

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MAY 4, 2015  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35PM by President Madigan.

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

Motion by Ms. Madigan, seconded by Mr. Anderson, to excuse the absence of Mr. Bullock. Motion adopted. All members present voting yea.

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Also Present: Mayor Summers, Law Director Butler, Public Works Director Beno, Police Representative, Fire Chief Gilman, Human Resources Director Yousefi, Approximately 40 members of the public, a member of the media.

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Reading and Disposal of the minutes of the Regular Meeting of Council held April 20, 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 present voting yea.

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

1. Reports regarding 4/6/15, 4/13/15, 4/20/15, 4/21/15, 4/30/15 (Letter of Intent re: Hospital) and 5/11/15 Committee of the Whole meetings (To Be Provided). Chair; Madigan.

Motion by Ms. Madigan, seconded by Mr. Anderson, to defer the reports; Motion adopted. All members present voting yea.

President Madigan indicated she would provide a partial report (deferring the others): Committee of the Whole met this evening and discussed Ordinance 14-15. This is related to 14823 Lake Ave. already considered by the Planning Commission. There is property on Clifton right behind the property on Lake (the one on Clifton is an apartment building) that currently has eight parking spots. They want to add approximately six more by doing this consolidation that was before us. Even with adding those spots they still won't be up to the number of spots they need. The owner of the house behind the apartment building is also the owner of the apartment building. So we know that everyone is in agreement that this will

indeed happen. In addition they will be planting greenery and feel that this will help solve some of the problem. So the Committee of the Whole discussed that tonight with Bryce Sylvester from the Planning Department. At Committee of the Whole we moved to recommend adoption at tonight's meeting.

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

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2. **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 1<sup>ST</sup> READING & REFERRED TO THE PLANNING COMMISSION 3/16/15, 2<sup>ND</sup> READING 4/6/15, REFERRED TO COMMITTEE OF THE WHOLE 4/20/15) (Pg. 4)

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

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

Nays: None

Motion adopted. Ordinance 14-15 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt as substituted.

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

Nays: None

Motion adopted. Ordinance 14-15 adopted as substituted.

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3. Rules & Ordinances Committee Report regarding Ord. 13-15. Chair O'Leary (Pg. 6)

Motion by Mr. O'Leary, seconded by Mr. Nowlin, to receive and file the report.

Motion adopted. All members present voting yea .

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4. **ORDINANCE NO. 13-15** – AN ORDINANCE amending Chapter 143, City Records Commission, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of the commission. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 3/2/15, 2<sup>ND</sup> READING 3/16/15). (Pg. 7)

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

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

Nays: None

Motion adopted. Ordinance 13-15 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt as substituted.

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

Nays: None

Motion adopted. Ordinance 13-15 adopted as substituted.

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5. Public Works Committee Report regarding Resolution 8802-15 – (To Be Provided)  
Chair; Juris.

Tonight the Committee met to discuss 8802-15.

Present were Committee members O’Leary and myself. Councilmember Bullock was excused. Councilmembers Anderson, Madigan and Marx were also present as well as Director Beno.

Tonight’s topic was 5<sup>th</sup> and final phase of the traffic signalization. This project is focused on Hilliard and Franklin. The discussion was held to describe the change that has been warranted which would be the removal of the light at Hilliard and North Marginal. We went through some of the consequences and considerations involved. All of those intersections are warranted by CMAC – the Congestion Mitigation Air Quality program through the federal government administered by ODOT. After discussion on that and assurances that we will test the area first to ensure that traffic can be controlled and that the methodology will make sense. We were supportive of the strategy that the Public Works Department has come up with. We also discussed the change at the high school – the light configurations that will be changed as part of the plan over there. We are looking forward to seeing how it works out.

The Resolution was unanimously supported by the two members present and we recommended adoption by full Council.

Director Beno replied that the City will have to approve the removal. If the City decides to keep the light it will have to pay 100% of the cost which is approximately \$100,000. Traffic counts do not warrant ODOT financing.

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

Motion adopted. All members present voting yea .

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6. **RESOLUTION NO. 8802-15** – 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 City of Lakewood to participate in the upgrade and interconnect of traffic signals along Madison Avenue in the City of Lakewood with the Ohio Department of Transportation. (REFERRED TO PUBLIC WORKS COMMITTEE 4/6/15) (Pg. 14)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8802-15.

Motion adopted. All members present voting yea .

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7. **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”). (**PLEASE** SUBSTITUTE for Ordinance 19-15)

Placed on 1<sup>st</sup> Reading & Referred to the Finance committee 4/6/15, Reported out on,  
Placed on 2<sup>nd</sup> Reading & Recommended for adoption 4/20/15. (Pg. 16)

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

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

Nays: None

Motion adopted. Ordinance 19-15 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt as substituted.

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

Nays: None

Motion adopted. Ordinance 19-15 adopted as substituted.

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8. Liquor Permit Application for D5 TREX to Voodoo Tuna, 15326 Detroit from Politix Lounge 4062 Mayfield Road, South Euclid, OH 441212. (DEFERRED 4/20/15)(Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to file no objection to the application.

Motion adopted. All members present voting yea .

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

9. Communication from Mayor Summers, Council President Madigan and Councilmember Bullock regarding Clean Water Integrated Planning Task Force – Integrated Wet Weather Improvement Plan – Phase 1. (Pg. 20)

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

Motion adopted. All members present voting yea .

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10. **RESOLUTION NO. 8803-15** –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 Clean Water Integrated Planning Task Force for the purpose of assisting in the development of solutions to address Lakewood's wet-weather management needs through community engagement and to advise municipal officials on transformational improvements that will maximize social, economic and environmental benefits to the city, its residents, businesses and institutions for development of the EPA Integrated Wet Weather Improvement Plan. (Pg. 21)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution 8803-15 to the Committee of the Whole.

Motion adopted. All members present voting yea .

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11. Communication from Councilmember O'Leary regarding Appointment of Zach Brown to the Citizens Advisory Committee. (Pg. 23)

Motion by Mr. O'Leary, seconded by Mr. Nowlin, to receive and file the communication.

Motion adopted. All members present voting yea .

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12. Communication from Mayor Summers regarding Public Art – Solstice Steps. (Pg. 24)  
Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.  
Motion adopted. All members present voting yea .

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13. Communication from Law Director Butler regarding Resolution permitting Mayor Summers to enter into easement agreement with Commodore Club Apartments LLC for ingress and egress to maintain all storm water lines and sanitary lines. (Pg. 25)

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

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14. **RESOLUTION NO. 8804-15** – 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 to enter into a permanent access easement agreement with Commodore Club Apartments, LLC, an Ohio limited liability company, governing the rights of the parties relative to a parcel located at 18915 Detroit Extension, Lakewood, Ohio 44107 which grants the City access to the parcel for ongoing maintenance of the underlying water and sanitary lines for a payment of \$6,300. (Pg. 26)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution 8804-15 to the Public Works Committee.

Motion adopted. All members present voting yea .

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15. Communication from Police Chief Malley regarding receipt of \$10,000 donation for K-9 and training. (Pg. 30)

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

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16. Communication from Planning and Development Director Siley regarding Acceptance Grant from Cuyahoga County Property Demolition Program. (Pg.31)

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

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17. Liquor Permit Notice to Namaste India Garden, 14412 Detroit Avenue from Jay-Lor IV Inc. 16300-02 Detroit Avenue(Pg. 32)

Motion by Mr. Juris, seconded by Ms. Madigan, to file no objection to the application.  
Motion adopted. All members present voting yea .

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### Public Comment

#### Lori Allen – 1222 Ramona

Ms. Allen posed the following questions to Mayor Summers regarding negotiations with MetroHealth to run Lakewood Hospital.

- Why did Mayor Summers miss the October 1<sup>st</sup> deadline that MetroHealth earlier informed him of to conclude negotiations with MetroHealth to run Lakewood Hospital?

- Why does he refuse to let the public have a copy of the proposal that he killed by waiting past the deadline?
- What was the second proposal from MetroHealth? And why won't he release this to the public?

Jeannine Sabriski – 2166 Bunts

Ms. Sabriski asked Council to reevaluate Ordinance 506.03 which deems all pit bulls to be dangerous dogs. She stated that at the time of passage residents were assured that the topic would be revisited. She noted that in 2012 the State of Ohio removed its breed specific language from laws but that the state law did not overturn municipal laws. She stated that half of U.S. dogs are mixed breeds and so identifying pit bulls is inaccurate. She stated that lawsuits have been filed against the City because dogs have been incorrectly identified. She recounted how her dog was incorrectly identified and the administrative process that she went through and won. She quoted information and recommendations from the Centers for Disease Control. She provided statistics on dog bites and breeds in the City. She asked Council to consider mirroring Cleveland's ordinance. She provided an American Bar Association report for each Councilmember. She announced a parade called Bandanas for Banned Breeds to take place on Sat May 9<sup>th</sup> in the MetroParks where 383 people will attend.

Denise Geschwender - Parma

Ms. Geschwender is a Parma resident considering buying a Lakewood home. She spoke against breed-specific legislation. She said that she will not move to Lakewood because of these laws. She spoke about the flaws of visual breed identification. She asked Council to look at the facts. She stated that the ordinance is unenforceable. She asked Council to consider Cleveland and the State's approaches to be on the same page.

Marguerite Harkness – 1585 Riverside

Ms. Harkness spoke about the Lakewood Hospital issue. She stated that a Wellness Center does not replace a full-service hospital. She criticized Clinic officials for being unable to articulate what services would be included at the wellness center. She stated that the Cleveland Clinic should not be trusted. She pointed out the research that her group is doing. She encouraged Council to terminate the Letter of Intent and find another partner to move forward with. She provided full comments in writing.

Brian Essi – 15306 Riverside Dr.

Mr. Essi referenced a second MetroHealth proposal put before the City. He asked for the proposal to be made public as well as a working document authored by Councilmember Bullock. He encouraged allowing MetroHealth to resubmit a proposal and to back away from the Letter of the Intent if there are concerns.

Colletta Graham - 1286 Chase Ave

Ms. Graham expressed concerns about a recent public meeting with Clinic officials. She was disappointed with the format of the meeting and that not everyone had the chance to ask questions. She also expressed concerns about railcars moving through the City carrying carbon dioxide and that the City's parking meters are controlled by a California company.

Announcements

Mayor Summers provided Councilmembers with a document which updates progress made toward achieving 2015 strategic objectives.

He provided an update on the RTA Cleveland State line. Ridership is up over 13% in the first quarter of 2015 – indicating successful investment.

Mayor Summers also responded to comment made about MetroHealth Hospital proposal indicating he was not aware of any proposal submitted by MetroHealth.

Councilmember Marx announced the Welcome to Lakewood event.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:25 PM.

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

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CLERK

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PRESIDENT