

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
OCTOBER 16, 2017  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 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, Public Works Director Beno, Human Services Director Gelsomino, Planning and Development Director Sylvester, Fire Chief Gilman, Police Representative Eschweiler, Human Resources Director Yousefi, approximately 45 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held October 2, 2017.

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 October 16, 2017 Committee meeting addressing Communication from Mayor Summers, Council President O’Leary and Planning Director Sylvester regarding Recommended Developer for the Mixed-Use Development in the Heart of Lakewood Mr. O’Leary; Chair (To Be Provided)

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

Motion adopted. All members voting yea.

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2. **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. (1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/18/17, , 2<sup>nd</sup> READING 10/2/17, REPORTED OUT ON, RECOMMENDED FOR ADOPTION ON THIRD READING) (Pg. 5)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 33-17.  
Motion adopted. All members voting yea.

**\*\*\*\*NEWS BUSINESS\*\*\*\***

3. Communication from Councilmember Bullock regarding Sandy Hook Promise’s Say Something Week. (Pg. 29)

Councilmember Bullock remarked that the message of Say Something week extends beyond schools to the entire community. He noted that the constructive thing to do in the face of increased violence is to educate and empower ourselves to be alert for warning signs. He introduced guests in attendance who have come to speak on this matter.

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

Motion adopted. All members voting yea.

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4. **RESOLUTION NO. 8958-17** - A RESOLUTION declaring October 16 through October 20, 2017 as Say Something Week in Lakewood and encouraging all our citizens to recognize Say Something’s significance. (Pg. 30)

Tony Chiaravalle, Assistant Principal of Garfield Middle School

Mr. Chiaravalle explained the school district’s relationship with the Sandy Hook Promise, noting that Garfield and Harding received a national award last year. The schools encourage parents to talk to kids about safety and mental health awareness to intervene early on. He discussed the week’s agenda of Say Something-themed events and activities and introduced four students.

The students delivered a brief presentation about the purpose of the Sandy Hook Promise and Say Something Week. They provided statistics about preventable violence and steps that citizens can take to help intervene.

Councilmember O’Leary emphasized the importance of this message and thanked the students for coming to share it.

Councilmember O’Malley applauded the display of activism at the middle school level, noting that this message could save lives.

Councilmember Bullock thanked the students for reminding everyone about the role of cyber bullying in potential violence.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8958-17. Motion adopted. All members voting yea.

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5. Communication from Judge Carroll regarding request for Legislation. (Pg. 31)

Judge Carroll strongly advocated for the use of metal detectors at City Hall to keep employees and visitors safe. He explained two recent incidents which he feels highlight the urgent need. He spoke about the long history of this conversation leading up to a recent conversation in January with the Mayor.

He asked Council to take expedited action on this issue and stated that as Judge he has authority to take action on his own.

Councilmember O’Leary thanked Judge Carroll for his leadership on this. He referenced a group that had been empaneled by the Judge to discuss this issue and expressed confidence that working together they will be able to find a solution to make everyone safer. He acknowledged that the building was constructed in a different era with vastly different security concerns. He emphasized the need to make the building safer and also to maintain a level of accessibility to the public.

Mayor expressed support for steps to secure the safety of the court. He remarked on the other business that goes on in City Hall that needs to be facilitated. He expressed readiness to take some initial action now after developing plans in August and to continue discussions on the advisory panel convened by the Judge.

Judge Carroll expressed concern that action is not moving quick enough to protect public safety and urged immediate action.

Councilmember O’Leary remarked that Judge Carroll’s precise plan of action and funding mechanism is not laid out in enough detail for Council to act immediately. He acknowledged that the status quo on security is not acceptable but that Council needs specifics before action can be taken by Council.

6. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Community Relations Advisory Commission. (Pg. 33)

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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7. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2017. (Pg 34)

Discussion: Director Pae requested passage of Ord. 43-16B on first reading because the City has reached the limit of its contracting authority for reforestation and hazardous private property trees need to be removed by the end of the year. The City will have a private contractor perform the work and then receive reimbursement from the residents or put a lien on their properties.

Councilmember O’Leary remarked that having the City intervene with private property trees is a last resort and that the City always looks to recoup its costs.

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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8. **ORDINANCE NO. 43-16B** - 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 43-16A, adopted October 2, 2017, 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. 35)

*Discussion:* Director Beno answered Councilmember questions explaining that the City has identified two properties where the funds will be spent at Morrison and Hilliard/McKinley. The estimated expense is \$6,000. The Administration is requesting \$25,000 to ensure that there are sufficient funds in case of storm damage before year's end. He emphasized that the trees in question are on private property and that property owners have been unresponsive to the City's calls letters, and visits over 2-3 months. The best solution is to have property owners remediate tree issues themselves but in this case they will be invoiced. If they do not pay the invoice a tax lien will be placed on their property. He explained how the properties have come to the attention of the City. Both trees are completely dead.

Councilmember O'Leary emphasized that if the full \$25,000 is not spent then it becomes unencumbered again in 2018.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to suspend the rules requiring this Ordinance to be read on three separate occasion and placing Ordinance 43-16B on final reading.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O'Leary, O'Malley

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance 43-16B.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O'Leary, O'Malley

Nays: None

Motion adopted. Ordinance 43-16B adopted.

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9. Communication from Human Services Director Gelsomino regarding Community Based Services for At-Risk Children and Families in Cuyahoga County. (Pg. 41)

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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10. **RESOLUTION NO. 8959-17** – 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 Cuyahoga County Division of Children and Family Services for the Community Based Services for At-Risk Children and Families in Cuyahoga County from April 1, 2018 through March 31, 2019. (Pg. 42)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8959-17.  
Motion adopted. All members voting yea.

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11. Communication from Planning and Development Director Sylvester regarding Property Maintenance Code 1306.34 Bed Bug Ordinance. (Pg. 44)

Councilmember O’Leary expressed appreciation for the work of the Bed Bug Task Force, Lakewood Alive, and the many City departments that have come together over the years to work on this issue.

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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**12. ORDINANCE NO. 35-17 – AND ORDINANCE** to amend Section 1306.34, Responsibility for Pest Extermination, of the Codified Ordinances of the City of Lakewood in order to clarify responsibility for pest identification and extermination. (Pg. 45)

*Discussion:* Councilmember Marx thanked Director Sylvester for making recommendations of responsibility for bed bugs, saying that it will be very helpful.

Councilmember O’Malley suggested that the ordinance be worded to specify that responsible is to meant to mean financial responsibility.

Councilmember Bullock asked for a discussion in Committee about the flow of operations when a call comes into the City about bed bugs.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 35-17 to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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13. Communication from Planning and Development Director Sylvester regarding Parking Plan Review Fee Chapter 1143 and 1173. (Pg. 47)

It was clarified that the ordinance is designed to address the fee for the Planning Commission to review parking plans and not the fees associated with parking plans

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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14. **ORDINANCE NO. 36-17** – AN ORDINANCE to take effect at the earliest period allowed by law, amending various sections and enacting new chapters of the Zoning Code of the Codified Ordinances of the City of Lakewood in order to further clarify and regulate parking plan review in the City. (Pg. 48)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 36-17 to the Committee of the Whole.

Motion adopted. All members voting yea.

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15. Communication from Law Director Butler regarding Resolution authorizing the Mayor to enter into agreement with the Cuyahoga County Board of Health for the provision of public health services in Lakewood in 2018. (Pg. 53)

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. 8960-17** - 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 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 \$214,780.00 for a one-year period commencing January 1, 2018. (Pg. 54)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8960-17 to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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17.Liquor Permit Application for C1, C2 and D6 Stock types to Simon Beverage; 18414-26 Detroit Avenue, Lakewood, OH. (Pg. 57)

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

Motion adopted. All members voting yea.

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

Brittany O’Conner

Ms. O’Conner, on behalf of H2O invited Council to attend and sponsor the H2O tributary bash on 2/3/17. She announced that this is H2O’s 25<sup>th</sup> year.

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

Director Yousefi announced that the week of October 15<sup>th</sup> is the annual Freedom from Work Place Bullies Week and discussed more about this event.

Councilmember Litten announced the Welcome to Lakewood event at Garfield Middle School at 6:00 p.m. on Wed.

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

Meeting adjourned 8:45 PM.

Motion adopted. All members voting yea.

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

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CLERK

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PRESIDENT