

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 16, 2016
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, John Litten, Cindy Marx, Ryan Nowlin, Samuel T. O'Leary.

Motion by Mr. O'Leary, seconded by Mr. Anderson to excuse the absence of Mr. O'Malley due to his illness.

Motion adopted. All members present voting yea.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Project Specialist; Planning & Development Russell, Human Resources Director Yousefi, Active Living Chair Foran and five other members of the task force. Approximately 25 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held February 1, 2016.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to approve the minutes without the necessity of a reading.

Motion adopted. All present members voting yea.

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

1. Committee of the Whole Report regarding February 16, 2016 Committee Meeting. (To Be Provided)

Committee of the Whole did meet this evening immediately before this meeting. We discussed a number of items including several open appointments for Council for various but different reasons the Committee of the Whole is deferring those appointments. However, we are underway with consideration of several applicants for those positions.

With respect to proposed Ordinance 2-16, we had an update from Mr. Russell who indicated that although Planning Commission had responded favorably to the sign code update we will await formal transmittal of their recommendation.

We also heard from Mr. Russell with respect to proposed resolution 8849-16 which is leasing space in the Community Health Center at 1450 Belle Ave. The Committee of the Whole recommended that proposed resolution for adoption this evening.

We also discussed proposed ordinance 17-16 and placing that on the 2nd reading this evening. I move that that report be received and filed.

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

Motion adopted. All members present voting yea.

2. **RESOLUTION NO. 8840-16** - 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, appointing _____ to a position on the Civil Service Commission for the term beginning January 1, 2016 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/4/16, DEFERRED 1/19/16, 2/1/16) (Pg. 9)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members present voting yea.

3. **RESOLUTION NO. 8841-16** - 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, appointing _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2016 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/4/16, DEFERRED 1/19/16, 2/1/16) (Pg. 9)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer action on this item.

Motion adopted. All members present voting yea .

4. **RESOLUTION NO. 8849-16** – 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

a lease agreement with Lakewood Hospital Association for the lease of real property located at 1450 Belle Avenue, Ste. 220 also known as the Community Health Center. (READ 2/1/16 & REFERRED TO THE COMMITTEE OF THE WHOLE) (Pg. 10)

Gerald Philips of Avon Lake made comments asserting the City had not followed the required procedures on the approval of the lease and that the Resolution should be deferred.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution No. 8849-16.

Motion adopted. All members present voting yea .

5. **ORDINANCE NO. 17-16** – AN ORDINANCE repealing Ordinance 49-15, adopted on and effective as of December 21, 2015, in its entirety. (1ST READING & REFERRED TO COMMITTEE OF THE WHOLE AT SPECIAL MEETING OF COUNCIL HELD 2/11/16) (Pg. 13)

Gerald Philips – Avon Lake

Mr. Philips stated the City was delaying the referendum from appearing on the March ballot, indicating Council had until today to get the matter on the March ballot.

Dean Dilzell – 1276 French

Mr. Dilzell addressed process stating discussion have not been public through use of executive session and other means. He stated that the people who signed the referendum petition have had their wishes denied due to Council’s delay. He said it was unreasonable for Council to have asked Save Lakewood Hospital for its plan on a week’s notice.

Councilmember O’Leary addressed the assertion that Council’s deliberations were unlawfully secretive. He referred *Michael Skindell v. Mary Louise Madigan et al.* citing the court’s findings that deliberations were determined lawful.

Bonnie Sikes – 1673 Arthur

Ms. Sikes spoke about a Cleveland Clinic - owned emergency room in another community that has recently closed. She indicated a similar situation could occur in Lakewood. She asked Council to reconsider the master agreement and repeal ordinance 49-15 now. She referenced Director Butler’s opinion that repeal of 49-15 would cause a concerning breach of contract and indicated this was not a concern.

Councilmember Bullock indicated Council’s process of three readings on the repeal ordinance was identical to the process followed when passing the original legislation. He indicated executive session was a legal, appropriate and useful tool to drive negotiations. He stated the new emergency room was not an urgent care center as has been alleged by some.

Brian Essi – 15306 Edgewater Dr.

Mr. Essi referenced Lakewood Hospital Association process indicating Cleveland Clinic trustees taking part was improper. He asked Council to vote to put Ordinance 17-16 on the ballot so that a special election can be held.

Tom Monahan – 1487 Waterbury Rd

Mr. Monahan indicated his disagreement with Law Director Butler's opinion about the consequence of the referendum were it to pass. He indicated the master agreement sanctifies Cleveland Clinic's monopoly. He stated that the Cleveland Clinic was disingenuous in 1996 and 2010 regarding the plans they put forward for Lakewood Hospital. He described how he believed the process of letting the Clinic out of its lease should have unfolded.

Ann Gill – 1255 Jackson Ave

Ms. Gill expressed concern about the master agreement and the process, stating that other options for a hospital operator were not pursued. She thought the remaining ER will lack services and said that she might relocate to another community to be closer to healthcare services. She charged Cleveland Clinic with lying, changing its mind and taking resources away. She suggested that the City take out an ad in the New York Times for a hospital operator.

Chief Gilman stated that the number of trauma centers in the county have been reduced from 5 to 3 but that the decrease correlated with an improvement in outcomes. The County's trauma mortality numbers have decreased as a result of an increase in trauma specialization. He remarked about Brunswick and Twinsburg which each have two freestanding ERs. 70% of their patients are transported to those ERs. He said that Lakewood will likely use its ER differently because it has 5 hospitals within 10 miles.

Kevin Young – 1598 Elbur Ave

Mr. Young expressed concerns about Council's process. He said he did not agree with claims that healthcare is changing and stated it was about money. Referenced the cost of overhead at the Clinic's facilities.

Councilmember Marx indicated there was a distinction between what Cleveland Clinic was paid verses what it billed.

Councilmember Bullock indicated LHA operating losses were not passed through to Cleveland Clinic. He said that under the circumstances that Council pursued effective and attainable results. He asked that the nature of the health care businesses be considered.

Pam Wetula – 11813 Clifton Blvd

Ms. Wetula stated that the City has not acknowledged a decanting plan and has given away resources. She stated the City was purposely delaying the referendum. She indicated disagreement with Director Butler interpretation that repeal of 49-15 would cause a concerning breach of contract

Judy Gillespie – 23003 Chandler's Lane, Olmsted Falls

Ms. Gillespie stated objections to process in recent meetings, citing lack of respect. She stated that Lakewood Hospital was not in financial trouble and opposed the master agreement.

Tara Peppard – 1278 Edwards

Ms. Peppard stated that Council has not sought a viable option to the Cleveland Clinic and is not representing the people of Lakewood. She stated other entities could not make bids because of tortious interference. She urged Council to take this opportunity to put an open public bid out.

Councilmember O’Leary stated the City obtained a written statement from the Cleveland Clinic resolving concerns about tortious interference as they related to a potential agreement with Metro. He indicated Lakewood was under no obligation to use an open public bid strategy and that in fact a better deal can be and was obtained through an unconventional bid process.

Councilmember Bullock indicated rules surrounding public comment encourages courtesy and focus and promotes etiquette. He commended the Mayor for being direct with the public about negative trends in the City’s health care during an election year.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to place Ordinance No. 17-16 on 2nd Reading.

Motion adopted. All members present voting yea.

6. Finance Committee Report regarding Ordinance 36-15A. (To Be Provided) Mr. Bullock, Chair.

The Finance Committee met tonight and got a briefing from the Finance Director and from the Planning Department regarding proposed additions to our contracting authority ordinance 36-15A. There were 3 proposed changes which the Committee ultimately agreed were good recommendations. The recommendation of the Committee was that we adopt the substitute version of the ordinance. Those changes are in three locations:

1. To add \$30,000 of contracting authority for organic waste disposal. It used to be the case that vendors would pay us to take away the leaves and mulch. We hope that in future years the market will recover such that they do that again, but for this year we have to provide for those materials to be hauled away from our collection facility.
2. Bio solids disposal, a \$10,000 increase due to inflation in those costs.
3. Contracting authority of up to \$150,000 for professional services related to the hospital transition, specifically managing the properties that have come into the City’s possession. So far, the estimate is not \$150,000 but \$100,000 for property management of the Curtis Block, for the Community Health Center Office building, and for the 9 single family homes located on 10 residential parcels that we now own. The other item is for assessment of the Curtis Block for structural integrity as a preliminary step toward developing or rehabbing or putting that building into productive use again. Move to receive and file that oral report.

Motion by Mr. Bullock, seconded by Mr. O’Leary, to receive and file the oral report.

Motion adopted. All members present voting yea .

7. **ORDINANCE NO. 36-15A** – 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 Ordinance 36-15, adopted December 21, 2015, 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 and operating supplies, services and equipment as authorized by the 2016 Appropriations Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (1st READING & REFERRED TO THE FINANCE COMMITTEE 1/19/16, 2ND READING 2/1/16) (Pg. 14)

Motion by Mr. O’Leary, seconded by Mr. Bullock, to adopt Ordinance 36-15A.

Motion adopted. All members present voting yea .

8. Public Works Committee Report regarding Res. 8850-16; Water Quality Discussion 3) Bikes in Bus Lanes. Mr. Nowlin; Chair. (Pg.20)

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

Motion adopted. All members present voting yea .

9. **RESOLUTION NO. 8850-16** – 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 a Stormwater Service Agreement with the Northeast Ohio Regional Sewer District. (READ & REFERRED TO PUBLIC WORKS COMMITTEE 2/1/16) (Pg. 22)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution No. 8850-16.

Motion adopted. All members present voting yea .

Motion by Mr. O’Leary, seconded by Mr. Anderson, to suspend the rules and read items 10-19 consecutively for a blanket motion.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary,

Nays: None

*Motion adopted. Rules suspended. The clerk reads items for blanket motion at end of item 19.

10. **ORDINANCE NO. 5-16** - AUTHORIZING THE ISSUANCE OF **NOT TO EXCEED \$18,000,000 OF BONDS** FOR THE PURPOSE OF CURRENTLY REFUNDING NOTES ISSUED FOR THE PURPOSE OF (I) (A) THE CITY'S **WEST END SEWER SEPARATION PROJECT**, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (B) RESURFACING VARIOUS STREETS IN THE CITY, (C) IMPROVING PARKS WITHIN THE CITY, INCLUDING LAKEWOOD PARK, WAGAR PARK AND THE LAKEWOOD PARK STATE HOUSE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (D) IMPROVING SIDEWALKS WITHIN THE CITY AND (E) REPLACING OR IMPROVING THE ROOFS OF CITY HALL, CITY HALL ANNEX, WINTERHURST ICE RINK AND THE CITY'S SERVICE GARAGE AND (II) RETIRING THE CITY'S VARIOUS PURPOSE IMPROVEMENT NOTES, SERIES 2014, WHICH WERE ISSUED TO PAY COSTS OF (A) IMPROVING MADISON AVENUE BY PROVIDING NEW TRAFFIC SIGNALIZATION; (B) IMPROVING AND RENOVATING THE REFUSE FACILITY; (C) REPLACING THE ROOF ON CITY HALL; (D) RESURFACING VARIOUS STREETS IN THE CITY; (E) IMPROVING DETROIT AVENUE, FRANKLIN STREET, HILLIARD STREET AND MADISON AVENUE BY PROVIDING NEW AND UPGRADED TRAFFIC SIGNALIZATION AND PEDESTRIAN SIGNALS; (F) IMPROVING THE MUNICIPAL GARAGE VENTILATION SYSTEM; (G) IMPROVING PARKS WITHIN THE CITY, INCLUDING LAKEWOOD PARK, WAGAR PARK AND THE LAKEWOOD PARK SKATE HOUSE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; (VIII) RECONSTRUCTING MADISON AVENUE; (H) CONSTRUCTING A SHEET PILE BULKHEAD, DOCKS AND A PARKING AREA, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; (I) IMPROVING SIDEWALKS WITHIN THE CITY, (J) REPLACING A SALT STORAGE FACILITY AND (K) IMPROVING THE SEWER SYSTEM IN THE CITY BY CONSTRUCTING THE WEST END SEWER SEPARATION PROJECT AND A NEW SANITARY SEWER AND IMPROVEMENTS AND RENOVATIONS TO THE EXISTING SANITARY SEWERS AND STORM WATER SEWERS ALONG EDGEWATER DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY. (1st Reading & Referred to Finance Committee 2/1/16) (Pg. 92)

*Blanket motion to place on 2nd Reading is made after item 19 is read.

11. **ORDINANCE NO. 6-16** - AUTHORIZING THE ISSUANCE OF **NOT TO EXCEED \$26,500,000 OF BONDS** FOR THE PURPOSE OF CURRENTLY **REFUNDING THE**

CITY'S ROCKPORT SQUARE IMPROVEMENT GENERAL OBLIGATION BONDS, SERIES 2004 (LIMITED TAX OBLIGATION) (TAXABLE), DATED AUGUST 11, 2004; VARIOUS PURPOSE GENERAL OBLIGATION BONDS, SERIES 2005, DATED MAY 26, 2005; SEWER SYSTEM REVENUE BONDS, SERIES 2006, DATED AUGUST 30, 2006 AND WATERSYSTEM REVENUE BONDS, SERIES 2006, DATED AUGUST 30, 2006; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY. (1ST Reading & Referred to Finance Committee 2/1/16) (Pg. 104)

*Blanket motion to place on 2nd Reading is made after item 19 is read.

12. **ORDINANCE NO. 7-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$4,845,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF DESIGNING, ENGINEERING AND CONSTRUCTING SEWER IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16) (Pg. 115)**

*Blanket motion to place on 2nd Reading is made after item 19 is read.

13. **ORDINANCE NO. 8-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$1,640,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF DESIGNING, ENGINEERING AND CONSTRUCTING WATER IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16) (Pg. 125)**

*Blanket motion to place on 2nd Reading is made after item 19 is read.

14. **ORDINANCE NO. 9-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$1,500,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF IMPROVING ANDREWS AVENUE, ATHENS AVENUE, CHESTERLAND AVENUE, CONCORD DRIVE, DELAWARE AVENUE, ERIE CLIFF DRIVE, HALL AVENUE, LAKE POINT DRIVE, LEEDALE AVENUE, LEONARD AVENUE, MARS AVENUE, MCKINLEY AVENUE, NORTHWOOD AVENUE, RICHLAND AVENUE, SHAW AVENUE AND WEST 117TH STREET, AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, BY RESURFACING AND REPLACING**

CONCRETE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO;
AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED
TO THE FINANCE COMMITTEE 2/1/16) (Pg. 235)

*Blanket motion to place on 2nd Reading is made after item 19 is read.

15. **ORDINANCE NO. 10-16** - AUTHORIZING THE ISSUANCE OF **NOTES** IN THE AMOUNT OF **NOT TO EXCEED \$750,000** IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY THE COSTS OF **IMPROVING PARKS** WITHIN THE CITY, INCLUDING KIDS COVE PLAYGROUND, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16) (Pg. 145)

*Blanket motion to place on 2nd Reading is made after item 19 is read.

16. **ORDINANCE NO. 11-16** - AUTHORIZING THE ISSUANCE OF **NOTES** IN THE AMOUNT OF **NOT TO EXCEED \$650,000** IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF **IMPROVING SIDEWALKS** WITHIN THE CITY; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16) (Pg. 155)

*Blanket motion to place on 2nd Reading is made after item 19 is read.

17. **ORDINANCE 12-16** - AUTHORIZING THE ISSUANCE OF **NOTES** IN THE AMOUNT OF **NOT TO EXCEED \$355,000** IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF **IMPROVING FRANKLIN AVENUE AND HILLIARD ROAD**, BETWEEN CERTAIN TERMINI, BY PROVIDING NEW TRAFFIC SIGNALIZATION, TOGETHER WITH ALL NECESSARY; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16) (Pg. 165)

*Blanket motion to place on 2nd Reading is made after item 19 is read.

18. **ORDINANCE 13-16** - AUTHORIZING THE ISSUANCE OF **NOTES** IN THE AMOUNT OF **NOT TO EXCEED \$200,000** IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY THE COSTS OF **REPLACING OR IMPROVING ROOFS OF THE FIRE STATION AND WINTERHURST ICE RINK**, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16) (Pg. 175)

*Blanket motion to place on 2nd Reading is made after item 19 is read.

19. **ORDINANCE 14-16** - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF **NOT TO EXCEED \$704,000** IN ANTICIPATION OF THE ISSUANCE OF **BONDS**; TO PAY COSTS OF PROVIDING, CONSTRUCTING AND **INSTALLING A REVENTMENT ON THE NORTHERLY PROPERTY LINE OF THE MERIDIAN CONDOMINIUM** TO PROTECT THE MERIDIAN CONDOMINIUM'S WESTERLY PROPERTY LINE WITH LAKE ERIE, EASTWARD TO THE INTERSECTION OF MERIDIAN CONDOMINIUM'S EASTERLY PROPERTY LNE WITH LAKE ERIE; AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16) (Pg. 185)

*Motion by Mr. O'Leary, seconded by Mr. Anderson, to place ordinances Nos. 5-16, 6-16, 7-16, 8-16, 9-16, 10-16, 11-16, 12-16, 13-16, 14-16 on 2nd Reading.

Motion adopted. All members present voting yea .

20. **ORDINANCE NO. 15-16** – AN ORDINANCE amending Section 557.05, Fees of the Codified Ordinances of the City of Lakewood to reflect that the application fee shall not be refundable as the City's actual costs in accepting and processing any permit application along with the minimal services required for any special event permit exceed the application fee. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/1/16) (Pg. 194)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to place Ordinance No. 15-16 on 2nd Reading.

Motion adopted. All members present voting yea .

21. **ORDINANCE NO. 16-16** - 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 amend Section 1143.05 Schedule of Uses and Space Requirements, of the Codified Ordinances of the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 2/1/16) (Pg. 196)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to place Ordinance No. 16-16 on 2nd Reading.

Motion adopted. All members present voting yea .

****NEW BUSINESS****

22. Communication from Councilmember Bullock regarding Reintroduction of legislation to implement recommendations from the Lakewood Tree Task Force. (Pg. 200)

Councilmembers O’Leary and Marx applauded Councilmember Bullock for his leadership on this issue.

Maryanne Quasebarth – 1057 Abbieshire

Ms. Quasebarth spoke in support of the communication as a former member of the Tree Task Force. She remarked on the work of the Task Force and its mission. She spoke about the importance of growing the City’s tree canopy and the strategic planning required to achieve this.

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

Motion adopted. All members present voting yea .

23. **RESOLUTION NO. 8852-16** – A RESOLUTION to endorse the principles for tree care and the urban forestry management goals recommended by the Lakewood Tree Task Force. (Pg. 201)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to receive, file and refer Resolution to the Public Works Committee.

Motion adopted. All members present voting yea .

24. Communication from Councilmember O’Malley regarding Appointment to Lakewood Animal Safety & Welfare Advisory Board. (Pg. 204)

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

Motion adopted. All members present voting yea .

25. Communication from Councilmember Nowlin regarding allowing cyclists to ride in the Clifton Boulevard bus lane. (Pg. 205)

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

Motion adopted. All members present voting yea .

26. **ORDINANCE NO. 17-18-16(CHANGED due to duplication)** – 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, amending Section 331.08, Driving in Marked Lanes or continuous Lines of Traffic, of the Codified Ordinances of the City of Lakewood, and making further provision in order to permit bicyclists to operate bicycles in bus lanes during restricted hours. (Pg. 206)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to place on 1st reading and refer to the Public Works Committee.

Motion adopted. All members present voting yea .

27. Communication from Mayor Summers regarding Partnership with Lakewood Board of Education - Fiber Optic Network . (Pg. 210)

Mayor Summers discussed the timeframe for the installation of the network and stated that cables are in the process of being strung. Installation may be complete by March. He stated that the network will be controlled by the City, the schools, the library and may also include St. Edwards and Lakewood Catholic Academy. He noted that the fast speed will facilitate productivity as many of the City's systems are cloud-based. He stated that the schools plan to come online to the network in late summer.

Councilmember O'Leary suggested that Council discuss this topic with the schools in a joint meeting.

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

Motion adopted. All members present voting yea .

28. **RESOLUTION NO. 8853-16** - 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 an agreement with the Board of Education of the Lakewood City School District to authorize the connection of the public school buildings to the fiber optic network that is currently under construction within the city of Lakewood. (Pg. 211)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to refer Resolution 8853-16 to the Committee of the Whole.

Motion adopted. All members present voting yea .

29. Communication from Mayor Summers regarding Boards and Commissions Appointments. (Pg. 213)

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

Motion adopted. All members present voting yea .

30. Communication from Police Chief Malley regarding Crisis Intervention Teams. (Pg. 214)

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

Motion adopted. All members present voting yea .

31. Communication from Law Director Butler regarding 2015 fourth quarter codification ordinance. (Pg. 216)

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

Motion adopted. All members present voting yea .

32. **ORDINANCE NO. 18-16** – 21-16 (CHANGED DUE TO DUPLICATION) 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, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (Pg. 217)

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

Motion adopted. All members present voting yea .

33. Communication from Finance Director Pae regarding 2016 Capital Lease Authorization. (Pg. 219)

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

Motion adopted. All members present voting yea .

34. **ORDINANCE NO. 19-16** 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”). (Pg. 220)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to place Ordinance 19-16 on 1st reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea .

35. Communication from Finance Director Pae regarding 2016 1st Quarter Transfers and Advances. (Pg. 223)

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

Motion adopted. All members present voting yea .

36. **ORDINANCE NO. 20-16** – 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. (Pg. 224)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to place Ordinance No. 20-16 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea .

37. Liquor Permit Application - D5, DX - TO Barroco Grill; 12906 Madison Avenue. (added an additional member) (Pg. 226)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file no objection.

Motion adopted. All members present voting yea .

****PUBLIC COMMENT****

Judy Gillespie – 23003 Chandler’s Lane, Olmsted Falls

Ms. Gillespie suggested that councilmembers and the administration refrain from using electronic devices during the meeting. She remarked on matters between Cleveland Clinic and the City of Avon, stating that Avon stood up to the Clinic.

Councilmember O’Leary responded meeting participants need to have an electronic device to follow the meeting or reference related items.

Mayor Summers corrected information Ms. Gillespie shared about Avon and Cleveland Clinic.

Gerald Phillips – Avon Lake

Mr. Phillips remarked on law Director Butler’s opinion on the referendum and *Middleton v. Ferguson*. He indicated that *Middleton v. Ferguson* is not applicable. He indicated Council is using delay strategies to invalidate the will of the people.

Jay Carson – 13938 Lake Ave

Mr. Carson referenced the proceeding of the Feb. 11th Special Meeting, stating that the Save Lakewood Hospital Committee declined to address the merits of its petition. He stated that petition signers were misled with untrue claims.

Ed Graham – 1286 Chase Ave

Mr. Graham made a public records request to receive 1) Any fee agreement between Thompson Hine and the City 2) Fee bills submitted by Thompson Hine 3) Minutes of the Records Commission 2013-2016. 4) All communications between Thompson Hine and the City. He requested that Cleveland Clinic remove its signs from City property. He opposed adoption of the Master agreement on an emergency basis.

Kevin Young – 1598 Elbur

Mr. Young made suggestions for the public comment procedure. He urged Council to put the referendum issue on the ballot as soon as possible.

Brian Essi –

Mr. Essi made a public records request for the 2015 LHA financial statements including 4th quarter. He remarked that the master agreement gave no guarantee of health care services.

****ANNOUNCEMENTS****

Councilmember Marx announced that Lakewood would be featured on HGTV's House Hunters tomorrow at 10pm.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adjourn the meeting.
Motion adopted. all members present voting yea.

Meeting adjourned at 9:51 PM.

Approved: _____

CLERK

PRESIDENT