

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
DECEMBER 21, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:32 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, Health & Human Services Director Gelsomino, Police Chief Malley, Fire Chief Gilman, Human Resources Director Yousefi, Approximately 180 members of the public, members of the media.

Reading and Disposal of the Minutes of the Special Meeting of Council held December 14, 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.

Reading and Disposal of the minutes of the Regular Meeting of Council held December 7, 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 Committee Meeting 12/21/15 ; Ms. Madigan; Chair (To Be Provided)

Tonight’s Committee of the Whole meeting, we did simply an agenda review. There was no other business conducted. Move to submit that oral report.

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

Motion adopted. All members voting yea.

2. **ORDINANCE NO. 49-15** 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 execution and delivery of an agreement by and between the City of Lakewood, Ohio, a municipal corporation and political subdivision in and of the State of Ohio (the “City”), the Lakewood Hospital Association, an Ohio nonprofit corporation (“LHA”), and The Cleveland Clinic Foundation, an Ohio nonprofit corporation (the “Clinic”); and authorizing and approving related matters. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/7/15, PLACED ON 2ND READING 12/14/15) (Pg. 7)

Director Butler explained the four changes in the substitute version of the agreement. He stated that none of the changes should be considered substantive.

- At the suggestion of counsel, changes were made to Section 3.3 (b) Wind-Down Costs. The change does not change any of the assets that will or will not be returned to the City. The change is a drafting change that clarifies the section.

In response to a question by Councilmember Anderson, Director Butler clarified that any wind-down costs in excess of LHA’s net asset value will be borne by the Clinic and that the change to Section 3.3 (b) maintains this.

- Changes were made in Section 3.3 (d) (6) to clarify that LHA is responsible for disposing of donor-restricted assets. Donor-restricted assets do not belong to the City and would not have been rightfully returned to the City.
- Changes were made to Section 7.1 (d) No Litigation. A change was made to make reference to the court case Michael Skindell v. Mary Louise Madigan et al.
- A typo was corrected in Section 6.1 (a) (2) to clarify the correct figure mentioned was \$7, 600,000.

PUBLIC COMMENT

Ann Spence – 13939 Edgewater Dr.

Mrs. Spence spoke in support of Ordinance 49-15. She remarked on the evolution of her view on the Lakewood Hospital issue since January. She described the research that she performed. She acknowledged that while no one wants the hospital to close, that she believes there is no other choice.

Pam Wetula – 11813 Clifton Blvd.

Ms. Wetula spoke in opposition to Ordinance 49-15. She provided hand-outs. She read from a Frequently Asked Questions document published on the City’s website and criticized its content in reference to transportation, the alleged decanting plan, the city workforce, and taxes.

President Madigan responded to Ms. Wetula stating that City Council, staff, and administration have acted in the City's best interest every step of the way in the process. She encouraged courtesy.

Jay Carson – 13938 Lake Ave

Mr. Carson spoke in support of Ordinance 49-15 and thanked Council for moving forward. He expressed pride in the City for taking this step. He expressed appreciation to Save Lakewood Hospital for holding the City's feet to the fire.

Pam Smith – 1528 Elmwood

Ms. Smith spoke in support of Ordinance 49-15. She thanked Council for their patience and leadership. She remarked on the passion behind the issue. She thanked Councilmembers Madigan and Juris for their leadership and service.

Tom Monahan – 1487 Waterbury Rd.

Mr. Monahan spoke in opposition to Ordinance 49-15, stating that it is the most despicable agreement he's ever seen. He referenced Senator Joseph McCarthy. He expressed concerns about the jobs of hospital employees. He criticized Council's leadership and the master agreement. He graded the Council and Mayor with an "F." He said that he would write to the National League of Cities.

President Madigan summarized the names that Mr. Monahan called her in his remarks and objected to being compared to Joseph McCarthy. She said that his name-calling is offensive and representative of the mean spirit of the debate.

Mary Osbourne – 1655 Elmwood

Mrs. Osbourne spoke in support of Ordinance 49-15. She thanked Lakewood public servants for their patience, dignity and behavior during a contentious discussion. She expressed pride in being represented by fine people. She expressed enthusiasm for the continued presence of Cleveland Clinic in Lakewood. She remarked on the election results, concluding that they reveal the will of the voters to move forward with changes to Lakewood Hospital.

President Madigan clarified Ms. Osbourne's reference to the court case Michael Skindell v. Mary Louise Madigan et al. stating that the case was dismissed and Council is free to do its work. She read from the court decision.

Judy Gillespie – 23003 Chandler's Lane Olmsted Falls OH

Ms. Gillespie spoke in opposition to Ordinance 49-15. She referenced the alleged decanting plan and suggested corrupt motives of City officials. She criticized the notion that the City has no better choice. She criticized the deal and how it was reached.

Tom Gable – Rocky River

Mr. Gable, Chairman of the Board of LHA, spoke in support of Ordinance 49-15. He emphasized that the process has been led and initiated by LHA, not the Cleveland Clinic. He stated that the process has been about determining the best method of delivering health care

services based on public's needs. He objected to the characterization that Cleveland Clinic forced LHA into a decision. He remarked on the research process the board took on to get it right. He stated that no other group could provide health care for the City up to the standards of the master agreement. He discouraged further delays through lawsuits.

Becky Patton – 2382 Woodward

Ms. Patton spoke in support of Ordinance 49-15. Ms. Patton remarked on trends in health care and hospitals and the need to transform the hospital to a new model of care. She spoke about the merits of the agreement. She characterized closing the hospital as the right decision for the community.

Trudy Hutchinson – 2091 Lincoln

Ms. Hutchinson spoke in opposition to Ordinance 49-15. She criticized the non-compete clause in the master agreement and questioned whether the City could attract and retain independent providers without the hospital. She speculated that Lakewood residents covered by Affordable Care Act insurance plans might not be served the new family health center. She described what she believes will happen if Council votes yes and what will happen if they vote no on the ordinance.

Ellen Brytzwa – 1025 Nicholson Ave

Ms. Brytzwa, member of LHA, spoke in support of Ordinance 49-15. She expressed confidence in the master agreement. She characterized Lakewood's actions as saving healthcare by supporting the new family health center. She read from an article in Crain's Cleveland Business in favor of the deal.

Therese Buckley – 1278 Jackson Ave

Ms. Buckley spoke in opposition to Ordinance 49-15. She relayed her experience as a patient at Cleveland Clinic, citing problems of accessibility of services.

Barbara Coleman – 14916 Arden Ave.

Ms. Coleman spoke in opposition to Ordinance 49-15, stating that Cleveland Clinic stands to gain much more from the agreement than the City. She charged that the deal allows Cleveland Clinic to steal the City's assets and that the City gains nothing.

State Representative Nickie Antonio – 1305 Belle Ave

Representative Antonio expressed support for Council's approval of ordinance 49-15. She expressed appreciation to Council for its leadership on this issue. She asked the community to move forward with respect and civility. She reflected on previous community debates. She referenced the November election results. She expressed willingness to work with anyone ready to move Lakewood forward.

Coletta Graham – 1286 Chase Ave.

Mrs. Graham spoke in opposition to Ordinance 49-15. She explained that her reason for getting involved with Save Lakewood Hospital was that her husband's heart exercise class was discontinued and she was dissatisfied with the reason that was provided when she asked why. She remarked that the amount of money spent studying the issue is unjustifiable. She criticized

that the LHA property at Marlowe and Detroit and others have been vacant. She referenced the issue as a done deal.

President Madigan responded to Mrs. Coletta's charge that the decision was a done deal. She stated that the Council was initially divided on the issue.

Melissa Nautial – 17672 Edgewater Dr.

Ms. Nautial spoke in opposition to Ordinance 49-15. She referenced the alleged decanting plan and contemplated that LHA was unaware of it. She expressed concern about the impact of the hospital's closure on the welfare of the City's low income and senior populations. She expressed concern for the employees of the hospital.

Regina Koran – 2151 Wyandotte Ave

Ms. Koran remarked on the nature of the hospital debate. She stated that she saw merits in arguments on both sides of the issues. She suggested that Council take more time and wait for the emotions to settle.

Ken Kowalski – 1466 Waterbury

Mr. Kowalski noted the capitalist nature of the U.S. healthcare system. He expressed regret that the hospital will close but believes that keeping it open is not realistic. He encouraged Lakewood to move on without bitterness, rancor, or personal attacks.

Kelly Listor – 12400 Madison Ave #1008 Fedor Manor

Ms. Listor spoke about her experience as a Lakewood Hospital volunteer. She relayed her observations about the high quality of care provided by staff

Nancy Vaughan – 14909 Clifton Blvd.

Ms. Vaughan emphasized that Lakewood needs a hospital. She remarked on the tone of the debate and commented that Cleveland Clinic has eroded its reputation as a result of its management of Lakewood Hospital.

Mary Ann Mursal – 2181 Olive

Ms. Mursal spoke in opposition to the closure of Lakewood Hospital. She thanked members of Save Lakewood Hospital. She expressed hope that three councilmembers might change their minds and vote against ordinance 49-15.

Dr. Carl Culley – 17415 Edgewater

Dr. Culley provided anecdotes about his time working as a Cleveland Clinic physician. He remarked on the importance of outpatient care. He thanked council for its decision tonight.

Margurite O'Donnell – 1535 Wayne Ave

Ms. O'Donnell spoke in opposition to the closure of Lakewood Hospital, stating that it was not in the best interest of citizens for council to accept the agreement in its present form. She pointed out services that would be potentially profitable.

Leo Wetula – 2195 Warren Rd.

Mr. Wetula spoke in opposition to the closure of Lakewood Hospital. He made charges of bullying and intimidation. He stated that being emotional about Lakewood Hospital is a badge of honor and that Council is lacking emotion. He remarked that the community is in tatters as a result of the debate.

Pam McKenna – 12520 Edgewater Marine Towers East

Ms. McKenna spoke about a lack of heat in certain units at Marine Towers East. She expressed safety concerns about the use of space heaters and concern for the welfare of her neighbors.

At the suggestions of President Madigan, Fire Chief Gilman spoke with Ms. McKenna outside of the auditorium.

Thomas Fuller, MD – 13513 Edgewater

Mr. Fuller spoke in opposition to the closure of Lakewood Hospital. He urged council to not vote on the ordinance tonight. He criticized the administrative fees charged to Lakewood Hospital by Cleveland Clinic, the process, and the non-compete clause.

Carl Orban – 11852 Lake Ave

Mr. Orban thanked Councilmember Madigan and Juris for their service on Council.

Ron Petrie – 1345 Brockley

Mr. Petrie expressed support for ordinance 49-15. He remarked that the process was open and transparent and reflected on the election. He expressed optimism for new development on the hospital site.

Dr. Terrance Kilroy – 15431 Edgewater Dr.

Dr. Kilroy spoke in opposition to the closure of Lakewood Hospital. He criticized several aspects of the agreement. He remarked on the effect of the hospital's closure on the community and expressed concern about the divide among residents.

Gary Marmolya – 12200 Lake

Mr. Marmolya expressed concern about the decisions that led the hospital to become unprofitable. He charged that profitable services were given away and a lack of transparency.

Paula Reed – 1208 Manor Park Ave.

Ms. Reed acknowledged that no one wants to close Lakewood Hospital. She expressed support for the ordinance as a way to move forward.

Bonny Sikes – 1673 Arthur

Ms. Sikes spoke in opposition to the closure of Lakewood Hospital. She referred to the decision as irrational and criticized the council process. She urged council members to reconsider.

Paul Csia – 2107 Concord Drive

Mr. Csia stated that he wished he had heard of the financial problems at Lakewood Hospital earlier than January 2015. He remarked that the hospital can only stay open if it is profitable. He remarked on the election results and criticized the use of lawsuits.

Kevin Young – 1598 Elbur Ave

Mr. Young spoke in opposition to the closure of Lakewood Hospital. He suggested that the Cleveland Clinic intentionally made the hospital lose money. He remarked on the effect of the hospital's closure on the community and criticized the deal and the process.

Marguerite Harkness – 1585 Riverside

Ms. Harkness spoke in opposition to the closure of Lakewood Hospital. She remarked that she has reviewed the hospital's audited financial statements and that the hospital could remain profitable without the overhead charged by Cleveland Clinic. She criticized the agreement, stating that it puts the City, residents, and our economy in danger.

Tara Pappard – 1278 Edwards

Ms. Pappard spoke in opposition to the closure of Lakewood Hospital. She stated that the decision only benefits Cleveland Clinic. She expressed dismay over the agreement. She expressed concern for the elderly and those who can't drive. She stated that Cleveland Clinic intentionally made the hospital unprofitable because it wanted to leave. She accused Council of representing Cleveland Clinic.

Ruth Gillette – 1517 Clarence

Ms. Gillette spoke about Lakewood's strong community assets and spirit. She asked how the community can be engaged in the next steps of the process of redevelopment.

Ken Haber, President of Lakewood Hospital Foundation – 17897 Lake Rd

Mr. Haber read a public statement on behalf of Lakewood Hospital Foundation. The statement clarified that Lakewood Hospital Foundation is not a party to the agreement and was not involved in negotiations. It expressed continued commitment to supporting the community. Mr. Haber thanked council for its service.

COUNCIL DISCUSSION:

Councilmember Anderson asked a question about the transfer of \$500,000 mentioned in section 6.2 of the proposed agreement. He asked where the \$500,000 will be held when it is transferred to City

Director Pae responded that the money will go into the General Fund and will be encumbered in the economic development fund for use by the Planning Department. The remaining \$6.5 million is planned to go in the Land Acquisition Fund.

Councilmember Anderson asked where the \$200,000 due from the Clinic March 1st will be housed.

Director Pae responded that the location has not been identified yet but it will not go into City funds.

Councilmember Anderson asked where lease payments have traditionally gone and where the \$2.8 million will go.

Director Pae responded that the funds will go to the Lakewood Hospital Fund which funds EMS. The City will still receive EMS funds from its transports.

Councilmember Bullock spoke in support of the agreement. He remarked on the nature of the debate. He stated that voting no will not protect the hospital. He summarized the benefits of the agreement.

Councilmember O'Leary spoke in support of the agreement, stating that the circumstances require action.

Councilmember Anderson made remarks in support of the agreement.

Councilmember Juris made remarks in support of the agreement.

Councilmember Madigan remarks in support of the agreement.

On the motion to substitute

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

Nays: None

Motion adopted. Ordinance 49-15 substituted.

On the motion to adopt

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

Nays: None

Motion adopted. Ordinance 49-15 adopted.

President Madigan thanked the public for its participation.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to substitute Ordinance 49-15.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 49-15 as substituted.

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

Nays: None

Motion adopted. Ordinance 49-15 adopted as substituted.

3. Finance Committee Report regarding the following Finance legislation as noted. Mr. Nowlin; Chair (TO BE PROVIDED)

The Finance Committee met on three separate occasions to discuss several budget-related ordinances regarding 2016 for the City of Lakewood. It met on November 23rd, December 12th, and tonight, December 21st. All members were present at three meetings. We had an extensive discussion of the city's finances at those meetings and discussed various aspects of the budget for 2016 and talked a lot about. Committee members as well as council colleagues and members of the administration talked a lot about the direction the City is headed in 2016 and where we are going. Thanks to Director Pae, Mayor Summers and the entire Finance team for leading the charge of the budget season and putting together the packet for us. Tonight, not only did we discuss the budget ordinances, but we discussed proposed ordinance 31-15 which amends Chapter 128, Municipal Income Tax, which is mandated from the General Assembly for all municipalities to update their tax code. There was a lot of work that went into the drafting of proposed ordinance 31-15 in order to make sure that it complied with all of the mandates from the state, and so we had a substitute version of that ordinance that included some updated changes to make sure it was in full compliance. That was recommended for adoption unanimously by the committee

Of the several budget related ordinances – 33-15, 34-15, 35-15 and 38-15 were recommended for adoption with substitutes. As we go through those perhaps Director Pae could give us the quick reason why those were substituted. Those were recommended for adoption by full council unanimously. Ordinance numbers 36-15, 37-15, 39-15, 40-15, 41-15, 42-15, 43-15, 44-15, 45-15, 46-15, 47-15, 48-15 were all unanimously recommended for adoption by full council. Again, we will go through the reasons for substitutes as they come up on the floor. Move to receive and file this oral report.

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

4. **ORDINANCE NO. 31-15** – AN ORDINANCE to take effect on January 1, 2016 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 Chapter 128, Municipal Income Tax, of the Codified Ordinances of the City of Lakewood for the purpose of meeting the mandates for municipal tax codes contained in Sub. H.B. 5, in which the 130th General Assembly comprehensively amended Chapter 718 of the Ohio Revised Code and reformed the imposition of municipal income taxes. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 10/19/15, 2ND READING 11/2/15),. (Pg. 57)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to substitute Ordinance 31-15.
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary
Nays: None
Motion adopted. Ordinance substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 31-15 as substituted.
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary

Nays: None

Motion adopted. Ordinance 31-15 adopted as substituted.

5. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2ND READING 12/7/15) (Pg. 99)

Finance Director Pae provided reason for substitution; providing up-to-date numbers as they are confirmed.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance 33-15.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 33-15 as substituted.

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

Nays: None

Motion adopted. Ordinance 33-15 adopted as substituted.

6. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2ND READING 12/7/15) (Pg. 112)

Finance Director Pae provided reason for substitution; providing up-to-date numbers as they are confirmed.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance 34-15.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 34-15 as substituted.

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

Nays: None

Motion adopted. Ordinance 34-15 adopted as substituted.

7. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 114)

Finance Director Pae provided reason for substitution; providing up-to-date numbers as they are confirmed.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance 35-15.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 35-15 as substituted.

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

Nays: None

Motion adopted. Ordinance 35-15 adopted as substituted.

8. **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 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 11/16/15, 2nd READING 12/7/15) (Pg. 127)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 36-15.

Motion adopted. All members voting yea.

9. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 131)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance 37-15.

Motion adopted. all members voting yea.

10. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 134)

Finance Director Pae provided reason for substitution; providing up-to-date numbers as they are confirmed.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance 38-15.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 38-15 as substituted.

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

Nays: None

Motion adopted. Ordinance 38-15 adopted as substituted.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15)(Pg. 138)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 39-15.

Motion adopted. All members voting yea.

12. **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. (PLACED ON 1ST READING &

REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 140)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 40-15.
Motion adopted. All members voting yea.

13. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 142)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 41-15.
Motion adopted. All members voting yea.

14. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 144)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 42-15.
Motion adopted. All members voting yea.

15. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2ND READING 12/7/15) (Pg. 146)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 43-15.
Motion adopted. All members voting yea.

16. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2ND READING 12/7/15) (Pg. 148)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 44-15.
Motion adopted. All members voting yea.

17. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2ND READING 12/7/15) (Pg. 150)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 45-15.
Motion adopted. All members voting yea.

18. **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. (PLACED ON 1ST READING &

REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 152)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 46-15.
Motion adopted. All members voting yea.

19. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 154)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 47-15.
Motion adopted. All members voting yea.

20. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/16/15, 2nd READING 12/7/15) (Pg. 156)

Discussion: Councilmembers Bullock and Nowlin remarked on the budget process.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 48-15.
Motion adopted. All members voting yea.

21. Public Safety Committee Report regarding Resolution 8825-15. Mr. Bullock; Chair (To Be Provided)

Tonight we have a recommended adoption of resolution 8825-15 to authorize the Mayor, as the Director of Public Safety, to enter into an agreement with the City of Cleveland and the State of Ohio for providing public safety services – the interchange of public safety services for the 2016 Republican National Convention.

After several hearings our police leadership was able to get updated personnel provisions that made sense for the specifics of how our police department operates. As reflected in tonight's substitute resolution, which we'll make a motion shortly to consider. The significance for the citizens of Lakewood and for the region is twofold. One is that the Republican National Convention is a big deal economically but also in terms of the safety impacts and so our police forces are being requested. One of the advantages of engaging as a partner is that if needed, it's a two-way street. If we experience a safety event or need in Lakewood, through our participation we can draw upon the collective force, if needed, god forbid. We look forward to an enthusiastic discussion around the visit of a lot of national figures. And you'll probably see me down there commenting myself. Move to file that oral report.

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

22. **RESOLUTION NO. 8825-15** – 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, to authorize the Mayor, as Director of Public Safety, to enter into an agreement between the City of Cleveland and the State of Ohio for the interchange of public safety services for the 2016 Republican National Convention in Cleveland, Ohio. (REFERRED TO PUBLIC SAFETY COMMITTEE 10/5/15, DEFERRED 12/7/15) (Pg. 158)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8825-15.
Motion adopted. All members voting yea.

23. Rules & Ordinances Committee Report regarding Ordinance No. 27-15. (TO BE PROVIDED). Mr. O'Leary; Chair.

Rules & Ordinances met December 14th, last Monday, to have its second consideration of Chapter 721 Donation Boxes brought to us by Councilwoman Marx. This ordinance addresses the placement and regulations of donation boxes which are the bins or boxes throughout the City that receive clothing and shoes and other items. The ordinance provides for a registration and various requirements for the operators of those boxes so that they are checked and emptied in a timely way to prevent the accumulation of donated goods and other undesirable outcomes such as boxes ending up on people's property without their prior knowledge. This was our second round of discussion. This particular round of discussion addressed issues related to the permit fee as well as posted signage on the boxes.

Present were all the members of the committee as well as Councilmember Marx, and Law Director Butler. Following that discussion the committee unanimously recommended adoption of the ordinance before you tonight. I would add my personal thanks to Councilwoman Marx for her efforts in bringing this ordinance to the attention of Council. I think it is very much needed and provides Lakewood with an increased opportunity for philanthropic pursuits, which is great. Move that that report be received and filed.

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

24. **ORDINANCE NO. 27-15** – AN ORDINANCE enacting Chapter 721, Donation Boxes, of the Codified Ordinances of the City of Lakewood, and establishing related fees. **(PLEASE SUBSTITUTE** for Ordinance No. 27-15 PLACED ON 1ST READING and referred to the Rules & Ordinances Committee 9/8/15, 2ND Reading 9/21/15). (Pg. 173)

Discussion: Councilmember Anderson spoke in favor of the ordinance. Councilmember Marx thanked Law Director Butler and the Rules & Ordinances Committee for their help in getting the ordinance done.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 27-15.
Motion adopted. All members voting yea.

****NEW BUSINESS****

25. **RESOLUTION NO. 8838-15** - A RESOLUTION commending Mary Louise Madigan for her service as a member of Lakewood City Council. (To Be Provided)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8838-15.
Motion adopted. All members voting yea.

26. **RESOLUTION NO. 8839-15** A RESOLUTION commending Shawn Juris for his service as a member of Lakewood City Council. (To Be Provided)

Councilmember Juris delivered farewell remarks and read a quote that has guided his service as a councilmember.

Councilmember Bullock thanked Councilmembers Juris and Madigan for their hard work and service.

Mayor Summers expressed gratitude to Councilmembers Juris and Madigan for their service.

President Madigan expressed appreciation for the democratic process and for being a part of it.

Motion by Ms. Madigan, seconded by Mr. Juris, to adopt Resolution 8839-15.
Motion adopted. All members voting yea.

27. Communication from Mayor Summers regarding Mayoral Commission Appointments. (Pg.177)

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

28. Communication from Planning & Development Director Siley regarding Planning Commission; St. Charles Green Park. (Pg. 178)

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

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn.
Motion adopted. All members present voting yea.
Meeting adjourned 11:06 PM.

Approved: _____

CLERK

PRESIDENT