

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
NOVEMBER 5, 2018  
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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Councilmember George's birthday was recognized.

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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, Human Resources Director Yousefi, Police Chief Malley, Fire Chief Gilman & Human Services Director Gelsomino

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Reading and disposal of the minutes of the Regular Meeting of Council held October 15, 2018.

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

All members voted in favor. Motion passed.

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

1. Committee of the Whole report regarding meetings held 10/22/18, 10/29/18, & 11/5/2018. (to be provided)

Mr. O'Leary expressed his intent to submit written committee reports for these meetings.

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

All members voted in favor. Motion passed.

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2. Housing Committee report regarding meeting held October 22, 2018. (to be provided)

Mr. Anderson expressed his intent to submit a written committee report regarding the discussion on Ordinance 35-18 for the next docket.

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

All members voted in favor. Motion passed.

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3. Finance Committee report regarding meeting held 11/5/18. (to be provided)

The Finance Committee met this evening and discussed two proposed ordinances. One was Ordinance 43-17B which was originally to amend the contracting authority ordinance for service contracts. This was originally for transportation services but there are a number of other modest increases in contracting authority. They include increases Lakewood jail medical services, government agreements with the Board of Education related to the Rockport revenue, rental and laundry of uniforms for the Public Works Department, transportation services (which was the senior transportation program), concrete supplies, purchase of uniforms and gear for Public Works and landscape materials. After some discussion, the Finance Committee voted unanimously to recommend adoption of that ordinance as substituted.

The next item on our agenda was Ordinance 56-17A which was an amendment to the salary ordinance. Originally this was to amend the salary ordinance to include the position of Urban Designer and set a rate of pay for that position. We also included in this the creation of the position of Deputy Clerk of Council and created a rate of pay for that position. After some discussion, particularly around the Urban Designer position and the structure of personnel in the Building Department, Finance Committee voted unanimously to recommend adoption of this ordinance as substituted with the understanding that we would have additional time to discuss this latter item on the floor of Council this evening.

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

All members voted in favor. Motion passed.

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4. **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; 2<sup>ND</sup> READING 10/15/18) (pg. 1)

Motion by Mr. O'Leary, seconded by Mr. Anderson to substitute Ordinance 43-17B.

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

Nays: None

Motion passed. Ordinance 43-17B substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 43-17B as substituted.

Discussion: Mr. Bullock asked for additional information on the increase in senior transportation services and the policy expansion that it reflects.

Director Gelsomino responded stating that the increase in contracting authority represents the success of the program. For many years, the City provided senior transportation to medical appointments in-house and switching to Senior Transportation Connections was a change. Ridership is up after the change. She committed to sharing data on the program with Council.

Mr. O'Malley reported that seniors he and other councilmembers have heard from are very pleased with the new operations.

On the motion:

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

Nays: None

Motion passed. Ordinance 43-17B adopted as substituted.

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5. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO FINANCE COMMITTEE 10/15/18) (pg. 7)

Motion by Mr. O'Leary, seconded by Mr. Anderson to substitute Ordinance 56-17A.

Discussion: Mr. Bullock asked for further explanation of the personnel changes proposed in the Planning Department and the Building Department.

Mayor Summers explained that the City is looking for a planning professional who specializes in structures. He stated that Assistant Building Commissioner Joe Meyers was promoted to Chief Building Commissioner and that several people in the Building Department are working toward credentials to fill the Assistant Building Commissioner position. He stated that the Urban Designer will work in both departments. He spoke about the changing needs of the housing stock that this professional will help the City address.

Mr. Rader asked what skills may be lost by the departure of Mr. Molinski

Mayor Summers responded that Mr. Molinski brought with him the skill of plan review. A part-time plans examiner has been hired to assist with this. The City has outsourced plan review for large projects like Lakewood Center North, the Family Health Center, etc. He stressed that the Planning Department staff and any outsourced contractors will have to work hard to keep One Lakewood Place on schedule.

On the motion to substitute:

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

Nays: None

Motion passed. Ordinance 56-17A substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson to suspend the rules and pass on second reading.

Mr. O'Leary noted the time sensitivity so that the Urban Designer and Deputy Clerk of Council position can get posted and filled.

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

Nays: None

Motion passed. Rules suspended.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 56-17A as substituted.

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

Nays: None

Motion passed. Ordinance 56-17A adopted as substituted.

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6. Rules & Ordinances Committee report regarding meeting held 11/5/18. (to be provided)

The Rules & Ordinances Committee met this evening with all members of the committee present. We discussed ordinance 38-18 which repealed part of our Code to match Ohio Revised Code. Our Code did not match the State Code specifically regarding firefighter hours when it came to military leave and compensation. The change there is stating that firefighters when they work a month which would equal seventeen 24 hour days. This clarifies our Code to match the State Code. That motion was passed out of committee this evening to the floor of Council.

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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7. **ORDINANCE NO. 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. (PLACED ON 1<sup>ST</sup> READING AND REFERRED TO RULES & ORDINANCES 9/4/18; 2<sup>nd</sup> READING 9/17/18) (pg. 13)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 38-18.

All members voted in favor. Motion passed.

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8. Communication from City Planner Michelle Nochta regarding Planning Commission and ABR Review of Ord. 2-18 (pg. 16)

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

Discussion: Mr. O'Leary expressed hope to achieve meaningful progress on the issue of light trespass between residents, noting the intrusion that this can be. He stated that if we pass just the commercial portion as currently proposed then it is his expectation that the City continue working on the issue in some way at the residential level.

Director Butler presented a substitute version which clarifies an editor's note and changes two substantive words.

Councilmembers discussed the legislative history of Ordinance 2-18 and confirmed that it has not yet received a recommendation out of Housing Committee.

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

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9. **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, 9/4/18) (pg. 17)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer S. Ordinance 2-18 to Housing Committee.

All members voted in favor. Motion passed.

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

10. Communication from Council President O’Leary regarding Council’s 2019 board and commission appointments. (pg. 28)

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 NO. 9031-18** - 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, appointing \_\_\_\_\_ to the Planning Commission for the six year term beginning January 1, 2019 and ending December 31, 2024. (pg. 29)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Resolution 9031-18 to Committee of the Whole.

All members voted in favor. Motion passed.

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12. **RESOLUTION NO. 9032-18** - 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, appointing \_\_\_ (1<sup>st</sup> appointee) \_\_\_\_\_ to the Lakewood Heritage Advisory Board for the four year term beginning January 1, 2019 and ending December 31, 2022. (pg. 30)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Resolution 9032-18 to Committee of the Whole.



Discussion: Councilmembers discussed different options for which committee the ordinance should be referred to.

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Ordinance 44-18 to Health & Human Services Committee.

All members voted in favor. Motion passed.

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17. Communication from Mayor Summers & Council President O'Leary to establish a Youth Advisory Council (pg. 38)

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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18. **ORDINANCE 45-18** - AN ORDINANCE enacting Chapter 161, Youth Advisory Council, of the Lakewood Codified Ordinances to establish a council for purposeful planning; advising Council and the Administration on matters including but not limited to addressing youth concerns and perspectives; assisting in securing and developing programs and activities for the young people in the City; and providing programming in the community for youth to obtain leadership skills and to participate in civic affairs. (pg. 40)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Ordinance 45-18 to Committee of the Whole.

All members voted in favor. Motion passed.

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19. Communication from Mayor Summers regarding Board of Zoning Appeals appointment (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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20. Communication from Finance Director Pae regarding amended sewer and WWTP contracting authority. (pg. 43)

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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21. **ORDINANCE 49-17A** - 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, amending Ordinance No. 49-17A, adopted December 18, 2017 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 **Wastewater System and Treatment Improvement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (pg. 44)

Motion by Mr. O'Leary, seconded by Mr. Anderson to suspend the rules and pass on first reading.

Discussion: Councilmember O'Malley asked for an explanation of the timing and why this requires passage on first reading.

Director Pae explained that when the project was initially discussed in Finance it was unknown if the project would go to bid in 2018 or 2019 and so the contracting authority was not included in the 2018 ordinance. She explained the steps that have been taken to bid this project and preparations to enter into the contract but contracting authority is not there. She reviewed the recent aspects of the project that have come before Council such as the loan application to Ohio EPA.

Councilmember O'Malley expressed hesitancy to approve such a high amount on first reading.

Mayor Summers explained the urgency of the matter and reviewed the different ways in which Council has vetted this project, stating that Council has approved all other elements of the project. He asked for approval in the interest of time. Construction is ready to begin immediately.

Councilmember O'Malley acknowledged that Council has had the opportunity to evaluate many stages of the project and offered his support with some hesitation.

In response to a question by Councilmember Anderson about the total cost of the project, Mayor Summers replied that the bids came in lower than expected. Director Pae added that the contracting authority includes other water and sewer projects in addition to the WWTP project, which is why the dollar amount does not match the dollar amount of the WWTP

project. That contracting authority was approved by Council during the 2017 budget hearings.

Mr. O'Leary noted the upcoming March deadline with the EPA and that it would not send the right message to push back on this contracting authority. He expressed support for passage.

In response to remarks by Mr. Rader, Director Pae insisted that the request is a matter of timing and restated that in planning this project it was uncertain whether it would be included in this or next year's budget. She reiterated that payments will not be made until completion of project in October 2022.

Mr. Rader expressed support for the Ordinance but added that he prefers these things to have more time before the public.

Mr. Anderson expressed no hesitation in supporting the Ordinance. He suggested that by waiting, bids may not remain low.

On the motion:

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

Nays: None

Motion passed. Rules suspended.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 49-17A.

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

Nays: None

Motion passed. Ordinance 49-17A adopted.

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22. Communication from Planning Director Sylvester regarding leasing of space in the Community Health Center at 1450 Belle Ave. (pg. 46)

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

Discussion: Mr. O'Leary clarified that the Community Health Center is located on Belle Ave. and separate from the Cleveland Clinic Family Health Center.

All members voted in favor. Motion passed.

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23. **RESOLUTION 9035-18** - 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 Mayor to enter into a lease agreement with the Lakewood Child Care Center for the lease of the real property located at 1450 Belle Avenue, Ste. 100, also known as the Community Health Center. (pg. 47)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Resolution 9035-18 to Committee of the Whole.

All members voted in favor. Motion passed.

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24. **RESOLUTION 9036-18** - 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 Mayor to enter into a lease agreement with The Cleveland Clinic Foundation for the lease of the real property located at 1450 Belle Avenue, Suite 200, also known as the Community Health Center. (pg.54)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Resolution 9036-18 to Committee of the Whole.

All members voted in favor. Motion passed.

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25. **RESOLUTION 9037-18** - 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 Mayor to enter into a lease agreement with The Cleveland Clinic Foundation for the lease of the real property located at 1450 Belle Avenue, Suite 220, also known as the Community Health Center. (pg. 80)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Resolution 9037-18 to Committee of the Whole.

All members voted in favor. Motion passed.

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26. **RESOLUTION 9038-18** - 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 Mayor to enter into a lease agreement with The Cleveland Clinic

Foundation for the lease of the real property located at 1450 Belle Avenue, 3rd Floor, also known as the Community Health Center. (pg. 105)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer Resolution 9038-18 to Committee of the Whole.

All members voted in favor. Motion passed.

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27. Communication from Planning Director Sylvester regarding 2019 Cuyahoga County Supplemental Grant Program application for Wagar Park reconstruction. (pg. 130)

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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28. **RESOLUTION 9039-18** - 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 or his designee to apply to the Cuyahoga County Supplemental Grant Program for a \$50,000 grant to be used for the reconstruction of Wagar Park. (pg. 131)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Resolution 9039-18.

Discussion: Mr. Anderson asked Director Sylvester if the project has a good chance of being funded; if it will be considered competitive among the other projects.

Director Sylvester discussed the two other projects the City has successfully competed for in this program – the Warren Ave. gateway beautification and the Sloane/Detroit intersection. He explained how Wagar Park fits into the grantor's prioritization of streetscape improvements.

Mr. Bullock expressed support for improvements to the park.

Director Sylvester clarified that the grant is for physical improvements. He agreed to share the detailed blueprints that have been drawn up and to put more information on the City website about the planned improvements. He stated that \$50,000 is the maximum grant amount.

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

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29. Communication from Planning Director Sylvester regarding proposed Ohio and US Bicycle routes network. (pg.133)

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

Discussion: Mr. O'Leary expressed some hesitation that by participating in these state routes that the City would be required to meet new sets of state regulations. He asked for more information on this point.

Mr. Bullock asked questions about the specific routes proposed.

Mr. Litten asked if this will impact plans on Lake Ave.

Director Sylvester suggested a committee meeting where ODOT be invited to participate.

All members voted in favor. Motion passed.

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30. **RESOLUTION 9040-18** - 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, expressing the City's approval and support for the development of US Bicycle Route 30 and State Bicycle Route 71, and requesting that the appropriate officials see to it that the route is officially designated by American Association of State Highway and Transportation Officials (AASHTO). (pg. 134)

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

All members voted in favor. Motion passed.

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31. Communication from Law Director Butler regarding codification of ordinances (pg. 137)

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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32. **ORDINANCE 46-18** - 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. 138)

Motion by Mr. O'Leary, seconded by Mr. Anderson to defer Ordinance 46-18.

Discussion: Mr. O'Leary updated Council on the merger of the Walter H. Drane Company and American Legal Publishing which will produce savings for the City. He suggested that Council wait and see how the merger plays out before continuing to shop around with other codifiers.

All members voted in favor. Motion passed.

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

Captain Steve Egert – 902 Beach Rd.

Captain Egert objected to the closure of Lakewood Hospital. He stated that he recently lost his mother and that she would not have died had Lakewood Hospital been open. He urged Council to reopen the hospital.

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

Mayor Summers announced the City's Veteran's Day ceremony Sunday at 11:00 a.m.

Director Gelsomino recognized the work of H2O raising \$4,000 at Pumpkin Palooza for charity.

Mr. Anderson thanked all who worked on Cove Park and remarked on its improvements. He asked Director Sylvester to please put up more on the City webpage dedicated to the Wagar Park plans.

Director Sylvester agreed to this.

President O'Leary encouraged all to vote tomorrow on Election Day.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:55 PM.

Approved: 11/19/18

Mariam M Bach  
CLERK  
[Signature]  
PRESIDENT