

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

Regular Meeting of the Lakewood City Council called to order at 7:34 PM by Council President O'Leary.

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

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Approximately 25 members of the public, members of the media.

Reading & disposal of the minutes of the Regular Meeting of Council held May 2, 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. Nowlin abstaining due to previous absence.

{Without objection from Council item 7, 8, 14, 15, 16 and 17 forward in the agenda order}

1. Committee of the Whole Report regarding May 16, 2016 Committee Meeting. Mr. O'Leary; Chair. (To Be Provided)

Committee of the Whole met this evening immediately prior to this meeting. Discussed were the proposed third amended charter, which council has on our regular meeting this evening an ordinance sending that particular document to the voters.

Also discussed was the upcoming joint school board and city council meeting and what topics might be considered there. At this point in time topics have not been submitted but we continue to deliberate on that. We also heard from Director Siley about proposed Ordinance 27-16 which an ordinance to enter into an agreement with a real estate broker for the sale of certain parcels on Madison Ave. that are vacant following demolition of nuisance structures in 2010 and 2011. Council entertained the possibility of passing that

ordinance tonight on second reading but ultimately elected to recommend adoption of that ordinance on third reading.

We had our procedural review in the form of a marked up docket. We also had our discussion with Mayor Summers regarding the health and wellness foundation planning task force, specifically the process of selecting those members was discussed. The body at this time is contemplating an 8 and 6 kind of split with the Mayor but all were uniform in the conclusion that what matters most is the individuals we identify to serve on the task force as opposed to the technical process by which they are appointed. Nonetheless, we look forward to further discussion of that process. Council is leaning towards, at this time, appointing approximately 7-8 members to that Board in a collective fashion.

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

2. **ORDINANCE NO. 27-16** – 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 11900 Madison Avenue (PPN 315-15-025), 1468 W. 117TH Street (PPN 315-13-103), and 1482-84 W. 117th Street (PPN 315-14-002) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (1ST READ & REFERRED TO COMMITTEE OF THE WHOLE 5/2/16) (Pg. 5)

Brian Essi – 15306 Edgewater Dr

Mr. Essi stated that public property should be marketed for a long time and that Lakewood Hospital was only marketed for one month. He compared the process of marketing the properties in this ordinance to the marketing of Lakewood Hospital.

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

3. **ORDINANCE NO. 36-15B** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, amending Ordinance 36-15A, adopted February 16, 2016, 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 Appropriation 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 READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16) (Pg. 7)

Dean Dilzell – 1276 French Ave

Mr. Dilzell remarked on the language of the ordinance that refers to bidding, suggesting that it was misleading. He asked why the City is spending \$150,000 for professional services related to Lakewood Hospital.

Councilmember O'Leary indicated the language is consistent with wording in other ordinances that require bidding in some circumstances and not in others allowed by law.

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

Motion adopted. All members voting yea.

4. **ORDINANCE NO. 25-16** – 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, determining to proceed with the improvement of the shoreline abutting The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie and including any and all appurtenances thereto. (1st READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16) (Pg. 13)

Rob Young – licensed professional geologist, North Carolina

Mr. Young remarked on the erosion of the Meridia cliff. He stated that the erosion is not an emergency and that more time should be taken to evaluate and monitor it. He remarked on the problems of building revetments when they are not needed, stating that the water and the natural habitats become compromised and that each additional revetment adds to the degradation. He said that new structures ought to be built only as needed.

Dr. Gabriela Kaplan – 12550 Lake Ave #1103

Dr. Kaplan spoke against the revetment project at the Meridian. She stated that owners were coerced into signing a petition for the city funding under false assumptions. She asked the City to investigate violation of the condo's bylaws regarding the process.

Jeffery Schaefer – 12550 Lake Ave

Mr. Schaefer urged Council to move forward with the Meridian revetment project and said that he is pleased the Board is prioritizing the project.

Leslie Worsch – Meridian #1108

Ms. Worsch spoke against the project and expressed concern that owners were not given the opportunity to vote on it

Director Butler remarked that the petition that residents signed clearly stated the nature of the project. He stated that a simple majority of council will be needed to pass the legislation. He objected to the suggestion that the City has not followed protocols in considering the special assessment.

Councilmember O'Malley stated that today Winton Place residents received an anonymous letter under their doors indicating that council will take action on a revetment project at Winton Place. He explained that this information is false and that tonight's ordinances have no bearing on Winton Place.

Councilmember O’Leary noted that misinformation about this issue has been spread. He recapped the multiple ways in which Council has publically addressed this issue in the past.

Rosemary McCarthy- 12550 Lake Ave #1801

Ms. McCarthy expressed objection to a revetment at Winton Place.

Councilmember Bullock stated that the Finance Committee will discuss the revetment project next Monday. He stated that he would research the issue before then and would also seek to understand whether or not a majority of owners favor the project. He said that it would make sense for Council to support the project if a majority of owners favor it.

Councilmember O’Leary remarked that the Board of Revision of Assessments heard owners on both sides of this issue.

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

Motion adopted. All members voting yea.

5. **ORDINANCE NO. 26-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Meridian Condominium Special Assessment Revetment Project** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16) (Pg. 16)

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

Motion adopted. All members voting yea.

6. Liquor Permit Application for new C1 & C2 permit classes to Natures Oasis, 15613 Detroit. (deferred 5/2/16) (Pg. 18)

Motion by Mr. O’Leary, seconded by Mr. Anderson, to file without objection.

Motion adopted. All members voting yea.

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

7. Communication from Council President O’Leary regarding Tuesday, May 24, 2016 Keep Lakewood Beautiful Board Birch Grove Dedication. (Pg. 19)

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

Motion adopted. All members voting yea.

8. **RESOLUTION NO. 8866-16** – A RESOLUTION to commemorate the generous contributions of time and capital put forth by the Keep Lakewood Beautiful Board and its volunteers to initiate the planting of a new birch grove in Lakewood Park. (Pg. 20)

Discussion:

Councilmember O’Leary remarked on Keep Lakewood Beautiful’s outstanding work and dedicated Board. He said that Ms. Kermode was a special person and that he looks forward to seeing the birch grove with a new significance.

Motion by Mr. O’Leary, seconded by Mr. Anderson, to adopt Resolution 8866-16.

Motion adopted. All members voting yea.

9. Communication from Council President O’Leary regarding Proposed Third Amended charter of the City of Lakewood. (Pg. 21)

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

Motion adopted. All members voting yea.

10. **ORDINANCE NO. 28-16** – 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, providing for the submission to the electors of the City of Lakewood, a proposed Third Amended Charter of the City of Lakewood. (Pg. 22)

Tara Peppard – 1278 Edwards Ave

Ms. Peppard questioned the timeline of the ordinance, stating that it is rushed. She asked why references to the hospital were removed from the proposed third amended charter.

Brian Essi – 15306 Edgewater Dr.

Mr. Essi stated that a City Charter is only as good as the elected officials who enforce it. He expressed a lack of confidence that a revised charter will result in improved city government. He hoped that the spirit and letter of the new document are followed.

Councilmember O’Leary discussed why he was choosing to refer the ordinance to Committee of the Whole.

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

Motion adopted. All members voting yea.

11. Communication from Councilmember Nowlin regarding Appointment to Community Relations Advisory Commission. (Pg. 66)

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

Motion adopted. All members voting yea.

12. Communication from Councilmember Marx regarding Dr. Judith Welsh presentation to Council. (Pg. 67)

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

13. Communication from Councilmember Bullock regarding Council priorities budget hearings beginning in June. (Pg. 68)

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

14. Communication from Councilmember Litten regarding St. Edward High School 2016 Wrestling State Championships. (Pg. 69)

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

15. **RESOLUTION NO. 8867-16** – A RESOLUTION to honor St. Edward High School 2015-2016 Wrestling Team on capturing their 2nd OHSAA State Duals Championship and 30th OHSAA individual State Championship. (Pg. 70)

Coach Urbas addressed Council accompanied by three of the team captains. He introduced the students, indicated where they will attend college in the fall, and expressed pride in them and the entire team.

Motion by Mr. O’Leary. seconded by Mr. Anderson, to adopt Resolution 8867-16.
Motion adopted. All members voting yea.

16. Lakewood Heritage Advisory Board Preservation Awards – Chair Rick Sicha (To be Presented)

Rick Sicha, Chairman of the Heritage Advisory Board delivered the attached presentation and introduced the award recipients.

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

17. Communication from Finance Director Pae regarding 2016 2nd Quarter Transfers and Advances. (Pg. 71)

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

18. **ORDINANCE NO. 29-16** - 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. 72)

Motion by Mr. O’Leary, seconded by Mr. Bullock to refer Ordinance 29-16 to the Finance Committee.

Motion adopted. All members voting yea.

19. Communication from Planning & Development Director Siley regarding Authority to Sell Residential Properties. (Pg. 74)

Judy Gillespie – 23003 Chandler’s Lane, Olmsted Falls

Ms. Gillespie asked about the protocols and guidelines for selling these properties. She asked how the process can be made fair so that conflicts of interest are minimized. She expressed a lack of confidence in the City’s ability to be transparent.

Director Butler noted that these transactions will likely go through the Board of Control and he provided information on the Board of Control.

Councilmember Bullock responded that the point of Ordinance 30-16 is to put clarity to Ms. Gillespie’s questions. He remarked on the nature of the local real estate market.

Bonnie Sikes – 1673 Arthur

Ms. Sikes urged caution in moving too fast to sell the properties. She asked Council to wait until voters have the chance to vote on the referendum in November.

Councilmember O’Leary clarified that the Ordinance is not considered an emergency and that Council will give it three readings and do its due diligence.

Councilmember Bullock remarked that voters already expressed their opinions in November and that because the City owns the properties that it is reasonable for the City to make decisions about them. He added that even if the referendum succeeded that it’s possible nothing would change.

Councilmember Anderson stated that real estate transactions have already taken place and the properties are in the city’s hands. He stated that the City ought not reverse course based on hypotheticals that may or may not happen in the future.

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

Motion adopted. All members voting yea.

20. **ORDINANCE NO. 30-16** – 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 market for sale the real property located at 1458 Belle Avenue (PPN 314-04-045), 1462 Belle Avenue (PPN 314-04-044), 1466 Belle Avenue (PPN 314-04-043), 1472 Belle Avenue (PPN 314-04-042), 1476 Belle Avenue (PPN 314-04-041) 1451 St. Charles Avenue (PPN 314-04-029) 1457 St. Charles Avenue (PPN 314-04-030), 1461 St. Charles Avenue (PPN 314-04-031), 1471 St.

Charles Avenue (PPN 314-04-033), and 1477 St. Charles Avenue (PPN 314-04-034), pursuant to Section 155.07 of the Codified Ordinances. (Pg. 75)

Motion by Mr. O'leary. seconded by Mr. Anderson, to refer Ordinance 30-16 to the Committee of the Whole.

Motion adopted. All members voting yea.

21. Communication from Planning & Development Director Siley regarding Vacation of Cannon Alley. (Pg. 77)

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

22. **RESOLUTION NO. 8868-16** - A RESOLUTION declaring Council's intent to vacate that portion of Cannon Alley lying south of Northwood Avenue. (Pg. 78)

Motion by Mr. O'Leary. seconded by Mr. Anderson, to refer Resolution 8868-16 to the Committee of the Whole.

Motion adopted. All members voting yea.

23. Communication from Planning & Development Director Siley regarding Leasing of space in the Community Health Center. (Pg. 81)

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

24. **RESOLUTION NO. 8869-16** – 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 Child Care Center for the lease of the real property located at 1450 Belle Avenue, suite 100, also known as the Community Health Center. (Pg. 82)

Judy Gillespie - 23003 Chandler's Lane, Olmsted Falls
Ms. Gillespie asked questions about the proposed lease.

Brian Essi – 15306 Edgewater Dr.

Mr. Essi expressed skepticism about the length of the lease and remarked also on Ordinance 30-16, opposing the City's decision to move forward and sell its properties.

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

Motion adopted. All members voting yea.

****ANNOUNCEMENTS****

Councilmember Bullock announced that he recently attended a high-quality City-sponsored CPR training today. He recommended the training to all.

Councilmember Nowlin thanked council and the community for its support during a difficult time.

****PUBLIC COMMENT****

Bonnie Sikes – 1673 Arthur

Ms. Sikes stated that the date and time of certain public meetings were not online. She asked if the new Cleveland Clinic banner across Belle is up to Code. She asked that the banner be removed.

Councilmember Bullock said that it was inconsistent for residents to ask for more communication about Cleveland Clinic services and to then complain when that communication is provided in the form of a banner.

Judy Gillespie – 2300 Chandler’s Lane, Olmsted Falls

Ms. Gillespie stated opposition to the presentation provided by Dr. Welsh and Chief Gilman to residents at the Westerly.

Ed Graham – 1286 Chase

Mr. Graham asked if the Cleveland Clinic banner across Belle had to go through a City approval process. He opposed the Proposed Third Amended Charter indicating it should be amended on a section-by-section basis.

Councilmember O’Leary stated the proposed third amended charter came from the charter review commission. He said that the commission recommended the overhaul in order to correct inconsistencies throughout and create an even tone.

Brian Essi – 15306 Edgewater

Mr. Essi indicated he disagreed with the process leading up to the master agreement and indicated that the process was corrupted. He stated that MetroHealth’s bid and interest in Lakewood Hospital was suppressed and misrepresented. He asked Council to reconsider the sale of properties.

Councilmember Bullock indicated maintaining a full service hospital would be preferred had it been an option. He noted that Councilmembers pursued MetroHealth. He rebutted Mr. Essi’s criticism of the process.

Director Butler remarked that Mr. Essi should share the identities of his secret sources. He noted that the ordinance passed and the contract is being executed.

Tara Peppard – 1278 Edwards Ave

Ms. Peppard spoke against the closure of Lakewood Hospital and the process leading up to it. She stated Council lied to the community. She asked Council to stand with Save Lakewood Hospital, to remove the non-compete clause from the master agreement, and to protect the hospital structure for the time being. She said that the trickle-down effect from the closure of the hospital will be catastrophic.

Councilmember O’Leary clarified that the Lakewood Hospital Foundation will continue to exist, that it is not a party to the master agreement. Its assets are intact and it will remain separate.

Finance Director Pae indicated the City’s rainy day fund was established in 2014. She provided the fund balance and its trends stating the rainy day fund had not been touched and the City had no deficit spending with the exception of the 27th pay, which was planned for.

Pam Wetula – 11813 Clifton

Ms. Wetula referenced the process leading up to the master agreement. She stated that the bid process was not comprehensive and stated the Mayor reneged on MetroHealth.

Kevin Young – 1598 Elbur

Mr. Young criticized council in regards to the closure of Lakewood Hospital. He said that it was not prudent to move forward on the master agreement knowing that a referendum was coming up. He asked council to take a step back and examine its actions.

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

Motion adopted. All members present voting yea.

Meeting adjourned. 9:53 PM.

Approved: _____

CLERK

PRESIDENT