

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 16, 2015
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 PM by President Madigan.

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

Motion by Ms. Madigan, seconded by Mr. Bullock, to excuse the absence of Mr. Nowlin, due to the birth of his daughter.

Motion adopted. All members present voting yea.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Human Resources Director Yousefi. Approximately 55 members of the public.

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Reading and Disposal of the minutes of the Regular Meeting of Council held February 17, 2015.

Motion made by Ms. Madigan and seconded to approve the minutes without the necessity of a reading.

Motion adopted. All members present voting yea.

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

{without objection from Council, items 20, 21, 22, 23, & 19 were brought forward in agenda order}

1. Committee of the Whole Report regarding March 5, 9, 12, & 16, 2015 Committee meetings addressing Letter of Intent submitted to Lakewood City Council by the Lakewood Hospital Association (LHA) the Lakewood Hospital Foundation (LHF) and Cleveland Clinic (To Be Provided) Chair; Madigan.

Motion by Ms. Madigan, seconded by Mr. O'Leary, to defer action on this item.

Motion adopted. All members present voting yea .

2. Finance Committee Report of March 9, 2015 meeting (Ords 6, 7, 8, 9, 10, 11,-)15). Mr. Nowlin; Chair.(Pg.8)

Motion made by Ms. Madigan and seconded, to receive and file the report.
Motion adopted. All members present voting yea .

3. **ORDINANCE NO. 5-15** - 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, law authorizing the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2nd 3/2/15) (Pg.10)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 5-15.
Motion adopted. All members present voting yea .

4. **ORDINANCE NO. 6-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$12,027,000 in anticipation of the issuance of bonds to pay costs of (i) improving Madison Avenue by providing new traffic signalization; (ii) improving and renovating the refuse facility; (iii) replacing the roof on city hall; (iv) resurfacing Atkins Avenue, Arlington Road, Arthur Avenue, Blossom Park Avenue, Brockley Avenue, Clifton Boulevard, Cranford Street, Cove Avenue, Donald Street, Hird Avenue, Lakeland Road, Lakeland Avenue, Larchmont Avenue, Lauderdale Avenue, Lewis Drive, Madison Avenue, McKinley Avenue, Marlowe Avenue, Morrison Avenue, Nicholson Street, North Marginal Street, Northland Avenue, Olive Avenue, Overlook Road, South Marginal Street, St. Charles Avenue, Summit Avenue, Wascana Avenue, Waterbury Road, Woodward Avenue, Woodward Street, Wyandotte Avenue, and other streets located within the city; (v) improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals; (vi) improving the municipal garage ventilation system; (vii) improving parks within the city, including Lakewood Park, Wagar Park and the Lakewood Park skate house, together with all necessary appurtenances thereto; (viii) reconstructing Madison Avenue; (ix) constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; (x) improving sidewalks within the city, (xi) replacing a salt storage facility and (xii) improving the sewer system in the city by constructing the West End sewer separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto, and retiring notes previously issued for such purpose; and approving related matters. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 12)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Ordinance No. 6-15.
Motion adopted. All members present voting yea .

5. **ORDINANCE NO. 7-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not

to exceed \$2,000,000 in anticipation of the issuance of bonds; to pay costs of West End sewer separation project, together with all necessary appurtenances thereto. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 21)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Ordinance No. 7-15.
Motion adopted. All members present voting yea .

6. **ORDINANCE NO. 8-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$1,500,000 in anticipation of the issuance of bonds; to pay the costs of resurfacing Arthur Avenue, Carabel Avenue, Cliffdale Avenue, Cook Avenue, Cranford Avenue, Edgewater Drive, Edwards Avenue, Garfield Avenue, Kenneth Avenue, Lake Point Drive, Maile Avenue, Nicolson Avenue, Ogontz Avenue, Owego Avenue, Rockway Avenue, Sloane Subway, South Marginal Drive, St. Charles Avenue, and other streets located within the city. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 29)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to adopt Ordinance No. 8-15.
Motion adopted. All members present voting yea .

7. **ORDINANCE NO. 9-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$950,000 in anticipation of the issuance of bonds; to pay the costs of improving parks within the city, including Lakewood Park, together with all necessary appurtenances thereto. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 37)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to adopt Ordinance No. 9-15.
Motion adopted. All members present voting yea .

8. **ORDINANCE NO. 10-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$650,000 in anticipation of the issuance of bonds; to pay costs of improving sidewalks within the city. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 45)

Motion by Ms. Madigan, seconded by Mr. O’Leary to adopt Ordinance 10-15.
Motion adopted. All members present voting yea .

9. **ORDINANCE NO. 11-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not

to exceed \$250,000 in anticipation of the issuance of bonds; and to pay the costs of replacing or improving the roofs of city hall, city hall annex, Winterhurst ice rink and the city's service garage. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15 2ND 3/2/15) (Pg. 53)

Motion by Ms. Madigan, seconded by Mr. O'Leary, to adopt Ordinance 11-15.
Motion adopted. All members present voting yea .

10. Public Works Committee Report regarding 2/2/15 Meeting, Ord. 58-14 Mr. Juris; Chair. (Pg. 61)

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

Motion adopted. All members present voting yea .

11. Public Works Committee Report regarding 3/5/15 Meeting.; Res 8794-15, Ords 4-15, 12-15 & Pavement Condition Report. Mr. Juris; Chair. (Pg. 62)

Motion by Mr. Juris, seconded by Mr. Bullock, to receive and file the report.

Motion adopted. All members present voting yea .

12. **RESOLUTION NO. 8794-15** - 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, establishing a pilot program in western Lakewood to remove clean water sources from the City's sanitary sewer system in the furtherance of the City's permitting under the Ohio Environmental Protection Agency; authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance and/or the Purchasing Manager to enter into contracts for professional services for the pilot program, and to advertise for bids and enter into contracts for the purchase of repair, maintenance and operating supplies, services and equipment for the pilot program as authorized by the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law in an amount not to exceed \$900,000.00; declaring a nuisance; and identifying resident payment options under the pilot program. (1st Reading and referred to the Public Works Committee 2/17/15, 2ND 3/2/15) (Pg. 63)

Motion by Ms. Madigan, seconded by Mr. Juris, to adopt Resolution No. 8794-15.

Motion adopted. All members present voting yea .

13. **ORDINANCE NO. 4-15** – AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks, of the Codified Ordinances of the City of Lakewood to remove the requirement that a sidewalk survey be included with the notice to repair. (PLACED ON 1ST READING AND REFERRED TO THE PUBLIC WORKS COMMITTEE 2/2/15, 2ND 2/17/15) (Pg. 74)

Motion by Ms. Madigan, seconded by Mr. Juris, to adopt Ordinance No. 4-15.

Motion adopted. All members present voting yea .

14. Communication from Planning & Development Director Siley; Construction of High School and Lincoln Elementary – Rezoning. (Pg. 77)

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

Motion adopted. All members present voting yea .

15. **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). (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 1/5/15. 2nd Reading 1/20/15)(Pg. 78)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance 1-15 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting yea .

16. **ORDINANCE NO. 13-15** – AN ORDINANCE amending Chapter 143, City Records Commission, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of the commission. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 3/2/15). (Pg. 80)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to place Ordinance No. 13-15 on 2nd Reading.

Motion adopted. All members present voting yea .

17. Liquor Permit Application for a D2 TREX to Bevy in Birdtown 12112 Madison Ave from Cincinnati, Oh 45239. (DEFERRED 3/2/15) (Pg. 87)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this application.

Motion adopted. All members present voting yea .

18. Liquor Permit Application for D5, D6 to Citizens Eatery, 14600 Detroit Ave, from Pacers same address. (DEFERRED 3/2/15) (Pg. 88)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit application.

Motion adopted. All members present voting yea .

****NEW BUSINESS****

19. Keep Lakewood Beautiful Board Awards Presentation.

The Chair of the Keep Lakewood Beautiful Board Ruth Gillett made brief introduction remarks regarding the work of the Board. A Powerpoint was narrated by Tom Zigman; The presentation showed the homes of the winners of the Beautiful Homes Award and the winners were presented with their awards.

The winners and their addresses are as follows:

- a) Joe and Nadine Dwyer 1370 Webb
- b) Jean Finlin 1063 Rosalie
- c) Dave & Jessie Jacobson 1570 Mars
- d) Charles Malue 17103-05 Hilliard
- e) Patricia Bernardo 1618 Blossom Park
- f) Michael Koskey 1448 Alameda

20. Communication from Councilmembers Bullock and Anderson regarding Commending Scott Duennes and Cornucopia/Nature's Bin for three decades of service. (Pg. 89)

Motion by Mr. Anderson, seconded by Mr. Bullock, to receive and file the communication.

Motion adopted. All members present voting yea .

21. **RESOLUTION NO. 8796-15** – A RESOLUTION commending Scott Duennes on his retirement from Cornucopia/Nature's Bin. (Pg. 90)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Resolution No. 8796-15.

Motion adopted. All members present voting yea .

22. Communication from Councilmember Juris regarding St. Edward's Football. (Pg. 91)

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

Motion adopted. All members present voting yea .

23. **RESOLUTION NO. 8797-15** - A RESOLUTION to honor the 2014 St. Edward High School Football Team for earning Ohio state championship. (Pg. 92)

Motion by Ms. Madigan, seconded by Mr. Juris, to adopt Resolution No. 8797-15.

Motion adopted. All members present voting yea .

24. Communication from Finance Director Pae regarding Amending Purchasing and Contracting Ordinance FY2015. (Pg. 93)

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

Motion adopted. All members present voting yea .

25. **ORDINANCE NO. 43-14A** – 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, amending Ordinance 43-14, adopted December 15, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 94)

Motion by Ms. Madigan, seconded by Mr. O’Leary. To place Ordinance No. 43-14A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea .

26. Communication from Police Chief Malley regarding \$8,000 Grant Award from Edward Byrne Memorial Grant. (Pg. 100)

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

Motion adopted. All members present voting yea .

27. **RESOLUTION NO. 8798-15** – A RESOLUTION to take effect immediately provided it received 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 (Director of Public Safety), to enter into an agreement to accept a grant from the Federal Bureau of Justice Services through the Ohio Criminal Justice Services Office in the amount of \$8,000 and requiring a match by the City of Lakewood in the amount of \$888.89. (Pg. 101)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to adopt Resolution No. 8798-15.

Motion adopted. All members present voting yea .

28. Communication from Planning and Development Director Siley regarding 14823 Lake Avenue & 14818 Clifton Blvd. – Rezoning. (Pg. 103)

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

Motion adopted. All members present voting yea .

29. **ORDINANCE NO. 14-15** – AN ORDINANCE amending 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 a portion of 14823 lake Avenue from (PPN 312-15-022) R1H (Single Family, High Density) to R2 (Single and Two Family). (Pg. 104)

Motion by Ms. Madigan, seconded by Mr. O’Leary to place Ordinance No. 14-15 on 1st Reading and refer it to the Planning Commission.

Motion adopted. All members present voting yea .

30. Communication from Planning & Development Director Siley regarding Zoning Code – Roof Height and Set Back Updates. (Pg. 105)

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

Motion adopted. All members present voting yea .

31. **ORDINANCE NO. 15-15** – AN ORDINANCE amending Section 1121.07, Minimum Yard Requirements for Principal Buildings, 1123.07, Minimum Yard Requirements for Principal Buildings, and 1127.07 Minimum yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard. (Pg. 106)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to place Ordinance No. 15-15 on 1st Reading and refer it to the Planning Commission.

Motion adopted. All members present voting yea .

32. **ORDINANCE NO. 16-15** – AN ORDINANCE to amend Section 1103.02 Definitions, and 1133.07 measurement of Building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code. (Pg. 109)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to place Ordinance No. 16-15 on 1st Reading and refer it to the Planning Commission.

33. Communication from Planning & Development Director Siley regarding Zoning Code – Changes to Outdoor Dining Regulations. (Pg. 111)

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

Motion adopted. All members present voting yea .

34. **ORDINANCE NO. 17-15** – AN ORDINANCE amending Section 1161.03(t), Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood to allow outdoor dining year round where the patio is located fully on private property. (Pg. 112)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to place Ordinance No. 17-15 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting yea .

35. Communication from Law Director Butler regarding Resolutions permitting the formulation of a design-build project delivery system for two 2015 public works projects. (Pg.122)

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

Motion adopted. All members present voting yea .

36. **RESOLUTION NO. 8799-15** –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 (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of digester upgrades and an electrical generation system at the wastewater treatment plant without the necessity of competitive bidding; and exempting the city from certain provisions with the Ohio Revised Code related to design-build contracting for the purpose of this project. (Pg. 123)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to refer Resolution No. 8799-15 to the Public Works Committee.

Motion adopted. All members present voting yea .

37. **RESOLUTION NO. 8800-15** 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 (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of corrections to the sewer system under the western Lakewood clean water pilot project without the necessity of competitive bidding; and exempting the city from certain provisions with the Ohio Revised Code related to design-build contracting for the purpose of this project. (Pg. 126)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to refer Resolution No. 8800-15 to the Public Works Committee.

Motion adopted. All members present voting yea .

38. Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg. 129)

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

Motion adopted. All members present voting yea .

39. **RESOLUTION NO. 8801-15** – A RESOLUTION proclaiming March 29, through April 4th, 2015 “Severe Weather Awareness Week.” (Pg. 130)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to adopt Resolution No. 8801-15.

Motion adopted. All members present voting yea .

Motion by Ms. Madigan, seconded by Mr. O’Leary to adjourn.

Motion adopted. All members present voting yea.

Meeting adjourned 8:44 PM.

Approved: _____

CLERK

PRESIDENT