

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

Regular Meeting of the Lakewood City Council called to order at 7:48 PM by Council President O'Leary.

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

Motion adopted. All members voting yea.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Planning & Development Director Siley, Human Resources Director Yousefi, Approximately 50 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held February 16, 2016.

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

Motion adopted. Six members voting yea.

Mr. O'Malley abstaining due to absence February 16, 2016 meeting.

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

{Without objection from Council items 30 & 31 were read first in the agenda order}

1. Committee of the Whole Report regarding March 7, 2016 Committee Meeting. (To Be Provided)

Committee of the Whole met this evening to discuss 8840-16 - Civil Service Board appointment as well as 8841-16 the Nuisance Abatement Appeals Board. Council had interviews with the candidates for the Civil Service appointment in open session followed by executive session in consideration of those applicants for the Civil Service appointment as well as the Nuisance

Abatement Appeals appointment. Coming from that executive session Council has reached a recommendation as to the Nuisance Abatement Appeals Board as well as proposed Resolution 8853-16. We heard from the Mayor that we will take it up at a later date. Many of you attended tonight's meeting to have one more opportunity to speak on the health care issue that has been an important part of our discussions and deliberations for more than a year now. We've held two public meetings in the past several weeks and heard from many residents at those meetings. Though we respect the right of all residents to continue to voice their concerns and we have listened carefully there has been nothing new that has caused us to question the actions of this administration or this Council in negotiating in good faith a new health care delivery system for our City. Tonight, Committee of the Whole recommended to full Council that we do not repeal the master agreement, which is Ordinance 49-15. We know that there are strong differences of opinion on this emotional issue. But there are no strong differences of fact. The facts in this matter, as considered by this Council, the Courts and the voters last year support the reinvention of health care in the City. The facts support the closure of inpatient hospital services and the development of the more robust outpatient facility. The facts support the actions being taken to build a healthier community. The voters in Lakewood will have yet another opportunity to voice their support or opposition during the November election, which is when the referendum will likely appear on the ballot per Council's actions later this evening. And while voters will have a second opportunity to weigh in later this year at the ballot box, the best opportunity for healthcare is playing out right now in the construction of the new outpatient facility and the inception of a new foundation to fund bold advances in Lakewood's health. We know that many in this room had hoped to put the issue before voters earlier in this year. However, this Council had the obligation to comply with the provision in our City's Charter that wisely require Council to approach the question of whether to repeal an ordinance with the same deliberation and care that led to its passage. To hold a special election in August would cost the City almost \$90,000. Many of us believe that would be irresponsible use of taxpayer dollars and it would be irresponsible of us on Council to recommend such a thing especially when so many other factors support placement of this issue before voters in the November General Election. Tonight you will continue to have the opportunity to speak on the placement of the ballot issue. You also have the opportunity to voice your concerns during the public comment session of our meeting. I would request that your comments be kept thoughtful and respectful. There have been far too many accusations, lies, and personal attacks leveled so far in this conversation making for a very difficult chapter in Lakewood's history. I for one would like to leave the ugly rhetoric in the past and move forward, working together for a more promising future for all of Lakewood residents, and I hope you would too. 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 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, 2/16/16) (Pg. 8)

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

Motion adopted. All members 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, 2/16/16) (Pg. 9)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to amend Resolution 8841-16 by inserting the name Kimberlie Huff.

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

Nays: None

Motion adopted. Resolution amended.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8841-16 as amended.

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

Nays: None

Motion adopted. Resolution 8841-16 adopted as amended.

4. **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. (Read 2/16/16 & referred to Committee of the Whole) (Pg. 10)

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

Motion adopted. All members voting yea.

5. Finance Committee Report regarding Bond/Note Ordinance Nos 5, 6, 7, 8, 9, 10, 11, 12, 12, 14-16, 19-16, 20-16 . (To Be Provided) Mr. Bullock, Chair

The Finance Committee met to discuss these ordinances on February 29th in a joint session with the Audit Committee. We heard a presentation from our financial experts, Director Pae as well as our bond counsel Catherine Swartz from Bricker & Eckler and our investment banker Jeff Rink of Keybanc. My compliments I'd like to express to the diligence and skill of our financial team who 1) gave a presentation on the basics of municipal finance 2) Outlined a strategy to save the City significant amounts of money and to continue to safeguard and strengthen the City's bond rating. The experts described to the City leaders our strategy for financing various capital improvements and out capital equipment leases this year and refinancing previously issued debt. The amounts total not to exceed \$55,144,000 although the actual anticipated amount will be closer to \$50 million. All of that financing except for \$10.5 million is previous debt being refinanced to produce savings. The significance of this year (this is a larger than normal opportunity to refinance) is that ten years ago we had quite a number of bond series issued. Now, in year ten we have an opportunity to refinance and we'd like to take advantage of that because we're in a much lower in low interest rate environment today compared to ten years ago. By refinancing it now the City has the opportunity to save quite bit of money. The total is closer to \$200,000 per year totaling nearly \$3 million by 2031. Those savings will go to reduce pressure on our various capital funds and we'll have more room to do other projects in future years. So, the committee concluded with a recommendation to full council to adopt Ordinance 5-16 with a substitution. In addition we recommended adoption of 6-16, 7-16, 8-16, 9-16, 10-16, 11-16, 12-16, 13-16, and 14-16. Separately we recommended adoption on third reading of 19-16, a substitute ordinance to insert US BankCorp as the financial institution and 20-16.

Move to receive and file.

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

Motion adopted.

All members voting yea.

6. **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. **(PLEASE SUBSTITUTE FOR ORDINANCE NO. 5-16 1ST Reading & Referred to Finance Committee 2/1/16, 2ND READING 2/16/16) (Pg. 14)**

Remarks: Director Pae explained the reason for the substitute.

Motion by O'Leary to substitute, seconded by Anderson. Roll Call Vote. All members voted in favor.

Ed Graham – 1286 Chase Ave

Mr. Graham asked if the City sent out a RFP for its bond counsel.

Director Pae replied that the City did issue an RFQ for the bond counsel when the previous bond counsel retired.

Motion by Mr. Bullock, seconded by Mr. Anderson, to substitute Ordinance 5-16.

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

Nays: None

Motion adopted. Ordinance 5-16 amended.

Motion by Mr. Bullock, seconded by Mr. Anderson, to adopt Ordinance 5-16 as substituted.

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

Nays: None

Motion adopted. Ordinance 5-16 adopted as substituted.

- 7. 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, 2ND Reading 2/16/16) (Pg. 26)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 6-16.
Motion adopted. All members voting yea.

8. **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, 2ND READING 2/16/16) (Pg. 37)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 7-16.
Motion adopted. All members voting yea.

9. **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, 2ND READINDG 2/16/16) (Pg. 47)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 8-16.
Motion adopted. All members voting yea.

10. **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, 2ND READING 2/16/16) (Pg. 57)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 9-16.
Motion adopted. All members voting yea.

11. **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, 2ND READING 2/16/16) (Pg. 87)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 10-16.

Motion adopted. All members voting yea.

12. **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, 2ND READING 2/16/16) (Pg. 77)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 11-16.

Motion adopted. All members voting yea.

13. **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, 2ND READING 2/16/16) (Pg. 87)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 12-16.

Motion adopted. All members voting yea.

14. **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, 2ND READING 2/16/16) (Pg. 97)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 13-16.

Motion adopted. All members voting yea.

15. **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, 2ND READING 2/16/16) (Pg. 107)

Remarks:

Rose Mohr, President of the Meridian Condo Board

Ms. Mohr thanked Council for its support of the shoreline protection project. She thanked Director Pae and Assistant Law Director Swallow for the time they put in to meet with residents. She acknowledged the contributions of City Engineer Mark Papke. She expressed gratitude that a financing option will now be made possible for residents.

Councilmembers O'Malley, Anderson, and Marx expressed support for the project.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 14-16.

Motion adopted. All members voting yea.

16. **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”). (**PLEASE SUBSTITUTE** for Ordinance No. 19-16 ; 1st READING and REFERRED to the FINANCE COMMITTEE 2/16/16) (Pg. 116)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 19-16.

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

Nays: None

Motion adopted. Ordinance 19-16 amended.

Motion by Mr. Bullock, seconded by Mr. Anderson, to adopt Ordinance 5-16 as substituted.

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

Nays: None

Motion adopted. Ordinance 19-16 adopted as substituted.

17. **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. (FIRST READING & referred to the FINANCE COMMITTEE 2/16/16, 2ND READING 3/7/16) (Pg. 119)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to Defer.

Motion adopted. All members voting yea.

18. Public Works Committee Report regarding Resolution 8851-16. (Pg. 121)

Motion by Mr. Nowlin, seconded by Mr. O'Leary, to receive and file the report.
Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8851-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, declaring it necessary to construct and provide improvements to protect the northerly property line of the Meridian Condominium to provide, construct and install a revetment on the northerly property line by Lake Erie, at the Meridian Condominium located at 12550 Lake Avenue. (Read & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/1/16) (Pg. 122)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution No. 8851-16
Motion adopted. All members voting yea.

20. Rules & Ordinances Committee Report regarding Ordinance 15-16. (To Be provided)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer action on this item.
Motion adopted. All members voting yea.

21. **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, 2ND READING 2/16/16) (Pg. 125)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer action on this item.
Motion adopted. All members voting yea.

22. Communication from Planning & Development Director Siley regarding Planning Commission approval of 2-16. (Pg. 127)

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

23. **ORDINANCE NO. 2-16** – AN ORDINANCE to amend various sections within Chapter 1329, Signs, of the Codified Ordinances of the City of Lakewood and other sign-related sections in order to update the code. (FIRST READING AND REFERRED TO THE COMMITTEE OF THE WHOLE & PLANNING COMMISSION 1/19/16, 2ND READING 2/1/16)(Pg. 128)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to refer Ordinance 2-16 back to Committee of the Whole.

Motion adopted. All members voting yea.

24. Communication from Planning & Development Director Siley regarding Planning Commission approval of Substitute Ordinance 16-16. (Pg. 165)

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

Motion adopted. All members voting yea.

25. **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. (**PLEASE SUBSTITUTE** for ORDINANCE 16-16 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 2/1/16, 2nd READING 2/16/16) (Pg. 166)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 16-16.

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

Nays: None

Motion adopted. Ordinance 16-16 substituted

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Ordinance No. 16-16 as substituted

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

Nays: None

Motion adopted. Ordinance No. 16-16 adopted as substituted.

26. **ORDINANCE NO. *18-16 (*Assigned Number 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. (1ST READING & REFERRED TO PUBLIC WORKS COMMITTEE 2/16/16) (Pg. 170)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer;

Motion adopted. All members voting yea.

27. **ORDINANCE NO. *21-16 (*Assigned number 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. (1st READING 2/16/16) (Pg. 174)

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

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

28. Communication from Councilmembers Marx and O’Leary regarding Supporting Cuyahoga County Health & Human Services Levy March 15, 2016. (Pg. 176)

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

29. **RESOLUTION NO. 8858-16** (Number changed on the floor)– A RESOLUTION supporting Issue 23, the Cuyahoga County Health & Human Services Renewal Levy 2016. (Pg. 177)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8858-16.
Motion adopted. All members voting yea.

30. Communication from Councilmembers Marx, Anderson, Bullock and Litten regarding Lakewood Library 5 Star Rating. (Pg. 178)

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

31. **RESOLUTION NO. 8854-16** – A RESOLUTION to congratulate Lakewood Public Library on being awarded once again a perfect five star rating from the Public Library Service. (Pg. 180)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8854-16.
Motion adopted. All members voting yea.

Recipients attending for resolution; Library Director James Crawford; Library Board President Michael Artbauer, Vice President; Tiffany Graham Charkosky and Madison Branch Manager, Judy Grzybowski.

32. Communication from Councilmember Marx regarding Supporting Cuyahoga County Health & Human Services Levy March 15, 2016. (Pg. 181)
{this was a duplicate item and was not read into record}

33. Communication from Councilmember Marx regarding Animal Safety and Welfare Advisory Board appointment. (Pg. 181)

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

Motion adopted. All members voting yea.

34. Communication from Councilmember Nowlin regarding Appointment to Animal Safety and Welfare Advisory Board. (Pg. 182)

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

Motion adopted. all members voting yea.

35. **RESOLUTION NO. 8855-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of five members of Council, or otherwise to take effect at the earliest period allowed by law, providing that the petition for referendum with respect to Ordinance No. 49-15 be submitted to a vote of the electors of the City of Lakewood at the _____, 2016, _____ election, pursuant to Article XXI of the Second Amended Charter of the City of Lakewood. (Pg. 183)

Councilmember O’Leary noted that the Resolution contained blanks as Council must decide if the ballot measure should go on the ballot during a special election or during the November General Election. He presented reasons why he believed it would be best to place the item on the ballot in November, citing higher voter turnout, cost savings, and keeping all municipal questions together on the same ballot.

Councilmember O’Leary moved to substitute Resolution 8855-16 with the word “November” in the first blank and the word “General” in the second blank.

Motion was seconded.

Director Butler explained that the cost of a special election would be approximately \$87,000. About \$50,000 would have to be paid to the Board of Elections upfront.

Councilmembers Bullock and Marx expressed support for placing the item on the November ballot in order to save money and to hear from the greatest number of voters.

Councilmember O’Malley expressed regret the election calendar prevents the item from going before the voters sooner. He expressed concern about the cost of a special election.

Gerald Philips – 461 Windward Way, Avon Lake

Mr. Philips presented arguments for why he believes that the master agreement should be thrown out and the City should start over. He charged that the Mayor, Council, and the Law Director should be held liable for malpractice.

Ed Graham – 1286 Chase Ave

Mr. Graham argued that the City has no guarantee or assurance from Cleveland Clinic that medical care will continue and he criticized public officials for making this statement. He stated that it was improper to send a communication about the master agreement with water bills. He explained why he believes that the master agreement is improper and stated that Council has not explained how the agreement helps the City.

Joanne Gerhart – 16722 Clifton Blvd.

Ms. Gerhart asked Council how the non-compete/restrictive covenant in the master agreement helps Lakewood citizens.

Councilmember O’Leary responded stating that the agreement was constructed to consider many factors not all of which were financial, such as the continuation of emergency services. He stated that it is inappropriate to take a specific line from the agreement out of context.

Tom Monahan 1487 Waterbury

Mr. Monahan spoke in opposition to the master agreement. He stated that the City did a terrible job and that the agreement is an insult. He expressed disappointment with Council and LHA.

Judy Gillespie – 23003 Chandler’s Lane, Olmsted Falls

Ms. Gillespie asked 1) how many ambulance runs there were in and out of Lakewood between 12/21/15 and 3/6/16? 2) The number of patients cared for in Lakewood verses how many Lakewood patients had to be cared for at other hospitals? She read experts from *Psychology Today* about overt behavior and opportunistic behavior. She requested that Council repeal the deal and let the people have their voice heard.

Tara Peppard – 1278 Edwards Ave

Ms. Peppard spoke about ethics and accused Council of acting unethically. She contested statements made by the City that the hospital was struggling financially. She remarked about the closure of ERs on other communities, suggesting that Lakewood’s ER may too close. She referenced the previous accolades bestowed upon the library and questioned if the City would be able to sustain those services. She insisted that the hospital site must be protected so that another provider can come in to operate it.

Councilmember O’Leary clarified that the Lakewood Library operated through a separate property tax revenue stream and the City is not directly responsible for the library.

In response to Ms. Peppard’s comment that officials were being rude by using their phones, Councilmember O’Malley explained that he uses his phone to follow the docket and refer to related emails.

Pam Wetula – 11813 Clifton Blvd

Ms. Wetula spoke in opposition to the master agreement, arguing that it only benefits Cleveland Clinic and not Lakewood. She remarked that the current ER is a “ghost town” and expressed concern that it will be downgraded if it’s not successful. She asked Council how the non-compete/restrictive covenant in the master agreement helps Lakewood citizens.

Law Director Butler responded stating that the non-compete clause benefits the citizens because it permits the master agreement to be executed.

Patricia Russell – Arthur Ave

Mrs. Russell asked Council to share the facts upon which it based its decisions regarding Lakewood Hospital. She argued that Lakewood Hospital was profitable. She charged that the machinations of City officials stalled the referendum from being placed on the March ballot. She argued that the City needs a hospital and the current ER is only an urgent care. She asked Council to cast aside the master agreement.

Jay Carson – 13938 Lake Ave

Mr. Carson thanked council for putting the ordinance on the ballot. He spoke about the history of the right to referendum. He expressed confidence that the voters will ratify Council's wise decision.

Kevin Young – 1598 Elbur Ave

Mr. Young spoke about the importance of having a full service hospital and contested research findings that suggest an ER would provide the same level of care. He stated that the hospital was closed down unnecessarily and because of profit motives. He criticized the non-compete clause as a stunning sign of weakness. He linked the master agreement to lost lives.

Brian Essi -15306 Edgewater Dr.

Mr. Essi urged Council not to pass anything at this time due to lack of evidence and documentation. He reviewed ongoing records requests he has pending with the City regarding wind down costs at the hospital, a threat of bankruptcy and the bidding process. He referenced Director Butler's statements from 2/11/15 and asked if Council agrees with them. He stated that the master agreement is \$20 million worse than the LOI. He asked Council to delay its vote and look again at the evidence.

Melissa Nautiyal – 17672 Edgewater Dr.

Ms. Nautiyal remarked that councilmembers had a responsibility to visit and tour Lakewood Hospital before and after its decision. She stated that people are not going to the ER because they are confused. She stated that if the trend continues that the ER will close. She accused the City of deliberately delaying the referendum from going on the March ballot.

Chief Gilman provided statistics about the Lakewood Hospital admissions. Last Monday the ER saw 72 patients. They are targeting 60 patients per day. Today, EMS took 10 out of 15 patients to Lakewood Hospital. Since January 1st, 60% of patients were transported to Lakewood Hospital. 34% were transported to Fairview Hospital, and the remainder went to four other facilities.

Councilmember Bullock reiterated the complex nature of situation. He advised the public to not conclude that city officials have nefarious motives because they arrived at a different understanding of the situation. He stated his belief that the suggestions of Save Lakewood Hospital would have backfired and that jobs and services would be lost. He stated that the best course of action was to negotiate and that Council did so successfully. He stated that maintaining a full service hospital is not the only standard for success. He reviewed the benefits of the agreement.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to amend by inserting , “November 8” into the first, fourth, fifth, eighth and tenth blanks as well as the word, “General” into the second, third, sixth, seventh and ninth blanks.

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

Nays: None

Motion adopted. Resolution 8855-16 amended.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8855-16 as amended.

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

Nays: None

Motion adopted. Resolution 8855-16 adopted as amended.

36. Communication from Planning & Development Director Siley regarding Sale of vacant land. (Pg. 185)

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

Motion adopted. All members voting yea.

37. **ORDINANCE NO. 22-16** – 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 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 1252 Westlake Avenue, vacant lot associated with 1589 Newman Avenue, 1589 Newman Avenue, 1635 Hopkins Avenue, and 1214 Gladys Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 186)

Motion by Mr. O’Leary, seconded by Mr. Anderson, (1st Reading) & referred to Housing Committee.

Motion adopted. All members voting yea.

38. Communication from Planning & Development Director Siley regarding Asbestos Abatement and Demolition – Hilliard Theater Property. (Pg. 188)

Remarks: Councilmember Anderson asked if neighbors of the property will receive communication from the City.

Councilmember Bullock asked about a related asbestos remediation grant.

Director Siley provided a brief reply and stated that he would provide greater detail in the committee meeting.

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

Motion adopted. All members voting yea.

39. **RESOLUTION NO. 8856-16** – 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 agreement for the provision of asbestos abatement and demolition services related to the Hilliard Theater in an amount not to exceed \$1,000,000. (Pg. 189)

Motion by Mr. O’Leary, seconded by MR. Anderson, to refer Resolution 8856-16 to the Committee of the Whole.

Motion adopted. All members voting yea.

40. Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg. 191)

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

Motion adopted. All members voting yea.

41. **RESOLUTION NO. 8857-16** – A RESOLUTION proclaiming March 20th through march 26th, 2016 as “Severe Weather Awareness Week.” (Pg. 192)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8857-16.

Motion adopted. All members voting yea.

42. Liquor Permit application for a D1 transfer to Proper Pig Smokehouse, 17100 Detroit Avenue from JGN Enterprises; 950 Medina Road, Medina, Ohio. (Pg. 193)

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

Motion adopted. All members voting yea.

Gerald Philips – 461 Windward Way, Avon Lake

Mr. Philips spoke in opposition to the master agreement and the closure of Lakewood Hospital. He stated that LHA, the Cleveland Clinic, and potentially Council acted fraudulently.

Ed Graham – 1286 Chase Ave

Mr. Graham spoke in opposition to the master agreement and the closure of Lakewood Hospital. He criticized the non-compete clause.

Councilmember Bullock responded to criticisms about the master agreement and outlined the benefits it will bring. He stated that no other course of action could have preserved the hospital or the City’s healthcare and that no other proposal would have met as many needs as the master agreement.

Councilmember Marx expressed disappointment with the disrespectful attitude of commenters.

Joanne Gerhart – 16722 Clifton Blvd

Ms. Gerhart spoke in opposition to the master agreement and the closure of Lakewood Hospital. She expressed concern about the health of Lakewood residents and disappointment that the vote will not be sooner than November.

Dorothy Abel – 2180 Alger Rd

Ms. Abel spoke in opposition to the master agreement and the closure of Lakewood Hospital. She praised the services provided by the hospital and remarked about the need for inpatient beds in the community. She expressed concern for the impact of the hospital's closure on local businesses.

Nancy Vaughan – Clifton

Ms. Vaughan spoke in opposition to the master agreement and the closure of Lakewood Hospital. She argued that healthcare requires inpatient and outpatient services. She stated that LHA, Council and the administration failed to protect citizens and asked for this to be rectified.

Tom Monahan – 1487 Waterbury Rd

Mr. Monahan spoke in opposition to the master agreement and the closure of Lakewood Hospital. He criticized Council for not justifying the non-compete clause. He explained how he thought negotiations should have gone with the Cleveland Clinic. He referenced another area hospital that was recently bought.

Vonni Rubin – 14401 Detroit Ave.

Ms. Rubin spoke in opposition to the master agreement and the closure of Lakewood Hospital. She expressed disappointment that the issue won't be on the ballot in March. She argued that the cost of a special election would be less than the damage of the agreement. She asked Council to consider other hospital operators.

Councilmember Bullock responded. He remarked that there were no other real proposals by prospective operators.

Tara Peppard – 1278 Edwards Ave

Ms. Peppard spoke in opposition to the master agreement and the closure of Lakewood Hospital. She insisted that that hospital site be protected until the issue is resolved.

Councilmember O'Leary responded stating that there are no plans to demolish the properties that the city owns, including the hospital site. He stated that the Curtis Block just received historic designation.

Mayor Summers stated that the parking garage and the medical office building have been sold to the Clinic and that the 5.7 acre hospital site will remain as is until 2018. Cleveland Clinic will continue to make lease payments to the City through 2018.

Pam Wetula 11813 Clifton

Ms. Wetula expressed concern about parking at City Hall on Election Day in November. She questioned how many people might have not been able to vote because of these issues and asked for something to be done to correct this.

Brian Essi – 15306 Edgewater

Mr. Essi spoke in opposition to the master agreement and the closure of Lakewood Hospital.

****ANNOUNCEMENTS****

Motion by Mr. O’Leary, seconded by Mr. Anderson to adjourn.
Meeting adjourned at 10:52 PM.

Approved: _____

CLERK

PRESIDENT