

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 17, 2012
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 PM by President Powers.

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Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian Powers, Monique Smith,.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Buckon, Director of Planning and Development and Assistant Director of Public Safety for Housing and Building. Siley;

Council President Powers asked for a Moment of Silence for former Council President Robert M. Seelie who died January 7, 2012.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held January 3, 2012 without the necessity of a reading.

Motion adopted. Six members voting yea.

Mr. Bullock abstaining.

Poet Laureate Bill Knittell recited poem for the new year.

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

1. Committee of the Whole Report regarding Ordinance No. 43-11. (To Be Provided)

#1 Committee of the Whole Report regarding Ordinance No. 43-11- Chair Powers

Dear Members of Council, the Committee of the Whole met this evening and we had two items before us. One was ordinance 43-11, an ordinance to amend the Zoning Code of the City with respect to drive-thru facilities. This ordinance had been proposed many months back by Councilmember Anderson, this is its third reading this evening. It went through two prior readings and then I went to Planning Commission where it was to be referred and they had at least four public meetings and much discussion. The ordinance came back to us in substitute for this evening and we discussed the major points of the ordinance. I suspect we'll hear a little bit more about that this evening. Present with us was Director Siley. He weighed in with his comments and there were questions and comments from other members of Council. After all those questions had been answered, the Committee of the Whole voted to recommend to the full

Council that the ordinance be substituted and passed and adopted this evening. The second item before us was procedural review.

Mr. Anderson: Personally, I've heard the concerns of many residents about protecting the character of our neighborhoods and the impact of the perceived over abundance of drive-thru facilities on vehicle and pedestrian traffic. My reaction to these concerns was...how many is too many and should we look to review our current laws. After talking with Director Siley and others, I asked that the administration and the Planning Commission undertake a review of the current commercial zoning code as it pertains to drive-thru uses. Not only did the code receive a thorough review but in addition we all received a map of Lakewood which inventoried all current drive-thrus and drive-ins. We learned that there are 31 in all of Lakewood and that 14 of the 16 drive-thru facilities on Detroit Ave. are between Warren Road and Riverside Drive. This shows the vibrancy of Lakewood and also that the time is right to continually review laws pertaining to areas in which neighborhoods boarder commercial zones. This birds eye view really brought home the need to one, preserve neighborhoods and two, protect current businesses by enhancing our own standards for operation. I feel strongly that the ordinance before us changes the code in a number of substantial ways, is a big step in the right direction and achieves the objectives of preserving neighborhoods and current businesses. I urge my colleagues to support this ordinance this evening. Thank you.

Mr. Powers: I will say I was very impressed. Thank you for your leadership on this particular issue, Councilman Anderson. I'm impressed with the legislative process at work. The way it was first proposed to us, by your own admission, was sort of a draft, an idea, a concept that needed to be hammered. I think through your leadership and that of Director Siley, that was very, very well done in an open public forum both here in Council and at least as importantly, with the Planning Commission and so thank you to you and the Director for shepherding this through. I think what we have before us tonight, in my opinion I plan to vote for it, is a very good balancing of neighborhood interests and an economic development tool so thanks for the hard work.

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

2. **ORDINANCE NO. 43-11** – AN ORDINANCE to amend the Zoning Code of the City of Lakewood for the purpose of establishing a conditional use for drive-through facilities in the City. (**PLEASE SUBSTITUTE** for ORDINANCE NO. 43-11 PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 9/19/11, 2ND READING 10/3/11, AMENDED VERSION RECOMMENDED FOR ADOPTION BY PLANNING COMMISSION 12/1/11, REFERRED TO COMMITTEE OF THE WHOLE 12/19/11) (Pg.5)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance 43-11.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance 43-11 as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 43-11 adopted as substituted

3. Public Works Committee Report regarding Resolution 8543-11. (To Be Provided)

#3 Public Works Committee Report regarding Resolution 8543-11- Chair, Juris

Dear Members of Council, tonight we met with the full board of the Public Works Committee which included Councilmember Madigan, Councilmember Bullock as well as Councilmembers Smith and Anderson. In addition, Directors Siley Beno and Butler so we had a full house on hand. We discussed the Bike Master Plan that has been developed over numerous hours and much input from the community. It certainly is an enjoyable topic to start off the year with Public Works. There were several questions that were answered related to how this Bike Master Plan fits into other departments, other aspects of the City and we certainly came to understand how well written this document is, how well researched it is. We look forward to the ongoing development and implementation the ideas. It was decided at the close of the meeting the committee voted unanimously to recommend adoption.

Mr. Bullock: I'll briefly repeat my compliments to Director Siley and his team and to Mayor Summers for keeping this as a priority. It's really a top rate plan. Thank you. Secondly, I'll invite my colleagues to see if we might...passage tonight of the plan is step one. It's a foundational step. To actually execute upon the ideas it articulates we need to devote resources and to actually start implementing signage, bicycle parking and coordinate events. I'd like to invite my colleagues to see if we can do that this year, make 2012 the first of a series of years in which we really...bicycle planning takes root in the City. It's been something we've worked on for a number of years and I think we're poised to do that this year especially if we've got some Economic Development dollars allocated for a certain series of purposes. This might be one of those. Thanks.

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

Motion adopted. All members voting yea.

4. **RESOLUTION NO. 8543-11** – A RESOLUTION to concur with the Lakewood Planning Commission in the adoption of the Bicycle Master Plan. (REFERRED TO THE PUBLIC WORKS COMMITTEE 12/19/11) (Pg.21)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8543-11.

Motion adopted. All members voting yea.

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

5. Communication from Council President Powers regarding Council Committees. (Pg.23)

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

6. Communication from Council President Powers regarding 2012 Council Appointments.
(Pg.24)

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

7. **RESOLUTION NO. 8546-12** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ as an ex-officio Trustee of the Lakewood Hospital Association Board for a full two-year term, ending December 31, 2012. (Pg. 25)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8546-12 to the Committee of the Whole.

Motion adopted. All members voting yea.

8. **RESOLUTION NO. 8547-12** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ as an ex-officio Trustee of the Lakewood Hospital Association Board for a full two-year term, ending December 31, 2012. (Pg. 26)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8547-12 to the Committee of the Whole.

Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8548-12** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ as a member of Community Reinvestment Area Housing Council for the three (3) year term beginning January 1, 2012 and ending December 31, 2014. (Pg.27)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8548-12 to the Committee of the Whole.

Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8549-12** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ as a member of Community Reinvestment Area Housing

Council for the three (3) year term beginning January 1, 2012 and ending December 31, 2014. (Pg.28)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8549-12 to the Committee of the Whole.

Motion adopted. All members voting yea.

11. **RESOLUTION NO. 8550-12** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ as a member of the City of Lakewood Board of Nuisance Abatement Appeals for a three-year term, ending December 31, 2014. (Pg.29)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8550-12 to the Committee of the Whole.

Motion adopted. All members voting yea.

12. Communication from Council President Powers regarding Resolution to Welcome new Residents. (Pg. 30)

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

Motion adopted. All members voting yea.

13. **RESOLUTION NO. 8551-12** – A RESOLUTION to welcome you as a new resident of the City of Lakewood. (Pg. 31)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8551-12.

Motion adopted. All members voting yea.

14. Communication from Councilmember Juris regarding Lakewood Community Vision. (Pg.32)

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

Motion adopted. All members voting yea.

15. Communication from Councilmember Juris regarding Lakewood Business Summit. (Pg.34)

Motion by Mr. Juris, seconded by MR. Powers, to receive, file and refer the communication to the Committee of the Whole.

Motion adopted. All members voting yea.

16. Communication from Councilmember Anderson regarding Community Relations Advisory Commission Appointment. (Pg.36)

Motion by Mr. Anderson, seconded by Mr. Powers, to receive and file the communication.
Motion adopted. All members voting yea.

17. Communication from Mayor Summers regarding Appointment for Civil Service Commission. (Pg.37)

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

18. Communication from Finance Director Pae regarding Amendments to 2012 Financial Ordinances. (Pg. 38)

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

19. **ORDINANCE NO. 1-12** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2012. (Pg.39)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 1-12 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

20. **ORDINANCE NO: 58-11A** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law amending Ordinance 58-11, adopted December 19, 2011 for the purpose of adding, deleting, and increasing contracting authority for the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2012 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 52)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 58-11A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

21. **ORDINANCE NO. 60-11A** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members of Council or otherwise, it shall

take effect and be in force after the earliest period allowed by law, amending Ordinance No. 60-11 and authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for **Memberships** as authorized by the 2012 Appropriation Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$50,000 without separate Resolution of Council. (Pg. 59)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 60-11A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

22. **ORDINANCE NO. 61-11A** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to amend Ordinance 61-11 adopted December 19, 2011 to amend Chapter 915, Water Rates, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting water rates charged against each lot, parcel of land or premises which may have an active water connection with the Municipal water system. (Pg. 65)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 61-11A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

23. **ORDINANCE NO. 62-11A** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 62-11, adopted December 19, 2011 to amend section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise discharge wastewater either directly or indirectly into such system or any part thereof. (Pg.68)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 62-11A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

24. Communication from Human Services Director Buckon regarding OPTIONS Program. (Pg.72)

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

Motion adopted. All members voting yea.

25. **RESOLUTION NO. 8552-12** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to

apply for and enter into an agreement with the Cuyahoga County Department of Senior and Adult Services for the OPTIONS Program July 1, 2012 through June 30, 2014. (Pg. 73)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8552-12.
Motion adopted. All members voting yea.

26. Liquor Permit Application for D1, D2, D3, D3A and D6 permit class transfers to FP Mahalls LLC at 13200 Madison Avenue from Mahalls Inc. same address. (Pg.75)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to file no objection to this permit class transfer.
Motion adopted. All members voting yea.

27. Liquor Permit Application for C2 & C2X stock types to Beacon Hausheer Marine Co, 13000 Athens Avenue 2nd Floor East. (Pg.76)

Motion by Mr. Nowlin, seconded by Mr. Powers, to file no objection to this liquor permit.
Motion adopted. All members voting yea.

28. Liquor Permit application for D1, D2, D3 and D3A stock types to Tarrymore Inn, 13356 Madison Avenue. (Pg.77)

Motion by Mr. Nowlin, seconded by Mr. Powers, to file no objection to this liquor permit.
Motion adopted. All members voting yea.

Post Agenda Comments.

Councilmember Smith indicated that a Diversity Potluck was being held at the Womens Club Pavilion Thursday, January 19.

Ms. Madigan: I think Brian mentioned it at the beginning of the meeting but last week Bob Seelie was buried. Bob Seelie served this Council for a very long time and served this Council very well. For those of us who were fortunate enough to know Bob and worked with Bob, we will always remember him. When you got to know Bob Seelie you recognized a few character traits right off the bat. One was, he was respectful. He was a man that adhered to the Golden Rule every meeting I ever saw. He was witty. He could laugh at the absurdity of life and he could crack a joke with professional timing. He was discerning. He could sort the real from the fake and the caring people from those people who just postured. Some of us knew him through work and slowly got to know him personally and there really wasn't a big difference. Bob was who he was and what you saw was really what you got. Bob was a man who carried his family history of public service. Both his parents were Lakewood public servants. He lived in Lakewood almost his entire life and his family now has five generations of Seelies living here. He devoted his time and his intellect to figure out how to make Lakewood a better place to live. He was a very smart guy. He read everything from politics to economics. He followed print and TV. He followed it locally, state wide and nationally to learn about politics but mostly to learn about good government. One of the main lessons that Bob taught all of us who were new on Council, and in his 16 years he had a lot of new people, he taught us that good government really depended on good employees, on the people who are the public servants who knew their job and

they usually knew it better than any elected official, even though the elected official was the person who might get more calls or may be more well known. So, Bob's mantra was one of respect – to take advice from the people who really know what they're talking about. If that was one legacy that a sixteen-year Councilmember could have left it was a very good one. For those of you who knew him, I know you mourn his loss like I do and for those of you who didn't, Lakewood is a better place to live because of him.

Mayor Summers indicated that January 31, would be the third Landlord Training Session; sold out. Each of the sessions have been sold out; 600 landlords have received training, will receive a landlord manual, will hear from the Judge as to what's likely to happen in terms of eviction and process and hear from Administration in terms of housing expectations; tenant management and maintaining rental structure. He indicated that this though only represents 38% of Lakewood landlords. Mayor Summers provided the following statistics:

Fifteen hundred and fifty-seven one and two family license holders (encompass 3500 units)

Look forward to including other 957 landlords as part of housing initiative.

Level 3 – approximately 2000 houses this summer - Approach is from two major angles.

Landlord support - wanting landlords to be successful, knowledgeable and responsible

And wanting physical structures to be well maintained.

Additional landlord training sessions will be done at least quarterly – the next one in April

Second issue from Mr. Summers was regarding Westshore Fire Consolidation Study. Westshore Council of Governments includes Lakewood, Rocky River, Bay Village, North Olmsted, Fairview Park and Westlake. The group received \$100,000 grant to study whether a consolidated fire service district was feasible. The study was completed 14 months, mayors and fire chiefs of these westshore communities along with Avon Lake and North Ridgeville have worked these past many months to determine what strategies if any would make sense for respective communities and the region.

Very recently a decision point was reached where each community had to declare its desire and intention to maintain its involvement or withdraw from an active role. Mayor Summers indicated that after very careful thought and consultation with the Fire Chief Gilman it was decided Lakewood would not proceed as a primary driver of this consolidation. He listed the following reasons:

Lakewood's geographic position in relation to the other communities is not favorable for service to Lakewood. Lakewood is located on the extreme east end of the district; North Ridgeville and Avon Lake agreed not to participate for the very same reason because they're at the extreme west end of the district. Closest support is Rocky River which has the smallest fire department; six firefighters/EMTs per shift versus Lakewood's 28. Lakewood's response times are 3-4 minutes-the shortest of all the other districts, manning strategy of four firefighters per truck is the highest of all of the districts; most of the others require three firefighters per truck. Lakewood's housing stock is significantly older and more densely situated than other communities. The command structure that was being developed was considerably more complex than Lakewood's. For an effective outcome it the consideration was to be either all on or to choose to opt out. Training levels exceed those of other communities, staff size almost equal to all other departments

combined, in challenged to find benefits to Lakewood knowing there Lakewood would surely be a benefit to other communities; cost allocation would most likely be a function of population making Lakewood's contribution higher than others.

Do take advantage of existing cooperative ventures in training, capital investment optimization, special skill training, and sharing of services and facilities particularly for Hazmat services there still remains a commitment to mutual aid efforts. North Olmsted, North Ridgeville and Avon Lake also pulled out as primary participants. This leaves Westlake, Rocky River, Fairview and Bay Village as the core group that might proceed with consolidation. The contiguous boundaries of the four communities offer the best chances of optimization for this study. Mayors and Chiefs were asked to see if they saw any benefits in the future and stated that Lakewood would reconsider if it were determined advantageous.

Mayor Summers indicated that Chief Gilman shared considerable knowledge and expertise to the Westshore and indicated that he thought the group was grateful for this.

Council President Powers indicated he looked forward to regular updates and that good communication between Council and the Administration would continue.

Councilmember Juris indicated appreciation to police and building with regarding to a number of graffiti incidents on Madison in Ward 3 for quick removal and follow up with building owners.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:20 PM.

Approved: _____

CLERK

PRESIDENT