

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JUNE 18, 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, Brian E. Powers, Ryan Nowlin, 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/Assistant Director of Public Safety for Housing and Building Siley.

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Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held June 4, 2012 without the necessity of a reading.

Motion adopted. All members voting yea.

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**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Committee of the Whole Report regarding Resolution No. 8583-12 – (To Be Provided) - Mr. Powers; Chair

**#1 COW Report regarding Resolution 8583-12 - Powers**

Dear Members of Council, This evening the Committee of the Whole met and all members of Council were present as well as Director Butler, Director Pae and Director Siley. We had two items before us, one procedural – docket review – and the other being a discussion of “sharrows” which are sharing the road arrows for bikability. We agreed as a committee to take no action on this item this evening and spend the next several weeks doing a little work and preparing ourselves for the next meeting of council. We agreed that we would defer item number two on our agenda this evening. (Subsequently corrected to refer back to Committee after Resolution was read.)

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

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{Please note numeral correction due to duplication)

2. **RESOLUTION NO. 8582-12 – (8583-12)** 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 and directing 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 not to exceed \$20,000.00 for materials and services required to establish bicycle “sharrows” on Detroit from the intersection with Alameda in the east to Bonnieview/Cordova Intersection in the west in compliance with the City of Lakewood Bicycle Master Plan. (REFERRED TO THE COMMITTEE OF THE WHOLE 6/4/12) (Pg.5)

### **#2 Resolution 8583-12**

Powers: I misspoke a few minutes earlier, my apologies. We ultimately decided not to defer but rather to just simply refer it back to committee.

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8583-12 back to the Committee of the Whole.

Motion adopted. All members voting yea.

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3. **ORDINANCE NO. 31-12** – AN ORDINANCE amending Section 129.131, Internet Auctions, of the Codified Ordinances of the City of Lakewood to allow the City to dispose of property unsold at by Internet auction by selling the property for scrap value or otherwise properly disposing of the item. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 6/4/12) (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 31-12.

Motion adopted. All members voting yea.

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4. **ORDINANCE NO. 32-12** 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, amending Section 741.071, Display for Sale of Household Goods and Furnishings from Nonretail Occupancies, of the Codified Ordinances of the City of Lakewood to establish regulations for yard and garage sales. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 6/4/12) (Pg. 9

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 32-12 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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5. **ORDINANCE NO. 33-12** - 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, amending Section 309.06, Hearing Procedure, of the Codified Ordinances of the City of Lakewood to make filing a unpaid judgments with the municipal court discretionary rather than mandatory. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 6/4/12,) (Pg. 12)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 33-12 on 2<sup>nd</sup> Reading and refer it back to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

**\*\*\*\*NEW BUSINESS\*\*\*\***

6. Communication from Councilmember Juris regarding Request for Proposal – Hotel Study. (Pg. 16)

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

Motion adopted. All members voting yea.

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7. **RESOLUTION NO. 8584-12** – A RESOLUTION to take effect immediately provided it received 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 and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, the Director of Planning and Development and/or the Purchasing Manager to enter into contracts not to exceed \$7,000.00 for professional services required to develop a feasibility study related to hotel, banquet facility and bed-and-breakfast uses in the City. (Pg. 17)

Motion by Mr. Powers, seconded by Mr. Juris, to refer Resolution No. 8584-12 to the Committee of the Whole.

Motion adopted. All members voting yea.

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8. Communication from Councilmember Bullock regarding encouraging and managing rain barrels use in Lakewood. (Pg. 26)

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

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 34-12** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, to modify Section 1306.29, Safety and Sanitation, of the Lakewood Codified Ordinances in order to increase on-site storm water management in Lakewood. (Pg. 27)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 34-1 on 1<sup>st</sup> Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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10. Communication from Human Services Director Buckon regarding PASSPORT Program. (Pg. 31)

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

Motion adopted. All members voting yea.

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11. **RESOLUTION NO. 8585-12** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor or his designee, on behalf of the City, to enter into an Agreement with the Western Reserve Area Agency on Aging to accept and expend PASSPORT Program funds for the fiscal period covering July 1, 2012 through June 30, 2014 and ratifying any and all prior agreements to accept and expend funds for this project. (Pg. 32)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8585-12.

Motion adopted. All members voting yea.

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12. Communication from Finance Director Pae regarding 2013 Tax Budget Ordinance. (Pg.34)

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

Motion adopted. All members voting yea.

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13. **RESOLUTION NO. 8586-12** – 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, approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2013, attached as Exhibit A, and authorizing the filing of same with the Fiscal Officer of Cuyahoga County. (Pg. 35)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8486-12.

Motion adopted. All members voting yea.

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14. Communication from Law Director Butler regarding Resolution permitting Mayor Summers to enter into agreement with Ice Land USA-Lakewood, LLC and the Lakewood City Schools over tax valuation of Winterhurst. (Pg.44)

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

Motion adopted. All members voting yea.

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15. **RESOLUTION NO. 8587-12** – 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 to enter into a settlement agreement with Ice Land USA-Lakewood, LLC and the Lakewood City School District Board of Education over the tax valuation of Winterhurst ice rink. (Pg.45)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8587-12 to the Finance Committee.

Motion adopted. All members voting yea.

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16. Communication from Law Director Butler regarding Resolution permitting Mayor Summers to enter into easement agreement with CVS 3340 OH, L.L.C. for street lighting facilities along Arthur Avenue. (Pg.58)

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

Motion adopted. All members voting yea.

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17. **RESOLUTION NO. 8588-12** - A RESOLUTION to take effect immediately provided it receives the vote of at least five (5) members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into an easement agreement with CVS 3340 OH, L.L.C., a Delaware limited liability company, governing the rights of the parties relative to a private parcel of land located at the intersection of Detroit and Arthur avenues. (Pg. 59)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8588-12 to the Public Works Committee.

Motion adopted. All members voting yea.

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18. Communication from Law Director Butler regarding Resolution permitting Mayor Summers to enter into agreement with AT&T for Centrex telephone service. (Pg. 68)

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

Motion adopted. All members voting yea.

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19. **RESOLUTION NO. 8589-12** - A RESOLUTION to take effect immediately provided it receives the vote of at least five (5) members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into a three-year agreement with AT&T Corp. for the sale and purchase of citywide Centrex telephone service; authorizing the expenditure of funds in an amount not to exceed \$175,000.00 in order to effectuate the intent of the agreement; and exempting the contract from competitive bidding pursuant to L.C.O. § 111.04(a)(10). (Pg. 69)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8589-12, to the Finance Committee.

Motion adopted. All members voting yea.

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**POST AGENDA:**

Mayor Summers indicated that Wednesday the Lean Lakewood Initiative was scheduled. He indicated that approximately 25 people will “set the stage for transformational, organizational investment, analysis. It will ultimately mean speed increase and cost reduction Council is invited.

Law Director Butler reminded Council of the September 1, 2012 deadline for submissions of objections to annual liquor permit renewals. He indicated the Administration might be submitting a request for Council to file an objection at the next meeting.

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

Motion adopted. All members voting yea.

Meeting adjourned 7:58 PM

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT