

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 21, 2014
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by President Madigan.

Present: David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Cindy Marx, Ryan Nowlin, Samuel T. O’Leary

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Also Present: Mayor Summers, Finance Director Pae, Police Representative, Fire Department Representative, Human Services Director Gelsomino, Planning & Development Director Siley, Law Director Niy;rt, Human Resources Director Yousefi.

Reading and Disposal of the minutes of the Regular Meeting of Council held July 7, 2014. Motion by Ms. Madigan, seconded by Mr. Nowlin to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

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

Without objection from Council, items 16, 17, 10 & 11 were read first in the agenda order.

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

1. Committee of the Whole Report regarding Civil Service Commission Report for Council Members and Mayor Salaries; Ms. Madigan, Chair. (To Be Provided)

The Committee of the Whole met Monday July 14 to discuss the Civil Service Commission report on Council and Mayoral salaries as well as the process to address periodic increases. All members, with the exception of Councilmember Anderson, whose absence was excused, were present as well as members of the administration and one member of the media. The Committee of the Whole discussed each section of the report and agreed to invite a member, or members of the Civil Service Commission to another Committee of the Whole, which is scheduled for this Wed. July 23. Members of the public are encouraged to attend. Move to receive and file that oral report.

Motion by Ms. Madigan, seconded by Mr. Nowlin to receive and file the oral report.

Motion adopted. All members voting yea.

2. Committee of the Whole Report regarding 7/21/14 Committee of the Whole meeting; Ms. Madigan, Chair. (To Be Provided)

The Committee of the Whole met tonight for a regular meeting to hear updates from the Director of Development, Dru Siley, and to do an agenda review for tonight's meeting. Move to receive and file.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the oral report.
Motion adopted. All members voting yea.

3. Public Works Committee Report regarding Resolution No. 8751-14; Mr. Juris, Chair. (To Be Provided)

The Public Works Committee met on Monday July 14th at 6:30 to discuss Resolution 8751-14, which would authorize the City to enter into a purchasing consortium for sodium chloride. Present were Committee members Bullock, O'Leary, and myself. Councilmember Marx, Council President Madigan and Directors Beno and Pae as well as Purchasing Manager Smith were also present. After deliberating on the terms of the proposed contract with Cargill, historical experiences with other alternatives which included the ODOT agreement last year with Morton Salt, and the expectations for the upcoming year, the Public Works Committee voted unanimously to recommend adoption by full Council. Move to receive and file.

Motion by Mr. Juris, seconded by Ms. Madigan, to receive and file the oral report.
Motion adopted. All members voting yea.

4. **RESOLUTION NO. 8751-14** – 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 the Director of Public Works, Director of Finance and the Purchasing Manager to enter into an agreement with and purchase supplies or services through a **Purchasing Consortium to Purchase Sodium Chloride** consisting of the cities of Beachwood, Brecksville, Broadview Heights, Brooklyn, Brooklyn Heights, Independence, North Royalton, Seven Hills and Valley View without the necessity of advertising and bidding as required in Lakewood Codified Ordinances §111.04 Bidding. (REFERRED TO THE PUBLIC WORKS COMMITTEE 7/7/14) (Pg. 1)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8751-14.
Motion adopted. All members voting yea.

5. Public Works Committee Report regarding Ordinance 29-14 & Resolution 8747-14; Mr. Juris, Chair. (To be provided)

Public Works Committee again met this evening at 6:30. Present were all members of the Committee including myself, Councilmembers Bullock and O'Leary as well as Councilmembers Marx and Anderson, Director Butler and Division Manager Perry. We were able to address the first of the two items on the agenda, first being ordinance 29-14, an amendment which has been proposed to ordinance 565.01 which would better define harmful substances near trees.

Essentially, this describes the damaging effects of stacking mulch around our public trees. Over quite a bit of conversation over the best approach to this, including education as well as ordinances, and minor misdemeanors and citations, the Committee arrived at the unanimous decision to move to recommend adoption by Council this evening. Move to receive and file.

Motion by Mr. Juris, seconded by Ms. Madigan, to receive and file the oral report.
Motion adopted. All members voting yea.

6. **ORDINANCE NO. 29-14** – AN ORDINANCE amending Section 565.01, Definitions, and Section 565.04, Placing Harmful Substances near Trees, of the Codified Ordinances of the City of Lakewood to prohibit actions harmful to the tree trunk flare zone. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/16/14, 2ND READING 7/7/14) (Pg. 3)

Motion by Mr. Bullock, seconded by Mr. Juris, to adopt Ordinance No. 29-14.
Motion adopted. All members voting yea.

7. **RESOLUTION NO. 8747-14** – A RESOLUTION to endorse the principles for tree care and the urban forestry management goals recommended by the Lakewood Tree Task Force. (REFERRED TO PUBLIC WORKS COMMITTEE 6/16/14) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.
Motion adopted. All members voting yea.

8. Public Safety Committee Report regarding Ordinance 30-14; Mr. Bullock, Chair (To be provided)

The Public Safety Committee met tonight with all members present and members of the full Council participating in the discussion. We heard from Law Director Butler and deliberated on ordinance 30-14, proposed ordinance from Councilman Juris to amend the Lakewood Codified Ordinances regarding various insurance requirements. This systematic review of those requirements throughout our Code is intended to ask and answer two key questions: First, are Lakewood's insurance requirements set at the right amount and type; and second, do we have any gaps in our current coverage requirements that we ought to prudently fill. Since this is a complex and technical topic, the Committee decided to allow itself more time for deliberations to continue in the near future. Move to receive and file that oral report.

Motion by Mr. Bullock, seconded by Ms. Madigan, to receive and file the oral report.
Motion adopted. All members voting yea.

9. **ORDINANCE NO. 30-14** – AN ORDINANCE to amend certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/16/14, 2ND READING 7/7/14) (Pg. 9)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Ordinance No. 30-14 back to the Public Safety Committee.

Motion adopted. All members voting yea.

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

10. Communication from Council and Mayor Summers regarding Resolution of Appreciation to the Cleveland Orchestra. (Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.

Motion adopted. All members voting yea.

11. **RESOLUTION NO. 8753-14** – A RESOLUTION expressing sincere appreciation to the members of the Cleveland Orchestra for their generous spirit, which they have shared with the City of Lakewood through the “At Home In Lakewood” spring performances. (Pg. 20)

Carol Lee lott, Director of Strategy and Special Initiatives
Cleveland Orchestra

Ms. Lee lott stated that she and her orchestra colleagues were honored to be present. She expressed thanks for the opportunity to be present, on behalf of the Music Director, Executive Director, and all the Board, orchestra, and staff of the Cleveland Orchestra. She expressed pride in the success of the orchestra’s second annual At Home Residency in Lakewood. She thanked the Mayor, Council President Madigan and the City Council, staff at City Hall, and the police, Ian Andrews and everyone at Lakewood Alive, Jim Crawford at Lakewood Public Library, Lakewood City Schools, the Chamber of Commerce, and all the merchants and residents of Lakewood. The recognized the City’s willing partnership in the endeavor, noting the City is part of the Orchestra’s family.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8753-14.

Motion adopted. All members voting yea.

12. Communication from Councilmember O’Leary regarding a resolution in support of the movement to amend the Constitution. (Pg. 21)

Councilmember Juris explained why he intended to not support the resolution, stating that while it was well-written, he disagrees with the premise behind a number of the points. He stated that there are many problems with federal campaign finance but that this resolution will not resolve those issues.

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

Motion adopted. All members voting yea.

13. **RESOLUTION NO. 8754-14** – A RESOLUTION calling on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United

States Constitution that would abolish corporate personhood and abolish the doctrine of money as speech. (Pg. 22)

Councilmember Bullock made remarks in support of the resolution. He thanked Rules & Ordinances Committee members for their work on the resolution.

Katie Steinmuller – 1500 Cordova

Ms. Steinmuller remarked on the process that took place over the past two years to arrive at this point including gathering signatures twice and bringing them before Council. She stated that she is very happy that members of Council agreed to bring forth the current resolution. She spoke about the issues at the heart of Citizens' United as well as those that have been brought to the forefront in subsequent Supreme Court decisions. She remarked on the importance of speaking out in opposition to the current doctrine and educating the community.

Motion by Mr. O'Leary, seconded by Mr. Bullock, to adopt Resolution No. 8754-14.

Six members voting yea.

Mr. Juris voting nay.

Motion adopted. Resolution No. 8754-14 adopted.

14. Communication from Councilmembers O'Leary, Marx, and Bullock regarding a proposed resolution for a hen-keeping pilot program (Pg. 25)

Motion by Mr. O'Leary, seconded by Mr. Bullock, to receive, file and refer the communication to the Housing Committee.

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8755-14** – A RESOLUTION establishing a pilot program to permit the keeping of hens in the City of Lakewood under certain conditions. (Pg. 26)

A 6th grader at Lakewood Catholic Academy. She spoke about an experience visiting a friend raising hens in a different community and how it made her want to have the same experience. She also spoke about her cousin in Phoenix, AZ who raises hens. She would like to present a video of her experiences with her cousin. She asked Council to allow hens in Lakewood.

Cherise Sims – 13312 Hazelwood

Ms. Sims expressed pride that Lakewood is considering backyard hen keeping. She stated that Lakewood has always had hens and that we are now returning to the way of life of our grandparents. She spoke about the work of the Hens in Lakewood group to educate the public and do outreach over the past few years. She urged people to visit the Hens in Lakewood facebook page.

April Stoltz – 1224 Edwards Ave.

Ms. Stoltz stated her reasons for wanting backyard hens. She wants to have the health and environmental benefits of eggs from backyard hens. She stated that hens can be fed table scraps and will eat rodents and garden pests. She spoke about using hen manure as fertilizer. She stated that hens will create community on her street and play a positive role in her Block Club and a

more resilient Lakewood. She spoke about the experiences of Cleveland Heights. She asked for support of the pilot project.

Tom Smith – 1528 Elmwood

Mr. Smith expressed support for hens in Lakewood. He explained his background as an advisor to a high school poultry group and the lessons learned by the students. He remarked on the “wonderful learning experience” hens provide. He expressed hope that Lakewood residents could have the same experience.

16927 Lake Avenue

She stated that Lakewood is a diverse community with room for a lot of different types of people and interests. She supports hens as a way to build vibrancy in the community that will attract many different groups. She believes it will increase real estate values. She expressed interest in gardening and in raising bees. She spoke of the benefits of fresh eggs and manure as well as community-building.

Annie Stahlheber – 1081 Forest Cliff Dr.

Ms. Stahlheber remarked that Lakewood is the perfect place to allow hen-keeping. Ms. Stahlheber works at the County Board of Health and has knowledge of how hen keeping is carried out in other Cuyahoga communities. She stated that the Board of health sanitarians are happy to assist with the ordinance. She remarked on her role as a founding member of LEAF and LEAF’s support for hens in Lakewood.

Jen Bouvier – 1246 Gladys Ave.

Ms. Bouvier teaches at Case Western Reserve University School of Law and has written articles on hen ordinances across the country. She stated that while hen ordinances are often controversial while being passed, that after the ordinances passed that there were few complaints or problems. She stated that hundreds of communities have passed hen keeping ordinances in the past five years. She encouraged Councilmembers to contact these cities.

Lara Roketenetz – 1460 Alameda Ave.

She will be completing a PhD this fall in Integrative BioSciences from University of Akron. She spoke about the principles of permaculture and how hen keeping is part of a healthy lifestyle. She asked for ducks to be included in the ordinance.

Councilmember O’Leary moved to refer Resolution 8755-14 to the Housing Committee.

Motion was seconded by Councilmember Bullock.

Councilmember Bullock remarked on the motion. He referenced a 2013 petition in support of hens signed by 271 Lakewood residents as well as the support in the room tonight – stating that it demonstrated considerable support for the proposal. He remarked on his experience speaking with Cleveland Heights about hen keeping in their City. He stated that hens in Lakewood are a

natural fit because Lakewood attracts creative people, young people, and dynamic individuals who are leading the way on this topic.

Councilmember Anderson remarked on the motion, pledging that if the resolution is referred to the Housing Committee that there will be fair, lengthy and respectful hearings that will take time. He committed to addressing all concerns thoroughly.

Councilmember Marx remarked on the motion, acknowledging those members of the public who have worked hard on the proposal. She expressed support for thorough deliberation and for passage of the resolution.

Council President Madigan remarked that six members of the public referenced health benefits of hen keeping. Therefore she prefers the resolution to be referred to the Health and Human Services Committee.

Councilmember Juris remarked on the motion, stating that the health issues including Salmonella, odors, etc. are of more immediate concern than the housing and building related issues. He expressed his opposition to the resolution.

President Madigan concurred with Councilmember Juris' remarks.

Councilmember Bullock responded to Councilmember Madigan and Juris' remarks. He stated that the Housing Committee was the legitimate place for the resolution to be referred.

Councilmember Marx remarked that the more important discussion to be had is in regards to the administrative management of the resolution and so therefore that it should be referred to the Housing Committee. She welcomed active discussion and debate.

To move the Resolution to the Housing Committee:

Yea – O'Leary, Bullock, Marx, Anderson

Nay – Madigan, Juris, Nowlin

Motion adopted. Resolution 8755-14 referred to the Housing Committee.

16. Communication from Mayor Summers regarding James R. Anderson, 2014 Grand Marshal of the 4th of July Parade. (Pg. 28)

Representatives from the Goodwin Family, the Beck Center for the Arts, Cub Scout Pack 68, and Help to Others (H2O) accepted plaques from Mayor Summers

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.

Motion adopted. All members voting yea.

17. **RESOLUTION 8756-14** – A RESOLUTION to thank Mr. James Anderson for participating as the 2014 Grand Marshal in the City of Lakewood 4th of July Parade. (Pg. 29)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8756-14.
Motion adopted. All members voting yea.

18. Communication from Police Chief Malley regarding a Memorandum of Understanding with the Northern Ohio Law Enforcement Task Force. (30)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.
Motion adopted. All members voting yea.

19. **RESOLUTION 8757-14** – A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with other law enforcement agencies as a member of the Northern Ohio Law Enforcement Task Force (Pg. 31)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8757-14.
Motion adopted. All members voting yea.

20. Communication from Finance Director Pae regarding 2014 3rd Quarter transfers (Pg. 36)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.
Motion adopted. All members voting yea.

21. **ORDINANCE NO. 31-14** – AN ORDINANCE authorizing the transfer and advance of certain funds (Pg. 37)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 31-14 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

22. Communication from Human Resources Director Yousefi regarding the purchase of Fitbit electronic activity tracking devices as part of the City's wellness program. (Pg. 39)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.
Motion adopted. All members voting yea.

23. **RESOLUTION 8758-14** – A RESOLUTION authorizing the Director of Public Works to purchase Fitbit devices without the necessity of bidding in accordance with Lakewood Codified Ordinance 111.04(a) (10) in accordance with the City of Lakewood standard purchase order terms and conditions. (Pg. 41)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8758-14.
Motion adopted. All members voting yea.

24. Communication from Planning & Development Director Siley regarding Economic Development Fund Loan – Omni Lakewood, LTD (Pg. 43)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file the communication.

Motion adopted. All members voting yea.

25. **RESOLUTION NO. 8759-14** – A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with Omni Lakewood, Ltd. Or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five-year loan in the amount of \$100,000 (Pg. 44)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8759-14 to the Committee of the Whole.

Motion adopted. All members voting yea.

26. Communication from Planning and Development Director Siley regarding Zoning Code Chapter 1143 – Parking Code Update (Pg. 65)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer the communication to the Planning Commission.

Motion adopted. All members voting yea.

ANNOUNCEMENTS

Cindy MacKay – 12700 Lake Ave.

Ms. MacKay spoke in opposition of circuses in Lakewood. She stated that a circus will be held in October in the Quicken Loans Arena. She remarked on the conditions in which circus animals are kept, citing abuse and neglect. She asked for Council to vote on the issue. She spoke about experiences of other cities with circuses. She urged action.

Mayor Summers announced that the City received an OH EPA permit good for three years authorizing the management of the City’s sewer system and waste water treatment facility pursuant to its terms. He acknowledged the work of City Directors to arrive at the agreement with state and federal EPA. He remarked that the permit will require the City to invest in improvements and strategies. The Mayor stressed the significance of the permit to a path forward for the City.

Councilmember Juris announced the Wing Crawl to take place on August 23.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.

Motion adopted. All members present voting yea.

Meeting adjourned 9:11 PM.

Approved: _____

CLERK

PRESIDENT