

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 1, 2012
7:30 P.M.**

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

Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian E. 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/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 September 17, 2012.

Motion adopted. Six members voting yea

Mr. Powers abstains indicating his absence for the September 17, 2012 meeting.

Without objection from Council Item 13 was brought to the beginning of the agenda items.

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

1. Committee of the Whole Report regarding Resolution No. 8604-12 & 8605-12.
Mr. Powers, Chair. (To Be Provided)

Mr. Powers provided the following report:

The Committee of the Whole met this evening we had before us four items, the first was Resolution 8604-12 which concerns a \$75,000 forgivable loan from the Business Investment Program to Cornucopia, Inc. That is at the rate of \$15,000 per year over five years primarily for the acquisition, rehabilitation of the former McDonald's site on Sloane. The Committee of the Whole recommended adoption by the full Council this evening with an abstention from Councilmember Ryan Nowlin who at one point worked for that organization.

The second item before us were the CDBG, one year action plan. After a robust discussion with a lot of good questions and answers back and forth the Committee of the Whole recommended unanimously adoption by the full Council this evening.

The third item before us was the management of the new basketball courts to be built and installed in Lakewood Park. We had dialogue with the Administration with respect to that item and determined that more discussion is warranted and Councilmember Smith who put that item on the docket initially and it was referred to the Committee of the Whole has agreed to likely put another communication on the docket at her discretion to refer it to the Public Safety Committee so that we have a more full and robust discussion of those items and we were able to accomplish some things at the Committee of the Whole tonight, clarified a few issues. I believe there is more to be done and look forward to receiving that in the future.

Fourth item was the docket agenda procedural review.

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

2. **RESOLUTION NO. 8604-12** - 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 at the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with Cornucopia, Inc. for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five (5) year forgivable loan in an amount of \$75,000.00. (REFERRED TO THE COMMITTEE OF THE WHOLE 9/17/12) (Pg. 5)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8604-12. Motion adopted. Six members voting yea.

Mr. Nowlin abstaining.

Resolution No. 8604-12 adopted.

3. **RESOLUTION NO. 8605-12** - 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 to submit the Fiscal Year (FY) 2013 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG funds, HOME investment Partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (REFERRED TO THE COMMITTEE OF THE WHOLE 9/17/12) (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8605-12.
Motion adopted. All members voting yea.

4. Housing Committee Report regarding Ordinance No. 45-12 & Resolution No. 8606-12.
Mr. Anderson, Chair. (Pg. 10)

A clarification was made for the record indicating that the total acquisition costs for both properties was slightly under \$207,000.

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

5. **ORDINANCE NO. 45-12** - 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, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1436 Grace Avenue and 1446 Mars Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 9/17/12) (Pg. 12)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 45-12 on 2nd Reading.

Motion adopted. All members voting yea.

6. **RESOLUTION NO. 8606-12** - 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, on behalf of the City, to accept funds from the Moving Ohio Forward Grant Program in the amount of \$100,000 and to enter into an Agreement with Cuyahoga County Land Reutilization Corporation to administer those funds allowing the City of Lakewood to demolish blighted or nuisance properties. (REFERRED TO THE HOUSING COMMITTEE 9/17/12) (Pg. 14)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Resolution No. 8606-12.

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

Nays: None

Motion adopted. Resolution substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8606-12 as substituted.

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

Nays: None

Motion adopted. Resolution substituted.

7. Public Works Committee Report regarding Solid Waste Management Plan. Mr. Juris, Public Works Committee Chair. (To Be Provided)

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

8. **RESOLUTION NO. 8603-12** – A RESOLUTION adopting the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District. {Complete Copy of the Solid Waste Management Plan is available online at <http://www.cuyahogaswd.org/> or can be viewed in the Clerk of Council Office during regular business hours) (REFERRED TO THE PUBLIC WORKS COMMITTEE 9/17/12) (Pg. 16)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this Resolution.
Motion adopted. All members voting yea.

9. **ORDINANCE NO. 43-12-** AN ORDINANCE amending Section 1325.08, Parking Design, of the Codified Ordinances of the City of Lakewood to establish regulations for the maintenance and design of vacant and unimproved properties. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 9/17/12) (Pg. 17)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 43-12 on 2nd Reading.

Motion adopted. All members voting yea.

10. Audit Committee Report of 1/1/2011 to 12/31/2011 Raymond L. Cushing, Chair(Pg.22)

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

11. **ORDINANCE NO. 44-12** – 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, enacting Section 331.345, Using Communications Device While Driving, of the Codified Ordinances of the City of Lakewood to establish a new offense within the Traffic Code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/17/12) (Pg. 27)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 44-12 on 2nd Reading.

Motion adopted. All members voting yea.

12. **ORDINANCE NO. 46-12** - 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, repealing Chapter 1502 of the Lakewood Codified Ordinances and repealing Ord. 73-91 to rescind the City's

authority, delegated by the State Fire Marshal, to inspect underground storage tanks.
(PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES
COMMITTEE 9/17/12) (Pg. 31)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 46-12 on 2nd
Reading.

Motion adopted. All members voting yea.

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

13. Communication from Councilmember Smith regarding Saturday Morning Lakewood
Farmers Market. (Pg. 35)

Ms. Smith added the following:

Mr. Chair, I just want to make one point. Councilman Bullock has been a real supporter and partner in the success of this market and I probably should have given him a chance to help me invite Christa (Ms. Kraft) to this but I did my rush to meet the docket deadline, I sort of went forward without him but I really do want to acknowledge that Councilman Bullock has been completely supportive of this market and one of the reasons it has been successful and actually introduced me to the folks who are running it and I really appreciate it because it's been a great group to work with.

Mr. Bullock indicated appreciation of Ms. Smith's comments' reiterating that the market was more than selling vegetables but was about the vibrancy of Lakewood's downtown.

Christa Kraft provided the following report:

The Lakewood Farmers Market (LFM) has experienced tremendous growth in 2012, only 3 years in.

Shoppers: last year 200-250 people was average and 400 people was a good day. This year we have never had less than 400 people and average 500 - 600. Some days we even had 900 or over 1K during the arts festival.

Vendors: we have between 15-20 vendors each week, and it is appearing that next year we will have to restructure how the space is set up to accommodate all interested parties. We have approximately 12 full time vendors with 5 - 8 rotating vendors. Fees this year were \$200 for the whole season or \$10 - \$13 per day.

Sponsorship: Previous years we've had less than \$1K in sponsorship. This year over \$2500 from businesses and private citizens and \$5K from the city

Food Access: WIC now comes every other week to the market and plans to come every other week next year. This is up from once a month and according to the WIC coordinator they are choosing to focus on the busiest markets. EBT card transactions account for over \$200 worth of transactions per market. One vendor received a \$600

reimbursement for the month of August alone.

Community Recognition and Involvement: things that really helped us this year was signage downtown, a billboard on the west end, participation from local businesses, in particular the DLBA which set up a different business each week, being able to set up during the Arts Fair in our regular spot. Lots of Lakewood-ites are getting involved as vendors, testing their recipes or small food businesses. We have 3 farmers that live in Lakewood and 3 specialty good vendors (baker, coffee, prepared food) that live in Lakewood.

It's the Right Time for the Farmers Market!

- Public perception of local food and healthful food awareness and helping the local economy is on the rise
- Lakewood is rebranding itself as a bikable, sustainable, hip community and that vision fits with the farmers market
- Interest from shoppers, vendors, sponsors, community is at an all time high
- Other markets in the area, for example Kamms Corners which is 6 years old, are profitable and sustainable. A [study showed](#) over the year the Kamm's market attracted over 15K visitors who spent over \$250K at the market and another estimated \$250K at other businesses nearby. We could certainly have that type of impact in Lakewood with relatively minimal investment.

Last day of the 2012 season is 10/6!

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

Motion adopted. All members voting yea.

14. Communication from Public Works Director Beno regarding Ohio Public Works Commission Issue 1 Program. (Pg.37)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8607-12** - 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 of the City of Lakewood to submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program and the Local Transportation Improvement Program to obtain financial assistance for the City of Lakewood for capital improvements to public infrastructure. (Pg. 39)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8607-12 to the Public Works Committee.

Motion adopted. All members voting yea.

16. Communication from Fire Chief Gilman regarding Fallen Firefighter Memorial Day 2012. (Pg.41)

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

Motion adopted. All members voting yea.

17. **RESOLUTION NO. 8608-12** – A RESOLUTION calling upon the citizens of Lakewood to join the Lakewood Fire Department in celebrating National Fallen Firefighter Memorial Day on Sunday, October 7, 2012. (Pg.42)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8608-12.

Motion adopted. All members voting yea.

18. Communication from Human Resources Director Yousefi regarding Recommendation to Repeal Chapter 157 Collective Bargaining. (Pg. 43)

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

Motion adopted. All members voting yea.

19. **ORDINANCE NO. 47-12** – AN ORDINANCE repealing Chapter 157, Collective Bargaining, of the Codified Ordinances of the City of Lakewood. (Pg.44)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 47-12 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

20. Communication from Law Director Butler regarding Ordinance revising Section 741.05 to extend solicitor hours from 8 p.m. to 9 p.m. (Pg.48)

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

Motion adopted. All members voting yea.

21. **ORDINANCE NO. 48-12** – AN ORDINANCE amending Section 741.05, Restrictions, of the Codified Ordinances of the City of Lakewood for the purpose of bringing the code into compliance with First Amendment case law. (Pg. 49)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 48-12 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

22. Communication from Law Director Butler regarding Ordinance revising local drug paraphernalia code to reflect changes in state code. (Pg.51)

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

Motion adopted. All members voting yea.

23. **ORDINANCE NO. 49-12** - 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, amending Section 513.04, Use or Possession of Paraphernalia, and enacting Section 513.045, Use or Possession of Marihuana Paraphernalia, of the Codified Ordinances of the City of Lakewood for the purpose of complying with changes to the State of Ohio criminal code. (Pg.52)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 49-12 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

24. Communication from Fire Chief Gilman regarding Fire Prevention Week 2012. (Pg.59)

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

Motion adopted. All members voting yea.

25. **RESOLUTION NO. 8609-12** – A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “Have 2 Ways Out!” as the 2012 Fire Prevention Week theme suggests. (Pg. 60)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution NO. 8609-12.

Motion adopted. All members voting yea.

Public Comment Non-Agenda Items

Robert Beastrom
1425 Wagar Rd

Subject: New Building

Mr. Beastrom spoke about a new McDonalds building under construction very close to his home. Going forward Mr. Beastrom hopes to see better communication between neighbors and the City concerning building plans for new or renovated buildings that are adjacent to homeowners. Mr. Beastrom indicated that recently, a construction worker working at the site verbally abused him and used profanity toward him. Mr. Beastrom stated that the builders in our community need to be subject to oversight and show respect for homeowners.

Mr. Powers thanked Mr. Beastron for stating his case in a respectful manner and for alerting the Council to this issue. Mr. Powers stated that the building is not City property, nor were the workers employed by the City. However, the behavior is highly unacceptable. Mr. Powers sought input from Planning and Development Director Dru Siley.

Mr. Siley pointed out that he has intervened in this situation previously. He has reminded general contractors that they are guests of the City. Mr. Siley thanked Mr. Beastron for his suggestions and stated that he would follow up.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:37 PM.

Approved: _____

CLERK

PRESIDENT