

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 21, 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 (8:41 PM), Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Information Systems Director Colletta, Approximately 20 members of the public, members of the media.

Reading and Disposal of the minutes of the Regular Meeting of Council held September 8, 2015.

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

Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding Committee Meetings; Resolution 8805-15. (To Be Provided)

Last Monday at Committee of the Whole we discussed the Everstream resolution which was submitted to council. We had a conversation with the Mayor and Director Mike Coletta and had questions from representatives from Cox Cable. There was a motion made to approve resolution 8805-15 at the next full meeting of Council. This is an issue that came before Council back in May, May 18th 2015. It was deferred a number of times while further conversations were held with Cox Cable and Everstream and many questions asked and answered. Move to file that oral Committee of the Whole report.

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

Motion adopted. all members voting yea.

2. **RESOLUTION NO. 8805-15** – 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 Everstream, Inc., an Ohio corporation, or OneCommunity, an Ohio non-profit corporation, for the installation, operation and maintenance of a fiber optic communications system within the city of Lakewood without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in an amount not to exceed \$900,000. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/18/15, DEFERRED 6/1/15 & 6/15/15, 7/6/15, 7/20/15) (Pg. 4)

2. Reso 8805-15

Lisette Rivera – Public Affairs Representative, Cox Cable

On behalf of Cox Ms. Rivera expressed gratitude for the chance to serve Lakewood for 35 years. She stated that Cox has provided a network throughout Lakewood free of charge. She asked for fairness and courtesy to participate in a formal RFP process. She objected to the City spending \$900,000 to build a network that already exists. She asked for the vote tonight to be tabled and for a formal RFP to be issued.

John Lanson – Business Sales Manager for Cox

Mr. Lanson expressed his belief that a better comparison of proposals could have been made had the City issued a formal RFP. He explained why he believed Cox's network is superior to Everstream's. He asked about the timeline for building the network. He asked what the City's contingency plan is if Cox terminates its services.

Bill Major – VP of Everstream

Mr. Major stated that Everstream's brand new fiber network will future-proof the City, libraries, and schools for a fixed cost. He applauded the presence of competition in the community.

Charles Girt – CTO of Everstream

Mr. Girt stated that Everstream's 144 strands of fiber are more than enough to service the City's needs. He expressed enthusiasm for the opportunity to serve Lakewood.

Mayor Summers explained the history of the City's relationship with Cox and the reason for the informal bid process. The City has been in a non-binding agreement with Cox. The City began to explore options over a year ago when Cox stated that the City would have to begin paying for its services. The City expects its needs and the needs of the schools to continue growing. It is seeking enhanced security. The City entered discussions with Everstream and determined that their network can be built to be 40 times faster than its current network. Mayor Summers remarked on the value of investing in a new network that will retain its value for 20 years. He

remarked on other competitive advantages of Everstream, including internet at no cost. He described the City's needs for reliable high speed internet.

The City asked Cox to submit a proposal and described the City's needs. The City received proposals from Cox and from Everstream. Everstream offered a higher speed for a lower price. Their network will be available immediately to businesses on the commercial corridor, providing a competitive advantage. He summarized the benefits of the Everstream agreement. He remarked on the importance of equal access to the internet and the changing trends in technology. He expressed gratitude to Cox for its many years providing service to the City.

Information Systems Director Coletta remarked that issuing a RFP would handcuff the city in negotiations because you cannot counter negotiate in a formal RFP process. He stated that the free internet service offered by Everstream will save \$800,000 over the 20 year contract period. The City asked if Cox would provide free internet and they said they would not. He remarked on state contracts in relation to Everstream.

Councilmember Bullock expressed excitement about the opportunity for economic development this network provides. He believes that the new network will make Lakewood more attractive to target employers. For this reason he is comfortable supporting the resolution. He thanked Cox for its partnership over the years. He remarked on the benefits of the Everstream proposal including greater control over the long term, improved internet service, and enhanced competition in the commercial corridor.

Councilmember O'Leary expressed appreciation for the effort to put together the proposal. He asked about the structure of the company and if the benefits it provides to schools will continue to be available as the company grows. He asked about the status of the City's partners in this network, that is, the schools and libraries. He asked if the City has taken into account its partners needs for future growth.

Mr. Major responded stating that the traditional model of OneCommunity will continue to be delivered to governments and schools because of a recent capital investment the company received.

Mayor Summers replied that the City has been working closely with its partners. Because of school construction, schools are not yet ready to connect to the network. He stated that the new network structure provides more security and reliability because it separates the schools and the City. The City will make the schools whole whenever they decide to make the connection to the network.

Councilmember Juris asked if the City has received a counter offer or revised proposal from Cox based on the information shared over the past week.

Mayor Summers and Director Coletta replied that no, there has not been a revised offer.

Dir. Butler provided Councilmembers with an updated and amended version of Resolution 8805-15. It is the same version that Committee of the Whole recommended for adoption. The version

in the docket was the original version. He explained the changes that were made from the original to the amended version.

It was mentioned that the City received a third quote from Southshore cable which was a quote for the City to build, own, and maintain a fiber optic network.

Motion by Mr. Bullock, seconded by Ms. Madigan, to substitute Resolution 8805-15

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

Nays: None

Motion adopted. Resolution 8805-15 substituted.

Motion by Mr. Anderson, seconded by Ms. Madigan, to adopt Resolution 8805-15 as substituted.

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

Nays: None

Motion adopted. Resolution 8805-15 adopted as substituted

3. Finance Committee Report regarding Ordinance 26-15. (To Be Provided).

The Finance Committee met on September 14th at 9:30 p.m. Present were Councilmembers Juris, Bullock and Director Pae. After a motion was moved and passed to excuse the absence of our Chair, Councilman Nowlin, we went through a discussion of the quarterly transfers. As the name suggests, these transfers happen four times a year, basically shifting funds from one set of accounts to another to make sure that cash flow is maintained throughout the course of the year. With no objection to this, obviously this is just a mechanical move on the finance side of things, that motion was unanimously approved to recommend adoption by full Council this evening on its third reading. Move to receive and file.

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

Motion adopted. All members voting yea.

4. **ORDINANCE NO. 26-15** – 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 transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 7/20/15, 2ND READING 9/8/15)(Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance 26-15.

Motion adopted. All members voting yea.

5. Housing Committee Report; Ordinances 15-15 & 16-15; (To Be Provided)

The Hosing Committee met this evening from 5:30-7 and discussed a number of items including substitute ordinances 15-15 and 16-15. While I will make a full report of this evening's hearing available on the upcoming docket, I am prepared to speak on these two substitute ordinances specifically. The Housing Committee was unanimous in accepting the recommendation of the

Planning Commission to amend the side yard set-back requirements for air conditioning units, which is regarding Ordinance 15-15. What exists in the Code now is essentially a legacy provision. None of the variance requests to the Planning Commission or BZA were actually not allowed. It is essentially identifying something that might be clogging up the works and bringing it in line with what is needed today. The Housing Committee voted unanimously to recommend substitute resolution 15-15 for passage tonight upon third reading.

Regarding substitute ordinance 16-15, after robust committee discussion, the committee was unanimous in supporting the Planning Commission's recommendation to further define garage door height requirements within the Code and align these definitions with the Ohio Building Code. This adds consistency and also still provides an opportunity for the City to have information collected before there is a final approval. So this in no way substitutes the role of the Building Department or City Hall but brings things more in line for consistency with the Ohio Building Code. The Housing Committee voted unanimously to recommend that Council pass these two substitute ordinances on the third reading. The reason for the substitute is that the substitute basically fixed a drafting error in the original – nothing substantial. Move to have this oral report received and filed.

Motion by Mr. Anderson, seconded by Ms. Madigan, to receive and file the Housing Committee Report.

Motion adopted. All members voting yea.

- 6. ORDINANCE NO. 15-15** – AN ORDINANCE amending “Section 1121.07, Minimum Yard Requirements for Principal Buildings 1123.07, Minimum Yard Requirements for principal buildings, and 1127.07 Minimum Yard Requirements for Principal buildings OF the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 15-15 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15, 2ND READING 4/6/2015, REFERRED TO THE HOUSING COMMITTEE 9/8/15) (Pg. 9)**

Motion by Ms. Madigan, seconded by Mr. Anderson, to substitute Ordinance 15-15.

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

Nays: None

Motion adopted. Ordinance 15-15 substituted.

Motion by Mr. Anderson, seconded by Ms. Madigan, to adopt Ordinance 15-15 as substituted

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

Nays: None

Motion adopted. Ordinance 15-15 adopted as substituted

- 7. ORDINANCE NO. 16-15** – AN ORDINANCE to amend Section 1103.02 Definitions, and 1133.07, Measurement of building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 15-15 PLACED ON 1ST READING & REFERRED TO THE**

PLANNING COMMISSION 3/16/15, 2ND READING 4/6/2015, REFERRED TO THE HOUSING COMMITTEE 9/8/15) (Pg. 12)

Motion by Ms. Madigan, seconded by Mr. Anderson, to substitute Ordinance 16-15.

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

Nays: None

Motion adopted. Ordinance 16-15 substituted.

Motion by Mr. Anderson, seconded by Ms. Madigan, to adopt Ordinance 16-15 as substituted

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

Nays: None

Motion adopted. Ordinance 16-15 adopted as substituted

8. **ORDINANCE NO. 27-15**– AN ORDINANCE enacting Chapter 721, Donation Boxes, of the Codified Ordinances of the City of Lakewood, and establishing related fees. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/8/15)(Pg. 15)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance No. 27-15 on 2nd reading. Motion adopted. all members voting yea.

9. **ORDINANCE NO. 28-15** - AN ORDINANCE amending Section 135.05, Traffic Guards, of the Codified Ordinances of the City of Lakewood in order to adapt the Code to current needs of the City. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/8/15)(Pg. 18)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance 28-15 on 2nd Reading. Motion adopted. All members voting yea.

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

10. Communication from Mayor Summers regarding appointment to the Lakewood Citizens Advisory Committee. (Pg. 22)

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

Motion adopted. All members voting yea.

11. Communication from Mayor Summers regarding Public Art – Solstice Steps. (Pg.23)

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

Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8824-15** – 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, creating the Public Art Task Force for the purpose of creating a public art strategy for the City of Lakewood through thoughtful dialogue and community engagement and to advise municipal officials on the social, economic and environmental benefits to the city, its residents, businesses and institutions. (Pg. 24)

Motion by Ms. Madigan, seconded by Mr. Anderson, to receive, file and refer Resolution 8824-15 to the Committee of the Whole.

Motion adopted. all members voting yea.

13. Communication from Law Director Butler regarding Extension of Planning Commission review. (Pg. 26)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to receive and file the communication.

Motion adopted. All members voting yea.

14. Communication from Fire Chief Gilman regarding Fire Prevention Week 2015. (Pg. 27)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8825-15** – A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “When it comes to smoke alarms, it’s about “location, location, location”, at the 2015 Fire Prevention Week theme suggests. (Pg. 28)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8825-15.

Motion adopted. All members voting yea.

Announcements

Councilmember Marx announced that she went on the chicken coop tour yesterday and was impressed with the coops. She did not recognize any smell, odor, or noise from the pilot project coops. She encouraged colleagues to make appointments to visit the coops.

Public Comment

Matt Philips 1299 Frye

Mr. Philips described repair work that was done on his foundation over a year ago. A wall of his basement needed to be excavated. He obtained the proper permits. The first inspector signed off on the work leaving the storm sewer to drain into the sanitary system. At the end of the project the error was caught by a different inspector. He is being asked by the Public Works Department to re-open his basement wall. He is hoping there will be a better, less costly way to comply since he was led down a wrong path by the first inspector.

Ron Petrie 1345 Brockley Ave

Mr. Petrie remarked on Lakewood Hospital. He stated that Americans spend more on health care than citizens elsewhere and don't get better outcomes for their money. He stated that U.S. is in bottom half of health outcomes among industrial nations because of the political nature of healthcare here. He remarked further on this point. He acknowledged the importance of the jobs provided by Lakewood Hospital but focused on the expense of providing those salaries – expenses that need revenue to be sustainable. He asked where the revenue will come from. He referenced financial losses at Lakewood Hospital and the declining patient count. He stated that saving the Hospital means taking significant public resources away from other things the City needs. The City would have to raise taxes or reduce services, which it can't afford to do.

Mike Mangan 1519 Spring Garden

Mr. Mangan remarked on Lakewood Hospital. He questioned where the resources will come from to save the hospital. He spoke from his perspective as an engineer and spoke about hidden costs involved in renovation including ADA compliance, environmental impact, new code considerations, homeland security and other issues. He relayed different rumors that he has heard on this issue and called for more facts to get to voters. He questioned what the City would do with a vacant building.

Jean Blalock 2013 Waterbury

Ms. Blalock relayed rumors that she has heard about Lakewood Hospital. She stated that residents are in need of more and better information. She expressed concern about the proposed ballot measure. She suggested receiving communications in her water bill. She raised questions about the future plan for the hospital and the property.

Coletta Graham 1286 Chase Ave

Mrs. Graham spoke about problems with potholes on her street and sewer troubles. She complained that work on the streets and sidewalks was causing dust to become airborne and will further clog the sewers. She requested a street sweeper to service the street. She described an article that she read in the Plain Dealer about lab violations at Cleveland Clinic. She raised questions about lab safety at Lakewood Hospital.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:52 PM.

Approved: _____

CLERK

PRESIDENT