

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

Regular Meeting of the Lakewood City Council called to order at 7:38 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. Approximately 22 members of the public.

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Reading and Disposal of the minutes of the Regular Meeting of Council held January 20, 2015.

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

Motion adopted. All members voting yea.

Reading and disposal of the minutes of the Regular meeting of Council held February 2, 2015.

Motion adopted. Six members voting yea.

Mr. Bullock abstaining.

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

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.

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

1. Committee of the Whole Report regarding February 23, 2015 & March 2, 2015 Committee meetings addressing Letter of Intent submitted to Lakewood City Council by

the Lakewood Hospital Association (LHA) the Lakewood Hospital Foundation (LHF) and Cleveland Clinic. Committee Report regarding 8771-14 & March 2, 2015 meeting. (To be provided) Chair; Madigan

Ms. Madigan submitted the following reports:

February 23, 2015 Committee of the Whole

The Committee of the Whole met Monday, February 23, with all members present. Directors Pae, Yousefi, Butler, Chief Gilman and members of the public. Council asked Ken Haber in his volunteer role as Lakewood Hospital Foundation trustee, Mike Harrington, the Cleveland Clinic Chief Accounting Officer and Controller, and Ankit Chabra, the Senior Director of Finance for Lakewood and Fairview Hospitals to present the financial construct of the proposal before Council. Specifically, Council asked for the balance sheets of LHA, assets included in the proposal, and assessment of the risks and a general understand of how the package was negotiated. Mr. Haber very clearly pointed out that LHA and LHF representatives had the responsibility to consider a future for our city's healthcare needs within the following framework; Number one, does it meet the community's needs and number two, is it financially viable? To supplement the financial materials; charts, graph, narrative presented by both Subsidium and the Mayor, Mr. Haber and the Clinic representatives shared documents that were prepared by the Cleveland Clinic Foundation that showed the total assets as of 9/30/14, estimated transition costs, use of estimated assets, risks, and a summary of the proposal. Council questioned each document and asked for specific follow up.

Cleveland Clinic representatives also wanted Council and the Lakewood community to be aware that they have recently changed their policy to now accept Medicaid payments. It was discussed that the public perception is still very much to the contrary and that additional effort may be needed to change this. Three members of the public asked questions as well. Minutes and materials are all available on the City's and Council website and I encourage you all to continue to look at them and if you don't find the answers you need, please call the City or any member of Council.

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

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, 2/2/15, 2/17/15) (Pg. 6)

Motion by Mr. O'Leary. Seconded by Ms. Madigan, to substitute by inserting the name Kyle Baker.

Councilmember O'Leary indicated that Mr. Baker was dedicated, competent and professional and looked forward to approval of the Resolution.

Yeas; Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary.

Nays; None

Motion adopted. Resolution substituted.

Motion by Ms. Madigan, seconded by Mr. O'Leary, to adopt ad amended. ,

Motion by Mr. O'Leary. Seconded by Ms. Madigan, to insert the name Kyle Baker.

Yeas; Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary.

Nays; None

Motion adopted. Resolution adopted as substituted.

3. Rules & Ordinances Committee Report regarding Ordinance No. 61-14. (To Be Provided) Chair; O'Leary.

Mr. O'Leary submitted the following report:

The Rules & Ordinances Committee met this evening, all members of the Committee were present, as well as a couple members of the public. There was only one item on the docket this evening, that was proposed ordinance 61-14 which is our quarterly Codification ordinance. I've noted in previous reports on previous versions of this ordinance that this ordinance passed quarterly, merely instructs Lakewood's codifier to add those ordinances that the City passed that were modified in the last quarter to our Codified Ordinances. The Committee considered Proposed Ordinance 61-14 briefly and unanimously recommended adoption.

Motion by Mr. O'Leary, seconded by Ms. Madigan, to receive and file the oral report.

Motion adopted. All members voting yea.

4. **ORDINANCE NO. 61-14** – 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, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matters. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/15/14, 2ND READING 1//5/15) (Pg.7)

Motion by Ms. Madigan, seconded by Mr. O'Leary, to adopt Ordinance No. 61-41.

Motion adopted. All members voting yea.

5. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15) (Pg. 9)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 5-15 on 2nd Reading.

Motion adopted. All members voting yea.

6. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15) (Pg. 11)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 6-15 on 2nd Reading.

Motion adopted. All members voting yea.

7. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15) (Pg.20)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 7-15 on 2nd Reading.

Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15) (Pg. 28)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 8-15 on 2nd Reading.

Motion adopted. All members voting yea.

9. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15) (Pg. 36)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 9-15 on 2nd Reading.

Motion adopted. All members voting yea.

10. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15) (Pg. 44)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to Place Ordinance No. 10-15 on 2nd Reading.

Motion adopted. All members voting yea.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15) (Pg. 52)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 11-15 on 2nd Reading.

Motion adopted All members voting yea.

12. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/17/15)(Pg. 60)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 12-15 on 2nd Reading.

Motion adopted. All members voting yea.

13. **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. (1st Reading and referred to the Public Works Committee 2/17/15) (Pg. 65)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Resolution No. 8794-15 on 2nd Reading.

Motion adopted. All members voting yea.

Public Meeting at Harding at 8:00 PM was announced.

****NEW BUSINESS****

14. Communication from Councilmember Juris regarding Appointment of Donald Heckelmoser to The Citizens Advisory Committee. (Pg.76)

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

15. Communication from Councilmember Marx regarding scheduling hearing for public input on health management in Lakewood. (Pg. 77)

Discussion was had regarding the best Committee to refer the item to -
Suggestion was made that the intent of the letter was aimed at advancing a separate conversation from the current LOI discussions; to advance the culture of healthcare within the community based on what the citizens of Lakewood would feel would be in their best interest". It was further discussed that the Committee of the Whole would address alternatives and would accommodate the item with the extensive line up of meetings in place and with all members of Council available to discuss such issues; such as alternatives.

Motion by Ms. Marx, seconded by Mr. Bullock, to receive, file and refer the communication to the Committee of the Whole.
Motion adopted. All members voting yea.

16. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Citizens Advisory Committee. (Pg.79)

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

17. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Loan Approval Board. (Pg. 80)

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

18. Communication from Mayor Summers regarding MOU with Lakewood City School District over future project of mutual benefit. (Pg. 81)

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

19. **RESOLUTION NO. 8795-15** – A RESOLUTION authorizing the Mayor to enter into an agreement with the Superintendent of the Lakewood City School District committing the

City of Lakewood to a memorandum of understanding regarding the City's exploration of a future project of mutual benefit to the City and the School District. (Pg. 82)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution 8795-15 to the Finance Committee.

Motion adopted. All members voting yea.

20. Communication from Law Director Butler regarding Updates to Chapter 143, City Records Commission. (Pg. 87)

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

Motion adopted. All members voting yea.

21. **ORDINANCE NO. 13-15** – AN ORDINANCE amending Chapter 143, City Records Commission, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of the commission. (Pg. 88)

Councilmember Bullock asked if Court and Council representation could be added and still be coordinated with State Law. It was decided that further review would be provided in Committee.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 13-15 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted All members voting yea.

22. Liquor Permit Application for a D2 TREX to Bevy in Birdtown 12112 Madison Ave from Cincinnati, Oh 45239. (Pg. 95)

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

Motion adopted. All members voting yea.

23. Liquor Permit Application for D5, D6 to Citizens Eatery, 14600 Detroit Ave, from Pacers same address. (Pg. 96)

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

Motion adopted. All members voting yea.

24. Liquor Permit Application for D2, D2X, D3, D3A, D6 stocks to Barrio, 15527-33 Madison Ave. (Pg.97)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to the liquor permit.

Motion adopted. All members voting yea.

POST AGENDA COMMENTS

No members of the public signed in to speak

Mayor Summers re-iterated Tomorrow's EPA Public Meeting referenced in earlier communication. Announced the Third Community Meeting Tuesday March 10, focus on health care delivery from a clinical perspective. March 11, 2015 – Heroine and Hope event announced. Likely week of April 13th – anticipate a Wellness public meeting.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:21 PM.

Approved: _____

CLERK

PRESIDENT