

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 17, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by President Madigan.

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

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Human Resources Director Yousefi. Approximately nine members of the public.

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Reading and Disposal of the minutes of the Regular Meeting of Council held January 5, 2015.

Motion by Ms. Madigan, seconded by Mr. Nowlin approve the minutes without the necessity of a reading.

Motion adopted. Six members voting yea.

Mr. Bullock abstains.

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

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

1. Committee of the Whole Reports regarding February 9, 11, 17 (2015) Committees addressing Letter of Intent. Committee of the Whole Report of February 17, 2015 regarding Resolution 8771-14 & Ordinance 2-15. Chair; Madigan (To be provided)

Ms. Madigan submitted the following reports:

The Committee of the Whole met February 9th with the Cuyahoga County Health Commissioner Terry Allan. Council asked Commissioner Allan to give the public health perspective on heal and wellness and what it means to a city the size and demography of Lakewood.

We asked him to define population health, discuss the social determinants of health and to review the services for which we contract with the Cuyahoga County Board of Health. The Context in which he presented is two-fold. One, the rapidly changing health care environment nationally as well as locally and number two, our consideration of the proposed changes to Lakewood Hospital.

In addition, Director Gelsomino presented the City's Health & Human Services perspective of our investment in public health and what we need to continue to do to achieve strong families, children ready for schools, seniors supported by their community and community health and wellness. This was the second of our Committees for the Whole dedicated to exploring the many and varied layers of the Letter of Intent which was submitted to the Council.

We need to have background in order to ask questions and make an informed decision about the future of health care and health care facilities in Lakewood. All members were present as was the Mayor and Director Butler. Five members of the public attended.

Commissioner Allan explained population health as the alignment of public health and medicine. The discipline considers factors such as housing, education, air and water quality, transportation, safety, health behaviors and clinical care within a while picture of a healthy person and a healthy community.

He used examples of restrictions of tobacco use, improved education about tobacco and its use and decreased sale of tobacco products as three public health tools that directly impacted positive health outcomes in the state of Ohio. He shared national, state and county assessments that ranked physical health and social and economic outcomes for a community.

Council asked about relevant health risks, current health treatment and appropriate ways to measure health here in Lakewood, It was a vibrant discussion.

Nationally, Commissioner Allan tells us that research tells us that our health outcomes, that is the quality and length of our lives, that these outcomes are influenced largely by factors other than medical care. We make decisions about diet, exercise, chemical use, we feel the effects of our physical environment like air and water quality and we live with social determinants of health. Sometimes those are out of a person's control, those determinants are education, income, safety, family and social support among others.

The formula that now is accepted is that 20% of our health outcomes are about access and quality to clinical care while 80% is attached to policies, programs and personal choices.

The Cuyahoga County Health is available to assist with research, mapping and other public/private health care questions.

The meeting began at 7:00 PM and ended about 9:15.

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

Motion adopted. All members voting yea.

The Committee of the Whole also met Wednesday, February 11 with Lisa Fry a partner in Subsidiary Healthcare, the consultant hired by the LHA, the LHF and the Cleveland Clinic Foundation in July of 2013 to analyze strategic options for Lakewood Hospital. All members of Council were present as well as the Mayor, Directors Butler and Pae and seven members of the public attended.

Ms. Fry was asked to come to the Committee of the Whole so that members could meet her and ask her questions about the process Subsidiary used with the Lakewood Hospital Association to explore the healthcare market possibilities in Lakewood. Her presentation focused on the timeline which is available on onelakewood.com.

Council asked questions about property value, Finance, service trends, changes to service since the lease began in 1996 and other questions about the Lease. Some shared personal experiences and concerns about trusting the Clinic as a partner in the future based on the perception that services have been denigrated over time. It was a vibrant discussion. The public was invited to ask questions and some did and some made comments as well. The meeting ended at 6:47 PM, everyone left to attend the Community meeting in the auditorium.

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

Tonight the Committee of the Whole met. Present were all members of Council with an excused absence of Councilman Anderson. The Mayor was present as were Directors Siley and Butler. Tonight at Committee of the Whole we considered Ordinance 2-15 which is an ordinance to allow for a purchase agreement to sell 2.88 acres that make up the former McKinley School site to Liberty Development Company for \$500,000 to construct approximately 40 residential units.

This conversation began in the Fall of 2013 in order to reposition this site for an alternative and productive use.

The City of Lakewood and the Board of Education identified a number of mutual goals including creating residential options, bringing additional consumers into that neighborhood and most importantly adding to the tax paying base to support our schools and our city government and other public agencies.

Liberty Development was selected for this partnership and after our usual Lakewood style, very thorough public process, that went through the Planning Commission, ARB, and numerous public meetings we have now two pieces of legislation before us tonight which we are considering.

I want to cover first of all that the \$500,000 sale price covers our cost for clearing, cleaning and carrying that land for the time since from the Lakewood Board of Education – for almost two years. Approximately two years.

The Committee of the Whole voted unanimously to adopt Ordinance 2-15 at tonight's meeting.

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

We are considering filing one final seat for the Planning Commission, very important position and we moved to defer that decision until the next time Council met in full which is Monday, March 2 what will be in time for the next Planning Commission Meeting.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the oral report.
Motion adopted. All members 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. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.
Voice vote was considered inconclusive, and a roll call vote was taken.

To defer;

Yes: Anderson, Juris, Madigan, Marx, Nowlin

Nays; Bullock, O'Leary

Motion adopted. Resolution 8771-14 is deferred.

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, 2ND READING 2/2/15) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 2-15.
Motion adopted. All members voting yea.

4. Planning Commission Report regarding Recommendation McKinley School Site Rezoning Ordinance 3-15. (Pg. 29)

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

5. **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, 2nd READING 2/2/15) (Pg. 30)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 3-15. Motion adopted. All members voting yea.

6. **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 repair. (PLACED ON 1ST READING AND REFERRED TO THE PUBLIC WORKS COMMITTEE 2/2/15) (Pg. 33)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 4-15 on 2nd Reading. Motion adopted. All members voting yea.

****NEW BUSINESS****

7. Communication from Councilmember O’Leary regarding Request for Economic Impact Study of Lakewood Hospital Closure and Proposal set forth in Letter of Intent between Cleveland Clinic, Lakewood Hospital Association and Lakewood Hospital Foundation. (Pg. 36)

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

Discussion was had on expectations for the Committee of the Whole in reviewing the communication, what decisions were being asked of Council to make, if to prepare draft of an RFQ, what variables and time period to use - before issue of Letter Of Intent, or from the time of issue of Letter of intent?

Assertion was made if 1996 was timeline to begin - what conclusion can result in that likely to show Hospital had more employees then than today with less employees but businesses appear to be doing well.

Suggestion was made that the conditions considered would be those under the Letter of Intent to secure hard data. The communication allow for expanded exchange similar to issues being brought up during the present discussion. Aim is to seek from Council, public and the Administration – what conditions would be analyzed in an alternative scenario. Specifically, what would be the potential impact if the Hospital were to no longer exist on that site; what could potentially redeveloped the six acres or see another tenant for Hospital.

Questions raised as to what the expectation was for the timeline of the review, what legislation would be developed, what RFQ would look like; indication that this could take weeks to prepare, further time to publicly notice, follow up time needed to review and analyze. Assertion that the end result would arrive at an obvious conclusion – when you lose employees it would impact economy; question then would be what would be done with the space to re-purpose it. It was asserted that much of the information being sought will come out in the due process already in place; time at that conclusion of that process would afford the best opportunity to discuss unknown variables, identify if information is still required, and identify then if there is a need to seek further assistance.

Discussion was has as to whether a prepared document would be more appropriate to be submitted to the Committee of the Whole as details would be worked on off-line, outside Committee of the Whole with Administration and individuals involved to isolate issues. It was asserted that that details as to issues regarding real estate, economics, financials would be formulated beforehand and then presented. It was indicated that it was a good idea to queue up variables now but premature to bring it up for discussion because there would be weeks to walk through an RFQ/RFP; depending on how clear it is determined what is needed.

There was further discussion on the importance of receiving information that is past due, ; indication that some people were having discussions on the issues for an extended period of time – that under ideal circumstances there would be a much broader base of data for making decisions. Indicate that addressing issues now would eliminate Council coming back twelve weeks, sixteen weeks with idea of having overlooked an important impact that was not considered or even measured. It was asserted that the reason for the letter was to allow a process for opportunity to express what would happen as well for drafting to be done offline and the drafts could be brought back to Committee. The notion to bring in a completely finished RFQ for an up or down vote was intentionally avoided to allow for input.

Discussion continued with questioning if the intent was to review the information currently before Council first or if the expectation was that Council would immediately begin to develop an RFQ as a body. The response was that individual members of the Committee of the Whole could be as involved as much or as little as desired in drafting the RFQ. An offer to bring a draft was offered if that was what was needed. It was indicated that there was a wish to see a request for qualifications to go out as an initial step in Council deliberations. It was suggested current information and review of new would not be mutually exclusive.

Costs associated with the proposed RFQ were debated – and if intention was to take from Council’s consultant budget estimated at \$10,000. One suggested amount was the amount similar to that of the costs for the retained services for communications consulting the Administration paid and the need to review current expenditures and priorities of that budget. .

Questions about if the economic impact study was to provide information separate from what Subsidium provided; Whether an economic impact was included din the Subsidium report was discussed and if it was presented different form than that being requested.

If the intention was to spend the same amount as what was spent on the Subsidium report was asked, if a budget for resources to write it was anticipated or if writing would be done with members of Council. It was indicated that the letter was to seek input from members of Council and that intention was a collaboration with either in-house entities or private contractors. Cost estimated would come from what private actors might charge for the endeavor.

Discussion continued with support if the impact of doing nothing would be included; doing nothing by end of 2015, and impact of Clinic just running out the lease.

Discussion of parameters of the footprint, if radius around the hospital alone? – impact of entire City was discussed as possibility.

Discussion regarding RFP for legal counsel and scope overlap and whether legal representation would have information distinct from an economic impact study.

Support for the letter was discussed further to see if indications that current requests for information from Subsidiary have not been forthcoming and opportunity for information deserve to be explored.

Indication was a desire to see a comprehensive study would look like, what gaps can be filled in from information already received and identify what is missing.

Indication was made that if four or more members of Council wanted to go forward with

Motion to receive, file and refer to the Committee of the Whole –

Motion adopted. All members voting yea.

8. Communication from Councilmember Anderson regarding discussion to identify entity to serve Council and residents regarding the future of Lakewood Hospital and health care delivery in Lakewood. (Pg. 37)

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

Brief discussion on whether a conversation is important to see if Subsidiary met Council's needs or if it was worthwhile to seek other entities. An assertion was made as far as legal counsel hired for drafting of definitive agreement to consider review of alternatives up to litigation.

Motion adopted. All members voting yea.

9. Communication from Finance Director Pae regarding 2015 1st Quarter Transfers and Advances. (Pg. 38)

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

Motion adopted. All members voting yea.

10. **ORDINANCE NO. 5-15** - 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, law authorizing the transfer and advance of certain funds. (Pg. 39)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 5-15 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

11. Communication from Finance Director Pae regarding \$12,027,000 Renewal of 2011, 2012, 2013, 2014 Various Purpose General Obligation Bond Anticipation Notes (GO BANS) \$5,350,000 in 2015 GO BANS for new capital projects. (Pg. 41)

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

Motion adopted. All members voting yea.

12. **ORDINANCE NO. 6-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$12,027,000 in anticipation of the issuance of bonds to pay costs of (i) improving Madison Avenue by providing new traffic signalization; (ii) improving and renovating the refuse facility; (iii) replacing the roof on city hall; (iv) resurfacing Atkins Avenue, Arlington Road, Arthur Avenue, Blossom Park Avenue, Brockley Avenue, Clifton Boulevard, Cranford Street, Cove Avenue, Donald Street, Hird Avenue, Lakeland Road, Lakeland Avenue, Larchmont Avenue, Lauderdale Avenue, Lewis Drive, Madison Avenue, McKinley Avenue, Marlowe Avenue, Morrison Avenue, Nicholson Street, North Marginal Street, Northland Avenue, Olive Avenue, Overlook Road, South Marginal Street, St. Charles Avenue, Summit Avenue, Wascana Avenue, Waterbury Road, Woodward Avenue, Woodward Street, Wyandotte Avenue, and other streets located within the city; (v) improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals; (vi) improving the municipal garage ventilation system; (vii) improving parks within the city, including Lakewood Park, Wagar Park and the Lakewood Park skate house, together with all necessary appurtenances thereto; (viii) reconstructing Madison Avenue; (ix) constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; (x) improving sidewalks within the city, (xi) replacing a salt storage facility and (xii) improving the sewer system in the city by constructing the West End sewer separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto, and retiring notes previously issued for such purpose; and approving related matters. (Pg. 42)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 6-15 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

13. Certificate of Estimated Life and Maximum Maturity. (Pg. 49)

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

Motion adopted. All members voting yea.

14. **ORDINANCE NO. 7-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$2,000,000 in anticipation of the issuance of bonds; to pay costs of West End sewer separation project, together with all necessary appurtenances thereto. (Pg.51)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

15. Certificate of Estimated Life and Maximum Maturity. (Pg. 58)

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

16. **ORDINANCE NO. 8-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$1,500,000 in anticipation of the issuance of bonds; to pay the costs of resurfacing Arthur Avenue, Carabel Avenue, Cliffdale Avenue, Cook Avenue, Cranford Avenue, Edgewater Drive, Edwards Avenue, Garfield Avenue, Kenneth Avenue, Lake Point Drive, Maile Avenue, Nicolson Avenue, Ogontz Avenue, Owego Avenue, Rockway Avenue, Sloane Subway, South Marginal Drive, St. Charles Avenue, and other streets located within the city. (Pg. 59)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 8-15 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

17. Certificate of Estimated Life and Maximum Maturity. (Pg. 66)

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

18. **ORDINANCE NO. 9-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$950,000 in anticipation of the issuance of bonds; to pay the costs of improving parks within the city, including Lakewood Park, together with all necessary appurtenances thereto. (Pg. 67)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 9-15 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

19. Certificate of Estimated Life and Maximum Maturity. (Pg. 74)

20. **ORDINANCE NO. 10-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$650,000 in anticipation of the issuance of bonds; to pay costs of improving sidewalks within the city. (Pg. 75)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 10-15 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

21. Certificate of Estimated Life and Maximum Maturity. (Pg. 82)

22. **ORDINANCE NO. 11-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$250,000 in anticipation of the issuance of bonds; and to pay the costs of replacing or improving the roofs of city hall, city hall annex, Winterhurst ice rink and the city's service garage.(Pg. 83)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 11-15 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

23. Certificate of Estimated Life and Maximum Maturity. (Pg. 90)

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

Motion adopted. All members voting yea.

24. Communication from Law Director Butler regarding Updates to Chapter 145 Keep Lakewood Beautiful Board. (Pg. 91)

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

Motion adopted. All members voting yea.

25. **ORDINANCE NO. 12-15** - AN ORDINANCE amending Chapter 145, Keep Lakewood Beautiful Board, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of this board. (Pg. 92)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 12-15 on 1st Reading and refer to the Public Works Committee.

Motion adopted. All members voting yea.

26. Communication from Law Director Butler regarding Formalization of western Lakewood clean water pilot program. (Pg. 97)

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

Motion adopted. All members voting yea.

27. **RESOLUTION NO. 8794-15** - 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, establishing a pilot program in western Lakewood to remove clean water sources from the City's sanitary sewer system in the furtherance of the City's permitting under the Ohio Environmental Protection Agency; 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 for the pilot program, and to advertise for bids and enter into contracts for the purchase of repair, maintenance and operating supplies, services and equipment for the pilot program as authorized by the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law in an amount not to exceed \$900,000.00; declaring a nuisance; and identifying resident payment options under the pilot program. (Pg. 98)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution to the Public Works Committee.

Motion adopted. All members voting yea.

POST AGENDA:

Lakewood Family Collaborative re: Heroin & Opiate addiction help, Wednesday, March 11 discussion.

Ann Spence indicates necessity to afford changes to Lakewood Hospital. Indicates importance to see detailed list of assets before and after entire process. Indicated understanding something has to be done, understands the enormity of the issues, would like a hybrid pro-forma list; LHA/Foundation/appraisal values on properties, etc..

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 8:53 PM.

Approved:_____

CLERK

PRESIDENT