

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
NOVEMBER 6, 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, Public Works Director Beno, Human Services Director Gelsomino, Planning and Development Director Sylvester, Fire Chief Gilman, Police Chief Malley, Human Resources Director Yousefi, approximately 30 members of the public

Reading and disposal of the minutes of the Regular Meeting of Council held October 16, 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\*\*\*\***

{Without objection from Council items 9 & 10 & 11 were brought forward first consecutively in the agenda order}

1. Committee of the Whole Report regarding Committee of the Whole Meetings held 10/16/17, 10/23/17 and 10/30/17 regarding Communication from Mayor Summers, Council President O’Leary and Planning Director Sylvester - recommended Developer for Mixed-Use Development (Referred to Committee of the Whole 10-2-17) . (To Be Provided)

Committee of the Whole met on October 16. That evening we discussed the process by which we arrived at a recommendation for a developer for the downtown Lakewood Hospital site.

Specifically, that meeting we recapped everything from the beginning of the process in February 2017 through those 7 months all the way to the second phase when we narrowed it down to two remaining developers which were Carnegie and Casto. In that meeting we discussed the Citizen Panel's work in that regard and the criteria that were in the RFQ as well as the specific responses that were provided to that RFQ and set the stage for our following meeting which was held October 23<sup>rd</sup>.

In that meeting we discussed a retrospective of the process to date. That was the final phase of that process, narrowing from Casto and Carnegie down to Carnegie. It also gave a brief preview of what the next steps will look like which will include a lot of citizen input over a number of meetings and also the opportunity for Council to weigh in on the term sheet that will ultimately be negotiated between Carnegie and the City of Lakewood. That was again the meeting on the 23<sup>rd</sup>.

We met again on the 30<sup>th</sup> also to discuss the development of downtown Lakewood. At that meeting we met at Lakewood Public Library in the auditorium to receive as much public comment as we could prior to moving on Council's next stage which will be the beginning stages of negotiation of the term sheet and working through a number of questions about the City's and Council's priorities with respect to the different terms that will make up the term sheet. We look forward to continuing that conversation into the future. At the meeting on the 30<sup>th</sup> we had a couple visioning boards which gave citizens the opportunity to identify things that they liked about the project as well as things they were concerned about. Following that public feedback we also took additional Q&A from the public about the project. We got a lot of valuable feedback since the meeting on the 30<sup>th</sup>. The concerns and statements that were made by the public at that meeting have been memorialized and uploaded to the City's website which discusses this issue – [onelakewood.com/downtownrfq](http://onelakewood.com/downtownrfq). As we proceed, we expect to move forward in the very near future with the negotiations of the term sheet and the discussions related to that. That's what's coming next. Move to receive and file that oral report.

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. Health & Human Services Committee Report regarding 8960-17, 35-17 and 31-17; Chair; Marx (To Be Provided)

Health and Human Service Committee met on 10-23-17. The meeting was called to order at 7:27 PM. Committee Members Present were Councilmen Litten and Anderson, Director Gelsomino along with Councilmembers Bullock, O'Malley, Cuyahoga County Board of Health Commissioner Terry Allan, Planning Director Sylvester, Finance Director Pae, Assistant Law Director Swallow, Program Manager Mary Leigh, Program Coordinator Michelle Nochta, Executive Director of Lakewood Alive Ian Andrews and Allison Urbanek of Lakewood Alive.

Resolution No. 8960-17 authorizing the Mayor to enter into an agreement not to exceed \$214,780.00 with the County for the provision of public health services for 2018 year

This agreement is renewed annually and is based on a per capita rate. Commissioner Allan provided documents summarizing the public health services provided by the County Board of

Health to the County and to Lakewood specifically and the value of the services provided noting that in the future the County Board of Health may be adding “riders” to contracts for communities requesting specific services.

The Committee discussed how Lakewood might implement its own local health codes to address specific local issues. Director Allan explained that the CCBH can try to support such codes if the city sets aside a revenue source and recognized that older urban communities have different challenges than outer ring communities. He alerted the Committee to HB 299 pending in the Statehouse which would preclude local communities from taking action on lead. The Committee discussed the City of Toledo’s lead program and agreed to have a follow up meeting to discuss Lakewood’s lead issue in greater detail.

Director Gelsomino and I asked for more marketing on the issue of lead in Lakewood beyond the landlord training seminar and suggested discussions at the library and materials in pediatricians’ offices and the education of Type B day care providers during their inspections. Director Allan remarked on the restrictions of Federal funds; they can be used on fixing houses not on marketing. Allison Urbanek from Lakewood Alive is a certified lead safe inspector and explained LA role in addressing lead in the community.

A motion was made and seconded to recommend adoption of Resolution 8960-17. All members voted yea. Motion passed.

Ordinance No. 31-17 repealing chapter 1793 regarding Tattoo establishment.

A brief discussion was had. A motion was made to defer until Council hears back from Planning Commission. All members voted yea. Motion was passed.

Ordinance No. 35-17 Amend Section 1306.34 Responsibility for Pest Extermination and its relevance to bed bug remediation.

The Planning Department delivered a presentation explaining the proposed bed bug ordinance after reviewing the work of the Bed Bug Task Force and Lakewood Alive. The purpose of the amended ordinance is to clarify tenant and owner responsibilities regarding bed bugs. The proposed ordinance seeks to hold the landlord responsible for remediation of pests and makes the tenant responsible for reporting pests. The new ordinance will apply to all pests including bed bugs. A lively discussion was had by all attending to include more specifics on the tenant’s responsibility to properly prepare his or her unit for treatment. A motion was made defer action on Ordinance 35-17 until clarifications are made. All members voted year and that motion passed.

Health & Human Services adjourned at 8:43 PM. Motion to receive and file this oral report

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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3. **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. (REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/16/17) (Pg. 5)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8960-17.  
Motion adopted. All members voting yea.

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4. **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. (1<sup>st</sup> READING & REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 10/16/17) (Pg. 8)

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

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5. Public Works Committee Report regarding Resolution 8957-17; Chair; Nowlin (TO BE PROVIDED)

Tonight the Public Works Committee met. All members of the Committee were present as well as Councilmember Marx, Public Works Director Joe Beno and a member of the public. The only item on the agenda was Resolution 8957-17 which is to approve the use of submerged lands for property located at and abutting 12900 Lake Ave. The owner of the property, which is the Carlyle Condominium Association, wishes to construct revetment repairs, reconstruction of a pier and the installation of additional shoreline protection. Part of the process for the condo association to apply to lease the submerged lands in order to do work, they must submit to the Ohio Department of Natural Resources the Resolution from City Council. The bottom line is that we needed to determine whether the City has any use or reason to not permit this work to be done. We had recently within the last three or four months dealt with a separate issue involving submerged lands lease. Any property owner that has land abutting a lake or waterway must go through this process if they are going to do work that effects the submerged lands. After some discussion we decided to recommend adoption of the resolution to full Council as the City does not have any plans or immediate use for the lands in question. Move to receive and file this oral report.

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

Motion adopted. Six members voting yea.

Mr. O’Malley abstains.

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6. **RESOLUTION NO. 8957-17** – 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, approving the use of submerged lands for property located at and abutting 12900 Lake Avenue, Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A” and “Exhibit B”), in order to permit the owners the opportunity to undertake lakeshore protection measures. (REFERRED TO THE PUBLIC WORKS COMMITTEE 10/2/17) (Pg. 10)

Motion by Mr. Nowlin, seconded by Mr. O’Leary, to adopt Resolution 8957-17.  
Motion adopted. Six members voting yea.  
Mr. O’Malley abstains.

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7. **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. (1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 10/16/17) (Pg. 17)

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

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8. Liquor Permit Application for C1, C2 and D6 Stock types to Simon Beverage; 18414-26 Detroit Avenue, Lakewood, OH. (DEFERRED 10/16/17) (Pg. 22)

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

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

9. Communication from Councilmember Marx regarding Centennial Anniversary of Women’s Suffrage. (Pg. 23)

Motion by Ms. Marx, seconded by Mr. O’Leary, to receive and file the communication.  
Motion adopted. All members voting yea.

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**10. RESOLUTION NO. 8961-17 – A RESOLUTION commemorating the 100 year anniversary of women’s suffrage in Lakewood. (Pg.26)**

Councilmember O’Leary remarked on the upcoming November 15<sup>th</sup> League of Women Voters event to commemorate this anniversary. He thanked Councilmember Marx for bringing attention to this historic occasion.

A League of Women Voters volunteer answered a question posed by Mayor Summers regarding the wording of the original ordinance to be inclusive to immigrant women. It was concluded that this was intentional.

Councilmember Marx spoke highly of the League of Women Voters and the work that they do. She encouraged men and women to join this great organization. She highlighted that the evening’s Council meeting is being held on the 100 year anniversary.

Motion by Mr. O’Leary, seconded by Ms. Marx, to adopt Resolution 8961-17.  
Motion adopted. All members voting yea.

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**11. Communication from Councilmember Anderson regarding Chief Malley Phone App Proposal Recognized by FBI; (28)**

Rosemary Creeden – 1039 Homewood Dr.

Ms. Creeden of Frontline Services explained how she and Chief Malley came to work together on a grant to address needs of children exposed to homicide. She stated that research shows that the way in which survivors receive death notifications of their loved ones is critically important to their process of grieving. She explained that Chief Malley posed the original idea for an app to assist officers with the death notification process and that she wrote to the FBI to share the idea. Recently the Director of Victim Services for the FBI responded to Ms. Creeden’s letter informing her that the FBI is taking action on Chief Malley’s idea. Soon a death notification app will be available to every law enforcement officer in the country thanks to Chief Malley.

Chief Malley expressed appreciation for the chance to work with Frontline Services to help survivors recover from the trauma of violence. He explained that making a death notification is one of the most difficult things an officer must do. Sometimes there is a significant lag time between when an officer has received this training and when they must make a death notification. He remarked that the app will help fill this gap and provide a quick reminder to officers about what to do and say and what referrals to make.

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

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12. Communication from Law Director Butler regarding Resolution approving three-year collective bargaining agreement with Western Cuyahoga Lodge No. 25, FOP, Lakewood Division. (Pg. 30)

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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**13. RESOLUTION NO. 8962-17** – 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an agreement with the Western Cuyahoga Lodge No. 25, Fraternal Order of Police, Lakewood Division, for a three-year period commencing upon January 1, 2017 and ending December 31, 2019. (Pg. 31)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8962-17.

Motion adopted. All members voting yea.

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14. Communication from Law Director Butler regarding Ordinance amending various sections in Part Three, Traffic Code. (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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**15. ORDINANCE NO. 37-17** – 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 within Part Three, Traffic Code, of the Codified Ordinances of the City of Lakewood, to reflect recent changes in the state traffic code. (Pg. 34)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 37-17 to the Public Safety Committee.

Motion adopted. All members voting yea.

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

Mayor announced that security changes to the building are forthcoming and that in the future admission to evening meetings will only be through the rear auditorium door.

Councilmember O’Leary announced the League of Women Voters event in honor of the 100 year anniversary of women’s suffrage to be held Wed. November 15<sup>th</sup> at the Women’s Club Pavilion. He announced that tomorrow is Election Day and encouraged everyone to vote.

Director Beno announced the Veteran’s Day Ceremony Sat at Lakewood Park at 11:00 a.m.

Councilmember Litten thanked Director Beno and Mark Papke with the ward 3 water mane projects this fall.

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

Thomas Feeser – 17853 Lake Ave

Mr. Feeser thanked Council for moving forward with the Clifton Blvd. extension project. He remarked that the neighbors with whom he has spoken are all very pleased that traffic has slowed. He remarked on the expected next phase of the project to plan a crosswalk.

Motion by Mr. O’Leary, seconded, to adjourn the meeting.  
Meeting adjourned 8:20 PM.

Motion adopted. All members voting yea.

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

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CLERK

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PRESIDENT