

**DOCKET  
OF A MEETING OF  
THE LAKEWOOD CITY COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS  
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE  
MAY 18, 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 on the City's website [www.onelakewood.com](http://www.onelakewood.com) as soon after 4 PM on the Friday before a Council meeting as possible.

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 May 4, 2015.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

\*\*\*\*OLD BUSINESS\*\*\*\*

1. Reports regarding Committee of the Whole Meetings on Letter of Intent re: Hospital and Committee of the Whole meeting of 5/18/15 to include Resolution 8803-15. (To Be Provided). Chair; Madigan.
2. **RESOLUTION NO. 8803-15** –A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, creating the Clean Water Integrated Planning Task Force for the purpose of assisting in the development of solutions to address Lakewood’s wet-weather management needs through community engagement and to advise municipal officials on transformational improvements that will maximize social, economic and environmental benefits to the city, its residents, businesses and institutions for development of the EPA Integrated Wet Weather Improvement Plan. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/4/15) (Pg. 4)
3. Public Works Committee Report regarding Resolution 8804-15. Chari; Juris (To Be Provided)
4. **RESOLUTION NO. 8804-15** – A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into a permanent access easement agreement with Commodore Club Apartments, LLC, an Ohio limited liability company, governing the rights of the parties relative to a parcel located at 18915 Detroit Extension, Lakewood, Ohio 44107 which grants the City access to the parcel for ongoing maintenance of the underlying water and sanitary lines for a payment of \$6,300. (REFERRED TO THE PUBLIC WORKS COMMITTEE 5/4/15) (Pg. 6)

\*\*\*\*NEW BUSINESS\*\*\*\*

5. Annual Historic Preservation Awards Presentation (To Be Provided)
6. Communication from Councilmember Nowlin regarding Appointment of William Barmann to the Citizens Advisory Committee. (Pg.10)
7. Communication from Finance Director Pae regarding 2015 2<sup>nd</sup> Quarter Transfers. (Pg.11)
8. **ORDINANCE NO. 20-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the transfer and advance of certain funds. (Pg. 12)
9. Communication from Planning & Development Director Siley regarding Sale Ordinance. (Pg. 14)
10. **ORDINANCE NO. 21-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 2126 Plover Street, 1615 Alameda Avenue, 2147 Dowd Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 15)

11. Communication from Mayor Summers regarding Fiber Network Proposal. (Pg. 17)
12. **RESOLUTION NO. 8805-15** – 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 the Mayor to enter into an agreement with Everstream, Inc., an Ohio corporation, or OneCommunity, an Ohio non-profit corporation, for the installation, operation and maintenance of a fiber optic communications system within the city of Lakewood without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in an amount not to exceed \$900,000. (Pg. 18)
13. Communication from Planning & Development Director Siley regarding Modification to Lakewood's Sign Ordinance (Chapter 1329). (Pg. 21)
14. **ORDINANCE NO. 22-15** – AN ORDINANCE to amend various sections within Chapter 1129, Signs, of the Codified Ordinances of the City of Lakewood in order to update the code. (Pg. 22)
15. Communication from Law Director Butler regarding submerged lands lease, 12550 Lake Avenue. (Pg. 28)
16. **RESOLUTION NO. 8806-15** – A RESOLUTION approving the use of submerged lands for property located at and abutting 12550 Lake Avenue, Lakewood, Ohio (a legal description of which is attached hereto as "Exhibit A"), in order to permit the owners the opportunity to undertake lakeshore protection measures. (Pg. 29)

REFERRED TO THE COMMITTEE OF THE WHOLE  
5/4/15.

RESOLUTION NO. 8803-15

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, creating the Clean Water Integrated Planning Task Force for the purpose of assisting in the development of solutions to address Lakewood's wet-weather management needs through community engagement and to advise municipal officials on transformational improvements that will maximize social, economic and environmental benefits to the city, its residents, businesses and institutions for development of the EPA Integrated Wet Weather Improvement Plan.

WHEREAS, the City of Lakewood is required by the EPA to develop an Integrated Wet Weather Improvement Plan Phase I, for submission in 2016; and

WHEREAS, a citizen advisory group is necessary to engage the community in discussion and development of solutions to address Lakewood's wet weather management needs; and

WHEREAS, the task force will be asked to provide education to municipal officials and private citizens, to engage private citizens and stake holders as circumstances warrant on wet-weather management in Lakewood, and to provide recommendations to municipal officials for a short- and long-range planning in this area; 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 City wishes to engage a task force immediately for the purposes stated above; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Clean Water Integrated Planning Task Force is hereby created for the purpose of assisting in the development of solutions to address Lakewood wet-weather management needs through community engagement and to advise municipal officials on transformational improvements that will maximize social, economic and environmental benefits to the city, its residents, businesses and institutions for development of the EPA Integrated Wet Weather Improvement Plan.

Section 2. The Clean Water Integrated Planning Task Force shall be composed of eleven members, seven of whom shall be appointed by Council and four of whom shall be appointed by the Mayor. The appointees shall have no formal term and may select a chairperson from

among them. Council may appoint a representative from among councilmembers to attend task force meetings as a non-voting member. The Director of Public Works or any designee of his or her choosing shall serve as a non-voting member. The administration shall appoint a staff member for purposes of creating public notices, keeping minutes and performing other clerical duties to staff the task force.

Section 3. With assistance from the Director of Public Works or his or her designee, the Clean Water Integrated Planning Task Force shall be afforded an opportunity to hold public meetings, conduct interviews of municipal officials, and inspect all pertinent records held by the City related to wet-weather management on a timely basis.

Section 4. It is contemplated that the task force shall make report to Council and the Mayor not less than semi-annually and at any other time requested by Council or the Mayor. The task force shall be disbanded without further action of Council once the EPA Integrated Wet Weather Improvement Plan is submitted to the EPA.

Section 5. 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 6. 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

RESOLUTION NO. 8804-15

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into a permanent access easement agreement with Commodore Club Apartments, LLC, an Ohio limited liability company, governing the rights of the parties relative to a parcel located at 18915 Detroit Extension, Lakewood, Ohio 44107 which grants the City access to the parcel for ongoing maintenance of the underlying water and sanitary lines for a payment of \$6,300.

WHEREAS, the city administration wishes to enter into an easement agreement with Commodore Club Apartments, LLC, an Ohio limited liability company, governing the rights of the parties relative to a parcel of land located at 18915 Detroit Extension, Lakewood, Ohio 44107; and

WHEREAS, all contracts not specifically excepted by ordinance must be approved by Council pursuant to Section 111.02 of the Codified Ordinances; 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 City wishes to enter into the easement agreement for the parcel immediately, as there may now be no agreement governing its use; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized to enter into an easement agreement in substantially the form as the agreement attached hereto as Exhibit A with Commodore Club Apartments, LLC.

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 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 (5) 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

Exhibit A

Agreement for a Permanent Easement

THIS AGREEMENT made and concluded at Lakewood, Ohio, this \_\_\_\_ day of April, 2015 by and between the CITY OF LAKEWOOD, Ohio, 12650 Detroit Avenue, Lakewood, Ohio and/or its agents (hereinafter referred to as "City") and COMMODORE CLUB APARTMENTS, LLC , an Ohio limited liability company 18915 Detroit Extension, Lakewood, Ohio 44107 together with its successors, nominees, and assigns (hereinafter referred to as the "Owner").

WHEREAS, Owner is the owner of real property, Permanent Parcel No. 311-18-078, located at 18915 Detroit Extension, Lakewood, Ohio (hereinafter referred to as "Property"); and

WHEREAS the City desires to obtain a permanent access easement for purposes of ingress and egress, installing, constructing, operating, repairing, maintaining, replacing, extending and reconstructing any and all storm water lines, sanitary lines, detention basin and appurtenances.

WITNESSETH:

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Owner shall grant an access easement (attached as Exhibit A) to City which the City shall cause to be recorded for record with the Cuyahoga County Recorder which shall be a permanent easement and will run with the land.
2. City shall compensate Owner \$6,300 for the easement.
3. The Owner shall not be permitted to construct and structures, buildings, retaining walls or embankments on any part of the easement area.
4. This agreement embodies the entire agreement between the City and Owner with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether written or oral. Neither the City nor Owner has made nor relied upon any promises, representations or warranties in connection with this agreement that are not expressly set forth in this agreement. In entering into this agreement, the City and Owner have relied on the recitals representation and warranties contained in this agreement.
5. This agreement may not be modified except by a written agreement executed by the City and Owner. No waiver of any condition or covenant in this agreement by either party shall

be effective unless made in writing, nor shall any waiver be deemed to imply or constitute a future waiver of the same or any other condition or covenant of this agreement.

6. This agreement shall be construed and enforced in accordance with the laws of the State of Ohio.

7. Whenever a word appears here in its singular form, such word shall include the plural; and the masculine gender shall include the feminine and neuter genders. This agreement shall be construed without regard to any presumption or the rule permitting construction against the party causing this agreement to be drafted and shall not be construed more strictly in favor of or against either of the parties hereto.

8. If any term or provision of this agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this agreement shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties have executed this agreement for the reasons stated herein and on the date(s) so noted below.

**OWNER:  
COMMODORE CLUB APARTMENTS, LLC**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Kenneth Balogh, its managing member

**CITY OF LAKEWOOD:**

Date: \_\_\_\_\_

\_\_\_\_\_  
Michael P. Summers, Mayor

**APPROVED AS TO LEGAL FORM  
AND CORRECTNESS:**

Date: \_\_\_\_\_

\_\_\_\_\_  
Jennifer L. Mladek, Chief Assistant Law Director



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

[www.oneLakewood.com](http://www.oneLakewood.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 JURIS, WARD 3  
MARY LOUISE MADIGAN, WARD 4

May 18, 2015

Lakewood City Council  
12650 Detroit Avenue  
Lakewood, Ohio 44107

**Re: Appointment of William Barmann to the  
Citizens Advisory Committee**

Dear Fellow Members of Council:

This letter serves to confirm that I have appointed William Barmann to serve on the Citizens Advisory Committee for the term ending on December 31, 2015. I appreciate Mr. Barmann's willingness to serve, and I am confident that he will be a great asset to the CAC.

Sincerely,

Ryan P. Nowlin  
Councilmember at Large



Jennifer R. Pae  
Director of Finance

12650 DETROIT AVENUE . 44107 . 216/529-6092 . FAX 216/529-6806

May 18, 2015

Lakewood City Council  
Lakewood, OH 44107

Re: 2015 2nd Quarter Transfers  
Dear Members of Council:

The 2015 2<sup>nd</sup> Quarter Transfer Ordinance reflects 25 percent of the total anticipated transfers between funds that were included within the 2015 appropriations.

Please place on first reading and refer to the Finance Committee for further discussion.

Sincerely,

Jennifer R. Pae  
Director of Finance



ORDINANCE NO.

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, law authorizing the transfer and advance of certain funds.

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 peace, property, health and safety, and to provide for the usual daily operation of municipal departments to provide for the usual daily operation of the City in that the City must record all financial transactions within the appropriate fiscal period; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Finance be and is hereby authorized to make the following transfers and advances:

		2015	
		2nd Quarter	
Fund		Transfers Out	Transfers In
101	General Fund	\$ 212,867	
	<b>Special Revenue Funds</b>		
250	Office on Aging IIIB		\$ 170,000
	<b>Internal Service Funds</b>		
600	Hospitalization		\$ 39,589
601	Workers' Compensation		\$ 3,279
	<b>Debt Service Payment s</b>		
101	General Fund (HB 300 Lease)	\$ 55,000	
211	SCMR (HB 300 Lease)	\$ 6,250	
260	Lakewood Hosptl (HB 300 Lease)	\$ 300	
501	Water (HB 300 Lease)	\$ 3,813	
510	WWC (HB 300 Lease)	\$ 800	
511	WWTP (HB 300 Lease)	\$ 18,750	
520	Parking (HB 300 Lease)	\$ 1,125	
530	Winterhurst (HB 300 Lease)	\$ 20,000	
301	Debt Service Fund	\$ -	\$ 106,038
512	WWTP Improvements	\$ 400,000	
301	Debt Service Fund		\$ 400,000

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, 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 it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



DEPARTMENT OF PLANNING & DEVELOPMENT  
DRU SILEY, DIRECTOR

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

May 12, 2015

Lakewood City Council  
Lakewood, OH 44107

Re: Sale Ordinance

Dear Members of Council:

In 2013 and 2014, the City of Lakewood acquired 1615 Alameda, 2147 Dowd, and 12217 Plover and intends to rehabilitate each structure and sale them to eligible owner occupants. Work has already commenced on 2126 Quail and 12217 Plover. Work will begin shortly at 1615 Alameda. The goal is to have these three properties sold by the end of 2015. 2147 Dowd is still in the design phase.

In preparation for sale of these properties, I respectfully request authority to enter into agreements with a licensed real estate agent(s) to sell the aforementioned properties.

Sincerely,

Dru T. Siley, Director

ORDINANCE NO.

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, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 2126 Quail, 12217 Plover Street, 1615 Alameda Avenue, 2147 Dowd Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances.

WHEREAS, the City is the owner of real property located at 2126 Quail, 12217 Plover Street, 1615 Alameda Avenue, 2147 Dowd Avenue; and

WHEREAS, this Council has determined it is in the best interest of the City to sell said real property and that such sale shall further the interest of the City and its residents; 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 department in that these properties are currently vacant and immediate action is required; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Planning and Development ("Director") is hereby authorized and directed, on behalf of the City, to solicit proposals from licensed real estate brokers and to enter into an agreement with the broker deemed most responsive determined by the Director, to market real property located at 2126 Quail, 12217 Plover Street, 1615 Alameda Avenue, 2147 Dowd Avenue for a period not to exceed 120 days, pursuant to Section 155.07 of the Codified Ordinances.

Section 2. The Director is hereby authorized and directed to enter into an agreement for the sale of said real property upon presentation of an acceptable offer as determined by the Director.

Section 3. The Director specifically is authorized to negotiate and or make counterproposals to any offer to purchase said real property, and shall, upon the close of the transaction, report to Council the details of the sale.

Section 4. The Director shall make no representations or warranties concerning the conditions of the property, including, but not limited to the property's environmental condition, me-

chanical systems, dry basements, foundations, structural integrity or compliance with code, zoning or building requirements.

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 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 6. 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 it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor



MICHAEL P. SUMMERS  
MAYOR

12650 DETROIT AVENUE • 44107 • 216/529-6600 • FAX 216/529-5652  
[www.onelakewood.com](http://www.onelakewood.com)

May 18, 2015

Lakewood City Council  
12650 Detroit Ave.  
Lakewood, Ohio 44107

**Re: Fiber network proposal**

Dear Members of Council:

This letter and the legislation that follows it introduce a discussion of an effort that, with your approval, would preserve the city's independence in maintaining "dark fiber" — strands of fiber optic cables carrying data. A new self-sustaining dark fiber network would benefit the city for years and potentially decades to come, and would also protect options for our community's public and private educational institutions and our public library.

The proposal under consideration will deliver 20 times our current internet speeds for our local public agencies and businesses. This will create a significant advantage for attracting new residents, businesses and economic development in Lakewood.

It is my belief that marketplace competition for the existing fiber network used by the city and offered by Cox Communications (under a legacy agreement dating from our cable franchise days) will likely crowd out our ability to use it economically in the future. This could leave our needs unmet altogether, or only at increasing and possibly unaffordable rates.

I am proposing instead to form a contractual relationship with OneCommunity, a nonprofit Ohio company, and/or its private-sector counterpart, Everstream, Inc., to meet both public and private long-term needs and growing demand for bandwidth. This will enable us to build and control our own fiber network around the city, and other local public and educational entities to join us.

I look forward to presenting and discussing the details and merits of this proposal with City Council, with an expectation of gaining your approval to enter into a contract following your deliberations.

Sincerely,

Michael P. Summers

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 the Mayor to enter into an agreement with Everstream, Inc., an Ohio corporation, or OneCommunity, an Ohio non-profit corporation, for the installation, operation and maintenance of a fiber optic communications system within the city of Lakewood without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in an amount not to exceed \$900,000.

WHEREAS, the City of Lakewood has obtained two quotes for the construction of a fiber optic communications system that will be available for use by the city, the city's public partners including the private and public schools and Lakewood Public Library as well as private businesses within the community; and

WHEREAS, this fiber optic communications system will make faster internet speeds available to the city, partners and potential business considering relocating to Lakewood; and

WHEREAS, it is in the best interest of the City to award this agreement without competitive bidding; 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 in order to have this communications network installed prior to the end of the year; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby determines that it is impractical to award the purchase of electronic health monitoring devices under competitive bidding procedures, and that it is more cost-effective and in the best interests of the City to award the contract without competitive bidding, and thus authorizes the Mayor to enter into an agreement with Everstream, Inc., an Ohio corporation, or OneCommunity, an Ohio non-profit corporation, for the installation, maintenance and operation of a fiber optic communications system in an amount not to exceed \$900,000.

Section 2. Council specifically approves the agreement in substantially the same form as that attached as Exhibit A.

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 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.

Section 4. 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 A**

To be provided



DEPARTMENT OF PLANNING & DEVELOPMENT  
DRU SILEY, DIRECTOR

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5907  
[www.onelakewood.com/development](http://www.onelakewood.com/development)

May 18, 2015

Lakewood City Council  
Lakewood, OH 44107

RE: Modifications to Lakewood's Sign Ordinance (Chapter 1329)

Dear Council,

Our community continues to see robust commercial development and new sign proposals accompany these new businesses. As such our department has begun revising our sign ordinance to reflect the Community Vision and Commercial Sign Guidelines established through extensive public engagement. I would ask that City Council refer the proposed changes to Chapter 1329 to the Architectural Board of Review for additional review.

Sincerely,

Dru Siley  
Director of Planning and Development

ORDINANCE NO.

BY:

AN ORDINANCE to amend various sections within Chapter 1129, Signs, of the Codified Ordinances of the City of Lakewood in order to update the code.

WHEREAS, certain changes are needed to the sign code within the building code of the city of Lakewood to update sign classification, design standards and illumination in order to keep up with design trends; 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 1329.03 Classification of Signs, of the Codified Ordinances of the City of Lakewood currently reading as follows:

**1329.03 CLASSIFICATION OF SIGNS.**

(a) "Sign" means any display, figure, painting, drawing, placard, poster or other device visible from, or on, a public way which is designed, intended or used to convey a message, inform or direct attention to a person, institution, organization, activity, place, object or product, but does not include show window or interior displays. It may be a structure or part thereof painted on or attached directly or indirectly to a structure.

(b) Classification by Functional Type.

(1) "Billboard" means a sign which is primarily intended to direct attention to a specific business, product, service, entertainment or any other activity sold, offered or conducted elsewhere than upon the same lot or premises on which the sign is located and which may, subject to the provisions of this chapter, contain noncommercial message.

...

(15) "Streamer or Wind sign" means any sign designed to move in the wind that is not specifically a pennant or lighter-than-air sign.

shall be and is hereby amended to read as follows:

**1329.03 CLASSIFICATION OF SIGNS.**

(a) "Sign" means any display, figure, painting, drawing, placard, poster or other device visible from, or on, a public way which is designed, intended or used to convey a message, inform or direct attention to a person, institution, organization, activity, place, object or product, but does not include show

window or interior displays. It may be a structure or part thereof painted on or attached directly or indirectly to a structure.

(b) Classification by Functional Type.

- (1) "Billboard" means a sign which is primarily intended to direct attention to a specific business, product, service, entertainment or any other activity sold, offered or conducted elsewhere than upon the same lot or premises on which the sign is located and which may, subject to the provisions of this chapter, contain noncommercial message.

...

- (15) "Streamer or Wind sign" means any sign designed to move in the wind that is not specifically a pennant or lighter-than-air sign.

- (16) "Electronic Reader Board sign" means a Sign designed to display a message or graphics electronically produced.

Section 2. Section 1329.05 Design Standards, of the Lakewood Codified Ordinances, currently reading as follows:

**1329.05 DESIGN STANDARDS.**

Signs, as permitted in all use districts, shall be designed to be compatible in character and style with regard to materials, color and size of the building, other signs designed or located on the same building, and other signs adjoining buildings in order to produce an overall unified effect, and in accordance with the standards set forth in this section. Signs shall be reviewed with respect to each of the provisions of this section and shall require approval by the Board of Building Standards.

- (a) Continuity. Signs shall be considered in relationship to their surrounding environment and, if seen in series, should have a continuity of design.

...

- (f) Canopy Signs. A canopy sign is a sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility. The vertical dimension of the sign shall not exceed twelve inches and the lowest structural member shall be not less than eight feet above sidewalk grade.

- (g) Ground Signs. Shall not extend higher than ten feet above the finished grade. Permanent ground signs shall not be located within the required front and side yards unless approved by the Board of Building Standards.

- (j) Projection Signs. May be permitted in the C1, C2, C3, Districts only in cases where innovative design is demonstrated and where no potential safety hazard to motorists or pedestrians is created, subject to review and approval by the Board of Building Standards. Projecting signs shall not project any further than twenty-four inches from a vertical line projected from the curb. No sign projecting over public property shall swing from any bar, crane, swing or other sign.

...

- (n) Awning Signs. One awning sign shall be permitted. The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches.
  
- (o) Changeable Copy Signs/Electronic Reader Boards. Shall comply with all other regulations of this chapter including the design standards in this section, and the provisions for application for permits in Section 1329.12. When reviewing the proposed sign, the Board of Building Standards shall consider and establish the standards applicable for the changeable copy which may include, but are not limited to: determining the portion of the sign permitted for changeable copy; determining the suitable material and method for making changes and the manner for fastening the new copy; and establishing the color and design criteria. Electronic reader board signs cannot flash, blink, scroll or strobe and are permitted to change copy once per hour. These standards shall be set forth in the sign permit and shall apply for the life of the sign unless otherwise amended by the Board according to Section 1329.12.

...

shall be and is hereby amended to read as follows:

**1329.05 DESIGN STANDARDS.**

Signs, as permitted in all use districts, shall be designed to be compatible in character and style with regard to materials, color and size of the building, other signs designed or located on the same building, and other signs adjoining buildings in order to produce an overall unified effect, and in accordance with the standards set forth in this section. Signs shall be reviewed with respect to each of the provisions of this section and shall require approval by the Board of Building Standards.

- (a) Continuity. Signs shall be considered in relationship to their surrounding environment and, if seen in series, should have a continuity of design.

...

- (f) Canopy Signs. A canopy sign is a sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility. The vertical dimension of the sign shall not exceed twelve inches and the lowest structural member shall be not less than eight feet above sidewalk grade. The location, design, and installation of canopies are subject to the approval of the Board of Building Standards.

- (g) Ground Signs. Shall not extend higher than ten feet above the finished grade. Permanent ground signs shall not be located within the required front and side yards unless approved by the Board of Building Standards. The base of ground sign shall be required to have landscaping as approved by the Board of Building Standards.

...

- (n) Awning Signs. One awning sign shall be permitted. The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches. The location, design, and installation of awnings are subject to the approval of the Board of Building Standards.
- (o) Changeable Copy Signs/Electronic Reader Boards. Shall comply with all other regulations of this chapter including the design standards in this section, and the provisions for application for permits in Section 1329.12. When reviewing the proposed sign, the Board of Building Standards shall consider and establish the standards applicable for the changeable copy which may include, but are not limited to: determining the portion of the sign permitted for changeable copy; determining the suitable material and method for making changes and the manner for fastening the new copy; and establishing the color and design criteria. ~~Electronic reader board signs cannot flash, blink, scroll or strobe and are permitted to change copy once per hour. These standards shall be set forth in the sign permit and shall apply for the life of the sign unless otherwise amended by the Board according to Section 1329.12.~~
- (p) Electronic Reader Boards. Shall only be permitted as a part of Comprehensive Sign Plan as defined in 1329.06(q). Shall comply with all other regulations of this chapter including the design standards in this section, and the provisions for application for permits in Section 1329.12. When reviewing the proposed sign, the Board of Building Standards shall consider and establish the standards applicable for the electronic reader boards which may include, but are not limited to: determining the portion of the sign permitted for electronic reader boards; determining the suitable material and method for making changes and the manner for fastening the new copy; and establishing the color and design criteria. Electronic reader board signs cannot flash, blink, scroll or strobe and are permitted to change copy once per hour. The electronic reader board portion of signage must be a subordinate portion of proposed signage. These standards shall be set forth in the sign permit and shall apply for the life of the sign unless otherwise amended by the Board according to Section 1329.12.

...

Section 3. Section 1329.06 Illumination of Signs, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1329.06 ILLUMINATION OF SIGNS.**

- (a) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts.
- (b) All signs in retail, office and industrial districts may be illuminated. Parking lots and automotive sales lots shall be illuminated in accordance with the provisions of this section.
- (c) Flashing or moving illumination shall not be permitted in any district within the City.

shall be and is hereby amended to read as follows:

**1329.06 ILLUMINATION OF SIGNS.**

- (a) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts.
- (b) All signs in retail, ~~office and commercial~~, industrial and residential districts may be illuminated. Parking lots and automotive sales lots shall be illuminated in accordance with the provisions of this section.
- (c) Flashing or moving illumination shall not be permitted in any district within the City.

Section 4. Section 1329.09 Signs: Commercial, Office C1; Commercial, Retail C2; Commercial General Business C3 District, currently reading as follows:

**1329.09 SIGNS: COMMERCIAL, OFFICE C1; COMMERCIAL, RETAILC2; COMMERCIAL GENERAL BUSINESS C3 DISTRICTS.**

Accessory signs in the Commercial, Office C1; Commercial, Retail C2; General Business C3 Districts be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations.

- (a) Functional Types Permitted. Business signs, development signs of a temporary nature, directional signs, identification signs, informational signs, nameplates, political signs, real estate signs, temporary signs, mural and bulletin boards on the lots of public or semipublic institutions.

...

shall be and is hereby amended to read as follows:

**1329.09 SIGNS: COMMERCIAL, OFFICE C1; COMMERCIAL, RETAILC2; COMMERCIAL GENERAL BUSINESS C3; COMMERCIAL, AND PUBLIC SCHOOL C4 DISTRICTS.**

Accessory signs in the Commercial, Office C1; Commercial, Retail C2; General Business C3 Districts be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations.

- (a) Functional Types Permitted. Business signs, development signs of a temporary nature, directional signs, identification signs, informational signs, nameplates, political signs, real estate signs, temporary signs, mural and bulletin boards on the lots of public or semipublic institutions.

...

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 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



KEVIN M. BUTLER  
DIRECTOR OF LAW

PAMELA L. ROESSNER  
CHIEF PROSECUTOR

JENNIFER L. MLADEK  
ASSISTANT LAW DIRECTOR

ASHLEY L. BELZER  
ASSISTANT PROSECUTOR/  
ASSISTANT LAW DIRECTOR

**LAW DEPARTMENT  
OFFICE OF PROSECUTION**  
12650 Detroit Avenue, Lakewood, Ohio 44107  
(216) 529-6030 | Fax (216) 228-2514  
[www.onelakewood.com](http://www.onelakewood.com)  
[law@lakewoodoh.net](mailto:law@lakewoodoh.net)

Direct dial: (216) 529-6034  
[kevin.butler@lakewoodoh.net](mailto:kevin.butler@lakewoodoh.net)

May 18, 2015

Lakewood City Council  
12650 Detroit Avenue  
Lakewood, Ohio 44107

**Re: Submerged lands lease, 12550 Lake Avenue**

Dear Members of Council:

Following this letter is a resolution for your consideration, required by the Ohio Department of Natural Resources when lakefront property owners wish to obtain a submerged lands lease. In this instance, the property owners are seeking the lease in order to construct a revetment and in Lake Erie for erosion control.

This matter was referred to the Division of Engineering for review. The city engineer has found no encroachments on any interests of the city and has approved the submittal. Therefore, I ask for your favorable consideration this evening or after a committee review.

Very truly yours,

Kevin M. Butler

RESOLUTION NO.

BY:

A RESOLUTION approving the use of submerged lands for property located at and abutting 12550 Lake Avenue, Lakewood, Ohio (a legal description of which is attached hereto as "Exhibit A"), in order to permit the owners the opportunity to undertake lakeshore protection measures.

WHEREAS, property owner, Meridian Condominiums Inc., 12550 Lake Avenue, Lakewood, Ohio, have proposed to construct shore protection in Lake Erie at Lakewood, Cuyahoga County, Ohio; and

WHEREAS, as part of the application to lease submerged lands, the parties involved must submit to the Ohio Department of Natural Resources a resolution from Lakewood City Council approving the proposed use of the submerged land; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City of Lakewood finds and determines that territory being proposed for construction of shore protection, which territory is further described in the application for a submerged lands lease, is not necessary or required for the construction, maintenance or operation by the municipal corporation of breakwaters, piers, docks, wharves, bulkheads, connecting waterways, water terminals, facilities and improvements, and marginal highways in the aid of navigation and water commerce, and the land uses specified in the application comply with regulation of permissible land use as determined by the city.

Section 2. The Clerk of Council is hereby authorized and directed to certify a copy of this resolution to the Ohio Department of Natural Resources, Office of Real Estate and Land Management.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting 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, including Section 121.22 of the Ohio Revised Code.

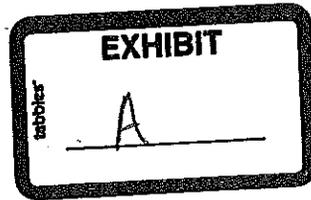
Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR



**The Meridian Condominium Inc.  
Submerged Land Lease Parcel  
12,204 Square Feet (0.2802 Acre)  
Page 1 of 2**

**Situated** in the City of Lakewood, County of Cuyahoga and State of Ohio and known as being submerged land within Lake Erie adjacent to Original Rockport Section No. 21 (Fractional Township 7-N, Range 14-W Connecticut Western Reserve). Also being adjacent to the land conveyed to The Meridian Condominium, Inc. as recorded in Volume 13629, Page 305 of the Cuyahoga County Records, being more definitely described as follows:

**Commencing** at a 5/8" iron pin in a monument box found at the intersection of the centerline of Lake Avenue (100 feet wide) and the centerline of Cove Avenue;

Thence, along the centerline of Lake Avenue, North 73° 01' 35" West, 473.92 feet to the southerly extension of the easterly line of said land conveyed to The Meridian Condominium, Inc., said point being referenced by a 5/8" iron pin in a monument box found 0.12 feet South;

Thence, leaving the centerline of Lake Avenue, along the southerly extension of the easterly line of said land conveyed to The Meridian Condominium, Inc., North 00° 58' 51" West, 52.56 feet to the southeasterly corner of said land conveyed to The Meridian Condominium, Inc.;

Thence, along The Meridian Condominium, Inc.'s easterly line, North 00° 58' 51" West, 863.34 feet to the shoreline of Lake Erie as observed on August 19, 2014 and the **True Point of Beginning** for the parcel herein described;

Thence, along said shoreline of Lake Erie the following thirteen courses;

South 67° 55' 04" West, 10.19 feet;

Thence South 88° 54' 11" West, 45.07 feet;

Thence North 51° 17' 07" West, 35.30 feet;

Thence South 64° 42' 36" West, 14.31 feet;

Thence North 50° 10' 51" West, 26.31 feet;

Thence North 45° 38' 43" West, 43.66 feet;

Thence North 58° 03' 57" West, 6.71 feet;

Thence North 83° 49' 57" West, 8.67 feet;

Thence North 42° 34' 02" West, 14.54 feet;

Thence South 78° 33' 38" East, 5.41 feet;

Thence North 07° 47' 20" East, 11.38 feet;

Thence North 37° 36' 55" West, 17.15 feet;

Thence North 69° 41' 55" West, 29.72 feet to the historic 1956 delineation line of Lake Erie;

**The Meridian Condominium Inc.  
Submerged Land Lease Parcel  
12,204 Square Feet (0.2802 Acre)  
Page 2 of 2**

-Thence, leaving said shoreline of Lake Erie, along the historic 1956 delineation line of Lake Erie, South 50° 55' 24" East, 22.70 feet to the littoral rights partition line between said land conveyed to The Meridian Condominium, Inc. and land conveyed to Winton Properties, Inc. as recorded in Volume 14817, Page 857 of the Cuyahoga County Records;

Thence, along said littoral rights partition line, North 18° 15' 48" East, 55.25 feet;

Thence, leaving said littoral rights partition line, South 87° 21' 53" East, 38.29 feet;

Thence South 67° 32' 09" East, 28.73 feet;

Thence South 36° 09' 00" East, 55.85 feet;

Thence South 49° 16' 18" East, 34.61 feet;

Thence South 73° 16' 02" East, 51.40 feet;

Thence South 35° 14' 11" East, 54.78 feet to the littoral rights partition line between said land conveyed to The Meridian Condominium, Inc. and land conveyed to Marine Towers, LLC as recorded in Volume 94-08430, Page 7 of the Cuyahoga County Records;

Thence, along said littoral rights partition line, South 21° 43' 01" West, 6.59 feet to the point of beginning.

Containing within said bounds 12,204 square feet (0.2802 acre) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in August, 2014 and March, 2015.

The basis of bearings for this survey is Ohio State Plane, North Zone NAD83(2011) Grid North.

T. A. Bixler 3-25-15

Trevor A. Bixler, P.S.  
Professional Surveyor, Ohio No. 7730

**KS ASSOCIATES**  
Civil Engineers + Surveyors  
260 Burns Road, Suite 100  
Elyria, OH 44035  
440-365-4730

