

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
SEPTEMBER 21, 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 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 September 8, 2015.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report regarding Committee Meetings; Resolution 8805-15. (To Be Provided)
2. **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. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/18/15, DEFERRED 6/1/15 & 6/15/15, 7/6/15, 7/20/15) (Pg. 4)
3. Finance Committee Report regarding Ordinance 26-15. (To Be Provided).
4. **ORDINANCE NO. 26-15** – 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 transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 7/20/15, 2ND READING 9/8/15)(Pg. 7)
5. Housing Committee Report; Ordinances 15-15 & 16-15; (To Be Provided)
6. **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. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 15-15 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15, 2ND READING 4/6/2015, REFERRED TO THE HOUSING COMMITTEE 9/8/15) (Pg. 9)
7. **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. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 15-15 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15, 2ND READING 4/6/2015, REFERRED TO THE HOUSING COMMITTEE 9/8/15) (Pg. 12)
8. **ORDINANCE NO. 27-15**– AN ORDINANCE enacting Chapter 721, Donation Boxes, of the Codified Ordinances of the City of Lakewood, and establishing related fees. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/8/15)(Pg. 15)

9. **ORDINANCE NO. 28-15** - AN ORDINANCE amending Section 135.05, Traffic Guards, of the Codified Ordinances of the City of Lakewood in order to adapt the Code to current needs of the City. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/8/15)(Pg. 18)

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

10. Communication from Mayor Summers regarding appointment to the Lakewood Citizens Advisory Committee. (Pg. 22)
11. Communication from Mayor Summers regarding Public Art – Solstice Steps. (Pg.23)
12. **RESOLUTION NO. 8824-15** – 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 Public Art Task Force for the purpose of creating a public art strategy for the City of Lakewood through thoughtful dialogue and community engagement and to advise municipal officials on the social, economic and environmental benefits to the city, its residents, businesses and institutions. (Pg. 24)
13. Communication from Law Director Butler regarding Extension of Planning Commission review. (Pg. 26)
14. Communication from Fire Chief Gilman regarding Fire Prevention Week 2015. (Pg. 27)
15. **RESOLUTION NO. 8825-15** – A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “When it comes to smoke alarms, it’s about “location, location, location”, at the 2015 Fire Prevention Week theme suggests. (Pg. 28)

READ 5/18/15 & REFERRED TO THE
COMMITTEE OF THE WHOLE.
READ & DEFERRED 6/1/15.
Deferre^d 8/15/15. DEFERRED 7/6/15. Deferre^d 7/20/15/1
BY:

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.

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

PLACED ON 1ST READING & REFERRED TO THE
FINANCE COMMITTEE 7/20/15. 2ND READING 9/8/15.

ORDINANCE NO. 26-15

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	
		3rd Quarter	
	Fund	Transfers Out	Transfers In
101	General Fund	\$ 212,867	
	Special Revenue Funds		
250	Office on Aging III B		\$ 170,000
	Internal Service Funds		
600	Hospitalization		\$ 39,589
601	Workers' Compensation		\$ 3,279
	Debt Service Payment s		
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

Placed on first reading and referred to the Planning Commission March 16, 2015, second reading April 6, 2015; referred back from Planning Commission with changes April 2, 2015. Please substitute for the original.

REFERRED TO HOUSING COMMITTEE 9/8/15.

ORDINANCE NO. 15-15

BY:

AN ORDINANCE amending Sections 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.

WHEREAS, traditionally there are a large number of variance requests related to the placement of air conditioning compressors in the side yard; and

WHEREAS, while air conditioning compressors meet the definition of a "structure" within the zoning code and are therefore subject to the set off requirements, it is not likely that compressors were contemplated when the code was drafted; 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 1121.07, Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended as follows:

1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with an ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback.

provided that the unit is placed not closer than 24 inches from the property line, the unit is entirely serviceable without needing to enter onto the adjoining property, and screening of the unit is maintained. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 2. Section 1123.07, Minimum Yard Requirements for Principal Building of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with an ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed not closer than 24 inches from the property line, the unit is entirely serviceable without needing to enter onto the adjoining property, and screening of the unit is maintained. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 3. Section 1127.07 Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed not closer than 24 inches from the property line, the unit is entirely serviceable without needing to enter onto the adjoining property, and screening of the unit is maintained. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 4. 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

Placed on first reading and referred to the Planning Commission March 16, 2015, second reading April 6, 2015; referred back from Planning Commission with changes July 2, 2015. Please substitute for the original.
REFERRED TO THE HOUSING COMMITTEE 9/8/15.

ORDINANCE NO. 16-15

BY:

AN ORDINANCE to amend Sections 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.

WHEREAS, a large number of variances are requested each year for the roof height when new garages are being constructed; and

WHEREAS, a full review of the zoning code revealed that there is room for interpretation of the roof height and how it can be applied; and

WHEREAS, further defining roof height and how it is measured will eliminate the possibility for interpretation and allow the standard to applied clearly and consistently; 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 1103.02 Definitions, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1103.02 DEFINITIONS.

...

(q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

....

shall be and is hereby amended to read as follows:

1103.02 DEFINITIONS.

...

(q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building as

determined by the Commissioner to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs, exclusive of the building's mechanical systems, chimneys, antennas, or structures necessary to access the roof including but not limited to elevated walkways, stair enclosures and ladders.

Section 2. Section 1133.07 Measurement of Building Height, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1133.07 MEASUREMENT OF BUILDING HEIGHT.

- (a) The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof or, where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.
- (b) Where unique site conditions exist, the Commissioner may measure the height of any structure from a point on the lot not less than three (3) feet from the foundation wall of a building, or footer or base of a structure.

shall be and is hereby amended to read as follows:

1133.07 MEASUREMENT OF BUILDING HEIGHT.

- (a) The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs; or, where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.
- (b) Where unique site conditions exist, the Commissioner may measure the height of any structure from a point on the lot not less than three (3) feet from the foundation wall of a building, or footer or base of a structure.

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

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO. 27-15

BY:

AN ORDINANCE enacting Chapter 721, Donation Boxes, of the Codified Ordinances of the City of Lakewood, and establishing related fees.

WHEREAS, the proliferation of clothing donation receptacles and other donation boxes within the city warrants the imposition of reasonable regulations by the city as to their placement, maintenance and use; 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. Chapter 721, Donation Boxes, of the Codified Ordinances of the City of Lakewood shall be and is hereby enacted to read as follows:

CHAPTER 721
Donation Boxes

721.01 DEFINITION.

As used in this chapter, "donation box" means a receptacle designed with a door, slot or other opening that is intended to accept and store donated items including but not limited to clothing or household items. Donation boxes shall not include trailers where persons are present to accept donations at all times that the trailer is present and are accepting donated items.

721.02 REGULATION OF DONATION BOXES.

No owner, tenant or occupant shall place or maintain or permit to be placed or maintained at or on the owner's, tenant's or occupant's premises in the City any donation box except after the following criteria have been met:

- (a) Eligibility. The building commissioner shall not issue an annual permit to any donation box owner who or which is not a tax-exempt organization under the Internal Revenue Code, does not maintain a donation box in accordance with the standards established in this chapter, or has had its permit revoked within the past 12 months.
- (b) Application. The building commissioner shall not issue an annual permit to any donation box owner unless the donation box owner has filed an application with the City that includes all of the following:

- (1) the location of any donation box proposed to be placed by the applicant in the City, including a site plan drawing showing the location of each donation box to be placed;
- (2) the name, address, phone, fax and email contact information of the property owner, tenant or occupant upon whose property a donation box would be placed, along with written authorization of the owner of the property for the placement of the donation box;
- (3) the name, address, phone, fax and email contact information of the donation box owner;
- (4) the name, address, phone, fax and email contact information of a person primarily responsible for placing, emptying, servicing, maintaining and removing the donation box to be placed;
- (5) the payment of an application fee, per donation box to be placed, established by Council.

A permit is valid from the date of issuance through December 31 of each year, is not transferable, and does not automatically renew.

- (c) Conformity with other code. The building commissioner shall not issue a permit unless he or she finds that no provisions of Parts Eleven and Thirteen of the Code, including use restrictions, setback requirements and off-street parking requirements, would be violated by the placement of a donation box.

- (d) Use regulations.

- (1) No person shall place or maintain or permit to be placed or maintained a donation box in any location that unreasonably obstructs sight lines of vehicular traffic.
- (2) A donation box shall not exceed 78 inches in height (measured from grade), 60 inches in width and 60 inches in depth.
- (3) Every donation box shall be maintained in a neat and clean condition and in good repair at all times. Every donation box shall be serviced and maintained so that it is free of rust, corrosion, dirt, grease, chipped, fading, peeling or cracked paint, cracks, dents, blemishes and discoloration.
- (4) Every donation box shall be emptied, and donated items removed from the areas around the donation box, regularly and, in any event, no more than 48 hours after the City's notification to the donation box owner, or the property owner, tenant or occupant, that the donation box is full.
- (5) Every donation box shall clearly bear the name, address and phone number of the donation box owner.
- (6) No more than one donation box shall be permitted on any single parcel of property.
- (7) Any donation box placed or maintained in the City that is not permitted by the City shall be subject to impoundment by the City. If impound-

ed, a donation box may be released to the owner upon the payment of an impound fee established by Council. If impounded for more than 30 days, a donation box may be sold for scrap or otherwise disposed of by the City.

- (8) The permit issued for any donation box may be revoked, after reasonable notice is attempted to be given to the donation box owner, if the donation box is placed or maintained in violation of this chapter.

721.03 APPEALS.

Any person affected by a decision of the building commissioner under this chapter may appeal from that decision to the Board of Building Standards and Building Appeals within 10 days of receiving notice of the decision. An appeal shall not act as an automatic stay of the decision from which appeal has been made.

721.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for a first offense, and for a second or subsequent offense, shall be guilty of a misdemeanor of the fourth degree.

Section 2. Council hereby establishes an application fee of \$100.00 per donation box pursuant to Section 721.02(b)(5).

Section 3. Council hereby establishes an impound fee of \$25.00 per day pursuant to Section 721.02(d)(7).

Section 4. Any donation boxes existing in the City as of the effective date of this ordinance shall be subject to the regulations in this ordinance.

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

Approved: _____

MAYOR

ORDINANCE NO. 28-15

BY:

AN ORDINANCE amending Section 135.05, Traffic Guards, of the Codified Ordinances of the City of Lakewood in order to adapt the Code to current needs of the City.

WHEREAS, Section 135.05 stands to be updated to reflect the City's current needs with respect to school crossing guards; 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 135.05 Traffic Guards, of the Codified Ordinances of the City of Lakewood, hereby reading as follows:

135.05 TRAFFIC GUARDS.

- (a) Duties. The Mayor, as Director of Public Safety, is hereby authorized to employ not more than thirty-five traffic guards to relieve or replace regular police officers at school crossings, possessing such qualifications as the Director of Public Safety may require. Traffic guards shall not be regarded as regular members of the Division of Police, nor empowered with the authority or duties of regular police officers, and shall not participate in any of the benefits of the Division of Police. Traffic guards shall be under the direction of the Director of Public Safety and the Chief of Police.
- (b) Uniform Allowance. In addition to any clothing or equipment supplied to traffic guards, the Director of Finance shall pay from the General Fund, Traffic and Safety Uniform Allowance Account, the sum of one hundred dollars (\$100.00) in the first pay period following December 1 of each year to each traffic guard who, prior to December 1, has been continuously employed as a regularly assigned traffic guard for a minimum period of one year and one day.
- (1) As used in this section, "regularly assigned traffic guard" means a guard assigned to regular crossing duties on a daily basis and shall not include guards serving on a temporary or fill-in basis.
- (2) In computing the length of service for purposes of determining eligibility for uniform allowance, all vacation and holiday periods wherein school is closed shall be considered as continuous employment, provided the individual has been actively employed as a traffic guard for a period of thirty days prior to such vacation or holiday period.

(c) Rate of Pay; Exceptions. Traffic guards shall be paid at their hourly rate only for time actually worked, unless otherwise provided for by ordinance.

(1) If the Lakewood School Board of Education and/or the Cleveland Catholic Diocese, as a result of inclement weather or other emergency condition, suspends classes for the school system or any portion thereof and, as a result of such closing, traffic guards who would normally be scheduled to work are told not to report, the guards so affected shall be paid at their regular hourly rate as if they had worked their assigned crossings on that date.

(2) During the spring (Easter) and winter (Christmas) school breaks, all regularly assigned traffic guards who have been continuously employed for at least thirty days immediately preceding the break shall be paid at their regular rate of pay as if they had worked their assigned crossings.

(3) Traffic guards electing to work the summer school session shall be paid their regular hourly rate for a minimum period of two hours per day on those days they are assigned crossings.

(d) Accidental Death or Injury. If a traffic guard is fatally injured as a result of and while performing the duties of a traffic guard, or dies within one year as a result of injuries received in the performance of such duties, the Director of Finance, upon the recommendation of the Director of Public Safety and the approval of Council, shall pay to the surviving spouse of the traffic guard, if any, otherwise, to the children of the traffic guard, if any, otherwise, to the estate of the traffic guard, the amount of ten thousand dollars (\$10,000) from the General Fund, General Liability Insurance Account.

(1) If a traffic guard is unable to work as a result of injuries received in the performance of duty, he shall, upon certification of such inability by the Commissioner of Health and the approval of the Director of Public Safety, be paid for each scheduled work day for a period not to exceed ninety days as if the traffic guard were working his assigned crossing. If not regularly assigned to a specific crossing, he shall be paid for a minimum of three hours per each scheduled work day.

(2) In the event of any accidental death payment pursuant to this subsection, the City shall be subrogated to all the traffic guard's rights of recovery therefor against any person or organization, and the representative of the estate of such traffic guard shall execute and deliver instruments and papers and shall do whatever else is necessary to secure such rights. Furthermore, such representative shall do nothing after payment hereunder to prejudice such rights.

is hereby amended to read as follows:

135.05 TRAFFIC GUARDS.

(a) Duties. The Mayor, as Director of Public Safety, is hereby authorized to employ ~~not more than thirty-five~~ a sufficient number of traffic guards to monitor intersections ~~relieve or replace regular police officers~~ at school crossings, possessing such qualifications as the Director of Public Safety may require. ~~Traffic guards shall not be regarded as regular members of the Division of Police, nor empowered with the authority or duties of regular police officers, and shall not partici-~~

~~pate in any of the benefits of the Division of Police. Traffic guards shall be under the direction of the Director of Public Safety and the Chief of Police.~~

- (b) Uniform Allowance. In addition to any clothing or equipment supplied to traffic guards, the Director of Finance shall pay from the General Fund, Traffic and Safety Uniform Allowance Account, an amount established by the Director of Public Safety, the sum of one hundred dollars (\$100.00) in the first pay period following December 1 of each year to each traffic guard who, prior to December 1, has been continuously employed as a regularly assigned traffic guard for a minimum period of one year and one day.

~~(1) As used in this section, "regularly assigned traffic guard" means a guard assigned to regular crossing duties on a daily basis and shall not include guards serving on a temporary or fill-in basis.~~

~~(2) In computing the length of service for purposes of determining eligibility for uniform allowance, all vacation and holiday periods wherein school is closed shall be considered as continuous employment, provided the individual has been actively employed as a traffic guard for a period of thirty days prior to such vacation or holiday period.~~

- (c) Rate of Pay; Exceptions. Traffic guards shall be paid at a rate established by Council. Additional payments may be authorized as established by the Director of Public Safety upon 30 days' written notice to Council ~~their hourly rate only for time actually worked, unless otherwise provided for by ordinance.~~

~~(1) If the Lakewood School Board of Education and/or the Cleveland Catholic Diocese, as a result of inclement weather or other emergency condition, suspends classes for the school system or any portion thereof and, as a result of such closing, traffic guards who would normally be scheduled to work are told not to report, the guards so affected shall be paid at their regular hourly rate as if they had worked their assigned crossings on that date.~~

~~(2) During the spring (Easter) and winter (Christmas) school breaks, all regularly assigned traffic guards who have been continuously employed for at least thirty days immediately preceding the break shall be paid at their regular rate of pay as if they had worked their assigned crossings.~~

~~(3) Traffic guards electing to work the summer school session shall be paid their regular hourly rate for a minimum period of two hours per day on those days they are assigned crossings.~~

- (d) Accidental Death or Injury. If a traffic guard is fatally injured as a result of and while performing the duties of a traffic guard, or dies within one year as a result of injuries received in the performance of such duties, the Director of Finance, upon the recommendation of the Director of Public Safety and the approval of Council, shall pay to the surviving spouse of the traffic guard, if any, otherwise, to the children of the traffic guard, if any, otherwise, to the estate of the traffic guard, the amount of ten thousand dollars (\$10,000) from the General Fund, General Liability Insurance Account.

~~(1) If a traffic guard is unable to work as a result of injuries received in the performance of duty, he shall, upon certification of such inability by the Commissioner of Health and the approval of the Director of Public Safety, be paid for each scheduled work day for a period not to exceed ninety days as if the traffic guard were working his assigned crossing. If not regularly as-~~

~~signed to a specific crossing, he shall be paid for a minimum of three hours per each scheduled work day.~~

- ~~(2) In the event of any accidental death payment pursuant to this subsection, the City shall be subrogated to all the traffic guard's rights of recovery therefor against any person or organization, and the representative of the estate of such traffic guard shall execute and deliver instruments and papers and shall do whatever else is necessary to secure such rights. Furthermore, such representative shall do nothing after payment hereunder to prejudice such rights.~~

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.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE • 44107 • 216/521-7580 • fax 216/529-5652
Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

September 21, 2015

Lakewood City Council
Lakewood, Ohio 44107

Dear Members of Council:

Re: *Mayoral appointment to the Lakewood Citizens Advisory Committee*

It is with great pleasure that I announce my appointment of Ryan Skubic to the City of Lakewood Citizens Advisory Committee. His term will begin immediately and expire on December 31, 2016.

I am grateful that this fine Lakewood citizen is willing to volunteer his time, energy and knowledge to improve the quality of our community. I am confident that he will bring commitment, prudence and enthusiasm to this important responsibility.

Sincerely,

Michael P. Summers





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

MICHAEL SUMMERS
MAYOR

September 16, 2015

Lakewood City Council Members
Lakewood, Ohio 44107

Re: Public Art – Solstice Steps

Council Members –

By this letter I wanted to reintroduce the subject of public art. The City's Solstice Steps project will be unveiled to the public in the next month. This project provides our city with an opportunity to seek a prominent piece of public art in a high-traffic public area, Lakewood Park.

We have further researched what other cities around the country have done and reviewed some of those well-developed public art guidelines and ordinances/codes, master plans, selection processes, funding options and advisory committee frameworks that we can look to for guidance as we craft our own. We can and should benefit from their experiences.

This is a great opportunity for us to break out into committee for discussion about not only this specific public art opportunity, but a broader discussion about a public art program and process for the city as a whole. Also attached for discussion, is a resolution proposing the first step by the creation of a Public Art Task Force to assist the community in the selection of an artist for Lakewood Park Solstice Steps public art piece and for assisting in crafting a public art strategy.

I look forward to providing you with information about what other communities are doing and how we might use their experience to create our own public art program for our community. Please refer this opportunity for discussion in any manner City Council deems appropriate.

Thank you for your consideration.

Very truly yours,

Michael P. Summers, Mayor



RESOLUTION NO.

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 Public Art Task Force for the purpose of creating a public art strategy for the City of Lakewood through thoughtful dialogue and community engagement and to advise municipal officials on the social, economic and environmental benefits to the city, its residents, businesses and institutions.

WHEREAS, public art has the ability to attract attention and economic benefit, connect artists with communities, and enhance public appreciation of art; and

WHEREAS, a citizen advisory group is necessary to aid in the selection of public art, develop an overall strategy and advise municipal officials on innovative solutions to address the need for public art in Lakewood; and

WHEREAS, the task force will be asked to provide recommendations for public art installations, to engage private citizens and organizations for support of public art, and provide the City with an overall strategy for the implementation of public art within public spaces in Lakewood; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that 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 Public Art Task Force is hereby created for the purpose of creating a public art strategy for the City of Lakewood through thoughtful dialogue and community engagement and to advise municipal officials on the social, economic and environmental benefits to the city, its residents, businesses and institutions.

Section 2. The Public Art Task Force shall be composed of seven members, three of whom shall be appointed by Council and two of whom shall be appointed by the Mayor. One of the Council appointments shall be from a community arts organization. The remaining members shall consist of one member of the Planning Commission, nominated by the Commission, and one member of the Architectural Board of Review, nominated by the Board.

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 Planning and Development 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. 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 on December 31, 2016 unless extended by Council.

Section 4. It is found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and 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 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

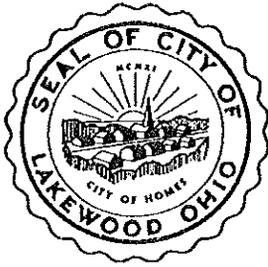
Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



**LAW DEPARTMENT
OFFICE OF PROSECUTION**
12650 Detroit Avenue, Lakewood, Ohio 44107
(216) 529-6030 | Fax (216) 228-2514
www.onelakewood.com
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KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. SWALLOW
CHIEF ASSISTANT
LAW DIRECTOR

MANDY J. GWIRTZ
ASSISTANT PROSECUTOR/
ASSISTANT LAW DIRECTOR

September 21, 2015

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Extension for Planning Commission review

Dear Members of Council:

On April 6, 2015, Council referred Ordinance No. 18-15, which would have the effect of designating St. Charles Green as a city park, to the Planning Commission for review. Since that date the Planning Commission has undertaken a diligent review of the proposal and wishes to continue its review.

I would respectfully request on the Commission's behalf that Council pose no objection to an extension of time for the Commission to complete its work on the proposed ordinance. Please notify me if Council should decide otherwise.

Very truly yours,

Kevin M. Butler



SCOTT K. GILMAN
FIRE CHIEF

Lakewood Fire Department • 14601 Madison Avenue • Lakewood, Ohio 44107
Fire Chief 216-529-6658 • Fire Marshal 216-529-6660 • Fire Inspector 216-529-6665 • Administrative Office 216-529-6656
Fax 216-226-9963 • www.onelakewood.com

September 11, 2015

Lakewood City Council
Lakewood, Ohio

RE: Fire Prevention Week 2015

Dear Members of Council:

Attached please find a resolution for your consideration, proclaiming October 4th – 10th, 2015 as Fire Prevention Week.

The Lakewood Fire Department will be visiting elementary students to speak to the children about the importance of having two fire escape plans, and demonstrate firefighting equipment. The 2015 Fire Prevention Week Theme **When it comes to smoke alarms, it's about "location, location, location"**. effectively serves to remind us all of the simple actions we can take to stay safe from fire injuries at home.

Thank you for your favorable & timely consideration.

Sincerely,

Scott K. Gilman
Fire Chief

RESOLUTION NO.

BY:

A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, "When it comes to smoke alarms, it's about "location, location, location".", as the 2015 Fire Prevention Week theme suggests.

WHEREAS, Almost three of five (60%) of reported home fire deaths in 2007 to 2011 resulted from fires in homes with no smoke alarms or no working smoke alarms; and

WHEREAS, Working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, the Lakewood Fire Department is dedicated to reducing the occurrence of fires and injuries through prevention education; and

WHEREAS, the Lakewood Fire Prevention Bureau will visit elementary schools from October 5th through October 9th, to speak to the children about the importance of fire safety in their home and will demonstrate firefighting equipment; and

WHEREAS, Fire Prevention Week effectively serves to remind us all of the simple actions we can take to stay safe from fires at home. Now therefore,

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

Section 1. That this Council and Mayor designate and proclaim October 4th – 10th, 2015 as Fire Prevention Week in the City of Lakewood and call upon the citizens of Lakewood to participate in fire prevention activities at home.

Section 2. That the Clerk of Council be and she is hereby authorized and directed to forward a copy of this Resolution to Chief Scott K. Gilman, Fire Station No. 1, 14601 Madison Avenue, Lakewood, Ohio and that a copy of this Resolution be spread upon the minutes of this meeting.

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

Adopted: _____

President

Clerk of Council

Approved: _____

Mayor