

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
OCTOBER 15, 2018  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:45 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, Dan O'Malley, Tristan Rader.

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

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Reading and disposal of the minutes of the Regular Meeting of Council held October 1, 2018.

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

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

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

1. Human Services Committee Report regarding meeting held 10/8/18; Mr. Litten, Chair (to be provided)

The Health & Human Services Committee met on October 8<sup>th</sup>. Present were Committee members Anderson, George & Litten as well as Councilmember O'Malley, Dr. Jason Lambrese of Cleveland Clinic Lakewood Family Health Center, Director Gelsomino, Director Butler, and 3 members of the public. Our one and only agenda item was Ordinance 41-18, prohibiting any psychiatric treatment, including conversion therapy, which purpose is an attempt to change an individual's sexual orientation. Director Gelsomino expressed support for the ordinance. She introduced Dr. Lambrese, a child psychiatrist from the Cleveland Clinic Lakewood Family Health Center. Dr. Lambrese briefly described his work

treating youth. He stated that conversion therapy is shown to be harmful and that it can exacerbate underlying mental health conditions. LGBT youth are already at a higher risk for depression, anxiety, and mental health problems. He stated that there are ethical problems with conversion therapy because minors can't fully consent to it. He also pointed out that 14 states and 5 Ohio municipalities already have existing legislation on the books.

Councilmember Anderson stated that conversion therapy is pseudo-science and that he has never met another mental health professional who considers it a legitimate response to an underlying mental health problem. Councilmember O'Malley expressed that he introduced the ordinance to send a message to the community that we value our youth and because it is the right thing to do. He further stated that he is unaware of conversion therapy happening in Lakewood but noted that it was happening in Cincinnati in the case of a transgender girl who killed herself.

The Committee did discuss that pastors and clergy would not be impacted by this legislation because it applies only to licensed counselors. Director Butler explained how the ordinance calls on the Human Rights Commission to investigate complaints of conversion therapy being practiced. The committee discussed minor stylistic changes to the language of the ordinance and made those changes. Those changes are noted in the version on our agenda this evening. Members of the public expressed support and excitement that Lakewood would be the first Northeast Ohio community to pass such an ordinance, should it pass this evening. I did ask, and I think they were not able to, that a member of the Cleveland Clinic Family Health Center be present to discuss some of the program offerings at the Cleveland Clinic Family Health Center.

A motion was made and seconded to recommend Ordinance 41-18 as substituted and that motion passed unanimously.

Motion by Mr. Litten, seconded by Mr. O'Leary to receive and file that oral report.

All members voted in favor. Motion passed.

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2. **SUBSTITUTE ORDINANCE NO. 41-18** - AN ORDINANCE amending Chapter 516, Discrimination Prohibited, of the Codified Ordinances of the City of Lakewood to prohibit any psychiatric treatment, including conversion therapy, which purpose is an attempt to change an individual's sexual orientation. (PLACED ON 1<sup>ST</sup> READING AND REFERRED TO HEALTH & HUMAN SERVICES 9/17/18, 2<sup>ND</sup> READING 10/1/18) (pg.1)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Substitute Ordinance 41-18.

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

Cindy Marx – 1587 Grace Ave.

Ms. Marx expressed pride in Lakewood and Council for standing up against prejudice. She noted that the ordinance aligns with the human rights ordinance passed by Council in 2017. She thanked the Ordinance's co-sponsors for protecting Lakewood's youngsters.

Alana Jochum – 12511 Madison Ave.

Ms. Jochum spoke on behalf of Equality Ohio and expressed strong support for the ordinance. She spoke of the need for this legislation since state licensing boards can not necessarily ban therapeutic practices. She listed all of the professional organizations that have condemned conversion therapy, particularly for minors. She emphasized that being gay is not a disease but part of the normal range of human diversity. She remarked on the harms of conversion therapy. She acknowledged that parents who send their kids to conversion therapy are doing their best but that the promise of converting a person from gay to straight is a lie with potentially negative consequences. She stated that the ordinance sends a clear message to anyone practicing conversion therapy that they are unwelcome in Lakewood and educates parents and youth about this practice. She thanked Council for taking this step.

Pastor John Lutz – 2051 Quail Ave.

Pastor Lutz opposed the proposed ordinance, stating that it seeks to restrict the speech of those who disagree and will not stand up to a constitutional challenge. He stated that Council cannot regulate thought and conscience and the ordinance was on the wrong side of truth and science. He particularly objected to the substitute version, saying that it makes any discussion of these subjects illegal.

Councilmember Bullock expressed support for the ordinance, stating that we should always strive for therapies to be safe and effective and that conversion therapy is neither.

Councilmember O'Malley remarked that the ordinance is more than symbolic, as he has been contacted by many people who have had to undergo conversion therapy and that thousands of people have had to endure it. He pointed to the evidence showing how harmful conversion therapy is and expressed his sense of obligation to protect young people from this harm.

Councilmember Anderson stated that conversion therapy is not evidence-based practice and that it is impossible for a counselor to be competent in it. He expressed pride in supporting the ordinance.

Councilmember Rader expressed that he would be supporting the ordinance and thanked all who worked on it. He remarked on the importance that the local government continues to send a welcoming message to all in Lakewood.

Councilmember Litten thanked the ordinance's sponsors for bringing it forward and to Dr. Lambrese of Cleveland Clinic for lending his clinical background.

Councilmember O'Leary remarked that the evidence is clear and overwhelming that conversion therapy is harmful. He expressed support for the ordinance and thanked all who worked on it.

Councilmember O'Malley added that Dr. Lambrese is away at a conference on LGBT mental health. He thanked Equality Ohio, Stonewall Democrats, all who contacted him, council colleagues and members of the administration.

On the motion: All members voted in favor. Motion passed.

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3. Public Works Committee Report regarding meeting held 10/15/18; Mr. Rader, Chair (to be provided)

Tonight we met as the Public Works Committee. All members of the Committee were present, including David Sangree who was a guest from the Keep Lakewood Beautiful Tree Committee. Also Director Beno and Streets & Forestry Manager Chris Perry were present to answer questions. First we briefly talked about Ordinance 42-18 which was the easement. We decided to defer on that while Director Beno works on some trying to figure out some other spaces as per our last discussion on that. So, we didn't really discuss that very much. We spent most of our time discussing the Keep Lakewood Beautiful Tree Committee and an email that Mr. Sangree sent. We covered about three topics specifically.

1. Some people within the tree committee wish to see the rules of the City changed or adopted that would require people to basically keep trees that are on their property or at least replace them when they are brought down.
2. There currently is a fund within the City that allows some funds for people to plant trees on tree lawns on the private side of the tree lawn.
3. One of the major topics of discussion was potentially carrying on that discussion to maybe create a task force within the City. Right now there is some discussion with the KLB Tree Committee to disband and continue within a more defined role that the City would create.

There is a lot of research that needs to happen. We need to get with the Law Department and find out how we would tackle in order to plant a tree on private property; in order to require someone to keep a tree on private property – there's got to be a lot of legal red tape on how we would do that. In the future we will have to invite the Law Department into the Committee to have some discussions in regards to that.

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

Councilmember Bullock acknowledged the time and focus provided by the Public Works Committee. He welcomed the resumed focus on these topics. He credited the City for making big strides increasing the numbers of trees on public land and stated that the next step is to strategize about increasing private tree plantings. He asked to speak with Director Butler about the legal issues about planting tree lawn trees on private front lawns on streets where tree lawns are too small for planting.

Councilmember Rader added that a role for the Tree Committee may be to help with public education about tree issues.

Director Butler expressed willingness to work on these issues.

Councilmember Anderson noted that discussions about trees have been ongoing since Superstorm Sandy and that Councilmember Bullock has advocated during each budget cycle for more tree funding.

All members voted in favor. Motion passed.

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4. **ORDINANCE NO. 42-18** - AN ORDINANCE authorizing the Mayor on behalf of the City of Lakewood to enter into an agreement necessary to grant an exclusive easement to The Ohio Bell Telephone Company, d/b/a AT&T Ohio, for placement of and access to equipment used in the transmission of signals used in the provision of communication, video and/or information services on property located at 15538 Madison Avenue, Lakewood, Ohio (313-27-010). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO PUBLIC WORKS 9/17/18; 2<sup>ND</sup> READING 10/1/18) (pg. 4)

Motion by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 42-18.

All members voted in favor. Motion passed.

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5. Housing Committee Report regarding meeting held 10/15/18; Mr. Anderson, Chair (to be provided)

The bottom line is we had no formal action on Ordinance 39-18. We certainly will be scheduling some follow up conversations. Move to defer Ordinance 39-18 until future notice.

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

All members voted in favor. Motion passed.

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6. **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) (pg. 8)

Motion by Mr. O’Leary, seconded by Mr. Anderson to defer Ordinance 39-18.

All members voted in favor. Motion passed.

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7. **ORDINANCE 43-18** – AN ORDINANCE establishing Section 111.16, Responsible Contracting Required of the Codified Ordinances of the City of Lakewood (PLACED ON 1<sup>ST</sup> READING & REFERRED TO COW 10/1/18) (pg. 14)

Motion by Mr. O’Leary, seconded by Mr. Anderson to defer Ordinance 43-18.

All members voted in favor. Motion passed.

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8. **ORDINANCE 43-17B** - 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 Ordinance 43-17A, adopted July 2, 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 2018 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 & REFERRED TO FINANCE 10/1/18) (pg. 19)

Motion by Mr. O’Leary, seconded by Mr. Anderson to defer Ordinance 43-17B.

Discussion: Councilmember O’Malley announced that Finance Committee will be scheduling a hearing on this legislation soon and provided possible dates.

On the motion: All members voted in favor. Motion passed.

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

9. Communication from Councilmember Litten regarding update on 2017 pest control ordinance

As Health & Human Services Chair, my hope was to take some time in Committee to follow up on pest ordinance passed in November 2017, updating Chapter 1306.34 of our Code, specifically the bed bug concerns and clarity of tenant-owner responsibilities. I ask that this proposed update be referred to Health & Human Services so that we can make an effort to

bring together the Building and Housing Departments, Department of Human Services, and Lakewood Alive so that we can review almost a year's worth of progress.

Motion by Mr. O'Leary, seconded by Mr. Anderson to receive and file and refer to Human Services Committee.

All members voted in favor. Motion passed.

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10. Communication from Law Director Butler regarding the 2019 – 2020 agreement with Cuyahoga County Board of Health. (pg. 25)

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

All members voted in favor. Motion passed.

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11. **RESOLUTION 9029-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds 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 an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed \$531,215.00 for a two-year period commencing January 1, 2019. (pg. 26)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer to Health & Human Services Committee.

Discussion: Mayor Summers suggested that the Resolution be discussed in Committee in order to hold the Board accountable for the services it provides. He pointed out some changes to this year's contract such as a two year agreement and an increase. In response to a question by Councilmember George, the Mayor stated that public health has grown very sophisticated and that there are not any discussions about the City taking over public health services.

On the motion: All members voted in favor. Motion passed.

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12. Communication from Human Resources Director Yousefi regarding 2017 salary ordinance amendment. (pg. 35)

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

All members voted in favor. Motion passed.

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13. **ORDINANCE 56-17A** - 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 Ordinance No. 56-17 adopted December 18, 2017 to create the position of Urban Designer and to establish the rate of pay for that position. (pg. 36)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer to Finance Committee.

Discussion: Mayor Summers explained that City Architect Mike Molinski will be leaving his position and that this position will be replacing it. He discussed the types of skills and education the City is seeking in the person to fill this position. In response to Councilmember questions, the Mayor discussed the timeline. He stated that the City Architect will leave full-time City employment in November and continue on part-time until January. The administration has begun the job search for the Urban Designer position and will need this ordinance passed in order to offer the position when the right candidate is selected.

On the motion: All members voted in favor. Motion passed.

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14. Communication from Director Sylvester regarding 2019 Transportation for Livable Communities Initiative Planning Grant Application. (pg. 42)

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

All members voted in favor. Motion passed.

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15. **RESOLUTION 9030-18** - A RESOLUTION 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, authorizing the Mayor or his designee to apply to the Northeast Ohio Areawide Coordinating Agency (NOACA) for a planning grant in partnership with the County Planning Commission, the Cleveland Metroparks, and Rocky River through the Transportation for Livable Communities Initiative (TLCI) program, the grant to be used for study and planning of the bridge connections to Rocky River and connections to the Cleveland Metroparks from the surrounding area. (pg. 44)

Motion by Mr. O'Leary, seconded by Mr. Anderson to ADOPT Resolution 9030-18.

Discussion: Councilmember O'Leary expressed support for the Resolution, remarking that the initiative is related to Council's priorities.

Director Sylvester remarked further on the application in response to question by Councilmember Rader. He explained that the four entities are acting as a team with the County leading the charge. The deadline is before the next Council meeting.

Councilmember Bullock expressed support for the proposal. He expressed mild frustration with the length of time that planning takes and offered Council's support to help move from planning to action.

On the motion: All members voted in favor. Motion passed. Resolution 9030-18 adopted.

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

16. Liquor Permit notice regarding MMRS Beverage LLC, DBA McGinty's Pub at 13747-51 Madison Ave. (pg. 46)

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

All members voted in favor. Motion passed.

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

Mike Wypasek – 12060 Lake Ave. #105

Mr. Wypasek expressed pride in Lakewood for banning conversion therapy. He asked the City to not put parking restrictions back on Lake Ave between Cove and W. 117<sup>th</sup>. He expressed that there is a great need for parking in the area.

Councilmember O'Malley expressed support for keeping the parking pattern as is for now. He noted that the current parking strategy has created more parking options and hasn't caused congestion.

Mayor Summers announced that parking restrictions on Lake Ave. will be removed from Nicholson to 117<sup>th</sup> during the construction period which goes until next year. During this time the impact will be studied. He acknowledged the burden of parking in that neighborhood. He agreed that there has not been congestion caused by the lifting of restrictions.

Councilmember Litten announced that there will be a community meeting on this topic on October 24<sup>th</sup> at 7:30 at LPL.

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

Mayor Summers announced the IWWIP stakeholder meeting scheduled for October 23 at 7:00 p.m. in the auditorium.

Councilmember Litten announced the Welcome to Lakewood event this Wednesday.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:55 PM.

Approved: 11/5/18

Marian M Bach  
CLERK

[Signature]  
PRESIDENT