

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
SEPTEMBER 8, 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 July 20, 2015 and the Special Meeting of Council held August 31, 2015.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report. Ms. Madigan; Chair (To Be Provided)
2. **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 9/8/15)(Pg. 5)
3. Communication from Planning & Development Director Siley regarding Zoning Code – Modifications to Building Height and side yard setback requirements. (Pg.7)
4. **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, (Pg.8)
5. **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, (Pg. 11)

****NEW BUSINESS****

6. Communication from Councilmembers Bullock, Madigan and O’Leary regarding Resolution authorizing the Director of Law to enter into negotiations with the Cleveland Clinic Foundation, Lakewood Hospital Association and Lakewood Hospital Foundation regarding Lakewood Hospital and future healthcare delivery in Lakewood. (Pg.14)
7. **RESOLUTION NO. 8817-15** - A RESOLUTION authorizing the Director of Law to enter into negotiations with the Cleveland Clinic Foundation, Lakewood Hospital Association and Lakewood Hospital Foundation regarding Lakewood Hospital and future healthcare delivery in Lakewood. (Pg.15)
8. Communication from Council President Madigan and Mayor Summers regarding Youth Opportunities Unlimited Summer Youth Employment Program. (Pg.16)
9. **RESOLUTION NO. 8818-15** - A RESOLUTION commending the efforts of Youth Opportunities Unlimited (Y.O.U.) for its important work connecting Lakewood teens with Lakewood employers, providing a mutually beneficial arrangement whereby teens acquire job skills and employers enjoy across to an energized workforce. (Pg.17)

10. Communication from Councilmember Marx regarding Clothing donation Boxes. (Pg.18)
11. **ORDINANCE NO. 27-15**– AN ODINANCE enacting Chapter 721, Donation Boxes, of the Codified Ordinances of the City of Lakewood, and establishing related fees. (Pg.19)
12. Communication from Councilmember Bullock and Mayor Summers regarding supporting grant application to examine cost saving opportunities for fleet vehicle alternative fuel use. (Pg.22)
13. **RESOLUTION NO. 8819-15** – A RESOLUTION supporting the submittal of a grant application to the local government innovation fund by the City of Lakewood in order to fund a feasibility study to examine cost saving opportunities from fleet vehicle alternative fuel use. (Pg. 23)
14. Communication from Mayor Summers regarding Acceptance of 2014 Auditor of State Award with Distinction. (Pg. 24)
15. Communication from Mayor Summers regarding Youth Opportunities Unlimited Program. (Pg.25)
16. Communication from Mayor Summers regarding National Alzheimer’s Disease Awareness Month. (Pg. 26)
17. **RESOLUTION NO. 8820-15**– A RESOLUTION recognizing the month of November as national Alzheimer’s Disease and Awareness Month. (Pg. 27)
18. Communication from Mayor Summers regarding County Anti-Poaching Protocol. (Pg.29)
19. **RESOLUTION NO. 8821-15** – A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into an agreement with the Cuyahoga County Executive renewing Lakewood’s commitment to attract business in a manner comporting with that agreement, and urging the remaining communities in Cuyahoga County to do the same. (Pg. 30)
20. Communication from Public Works Director Beno regarding Ohio Public Works Commission Funding 2015. (Pg. 37)
21. **RESOLUTION NO. 8822-15** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor of the City of Lakewood to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvements Program, Local Transportation Improvement

Program or any other appropriate Ohio Public Works Commission program that these projects qualify for and to execute contracts as required. (Pg.38)

22. Communication from Police Chief Malley regarding Revision to Chapter 135.05 Traffic Guards. (Pg. 40)
23. **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. (Pg. 41)
24. Communication from Planning & Development Director Siley regarding Cuyahoga County US EPA Brownfield Revolving Loan Fund – Hilliard Theater. (Pg. 45)
25. **RESOLUTION NO.** 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, supporting the application of the City of Lakewood to the Cuyahoga county US EPA Brownfield Revolving Loan Fund in the City. (Pg. 46)

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

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 IIIB		\$ 170,000
	Internal Service Funds		
600	Hospitalization		\$ 39,589
601	Workers' Compensation		\$ 3,279
	Debt Service Payments		
101	General Fund (HB 300 Lease)	\$ 55,000	
211	SCMR (HB 300 Lease)	\$ 6,250	
260	Lakewood Hosptl (HB 300 Lease)	\$ 300	
501	Water (HB 300 Lease)	\$ 3,813	
510	WWC (HB 300 Lease)	\$ 800	
511	WWTP (HB 300 Lease)	\$ 18,750	
520	Parking (HB 300 Lease)	\$ 1,125	
530	Winterhurst (HB 300 Lease)	\$ 20,000	
301	Debt Service Fund	\$ -	\$ 106,038
512	WWTP Improvements	\$ 400,000	
301	Debt Service Fund		\$ 400,000

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

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

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

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

September 8, 2015

Lakewood City Council
Lakewood, OH 44107

RE: Zoning Code – Modifications to Building Height and side yard setback requirements

Dear Members of Council:

At its April 2nd, 2015 meeting Planning Commission unanimously approved and referred to City Council an amendment to the side yard setback requirements for air conditioning units in the Zoning Code. Additionally, at its July 2nd, 2015 meeting Planning Commission unanimously approved and referred to City Council an amendment to the determination of building height in the Zoning Code.

The proposed changes to the minimum yard requirements in Chapters 1121, 1123, and 1127 are rooted in a statistical based analysis conducted by Kyle Krewson, Vice Chair of Board of Zoning Appeals. Kyle determined one of the highest volume variance requests to BZA in the last two years has been for air conditioners in a side yard. Planning Commission, BZA, and City Staff, worked together to propose changes to allow for more flexibility to where air conditioners may be placed in a side yard, while still maintaining reasonable regulations for screening, noise generation, and equipment serviceability.

The proposed changes to Building Height aim to eliminate contrasting definitions in the Zoning Code, and align Lakewood's Zoning Code with the Ohio Building Code for interpretation consistency amongst users of both Codes.

Following this letter are two ordinances that if adopted, will modify the Zoning Code to reflect the changes recommended by Planning Commission. Please refer this item to Committee of the Whole for review.

Sincerely,

Dru Siley
Director

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.

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.

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 be 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



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

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

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

Lakewood City Council
 12650 Detroit Road
 Lakewood, Ohio 44107

September 4, 2015

Dear Members of Council,

The undersigned respectfully request your consideration of the attached Resolution authorizing the Director of Law to enter into negotiations with the Cleveland Clinic Foundation, Lakewood Hospital Association and Lakewood Hospital Foundation regarding Lakewood Hospital and future healthcare delivery in Lakewood.

Respectfully Submitted,

/s/ Sam O'Leary /s/ Thomas R. Bullock III /s/ Mary Louise Madigan

Council – Ward II Council at Large Council, Ward IV

RESOLUTION NO.

BY:

A RESOLUTION authorizing the Director of Law to enter into negotiations with the Cleveland Clinic Foundation, Lakewood Hospital Association and Lakewood Hospital Foundation regarding Lakewood Hospital and future healthcare delivery in Lakewood.

WHEREAS, Council recognizes that Lakewood citizens, businesses, and other interested parties seek updates and transparency with respect to the progress of Council deliberations regarding Lakewood Hospital; and

WHEREAS, the Letter of Intent regarding Lakewood Hospital that was referred to City Council earlier this year has since expired; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. City Council directs its legal counsel to negotiate with representatives of the Lakewood Hospital Association, the Cleveland Clinic Foundation and the Lakewood Hospital Foundation regarding Lakewood Hospital and future healthcare delivery in Lakewood.

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

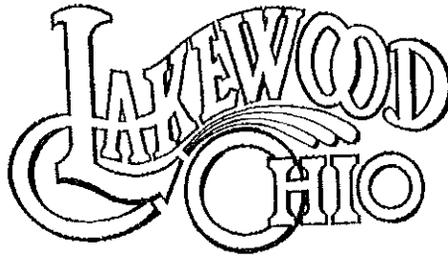
Adopted: _____

President

Clerk

Approved: _____

Mayor



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

September 8, 2015

Lakewood City Council
Lakewood, OH

Dear Council,

Please join me in recognizing the Youth Opportunities Unlimited (Y.O.U.) Summer Youth Employment Program that introduces enthusiastic young people to the working world.

This year, the City of Lakewood proudly served as one of the City's eleven employers that participated in this program. Three motivated and engaged teens were provided opportunities in the Mayor's Office, the Law Department, and the Division of Aging.

Lakewood City Schools, non-profits, and private businesses also participated. Tonight, we are pleased to have present Linsey Robertson, a participating student, and John Duncan, a participating employer, to further comment on the great benefits of this program to both teens and employers. I would also like to recognize and thank the Nord Family Foundation for enabling Y.O.U. to recruit a record number of Lakewood participants this year.

Lakewood is proud to be a part of the Summer Youth Employment Program and looks forward to being a part of the work history of future Lakewood leaders.

Sincerely,

Mary Louise Madigan
President of Council

Michael P. Summers
Mayor

RESOLUTION NO.

BY:

A Resolution commending the efforts of Youth Opportunities Unlimited (Y.O.U.) for its important work connecting Lakewood teens with Lakewood employers, providing a mutually beneficial arrangement whereby teens acquire job skills and employers enjoy access to an energized workforce.

WHEREAS, for over thirty years, Y.O.U has been committed to empowering Cuyahoga County teens through workforce preparation, job placement, and youth development, and;

WHEREAS, Y.O.U.'s Summer Youth Employment Program provides an opportunity for hundreds of Cuyahoga County teens each summer to experience their first job by connecting them with local employers and mentoring them toward success, and;

WHEREAS, additional funding support from the Nord Family Foundation enabled the Summer Youth Employment Program to significantly expand to include a record number of Lakewood youth this summer, and;

WHEREAS, forty-seven Lakewood teens earned a paycheck, gained valuable work experience, developed relationships, and learned basic financial literacy while making professional contributions at eleven Lakewood worksites this summer, and;

WHEREAS, Lakewood is strengthened by Y.O.U.'s role of building the ranks of our City's future work force; now, therefore

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

Section 1. That this Council hereby expresses appreciation to Youth Opportunities Unlimited for its important role connecting Lakewood teens with productive employment experiences this summer and for its ongoing work to support youth throughout Cuyahoga County.

Section 2. That the Clerk of Council be, and is hereby authorized to ensure that a copy of this resolution be spread upon the minutes of this meeting.

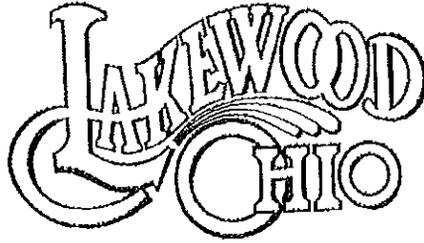
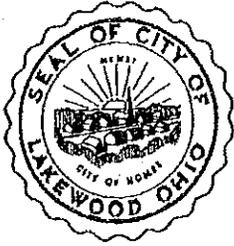
Adopted: _____

President

Clerk

Approved: _____

Mayor



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CINDY MARX

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

September 2, 2015

TO: Lakewood City Council

RE: Clothing Donation Boxes

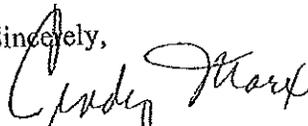
Dear Colleagues,

Since my last communication to Council in May of this year the City of Lakewood has seen the number of clothing donation bins multiply. Not only have the bins increased in number but many are not maintained and quickly become an eyesore and haven for rodents. When these containers are not maintained in a responsible manner it reflects negatively on the character of our neighborhoods.

I would like the Council to consider legislation regulating the placement and registration of the clothing donation bins located within the City of Lakewood. Without regulation we have seen numerous clothing bins on one location throughout the City with lack of identification on the containers for ownership and maintenance. . This legislation will allow for proper oversight of the clothing bins to reduce the number of bins within the City and establish proper maintenance protocols.

Thank you.

Sincerely,


Cindy Marx
Council at Large

ORDINANCE NO.

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



12650 DETROIT AVENUE • 44107 • 216/529-6600 • fax 216/529-5652
Website: www.onelakewood.com

MICHAEL P. SUMMERS
MAYOR

September 2, 2015

Dear members of City Council,

A key opportunity for our government is to identify opportunities that improve environmentally sustainable behaviors in urban areas such as ours. Better still, we also have an obligation to "show the way" when possible.

The attached resolution requests authorization to apply for an Ohio Innovation Fund grant that would fund a feasibility study of alternative fuel use for Lakewood's fleet of cars, trucks and heavy equipment. We operate over 300 pieces of mobile equipment that utilizes an internal combustion engine. Even though oil is trading at \$40 per barrel, the best time to explore alternate fuel options is when you have the luxury of time and options, including refined gasoline.

This resolution authorizes our city to employ at no cost The nonprofit firm of Clean Fuels Ohio to aid our application to the Local Government Innovation fund (LGIF) for a feasibility study of retrofitting some of our fleet for LP gas and/or natural gas use.

We are not under any obligation to take actions as a result of this feasibility study. In kind costs of staff time will meet our local share costs if we are granted the request for funding of this study.

Of particular interest is RTA's consideration of investing in a clean natural gas filling station in the Trisket garage.

We ask your approval at tonight's meeting so that we might submit our request by the September 14th deadline to the LGIF.

Tom Bullock, Council-at-Large

Michael P. Summers, Mayor

RESOLUTION NO.

BY:

A **RESOLUTION** supporting the submittal of a grant application to the local government innovation fund by the City of Lakewood in order to fund a feasibility study to examine cost saving opportunities from fleet vehicle alternative fuel use.

WHEREAS, fleet vehicles perform important services for residents and the community, including emergency response, infrastructure maintenance, and administrative functions; and

WHEREAS, fleet vehicle operations have significant financial and environmental costs; and

WHEREAS, maximizing operational cost-effectiveness and environmental performance of fleet vehicles is the interest of taxpayers and community health; and

WHEREAS, it is recognized that this study will provide vital information on options for improving fleet cost-effectiveness, efficiency, and environmental performance; and

WHEREAS, a collaborative effort with other area communities and businesses will maximize application competitiveness, provide program efficiencies, and reduce overall costs; now, therefor:

BE IT RESOLVED BE IT RESOLVED by the City of Lakewood, State of Ohio:

Section 1. That the Mayor and Council of the City of Lakewood, Ohio support the submittal of a grant application to the Local Government Innovation Fund for a feasibility study to examine cost saving opportunities from fleet vehicle use of alternative fuels and efficiency technologies.

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

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



MICHAEL P. SUMMERS
MAYOR

12650 DETROIT AVENUE • 44107 • 216/529-6600 • FAX 216/529-5652
www.onelakewood.com

September 8, 2015

Lakewood City Council
Lakewood, Ohio 44107

Re: Acceptance of 2014 Auditor of State Award with Distinction

Dear Members of Council:

For the second year in a row, the city of Lakewood has received the Auditor of State Award with Distinction for the city's 2014 Comprehensive Annual Financial Report.

This significant and important award from the state of Ohio affirms our obligation to be excellent stewards of our taxpayers' dollars. It also confirms the continued hard work of our entire finance department.

The award is presented to the top 5 percent of governments that meet specific criteria during their financial audit.

This culminates years of improving the city's financial position, tightening internal controls, and implementing fiscal best practices. This would not be possible without the hard work of the Lakewood Finance Department employees, and the much-valued assistance and input of the City's Audit Committee.

The Auditor of State Award with Distinction is given to entities that file an annual CAFR and timely financial reports, as well as receive a "clean" audit report. The clean audit report means that Lakewood's financial audit did not contain findings for recovery, material citations, material weaknesses, significant deficiencies, Single Audit findings or any questioned costs.

Good finance is important to everything government does. Sound budgetary decisions depend on clean and accurate books.

Very truly yours,

Michael P. Summers



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

MICHAEL SUMMERS
MAYOR

September 8, 2015

Lakewood City Council
Lakewood, Ohio 44107

Dear Members of Council:

This summer, we had the opportunity here at Lakewood City Hall to participate in the county's Youth Opportunities Unlimited program, designed to place students in meaningful summer work experiences around Cuyahoga County each summer.

Youth Opportunities Unlimited services are provided free of charge to youth and employers. The program is funded by various government and foundation grants, corporate and individual gifts, and the United Way of Greater Cleveland. This year, the YOU program placed more than 3,300 students — aged 14 to 18 — around the county.

Nearly 50 of those students were from Lakewood. Two students — Ty'saun Blevins and Ethan Burney, who both attend Lakewood High School — worked at Lakewood City Hall.

The youths were paid \$8.10 an hour and worked 150 hours during the summer. Their internships ended in July.

It was a pleasure having these two fine young men working at city hall. They performed a variety of tasks, including helping in the law department, mayor's office, finance department, as well as the tax and water departments. In addition, they each took a ride-along with members of the Lakewood Fire Department.

This program lived up to its billing. The mission of YOU is to empower youth to succeed in school, in the workplace, and in life. I am certain that our students got a good head start on their way to achieving their full potential.

Thank you.

Mayor Michael Summers



MICHAEL P. SUMMERS
MAYOR

12650 DETROIT AVENUE • 44107 • 216/529-6600 • FAX 216/529-5652
www.onelakewood.com

September 8, 2015

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Dear Members of Council:

Alzheimer's is a disease that not only affects more than 5 million Americans, but also many of our own residents here in Lakewood. Every 67 seconds, someone in the U.S. develops Alzheimer's; it is the sixth leading cause of death.

The Social Security Administration has added early onset/younger onset Alzheimer's to the list of conditions under its Compassionate Allowance Initiative, giving those with the disease expedited access to Social Security Disability Insurance and Supplemental Security Income.

The Ohio Council of the Alzheimer's Association is working to preserve and enhance state programs that provide critical support to individuals with Alzheimer's and their family caregivers. The Alzheimer's Association is working to ensure that current Alzheimer's respite programs and services are adequately funded to accommodate the growing need.

A Walk to End Alzheimer's is scheduled to take place at Lake Farmpark at 8 a.m. Sunday, Sept. 13, and at All Pro Freight Stadium in Avon at 8 a.m. Saturday, Sept. 19. The Lakewood Division of Aging senior citizens raise funds to support the upcoming Walk to End Alzheimer's – the world's largest event to raise awareness and funds for Alzheimer's care, support and research.

I respectfully request your support to officially recognize the month of November as National Alzheimer's Disease and Awareness Month and the citizens of Lakewood who do their part to raise awareness and put an end to Alzheimer's.

Respectfully submitted,

Michael P. Summers

RESOLUTION NO.

BY:

A RESOLUTION recognizing the month of November as National Alzheimer's Disease and Awareness Month.

WHEREAS, every 67 seconds someone develops Alzheimer's; and more than 5 million Americans have Alzheimer's and it is the sixth leading cause of death in the country; and

WHEREAS, the Walk to End Alzheimer's takes place at 8 a.m. Sunday, Sept. 13 at Lake Farmpark and at 8 a.m. Saturday, Sept 19 at All Pro Freight Stadium in Avon; and

WHEREAS, Lakewood Division of Aging senior citizens have raised funds to support the upcoming Walk to End Alzheimer's – the world's largest event to raise awareness and funds for Alzheimer's care, support and research; and

WHEREAS, the Social Security Administration has added early onset/younger onset Alzheimer's to the list of conditions under its Compassionate Allowance Initiative, giving those with the disease expedited access to Social Security Disability Insurance and Supplemental Security Income; and

WHEREAS, the Ohio Council of the Alzheimer's Association is working to preserve and enhance state programs that provide critical support to individuals with Alzheimer's and their family caregivers; and

WHEREAS, Ohio Council of the Alzheimer's Association is working to ensure that current Alzheimer's Respite programs and services are adequately funded to accommodate the growing need; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. This Council and Mayor designate and proclaim the month of November as National Alzheimer's Disease and Awareness Month, and call on the citizens of Lakewood to participate in the local awareness of the disease.

Section 2. The Clerk of Council be and she is hereby authorized and directed to forward a copy of this resolution to Director of Human Services Toni Gelsomino 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

Approved: _____

Mayor



12650 DETROIT AVENUE • 44107 • 216/529-6600 • fax 216/529-5652
Website: www.onelakewood.com

MICHAEL P. SUMMERS
MAYOR

September 2, 2015

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Dear Members of Council,

County Executive Armond Budish has asked Lakewood, and each of the other political subdivisions within Cuyahoga County to once again agree and adhere to the letter and spirit of The Business Attraction and Anti-Poaching protocol, reflected in an agreement, a copy of which is attached to the proposed Resolution.

In 2011, the First Suburbs Consortium worked diligently to understand the impact, scope, and procedural requirements of the original 2011 business attraction and anti-poaching agreement. The communities determined to move forward in support of that protocol in 2011; that agreement has expired. The subsequent agreement submitted to Lakewood City Council this evening is an extension to the 2011 agreement.

I believe Lakewood should again support the business attraction and anti-poaching agreement. The elements of this agreement lay the foundation for better regional cooperation and advancement in a more equitable manner.

I have grown to understand and appreciate that Lakewood, and all Cuyahoga County communities need to transcend from viewing ourselves as being a community in Cuyahoga County towards a community that is part of Cuyahoga County.

This resolution asks for City council to immediately grant me the authority to enter into the agreement attached to the Resolution and to encourage other communities to do so. I ask that you refer this resolution to the appropriate committee for further discussion and review.

Respectfully Submitted,

Michael P. Summers,
Mayor, City of Lakewood

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, authorizing the Mayor to enter into an agreement with the Cuyahoga County Executive renewing Lakewood's commitment to attract businesses in a manner comporting with that agreement, and urging the remaining communities in Cuyahoga County to do the same.

WHEREAS, Cuyahoga County Executive Armond Budish, through his office on regional collaboration, has proposed to all political subdivisions within Cuyahoga County a "Business Attraction and Anti-Poaching Protocol," attached hereto as Exhibit A; and

WHEREAS, the City of Lakewood entered into a similar agreement in 2011 under the Ed FitzGerald administration, and wishes to renew Lakewood's commitment made at that time; and

WHEREAS, the overall purpose of the anti-poaching agreement is to encourage responsible, forward-thinking economic development activities by communities within Cuyahoga County at no great peril to the livelihood of neighboring communities; and

WHEREAS, the agreement identifies more specific purposes, including facilitating interactions between the county and communities to promote economic development; establishing a county-based "one-stop shop" for businesses considering location or expansion in Cuyahoga County; expressing the commitment of the participating communities that they will not actively pursue the relocation of a business that has not indicated that it is considering a move from its current location in another participating community; and in instances where a business is exploring a possible move, establishing procedures to balance the interests of the business' home community and other participating communities; and

WHEREAS, in the spirit of increasing the prosperity of Lakewood and the region, the administration and this Council find that Lakewood's participation in such an agreement is necessary and desirable, and also wish to encourage other communities to adopt it; and

WHEREAS, all contracts not specifically excepted by ordinance must be approved by Council pursuant to Section 111.02 of the Codified Ordinances; and

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

show its leadership on the anti-poaching protocol in the nascent stage of its existence vis-à-vis other communities invited to enter into it; now, therefore,

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

Section 1. The Mayor is hereby authorized to enter into an agreement in substantially the same form as that attached hereto as Exhibit A with Cuyahoga County Executive Armond Budish, committing the City of Lakewood to attract businesses in a manner comporting with that agreement.

Section 2. Lakewood City Council and the Mayor's administration call upon all communities in Cuyahoga County to adhere to the aspirations of the County Executive's anti-poaching protocol by entering into the same agreement, and hereby authorize the Clerk of Council to announce the passage of this resolution in a manner that will notify other Cuyahoga County communities of such passage.

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 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 pre-amble 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 shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

CUYAHOGA COUNTY BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL

Purpose

The communities of Cuyahoga County wish to enter a new era of regional collaboration to promote economic development. To that end, they hope to work closely with the county to make their communities and the region more attractive to business. While these communities want to encourage businesses to locate within their boundaries, they prefer not to do so at the expense of their neighbors. Inevitably, some businesses, for their own reasons, will choose to explore re-location from one community in Cuyahoga County to another. In such instances, a balance should be struck to allow the first community the opportunity to retain the business and the second community or communities the opportunity to attract it. However, if a business has not expressed an interest in re-locating, most believe that communities should not actively pursue or "poach" that company to encourage it to move from its current location.

The purpose of this Business Attraction and Anti-Poaching Protocol is to: (1) facilitate interactions between the county and the communities to promote economic development; (2) establish a county-based "one-stop shop" for businesses considering location or expansion in Cuyahoga County; (3) express the commitment of the participating communities that they will not actively pursue the re-location of a business that has not indicated that it is considering a move from its current location in another participating community; and (4) in instances where a business is exploring a possible move, establish procedures to balance the interests of the business' home community and other participating communities.

Principles and Protocols

In the interest of promoting the economic well-being and growth of our communities, Cuyahoga County, and Northeast Ohio, we, the undersigned, agree to the following economic development actions, principles and protocols (the "Agreement"):

1. **Business Retention and Expansion Advisory Council Established:** The undersigned agree to participate in Cuyahoga County's Business Retention and Expansion Advisory Council (BREAC), a virtual organization that facilitates the distribution of leads from economic development organizations and site selectors to participating communities. BREAC is also a source for accessing County economic development resources and programs. Membership in BREAC is limited to those communities that enter into this Agreement (the "participating communities") and is the County's first step towards establishing a "one-stop shop" for businesses considering location or expansion in Cuyahoga County. In furtherance of that effort, the participating communities further agree to:
 - a. Designate one person to the County's "deal team network" as the community's point of contact for all economic development matters.
 - b. Provide the community's updates to the County's "deal team database" of city resources, which provides information about participating communities' economic development programs and incentives.
 - c. Provide the community's updates to a central "available property" database.
 - d. Assist the County and economic development organizations, such as Team NEO and the Greater Cleveland Partnership, when economic development leads are identified.

2. **Business Attraction and Retention Principles:** Cuyahoga County's economy will be stronger if its communities work together, rather than against each other. These communities should focus their economic development efforts on the attraction of new businesses, the retention and expansion of existing businesses, and the promotion of their communities as good places to do business. While some businesses will choose, for their own reasons, to re-locate within the county, the focus of economic development efforts should not be on encouraging companies to move from one community to another within the county.

3. **Active Pursuit/"Poaching" of Businesses:** In keeping with the above principle, we agree that, where a business has not indicated that it is considering a move from its current location in a participating community, we will not actively pursue that business to encourage it to re-locate. "Actively pursue" means to initiate contact with the business directly, with the intent of luring

the business, through cold calls, visits, mail solicitations, or marketing directed specifically at that business. This does not preclude a community from generally marketing itself as a good place to do business or generally advising its residents about the benefits of locating their businesses in their home communities.

4. **Protocol in the Event a Business Indicates That It Is Considering a Re-Location:** The following protocol applies to businesses with 25 or more full-time employees. In the event such a business residing in a different participating community contacts the mayor, manager, trustee, or economic development director of the undersigned community, either directly or through a representative, to discuss a possible re-location, we agree to follow the following protocol:
- a. We will advise the business that we want to assist the business so that they are successful.
 - b. We will ask the business whether it has advised the community in which it is currently located that it is considering a re-location and, if not, whether it objects to our advising the home community of the inquiry. If the home community has not been advised and the business does not object, we will promptly notify the mayor, manager, or trustees of the home community in writing of the inquiry.
 - c. We will not publicly propose or offer incentives to the business in support of a re-location until either the business verifies that it has notified the home community of the possible re-location or we have given that notice.
 - d. We will advise the business, if asked, that Cuyahoga County may condition the awarding of county incentives and assistance on the receipt of consent from the community in which the business is currently located.
 - e. We will agree to discuss the possible relocation with the mayor, manager, or trustees of the affected home community if asked by those officials.
 - f. Without making any commitment to revenue share and noting that some signatories do not favor revenue sharing, we will agree to have a discussion about the possibility of a revenue sharing agreement with the mayor, manager, or trustees of the affected home community if asked by those officials.

5. **Protocol in the Event a Business is Considering a Consolidation:** In the event a business with operations in one or more participating communities contacts a participating community to indicate that it is considering consolidating its operations in the contacted community, that community shall treat the situation as it would a potential re-location and follow the protocol outlined above.
6. **Protocol in the Event the County Learns of a Re-Location or Consolidation from a Participating Community to a Non-Participating Community:** In the event the County learns that a business is considering relocating or consolidating operations from one or more participating communities to a non-participating community or communities, the County shall have the responsibility to execute the protocols listed above.
7. **Effect of Non-Participation:** Cuyahoga County strongly encourages communities to participate in this Agreement. The County reserves the right to consider participation in this Agreement in evaluating applications under the proposed County Economic Development Fund and other programs.
8. **Term:** The Agreement shall remain in force until rescinded under the discretion of the County Executive or under such conditions in accordance to Section 9(A) below.
9. **General Provisions**
 - A. **Termination:** This Agreement may be terminated in its entirety by the mutual written agreement of all then-current participating communities. In the event a participating community wishes to terminate its participation, it shall provide notice of its intent to terminate to the County Executive and the other participating communities. Such termination shall be effective as of the date stated in such notice.
 - B. **Amendment or Modification:** This Agreement may be amended or modified by the participating communities, provided that any such modification or amendment shall become effective only upon the written agreement by the authorized authority of each participating community.

C. **Capacity to Execute:** The undersigned hereby certifies that all actions necessary to execute this Agreement were taken, and the person executing this Agreement is authorized to do so and has the power to bind the jurisdiction to the terms and conditions contained herein.

D. **No Cause of Action Created:** No cause of action (direct, derivative, taxpayer, third-party beneficiary, or any other kind) is created or intended to be created by this Agreement.

IN WITNESS WHEREOF, each of the parties committing to the above principles and protocols has caused this Agreement to be executed by its duly-authorized representative as of the date indicated.

CUYAHOGA COUNTY, OHIO

Armond Budish

County Executive

DATE: _____

JURISDICTION: _____

BY: _____

POSITION: _____

DATE: _____



DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING AND CONSTRUCTION
12650 DETROIT AVENUE - 44107 - (216) 521-6692

JOSEPH J. BENO, PE
DIRECTOR OF PUBLIC WORKS

September 8, 2015

Lakewood City Council
Lakewood, Ohio

Re: Ohio Public Works Commission Funding 2015

Dear Members of Council,

The attached resolution is required for the City's application to the Ohio Public Works Commission for next year's funding cycle. The projects that we are proposing for fund are:

Shoreline Restoration at Webb Road Outfall – Estimated cost \$900,000

Watermain replacements on:

- Mars (Delaware to Athens)
- Brown (Lakewood Heights to Athens or Madison)
- Marlowe (Madison to Franklin or Detroit)
- Lincoln (Franklin to Detroit)
- Estimated cost \$2,500,000

The application period has been shortened this year to only one month. Therefore, I ask your consideration to pass this resolution on first reading because the application is due for submittal on Friday, September 18. Final details of projects specifics are still in the works as our application is being completed.

Thank you for your consideration.

Sincerely,

Joseph J. Beno, PE

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor of the City of Lakewood to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program, Local Transportation Improvement Program or any other appropriate Ohio Public Works Commission program that these projects qualify for and to execute contracts as required.

WHEREAS, both the State Capital Improvement Program and the Local Transportation Improvement Program provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Lakewood is planning to make capital improvements to the water mains at Mars Avenue, Brown Road, Marlowe Avenue, and Lincoln Avenue; and

WHEREAS, the City of Lakewood is planning shoreline restoration at the Webb Road outfall which also qualifies for OPWC funding; and

WHEREAS, the infrastructure improvements described above are considered to be a priority need for the community and are qualified projects under the OPWC programs; and

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

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of municipal departments in that the OPWC application deadline is September 18, 2015; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor of the City of Lakewood is hereby authorized to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program, Local Transportation Improvement Program, or any other Ohio Public Works Commission funding program that these projects qualify for.

Section 2. The Mayor, the Director of Public Works and the Director of Finance for the City of Lakewood are authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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

Adopted: _____

President

Clerk

Approved: _____

Mayor



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

Division of Police
216-529-6750
FAX 216-521-7727
www.onelakewood.com

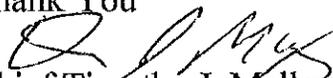
September 8, 2015

Lakewood City Council
12650 Detroit Ave.
Lakewood Ohio 44107

Dear Members of Council,

Attached is a proposed revision to Ordinance 135.05 Traffic Guards. This Ordinance was last updated in 1986. The operations of the Division of Police have changed over the last thirty years and in order to improve the efficiency and effectiveness of the Division we believe some changes and updating is in order. Please refer the attached Ordinance to the proper committee for consideration.

Thank You


Chief Timothy J. Malley



ORDINANCE NO.

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~~ 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



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

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

September 8, 2015

Lakewood City Council
Lakewood, OH 44107

RE: Cuyahoga County US EPA Brownfield Revolving Loan Fund -- Hilliard Theater

Dear Members of Council:

The attached resolution of support is a required component in the application process for Cuyahoga County US EPA Brownfield Revolving Loan Fund. This program provides grants for asbestos abatement and a variety of other brownfield cleanup activities.

The City is proposing to submit an application for asbestos remediation for the Hilliard Theater property. A recently completed asbestos survey identified a number of issues that would need to be addressed prior to any demolish of the property. This grant would fund further tests and removal of asbestos in preparation to demolish the structure. If awarded a grant under this program no matching funds are required.

I look forward to answering any questions you may have on this process.

Sincerely,

Dru Siley, Director
Planning & Development

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, supporting the application of the City of Lakewood to the Cuyahoga County US EPA Brownfield Revolving Loan Fund in the City.

WHEREAS, it is necessary to conduct an environmental assessment of the property at 16021 Madison Avenue, Lakewood, Ohio, PPN 313-14-007 (Hilliard Theater); and

WHEREAS, there is funding available for asbestos remediation of the property through the Cuyahoga County US EPA Brownfield Revolving Loan Fund; and

WHEREAS, the City desires to make application for a grant to fund the asbestos remediation of the property through the Cuyahoga County US EPA Brownfield Revolving Loan Fund; and

WHEREAS, the City will benefit from the asbestos abatement when assisting with the redevelopment of the property; 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 obtain funding assistance quickly to abate this nuisance condition; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City Council of the City of Lakewood supports the City's application to the Cuyahoga County US EPA Brownfield Revolving Loan Fund for a grant to receive funding for the asbestos remediation of the property at 16021 Madison Avenue, Lakewood, Ohio, PPN 313-14-007, known as the Hilliard Theater.

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

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

od allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor