer and advance of certain funds. (FIRST READING & REFERRED TO FINANCE COMMITTEE 7/17/17, 2<sup>nd</sup> READING, REPORTED OUT ON, RECOMMENDED FOR ADOPTION UPON THIRD READING 9/5/17) (Pg. 67)

Discussion: Councilmember O’Leary reminded everyone that the ordinance was recommended for adoption upon third reading at the September 5th Council meeting.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 30-17.  
Motion adopted. All members voting yea.

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

10. Communication from Council President O’Leary regarding Resolution honoring Thomas J. George.

Tonight I wanted to take a moment for Council to acknowledge the passing of a twenty-year member of Lakewood Council and Lakewood Mayor as well, an individual who was always dedicated to this community and always had a smile on his face and a welcoming gesture for those who joined him in his office. We are obviously deeply saddened by his passing. I am referring to of course Tom George. We would like to take a moment to convey our deepest condolences and sympathies to his family and all those who had the opportunity to work with him in his many years of service to the community.

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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11. **RESOLUTION NO. 8954-17** – A RESOLUTION honoring Thomas J. George. (69)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8954-17.  
Motion adopted. All members voting yea.

Councilmember O’Leary read into the record the following clauses from the Resolution.

“WHEREAS, Tom was a man of firm commitment but gentle demeanor who punctuated many of his sentences with a smile or a soft chuckle that spoke without words of his deep empathy, and

WHEREAS, Tom's life work is memorialized in the legislation and initiatives for which he advanced that always emphasized the role of working men and women, stewardship of the environment, appreciation of the arts; i.e. the principles of the Democratic Party...”

Mayor Summers and Councilmember Bullock and Marx remarked on the contributions of Mr. George to the community, their personal relationships with him and expressed condolences to his family. The City Hall flag is being flown at half-mast in his honor.

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12.Communication from Councilmember Nowlin regarding William Barmann to Citizens Advisory Committee (Pg. 70)

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

Motion adopted. All members voting yea.

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13.Communication from Councilmember Litten regarding appointing Lee Silvis to Citizens Advisory Committee. (To Be Provided)

Colleagues may recall me appointing someone to this post two months ago – that was Scott Koons. Mr. Koons is unable to complete his stint on the CAC because he is being deployed to assist with Hurricane Harvey relief efforts. I am appointing Lee Silvis in his place and am confident in Mr. Silvis’s ability to serve this Committee well.

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

Motion adopted. All members voting yea.

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14. Communication from Law Director Butler regarding Ordinance amending Section 333.01, OVI. (Pg. 71)

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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15. **ORDINANCE NO. 33-17** – 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, amending Section 333.01, Driving or Physical Control while under the Influence, as contained in the Traffic Code. (Pg. 72)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 33-17 to the Public Safety Committee.

Motion adopted. All members voting yea.

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16. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2017. (Pg. 96)

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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17. **ORDINANCE NO. 43-16A** - 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, amending Ordinance 43-16, adopted December 19, 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 2017 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. 97)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 43-16A to the Finance Committee.

Motion adopted. All members voting yea.

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18. Communication from Fire Chief Gilman regarding Resolution adopting the Cuyahoga County 2017-2022 All-Hazards Mitigation Plan as the official Hazard Mitigation Plan of the City of Lakewood. (Pg. 103)

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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19. **RESOLUTION NO. 8950-17** – A RESOLUTION adopting the Cuyahoga County 2017-2022 All-Hazards Mitigation Plan as the official Hazard Mitigation Plan of the City of Lakewood. (Pg. 104)

Discussion: Councilmembers discussed whether to refer to Public Safety Committee or adopt tonight. It was agreed that the Resolution would be recommended for adoption and discussed at the next Public Safety Committee meeting.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8950-17.

Motion adopted. All members voting yea.

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20. Communication from Fire Chief Gilman regarding Fallen Firefighter Memorial Day and Fire Prevention Week 2017. (Pg. 106)

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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21. **RESOLUTION 8951-17** – A RESOLUTION calling upon the citizens of Lakewood to join the Lakewood Fire Department in celebrating National Fallen Firefighter Memorial Day on Sunday, October 8, 2017. (Pg. 107)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8951-17.

Motion adopted. All members voting yea.

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22. **RESOLUTION NO. 8952-17** – A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home during the week of October 8, 2017, and to heed the message, “Every Second



Counts...Find 2 Ways Out’ as the 2017 Fire Prevention Week theme suggests. (Pg. 108)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8952-17.  
Motion adopted. All members voting yea.

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23.Communication from Planning and Development Director Sylvester regarding Outdoor Dining Definition Chapter 1103.02. (Pg.110)

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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**24.ORDINANCE NO. 34-17** – 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, amending Section 1103.02(zz), Definitions (Outdoor/Seasonal Dining Facility), of the Codified Ordinances of the City of Lakewood in order to further clarify an outdoor dining space. (Pg. 111)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 34-17 to the Committee of the Whole and Planning Commission.

Motion adopted. All members voting yea.

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25.Communication from Police Chief Malley regarding Resolution for D.A.R.E. Program Funding. (Pg. 113)

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. 8953-17** - 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 as the Director of Public Safety or his designee to enter into an agreement with the Ohio Attorney General to accept and expend funds for the City’s Drug Abuse Resistance Education (D.A.R.E.) program in the amount of \$41,931 to

continue to educate young people of the City of Lakewood as to the hazards of alcohol and drugs. (Pg. 114)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8953-17. Motion adopted. All members voting yea.

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27.Liquor Permit Application for new C1& C2 permit classes to Family Dollar Stores of Ohio, d/b/a Family Dollar 5813, 1220 Madison Avenue. (Pg. 116)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file without objection. Motion adopted. All members voting yea.

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

Greg Murray – 1585 Westwood Ave

Mr. Murray spoke in opposition to the City’s current pitbull ordinance. He stated there were multiple instances of pitbull owners who have faced enforcement by Lakewood animal control. He stated the law is unfair and subjective and has a negative impact on good people and good dogs. He asked Council to focus on breed neutral legislation.

Kristen Murray – 1585 Westwood Ave

Ms. Murray indicated her commitment to overturning Lakewood’s breed specific ordinance. She questioned the effectiveness of the ordinance and asked Council to repeal the current law and replace it with tougher breed neutral legislation.

Phil Calabrese – 950 Main Ave. St. 500, Cleveland

Mr. Calabrese stated the City’s current law on pitbulls violates the Ohio Constitution. He stated he is a lawyer representing Jennifer Scott. He read recent legal cases where he indicated Ohio municipalities’ Pitbull bans were overturned by courts.

Christopher Bindel – 15611 Delaware

Mr. Bindel encouraged Councilmembers to repeal the current law on pitbulls and to start a Council discussion now as to how that can be achieved.

Lance Polin – 214100 Lorain Rd. Cleveland

Mr.Polin stated that Lakewood does not have the resources to enforce its existing laws about dogs and stated it was not the time to loosen dog-related laws.

Chief Malley clarified that the City has three animal control wardens and 100 uniformed officers all capable of responding to a dog-related emergency.

Linette Eady – 12506 Edgewater Dr. Lakeshore Towers

Ms. Eady addressed Council indicating there were racial tensions occurring at Lake Shore Towers. She spoke of being harassed and physically attacked with race being the motivation. She stated she wrote to her building’s management about the problems stated she was told that the management cannot take action unless it is a landlord or staff person doing the harassing. Ms. Eady asked the City for help in getting protection.

Councilmembers expressed concern for this situation and a desire to help. They suggested that the City might have protections in the ordinances to address such situations.

David Steinmuller – 1500 Cordova

Mr. Steinmuller requested traffic signs to warn drivers about the new traffic situation due to the Clifton bike lanes. He also remarked that a sign in front of a bus stop reads “no standing,” which is different from language on other City signs.

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

Councilmember O’Malley expressed hope that a policy change can be made to strengthen the City’s dangerous dog ordinances in a way that doesn’t discriminate against breeds or punish responsible dog owners. He remarked on his reasons for opposing the current Pitbull ban.

Councilmember O’Leary reiterated his support for repealing the Pitbull ban and thanked all who came out tonight on this issue.

Mayor Summers announced that the missing remains of a Lakewood resident and WW2 veteran Sergeant Thomas McGraw were recently recovered from a salvage operation in the Adriatic Sea. Mr. McGraw’s family will be gathering in Lakewood this week for a funeral and mass service.

Councilmember Litten thanked Lakewood Police Department and Lakewood Fire Department for their participation in the Hero’s Run.

Motion by Mr. O’Leary, seconded by Mr. Anderson to adjourn.  
Motion adopted. All members present voting yea.  
Meeting adjourned 8:56 PM.

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

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CLERK

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PRESIDENT