

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 1, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 8:08 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, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Human Resources Director Yousefi, Approximately 120 members of the public, members of the media.

....

Reading and Disposal of the minutes of the Regular Meeting of Council held May 18, 2015. Motion made by Ms. Madigan and seconded by Mr. Nowlin, to adopt the minutes without the necessity of a reading. Motion adopted.

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

1. Committee of the Whole Reports re: Letter of Intent; Hospital, Written & to be provided; Chair; Madigan. (Pg. 5)

Tonight Committee of the Whole met with members of the public and members of the administration. We discussed a number of items starting with a Resolution to create the Clean Water Integrated Planning Task Force. Many members of public and Council remembers the long term control plan required by the EPA. We avoided part of it because of good planning and immediate actions taken by the City and this Council some years ago. That proved to the EPA that we are very serious about compliance with Clean Water Act. So now we’re moving into a different phase which is this IWWIP – the Integrated Wet Weather Improvement Plan – which takes us into another phase. This is a very important topic for all of us in the City because it deals with our water and sewer infrastructure and compliance with the Clean Water Act. That was one item that was discussed in the Committee. The Committee moved to adopt the creation of a Task Force.

Another item discussed was Ordinance 21-15 to enter into an agreement with a licensed real estate broker to market properties (all happen to be in Ward 4) for sale. Three of

those properties are already rehabbed. One is already sold. And there is another property we added tonight. So when that comes up we will have to move to amend.

The third issue we discussed was a discussion to enter agreement with Everstream Inc., which is an Ohio corporation, or OneCOMMunity, an non-profit corporation for the installation and operation of a fiber optic communication system within the City. What that is going to do is planning for our future, as most of what we do here is meant to do. It creates a flexible public network with residual benefits for the private sector which would essentially allow us to plan to begin a new design for community access. No action was required on that but it was the beginning of a discussion. We will be back in Committee of the Whole to discuss that.

So those were the three big items, and then, as we have for most Mondays since the middle of January, we began to discuss the Letter of Intent. We got an update from Director Butler and then I called an Executive Session.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the report.
Motion adopted. Six members voting yea.
Mr. Bullock absent for vote.

2. **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. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/4/15, DEFERRED 5/18/15) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8803-15.
Motion adopted. Six members voting yea.
Mr. Bullock absent for vote.

3. **ORDINANCE NO. 21-15** –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 Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 2126. Quail, 12217 Plover Street, 1615 Alameda Avenue, 2147 Dowd Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING AND REFERRED TO THE COMMITTEE OF THE WHOLE 5/18/15) (Pg. 8)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Ordinance 215-15 to include 1585 Newman Avenue.

Discussion:

Councilmember Anderson asked about the additional property and if a delay for additional review would present any time constraints.

Director Siley responded that the 1585 Newman property was added to the ordinance as a matter of efficiency. It was added based on previous discussions with Council regarding similar lots and goals. He indicated there was no pending deal, and that it was possible to separate the Newman property though the Department would like to move forward as soon as possible.

Roll call on the motion to amend
Yeas – Madigan, Nowlin, Juris
Nays – Anderson, O’Leary, Marx
Absent: Bullock
Motion fails.

Motion by Ms. Madigan, seconded by Mr. Anderson, to suspend the rules to pass Ordinance 21-15 on the second reading.

Yeas: Anderson, Juris, Madigan, Marx, Nowlin, O’Leary
Nays; None
Mr. Bullock absent for vote.
Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 21-15 on second reading.

Yeas: Anderson, Juris, Madigan, Marx, Nowlin, O’Leary
Nays; None
Mr. Bullock absent for vote.
Motion adopted. Ordinance No. 21-15 adopted.

4. **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) (Pg. 10)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.
Motion adopted. Six members voting yea.
Mr. Bullock absent for vote.

5. **ORDINANCE NO. 22-15** – AN ORDINANCE to amend various sections within Chapter 1129, Signs, of the Codified Ordinances of the City of Lakewood in order to update the code. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 5/18/15) (Pg. 13)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 22-15 on 2nd Reading.
Motion adopted. Six members voting yea.
Mr. Bullock absent for vote.

6. **ORDINANCE NO. 20-15** – 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 AND REFERRED TO THE FINANCE COMMITTEE 5/18/15) (Pg. 19).

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 20-15 on 2nd Reading.
Motion adopted. Six members voting yea.
Mr. Bullock absent for vote.

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

7. Communication from Councilmembers O’Leary, Anderson, Bullock, Marx and Madigan regarding Human Rights and Anti-Discrimination Legislation. (Pg.21)

Discussion – Councilmember O’Leary recognized the work done on this issue by Council colleagues past and present as well as members of the community. He commended the leadership on this issue throughout the history of Lakewood. He remarked that these protections have not yet found a place in the Code and that definitions have not caught up with the reality of today. He stated that the foundation of the legislation is the belief that we’re all equal and not all the same. He mentioned the discrimination that other groups have based on race, ethnicity, and sex.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.
Mr. Bullock arrived during this item at 8:30 PM
Motion adopted. All members voting yea.

8. **ORDINANCE NO. 23-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to effect and be in force at the earliest period allowed by law, to amend certain provisions of Chapter 516, Chapter 537, Chapter 142, Chapter 501, and Chapter 1327 of the Codified Ordinances of the City of Lakewood, Ohio, to ensure that all persons within the City have equal access to employment, housing, public accommodations, and education. (Pg.2 3)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 23-15 on 1st Reading and refer it to the Rules & Ordinances Committee .
Motion adopted. All members voting yea.

9. Communication from Council President Madigan regarding request for Master Agreement discussion. (Pg.45)

Item removed from agenda

10. Communication from Council President Madigan and Law Director Butler regarding Proposed Third Amended Charter of the City of Lakewood. (Pg.46)

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

Motion adopted. All members voting yea.

11. **ORDINANCE 24-15** – 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, providing for the submission of the electors of the City of Lakewood, a proposed Third Amended Charter of the City Lakewood. (Pg. 47)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 24-15 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

12. Communication from Councilmember Anderson regarding Madison Avenue Parking. (Pg.91)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

13. Communication from Finance Director Pae regarding 2016 Tax Budget. (Pg. 92)

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

Motion adopted. All members voting yea.

Law Director Butler arrives here at 8:30 PM

14. **RESOLUTION NO. 8807-15** – 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, approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2016, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (Pg.93)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution 8807-15 to the Finance Committee.

Motion adopted. All members voting yea.

15. Communication from Human Services Director Gelsomino regarding Title III of the Older American's Act, 2016-17 Proposal. (Pg. 94)

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

Motion adopted. All members voting yea.

16. **RESOLUTION NO. 8808-15** – 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 or his designee to apply for and enter into an agreement with the Western Reserve Area Agency on Aging for Title III of the Older Americans Act, Senior Community Services for the 2016-2017 program years. (Pg. 95)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8808-15 to the Health & Human Services Committee.

Motion adopted. All members voting yea.

17. Communication from Planning & Development Director Siley regarding Modification to the Rockport Square Planned Development (PD). (Pg.97)

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

Motion adopted. All members voting yea.

18. Communication from Planning & Development Director Siley regarding Proposed revisions to the Rockport Square development agreement. (Pg. 100)

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

Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8809-15** – 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 amended agreement with Rockport Square, LLC, or its assignee, affiliate or designee, for the development of the remaining phases of the Rockport Square development project. (Pg. 101)

Motion by Ms. Madigan, seconded by Mr. Anderson, to refer Resolution No. 8809-15 to the Committee of the Whole.

Motion adopted. All members voting yea.

20. Communication from Police Chief Malley regarding Hayes School Second Grade Class Donation of \$156.10 for K-9 Unit. (Pg.104)

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

Motion adopted. All members voting yea.

21. Communication from Police Chief Malley regarding Anonymous Donation to K-9 Program/training. (Pg. 105)

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

Motion adopted. All members voting yea.

22. Liquor Permit Transfers (D5, D6) to Game On Lakewood, 17103 Detroit Ave. from Jonny Malloys Lakewood. (Pg. 106)

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

Motion adopted. All members voting yea.

Public Comment

Pamela Smith – 1528 Elmwood Ave

Ms. Smith stated that last Wed. she and a group of like-minded residents delivered a letter to Councilmembers. She asked to read the letter into the record and to make a statement afterward.

The letter reads as follows:

Dear Council Members,

Recently, in a published letter from Chris DeVito, an attorney, to the City of Lakewood Law Director Kevin Butler, Mr. DeVito claimed he is representing “all residents and taxpayers of the City of Lakewood.”

This document represents Mr. DeVito’s point of view and mischaracterizes that he represents “all” Lakewood taxpayers. In fact, Chris DeVito does not represent us (the undersigned), each of whom is a resident and taxpayer in the City of Lakewood.

Lakewood Hospital is a valuable and important community asset. Since the proposal concerning its conversion from an inpatient to an outpatient facility was announced, a number of meetings have been held to explain comprehensively the rationale to the community and to give residents ample opportunities to ask their questions and express their concerns.

In our opinion, the Letter of Intent represents a promising redirection of resources to support health and wellness of our community in the 21st Century. This proposal is a sensible beginning to the serious negotiations ahead.

We ask you to be a part of Lakewood in changing the paradigm of medical care for now and the future. Help us become a measurably healthy city that is the envy of our neighbors and our county.

We ask you to think boldly and welcome community input in the exciting possibilities for the redevelopment of a significant parcel of land in our densely populated city.

Thank you for your service on our behalf.

Signed,
by 100+ people.

Ms. Smith explained the process by which the letter came about. She and the other signers felt that their perspective was not being heard. She spoke about her and her family's utilization of Lakewood Hospital over the years. While she never spent an overnight in Lakewood Hospital she has used many outpatient services. She remarked that this is reflective of overall healthcare trends. She urged Council to approve the Letter of Intent so that Lakewood can have a first class medical facility.

MaryAnn Crampton – 17895 Captain's Cove

Ms. Crampton indicated she has been to Lakewood Hospital many times but never overnight. She urged Councilmembers to protect the City's future stability and growth. She cited poverty statistics from the County and the City. She highlighted the parts of the LOI that invest in Lakewood – a \$34 million family health center, the possibility of two community foundations, and potential land for redevelopment. She remarked that Lakewood residents deserve a new, modern healthcare delivery system to serve the current population. She asked Council not let this opportunity with Cleveland Clinic slip away.

Pam Wetula – 11813 Clifton Blvd

Ms. Wetula remarked on her personal interactions with Lakewood Hospital. She stated that she is appalled at the path Council has taken regarding the Hospital's future. She stated that Cleveland Clinic has not been forthright and she questioned why City officials are letting it direct the City's future. She remarked on many of Lakewood's assets that are working hard to maintain their physical and economic strength. She stated that MetroHealth could manage Lakewood Hospital. She stated that a wellness center does not trump a hospital and that a new facility does not mean a better one. She asked Council to not build a wellness center at the expense of the Hospital. She strongly urged Council to reject the LOI and to pursue the means to keep the hospital alive.

Tom Monahan – 1487 Waterbury

Mr. Monahan indicated that he was speaking on behalf of the Committee to Save Lakewood Hospital. He stated that he wanted Council to draft a new RFP for the continued management and operation of the Hospital. He stated that the previous RFP process initiated by Subsidium on behalf of the Trustees was poorly managed. He urged Council to facilitate conversations with MetroHealth. He recommended that Council work with attorneys to indemnify the City for costs

and damages associated with the mismanagement of the hospital. He stated that Council should scrutinize all activities related to the hospital while these matters are pending.

David Stein – 1495 Clifton Place

Mr. Stein urged Council to look at the LOI and to make a decision. He stated that health in the 21st century is a pinnacle reason to approve the LOI. He noted that the Cleveland Clinic is willing to invest in the community.

Lori Allen – 1222 Ramona Ave

Ms. Allen remarked that expending funds on a fiber optic communication system is not beneficial. She mentioned a number of items she believes should take precedence such as repairing and resurfacing streets, replacing public works vehicles, repairing park equipment, and hiring more police officers. She urged Council to reject the fiber optic communication proposal.

Dean Dilzell – 1276 French

Mr. Dilzell referenced a letter sent from the President of MetroHealth to Mayor Summers in which the President outlined four prerequisites. He asked Mayor Summers to describe what he has done to respond to these four items.

Coletta Graham – 1286 Chase Ave

Ms. Graham commented on the sidewalk inspections on her street. She stated that the tabernacle is being taken out of Lakewood Hospital and remarked on the sad loss.

Edward Graham – 1286 Chase Ave.

Mr. Graham asked Council to consider selling property on Madison Ave. near Belle. That was once a parking lot with meters. He questioned whether Title III transportation will take people to the Clinic property in Avon. He remarked that if the Hospital closes, the largest employer in the City will be out of business. He remarked on the impact of lost income taxes and the effect on other businesses. He urged Council to prepare a RFP that is open.

Announcements:

Councilmember Anderson requested to revisit item #12 on the agenda and to refer it to Public Works. (Vote was reopened)

Councilmember Bullock announced that the Board of Control today approved a contract with Huron Consulting to assist with due diligence regarding the LOI. He explained the significance of this.

Dir. Butler remarked further on the contract with Huron Consulting. He summarized the four areas that Huron will help the City to analyze.

Councilmember Anderson thanked Council colleagues who participated in consultant interviews.

President Madigan made closing comments regarding the Hospital issue and the need to move forward and establish a timeline.

Mayor Summers announced the Taste of Lakewood and Meet the Trucks.

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

Motion adopted. All members present voting yea.

Meeting adjourned 9:20 PM.

Approved: _____

CLERK

PRESIDENT