

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
May 21, 2018
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at approximately 7:40 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Daniel J. O'Malley, Tristan Rader.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Police Chief Malley, Human Resources Director Yousefi, Fire Chief Gilman, & Human Services Director Gelsomino

Reading and disposal of the Minutes of the Special Meeting of Council held, April 23, 2018
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.

Reading and disposal of the Minutes of the Special Meetings of Council held, April 30, 2018
Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer reading and disposal of the minutes.

Motion adopted. All members voting yea.

Reading & disposal of the Minutes of the Regular Meeting of Council held May 7, 2018
Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer reading and disposal of the minutes.

Motion adopted. All members voting yea.

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

Without objection from Council, item #8 was moved to the front of the agenda.

1. Committee of the Whole Report regarding May 14, 2018 Committee of the Whole meeting. (Pg. 5) Committee of the Whole Report of meeting May 21, 2018 (To Be Provided)

Motion by Mr. O’Leary, seconded by Mr. Anderson to receive and file the May14, 2018 Committee of the Whole Report and to defer the May 21, 2018 report.

Motion adopted. All members voting yea.

2. **RESOLUTION NO. 9000-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, approving of a street encroachment permit pursuant to Section 901.18 of the Codified Ordinances in favor of the Cleveland Clinic Foundation, in furtherance of the approved site plan for the permittee’s family health center. REFERRED TO THE COMMITTEE OF THE WHOLE 5/7/18) (Pg. 7)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Resolution 9000-18.

Discussion: Mr. Rader asked for an explanation on the record of the timing of this project; that is, why Council is taking action now that the project is near completion.

Director Butler explained that ABR began to meet on the site plan for the Family Health Center in 2016 and the site plan was ultimately approved in January 2017. He explained that the Master Agreement explicitly obligated the City to assist the Clinic in receiving all the necessary approvals for the Family Health Center. He believes that the Resolution is important to create a better public record of the Clinic’s use of the street property. He reassured Mr. Rader that this has nothing to do with the Clinic “jumping the gun.”

Edward Graham – 1286 Chase

Mr. Graham disagreed with the decision to use the driving lane of Belle Ave. for a patient drop-off area, citing concerns about traffic and safety.

Mr. O’Leary and Director Sylvester responded.

On the motion - Motion adopted. All members voting yea.

3. **RESOLUTION NO. 9001-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor and Director of Law to enter into a purchase agreement with Robert Dobush, owner of the property located at 16021 Madison Avenue, Lakewood, Ohio (PPN 313-14-007) for valuable

consideration including the settlement of all outstanding claims against Dobush for the demolition of the structures that formerly stood on that site and was commonly known as the Hilliard Square Theater. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/7/18) (Pg. 14)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Resolution 9001-18.

Mr. O’Leary remarked that he is pleased by this outcome and that while it is an unfortunate end to the building that it will hopefully mark a new chapter for the community and neighborhood.

Mr. Anderson expressed hope for a new chapter to begin as a result of this outcome.

On the motion - Motion adopted. All members voting yea.

4. **ORDINANCE NO. 25-18** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 1456 and 1470 Warren Road (PPN 314-04-063), from C4 (Public Schools) to C3 (Commercial, General Business). (REFERRED TO THE PLANNING COMMISSION 4/2/18, 2ND READING 4/16/18. REPORTED OUT FROM PLANNING COMMISSION – COMMISSION RECOMMENDED ADOPTION 5/7/18. REFERRED TO THE COMMITTEE OF THE WHOLE 5/7/18) (Pg. 30)

Mr. O’Leary explained that Ordinance 25-18 was referred back to Council by Committee of the Whole without a recommendation so that additional questions and concerns can be addressed on the floor. During Committee of the Whole Councilmembers asked to speak with Liberty Development and/or the Board of Education to learn more about the plans for this property. Board of Education members expressed willingness to discuss the matter one-on-one with Councilmembers but they are in a meeting tonight. Dru Siley of Liberty Development is present to give a brief overview and to answer questions.

Mr. Siley presented on behalf of Liberty Development and the Board of Education (BOE). The agreement between Liberty and the BOE is for Liberty to purchase the entire BOE campus at 1456 and 1470 Warren Rd. He described the current plan for the properties. 1456 will be fully renovated and nominated under the local code as a historic property. The Board will lease back 1456 Warren and work from this address once renovations are complete. The future of 1470 is to be determined but Liberty’s preference is to renovate and repurpose it for office space.

Mr. Bullock reported back from a conversation with a School Board member who was strongly supportive of the Ordinance and the agreement which has been in the works for more than a year. Mr. Bullock expressed his support for the project, characterizing it as a way to provide new capital for a needed renovation.

Mr. Rader reported back from a conversation with another School Board member who was also supportive of the project.

Mr. Siley described a change to the property lines to create an additional buffer for Grant School and the parent pick-up line.

At the request of Councilmember Rader, Mr. Siley discussed Liberty Development and its projects.

Ms. George stated that she felt encouraged by Mr. Siley's thoughts and vision for the properties and for the intent to designate 1456 as historic.

Mr. O'Leary remarked that Council should support the project because it has been fully thought out by the Board of Education in partnership with LHAB, the Historic Society, and other invested entities in the community. Also, the project has been vetted through City Hall's boards and commissions.

In response to a Councilmember's question, Mr. Siley explained that while the façade of the building at 1456 is most important to deem historic that he has hopes of designating more than the façade to be historic.

Motion by Mr. O'Leary to adopt Ordinance 25-18.

Motion adopted. All members voting yea. Ordinance 25-18 adopted.

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

5. Communication from Council President O'Leary regarding appointing Maureen McHugh Bach as interim Clerk of Council. (Pg.32)

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

Motion adopted. All members voting yea.

6. **RESOLUTION NO. 9003-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing Maureen McHugh Bach as interim Clerk of Council. (Pg. 33)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Resolution 9003-18.

Discussion: Mr. Rader highlighted that the Resolution is indeed an emergency and critical to the functioning of Council. He congratulated Ms. Bach.

Motion adopted. All members voting yea.

7. Communication from Councilmember Rader regarding Community Discussion on Strategies Advancing Racial Equality. (Pg. 34)

Mr. Rader provided an update to his communication stating the date and time of his community conversation – June 2nd at 3:00 p.m.

Mayor Summers pointed to some related community conversations scheduled to take place – one sponsored by Lakewood Alive and another by the Cleveland Foundation on June 24th. He noted that the Landlord Training Seminars cover fair housing training for landlords. He also remarked on the work of LCRAC and how it relates to this discussion.

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

8. Lakewood Heritage Advisory Board Preservation Awards Presentation (TO BE PROVIDED)

Rick Sicha, Chair of the Heritage Advisory Board presented the awards. Two awardees are in Ward 1 and one in each additional ward.

Mr. Sicha remarked on National Preservation Month and Lakewood’s activities to commemorate this. In presenting the awards he remarked on the history of each property and its notable features. He highlighted the investments made by the property owners to earn the awards. Awardees are as follows:

12301 Madison – Commercial Revitalization

14319 Madison, Harlow’s – Commercial Revitalization

15641-49 Madison – Commercial Revitalization

17705 Riverway Dr. – New Garage

1595 Riverside – Rehabilitation

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

Without objection from Council, the public comment of 5th grade students Luke, Lena, and Michael was moved ahead in the agenda

9. Communication from Mayor Summers regarding NOPEC, Inc. Energized Community Grant for LED streetlights. (Pg. 36)

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

Discussion: Council and the Administration discussed whether or not Council needs to formally authorize the project.

Mayor Summers clarified that the program is structured as a reimbursement. First Energy will be handling the installation of the lights and the cost of the lights already includes installation. He highlighted that the City will be saving \$25,000 per year for years to come with no upfront costs to taxpayers. He noted that this street light will be new to residents and placing them in commercial corridors first will give us the opportunity to evaluate them.

Mr. O’Leary noted that this is a financial, environmental, and public safety investment for the City.

Mr. Bullock requested additional time in Committee to learn more about this project and also to discuss the use of the additional NOPEC grant funds.

On the motion - Motion adopted. All members voting yea.

10. Communication from Law Director Butler regarding Lakewood Park concession lease with HELP Foundation, Inc. (Pg. 37)

Nancy Pepler, Executive Director of HELP Foundation stated that Cornucopia was pleased with its experience at Lakewood Park last season. She discussed the mission and work of Cornucopia. She remarked that Cornucopia felt greatly appreciated by the park patrons. She discussed partnerships Cornucopia has had and will be seeking this season with other Lakewood food businesses. She explained the acquisition of Cornucopia by HELP Foundation. Mr. O’Leary thanked Ms. Pepler for a great job last season.

In response to a Councilmember’s question Director Butler explained that this year’s lease clarifies that the tenant is responsible for any broken appliances.

In response to a Councilmember’s question, Ms. Pepler addressed the matter of employing clients in the park. This season HELP plans to have clients operate the food cart. HELP intends to begin operation of the cart Memorial Day weekend and to begin full concessions when the pool opens.

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

11. **ORDINANCE NO. 28-18** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor to enter into a concession lease agreement with HELP Foundation, Inc. for the operation of food concessions at Lakewood Park, pursuant to Section 155.08 of the Codified Ordinances. (Pg. 38)

Motion by Mr. O’Leary, seconded by Mr. Anderson to suspend the rules.

Roll Call Vote:

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader

Nays: none

Motion passed. Rules suspended.

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 28-18.

Roll Call Vote:

Yeas: Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader

Nays: none

Motion passed. Ordinance 28-18 adopted.

12. Communication from Law Director Butler regarding Ordinance adding finance processes to the Code following passage of Third Amended Charter. (Pg. 49)

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

Motion adopted. All members voting yea.

13. **ORDINANCE NO. 29-18** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, enacting various sections of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to financial processes in the city. (Pg. 50)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Ordinance 29-18 to Rules & Ordinances Committee.

Motion adopted. All members voting yea.

14. Communication from Law Director Butler regarding Resolution adopting Foundation Planning Task Force recommendations regarding Healthy Lakewood Foundation. (Pg. 53)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 9004-18** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, adopting the recommendations of the Foundation Planning Task Force for the creation of the Healthy Lakewood Foundation, the appointment of its initial board and the approval of its initial governing documents, all in accordance with the Master Agreement governing healthcare in Lakewood dated December 21, 2015. (Pg. 54)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Resolution 9004-18 to Committee of the Whole.

Motion adopted. All members voting yea.

16. *(Add-on – Old Business) Planning Commission Report regarding 1375, 1379 & 1381 Fry Avenue Rezoning. (Pg. 80)

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

Motion adopted. All members voting yea.

17. *(Add-on – Old Business) **ORDINANCE NO. 23-18** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 1381 Fry Avenue (PPN 312-33-054), 1379 Fry Avenue (PPN 312-33-053), and 1375 Fry Avenue (PPN 312-33-052) from C3 (Commercial, General Business) to PD (Planned Development. (READ, REFERRED TO THE PLANNING COMMISSION 3/19/18, 2ND READING 4/2/18) (Pg. 81)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Ordinance 23-18 to Committee of the Whole.

Discussion: Councilmember Bullock asked questions about the history of these parcels and the plans going forward for consolidation and splitting of the lots.

Director Sylvester and Chief Gilman responded.

On the motion - Motion adopted. All members voting yea.

18. *(Add-on) **RESOLUTION 9005-18** - A RESOLUTION to congratulate Mary T. Hagan on her retirement after thirty years of public service to the City of Lakewood in the City Council Office.

Mr. O'Leary presented Clerk Hagan with a ceremonial resolution and other tokens of appreciation and moved to adopt Resolution 9005-18. Mr. Anderson seconded the motion.

Discussion: All Councilmembers and Mayor Summers made personal remarks about their time working with Clerk Hagan. They expressed well wishes and appreciation for her dedication, humor, and effectiveness over the years. They thanked her for her years of service.

Clerk Hagan thanked the public for allowing her to retire, thanked the Councilmembers for being fair bosses, Mayor Summers, and Director Butler for all of his help, along with all the City Directors and Liaison Bach.

On the motion - Motion adopted. All members voting yea.

*****PUBLIC COMMENT*****

Luke, Lena, & Michael of Emerson Elementary

The students discussed school shootings and their efforts to organize a walk out on April 20th to raise awareness of school safety. They made recommendations to Council about how schools can be better prepared for these events such 1. Increase the number of drills and make drills more realistic 2. Invest in safer infrastructure such as bullet proof entrances 3. Require that school visitors state their name and reason for the visit

Mr. O'Leary thanked the students and referenced Council's recent Resolution encouraging the State to pass meaningful gun reform. He also made note a recent community conversation on this topic attended by police, School, Board and Mayor.

Mayor Summers announced that a training session on school shootings will be held on September 27th and that police are also working on a session for students. Chief Malley added that all LCSD teachers go through active shooter training.

Mr. Anderson engaged the students in a question and answer session about the walk out.

Councilmember Litten and O'Malley recognized the persuasive arguments made by the students and thanked them for their advocacy.

Edward Graham – 1286 Chase

Mr. Graham congratulated Clerk Hagan on her retirement. He suggested that the proposed new street lights may help cut down on crime. He also remarked on the closure of Lakewood Hospital and accused the City government of giving away City assets.

******ANNOUNCEMENTS******

Mr. O'Leary announced Meet the Trucks on June 2nd

Mayor Summers announced that for the first time in seven years the City's HUD Block Grant was increased by \$200,000.

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

Motion adopted. All members voting yea.

Meeting adjourned 9:25 P.M.

Approved: _____

CLERK

PRESIDENT