

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 20, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 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, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Planning & Development Director Siley, Human Resources Director Yousefi, Approximately 10 members of the public, three members of the media.

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Reading and Disposal of the minutes of the Regular Meeting of Council held April 6, 2015. Motion made by Ms. Madigan and seconded by Mr. Bullock, to defer the minutes. Motion adopted. All members voting yea.

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

1. Committee of the Whole Reports of April 13, 2015, April 20, 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, and Ordinance Nos. 1-15- & 17-15 (To Be Provided) Chair; Madigan.

Ms. Madigan submitted the following oral report:

I am going to move to defer complete reports of both of these meetings. Generally, the April 13th meeting and tonight’s meeting are part of the previously published series of Committees of the Whole that we’re having to do research and answer questions that Council and the public may have about the letter of intent. I will have fully developed and clearly written reports within certainly the next meeting.

Move to defer the written reports and I will give you a verbal report on tonight’s meeting which was a presentation of the financial questions that have come up over time and a financial history of the hospital and into the development of the Lakewood Hospital Association provided by Director Pae. She presented a written report to Council in February 2015. It was an addendum to the report she gave us tonight, which she had forwarded to us last week. That report will be available

online. If members of the public would like a copy tonight I would be happy to provide that after the meeting.

Move to receive and file that partial report, seconded by Mr. Nowlin.

Motion adopted. All members voting yea.

Ordinance No. 1-15 to amend Section 1105.02

Ms. Madigan made an addendum to her previous oral report:

This was discussed in Committee of the Whole tonight. Director Siley presented a thorough review for us including slides of the lots, et cetera. At Committee of the Whole we moved to approve this ordinance unanimously. Move to adopt.

Discussion: Councilmember Anderson commented on the tax implications of demolishing property. He pointed out that the City is allowing the School District to demolish homes that currently provide property tax revenue to the City. He questioned whether there has been equal emphasis on the City remaining whole as there has been in the past about ensuring that the School District remain whole after a similar project.

Director Siley replied that the current project is driven by the Board of Education, which is different from a private developer. He stated that the baseline tax value cannot be managed under this arrangement as it was with a private developer. He pointed out that the City will receive a greater return value by investing in education.

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

Motion adopted. All members voting yea.

2. **ORDINANCE NO. 1-15** – 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 1207 Summit Avenue (PPN 311-31-094), 1206 Lakeland Avenue (PPN 311-31-095), 1600 Robinwood Avenue (PPN 314-12-040) and 1604 Robinwood Avenue (PPN 314-12-039) from R1H (Single Family, High Density) to C4 (Commercial, Public School). (PLACED ON 1st READING & REFERRED TO THE PLANNING COMMISSION 1/5/16, 2nd READING 1/20/15. RECOMMENDED FOR ADOPTION BY PLANNING COMMISSION & REFERRED TO COMMITTEE OF THE WHOLE 3/16/15). (Pg. 5)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 1-15.

Motion adopted. All members voting yea.

President Madigan indicated Ordinance 17-15 was discussed in tonight's Committee of the Whole and was recommended adoption.

3. **ORDINANCE NO. 17-15** – AN ORDINANCE amending Section 1161.03(t), Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood to allow outdoor dining year round where the patio is located fully on private property. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 3/16/15, 2ND READING 4/6/15) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 17-15.
Motion adopted. All members voting yea.

4. Finance Committee Report regarding Ordinance Nos. 43-14A & 19-15. (To Be Provided). Chair; Nowlin.

Mr. Nowlin submitted the following oral report:

Tonight the Finance Committee met to discuss proposed ordinance 43-14A and proposed ordinance 19-15. All members were present as well as Councilmember Marx and Finance Director Pae. First we discussed proposed Ordinance 43-14A, which is an amendment to the purchasing and contracting ordinance that we initially addressed through our budget process at the end of 2014. We entertained a substitute version this evening. We walked through the proposed changes in the ordinance. The first change was an increase of \$15,000 in the contracting authority for Housing and Building Plans Examination. The reason being, with the schools project and more work this year, this work is typically done in-house but we will need to outsource it because of the volume. There is an increase in Administrative Professional Services in the amount of \$125,000 in anticipation of outside consulting work related to the hospital conversation. That is one of the items included in the substitute version tonight. We also discussed the decrease in the Workers' Compensation Stop Loss Insurance as a result of new players in the marketplace. We were able to get a lower insurance cost to be held for two years. There was a request for an increase of \$25,000 for communication services which is primarily for air cards used by our safety forces as well as the marcs radio system that we use. That is a cost that goes through the State of Ohio which increased their subscription and required the additional increase. We talked about an increase in our advertising contract authority of \$6,500. This is directly related to the increase in sewer work being done and all the bids going out to request proposals for work. We discussed a \$150,000 increase in our road salt contracting authority which allows us to catch up on old costs as well as to buy additional amounts going into winter season 2015. Finally, we discussed an increase of \$10,000 in the Reforestation contracting authority which is about \$5,000 for Arbor Day recognition and tree planting events. The additional \$5,000 is related to the City planting more trees and the Reforestation was the other line item that was in the substitute version added since the correspondence initially came on. The Committee recommended adoption to full Council of 43-14A.

We also discussed proposed Ordinance 19-15. This was also a substitute version because at the time it was introduced we did not have our financing company identified. That company has been identified as US Bank Corp. Deals with amounts not to exceed \$3.7 million for various items listed on Schedule A of the proposed ordinance. These were all items we discussed during our 2015 budget conversations that took place at the end of 2014. The Committee recommended adoption of the proposed ordinance on its third reading at the first general meeting in May. That was the balance of our discussion this evening.

Move to receive and file that oral report.

Discussion:

Councilmember Bullock expressed concern about the State increasing the Marcs radio subscription fees. He asked if the City has any protection against fee hikes.

Chief Gilman responded, stating that there had been confusion in the contract period. The Steering Committee is working to have the fees lowered by the end of the year.

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

Motion adopted. All members voting yea.

5. **ORDINANCE NO. 43-14A** – 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, amending Ordinance 43-14, adopted December 15, 2014, 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 2015 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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/16/15, 2ND READING 4/6/15). (Pg. 17)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to substitute Ordinance 43-14A.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary

Nays: None

Motion adopted. Ordinance No. 43-14A substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 43-14A as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary

Nays: None

Motion adopted. Ordinance 43-14A adopted as substituted.

6. **ORDINANCE NO. 19-15** – 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 the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood (“City”). (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/6/15)(Pg. 23)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 19-15 on 2nd Reading.

Motion adopted. All members voting yea.

7. Public Works Committee Report regarding Ordinance 12-15, Resolutions Nos. 8799-15, 8800-15. (To Be Provided). Chair; Juris.

Mr. Juris submitted the following oral report:

The Public Works Committee met April 6th at 8:25 p.m. to discuss Ordinance 12-15 and Resolutions 8799-15 and 8800-15. Present were Committee members O'Leary, Bullock and myself, Councilmember Marx, and Directors Beno and Butler.

Ordinance 12-15 looked to amend Chapter 145 and specifically the size of the Keep Lakewood Beautiful Board. Director Butler and the Chair of KLB, Ruth Gillette, explained the history and the challenges of the Board's size which caused them to request it to be changed from 15 members to 10. The Committee voted to recommend adoption of the substituted version which is before you tonight with one abstention from Councilmember O'Leary due to family relations with the Chair.

Resolutions 8799-15 and 8800-15 were discussed as well. They were discussed together as they both pertain to a change in our bidding process. Resolution 8799-15 is in regards to the anaerobic digester at the wastewater treatment center. 8800-15 is for the sewer system pilot program. Director Beno summarized the projects and the unique challenges of these two items, which could be addressed by a change from our usual design-bid-build format to a design-build model. Within this change there would still be a publically noticed process involving an RFQ followed by an RFP, and finally, approval of the final contract by Council. Controls would also remain in place concerning a guaranteed maximum price. The sewer project already has this cap in place and the wastewater treatment project would establish this within the first quarter of the project. Finally, this format would only be used in these two specific situations where they are appropriate and is not a change in our codified ordinances. Both resolutions received unanimous votes to recommend adoption by full Council

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

Motion adopted. All members voting yea.

8. **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, 2ND READING 3/2/15)(Pg. 26)

Councilmember Juris explained the reasons for the substitute. The first is a clerical spelling correction under 145.01. The second is a correction under 145.05 to clarify that the fifty percent plus one refers to the current voting members.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 12-15.
Motion adopted. Six members voting yea.
Mr. O'Leary abstaining due to family member on Keep Lakewood Beautiful Board.

9. **RESOLUTION NO. 8799-15** –A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, 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 establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of digester upgrades and an electrical generation system at the wastewater treatment plant without the necessity of competitive bidding; and exempting the city from certain provisions with the Ohio Revised Code related to design-build contracting for the purpose of this project. (REFERRED TO THE PUBLIC WORKS COMMITTEE 3/16/15) (Pg. 31)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8799-15.
Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8800-15** A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, 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 establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of corrections to the sewer system under the western Lakewood clean water pilot project without the necessity of competitive bidding; and exempting the city from certain provisions with the Ohio Revised Code related to design-build contracting for the purpose of this project. (REFERRED TO THE PUBLIC WORKS COMMITTEE 3/16/15)(Pg.34)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution NO. 8800-15.
Motion adopted. All members voting yea.

11. Communication from Planning & Development Director Siley regarding Planning Commission Recommendation for 14823 Lake Ave. & 14818 Clifton Blvd – Rezoning. (Pg. 37)

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

12. **ORDINANCE NO. 14-15** – AN ORDINANCE amending 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 a portion of 14823 lake Avenue from (PPN 312-15-022) R1H (Single Family, High Density) to R2 (Single and Two Family). **(PLEASE SUBSTITUTE FOR ORDINANCE 14-15 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15, 2ND READING 4/6/15) (Pg. 38)**

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Ordinance 14-15 to the Committee of the Whole.

Motion adopted. All members voting yea.

13. **ORDINANCE NO. 18-15** – AN ORDINANCE dedicating certain parcels of land located at 1347 St. Charles Avenue, known as St. Charles Green, as a public park, to be designated as “_____Park.”. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 4/6/15)(Pg. 40)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 18-15 on 2nd Reading.

Motion adopted. All members voting yea.

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

14. Communication from Council President Madigan regarding appointing Colleen Zettler to the Citizens Advisory Committee. (Pg.43)

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

Motion adopted. All members voting yea.

15. Communication from Councilmember Bullock regarding Report from Saturday Lakewood Farmers Market on its 2014 season. (Pg.44)

Farmers Market Manager Jeanee Dentler provided a report to Council on the Saturday Farmers Market. Last season was a record for vendor participation with 22 full-time and 4 part-time vendors. Musicians were featured at many markets. The average turn out was 600 shoppers per week with a record of over 2,000 one week. She spoke about the goals and plans for the 2015 season. She mentioned the market’s partnership with WIC and EBT. She mentioned changes to take place in 2015. The expressed enthusiasm for a continuing partnership with the City.

In response to Council questions, the following information was clarified -

- how a vendor becomes affiliated with the market
- the vendor fee for the 2015 season
- method for counting customers
- potential expansion

Councilmember Bullock made additional remarks about the market. He acknowledged the work of former Councilwoman Monique Smith to get the market up and running.

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

16. Communication from Mayor Summers regarding Mayoral appointments to the Lakewood
Citizens Advisory Committee. (Pg.45)

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

17. Liquor Permit Application for D5 TREX to Voodoo Tuna, 15326 Detroit from Politix
Lounge 4062 Mayfield Road, South Euclid, OH 441212. (Pg.46)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.
Motion adopted. All members voting yea.

Public Comment

Brian Bardwell - 2119 Belle Ave.

Mr. Bardwell spoke about a new online feature provided by the State called
Ohiocheckbook.com. The website provides checkbook level detail on state spending. The State is
offering the opportunity to municipalities to partner in this endeavor at no cost. He asked if
Lakewood would be interested in doing this.

Mayor Summers and Director Pae responded. They have been in discussions internally and
with the State to participate.

Announcements

Mayor Summers announced that the City received \$200,000 for the demolition of the Hilliard
theater. The next step will be asbestos abatement. Timeline was discussed.

Motion by Ms. Madigan, seconded by Mr. O’Leary to adjourn.

Motion adopted. All members present voting yea.

Meeting adjourned 8:25 PM.

Approved: _____

CLERK

PRESIDENT