

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JULY 2, 2012
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by President Powers.

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, Human Resources Director Yousefi. .

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held June 18, 2012 without the necessity of a reading.

Motion adopted. All members voting yea.

Without Objection from Council Items 15 & 16 were read first respectively in the agenda order.

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

1. Committee of the Whole Report regarding Resolutions Nos. 8583-12 & 8584-12 – (To Be Provided) - Mr. Powers; Chair

#1 COW Report regarding Resolutions 8583-12 & 8584-12 - Powers

Dear Members of Council, the Committee of the Whole met this evening – you were all there. We had before us three items in addition to docket review. We had resolutions 8583-12 and 8584-12. On resolution 8583-12, with regard to sharrows, Council unanimously recommended adoption by the full Council tonight. On resolution 8584-12 the Committee of the Whole recommended a substitution that we will discuss when we get to that item and then adoption this evening.

***Resolution 8584-12

Powers: We have a substituted version of the resolution before us that changes the second whereas clause. We have a version...this was prepared for us between the Committee of the Whole and Council by the good work of our Law Director and we appreciate it. The second whereas clause now reads, "Council recognizes the contribution of the Lakewood Chamber of Commerce, Lakewood Alive, Vision 21, and other local entities for proposing this feasibility study."

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

2. **RESOLUTION NO. 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, REFERRED BACK TO COMMITTEE OF THE WHOLE 6/18/12) (Pg.6)

Motion by Mr. Powers, seconded by Mr. Bullock to adopt Resolution No. 8583-12.
Motion adopted. All members voting yea.

3. **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. (REFERRED 6/18/12) (Pg. 8)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8584-12.
Motion adopted. All members voting yea.

4. Finance Committee Report regarding Ordinance No. 31-12, Resolutions No. 8587-12, Resolution No. 8589-12; (To Be Provided) - Ms. Madigan; Chair

#4 Finance Committee Report regarding Ordinance 31-12 and Resolutions 8587-12 & 8589-12 - Madigan

The Finance Committee met this evening. Present were the other two members of Finance, Councilman Nowlin and Councilman Juris along with some other

members of Council, members of the administration, members of the public and a few members of the press. We reviewed proposed ordinance 31-12 which is essentially allowing the city to scrap items that it tried to put out there for auction but they were unwanted, unbid, unloved items and we agreed to let them be scrapped so we moved to recommend adoption. On proposed resolution 8587-12, we discussed the settlement agreement with Iceland USA and the School District over the tax valuation; essentially what the County believes the property is worth. That is of course our own Winterhurst ice rink. The County determined that it is taxable. Iceland challenged that - this goes back some years - Iceland challenged that. Iceland and the School finally agreed. The School Board of course has to vote on that agreement but in the mean time Iceland still is challenging that at the Board of Revision. We do know that any over payment comes back to the City but right now this is essentially revenue neutral for us. After discussion on this and questions, we moved to recommend approval by the full council tonight. On proposed resolution 8589-12, this is a three-year agreement with AT&T for telephone service. Now this would generally be with ... we would mainly include this with the general purchasing contracting and because it is not competitive bidding but because the lines are already owned by AT&T, and we would realize savings from that, and there are savings for going to a three-year agreement, and as I said it would normally have been included except for a timing issue with the general purchasing agreement and contracting ordinance. After discussion we moved to recommend passage to the full council. Law Director Butler, would you care to add to that, the AT&T agreement?

Clarification was made that the Committee voted unanimously to recommend adoption of the Winterhurst Agreement after three readings which would be the Council Meeting of July 16, 2012.

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

5. **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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 6/4/12, 2ND READING 6/18/12) (Pg. 17)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 31-12. Motion adopted. All members voting yea.

6. **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. (REFERRED TO THE FINANCE COMMITTEE 6/18/12) (Pg. 19)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer adoption of Resolution 8589-12.

Motion adopted. All members voting yea.

7. **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). (REFERRED TO THE FINANCE COMMITTEE 6/18/12) (Pg. 32)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8589-12.

Motion adopted. All members voting yea.

8. Public Works Committee Report regarding Resolution No. 8588-12. (To Be Provided) – Mr. Juris; Chair

#8 Public Works Committee Report regarding Resolution 8588-12 – Juris

This evening, members of the committee including Councilman Bullock, myself and Councilmember Madigan met along with Directors Beno, Siley, Pae and Butler as well as Division Manager Corrigan to discuss the resolution 8588-12 which involves an easement on Arthur at the new CVS. We discussed the purpose for this easement which involves use of a conduit, currently it's just a conduit that's been metered separately, to possibly provide decorative lighting along Arthur down the road. We found no reason to not move forward with this and therefore recommend that we move to adopt.

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

Motion adopted. All members voting yea.

9. **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. (REFERRED TO PUBLIC WORKS COMMITTEE 6/18/12) (Pg. 44)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8588-12.
Motion adopted. All members voting yea.

10. Rules & Ordinances Committee Report regarding Ordinances Nos 30-12 & 33-12.
(To Be Provided) - Mr. Bullock; Chair

**#10 Rules & Ordinances Committee Report regarding Ordinances 31-12 & 33-12 –
Bullock**

The Rules and Ordinances Committee met tonight and recommended passage tonight of both proposed Ordinance number 31-12 and 33-12. For the first, we agreed with the Cuyahoga County Board of Elections recommendation to change our candidate filing deadline to 15 days earlier or 90 days prior to the election. This change was recommended to bring our city election timeline into conformity with other cities pursuant to state law that seeks to provide more time to send ballots by mail to soldiers deployed overseas. To put this change into effect requires a change to our Charter language which must be approved by the voters. Passage tonight would place the proposed language on the ballot this fall. Note the Committee recommended adoption of a substitute ordinance which I have here, for the Clerk, that incorporates new ballot language recommended by the County Board of Elections for clarity and uniformity with other municipalities, but which substantively accomplishes the same thing. Unanimous support by Council tonight would signal to voters our strong support for this change.

The second proposed ordinance, number 33-12, would add new flexibility for the administration in pursuing collections on delinquent parking tickets, streamlining our process to no longer require, although still preserving the option for, court action which often proves prohibitively costly and time consuming for parking tickets. As a practical matter, a more effective technique is to work with the State Department of Motor Vehicles to require payment prior to license renewals. The administration advises they intend to reserve this enforcement option for people who have severely delinquent tickets meaning people who have received multiple tickets, have not appealed, contested or paid them in more than a year which is a relatively small but nevertheless significant number. The Committee agreed that this enforcement strategy would be in keeping with recent administration efforts to make collections more streamlined and make more cost effective our collection procedures and recommended adoption tonight.

******#11 Ordinance 30-12**

Bullock: Simply, as I said in my report, the substantive change is not what is at stake here but simply clarity and conformity with what is being recommended for proposal in other cities as well as ours and that is to say “Shall Article XIX, Section 6, Declarations of Candidacy, of the Second Amended Charter of the City of Lakewood be amended to require that nominating petitions be filed with election officials not later than 90 days before the election?” Not later than 90 days is the entirety of the change.

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

Motion adopted. All members voting yea.

11. **ORDINANCE NO. 30-12** - 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 at the earliest period allowed by law, submitting to the electors of the City of Lakewood an amendment to the Second Amended Charter of the City of Lakewood in order to create consistency within Cuyahoga County related to filing deadlines for those standing for election to municipal offices. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/21/12, 2ND READING 6/4/12) (Pg. 53)

Motion by Mr. Bullock, seconded by Mr. Powers, to substitute Ordinance No. 30-12.

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

Nays: None

Motion adopted. Ordinance No. 30-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 30-12.

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

Nays: None

Motion adopted. Ordinance No. 30-12 adopted as substituted.

12. **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 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 6/4/12, 2ND READING 6/18/12) (Pg. 56)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 33-12.

Motion adopted. All members voting yea.

13. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 6/18/12) (Pg. 60)

Motion by Mr. Powers, seconded by Ms. Madigan to place Ordinance No. 34-12 on second Reading.

Motion adopted. All members voting yea.

14. Housing Committee Interim Report regarding Ordinance 32-12 – Yard/garage sales. (Pg.64)

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

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

15. Communication from Councilmember Juris regarding commending Lakewood High School cellists Chelsea Polk and Danny Toner. (To Be Provided)

#15 Communication from Councilman Juris regarding commending Lakewood High School cellists Chelsea Polk and Danny Toner – Juris

Dear Members of Council, It brings me great joy to take a moment to recognize the achievements of our Lakewood students. In today's case we have a chance to shine the spotlight on two Lakewood High School musicians who have not only achieved statewide, but national prominence. The following resolution is for cellists Chelsea Polk and Danny Toner who were selected to travel to the Kennedy Performing Arts Center in Washington, DC to perform with the National Association for Music Education's All-National Honor Orchestra. Please join me in recognizing the significant achievement.

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

16. RESOLUTION NO. 8590-12 – A RESOLUTION commending Lakewood High School cellists Chelsea Polk and Danny Toner for being selected to perform with the National Association for Music Education's All-National Honor Orchestra. (Pg. 66)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8590-12.
Motion adopted. All members voting yea.

17. Communication from Human Services Director Buckon regarding Title III of the Older Americans Act, 2013-14 Proposal. (Pg.67)

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

18. RESOLUTION NO. 8591-12 - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or

otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to apply for and enter into an agreement with the Western Reserve Area Agency on Aging for Title III of the Older Americans Act, Senior Community Services for the 2013-14 program years. (Pg. 68)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8591-12.
Motion adopted. All members voting yea.

19. Communication from Planning & Development Director Siley regarding RTA – Transit Waiting Environment (TWE) Grant – City Hall site. (Pg. 70)

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

20. **RESOLUTION NO. 8592-12** - 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 on behalf of the City of Lakewood to enter into an agreement with the Greater Cleveland Regional Transit Authority (RTA) to accept funds in the amount of \$14,400 for the purchase and installation of an enhanced transit waiting environment for the bus stops in front of Lakewood City Hall. (Pg. 71)

Motion by Mr. Powers, seconded by ms. Madigan, to refer Resolution No. 8592-12 to the Public Works Committee.

Motion adopted. All members voting yea.

21. Communication from Finance Director Pae regarding 2012 Capital Lease Authorization. (Pg. 93)

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

22. **ORDINANCE NO. 16-11A-** 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, to authorize the Director of Finance to enter into equipment leases in forms approved by the Director of Law on behalf of the City of Lakewood. (Pg. 94)

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 16-11A on final Reading.

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

Nays: None

Motion adopted. Rules Suspended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 16-11A.

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

Nays: None

Motion adopted. Ordinance No. 16-11A adopted.

23. Communication from Finance Director Pae regarding 2012 2nd Quarter Transfers.
(Pg.102)

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

Motion adopted. All members voting yea.

24. **ORDINANCE NO. 35-12** - 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, authorizing the transfer and advance of certain funds. (Pg. 103)

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 35-12 on final Reading.

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

Nays: None

Motion adopted. Rules Suspended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 35-12.

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

Nays: None

Motion adopted. Ordinance No. 35-12 adopted.

25. Communication from Law Director Butler regarding Ordinance amending Section 1306.44 to exempt owners of vacant properties actively marketed for sale from the requirement that all utilities be disconnected. (Pg.105)

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

Motion adopted. All members voting yea.

26. **ORDINANCE NO. 36-12** - 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 at the earliest period allowed by law, amending Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood for the purpose of updating vacant property license requirements. (Pg. 106)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 36-12 on 1s Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

27. Communication from Law Director Butler regarding Resolution objecting to renewal of D Madison Avenue Lakewood Gas LLC liquor permit. (Pg.111)

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

Motion adopted. All members voting yea.

28. **RESOLUTION NO. 8593-12** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, objecting to the renewal of the C1 and C2 liquor permit held by D Madison Avenue Lakewood Gas LLC at the establishment located at 14235 Madison Avenue, Lakewood, Ohio 44107, and requesting a hearing on the same. (Pg. 112)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8593-12.

Motion adopted. All members voting yea.

POST AGENDA COMMENTS:

Lakewood High School Reading – Chuck Greanoff

Ellen Scheckel – Concerns with renters, damaging properties, building damage, litter of cigarettes; fear of fire there due to cigarettes.

Mayor Summers indicated he would attend to Ms. Scheckel's concerns.

Paul Csia – compliments Administration on clearing up no parking signs on McKinley close to Riverside, opposes no smoking in park proposal, smoke dissipates before posing nuisance; litter items unrelated to cigarette butts are more of a problem. Suggests Ward police to address smoking problem with younger smokers;

traffic light Detroit & Larchmont southwest corner – City inspector should review;

Sign at CVS; opposes Arthur Avenue residents only on a public street

Asks who has final authority of placement and content of signs.

Mayor Summers asked Mr. Csia to meet after meeting.

Councilmember Smith wished Community Relations Specialist Melissa Garrett well in anticipation of the work required for the Fourth of July festivities indicating the consistently trouble-free event that transpires year after year.

Councilmember Smith and Powers included Public Safety forces and Public Works workers for their attention to detail in festivities of the Fourth.

Councilmember Juris mentioned safety issues on the 4th of July for setting off fireworks. He referenced the age of technology to be cognizant of posting on computer sites absences during holidays such as the 4th. Adds continued work with Ward 1 Officer in trusting emails received – referencing the ease to spoof an email cautioning care to prevent children from receiving messages to meet strangers.

Mayor Summers - referenced threat of thunderstorms – Chief Gilman indicated the next day would be rain date should a thunderstorm occur.

July 25th at 3:00 PM – Notre Dame College – David Agnew White House director of intergovernmental affairs will be meeting with the Mayor and other Mayors of inner ring suburbs. Invites Council.

Commends Director Siley for addressing long-standing eyesore on Hilliard (removal of garage) – (applause) .

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

Motion adopted. All members voting yea.

Meeting adjourned 7:58 PM

Approved: _____

CLERK

PRESIDENT