

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 7, 2018
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Daniel J. O'Malley, Tristan Rader.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Police Chief Malley, Human Resources Director Yousefi, Fire Chief Gilman & Public Works Director Beno, Human Services Director Gelsomino, Tracey Nichols, Cathryn Greenwald

Reading and disposal of the minutes of the Regular Meeting of Council held April 16, 2018. Motion by Mr. O'Leary, seconded by Mr. Anderson, to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

*******ANNOUNCEMENTS*******

David Turner & Karen Kirsch OF First Energy

Mr. Turner & Ms. Kirsch described special programs offered by First Energy to help vulnerable populations afford their energy bills and make energy-efficient improvements. They distributed hand-outs describing the programs in greater detail. They described the programs as underused and asked for Council's help to get the word out to the community.

Mr. O'Leary thanked Mr. Turner & Ms. Kirsch and agreed that Councilmembers will benefit from these tools when talking with residents. He highlighted the energy-efficiency programs, noting that they go hand-in-hand with the City's work on resiliency.

Mr. Bullock thanked Mr. Turner & Ms. Kirsch for their help solving neighborhood problems involving power lines and utility poles. He mentioned one in particular that requires follow up.

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

Without objection from Council, items 7-12 were moved to the front of the agenda.

1. Committee of the Whole Report regarding May 7, 2018 Committee of the Whole meeting.
(To Be Provided)

Motion by Mr. O’Leary, seconded by Mr. Anderson to defer.
Motion adopted. All members voting yea.

2. **ORDINANCE NO. 27-18** –AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the 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”), and Carnegie Management and Development Corporation, an Ohio corporation (Carnegie”), related to the development of City-owned property at the southeast corner of Detroit Avenue and Belle Avenue, and authorizing and approving related matters. (1st READING 4/16/18, 2ND READING 4/23/18, 3rd READING 4/30/18) (Pg. 5)

Mr. O’Leary remarked that Council has met a great number of times on this topic. Tonight’s Committee of the Whole marked a point where Council had no additional questions or concerns.

Marguerite Harkness – 1585 Riverside Dr.

Ms. Harkness chastised Council for its prior decision to close Lakewood Hospital, calling it a conspiracy, among other things. She expressed her opinion that nothing at this site, including One Lakewood Place can make up for the economic loss of Lakewood Hospital.

Dean Dilzell – 1276 French Ave

Mr. Dilzell criticized the services to be provided at the new Family Health Center as inadequate. He referenced the recent Court of Appeals temporary restraining order. He critiqued specific sections of the term sheet related to carrying costs and the parking garage and also remarked on the return on investment calculation.

Patty Ryan – 1522 Arthur Ave.

Ms. Ryan spoke on behalf of the Chamber of Commerce in support of the term sheet and the Ordinance to approve it. She stated that the Chamber agrees that a mixed use development like the one being proposed will strengthen and enhance Lakewood’s business environment. She expressed excitement about the inclusion of new retail spaces and Class A office space. She praised the opportunity to design and create a new space like this and encouraged Council to approve the term sheet.

Jay Carson – 13938 Lake Ave.

Mr. Carson thanked Council for its work on the term sheet. He praised the proposed development as a way to create a vibrant downtown center and generate tax revenue. He urged Council to move forward with this fully vetted plan.

Tom Monahan 1487 Waterbury Rd.

Mr. Monahan made many specific suggestions for changes to the term sheet. He characterized the term sheet as one-sided in favor of the developer.

Judy Gillespie – Chandlers Lane Olmsted Falls 23003

Ms. Gillespie accused Council of failing to represent their constituents. She criticized the term sheet and the agreement to sell the property to the developer for \$1.

Steve Skantros - 1437 Parkwood

Mr. Skantros urged Council to approve the term sheet in order to allow Carnegie to appropriately market the project and attract the retailers it needs to make the project a success. He remarked on the great opportunity the project would be for Lakewood.

Tara Peppard – 1278 Edwards Ave.

Ms. Peppard criticized Council's prior decision to close Lakewood Hospital and campaign tactics that were used in the previous election. She urged councilmembers to not accept a deal with Carnegie, stating it is wrong to exchange the property for \$1.

Ed Graham – 1286 Chase Ave.

Mr. Graham accused the administration of misleading City Council with Ordinance 27-18. He advised Councilmembers to not trust the administration and to not pass the Ordinance. He argued that the Ordinance was handing over disproportionate authority to the administration.

Mr. O'Leary responded that an amendment was put forth to address some of these concerns. He also defended the practice of separately approving a term sheet and a development agreement.

Mr. O'Leary and Ms. George exchanged words about the nature of the Rockport agreement under the George administration – how that process was similar and different from this one.

Dave Wondolowski - 3250 Euclid Ave Suite #250

Mr. Wondolowski spoke as a representative of the Cleveland Building and Trades Council, urged councilmembers to support the ordinance for the economic development opportunities it will bring to Lakewood. He argued that other communities are envious of this opportunity.

Terry Joyce – 19601 Thornridge, Cleve

Mr. Joyce spoke as a representative of the Cleveland Building and Trades Council. He stated that many members of Local 310 are Lakewood residents who want to work on the proposed development. He reported that Carnegie has proactively reached out to the unions and has committed to using union labor. He asked Council to pass the Ordinance so that Local 310 members can be a part of this project.

Discussion:

Mr. Litten remarked that after researching the proposed project he is comfortable supporting it. He refuted the suggestion that the City is giving away the land and clarified that the land is the City's investment in the project. He stated that focusing on the sale of the land without considering the City's return on investment is short sighted. He suggested that the City find a way to honor the history of Lakewood Hospital as a way to come together. He also expressed commitment to communicating with residents impacted by the project.

Mr. Rader expressed uncertainty that the proposed mixed use development may not thrive as planned. He suggested that senior living or other residential development might be a better use. He acknowledged the process as professional and efficient but suggested that the beginning stages could have been more robust, similar to the school's 50 Year Plan process. He expressed hesitation about conceding so much authority to the executive branch, stating that Council should have the final vote and say on the binding agreement. He does not think that Mr. Anderson's amendment calling for additional community input goes far enough.

Mr. George acknowledged positive aspects of the proposed development such as the addition of Class A office space and the involvement of the building trades. However, ultimately she feels the development is not sustainable for the next 100 years. Other areas of concern are the public space component and Council being removed from approving the final development deal. She stated that she's not convinced the proposal is the best use for the site.

Mr. O'Malley stated that he will support the proposed development and that although some of the criticisms are fair, they do not outweigh the benefits the development will bring. He acknowledged that while Council will not get to approve the final agreement that the term sheet before Council is extraordinarily detailed compared to other term sheets. He expressed confidence that any significant project changes will be brought back before Council as agreed. He pointed out that Council has had the chance to provide its input regarding the contents of the term sheet. He pointed out that public investment is to be expected for a project this size and that few projects of this scale would have less investment than the amount Lakewood is investing through the land. He expressed excitement and confidence in various aspects of the project.

Mr. Bullock pointed to positive outcomes generated by the project such as immediate revenue for the schools, the additional Class A office space, and public access to the planned plaza. Addressing concerns previously stated, Mr. Bullock expressed confidence that should for some reason Council lose confidence in the administration and its execution of the development agreement that there are legislative tools Council could employ. He added that this would be unlikely, given that so far Council and the administration have worked in concert with the developer to co-design key features of the development. He highlighted that the planned development was the most ambitious one of all the responses received to the RFP and that he expects it to replace the economic loss of Lakewood Hospital.

Mr. Anderson thanked all who played a role in the past 15 months leading up to this moment. He praised the process has been clear and reasonable. He highlighted the inclusion of surety and performance bonds as a key feature. He stated that the market analysis backs up the need for new and varied retail spaces and will not adversely impact the current retail market. He remarked that the value of the land is less than \$1 as is and that this deal turns it into asset. He felt confident

that checks and balances are in place to ensure that the administration cannot execute an agreement not in concert with the term sheet.

Mr. O'Leary thanked everyone in attendance for informing the process. He expressed confidence in the process, stating that it has exceeded the standard for similar processes. To those who believe that the proposal is not the right fit, he responded that that statement is not justifiable in the absence of an alternative proposal or idea. He expressed optimism about the City, the building trades, and the developer all coming together collaboratively. He stated that the final product here is a stand out and that the courageous vote tonight is to support the project and move the City forward.

It was clarified that the version of the Ordinance on the docket includes Councilmember Anderson's amendment.

On the motion to adopt Ordinance 27-18.

Yeas: Anderson, Bullock, Litten, O'Leary, O'Malley

Nays: George, Rader

Ordinance 27-18 adopted

3. Finance Committee Report regarding Resolution 8993-18. (To Be Provided)

We had a Finance Committee Meeting April 30th in the East Conference Room. We discussed Resolution 8993-18 which dealt with the High Rate Facility Waste Water Treatment Plant improvement project. City Engineer Papke provided an overview of the proposed High Rate Treatment Facility as described in the City's permit with the EPA. The high rate treatment plant is necessary to eliminate a combined sewer overflow, which occurs when the WWTP reaches capacity during wet weather events. This Resolution will authorize Council to enter into a Water Pollution Control Loan Fund Agreement in the amount of \$13 million at 0% interest and in the amount of \$5.7 million at a standard interest rate. The fund is a state revolving loan fund for large scale projects. The loans are expected to be repaid over 30-40 years. These funds must be secured before the project goes out to bid. The City was recently awarded a \$3 million grant and a \$3.4 million loan at 0% interest from OPWC. The City feels fortunate to receive any grant funding as grants are more difficult to obtain. That funding is separate from the Loan Fund Agreement addressed in this Resolution. In response to Councilmember questions, Engineer Papke remarked further on the importance of the project. He explained that eliminating this specific CSO is a high priority of the EPA and addressing it is a major tenant of our current permit. Engineer Papke further explained the next steps after Council approves the resolution and the timeline of the project. The City is on schedule to go out to bid for this project in August. The Facility must be operational by 2022. Repayment of the debt is not required until that time. The debt is enterprise debt and will not count against the City's borrowing ability.

A motion was made and seconded to recommend adoption of Resolution 8993-18 to Council which passed unanimously. Finance Director Pae was also present at that meeting and very

helpful. Also present were all members of the Finance Committee and Councilman Rader as well and a member of the public.

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

Motion adopted. All members voting yea.

4. **RESOLUTION NO. 8993-18** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor, Director of Public Works, Finance Director, Law Director or City Engineer to apply for, accept and enter into a Water Pollution Control Loan Fund (“WPCLF”) Agreement on behalf of the city for planning, design and construction of the High Rate Treatment Facility Waste Water Plan Improvements Project (“Wastewater Facilities”) and designated a dedicated repayment source for the loan. (REFERRED TO THE FINANCE COMMITTEE 3/19/18) (Pg. 22)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Resolution 8993-18.

Motion adopted. All members voting yea.

5. Planning Commission Report regarding 1456 & 1470 Warren Road Rezoning. (Pg. 24)

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

Motion adopted. All members voting yea.

6. **ORDINANCE NO. 25-18** – AN ORDINANCE to amend 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 1456 and 1470 Warren Road (PPN 314-04-063), from C4 (Public Schools) to C3 (Commercial, General Business). (REFERRED TO THE PLANNING COMMISSION 4/2/18, 2ND READING 4/16/18) (Pg. 25)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer to Committee of the Whole.

Motion adopted. All members voting yea.

****NEW BUSINESS****

7. Communication from Councilmember O'Malley regarding Recognizing National Police Week. (Pg. 27)

Motion by O'Leary, seconded by Mr. Anderson to receive and file the communication with the corrected date.

Motion adopted. All members voting yea.

8. **RESOLUTION NO. 8997-18** – A RESOLUTION to recognize the service of the Lakewood Police Department and law enforcement officials everywhere during National Police Week 2018. (Pg. 28)

Motion by O'Leary, seconded by Mr. Anderson to adopt Resolution 8997-18.

Discussion: Mr. O'Malley expressed appreciation to police officers who are working hard to keep the community safe. He recognized Chief Malley and Sergeant Pietch, present on behalf of the Fraternal Order of Police Officers.

Motion adopted. All members voting yea.

9. Communication from Councilmembers Anderson and Bullock regarding Gun Violence. (Pg. 29)

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

Discussion: Mr. Bullock expressed thanks to the citizens who brought this forward and to the students showing leadership on this issue. He acknowledged that we lack the tools to address these issues due to the lobbying power of special interest groups. He advised persistence, patience and determination to get common sense gun legislation passed.

Mr. Anderson spoke personally about the climate of violence and its effect on today's kids.

On the motion: Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8998-18** – A RESOLUTION declaring the first Friday in June to be National Gun Violence Awareness Day in Lakewood to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence. (Pg. 31)

Molly Crowe - 15106 Edgewater Dr.

Ms. Crowe spoke on behalf of the local chapter of Moms Demand Action for Gun Sense in America. She shared information and statistics about gun violence and thanked Council for recognizing the need for action. She called on Council to support the efforts being made in the Statehouse on this issue and to be tenacious and not give up

In response to a question by Mr. Rader, Mayor Summers and Chief Malley commented on the preparedness of Lakewood City Schools. Mayor Summers remarked on steps the City and schools are taking regarding surveillance cameras, training, EMS response speed, and communication. Chief Malley pointed out that gun violence has been more present in the community than in the schools and that officers are engaged in ongoing training and preparation for these events. Mayor Summers added that Cleveland Clinic provides mental health services in the high school, an important preventive measure.

11. Communication from Councilmembers Bullock and George regarding Declaring May to be Lakewood's Bike Month. (Pg. 33)

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

Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8999-18** – A RESOLUTION declaring May, 2018 Bike Month in Lakewood. (Pg. 34)

Motion by Mr. O'Leary, seconded by Mr. Bullock to adopt Resolution 8999-18.

Mr. Bullock expressed optimism that cycling has increased along with support and education. He remarked on the benefits of cycling and of our community achieving a critical mass of cyclists.

Motion adopted. All members voting yea.

A member of Bike Lakewood addressed Council to share events taking place in celebration of national bike month such as Bike to School Week, Bike to Work Day and upcoming safety courses

13. Communication from Law Director Butler regarding Resolution approving street encroachment permit. (Pg. 36)

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

Discussion: In response to a Councilmember question, Director Butler clarified that the property will remain City property but that the City is granting Cleveland Clinic the right to use the

property for a private purpose. He pointed to an example of where this arrangement is made elsewhere in the City. He stated that it is an obligation under the Master Agreement for the City to carry the Clinic's plan into effect.

Motion adopted. All members voting yea.

14. **RESOLUTION NO. 9000-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, approving of a street encroachment permit pursuant to Section 901.18 of the Codified Ordinances in favor of the Cleveland Clinic Foundation, in furtherance of the approved site plan for the permittee's family health center. (Pg. 37)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer to Committee of the Whole.

Motion adopted. All members voting yea.

15. Communication from Law Director Butler regarding Resolution approving purchase agreement for Hilliard Theater property. (Pg. 44)

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

Motion adopted. All members voting yea.

16. **RESOLUTION NO. 9001-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor and Director of Law to enter into a purchase agreement with Robert Dobush, owner of the property located at 16021 Madison Avenue, Lakewood, Ohio (PPN 313-14-007) for valuable consideration including the settlement of all outstanding claims against Dobush for the demolition of the structures that formerly stood on that site and was commonly known as the Hilliard Square Theater. (Pg. 45)

Motion by Mr. O'Leary, seconded by Mr. Anderson to refer to Committee of the Whole.

Motion adopted. All members voting yea.

17. Communication from City Engineer Papke regarding Council Resolution Request Storm Sewer Easement – Erie Cliff Sewer PPN 311-13-113. (Pg. 61)

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

18. **RESOLUTION NO. 9002-18** – A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into an easement agreement with JLL Properties, Ltd., an Ohio limited liability company, governing the rights of the parties relative to a parcel located at Erie Cliff Drive, Lakewood, Ohio 44107 (PPN#311-13-113) which grants the City of Lakewood access to the parcel for construction and ongoing maintenance of the underlying sewer lines for a payment of \$1.00. (Pg. 62)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer to Public Works Committee.
Motion adopted. All members voting yea.

******PUBLIC COMMENT******

Steve Lamantia – 2164 Arthur

Mr. Lamantia asserted that Lakewood Hospital was outdated and that it was time for it to close. He formerly worked at the hospital as a pharmacist and provided examples of things that were not up to the highest medical standards.

Tara Peppard – 1278 Edwards Ave

Ms. Peppard addressed plans pending before the Planning Commission to develop a beer garden near Edwards Park. She urged councilmembers to oppose this plan due to parking concerns.

She criticized Council’s prior decision to close Lakewood Hospital and the plans to develop One Lakewood Place.

Mr. Rader clarified that his vote on the development of One Lakewood Place was difficult and that he respects the votes of his colleagues.

Coletta Graham – 1286 Chase Ave.

Mrs. Graham asked for an update on a spate of break-ins on her street two weeks ago.

Chief Malley responded.

Mrs. Graham complained about the number of condos being built in the City and their style. She asked if recent condo developments have had tax abatements.

Director Sylvester responded that Clifton Pointe and the first phase of Rockport had abatements but that McKinley Place did not. He provided information on the number of units as well.

Motion by Mr. O'Leary, seconded, to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 10:00 P.M.

Approved: _____

CLERK

PRESIDENT