

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
NOVEMBER 16, 2015  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:40 PM by President Madigan.

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

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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, Planning & Development Director Siley, Human Resources Director Yousefi, Approximately 33 members of the public, members of the media.

Reading and Disposal of the minutes of the Regular Meeting of Council held October 19, 2015

Motion made by Ms. Madigan and seconded by Mr. Nowlin, to adopt the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

**\*\*\*\*\*OLD BUSINESS\*\*\*\*\***

1. Committee of the Whole Report regarding 11/9/15 & 11/16 Committee Meetings; Public Art Task Force; Ms. Madigan; Chair (To Be Provided)

Tonight's Committee of the Whole had three agenda items on it. We had an update from Director Siley on development issues. We discussed the Public Art Task Force. As usual there was an abundance of excellent and willing candidates. As always, we were looking for diversity and depth and dedication and we found those qualities in everyone who applied but we agreed in principle to four appointments tonight. There is also interest in expanding the Public Art Task Force to possibly include two more people so that may happen. As of right now, we will notify the four to determine that they still can and are willing to serve and I will submit their names on the next docket. We want to thank the administration for their help organizing this, particularly Shannon Strachan and Jason Russell and all the work that Council did to get us this far to make sure this is staffed and up and running before

December. We had a third item on our agenda which was an update from our attorneys. Move to receive and file this oral communication.

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

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2. **ORDINANCE NO. 32-15** – 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, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (**PLEASE SUBSTITUTE** for Ordinance No. 32-15, placed on 1<sup>st</sup> Reading and referred to the Finance Committee 10/19/15, Placed on 2<sup>nd</sup> READING & Recommended for adoption of substitute 11/2/15) (Pg. 7)

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

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3. Health & Human Services Committee Report regarding Resolution 8827-15. (To Be Provided) – Ms. Marx; Chair.

Tonight the Health and Human Services Committee met with the Cuyahoga County Department of Health to review the contract and the details of the services provided by the County Board of Health to the City of Lakewood. Mrs. Bach will attach the information we received from the County Board of Health to our minutes. Councilman Juris was present as were Councilmen Bullock, Anderson, and O’Leary. Councilman Juris recommended adoption of the ordinance and the committee unanimously approved the adoption. Director Gelsomino was there as well. Move to receive and file the report.

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

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4. **RESOLUTION NO. 8827-15** – 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 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 \$204,354.00 for a one-year period commencing January 1, 2016. (Referred to the Health & Human Services Committee 11/2/15) (Pg. 13)

Discussion: In response to a question by Councilmember Anderson, Director Pae clarified that the rate the City pays for services is based on a per capita figure and census information.  
Motion by Ms. Marx , seconded by Ms. Madigan, to adopt Resolution No. 8827-15.  
Motion adopted. All members voting yea.

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5. Liquor Permit Application for D5 and D6 transfers to Sarita A Restaurant from Players; 14523-27 Madison Avenue. Deferred 11/2/15. (Pg. 15).  
Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this application.  
Motion adopted. All members voting yea.

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

6. Communication from Councilmember Bullock regarding Recognizing Lakewood Alive for statewide awards from Heritage Ohio. (Pg. 16)  
  
Motion by Mr. Bullock, seconded by Ms. Madigan, to receive and file the communication.  
Motion adopted. All members voting yea.

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**7. RESOLUTION NO. 8828-15** – A RESOLUTION celebrating LakewoodAlive and the Downtown Lakewood Business Alliance for receiving the 2015 Heritage Ohio Best Committee Event award for their second annual Lakewood Wine & Craft Beer Festival, held September 13, 2014. (Pg. 17)  
Councilmembers Madigan and Marx made congratulatory remarks to LakewoodAlive and thanked them for their contributions to the community  
Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Resolution No. 8828-15.  
Motion adopted. All members voting yea.

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**8. RESOLUTION NO. 8829-15** – A RESOLUTION celebrating Tamara Racin and her custom children’s boutique, Paisley Monkey, for receiving the 2015 Heritage Ohio Main Street Business of the year award. (Pg. 18)  
  
Ian Andrews of LakewoodAlive addressed Council. He thanked Council and the administration for its support support. He remarked on the work of the Downtown Lakewood Business Alliance. He recognized individuals who made the Wine and Beer Festival a success. He recognized Tamara and Tom Racin of Paisley Monkey.

Motion by Mr. Bullock, seconded by Mr. Nowlin, to adopt Resolution 8829-15.  
Motion adopted. All members voting yea.

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9. Communication from Mayor Summers regarding Public Art Task Force. (Pg.19)  
Motion by Ms. Madigan, seconded by Mr. Anderson, to receive and file the communication.  
Motion adopted. All members voting yea.

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10. **RESOLUTION NO. 8824-15A** – 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, amending Resolution No. 8824-15, adopted October 19, 2015, to change the composition of the members of the Public Art Task Force. (Pg. 20)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to ADOPT Resolution No. 8824-15A.  
Motion adopted. All members voting yea.

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11. Communication from Mayor Summers regarding Acknowledgement of “Small Business Saturday”. (Pg. 22)

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

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12. Communication from Finance Director Pae regarding 2015 Year-End and 2016 Budget Ordinances. (Pg.23)

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

{\*Without objection from Council; the Clerk is directed to read items 13-28 for a blanket motion – to place on 1<sup>st</sup> Reading and refer to Finance }

13. **ORDINANCE NO. 33-15** - 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, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2015. (Pg. 24)

\*Blanket motion made after item 28

14. **ORDINANCE NO. 34-15** - 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 transfer and advance of certain funds. (Pg. 37)

\*Blanket motion made after item 28

15. **ORDINANCE NO. 35-15** - 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, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2016. (Pg. 39)

\*Blanket motion made after item 28

16. **ORDINANCE NO. 36-15** - 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 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 of operating supplies, services and equipment as authorized by the 2016 Appropriation Ordinances and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 52)

\*Blanket motion made after item 28

17. **ORDINANCE NO. 37-15** – 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 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 service contracts in accordance with the Administrative Code of the City of Lakewood for the Department of Planning & Development in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.56)

\*Blanket motion made after item 28

18. **ORDINANCE NO. 38-15** - 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, and 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 **Memberships** as authorized by the 2016 Appropriation Ordinance and the Administrative Code of the City of Lakewood contracts not to exceed \$60,000 without separate Ordinance of Council. (Pg. 59)

\*Blanket motion made after item 28

19. **ORDINANCE NO. 39-15** - 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, amending section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise

discharge wastewater either directly or indirectly into such system and any part thereof. (Pg.63)

\*Blanket motion made after item 28

20. **ORDINANCE NO. 40-15** - 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 Mayor (Director of Public safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Street Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 65)

\*Blanket motion made after item 28

21. **ORDINANCE NO. 41-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Wastewater System and Treatment Improvement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.67)

\*Blanket motion made after item 28

22. **ORDINANCE NO. 42-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Water System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 69)

\*Blanket motion made after item 28

23. **ORDINANCE NO. 43-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.71)

\*Blanket motion made after item 28

24. **ORDINANCE NO. 44-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for Vehicles, **Machinery and Equipment** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg.73)

\*Blanket motion made after item 28

25. **ORDINANCE NO. 45-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 75)

\*Blanket motion made after item 28

26. **ORDINANCE NO. 46-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of

Lakewood for **Traffic Signs & Signals** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 77)

\*Blanket motion made after item 28

27. **ORDINANCE NO. 47-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Parks & Pools Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 79)

\*Blanket motion made after item 28

28. **ORDINANCE NO. 48-15** - 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 Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manger to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Sidewalk Improvement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 81)

\*Blanket motion made after item 28

29. Communication from Planning & Development Director Siley regarding U.S. Department of Housing and Urban Development Fiscal Year 2016 CDBG Allocations. (Pg.83)

Discussion: Councilmember O’Leary explained the work of the Citizens Advisory Committee and expressed enthusiasm for hearing more about their work this year.

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

Motion adopted. All members voting yea.

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30. **RESOLUTION NO. 8830-15** – 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 submit the Fiscal year (FY) 2016 One-year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) fund and incorporates the City's application for CDBG funds and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and urban Development (HUD). (Pg. 84)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution 8830-15 to the Committee of the Whole.

Motion adopted. All members voting yea.

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31. Communication from Police Chief Malley regarding Resolution for D.A.R.E. Program Funding. (Pg. 87)

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

Motion adopted. All members voting yea.

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32. **RESOLUTION NO. 8831-15** – A RESOLUTION to take effect immediately provided it received 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 as the Director of Public Safety or his designee to enter into an agreement with the Ohio Attorney General to accept and expend funds for the City's Drug Abuse Resistance Education (D.A.R.E.) program in the amount of \$51,284 to continue to educate young people of the City of Lakewood as to the hazards of alcohol and drugs. (Pg. 88)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8831-15.

Motion adopted. All members voting yea.

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33. (ADD-ON) Liquor Permit for a D5 transfer to Foundry Concert Club; 11729 Detroit Ave.

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this application.

Motion adopted. All members voting yea.

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## PUBLIC COMMENT

Bonny Sikes – 1673 Arthur Ave.

Ms. Sikes referenced and criticized a decanting plan being carried out Cleveland Clinic. She asked the Cleveland Clinic to sign onto the citizen lawsuit against Cleveland Clinic. She

Tara Peppard - 1278 Edwards

Ms. Peppard thanked Councilmembers Anderson and Bullock for talking to her about Lakewood Hospital and thanked the leaders of Save Lakewood Hospital for their efforts. She stated that the City definitively needs a hospital to meet the needs of residents but that it does not need Cleveland Clinic. She criticized the terms of the letter of intent and the process. She implored Council to protect the community by saving the hospital. She asserted that financial losses at the hospital were intentional and that the public has been misled. She predicted that a new ER will not be viable without a hospital. She referenced an article about an ER in Kings County New York that recently was downsized to an urgent care. She read from the article. She stated that Cleveland Clinic should honor its contract. She urged Council to actively seek out a health system that would provide a hospital and an ER.

Judy Gillespie – 23003 Chandler’s Lane, Olmsted Falls

Ms. Gillespie expressed appreciation for being able to watch the Committee of the Whole in progress tonight. She remarked on events that transpired during the meeting. She compared the proposed healthcare plans in Lakewood to the situation that currently exists in East Cleveland, a community she characterized as “going down the tubes.” She said that East Cleveland residents get lost in the shuffle, have to drive long distances to receive care and that the whole community is suffering as a result. She stated that the election results reflect the importance of money in an election. She said that ultimately a city referendum will decide whether or not the hospital is to close.

Colletta Graham – 1286 Chase Ave.

Mrs. Graham remarked on the election and the Mayor’s campaign funds and donors. She read a letter sent to businesses stating that the writer will not patronize the business because of its Save Lakewood Hospital signs. The letter had no return address. She criticized these tactics. She remarked on an account of a person wearing a Save Lakewood Hospital t-shirt being asked to leave Lakewood Hospital. She made remarks on the Curtis Block.

Councilmember Bullock responded to an inquiry that Mrs. Graham posed in previous meetings regarding safety violations that Marymount Hospital Lab. He stated that:

- Every lab is independent and that a problem at one lab doesn’t carry over to another but that nonetheless Cleveland Clinic is conducting a systematic review of its labs.
- There were a number of staff changes made at Marymount as a result of the problems.

- A review of Lakewood Hospital's lab was positive.
- 11,000 patient records were reviewed and it was determined that no one was harmed as a result of the problems at Marymount.

Patricia Russell – 2100 Arthur

Mrs. Russell noted that City Council meetings and school board meetings are held simultaneously. She asked if one body would consider changing its schedule so that she and other members of the public can attend both meetings.

She asked how council will address the 48% of citizens who voted not to close hospital. She asked if another partner to run the hospital will be sought and when the topic will be next placed on the agenda.

Council President Madigan responded that Council is still meeting and considering the options. Council is trying to make a decision with all deliberate speed and working with its attorneys.

Councilmember O'Leary remarked that his approach during public comment has been to listen and that he hasn't viewed the forum as one conducive to constructive dialogue but that more opportunities for constructive dialogue need to be available. He stated that in order to live up to its goals of transparency that Council needs to engage in conversations that focus on its communication with the public. He stated that in the ongoing negotiations there are issues that are appropriate for executive session. He wants to make sure that everyone is brought along together moving forward. He remarked that the public comment forum is a tremendous opportunity for Council to listen and that he will continue to do so. He welcomed partnerships with colleagues to make structured conversations and dialogue happen.

Kevin Young – 1598 Elbur Ave.

Mr. Young provided a colorful narrative comparing the Santa Claus story to the plans presented by Cleveland Clinic. He spoke about corporate messaging; making the point that Cleveland Clinic carried this out strategically through election season. He concluded that Cleveland Clinic has violated its lease agreement and that closing the hospital will endanger lives. He asked for everyone to stand together for the truth.

Brian Essi – 15306 Edgewater

Mr. Essi read from a document from Surgical Development Partners which stated that the group is interested in discussions with Lakewood Hospital Association about future plans for the Lakewood Hospital main campus. He remarked on a phone conversation he had with the company, stating that the group provides a viable option. He stated that Mr. Gable has not responded or engaged with the group. He expressed strong feelings that Council is not pursuing all options. He said that LHA will only look at one option.

Mayor Summers responded, stating that he spoke at length with the CEO of Surgical Development Partners. He extended an invitation to the CEO to have further discussions.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:46 PM.

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

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CLERK

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PRESIDENT