

**MINUTES
OF THE
REGULAR MEETING
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 4, 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, Samuel T. O’Leary, Daniel J. O’Malley .

Motion by Mr. O’Leary, seconded by Mr. Anderson, to excuse the absence of Mr. Nowlin.

Motion adopted. All members present 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, Approximately 40 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held March 21, 2016.

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

Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding April 4, 2016 Committee Meeting. Mr. O’Leary; Chair. (To Be Provided)

Committee of the Whole did meet this evening to consider proposed Resolution 8863-16 – a lease agreement with the Cleveland Clinic for the lease of 1450 Belle Ave. Suite 300, also known as the Community Health Center. Councilmembers asked a number of questions and received a presentation from Director Siley and City Planner Jason Russell. A number of facts and other considerations were brought to Council’s attention regarding the renewal of the lease. Committee of the Whole recommended adoption by full Council this evening. Following that

discussion, executive session was had to discuss the sale of property, specifically those properties that have come into the City's property portfolio as a result of the master agreement recently signed and the City's sale strategies relative to those properties.

That concluded Committee of the Whole.

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. 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. (Read & Referred to Committee of the Whole 3/21/16) (Pg. 5)

Director Siley clarified that the electric usage payments were determined based on historic use.

Councilmember O'Leary stated that the indemnification provision included in the attached lease will be stricken out prior to execution of the documentation. Indemnification is not permissible under Ohio law.

Councilmembers Anderson and Bullock expressed support for the continuation of the lease and explained their rationale.

Dr. Terrance Kilroy – 15431 Edgewater Dr.

Dr. Kilroy recommended that before the City renew its lease with Cleveland Clinic at the Community Health Center that is conduct a needs assessment to determine if the space is being used to address the most pressing health needs of the community.

Councilmember Bullock responded, expressing appreciation for Dr. Kilroy's suggestion for long term strategic planning. He stated that a three year lease is a modest length of time and does not tie the City down long-term. He expressed the importance of keeping the space filled to provide health services and to keep the building on firm financial footing.

Councilmember O'Leary stated that this would be the 3rd renewal of the lease with an existing tenant. The lease began as an effort by LHA to serve the community's health care needs and the City is attempting to continue that.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8863-16.

Motion adopted. All members present voting yea.

3. Public Safety Committee Report regarding Ordinance 4-16. Mr. O'Malley; Chair (Pg. 40)

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

4. **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, DEFERRED 3/21/16) (Pg. 42)

Councilmember Marx remarked on the schedule of LASWAB meetings.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance 4-16.
Motion adopted. All members present voting yea .

5. Housing Committee Report regarding Ordinance 3-16, 22-16 & 23-16 Mr. Anderson; Chair (Part provided on Pg. 45 & To Be Provided) Pg. 45

Councilmembers and Community Members,

I direct your attention to the communication placed on page 45 of this evening’s docket which reveals the process and some of the major points of our discussion a week ago regarding specifically the ordinance concerning the notion of converting the hen pilot program to a permanent offering in the City of Lakewood.

The Committee had a follow up hearing this evening to talk about Ordinances 23-16 and 3-16 and 22-16. Regarding ordinance 3-16, it was requested that the committee defer for further deliberation based on some additional information we will be receiving from the administration, which we will reconvene at a time that will be properly noticed. Regarding Ordinance 22-16 the committee voted to recommend Council adoption this evening on third reading. Regarding Ordinance 23-16, there is a little more work to do on the hen ordinance so we will likely next Monday, time to be determined. That should be the wrap up for the hens legislation. Motion to defer for ordinance 3-16, and to recommend adoption of 22-16 that to defer 23-16. Motion that this oral and written communication be received and filed.

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

6. **ORDINANCE NO. 3-16** – AN ORDINANCE amending Section 1306.60 of the Codified Ordinances of the City of Lakewood by expanding on the regulations governing exterior electric and fuel-burning cooking devices. (1ST READING & REFERRED TO THE HOUSING COMMITTEE 1/19/16) (Pg. 47)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to defer Ordinance 3-16.

Motion adopted. All members present voting yea .

7. **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, 2ND READING 3/21/16) (Pg. 49)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Ordinance No. 22-16.

Motion adopted. All members present voting yea .

8. **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. (1st Reading & REFERRED TO HOUSING COMMITTEE 3/21/16) (Pg. 51)

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

Motion adopted. All members present voting yea .

9. Public Works Committee Report regarding 8862-16. Mr. Nowlin; Chair (To Be Provided)

Councilmembers Anderson and Bullock held the Public Works Committee meeting in the absence of Mr. Nowlin who has important family business for which we are all wearing maroon thanks to the care and concern of our Council Clerk.

Tonight we moved to recommend that full Council adopt resolution 8862-16 which would authorize the Mayor to enter into an agreement to accept approximately \$400,000 from the Ohio Department of Transportation to encapsulate the sanitary sewer line that runs over the highway to connect the south and north neighborhoods. The issue is that the coating is in need of repair. Rather than remove and replace, the approach is to encapsulate in a rather expensive wrap material that will do the job and extend the life of the sewer main that is suspended alongside the bridge for another, we hope, several decades. The advantage being that we won’t have to remove the coating and the potentially hazardous materials involved; just encapsulate it. The City is incurring \$40,000 worth of design costs and will administer the project to our preference and the State agency’s preference. A job well done by Director Beno and his team to negotiate this project with the state. The expected timeline for this is City will do design work in 2016. The

state may take as long as 2017 to complete its end. At least we will get the ball rolling this year and reserve our place in their financial line. Move to receive and file that oral communication

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

Motion adopted. All members present voting yea .

10. **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. (Read & referred to Public Works 3/21/16) (Pg. 60)

Director Beno clarified that the project will be managed by the City and put out to bid by the City. ODOT will pay the contractor but ODOT will not run the project. He clarified that if the construction costs are over \$400,000 then the City will have to cover them. The final estimate is not yet ready because the design work is not complete. The City's \$40,000 share of the project's design work is already in the 2016 budget.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to adopt Resolution 8862-16.

Motion adopted. All members present voting yea.

11. **RESOLUTION NO. 8860-16** – A RESOLUTION Opposing the Trans-Pacific Partnership Agreement (TPP) (DEFERRED 3/21/16) (Pg. 73)

Motion by Mr. O'Leary, seconded by Mr. O'Malley, to adopt Resolution 8860-16.

Motion adopted. All members present voting yea .

12. **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. (FIRST READING & REFERRED TO THE FINANCE COMMITTEE 3/21/16) (Pg. 75)

Motion by Mr. O'Leary, seconded by Mr. Anderson, to substitute Ordinance 32-15A.

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

Nays: None

Motion adopted. Ordinances 32-15A substituted.

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

Motion adopted.

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

Nays: None

Motion adopted. Ordinances 32-15A deferred.

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

13. Communication from Councilmember O'Leary regarding appointing Brian Taubman to the Citizens Advisory Committee. (Pg. 77)

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

Motion adopted. All members present voting yea.

14. Communication from Councilmember O'Malley regarding Appointment to Lakewood Citizens Advisory Committee. (Pg. 78)

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

Motion adopted. All members present voting yea .

15. Communication from Councilmember O'Malley regarding appointment to Lakewood Community Relations Advisory Commission. (Pg. 79)

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

Motion adopted. All members present voting yea .

16. Communication from Councilmember Marx regarding Bed Bug Work Group collaboration. (Pg. 80)

Motions by Ms. Marx, seconded by Mr. O'Leary, to receive, file and refer to the Health & Human Services Committee.

Motion adopted. All members present voting yea .

17. Communication from Councilmember Marx regarding Lead Safe Cuyahoga. (Pg. 82)

Motion by Ms. Marx, seconded by Mr. O'Leary, to receive, file and refer to the Health & Human Services Committee.

Motion adopted. All members present voting yea .

18. Communication from Councilmember Marx regarding Citizens Advisory Committee Appointment. (Pg. 85)

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

Motion adopted. All members present voting yea .

19. Communication from Mayor Summers regarding Health and Wellness Foundation. (Pg.86)

Brian Essi – 15306 Edgewater

Mr. Essi criticized the Mayor as being too vague in his communication about the new health foundation. He suggested that the Mayor and other city officials were actively concealing information from the public on this and other issues.

Councilmember Bullock responded, taking issue with Mr. Essi’s charges of misconduct. He stated that the Mayor’s letter is merely the beginning of a conversation and that much public discussion will take place on the new family health center in the future.

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

Motion adopted. All members present voting yea .

20. Communication from Public Works Director Beno regarding Hilliard Road and Franklin Boulevard Traffic Signalization Project. (Pg. 87)

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

Motion adopted. All members present voting yea .

21. **RESOLUTION 8864-16** – 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, appropriating the estimated sum of \$509,754.00 for and authorizing the Mayor to enter into an agreement which will allow the City of Lakewood to participate in the upgrade and interconnection of traffic signals along Hilliard Road and Franklin Boulevard in the City with the Ohio Department of Transportation. (Pg. 88)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to refer Resolution 8864-16 to the Public Works Committee.

Motion adopted. All members present voting yea .

22. Communication from Law Director Butler regarding Removal of city health director from demolition code. (Pg. 96)

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

Motion adopted. All members present voting yea .

23. **ORDINANCE NO. 24-16** – 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 1133.09, Demolition or Removal of Residential Structures, of the Codified Ordinances of the City of Lakewood. (Pg. 97)

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

Motion adopted. All members present voting yea .

****PUBLIC COMMENT****

Mary Osbourne – 1655 Elmwood Ave

Ms. Osbourne voiced frustration that the Lakewood Hospital issue is unresolved. She stated that the November election should have resolved the issue and criticized the referendum effort.

Anne Spence – 13939 Edgewater Dr.

Mrs. Spence remarked on the benefits that the master agreement has brought and will bring to the City. She contemplated a worst case scenario in which there was no master agreement.

Karen Matter – 12506 Edgewater Dr.

Ms. Matter expressed concern about the closure of Lakewood Hospital in the context of a City-wide emergency or natural disaster. She asked about the protocol.

Chief Gilman responded explaining that the Lakewood ER, Fairview Hospital, and Lutheran Hospital would provide space during a disaster.

Linda Doll – 12506 Edgewater Dr.

Ms. Doll spoke about her continued problems getting her apartment treated for bed bugs. She spent 10 hours preparing her apartment for treatment and waited all day for the exterminator. He

would not wait for her to prepare the last of her items and now she has to begin her treatment regime anew while incurring additional charges.

Councilmember O'Malley spoke out against the practices by the management at Lake Shore Towers, stating that they are violating state and City law. He called for the cost of treatment to be waived and for tenants to be reimbursed. He remarked on the facts of the situation, including a pending legal action.

Councilmember O'Leary stated that the issue of bed bugs has Council's attention and this it will explore all options as a policy making body.

Councilmember O'Malley acknowledged the work being done by LakewoodAlive, the Human Services Department and other colleagues on the topic of bed bugs. He clarified that his comments are [articular to the bed bug situation at Lake Shore Towers.

Linnette Eady – 12506 Edgewater Dr.

Ms. Eady spoke about the bed bug problem at Lake shore Towers from her position as the Chair of the building's tenant organization. She asked Council to clarify the law so that management knows that it is financially responsible for bed bug treatments. She stated that management is finding a loophole in the current law.

Mary Otter – 12506 Edgewater Dr.

Ms. Otter spoke about the bed bug problem at Lake shore Towers. She was told my management that her unit had been pre-treated for bed bugs before she moved in but 6 weeks later her unit was infested. She reported on the costs of treatments she has incurred and the lease agreement management is making tenants sign.

Councilmember Bullock expressed concern about the bed bug problem at LST and a willingness to be involved in a solution.

Director Gelsomino updated Council on the work of the bed bug work group and welcomed council support and participation. She reported on the involvement of legal aid with the case at LST.

Angie Favors – 12506 Edgewater Dr.

Ms. Favors spoke about the bed bug problem at Lake Shore Towers and the charges she has incurred by management

Ed Graham – 1287 Chase

Mr. Graham criticized Council for entering Executive Session tonight, stating that it was illegal.

Councilmember O'Leary clarified that council entered into executive session to discuss the sale of real or personal property at competitive bid, which is a permissible exception under the Ohio Sunshine Law. He reminded the public that he provided a report out after exiting executive session.

Dean Dilzell – 1276 French

Mr. Dilzell suggested that new ER is not viable or sustainable.

Chief Gilman stated that the new ER needs 60 patients per day to remain sustainable and that it averages 45 patients per day. He stated that Lakewood EMS transports 60% of patients to the Lakewood Hospital ER.

Tom Monahan – 1487 Waterbury

Mr. Monahan remarked about the recent death of a patient at the new ER. He expressed concern about the delay in transporting patients from Lakewood to Fairview. He criticized campaign literature from the November election as well as the City's communications on the hospital.

Chief Gilman responded to the mention about the patient death in the ER. He stated that there is more to that story than is being reported.

MaryAnn Monahan – 1487 Waterbury

Mrs. Monahan accused the Mayor of looking out for Cleveland Clinic and not for the City residents. She asked for more reverse 911 communications about accidents, street closings, and events.

Dorothy Abel – 2180 Alger Rd.

Ms. Abel spoke in opposition to the closure of Lakewood Hospital and about the need for inpatient beds.

Kevin Young – 1598 Elbur Ave.

Mr. Young spoke in opposition to the closure of Lakewood Hospital. He stated that residents were confused about the services offered at the new ER and that the City should send a letter to all residents warning them to not go to the new ER if they are having a heart attack or stroke. He remarked about the recent death of a patient at the new ER.

Councilmember Bullock expressed interest in following up on the facts of the patient death but expressed skepticism that the case was being politicized.

Chief Gilman reiterated that there is more to the story than is being reported about the patient death and that federal HIPPA law prevents him from sharing more details.

Councilmember Marx warned against laying blame for the death of a patient in the ER and cautioned the public to consider that HIPPA precludes anyone from having or sharing the full information about a patient death.

Brian Essi - 15306 Edgewater Dr.

Mr. Essi criticized the closure of Lakewood Hospital and the process by which it occurred. He charged councilmembers with politicizing government reports and altering documents.

Councilmember Bullock responded and took issue with Mr. Essi's characterization of events.

Law Director Butler responded, pointing out how Mr. Essi's remarks are misleading.

Judy Gillespie – 23003 Chandler's Lane Olmsted Falls

Ms. Gillespie suggested that the City join the County Bed Bug task Force and not reinvent the wheel locally. She remarked on the closure of Lakewood Hospital and the new master agreement. She remarked on conversations she has had with Chief Gilman.

Dir. Gelsomino clarified that the City is working with the County on bed bugs attending the Task Force.

Chief Gilman responded.

Vonni Rubin – 14401 Detroit

Ms. Rubin stated that what is going on with the hospital is unethical and asked councilmembers to act in the best interest of Lakewood.

****ANNOUNCEMENTS****

Councilmember Litten asked that councilmembers and the public leave with spirit of care for each other and referenced the struggles of Councilmember Nowlin's family.

Mayor Summers announced that the City's Fire Department has received a ranking as one of the top 2% in the state. He applauded the LFD and spoke about the benefit to residents.

Mayor Summers announced that a grant from the Nord Family will connect 60 Lakewood youths with paid summer jobs. He is looking to engage 60 employers and will host a forum on May 4th.

Councilmember O'Leary congratulated Chief Gilman for the Department's achievement.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:57 PM.

Approved: _____

CLERK

PRESIDENT