

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
JANUARY 5, 2015
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and both branches of the Lakewood Public Library after noon on Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
 - II. Moment of Silence
 - III. Roll Call
- Reading & disposal of the Minutes of the Regular Meeting of Council held December 15, 2014.
- Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report regarding C.O.W. 1/5/15 Appointments, 36-14, 8787-14 - Chair; Madigan (TO Be Provided)
2. **RESOLUTION NO. 8771-14** 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 Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020. (Referred to the Committee of the Whole 11/3/14) (Pg. 6)
3. **RESOLUTION NO. 8772-14** - 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 Building Standards and Building Appeals and the Architectural Board of Review for the five-year term beginning January 1, 2015 and ending December 31, 2019. (Referred to the Committee of the Whole 11/3/14) (Pg. 7)
4. **RESOLUTION NO. 8773-14** - 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 Zoning Appeals for the five-year term beginning January 1, 2015 and ending December 31, 2019. (REFERRED TO THE COMMITTEE OF THE WHOLE 11/3/14) (Pg. 8)
5. **RESOLUTION NO. 8774-14** - 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 Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017. (REFERRED TO THE COMMITTEE OF THE WHOLE 11/3/14) (Pg. 9)
6. **RESOLUTION NO. 8775-14** - 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 Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017. (REFERRED TO THE COMMITTEE OF THE WHOLE 11/3/14) (Pg. 10)
7. **RESOLUTION NO. 8776-14** - 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, 2015 and ending December 31, 2017. (REFERRED TO THE COMMITTEE OF THE WHOLE 11/3/14) (Pg. 11)

8. **RESOLUTION NO. 8777-14** - 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 _____ as a community organization trustee to the Lakewood Hospital Association Governing Board, for the term beginning January 1, 2015 and ending December 31, 2019. (REFERRED TO THE COMMITTEE OF THE WHOLE 11/3/14) (Pg. 12)
9. **RESOLUTION NO. 8778-14** - 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 Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 11/3/14) (Pg. 13)
10. **RESOLUTION NO. 8779-14** - 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 Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 11/3/14) (Pg. 14)
11. **ORDINANCE NO. 36-14** – AN ORDINANCE to repeal the existing Chapter 1143, Off-Street Parking, of the Zoning Code of the City of Lakewood and to enact a new Chapter 1143, Parking. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 10/20/14, 2ND READING 11/3/14, DEFERRED 11/17/14) (Pg. 15)
12. **RESOLUTION NO. 8787-14** – 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 and directing the Mayor to submit the Five Year Consolidated Plan (Fiscal Year 2015-2019) as a required for receiving federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships (HOME) funding from the U.S. Department of Housing and Urban Development (REFERRED TO THE COMMITTEE OF THE WHOLE 12/1/14) (HUD). (Pg. 38)
13. Health & Human Services Committee Report regarding 8781-14. (To Be Provided)
Chair Marx
14. **RESOLUTION NO. 8781-14** – 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, authorizing the City of Lakewood's participation under an agreement between the Westshore Council of Governments, and

the MetroHealth System for the provision of professional tactical medical control services. (Pg.40)

15. Rules & Ordinances Committee Report regarding 59-14 & 60-14. (To Be Provided) – Chair O’Leary.
16. **ORDINANCE NO. 59-14** – 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 establish minimum coverage limits and fees required under various sections of the Lakewood Codified Ordinances related to insurance. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/1/14, 2ND READING 12/15/14) (Pg. 57)
17. **ORDINANCE NO. 60-14** – 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 establish the annual fee required for a secondhand dealer’s license pursuant to Section 737.02 of the Lakewood Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/1/14, 2ND READING 12/15/14) (Pg. 59)
18. **ORDINANCE NO. 61-14** – 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 matters. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/15/14) (Pg. 61)

****NEW BUSINESS****

19. Communication from Councilmember Marx regarding Commending Lakewood Library’s 5 Star Rating. (Pg.63)
20. **RESOLUTION NO. 8792-15** – A RESOLUTION to congratulate Lakewood Public Library on being awarded a perfect five star rating from Public Library Service. (Pg.64)
21. Communication from Mayor Summers regarding Appointment to Lakewood Civil Service Commission. (Pg.65)
22. Communication from Planning & Development Director Siley regarding Construction of High School and Lincoln Elementary – Rezoning. (Pg.66)
23. **ORDINANCE NO. 1-15** – 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 1207 Summit Avenue (PPN 311-31-094), 1206 Lakeland Avenue (PPN 311-31-095),

1600 Robinwood Avenue (PPN 314-12-040) and 1604 Robinwood Avenue (PPN 314-12-039) from R1H (Single Family, High Density) to C4 (Commercial, Public School). (Pg. 67)

24. Communication from Acting Chief Hassing regarding authorizing limited Police Authority to Cleveland Clinic Foundation Police Officers. (Pg. 69)

25. **RESOLUTION NO. 8793-15** - 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 and directing the Mayor to enter into an agreement with the Cleveland Clinic Foundation (CCF) which will allow police officers employed by the Cleveland Clinic Police Department to exercise limited police powers within the City of Lakewood on and around hospital property operated by CCF. (Pg. 70)

26. Liquor Permit Application for a new D3A permit class to Trios Bar, 13362 Madison Avenue. (Pg. 73)

27. Liquor Permit Application for new C1 & C2 permit classes to UPM Express, 1423 Madison Avenue. (Pg. 74)

RESOLUTION NO. 8771-14

BY:

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 Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020.

WHEREAS, the end of a term has caused a vacancy on the Planning Commission beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the commission; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8772-14

BY:

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 Building Standards and Building Appeals and the Architectural Board of Review for the five-year term beginning January 1, 2015 and ending December 31, 2019.

WHEREAS, the end of a term has caused a vacancy on the Board of Building Standards and Building Appeals and the Architectural Board of Review beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Board of Building Standards and Building Appeals and the Architectural Board of Review for the five-year term beginning January 1, 2015 and ending December 31, 2019.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

referred to the committee of the whole 11/3/14.

RESOLUTION NO. 8773-14

BY:

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 Zoning Appeals for the five-year term beginning January 1, 2015 and ending December 31, 2019.

WHEREAS, the end of a term has caused a vacancy on the Board of Zoning Appeals beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Board of Zoning Appeals for the five-year term beginning January 1, 2015 and ending December 31, 2019.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8774-14

BY:

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 Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Community Reinvestment Area Housing Council beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the council; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8775-14

BY:

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 Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Community Reinvestment Area Housing Council beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the council; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8778-14

BY:

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, 2015 and ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Board of Nuisance Abatement Appeals beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2015 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8777-14

BY:

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 _____ as a community organization trustee to the Lakewood Hospital Association Governing Board, for the term beginning January 1, 2015 and ending December 31, 2019.

WHEREAS, Council is obligated to appoint a community organization trustee to the Lakewood Hospital Association Governing Board, in accordance with Section 9.2(j)(ii) of the lease agreement between the City of Lakewood and the Lakewood Hospital Association; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council appoints _____ as a community organization trustee to the Lakewood Hospital Association Governing Board, for the term beginning January 1, 2015 and ending December 31, 2019.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8778-14

BY:

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 Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

WHEREAS, the end of a term has caused a vacancy on the Lakewood Heritage Advisory Board beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is soon vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8779-14

BY:

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 Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

WHEREAS, the end of a term has caused a vacancy on the Lakewood Heritage Advisory Board beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is soon vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

PLACED ON 1ST READING & REFERRED TO THE
COMMITTEE OF THE WHOLE 10/20/14.

PLACED ON 2ND READING 11/3/14 DEFERRED 11/17/14.

BY:

ORDINANCE NO. 36-14

AN ORDINANCE to repeal the existing Chapter 1143, Off-Street Parking, of the Zoning Code of the City of Lakewood and to enact a new Chapter 1143, Parking.

WHEREAS, revisions are necessary to the parking code of the city of Lakewood to bring the parking code into alignment with the transportation goals and objectives outlined in the Community Vision; and

WHEREAS, the proposed parking code is more user friendly for our residents, more responsive to the needs of Lakewood's smaller local businesses and will more clearly manage the parking expectations for larger redevelopments; and

WHEREAS, at its October 2nd meeting the Planning Commission voted unanimously to recommend Council approve changes outlined in this ordinance; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws, now therefore,

BE IT ORDAINED IN THE CITY OF LAKEWOOD, OHIO:

Section 1. That Chapter 1143, Off-Street Parking of the Zoning Code of the City of Lakewood, currently reading as follows:

1143.01 PURPOSE.

Off-street parking regulations are established in order to protect residential neighborhoods from on-street parking; to promote the general convenience, welfare and prosperity of commercial development; and to relieve congestion so the streets can be utilized more fully for movement of vehicular traffic.

1143.02 GENERAL PROVISIONS.

(a) For every building hereafter erected or expanded, or where the use is changed or enlarged, there shall be provided off-street parking and loading areas as set forth in this Chapter.

(b) No permits shall be issued for any building, improvement or use of land, including, but not limited to, building permits and certificates of occupancy, until a plot plan is submitted to the Commissioner showing such off-street parking and loading spaces as is hereunder required. Such plan shall be prepared at a reasonable scale, showing property lines, the dimensions of the property, the size and arrangement of all parking and loading spaces, the means of ingress and egress to such parking and loading spaces from the street and interior circulation within the property, the extent of any change required in existing site conditions

to provide required parking and loading spaces and such other conditions as may be necessary to permit review and approval of the proposed parking and loading spaces.

(c) Off-street, on-site parking spaces for all uses as required by this Chapter shall be designed and maintained in accordance with applicable sections of these Ordinances so as to be safe, attractive and free of hazard, nuisance or other unsafe condition, and be used for exclusive use of the tenants, occupants and customers of the buildings or uses on said site.

(d) All parking spaces and off-street spaces shall be provided in accordance with this Chapter and shall be provided on the same lot as the principal use to which it is accessory.

(e) Unenclosed parking spaces shall not be used for repair of a motor vehicle.

(f) Parking for all motor vehicles shall be on an improved surface of concrete or asphalt or other materials approved by the Board of Building Standards.

1143.03 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.

(a) Where floor area is designed as the standard for determining parking space requirements, floor area shall be computed on the gross floor area (GFA), in square feet, of all floors of the building, including the exterior walls.

(b) Where seating capacity is the standard, employees shall mean the regular working staff, (paid, volunteer or otherwise) at maximum strength/per shift and in full-time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.

(c) The number of parking spaces required will be computed to the next largest number.

(d) In the case of mixed uses or more uses as listed in Section 1143.04, the total parking spaces shall be equal to the requirements of various uses computed separately.

(e) Cumulative parking requirements for mixed-use occupancies may be reduced upon review and approval by the Commissioner where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally).

1143.04 USE CATEGORIES.

For the purposes of calculating parking and loading requirements, uses are defined as follows:

(a) Cultural/Recreational and Entertainment:

(1) Public assembly; including art galleries, auditoriums, community and recreational centers, convention rooms, ballrooms, meeting rooms and exhibit halls, libraries, museums, movie and performing arts centers, stadiums and arenas, funeral homes, churches, synagogues and mosques, outdoor theaters/festival/drama, and mausoleums.

(2) Public recreation; including bowling alleys, gymnasiums, health clubs, roller and ice skating rinks, tennis, racquetball, swimming and other recreational facilities.

(3) Educational; including grade and secondary schools, colleges, special education facilities, trade schools, adult education facilities or testing/research facilities used for or in conjunction with educational purposes, and including dance and karate studios.

(b) Food and Beverage Services:

(1) Quality restaurant; including restaurants, lounges, and bars with or without dancing and entertainment facilities, which provide only seated table service.

(2) Family restaurant; without a bar or lounge area which provides food delivered to tables or dining counters, and only incidental carry out service.

(3) Fast food; which provides quickly or previously prepared food to a service counter; the patron carries the food out or to an indoor or outdoor seating area.

(4) Carry out; which provides quickly or previously prepared food to a service counter; the patron carries the food off premises for consumption.

(c) Governmental: including Federal, State, County, Township and Municipal buildings of all types and facilities used by public or quasi-public agencies that serve or assist the public or provide an accepted public purpose.

(d) Industrial: including manufacturing processing, assembly, and/or packaging plants of all types.

(e) Office and Business Services:

(1) General business offices; including, but not limited to, accounting, advertising, architectural/engineering/urban planning, bookkeeping, business and management consulting, charitable, consumer protection, corporate credit reporting, data processing, detective services, interior decorating (without furniture showrooms), legal offices, newspaper and newspaper distribution, philanthropic or professional membership business associations, publishing houses (without printing plants), public relations, religious services, research labs, stenographic services, syndicate offices, title abstracting, travel agencies and window cleaning services.

(2) Financial services offices; including, but not limited to, collection services, commodity or security broker/dealer, currency exchange, employment agencies, employment services, financial institutions including banks, savings and loans, credit unions, financial counseling, income tax preparation, insurance agencies and brokers/service offices, loan companies, labor unions, and real estate offices.

(f) Medical Offices:

(1) Including, but not limited to, dentists, physicians, chiropractors, psychiatrist/psychologist, nonresidential psychiatric, alcoholic and narcotic treatment centers, dental and medical laboratories, medical clinics and outpatient surgery/treatment centers, offices for the fitting and repair of hearing aids and prosthetic appliances, and massotherapy.

(g) Home Occupation Offices:

(1) Including such services, provided solely by the owner or tenant, as accounting, insurance, public relations, tax preparation, legal, stenographic, planning and design and similar activities.

(h) Residential Uses:

(1) Single-family structures; including detached houses and duplexes, townhouses, and clustered dwelling units that may be attached but have separate entrances and/or parking areas for each unit or common parking areas servicing two (2) or more units.

(2) Multi-family structures; including condominium and apartment buildings with common entranceways and/or parking areas for two (2) or more dwelling units.

(3) Senior housing; including any multi-family dwelling occupied ninety percent (90%) or more by persons sixty (60) years of age or older.

(4) Sleeping rooms; including boarding, lodging, bed and breakfast homes, rectories and convents, and rooms that are rented or used on an individual basis by non-family members.

(5) Commercial lodging; including hotels, motels, motor lodges and motor courts.

(6) Group/convalescent/nursing homes and assisted living; where unrelated persons reside under supervision for special care, treatment, training or other purposes on a temporary or permanent basis.

(7) Day-care centers; where unrelated persons are cared for during limited periods each day in a supervised facility.

(8) Hospitals; including teaching and specialized medical centers, sanitariums, and residential alcoholic, psychiatric and narcotic treatment facilities that provide for temporary or long-term resident patient care.

(i) Retail/Service Uses:

(1) General retail; including generally the sale of items such as antiques, art, art supplies, bicycles, books, camera and photographic supplies, china and glassware, clothing, coin merchandising, drapery/curtain/window coverings, dry goods, fabric and sewing accessories, floor coverings, furrers and fur apparel, gift/novelty/souvenirs, hobby, jewelry, linens/sheets/towels, leather/luggage/suitcases, musical instruments, optical shops, newspapers and magazines, retail florist (non greenhouse), paint and wall coverings, pet shops, records/audio/stereo/TV, school and office supplies, second hand and resale, shoes, small electrical appliances, specialty, stationary, tobacco, and toys.

(2) Convenience retail; including bakeries and confectioneries (non-manufacturing), butchers/ meat shops, dairy products, eggs and poultry, fish and seafood, fruit grocery/superstores/supermarkets/liquor, laundry/dry cleaning (pickup station only), pharmacy, drug, film/video rentals.

(3) Service retail; including drapery services, direct selling, appliance repair, tool and appliance rentals, mail order, merchandise vending, printing/copy, shoe repair, pawn shops, photographic studios, tailoring and dressmaking, upholstery.

(4) Hard goods retail; including automotive parts and supplies (without repair facilities), furniture, key and lock, hardware, wholesale florists, garden supply, greenhouse, nurseries, truck gardens and orchards, lumber and building

supplies, household appliances, lighting and electrical supplies, pool and patio furniture, and sales display and showrooms for any building product (including millwork, cabinets, plumbing, glass and mirror, fencing, swimming pools/spas/hot tubs, etc.).

(5) Shopping centers; with two (2) or more individual stores, provided in the same building or attached buildings, and gross leaseable area (GLA) totaling more than 10,000 square feet.

(6) Personal care services; including barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, fingernail salons, tanning salons.

(7) Coin operated laundry and coin operated dry cleaning facilities; with or without attendant services and/or a pickup station for outside dry cleaning service.

(8) Other retail/service uses; including animal clinics/hospitals/veterinarian offices, kennels/pounds and grooming services.

(9) Motor vehicle sales and service; including automotive sales, gasoline and/or diesel fuel stations, automotive rental agency, marine craft sales and service, engine and motor repair shops, automotive glass/muffler/painting/tire/upholstery/repair shops, recreational and sports vehicle sales and service, or any combination thereof.

(10) Car wash/motor vehicle detailing facilities; including facilities for washing, waxing and cleaning of vehicles and vehicle components but expressly prohibiting facilities or equipment for the repair, overhaul or storage of motor vehicles or vehicle components.

(j) Storage/Wholesale/Utility:

(1) Including, but not limited to, mini warehouse with secured, individual storage units, which are leased for a fee to individual companies or persons.

(k) Wireless Telecommunication Facilities: pursuant to Section 1159.05(l).

(l) Sexually Oriented Businesses: pursuant to Section 1163.06.

(m) Mixed Use Overlay District: pursuant to Section 1135.03(b).

(n) Planned Development: pursuant to Section 1156.05(e).

(o) Drive-through facilities; including but not limited to, fast-food restaurants, financial institutions, car washes, photo uses, and drug stores.

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

The required number of off-street parking, loading spaces and stacking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this chapter.

The Commissioner is hereby authorized to determine the required off-street parking and loading requirements for uses not specifically listed in this Ordinance, based on the most similar use(s) that are listed. Such determination by the Commissioner shall be in writing and shall be appealable to the Board.

1143.06 OFF-STREET LOADING SPACES REQUIRED.

The location of off-street loading spaces shall be regulated according to the following:

(a) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

(b) No part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.

1143.07 VARIANCE.

The Commissioner may grant a variance to the off-street parking requirements if it can be established that there is an equivalent number of unused parking spaces available in a parking lot or an acceptable alternative within 300 feet, utilizing sidewalks, from the use in question.

Wherever any required off-street parking is provided elsewhere than on the lot or parcel of land on which the principal use to be served is located, a written agreement thereby assuring the retention of such parking shall be properly drawn and executed by the parties concerned, approved as to form by the Law Department, and filed with the application for a variance under this Section.

1143.08 COMPLEMENTARY USES.

Up to ten percent (10%) of the floor area (calculated as required by the standard for the principal use) in the same building or attached buildings may be occupied by other complementary uses without providing parking spaces in addition to that imposed by the application of the ratio for the principal use.

Examples of complementary uses include a pharmacy in a hospital or medical office building, "food courts" or restaurant within a principal shopping center building, and retail or restaurant tenants in an office building so long as the total space occupied by complementary tenancies does not exceed ten percent (10%) of the appropriate GFA of any building or facility.

1143.09 UNLICENSED, IMMOBILIZED VEHICLES.

No person shall store or permit to be stored, for a period of more than three (3) consecutive days, any motor vehicles not having current year license plates and/or damaged or immobilized so as to render it incapable of being moved under its own power, upon any lot or land designated as within any district, unless the same shall be in a completely enclosed building or garage. "Motor Vehicle" shall have the same meaning as in O.R.C. 4501.01. This Section shall not apply to motor vehicle sales lots.

1143.10 APPLICABILITY.

The Commissioner shall enforce the provisions of Chapter 1143, or such other persons as the Commissioner may designate, when a parking lot is constructed, expanded, enlarged, or altered.

1143.11 PARKING LOT DESIGN.

Parking lots in the Multiple-Family, Low Density Districts (ML), and Multiple-Family High Density Districts (MH); Commercial Districts, C1 Office, C2 Retail,

C3 General Business, C4 Public School, and the Industrial (I) District, are regulated pursuant to Section 1325.08 of the Building Code.

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
RESIDENTIAL				
Single-, Two-, Three-Family		2/Dwelling Unit	None	One (1) required space shall be in a garage. The front yard shall not be used for off-street parking except in the Lagoon District.
Type B Home Occupation		3	None	In addition to requirement for residential use.
Bed & Breakfast		1/Guest Room	None	In addition to requirement for residential use.
Multi-Family Studio 1 Bedroom 2+ Bedroom		1.5/Dwelling Unit	None	One (1) required space shall be assigned to each dwelling unit. One (1) required space shall be in a garage. The front yard shall not be used for off-street parking.
Multi-Family Bedrooms Added to Existing		1/Bedroom	None	One (1) required space shall be added for each two (2) occupancy increases or fraction thereof.
Sleeping Rooms		1/Roomer	None	
Commercial Lodging		1/Room plus .25/employee	1/100 Units or fraction thereof	
Elderly Housing		.25/Dwelling Unit	One (1)	

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
RESIDENTIAL (Cont.)				
Group/Nursing/Convalescent/Assisted Living Home		1/employee plus .25/Bed or .25/Dwelling Unit	One (1)	
Home Day Care		.25/Infant, Toddler, Child	None	
RETAIL SERVICE				
General Retail	2/Lane (Pharmacy, Photo or other low to moderate use)	2.5/1,000 sq. ft. GFA*	None	
Convenience Service		4/1,000 sq. ft. GFA	None	
		2.5/1,000 sq. ft. GFA	None	
Hard Goods		2.5/1,000 sq. ft. GFA	None	
Shopping Center		4/1,000 sq. ft. GFA	1/25,000 sq. ft.	
Personal Care Service		1.5/Station	None	
Coin Operated Laundries		1/4 Machines	None	
Other Retail/Service		2.5/1,000 sq. ft. GFA + .5/Employee	None	
Motor Vehicle Sales and Service	2/Gas Pump Island	1/Employee +2/Bay 2.5/1,000 sq. ft. GFA	1/25,000 sq. ft.	
	5/Car Wash Lane	2 Stacking Spaces/Gas Pump Island		

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
RETAIL SERVICE (Cont.)				
Car Wash		1/Employee +2 Stacking Spaces/Bay	None	
FOOD AND BEVERAGE				
Quality Restaurant		.25/Seat	None	
Family Restaurant		.25/Seat	None	
Fast Food	10/Drive- Through Lane	.25/Seat provided	None	
Carry Out		2.5/1,000 sq. ft. GFA	None	
Bars/Taverns		.25/Seat	None	One (1) required space for every twelve (12) square feet of designated standing area.
OFFICE AND BUSINESS SERVICES				
General Business		3.5/1,000 sq. ft. GFA	None	
Financial Services	3/Drive- Through Lane	3.5/1,000 sq. ft. GFA	None	
Medical Offices		4/Doctor	None	
STORAGE/WAREHOUSE				
Mini Warehouse		1/Storage Unit +2	None	

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
INDUSTRIAL				
Any use described in Section 1131.02		.5/Employee	1/25,000 sq. ft. up to 50,000 sq. ft. GFA; +1/next 50,000 sq. ft. +1/100,000 sq. ft. thereafter	
WIRELESS TELECOMMUNICATION FACILITIES				
Any use described in Section 1159.05(l)		1/Facility		
EDUCATION				
Elementary and Secondary Schools		1/Classroom or .25/Seat in Assembly Hall; 2/Student +1/Staff +.33/Seat in Stadium or Assembly Hall, whichever is greater	None	
High School, College, Trade School		.2/Student + 1/Staff + .33/Seat in stadium or Assembly Hall, whichever is greater	None	
Dance/Karate Studio		.33/Student	None	

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS

CULTURAL/RECREATIONAL/ENTERTAINMENT				
Public Assembly		.33/Seat	None	
Church		.33/Seat	None	
Funeral Homes		1/50 sq. ft. GFA* Parlor/Service Rooms	None	
Public Recreation		10/1,000 sq. ft. Recreation Area	None	
Bowling Alley		2/Alley	None	
Skating Rinks		10/1,000 sq. ft. Activity Area	None	

*(GFA) Gross Floor Area, see Section 1143.03.

** Stacking spaces not specified shall be determined on an individual basis by the Commission.

is hereby repealed.

Section 2. That a new sub-section within section 1103.02 Parking Lot, is hereby enacted to read as follows:

§1103.02() **Parking Lot** means any outdoor space, plot, place, lot, parcel, yard or enclosure or any portion thereof, where more than two motor vehicles may be parked, stored, serviced, housed or kept.

Section 3. That new a sub-section within section 1103.02, Parking Space, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

§1103.02() **Parking Space** means an area designated for the parking of a bicycle or space designated by pavement markings intended for the parking of a motor vehicle.

Section 4. That new Chapter 1143, Parking, of the Zoning Code of the City of Lakewood, is hereby enacted to read as follows:

1143.01 PURPOSE

The purpose of this Chapter is to establish flexible vehicle parking requirements that support the Community's Vision to provide safe, convenient, and integrated transportation options throughout the city. Parking requirements are based on the needs of the community and consider the context of the neighborhood, transit availability, on-street parking, density, mix of uses, walkability, and the use of alternative modes of transportation. Parking requirements are designed to accommodate average day-to-day demand, as opposed to peak demand, in order to reduce excessive off-street parking and free up land for more economically productive or environmentally conscious uses.

1143.02 GENERAL PROVISIONS

- (a) For every building hereafter erected or expanded, or where the use is changed or enlarged, there shall be provided parking as set forth in this Chapter.
- (b) No permits shall be issued for any building, improvement or use of land, including, but not limited to, building permits and certificates of occupancy, until a parking plan is submitted to the Director showing such parking spaces, as defined in Section 1103.02 of this Zoning Code, as is hereunder required. Such plan shall be prepared at a reasonable scale, showing property lines, the dimensions of the property, the size and arrangement of all parking spaces, the means of ingress and egress to such parking spaces from the street and interior circulation within the property, the extent of any change required in existing site conditions to provide required parking spaces and such other conditions as may be necessary to permit review and approval of the proposed parking spaces.
- (c) Off-street, on-site parking spaces for all uses as required by this Chapter shall be designed and maintained in accordance with applicable sections of these Ordinances so as to be safe, attractive and free of hazard, nuisance or other unsafe condition.
- (d) Unenclosed parking spaces shall not be used for repair of a motor vehicle.
- (e) Parking for all motor vehicles shall be on an improved surface of concrete, asphalt or other materials approved by the Building Commissioner.

1143.03 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.

- (a) Where floor area is designed as the standard for determining parking space requirements, floor area shall be computed on the gross floor area

(GFA), in square feet, of all floors of the building, including the exterior walls.

(b) Where number of employees is the standard, employees shall mean the regular working staff, (paid, volunteer or otherwise) at maximum strength/per shift and in full-time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.

(c) The number of parking spaces required will be computed to the next largest number.

(d) In the case of mixed uses or more uses as listed in Section 1143.04, the total parking spaces shall be equal to the requirements of various uses computed separately.

(e) Cumulative parking requirements for mixed-use occupancies may be reduced upon review and approval by the Planning Commission where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally).

1143.04 USE CATEGORIES.

For the sole purpose of calculating parking requirements, uses are defined as follows:

(a) Commercial

(1) Car Wash: Including facilities for washing, waxing and cleaning of vehicles and vehicle components but expressly prohibiting facilities or equipment for the repair, overhaul or storage of motor vehicles or vehicle components.

(2) Commercial lodging: including hotels, motels, motor lodges and motor courts.

(3) Office: Means use of a building for business, professional, administrative or medical office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees.

(4) Retail: Means sale or service to the final consumer for direct consumption or an establishment providing retail sale of products or services to the public.

(5) Storage/Warehouse: Including, but not limited to, mini warehouse with secured, individual storage units, which are leased for a fee to individual companies or persons.

(b) Industrial: Means manufacturing processing, assembly, and/or packaging plants of all types.

(c) Institutional: Means buildings of all types and facilities used by public, quasi-public or nonprofit agencies that serve or assist the public or provide an accepted public purpose, including hospitals.

(d) Residential

(1) Single-family structures; including detached houses and duplexes, townhouses, and clustered dwelling units that may be attached but have separate entrances.

(2) Multi-family structures; including condominium and apartment buildings with common entranceways and/or parking areas for two (2) or more dwelling units.

(3) Senior housing; including any multi-family dwelling occupied ninety percent (90%) or more by elderly persons, as defined by United States Department of Housing and Urban Development.

(4) Sleeping rooms; including boarding, lodging, rectories and convents, and rooms that are rented or used on an individual basis by non-family members.

(6) Group/convalescent/nursing homes and assisted living; where unrelated persons reside under supervision for special care, treatment, training or other purposes on a temporary or permanent basis.

(7) Day-care centers; where unrelated persons are cared for during limited periods each day in a supervised facility.

(e) Public Assembly: Including, but are not limited to, all buildings or portions of buildings, used for gathering together 100 or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, or amusement. Examples of assembly include, but are not limited to, large meeting rooms and classrooms, auditoriums with fixed or loose chair seating, multi-purpose rooms, concert halls, and theaters. Restaurants, or other rooms used primarily for the service of food are not places of public assembly.

(f) Wireless Telecommunication Facilities: pursuant to Section 1159.05(1).

(g) Sexually Oriented Businesses: pursuant to Section 1163.06.

(h) Mixed Use Overlay District: pursuant to Section 1135.03(b).

- (i) Planned Development: pursuant to Section 1156.05(e).
- (j) Drive-through facilities; including but not limited to, fast-food restaurants, financial institutions, car washes, photo uses, and drug stores.

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

The required number of off-street parking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this Chapter. Parking in accordance with the schedule is required.

The Director is hereby authorized to determine the required off-street parking requirements for uses not specifically listed in this Ordinance, based on the most similar use(s) that are listed. Such determination by the Director shall be in writing and shall be appealable to Planning Commission, per Section 1173.03.

1143.06 UNLICENSED, IMMOBILIZED VEHICLES.

No person shall store or permit to be stored, for a period of more than three (3) consecutive days, any motor vehicles not having current year license plates and/or damaged or immobilized so as to render it incapable of being moved under its own power, upon any lot or land designated as within any district, unless the same shall be in a completely enclosed building or garage. "Motor Vehicle" shall have the same meaning as in O.R.C. 4501.01. This Section shall not apply to motor vehicle sales lots.

1143.07 APPLICABILITY.

The Director shall enforce the provisions of Chapter 1143, or such other persons as the Director may designate, and may ask for advisement from the Planning Commission on matters related to parking.

1143.08 PARKING LOT DESIGN.

Parking lots, as defined in Section 1103.02 of this Zoning code, in the Multiple-Family, Low Density Districts (ML), and Multiple-Family High Density Districts (MH); Commercial Districts, C1 Office, C2 Retail, C3 General Business, C4 Public School, and the Industrial (I) District, are regulated pursuant to Section 1325.08 of the Building Code.

1143.09 PARKING PLAN REVIEW: PLANNING COMMISSION

The Planning Commission shall review applications for parking plans that do not meet the set schedule in 1143.05. In addition to referencing Section 1143.09 and Section 1143.10, the Commission may consider the following when reviewing an application:

- (a) Impact on central character of residential neighborhoods taking on overflow parking;

- (b) Available surface parking lots in the neighborhood that could be used for shared parking;
- (c) Similarly scaled projects throughout the city to compare parking footprint;
- (d) When a restaurant use is proposed, the total number of tables to parking spaces;
- (e) Total number of employees;
- (f) Alternative forms of transportation available in the neighborhood;
- (g) Implementation of bicycle facilities, including but not limited to, bicycle racks, covered bicycle parking, and shower facilities for employees;
- (h) Peak demand for parking spaces from all uses compared to the total supply of spaces;
- (i) Traffic impact analysis and/or a traffic demand study;
- (j) For uses defined as Institutional or Public Assembly in Schedule 1143.05, the Commission may consider the following guidelines:
 - (1) 1 space for each 80 sq ft of all auditoria and public assembly rooms
 - (2) 1 space for each employee

1143.10 EXCEPTIONS TO REQUIRED MINIMUMS

The number of parking spaces required may be reduced in accordance with the following credits as determined by the Planning Commission when reviewing an application for a reduction to the minimum number of parking spaces required per Schedule 1143.05.

The Board of Zoning Appeals shall determine whether the applicant can demonstrate that enforcement of minimum parking requirements will result in practical difficulty according to the criteria set forth in Section 1173.04(c).

- (a) For uses defined as Commercial in Section 1143.04 the Planning Commission may consider the following:
 - (1) One space credit for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the subject property. Such off-site spaces shall be located within 1,000 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking space/lot to the main public entrance of the use served.
 - (2) One space credit for each off-site parking space provided by valet parking service. The property or business owner shall submit to the department written documentation of permission to use an off-site parking for valet parking. The Director may request a review of the agreement as often as annually to ensure compliance.

(3) One space credit for each space in a parking lot or parking structure provided for public use located within 1,000 feet, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

(4) A determination by the Director is made that there is no change in use and the same parking facilities are in place.

(b) For uses defined as Residential in Section 1143.04 the Planning Commission may consider implementing an improvement to the property that aligns with the general goals and objectives as described in the Vision including, but not limited to, the following:

(1) Implement improvements to the property that may reduce carbon emissions and improve energy efficiency using environmental best practices as defined by the Environmental Protection Agency;

(2) Implement storm water management techniques such as bio-swales, rain gardens, and pervious pavements;

(3) Construct a shed or storage building on site for landscaping equipment and additional storage;

(4) Install of an innovative landscaping plan, considered to be over and above the landscaping requirements as typically required by the Architectural Board of Review.

(5) Plant, flower, and tree type, size, design, location and irrigation may be considered as part of the landscape plan to be reviewed

(6) For properties not connected properly to the city's sanitary and storm system per Section 913.05, the applicant can make the necessary improvements to connect correctly.

1143.11 EXCEPTIONS TO REQUIRED MAXIMUMS

The number of parking spaces provided may exceed the maximum specified per the following options as determined by the Planning Commission when reviewing an application to exceed the maximum number of parking spaces allowed per 1143.05.

(a) One space increase for each space located in a parking structure.

(b) Implementation of additional measures that control the flow of stormwater runoff on the project site pursuant to EPA Best Management Practices (BMP) by:

(1) Providing and treating or controlling an additional volume above the computed Water Quality Volume (WQv) as determined by Chapter 1339. Post-Construction BMP exemptions mentioned in Chapter 1339 shall not apply to this section.

(2) Projects that disturb an area less than 8,000 square feet may use this exception

(c) Installation of a streetscape improvement for public use, including, but not limited to

(1) A transit waiting environment along an existing bus route.

(A) The transit waiting environment (e.g., bus stop) shall take into consideration design guidelines for transit waiting environments produced by the local transit authority, and any other design guidelines or standards as recommended by the Administration or City Council;

(B) Location of the transit waiting environment is to be determined by the Planning Director or such other persons as the Director may designate

(2) Public art installation;

(3) Public pedestrian seating, street trees, or decorative street lighting;

(4) Streetscape improvements shall require approval by the Architectural Board of Review;

(d) Implementation of an innovative landscaping plan, considered to be over and above the landscaping typically required by the Architectural Board of Review;

(1) Plant, flower, and tree type, size, design, location and irrigation may be considered as part of the landscape plan to be reviewed

(e) The property or business owner will make its parking lot available for shared parking with neighboring businesses.

1143.12 BICYCLE PARKING REQUIREMENTS

All uses defined as Retail or Office shall provide bicycle parking, in conformance with the following standards.

- (a) One (1) bicycle parking space per 2,500 square feet for uses defined as Retail or Office;
- (b) Required bicycle parking shall be provided in a safe, accessible and convenient location;
- (c) The bicycle space shall be within 250 feet of at least one main entrance of the building, as measured along the most direct pedestrian access route;
 - (1) Bicycle spaces already installed within 250 feet of one main entrance shall count towards the bicycle parking requirement;
- (d) There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and
- (e) Bike rack design shall follow the recommendations in the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines.

1143.13 STACKING SPACE REQUIREMENTS

Stacking spaces not specified shall be determined on an individual basis by the Commission. The following business uses shall be subject to the following stacking requirements:

- (a) Bank, Pharmacy, Photo or other low to moderate use: 2/Lane
- (b) Motor Vehicle Sales/Gas Station: 2/Gas Pump Island
- (c) Car Wash: 5/Car Wash Lane
- (d) All other uses defined as Commercial with a Drive-Through Lane: 10/Drive-Through Lane.

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS	
Uses	Parking Space Requirement
Residential	
Single-, Two-, Three-Family	Min 1/Dwelling Unit; No Max; One (1) required space shall be in a garage.
Type B Home Occupation	Minimum is same for residential use; Max of 3, in addition to requirement for residential use
Bed & Breakfast	Minimum is same for residential use; Max 1/Guest Room, in addition to requirement for residential use
Multi-Family, Studio, 1 Bedroom, 2+Bedroom	Min of 1/Dwelling Unit; Max of 2/Dwelling Unit
Sleeping Rooms	Min of .5/Roomer; Max of 1/Roomer
Senior Housing	Min of .5/employee; Max of 1/employee or .25/Dwelling Unit

Group/Nursing/Convalescent/Assisted Living Home	Min of .5/employee; Max of 1/employee or 1 space/bed
Day Care	Min of .5/employee plus 4 drop off spaces; Max of 1/employee plus 8 drop off spaces
Commercial	
Retail*	Min 1 for each 1,000 sq ft GFA; Max 2.5 for each 1,000 sq ft GFA
Office*	Min 2 for each 1,000 sq ft GFA; Max 3.5 for each 1,000 sq ft GFA
Car Wash	No Min; Max of 1/Employee
Storage/Warehouse	Min of 1/Employee; Max of 1.5/Employee
Commercial Lodging	Min of .5/Room; Max of 1/Room
*Businesses occupying existing buildings or tenant spaces under 2,500 sq ft are not required to provide off street parking	
Industrial	
Any use described in Section 1131.02	Min .25/Employee; Max 1.5/Employee
Wireless Telecommunication Facilities - Any use described in Section 1159.05(l)	No min; Max 1/Facility
Institutional	
Elementary, Secondary and High Schools, College, Trade School	As required by the Planning Commission per Section 1143.09
Church	As required by the Planning Commission per Section 1143.09
Hospital	As required by the Planning Commission per Section 1143.09
Public Recreation	As required by the Planning Commission per Section 1143.09
Other	
Public Assembly	As required by the Planning Commission per Section 1143.
Wireless Telecommunication Facilities	Pursuant to Section 1159.05(l)
Sexually Oriented Businesses	Pursuant to Section 1163.06
Mixed Use Overlay District	Pursuant to Section 1135.03(b)
Planned Development	Pursuant to Section 1156.05(e)

Section 5. That Section 1171.03, Planning Commission, currently reading as follows:

1171.03 PLANNING COMMISSION.

In addition to the powers and duties conferred by Charter the Commission shall, for purposes of this Code, have the following duties:

- (a) To review and approve or disapprove an application for a Conditional Use Permit for a particular lot according to the general criteria set forth in Section 1173.02 and the specific criteria set forth in Chapter 1161.
- (b) To determine that a proposed use not listed or provided for in this Code is substantially similar to a permitted or conditionally permitted use that is listed and provided for in this Code by applying the criteria set forth in Section 1173.03.
- (c) To review and approve or disapprove each application for a use variance.
 - (1) In the case of a use variance to allow a use not permitted under this Code in the zoning district in which the property is located, the Commission must find that the applicant has demonstrated that the literal enforcement of the Code will result in unnecessary hardship according to the criteria set forth in Section 1173.04(d).
 - (2) When granting a use variance, the Commission may prescribe any conditions or safeguards that it deems necessary to insure that the applicant will comply with the terms of the variance, and to preserve the spirit and intent of the Code.
- (d) To review and approve or disapprove amendments to the regulations, restrictions, and boundaries set forth in this Code.
- (e) To review at least once each year the regulations, restrictions, and boundaries set forth in this Code to determine whether same are consistent with the Vision and the public purposes specified herein, in order to make recommendations to Council where necessary; the first such annual review shall be completed not later than December 31, 1997.
- (f) To review and recommend to Council approval or disapproval of plats for the subdivision and resubdivision of any major subdivision.
- (g) To review and approve or disapprove an application for a Mixed Use Overlay according to the criteria set forth in Chapter 1135.
- (h) To review and approve or disapprove an application for a Planned Development according to the specific criteria set forth in Chapter 1156.
- (i) The Commission shall hold a public hearing within sixty (60) days after receipt of an application, request for determination, or referral before the Commission pursuant to this Section.

...

shall be and is hereby amended to read as follows:

1171.03 PLANNING COMMISSION.

In addition to the powers and duties conferred by Charter the Commission shall, for purposes of this Code, have the following duties:

- (a) To review and approve or disapprove an application for a Conditional Use Permit for a particular lot according to the general criteria set forth in Section 1173.02 and the specific criteria set forth in Chapter 1161.
- (b) To determine that a proposed use not listed or provided for in this Code is substantially similar to a permitted or conditionally permitted use that is listed and provided for in this Code by applying the criteria set forth in Section 1173.03.
- (c) To review and approve or disapprove each application for a use variance.
 - (1) In the case of a use variance to allow a use not permitted under this Code in the zoning district in which the property is located, the Commission must find that the applicant has demonstrated that the literal enforcement of the Code will result in unnecessary hardship according to the criteria set forth in Section 1173.04(d).
 - (2) When granting a use variance, the Commission may prescribe any conditions or safeguards that it deems necessary to insure that the applicant will comply with the terms of the variance, and to preserve the spirit and intent of the Code.
- (d) To review and approve or disapprove amendments to the regulations, restrictions, and boundaries set forth in this Code.
- (e) To review at least once each year the regulations, restrictions, and boundaries set forth in this Code to determine whether same are consistent with the Vision and the public purposes specified herein, in order to make recommendations to Council where necessary; the first such annual review shall be completed not later than December 31, 1997.
- (f) To review and recommend to Council approval or disapproval of plats for the subdivision and resubdivision of any major subdivision.
- (g) To review and approve or disapprove an application for a Mixed Use Overlay according to the criteria set forth in Chapter 1135.
- (h) To review and approve or disapprove an application for a Planned Development according to the specific criteria set forth in Chapter 1156.

(i) To review and approve or disapprove parking plans submitted that do not meet the schedule of use and space requirements in Section 1143.05.

(j) The Commission shall hold a public hearing within sixty (60) days after receipt of an application, request for determination, or referral before the Commission pursuant to this Section.

...

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

REFERRED TO THE COMMITTEE OF THE WHOLE
12/1/14.

RESOLUTION NO. 8787-14

BY:

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 and directing the Mayor to submit the Five Year Consolidated Plan (Fiscal Year 2015-2019) as a required for receiving federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships (HOME) funding from the U.S. Department of Housing and Urban Development (HUD).

WHEREAS, the Secretary of HUD is authorized by various federal acts to make grants to units of general local government to finance community development programs; and

WHEREAS, HUD requires units of general local government to incorporate the Comprehensive Housing Affordability Strategy into a Consolidated Plan; and

WHEREAS, the City is required every five years, with the participation and approval of its Citizens Advisory Committee (CAC), to submit a Five Year Consolidated Plan update of its Consolidated Plan that analyzes local and regional demographics and market conditions; assesses and prioritizes affordable housing and community development needs; identifies federal and non-federal resources available to address them; stipulates how funding will be distributed among housing, infrastructure, economic development, public facilities, and public services programs, and; establishes multi-year accomplishment goals for these activities; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments it is necessary in order to meet the annual HUD application deadline for federal funds; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized and directed to submit to HUD the Consolidated Plan FY 2015-2019, as reviewed and approved by the CAC.

Section 2. The Consolidated Plan FY 2015-2019, as reviewed and approved by the CAC, establishes multi-year accomplishment goals for identified eligible activities.

Section 3. The Mayor is hereby authorized and directed to act in connection with submission of the Consolidated Plan FY 2015-2019, to provide such additional information as may be required.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all

such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

RESOLUTION NO. 8781-14

BY:

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, authorizing the City of Lakewood's participation under an agreement between the Westshore Council of Governments, and MetroHealth System for the provision of professional tactical medical control services.

WHEREAS, the Westshore Council of Governments, of which the City is a member, is in need of services of certain licensed professionals to provide services in and relating to the fields of trauma, critical care, and emergency medicine and related medical services; and

WHEREAS, MetroHealth Systems, as a level 1 trauma and burn center, is capable and willing to provide these services; and

WHEREAS, Chapter 140 of the Ohio Revised Code authorizes MetroHealth Systems and the Westshore Council of Governments to enter into certain agreements for a public purpose; and

WHEREAS, this agreement serves the public purposes of promoting state and federal policies for enhancing the availability, efficiency, and economy of tactical emergency medical services to municipalities; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of municipal departments in that these services should be made available to member municipalities immediately; now, therefore:

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City of Lakewood is authorized as member of the Westshore Council of Governments to operate under an agreement, in a form similar to that attached as Exhibit A, with MetroHealth Systems for the provision of professional tactical medical control services.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council,

and that all such deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

AGREEMENT FOR THE SERVICES OF LICENSED PROFESSIONALS

This Agreement is entered into on August 1, 2014, by and between the the Westshore Enforcement Bureau, a law enforcement unit of the Westshore Council of Governments, a regional council of governments organized under Chapter 167 of the Ohio Revised Code, and its member municipal corporations, ("Client"), and The MetroHealth System, a county hospital organized and operated under Chapter 339 of the Ohio Revised Code located at 2500 MetroHealth Drive, Cleveland, OH 44109 ("Provider").

WITNESSETH

WHEREAS, Client is desirous of retaining the services of certain licensed professionals from Provider described and listed in the attached Exhibit A (each a "Licensed Professional") to provide services in and relating to the fields of Trauma, Critical Care, and Emergency Medicine and related medical services; and

WHEREAS, Provider is willing and able to provide Client the services of the Licensed Professionals;

NOW, THEREFORE, in consideration of the foregoing statements and the mutual promises made in this Agreement and for other valuable consideration (the receipt and sufficiency of which are hereby acknowledged), Provider and Client (herein collectively called the "Parties") agree as follows:

Section I. Term.

This Agreement shall commence on August 1, 2014 ("Effective Date") and continue for a period of two (2) years thereafter ("Initial Term") for fees and costs set forth herein.

Thereafter, Client shall have the option of renewing the Agreement for additional terms of not less than one year each (each a "Renewal Term"), unless the Agreement is terminated as provided herein.

Section II. Authority, Construction, and Non-exclusivity.

- A. Chapter 140 of the Ohio Revised Code authorizes Provider and Client's member municipal corporations, as public hospital agencies, to enter into certain agreements for a public purpose.
- B. This agreement serves the public purposes of promoting state and federal policies for enhancing the availability, efficiency, and economy of tactical emergency medical services to municipalities.
- C. The attached Exhibit A ("Schedule of Licensed Professionals, Services, and Qualifications") is incorporated herein and shall be a part of this Agreement.

EXHIBIT A

- D. Nothing in this Agreement contemplates an exclusive arrangement.
- E. Provider, at its sole discretion, may direct a Licensed Professional to devote all or part of the Licensed Professional's committed time to Provider not subject to this Agreement to other Provider business. Provider will make its best efforts to minimize turnover.
- F. A Licensed Professional, at his or her sole discretion, may devote to any other pursuit any professional time not committed to Provider and not subject to this Agreement.
- G. Notwithstanding anything to the contrary in this Agreement, Provider will only provide a Licensed Professional under this Agreement when Provider's resources permit doing so.

Section III. Provider's Responsibilities With Regards to Each Licensed Professional.

- A. Provider agrees to make available the services of each Licensed Professional described in Exhibit A. Client has the right to review credentials of assigned individuals at their discretion.
- B. Provider shall take all steps necessary and sufficient for the Licensed Professional to be bound by the terms and conditions of this Agreement.
- C. If a Licensed Professional becomes unavailable for any period of time commitment stated in Exhibit A, then Provider shall provide a suitable substitute, subject to Client's review rights under subsection A above, subject to paragraph F of section II above.
- D. Provider shall cause Licensed Professional to render and provide services under this Agreement in a competent, efficient and satisfactory manner, in accordance with generally accepted standards applicable to the Licensed Professional's profession, and in accordance with all Client's policies, procedures and bylaws.
- E. Provider agrees to respect and abide by all Federal, State and local laws, rules, and regulations, including those pertaining to confidentiality and disclosure with regard to all information and records obtained or reviewed in the course of providing services to Client and/or its patients, and cause Licensed Professional to do the same.

Section IV. Client's Responsibilities With Regards to Each Licensed Professional.

- A. Client shall compensate Provider for the services of the Licensed Professional if and as provided in Section V of this Agreement.
- B. Client shall cooperate with Licensed Professional in the pursuit of Licensed Professional's responsibilities and help with the administrative functions involved in Licensed Professional's responsibilities.
- C. Client agrees to respect and abide by all Federal, State and local laws, rules, and not cause Licensed Professional to act in any violation of the same.

- D. Client shall be responsible for all internal credentialing and privileging necessary and applicable to the Licensed Professional's practice on Client's premises.
- E. Provider shall be responsible for all billing to health insurance or other reimbursement sources as appropriate for the health care services rendered by the Licensed Professionals to Client's patients.

Section V. Fees; Payment Terms.

Client is not obligated to pay Provider any fees for the services under this Agreement.

Section VI. Certifications, Representations, Warranties.

A. Provider represents and warrants that:

- (1) Each Licensed Professional is qualified and carries all required and applicable state and Federal licenses to practice;
- (2) Each Licensed Professional's license to practice has never been suspended or revoked, and Licensed Professional has not received any other sanctions from any licensing board, specialty board, or applicable state or local professional society; has not been denied membership or re-appointment to any applicable professional staff, and Licensed Professionals applicable practice privileges have never been suspended, curtailed, or revoked.

B. Each party certifies and warrants, to the best of the party's knowledge, the following with regards to itself, its employees, and its agents (each an "Individual"):

- (1) No Individual is barred from participation in any state or federally funded programs or on any list of such barred individuals, including but not limited to:
 - (a) The list of excluded individuals and entities maintained by the Office of Inspector General for the United States Department of Health and Human Services ("Excluded List"); and
 - (b) The System of Award Management ("SAM") maintained by the Federal government.

At least once annually, each party shall screen employees against the Excluded List and the SAM.

- (2) No Individual is on any state or federal anti-terror or other exclusion lists or involved in any related investigations;

- (3) No Individual has any undisclosed interest in the Agreement that would constitute a conflict of interest or other violation of Ohio or federal ethics laws and rules; and,
 - (4) No Individual has any criminal background or record that would bar the Individual from performing the Individual's obligations under the Agreement.
- C. Each party recognizes that the other party incurs significant costs in recruiting and training its professionals, including Licensed Professionals, and will suffer a considerable economic loss if the party directly recruits a professional. Therefore, if either party or an affiliate (each a "Recruiting Party") directly recruits and engages any professional during any active term of this Agreement or within one (1) calendar year thereafter, then at the discretion of the other party, the Recruiting Party agrees to pay to the other party a recruiting fee in the amount of forty per cent (40%) of such professional's then annual base salary, not including fringe, incentive and other benefits, to defray the other party's costs of recruiting a replacement for such professional.
- D. The terms contained in attached Exhibit B ("Mutual Confidentiality and Non-Disclosure Terms") are incorporated herein and shall be a part of this Agreement, and shall survive any termination of this Agreement by three (3) calendar years.

Section VII. Insurance and Indemnification.

- A. Each party shall obtain and maintain at all times, either commercially or through a program of self-insurance, and, if requested, provide the other party with written evidence of:
- (1) General and professional ("G&P") liability insurance with limits of One Million Dollars (\$1,000,000) per occurrence and Three Million Dollars (\$3,000,000) in the aggregate, to include both clinical and administrative functions;
 - (2) If applicable, Director's and Officer's ("D&O") liability insurance at levels that are usual and customary for entities similar to Client.
- B. Each party shall be liable for its own acts, errors and omissions, and those of its officers, directors, employees and agents. Notwithstanding the foregoing, nothing in the Agreement shall be construed as limiting either party's ability to assert any defense to any claim arising out of its acts, errors, or omissions, based on immunity, state or federal constitutions and statutes, or any other legal theory.

Section VIII. Termination.

- A. During any active term, either party may terminate the Agreement, without cause, by giving the other party at least sixty (60) days prior written notice, provided that such notice may be withdrawn at any time before the effective date of such termination.

- B. Either party may terminate the Agreement in the event of any breach or material default by the other party, by giving the other party thirty (30) days prior written notice of its intention to terminate.
- C. Notwithstanding the foregoing, or any other provision herein to the contrary, either party may at its discretion either immediately suspend all pending and future obligations under this Agreement, or in the alternative, immediately terminate this Agreement, upon the occurrence of any of the following:
- (1) The other party's breach of its representations and warranties under Section VI above;
 - (2) The other party's failure of to maintain and/or provide insurance required under Section VII above;
 - (3) The insolvency or bankruptcy of either party, or cessation of operations or assignment of assets for the benefit of creditors by either party; or
 - (2) If the party determines that continuation of this Agreement will either endanger or be detrimental to the operation of the party or the well-being of the party's patients.
- E. Upon any termination of this Agreement, the parties shall not enter into the same agreement again prior to the expiration of one (1) full year starting from effective date of the active term during which such termination occurs. This provision shall survive any termination of the Agreement.

Section IX. Relationship of the Parties.

- A. The relationship between Provider and Client shall be that of independent contractors.
- B. Neither Party shall have any duty or obligation to:
- (1) Withhold and/or pay any federal, state or local taxes or Workers' or Unemployment Compensation Contributions or to comply with any other employment laws regarding the other Party's employees; or
 - (2) Provide employee fringe or other benefits to the other Party's employees or agents.
- C. Each Party shall satisfy all duties or obligations under federal, state or local law applicable to its relationship with its own employees.
- D. Each Party shall be solely responsible for the control and supervision of its own employees and the payment to or on behalf of them of all distributions, wages and salaries, taxes, withholding payments, penalties, fees, professional education and seminar

expenses, professional liability insurance premiums, contributions to insurance and pension or other deferred compensation plans (including, but not limited to, workers' compensation and social security contributions, licensing and registration fees), additional benefits of any type, and the filing of all necessary documents, forms and returns pertinent to all of the foregoing.

- E. Neither Party shall make any claim that the other Party is responsible for the payment or filing of any of the foregoing payments, withholdings, contributions, taxes, documents and returns, including but not limited to, Social Security contributions and employer income tax withholding obligations.
- F. Each Licensed Professional is, and at all times during any active term of this Agreement shall remain an employee of Provider. However, and notwithstanding anything else to the contrary in this section, during, and for the purposes of, the services provided by the Licensed Professional to Client and its patients within the scope of this agreement, Client may exercise such control over each Licensed Professional as is either required by law, or is usual, customary, and incidental to any credentials or privileges granted by Client to the Licensed Professional.
- G. If the services under this Agreement so require, then Provider agrees to execute Client's Business Associate Agreement as that term is defined and used in both the Health Insurance Portability and Accountability Act of 1996 and rules promulgated thereunder (as amended from time to time, "HIPAA") and the American Recovery and Reinvestment Act of 2009 and rules promulgated thereunder (as amended from time to time, "ARRA").

Section X. Controlling Laws; Severability of Provisions; Jurisdiction; Dispute Resolution.

- A. This Agreement is signed, executed and consummated in the State of Ohio, and Ohio's laws shall govern all disputes, controversies, and litigation arising hereunder. Provider and Client hereby agree that proper venue for all disputes, controversies and litigation arising under this Agreement lies exclusively with the Courts of Ohio. For all disputes, controversies and litigation arising under this Agreement, Provider and Client hereby (jointly and individually) submit to the personal jurisdiction of the Ohio Courts.
- B. If any provision herein is subsequently determined to be illegal or otherwise unenforceable, all other provisions hereof shall remain in full force and effect and fully enforceable notwithstanding such determination of partial illegality or unenforceability.
- C. If there is a dispute arising out of the Agreement, the Parties:
 - (1) Shall attempt in good faith to amicably resolve such dispute;
 - (2) Agree to mediation as further defined; and,

- (3) If an amicable resolution is not reached with 60 days, and subject to subsection D below of this section, may pursue any and all remedies available at law and equity.

D. Proper venue for all unresolved disputes, controversies and litigation arising under the Agreement shall be exclusively with the Courts of Ohio and each hereby agree to submit to the personal jurisdiction of the Ohio Courts.

Section XI. Notice.

Notice shall be deemed to have been given when delivered or upon receipt when mailed by Certified Mail, Return Receipt Requested to the applicable Party at the address(es) shown below:

To Provider:

The MetroHealth System
Infection Control
2500 MetroHealth Drive
Cleveland, OH 44109

With Copy to:

The MetroHealth System
General Counsel
2500 MetroHealth Drive
Cleveland, OH 44109

To Client:

Westshore Enforcement Bureau
Attn. Patrick Fiorilli, Unit Commander
Lakewood Police Department
12650 Detroit Avenue
Lakewood, Ohio 44107

Section XII. Non-Discrimination.

The Parties agree that they shall not engage in any discriminatory practices prohibited by state or Federal law.

Section XIII. Miscellaneous.

A. This Agreement constitutes the entire agreement between the Parties regarding the subject matter hereof and all prior written or oral negotiations, representations, arrangements and/or agreements regarding the subject matter hereof are merged into and superseded by this Agreement. The Parties acknowledge that there are no verbal or other

written understandings, arrangements and/or agreements between the Parties relating to the subject matter of this Agreement.

- B. Notwithstanding anything in this Agreement, the parties shall not materially amend this Agreement during the Initial Term, except for correction of any errors in the document. Thereafter this Agreement may be amended, altered or changed only through a written document, clearly designated as an amendment to this specific Agreement signed by the parties, and provided that any such amendment shall not occur prior to the expiration of one (1) full calendar year after any prior amendment.
- C. The parties agree and assert that this Agreement and the services and fees stated herein were negotiated at arms length, and are intended to reflect the fair market value for the services. Nothing in this agreement is intended, and nor shall it be construed, to create, cause or induce any referrals of patients by one party to the other.
- D. No waiver by Provider or Client and no refusal or neglect of Provider or Client to exercise any right hereunder or to enforce compliance with the terms of this Agreement shall constitute a waiver of any provision herein with respect to any violations, actions or omissions hereunder, unless such waiver is expressed in writing by the waiving Party.
- E. If services provided under this Agreement have an aggregate value or cost of Ten Thousand Dollars (\$10,000) or more over a 12-month period, each party shall, until the expiration of four years after the furnishing of such services, make available upon written request by the Secretary of Health and Human Services or upon the written request of the Comptroller General of the United States, or by any of their duly authorized representatives, this Agreement, the books, documents, and records of the party that are necessary to verify the nature and extent of the cost of the services provided under this Agreement.
- F. Neither party may assign or transfer this Agreement, or any part hereof, without the other party's prior written consent, which shall not be arbitrarily withheld. Nothing in this Agreement contemplates the creation of any third party beneficiaries of or to this Agreement.

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IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

The MetroHealth System

Westshore Enforcement Bureau,
a law enforcement unit of the Westshore
Council of Governments

By: Edward Hills, DDS

By:

Title: Chief Operating Officer

Title:

Date:

Date:

Approved as to Form
The MetroHealth System
Office of General Counsel

By: 
Date: 7/18/2014

EXHIBIT A
TO THE AGREEMENT FOR THE SERVICES OF LICENSED PROFESSIONALS
SCHEDULE OF LICENSED PROFESSIONALS, SERVICES, QUALIFICATIONS AND FEES

Description of Services to be Provided	Training, Licensure, Certification, and Other Requirements	Name of Licensed Professional	Time Commitment	Fees
Tactical Emergency Medical Service ("TEMS") Provider	M.D., Licensed in Ohio, Experienced in Tactical Emergency Medicine.	Craig Bates, M.D.	As needed	None

A. SCOPE OF PRACTICE

- 1) The function of the TEMS provider is to provide medical support for law enforcement, other TEMS providers, and civilians within the confines of a tactical operation.
- 2) The determination of a tactical environment for which TEMS support is deemed necessary will be determined by the law enforcement agency overseeing the tactical operation. This agency will be responsible for defining "hot", "warm", and "cold" zones as is relevant to provider safety and the care of patients.
- 3) The function of TEMS Medical Director is to provide medical oversight, continuing medical education, and quality assurance measures to TEMS providers.
- 4) The TEMS Medical Director may appoint other physicians to assist in the medical oversight, continuing medical education, and quality assurance measures of TEMS providers.
- 5) TEMS Directors will establish a working relationship with area EMS providers to facilitate transfer of care of patients out of the tactical environment.

B. REQUIREMENTS OF TEMS PERSONNEL

- 1) The TEMS provider shall carry the minimum licensing/certification in the state of Ohio appropriate to his level of training as an EMS provider and is responsible for keeping such licensing/certification current.
- 2) The TEMS provider is responsible for the content of the approved non-TEMS standard EMS protocol adopted by the TEMS Medical Director and relevant EMS Medical Director as outlined in D.1. below.
- 3) The TEMS provider shall have successfully completed a nationally recognized / accredited training course in tactical emergency medicine as approved by the TEMS Medical Director and the relevant law enforcement agencies.
- 4) The TEMS provider shall complete any additional training mandated by the TEMS Medical Director or relevant law enforcement agencies.

5) The TEMS provider shall document every patient encounter in accordance with the pre-approved method of documentation. Documentation may be reviewed by the TEMS Medical Director for Quality Assurance purposes.

6) The TEMS provider will participate in Quality Assurance exercises pertaining to training or live operations.

7) In a confidential manner, the TEMS providers will familiarize themselves with the medical history and health status of the individual law enforcement officers with whom they work.

8) Aside from tending to acute injury or illness, the TEMS provider will monitor the physical and psychological well-being of each other and law enforcement officers during prolonged deployments. Environmental factors, sleep deprivation, hydration, and nutrition are to be closely monitored.

9) If circumstances permit, the TEMS providers shall check the operational field for any health or safety hazards that may jeopardize the safety of themselves, law enforcement, or civilians.

D. RESPONSIBILITIES OF THE TEMS MEDICAL DIRECTOR

1) The TEMS Medical Director and his appointees shall carry an unrestricted Ohio medical license and have experience in on-line EMS medical direction.

2) TEMS physicians will be available for "real time" medical oversight by phone for every operation. On-site medical command in the "cold zone" as determined by law enforcement on scene may be employed if the TEMS physician deems it appropriate and it is approved by the law enforcement officer in charge.

3) TEMS physicians will organize and participate in the continuing medical education of TEMS providers. This may include, but is not limited to, didactic sessions, field training, and medical simulation.

4) The TEMS Medical Director will approve the medical competency of each TEMS Director prior to initiation of active duty.

5) The TEMS Medical Director will assess the competency and proficiency of TEMS providers on a continuous basis.

6) For Quality Assurance, the TEMS Medical Director may review any deployment of TEMS providers. The application of TEMS protocols, the medical care provided, and any concerns with regard to patient or provider safety will be reviewed for every case.

7) For Quality Assurance, the TEMS Medical Director may keep a database of TEMS activity and any relevant medical data therein.

8) Any TEMS provider or law enforcement officer suspected of being unfit for duty or incapable of performing to the degree necessary to achieve the goals of the tactical operation due to injury, illness, potential for medication side effect, or mental state may be immediately relieved of duty at the discretion of the TEMS Medical Director or his appointee in close collaboration with the law enforcement officer in charge.

9) The TEMS Medical Director reserves the right to evaluate the status of any TEMS provider based on competency, safety issues, adherence to protocol, or any other reason he deems appropriate. The TEMS Medical Director reserves the right to suspend any TEMS provider from his oversight pending an investigation of the relevant circumstances. Such action will be taken in close collaboration with the relevant law enforcement agencies.

E. REQUIREMENTS OF THE SPONSORING LAW ENFORCEMENT AGENCIES

- 1) The sponsoring law enforcement agencies shall be responsible for conducting background investigations on TEMS providers.
- 2) The sponsoring law enforcement agencies are responsible for providing all tactical training, education, and oversight to TEMS providers and defining the role of those providers for tactical operations.
- 3) The sponsoring law enforcement agencies shall be responsible for providing any and all relevant tactical and personal protective equipment to TEMS providers, as well as training in the use of such equipment.
- 4) The sponsoring law enforcement agencies shall be responsible for providing written documentation to providers and the TEMS Medical Director detailing provision and application of liability insurance coverage and related liability issues for TEMS physicians and providers. TEMS Medical Direction and implementation of protocols will commence after provision of liability insurance coverage and related issues are reviewed and agreed upon by Provider, the TEMS Medical Director, and the law enforcement agencies involved.
- 5) If the law enforcement officer in charge of a tactical operation feels that the objectives of a tactical operation and the safety of those involved supercede the medical concern of the TEMS Medical Director or his appointee or the involved TEMS providers, the commanding law enforcement officer becomes responsible for the care and movement of casualties within the tactical environment.

F. PROTOCOLS

- 1) The TEMS protocols serve as supplement to the standard EMS protocols reviewed and adopted by the TEMS Medical Director and providers in concert with any other EMS Medical Directors as appropriate.
 - Tactical medics for the Client will utilize the protocols of either Client's local EMS or, if none, then those of Cleveland EMS.
- 2) TEMS providers may execute the administration of any drug or performance of any procedure in the protocols only after the appropriate training and only under the medical direction of the TEMS Medical Director.
- 3) In the absence of TEMS medical direction, TEMS providers will default to the use of the standard EMS protocol previously adopted.
- 4) The TEMS protocols are for use only by TEMS providers sponsored by or working in concert with the law enforcement agency with which they have an established relationship.
- 5) Once a patient is removed from the area of tactical operations as determined by law enforcement, the TEMS protocols and procedures will cease to apply unless continued application of such protocols and procedures is deemed appropriate by the TEMS Medical Director or his appointee. TEMS protocols and procedures will also cease to apply if care is transferred to another EMS agency. If the specialized skill of a TEMS provider is deemed medically necessary outside the area of tactical operations in route to an institution of definitive care, the TEMS Director or another TEMS provider may accompany the patient and the TEMS protocols and procedures will continue to apply provided that the TEMS Medical Director or his appointee documents such medical necessity in a manner consistent with the Providers

documentation standards. The Medical Director of the transporting agency will be contacted if deemed necessary by the TEMS Medical Director or his appointee. If any conflict should arise between TEMS protocols and procedures and the protocols and procedures of the transporting EMS agency while a TEMS provider accompanies the patient in route to the institution of definitive care, the TEMS Medical Director or his appointee should be contacted. If the TEMS Medical Director cannot be contacted in a timely fashion, the local medical command for the transporting agency should be contacted.

6) The TEMS providers are not responsible for the medical care of persons outside the field of tactical operations.

7) TEMS providers will know the indications and contraindications for all of the medications on the adjunct formulary. They may choose to electively medicate any consenting individual or themselves provided the medication has "operational" status. Any medication with "non-operational" status will be administered only after consultation with the TEMS Medical Director.

EXHIBIT B
TO THE AGREEMENT FOR THE SERVICES OF LICENSED PROFESSIONALS

MUTUAL CONFIDENTIALITY AND NON-DISCLOSURE TERMS

1. **Confidential Information.** As used in this Exhibit, "Confidential Information" means any information disclosed, either orally or in writing, by one party to the other party, unless the disclosing party indicates otherwise.
2. **Exclusions.** Confidential Information does not, however, include information that the receiving party can demonstrate:
 - (a) Is now, or hereafter becomes, through no act or failure to act on the part of the receiving party, generally known or available to the public;
 - (b) Was known by the receiving party before receiving such information from the disclosing party;
 - (c) Is hereafter rightfully obtained by the receiving party from a third party, without breach of any obligation to the disclosing party; or
 - (d) Is independently developed by the receiving party without use of or reference to the Confidential Information by persons who had no access to the Confidential Information.
3. **Obligations.** Each party agrees:
 - (a) To hold the other party's Confidential Information in strict confidence;
 - (b) Not to disclose such Confidential Information to any third party except as specifically authorized herein or as specifically authorized by the other party in writing;
 - (c) To use all reasonable precautions, consistent with such party's treatment of its own Confidential Information of a similar nature, to prevent the unauthorized disclosure of the other party's Confidential Information; and
 - (d) Not to use any Confidential Information for any purpose other than the Business Purpose.
4. **Permitted Disclosures.** Each party may disclose the other party's Confidential Information to its responsible employees and professional advisers with a bona fide need to know such Confidential Information, but only to the extent necessary to carry out the business Purpose and only if such employees are advised of the confidential nature of such Confidential Information and the terms of this Addendum and are bound by a

written agreement or by a legally enforceable code of professional responsibility to protect the confidentiality of such Confidential Information.

5. **Required Disclosures.** Each party may disclose the other party's Confidential Information if and to the extent that such disclosure is required by applicable law, provided that the receiving party uses reasonable efforts to limit the disclosure by means of a protective order or a request for confidential treatment and provides the disclosing party a reasonable opportunity to review the disclosure before it is made and to interpose its own objection to the disclosure.
6. **Copies and Abstracts.** To the extent necessary to carry out the Business Purpose, the receiving party may make copies or abstracts of the disclosing party's Confidential Information provided that all such copies and abstracts are themselves marked as confidential and provided that the receiving party maintains a written record of the distribution of all such copies and abstracts.
7. **Return of Confidential Information.** Upon the disclosing party's request, the receiving party will promptly return to the disclosing party all copies of the Confidential Information, will destroy all notes, abstracts, and other documents that contain Confidential Information, and will provide to the disclosing party a written certification of an officer of the receiving party that it has done so.
8. **No Implied Licenses.** Nothing in this Addendum will be construed as granting any rights to the receiving party, by license or otherwise, to any of the disclosing party's Confidential Information, except as specifically stated in this Addendum.
9. **Injunctive Relief.** Each party acknowledges that the unauthorized use or disclosure of the other party's Confidential Information would cause irreparable harm to the other party. Accordingly, each party agrees that the other party will have the right to obtain an immediate injunction against any breach or threatened breach of this Agreement, as well as the right to pursue any and all other rights and remedies available at law or in equity for such a breach.

PLACED ON 1ST READING & REFERRED TO THE
RULES & ORDINANCES COMMITTEE 12/1/14.
PLACED ON 2ND READING 12/15/14.

ORDINANCE NO. 59-14

BY:

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 establish minimum coverage limits and fees required under various sections of the Lakewood Codified Ordinances related to insurance.

WHEREAS, pursuant to the Constitution of the State of Ohio, the Ohio Revised Code and the Second Amended Charter of the City of Lakewood, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, and to provide for local self-government, including establishing insurance limits and insurance-related fees; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that these changes need to be incorporated in order to give effect to Ord. 30-14 by the date it becomes enforceable; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The minimum limit of insurance required under Section 506.04(a)(3) of the Codified Ordinances shall be \$_____.

Section 2. The minimum limit of insurance required under Section 901.18(c)(2) of the Codified Ordinances shall be \$_____.

Section 3. The minimum limit of insurance required under Section 1160.14 of the Codified Ordinances shall be \$_____.

Section 4. The minimum limit of insurance required under Section 1321.02(a)(2) of the Codified Ordinances shall be \$_____.

Section 5. The fees required by Section 1321.02(a)(4) of the Codified Ordinances shall be \$_____ as to registration and \$_____ as to testing.

Section 6. The minimum limit of insurance required under Section 1323.04 of the Codified Ordinances shall be \$_____.

Section 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 8. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

PLACED ON 1ST READING & REFERRED TO THE
RULES & ORDINANCES COMMITTEE 12/1/14.
PLACED ON 2ND READING 12/15/14.

ORDINANCE NO. 60-14

BY:

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 establish the annual fee required for a secondhand dealer's license pursuant to Section 737.02 of the Lakewood Codified Ordinances.

WHEREAS, pursuant to the Constitution of the State of Ohio, the Ohio Revised Code and the Second Amended Charter of the City of Lakewood, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, and to provide for local self-government, including establishing license fees; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that these changes need to be incorporated in order to give effect to Section 737.02 by the date it becomes enforceable; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The annual nonrefundable fee for a secondhand dealer's license required by Section 737.02 of the Codified Ordinances shall be \$_____.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

ORDINANCE NO. 61-14

BY:

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.

WHEREAS, the Walter H. Drane Company has completed a quarterly revision and updating of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council but not yet included in the Codified Ordinances of the City have now been made a part thereof; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the publication and distribution of the 2014 Replacement Pages for the Codified Ordinances of the City of Lakewood should be conducted at the earliest date possible; now, therefore,

BE IT ORDAINED BY CITY OF LAKEWOOD, OHIO:

Section 1. The editing, arrangement and numbering and renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
24-14	10-6-14	129.60
30-14	9-2-14	129.33, 506.04, 901.18, 1160.14, 1306.44, 1306.72, 1321.02, 1321.03, 1323.04, 13023.05
33-14	10-6-14	111.15
34.14	11-3-14	737.01 to 737.11, 737.99

Section 2. The Second Amended Charter published in the Codified Ordinances is the official charter of the City of Lakewood.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.cnelakewood.com
Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

December 31, 2014

Lakewood City Council
Lakewood, Ohio

RE: Commending Lakewood Library's 5 Star Rating

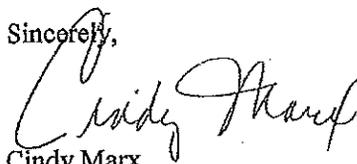
Dear Colleagues;

According to the State Library of Ohio, libraries are rated on their performance within categories or peer groups determined by operating expenditures with performance measured and points awarded in the areas of circulation, library visits, program attendance and public internet use. The total number of points earned in each area determines the number of stars a library receives.

It is with great pride that we acknowledge Lakewood's Public Library 5 star rating in America's Star Libraries! Lakewood's Public Library is one of only six libraries in the State of Ohio with this highest of ratings. Of course, we all know that our Lakewood Library is well used and a valuable asset to the City and creates a dynamic, versatile community center and is an economic engine in helping people find jobs and gain the skills with new technology that are needed to get ahead in their careers.

Kudos to all those in the Lakewood Library system that contribute to this success. How lucky we are to have such a treasure in our fine City.

Sincerely,


Cindy Marx
Council at Large

RESOLUTION NO.

BY:

A RESOLUTION to congratulate Lakewood Public Library on being awarded a perfect five star rating from the Public Library Service.

WHEREAS, the Library Journal of Public Library Service afforded Lakewood Library its highest rating due to the Library's vast number of visitors, heft of circulated materials, number of technology center users, and popularity of programs, and

WHEREAS, Lakewood Public Library serves a critical role in our thriving community, expanding education, providing venues for creativity, supporting economic development, and often providing opportunity for those talented and eager but without access to such rich resources, and

WHEREAS, it is only fitting and proper that we hereby extend to the dedicated staff and supporters of Lakewood Public Library our hearty congratulations on being rated a five star library; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That this Council and Mayor hereby extend to Library Director Jim Crawford, the Library staff congratulations upon earning five stars from the Library Journal and further wish to thank them for their commitment to the betterment of Lakewood.

Section 2. That the Clerk of Council is hereby authorized and directed to forward this Resolution to the Lakewood Public Library, c/o Mr. Jim Crawford, and that a copy of this Resolution be spread upon the minutes of the meeting.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President

Clerk

Approved: _____

Mayor



12650 DETROIT AVENUE • 44107 • 216/521-7580 • fax 216/521-1379
Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

January 5, 2015

Lakewood City Council
Lakewood, Ohio 44107

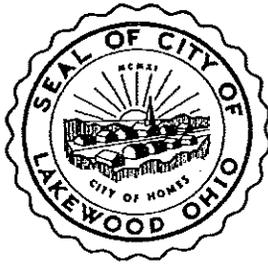
Re: Appointment to Lakewood Civil Service Commission

Dear Members of Council:

It is my pleasure to announce my re-appointment of Joe Gibbons to the Civil Service Commission. His term new will begin January 1, 2015 and expire 12/31/17. This Lakewood resident is committed to his community and local government which is evidenced by his pledge of time to this committee. This citizen brings a diverse range of expertise and experience.

Sincerely,

Michael P. Summers



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5936
www.onelakewood.com/development

January 5, 2015

Lakewood City Council
Lakewood, OH 44107

RE: Construction of High School and Lincoln Elementary - Rezoning

Dear Members of Council:

Following this letter is an ordinance, that if adopted, will rezone four properties owned by Lakewood City School District to allow for the upcoming improvements to the high school and Lincoln Elementary school.

The rezoning of the first two parcels at 1600 and 1604 Robinwood Avenue (PPNs 314-12-040, and 314-12-039) is necessary for the construction of the new west wing of the high school. The rezoning of the remaining parcels located at 1207 Summit Avenue (PPN 311-31-094) and 1206 Lakeland Avenue (PPN 311-31-095) is necessary for the construction of Lincoln Elementary. All of the parcels will be rezoned from R1H (Single Family, High Density) to C4 (Commercial, Public School).

As you are aware, the schools have spent the last two years working through the planning, public outreach and design phases for the construction of three new elementary schools and major renovations to the high school. The design plans for both Lincoln Elementary School and the High School propose to expand each school site in order to improve overall site planning for each project, more effectively manage traffic circulation, and expand buildable area for newly programmed classrooms.

Please refer the ordinance to the Planning Commission for a review and recommendation.

Sincerely,

Dru Siley
Director

ORDINANCE NO.

BY:

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 1207 Summit Avenue (PPN 311-31-094), 1206 Lakeland Avenue (PPN 311-31-095), 1600 Robinwood Avenue (PPN 314-12-040) and 1604 Robinwood Avenue (PPN 314-12-039) from R1H (Single Family, High Density) to C4 (Commercial, Public School).

WHEREAS, it is necessary and desirable to rezone certain parcels of land in the City for the completion of school construction projects; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood be and the same is hereby amended by changing and revising the Zoning Map of the City from R1H (Single Family, High Density) to C4 (Commercial, Public School) for the following properties:

1) **1207 Summit Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as being Sublot No. 167 in C.L. & L.R. Newell's Subdivision of Original Rockport Township Section No. 22, as shown by the recorded Plat in Volume 22, Page 5 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Summit Avenue and extending back, of equal width, 126 feet, as appears by said plat.

Permanent Parcel Number 311-31-094

2) **1206 Lakeland Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as Sublot No. 86 in the C.L. & L.R. Newell Subdivision of part of Original Rockport Township Section No. 22, as shown by the recorded plat in Volume 22 of Maps, Page 5 of Cuyahoga County Records, as appears by said plat.

Permanent Parcel Number: 311-31-095

3) **1600 Robinwood Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as Sublot No. 129 in the Walton Brothers Lakewood Allotment of part of Original Rockport Township Section No. 22, as shown by the recorded plat in Volume 25 of Maps, Page 14 of Cuyahoga County Records.

Permanent Parcel Number: 314-12-040

4) **1604 Robinwood Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as being Sublot No. 128 in Walton Brothers Lakewood Heights Allotment of part of Original Rockport Township Section No. 22, as shown by the recorded plat in Volume 25 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Robinwood Avenue and extending back 150.63 feet on the Northerly line, 150.61 feet on the Southerly line and is 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Number 314-12-039

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



12650 Detroit Avenue • 44107
Timothy J. Malley Chief of Police

Division of Police
216-529-6750
FAX 216-529-6688
www.onelakewood.com
police@lakewoodoh.net

January 5, 2015

Dear Members of Council,

Please find attached a resolution which, if adopted, will grant police officers appointed by the Cleveland Clinic Police Department the authority to exercise police powers at Lakewood Hospital. As you are aware, the city owns the property and it is leased to the Lakewood Hospital Association, whose sole member is the Cleveland Clinic Foundation, which operates the hospital. This agreement is necessary to allow Cleveland Clinic police officers to make arrests and issue citations on and surrounding Lakewood Hospital property.

Please refer to the appropriate committee for further discussion and recommendation.

Respectfully,

Capt. Ed Hassing
Acting Chief of Police

RESOLUTION NO.

BY:

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 and directing the Mayor to enter into an agreement with the Cleveland Clinic Foundation (CCF) which will allow police officers employed by the Cleveland Clinic Police Department to exercise limited police powers within the City of Lakewood on and around hospital property operated by CCF.

WHEREAS, the CCF has a police department established under the authority of O.R.C. §4973.17(D); and

WHEREAS, an agreement is required in order for the special police officers hired by CCF to have misdemeanor arrest authority within the city of Lakewood; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments it is in the best interest of the City to allow special police officers appointed by the CCF to have police powers on certain hospital property owned by the city of Lakewood and operated by CCF; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor, as Director of Public Safety, is hereby authorized to enter into an agreement, in substantially the form as attached as Exhibit 1, with the Cleveland Clinic Foundation granting authority for special police officers appointed by the CCF to exercise police powers in accordance with O.R.C. §4973.17 on and around hospital property owned by the city of Lakewood and operated by CCF.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force

immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

Exhibit 1

(To be provided)

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7208701 PERMIT NUMBER		NEW TYPE	RAT BOB INC DBA TRIOS BAR 13362 MADISON AV LAKEWOOD OHIO 44107	
ISSUE DATE				
12 11 2014 FILING DATE				
D3A PERMIT CLASSES				
18 TAX DISTRICT	286	C	A65481 RECEIPT NO.	

FROM 12/16/2014

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED 12/16/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/16/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C NEW 7208701

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

2434000		NEW	EDDIE ONE STOP LLC DBA UPM EXPRESS 14235 MADISON AV LAKEWOOD OH 44017
PERMIT NUMBER		TYPE	
ISSUE DATE			
12	11	2014	
FILING DATE			
C1	C2		
PERMIT CLASSES			
18	286	C	A65482
TAX DISTRICT			RECEIPT NO.

FROM 12/16/2014

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 12/16/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/16/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C NEW 2434000

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107