

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 2, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by President Madigan.

Present: David Anderson, Shawn Juris, Mary Louise Madigan, Cindy Marx, Ryan Nowlin, Samuel T. O’Leary

Motion by Ms. Madigan, seconded by Mr. Anderson, to excuse the absence of Mr. Bullock. Motion adopted. All members present voting yea.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Human Resources Director Yousefi.

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Reading and Disposal of the minutes of the Regular Meeting of Council held December 15, 2014.

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer the minutes. Motion adopted. All members present voting yea.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

******OLD BUSINESS******

1. Committee of the Whole Report regarding Committee meetings - 1/26/15 (Process for Council’s consideration of Letter of Intent), and 2/2/15 (Resolution 8771-14, Ord 2-15) Chair; Madigan (To be provided)

Committee of the Whole Chair Madigan submitted the following report.

The Committee of the whole met January 26, 2015 to discuss the process this Council would use to deliberate the Letter of Intent delivered to us on Tuesday, the 20th of January. Present at the meeting were all Councilmembers, as well as Director Butler, the Mayor, and various members of the public.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the oral report.

Motion adopted. All members present voting yea.

2. **RESOLUTION NO. 8771-14** 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, appointing _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020. (Referred to the Committee of the Whole 11/3/14, Deferred 1/20/15) (Pg. 4)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.

Motion adopted. All members present voting yea.

3. **ORDINANCE NO. 2-15** – 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, authorizing and directing the Director of Planning and Development to enter into a purchase agreement with Liberty Development Company the TO SELL THE REAL PROPERTY LOCATED AT 1351 West Clifton Blvd. pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 1/20/15) (Pg. 5)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 2-15 on 2nd Reading.

Motion adopted. All members present voting yea.

4. Public Safety Committee Report regarding Resolution 8793-15. –Chair Bullock (Pg. 27)

Motion by Ms. Madigan, seconded by Mr. Anderson, to receive and file THE REPORT.

Motion adopted. All members present voting yea.

5. **RESOLUTION NO. 8793-15** - 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 an agreement with the Cleveland Clinic Foundation (CCF) which will allow police officers employed by the Cleveland Clinic Police Department to exercise limited police powers within the City of Lakewood on and around hospital property operated by CCF. (**PLEASE SUBSTITUTE** for Resolution No. 8793-15 Referred to the Public Safety Committee 1/5/15, Deferred 1/20/15) (Pg. 28)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to substitute Resolution No. 8793-15.

Yeas: Anderson, Juris, Madigan, Marx, Nowlin, O'Leary

Nays: None

Motion adopted. Resolution No. 8793-15 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8793-15 as substituted.

Mr. O'Leary provided the following comments in opposition to Resolution 8793-14. Indicated he would not support the resolution at this time, his comments are as follows:

I was present at the first Public Safety meeting, where this was discussed, unable to attend second meeting. However, based on what I heard from Chief Easton of the Cleveland Clinic Police Department at that first meeting, I'm just not persuaded that this particular resolution is brought forward with the public safety of Lakewood citizens foremost in mind. I think that from Chief Easton's comments it was pretty clear that this was a cost saving measure by the Clinic and that this was part of their system-wide push to get these memoranda understanding completed in all of the communities in which they operate. I think that given the nature of uncertainties questions currently present with respect to Lakewood Hospital's and its future I really would question fundamentally the need for a private police department to operate within the City at that facility when there are many, many other doctors' offices or medical buildings in the City of Lakewood that don't have their own, private police force. Similarly, I was not persuaded that the same public safety effect couldn't be achieved by the Clinic simply hiring more Lakewood Police Officers which it currently does already. And, in addition to that, I have remaining and lingering doubts to the extent that reporting is somewhat standardized under the memorandum of understanding as proposed, I still think that the reporting deadlines are not sufficient to guarantee speedy notification into the public as to crimes that may have been committed on Clinic property and also I think that the reporting standards in conjunction with that are also either vague or simply don't provide for the level of notification that we'd expect from our own police department. I also didn't hear from Chief Easton or the Cleveland Clinic Police that they have similar plans to forthwith look at how best to have either body cameras or other cameras operative on their police force so that we can make sure that the conduct that his documented either on the part of the suspect or the police officer is readily ascertainable department public so I continue to have a number of reservations with regard to this proposed memorandum of understanding and I simply cannot support it at this time.

Mr. Anderson indicated he appreciated the concerns Mr. O'Leary mentioned and indicated he has some of the same questions. He indicated he was satisfied with the response provided by the Chief. He said his main concern as he intended to support the resolution was addressed by Chief Malley during the last hearing about the interaction and the intersection between Clinic officers and Lakewood officers.

Councilmember Madigan indicated support of the Resolution referencing confidence in Chief Malley's review.

Yeas: Anderson, Juris, Madigan, Marx, Nowlin,

Nays: O'Leary

Motion adopted. Resolution No. 8793-15 adopted substituted.

6. **ORDINANCE NO. 3-15** – AN ORDINANCE to amend Section 1105.02 of the zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the zoning Map of the City with respect to certain property as set forth and described as 1351 West Clifton Blvd. (PPN 311-22-028) from C4 (commercial, Public School) to PD (Planned Development) (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 1/20/15) (Pg. 40)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 3-15 on 2nd Reading.
Motion adopted. All members present voting yea.

*****NEW BUSINESS*****

7. Communication from Councilmember Anderson regarding appointing Kate Spirgen to Citizens Advisory Committee. (Pg. 43)

Motion by Mr. Anderson, seconded by Ms. Madigan, to receive and file the communication.
Motion adopted. All members present voting yea.

8. Communication from Public Works Director Beno regarding Ordinance 903, Sidewalks and Curbs. (Pg. 44)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.
Motion adopted. All members present voting yea.

9. **ORDINANCE NO. 4-15** – AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks, of the Codified Ordinances of the City of Lakewood to remove the requirement that a sidewalk survey be included with the notice to re

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 4-15 on 1st Reading and refer it to the Public Works Committee.
Motion adopted. All members present voting yea.

Public Comment

Robert Horox, 14212 Cedarwood. Question regarding re-paving Madison.
Public Works – end of March, beginning of April start –

Reference was made by member of audience asking if the article in the paper describing a police officer's inappropriate choice of music while a person in police custody was being processed.

Mayor Summers indicated that Chief Malley had taken steps with the officer to address the behavior appropriately.

Lakewood Hospital – excellent presentation at Beck Center

Mayor Summers reference snow storm, 'can't salt while still plowing'. Indicated Lakewood citizens did really well in response.

Next Wednesday, February 11, 2nd meeting on Lakewood Hospital.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 7:53 PM.

Approved: _____

CLERK

PRESIDENT