

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 21, 2016
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:43 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 30 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held March 7, 2016. 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.

Without objection from Council items 16 & 17 were brought forward first in the agenda order.

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

1. Committee of the Whole Report regarding March 21, 2016 Committee Meeting. (To Be Provided)

Committee of the Whole did meet this evening. We discussed a number of items including an update on proposed ordinance 1-16 which is the nondiscrimination ordinance. We look forward to addressing that very soon in Committee of the Whole, hopefully with members of the community present, as well as an opportunity for folks to understand more about that ordinance and that topic.

We discussed proposed ordinance 2-16, which is the Sign Code. We had another brush with this topic and are going to take an additional pass at it again in the future.

Proposed Resolution 8856-15 was discussed as well. Director Siley shared with us a number of the specifics related to that property and the process that it's in. The conclusion being that we hope to get underway with the abatement and demolition of what has been a longstanding nuisance to the community.

We had an update and discussion regarding council technology upgrades and improvements to the auditorium, particularly the audio and visual aspects of the auditorium. We are going to be buying new chairs.

We also had a discussion on our Civil Service appointment as well as an agenda review, which we skipped. I would move that that oral 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, DEFERRED 3/7/16) (Pg. 6)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to amend Resolution 8840-16 by inserting the name Kenneth Kowalski.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O'Leary, O'Malley
Nays; None.
Motion adopted. Resolution 8840-16 amended.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8840-16 as amended. .

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O'Leary, O'Malley
Nays; None
Motion adopted. Resolution 8840-16 adopted as amended.

3. **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, REFERRED TO COMMITTEE OF THE WHOLE 3/7/16)(Pg. 7)

Remarks: Councilmember O’Leary noted that Committee of the Whole discussed this ordinance tonight. Planning Commission discussed the topic and recommended adoption. The Committee has a few more issues to address with the ordinance and will hopefully take action soon.

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

4. **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. (REFERRED TO THE COMMITTEE OF THE WHOLE 3/7/16) (Pg. 44)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8856-16.
Motion adopted. All members voting yea.

5. Public Works Committee Report regarding Ordinance 18-16 and Tree Task Force Recommendations. Mr. Nowlin; Chair. (Pg. 46)

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

6. **ORDINANCE NO. 18-16** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect 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, 2ND READING 3/7/16) (Pg. 47)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 18-16.
Motion adopted. All members voting yea.

7. Public Safety Committee Report regarding Ordinance 4-16. Mr. O’Malley; Chair (To Be Provided)

Remarks: Councilmember O’Malley explained that the report and ordinance would be deferred so that he can discuss the ordinance with the Animal Safety and Welfare Advisory Board.

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

8. **ORDINANCE NO. 4-16** – AN ORDINANCE amending the Code to provide for the impounding and disposition of certain animals, and establishing related charges. (1ST READING & REFERRED TO PUBLIC SAFETY COMMITTEE 1/19/16, 2ND READING 2/1/16) (Pg. 51)

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

9. **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, 2nd 3/7/16 & RECOMMENDED FOR ADOPTION ON 3RD READING) (Pg. 54)

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 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 19-16 as substituted.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley
Nays: None
Motion adopted. Ordinance No. 19-16 adopted as substituted.

10. **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 3/7/16 & RECOMMENDED FOR ADOPTION ON 3RD READING) (Pg. 57)

Remarks: Councilmember Bullock reminded Council that the Finance Committee recommended adoption of ordinances 19-16 and 20-16.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to substitute Ordinance 20-16.

Yeas: Anderson, Bullock, Litten, Marx, Nowlin, O’Leary, O’Malley
Nays: None.
Motion adopted. Ordinance 20-16 substituted.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No.20-16 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 20-16 adopted as substituted.

11. **ORDINANCE NO. 21-16** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect 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, 2ND 3/7/16) (Pg. 59)

Remarks: Councilmember O’Leary remarked that the ordinance is routine and comes up on a quarterly basis. Council has had the opportunity to raise questions and concerns during previous readings.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 21-16.

Motion adopted. All members voting yea.

12. **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. (FIRST READING & REFERRED TO HOUSING COMMITTEE 3/7/16) (Pg. 61)

Motion by Mr. O’Leary, seconded by Mr. Anderson, defer.

Motion adopted. All members voting yea.

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

13. Communication from Councilmember O’Leary regarding appointing Brian Taubman to the Animal Safety and Welfare Advisory Board. (To Be Provided).

Members of the Public and Council Colleagues,

It gives me great pleasure tonight to announce the appointment of Brian Taubman to the Animal Safety and Welfare Advisory Board. Brain has demonstrated his commitment to service and the citizens of Lakewood. I am sure that he will serve us well in this new role. Move that that communication be received and filed.

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

Motion adopted. All members voting yea.

14. Communication from Councilmember Marx regarding Amending Section 505.18 Keeping of Hens. (Pg. 63)

April Stoltz – 1224 Edwards Ave

Ms. Stoltz spoke in support of the ordinance to make hen keeping permanent. She remarked on the success of the 11-family pilot program, stating that the pilot families have proven it can be done well. She expressed excitement about the potential expansion of the program and asked Council to move quickly before the pilot expires in July.

Jan Dregalla – 1571 Roycroft

Ms. Dregalla remarked on her experience as a member of the hen pilot program. She shared positive feedback about her experience with hen keeping and stated that her neighbors have been supportive of and interested in her hens. She expressed that she feels it is important for people to know how to raise animal and grow their own food.

Motion by Ms. Marx, seconded by Mr. O’Leary, to refer to the Housing Committee.

Motion adopted. All members voting yea.

15. **ORDINANCE NO. 23-16** – an ordinance AMENDING Section 505.18, Certain Animals Prohibited, of the Codified Ordinances of the City of Lakewood, in order to permit the keeping of hens in the City under certain conditions. (Pg. 64)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 23-16 to the Housing Committee.

Motion adopted. All members voting yea.

16. Communication from Councilmember Litten regarding St. Edward High School 2015 Football State Championship. (Pg. 73)

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

Motion adopted. All members voting yea.

17. **RESOLUTION NO. 8859-16** – A RESOLUTION to honor the 2015 St. Edward High School Football Team for earning the Division 1 State Championship. (Pg. 74)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8859-16.

Motion adopted. All members voting yea.

Councilmembers O’Malley and O’Leary offered congratulations and noted the hard work of the team.

Coach Lombardo addressed Council with members of his team. He thanked Council for the recognition. He introduced team members who were present from every class and announced the college acceptances received by the senior players.

18. Communication from Councilmember Nowlin regarding Appointment to Citizens Advisory Committee. (Pg. 75)

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

19. Communication from Councilmember O’Malley regarding Resolution Opposing the Trans-Pacific Partnership (TPP) Agreement. (Pg. 76)

Remarks: Councilmember O’Malley explained why he chose to bring up this issue, stating that our member of Congress is the national leader on the issue. He explained the local impact on residents.

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

20. **RESOLUTION NO. 8860-16** – A RESOLUTION Opposing the Trans-Pacific Partnership Agreement (TPP) (Pg. 77)

Councilmember O’Leary expressed that this matter is very important for Lakewood residents. Councilmember Anderson asked for more time to research the issue. Councilmember O’Malley cited examples of other council resolutions on national causes. Councilmember O’Leary agreed to provide more time to study the issue by deferring.

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

21. Communication from Mayor Summers regarding Mayoral Commission Appointments. (Pg.79)

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

22. Communication from Law Director Butler regarding Volunteer Peace Officer’s Dependent Fund Board. (Pg. 80)

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

23. **RESOLUTION NO. 8861-16** – 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, creating the Volunteer Peace Officer Dependent Fund Board for the purpose of assisting in the review and determination of validity of claims made under the Volunteer Peace Office Dependent Fund established

by ORC Chapter 143 for death or disability of a volunteer peace officer, and naming two appointees to the board. (Pg.81)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution No. 8861-16 to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

24. Communication from City Engineer Papke regarding Council Resolution – Encapsulation of the Sanitary Sewer Line over IR-90 just west of SR 237. (Pg. 83)

Councilmember Anderson asked about the design costs of the project. Director Beno responded, explaining that it will be its own separate expense to determine the types of supplies and materials and traffic control. He remarked further on the project. He asked for passage on second reading.

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

Motion adopted. All members voting yea.

25. **RESOLUTION NO. 8862-16** – 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, on behalf of the City of Lakewood, to enter into an agreement to accept approximately \$400,000 from the Ohio Department of Transportation for the encapsulation of the sanitary sewer line over IR-90 just west of SR-237. (Pg. 84)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution No. 8862-16 to the Public Works Committee.

Motion adopted. All members voting yea.

26. Communication from Human Resources Director Yousefi regarding Salary Ordinance Correction. (Pg. 97)

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

Motion adopted. All members voting yea.

27. **ORDINANCE NO. 32-15A** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of council to take effect and be in force at the earliest period allowed by law, to amend Ordinance No. 32-15, adopted November 2, 2015, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices for the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (Pg.98)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Ordinance 32-15A to the Finance Committee.

Motion adopted. All members voting yea.

28. Communication from Planning & Development Director Siley regarding leasing of space in the Community Health Center. (Pg. 100)

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

Motion adopted. All members voting yea.

29. **RESOLUTION NO. 8863-16** – 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 The Cleveland Clinic Foundation for the lease of the real property located at 1450 Bell Avenue, Suite 300, also known as the community Health Center. (Pg. 101)

Edward Graham – 1286 Chase

Mr. Graham expressed concerns about entering into a lease with the Cleveland Clinic and explained why he had these concerns. He referred to meeting minutes from Feb. 2015 in which a Councilmember expressed concern about the trustworthiness of Cleveland Clinic. He encouraged the City to enforce the lease it enters into with the Cleveland Clinic.

Councilmember Bullock responded that Council will determine whether or not the Women’s Health Center is a credit worthy tenant based on its rental history in that space. He noted that the Center occupies 40% of the space in the building and that it would not be responsible for Council to fail to renew the lease because the space would be vacant. He responded to criticisms about the master agreement, stating that the City was successful in achieving what was realistically attainable and that it is inaccurate to imply that the City received nothing from the Cleveland Clinic.

Councilmember Anderson remarked that the proposed lease would be subsequent to an original, existing lease. Council will judge the performance of the tenant in order to decide if the lease will be continued.

Mayor Summers responded to allegations that the master agreement provides no money or benefit to the City. He explained that \$50 million will be provided to the City and explained the breakdown of those dollars.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution No. 8863-16 to the Committee of the Whole.

Motion adopted. All members voting yea.

30. Liquor Permit Application For D5F & D6 transfers to Cleveland Metro Park; 1500 Scenic Park Drive from Emerald Necklace Marina. (Pg. 136)

Motion by Mr. O’Leary, seconded by Mr. Bullock, to file no objection to this liquor permit.

Motion adopted. All members voting yea.

Pam McKenna – 12520 Edgewater Marine Towers East

Ms. McKenna described problems of the physical structure at Marine Towers East including a ceiling that crumbled, broken elevators, and generators that do not work. She complained that the Board is not addressing these problems appropriately. She asked that management not be given any additional extensions by the City. She noted that she is part of a lawsuit that has been filed against management.

Director Butler advised Council on the two related pending lawsuits. He described some of the steps that the City has taken to ensure health and safety at Marine Towers. He advised Council not to become an additional factfinder in the case given that multiple judges are now looking into it.

Chief Gilman noted that the emergency generator was recently repaired and that 3 of the 4 corrections involving the fire department have been made.

Councilmember O'Malley expressed concern about the problems listed and noted his continued involvement in passing them along to the Law and Building Departments.

Sam Grabowski – 12520 Edgewater Dr. Marine Towers East

Mr. Grabowski described problems at Marine Towers East. His unit has not had heat except in one room. He expressed frustration with the situation and the lack of progress made. He asked the City for help.

Chief Gilman made remarks explaining the timeline for correction of the heating situation,

Linette Eady – 12506 Edgewater Dr. Lakeshore Towers

Ms. Eady shared concerns about bed bugs at Lakeshore Towers and asked Council to change its ordinances to help resolve the problem.

Linda Doll – 12506 Edgewater Dr. Lakeshore Towers

Ms. Doll described the personal stress she has endured trying to get her unit treated for bed bugs and the problems she has encountered with the building's management.

Leslie Bass – 12506 Edgewater Dr. Lakeshore Towers

Ms. Bass described the experience of residents who are battling bed bugs. She described the mental stress. She asked for help from the City to stop management from requiring renters to pay the cost of remediation

Dir. Gelsomino responded to comments about bed bugs. She explained the challenges dealing with bed bugs and the new city work group that is studying the issue. She noted that the City has formalized an agreement with LakewoodAlive to receive all referrals on bed bugs.

Councilmembers Marx and Bullock remarked on this issue.

Mayor Summers acknowledged the serious threat of bed bugs, noting that multi-unit housing is particularly vulnerable. He remarked that the City is positioned to deploy more resources to help with this issue but that it is not sure yet how they will be most effective.

Tom Monahan – 1487 Waterbury

Mr. Monahan criticized the master agreement between the City and the Cleveland Clinic.

Councilmember Bullock responded stating that there have been no alternative inpatient partners, among other points.

Vonni Rubin – 14401 Detroit

Ms. Rubin expressed concern about the closure of Lakewood Hospital and the master agreement. She spoke about the closure of Euclid General Hospital and made comparisons to Lakewood. She asked Lakewood to do more negotiating with the Cleveland Clinic. She questioned whether it was ethical and stated that the non-compete clause didn't make sense.

Pam Wetula – 11813 Clifton

Ms. Wetula spoke about parking at City Hall on Election Day, citing improvement from the last Election Day. She complained about safety at the intersection of Detroit and Warren. She criticized the master agreement and stated that one of the unintended consequences is that emergency personnel will be spending time writing up reports outside of the City. She relayed an anecdote about an elderly friend who has been told to drive to Avon for care because of the closure of the hospital.

Kevin Young – 1598 Elbur Ave

Mr. Young expressed concern about the closure of Lakewood Hospital and criticized the master agreement. He accused Cleveland Clinic of taking a profitable hospital and making it lose money. He suggested that people who do not share his view had a distorted understanding of reality.

Judy Gillespie – 23003 Chandler's Lane, Olmsted Falls

Ms. Gillespie expressed concern about the closure of Lakewood Hospital and criticized the master agreement. She complained that Chief Gilman was not able to answer questions in an email exchange she had with him.

Councilmember Bullock expressed confidence in Chief Gilman.

Chief Gilman explained that he did not have access to the information to answer Ms. Gillespie's questions because her questions were about Cleveland Clinic data.

Edward Graham – 1286 Chase

Mr. Graham expressed concern about the closure of Lakewood Hospital and criticized the master agreement.

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

Meeting adjourned at 9:35 PM.

Approved: _____

CLERK

PRESIDENT