

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 18, 2013
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by Acting President Madigan.

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

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Planning & Development Director Siley, Human Resources Director Yousefi.

Motion by Ms. Madigan, seconded by Mr. Bullock, to excuse the absence of Mr. Powers.
Motion adopted. All members present voting yea.

Motion by Ms. Madigan, seconded by Mr. Bullock, to approve the minutes of the Regular Meeting of Council held February 19, 2013 without the necessity of a reading.

Motion adopted. All members present voting yea.

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1. Finance Committee Report regarding Ordinance Nos. 1-13, 2-13, 3-13, 4-13, 5-13 and 6 – 13. Chair; Madigan. (Pg.6)

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

****Motion by Ms. Madigan, seconded by Mr. Bullock , directing Clerk to read Items 2-13 for a blanket motion after item 13}***

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

Nays: None

Motion adopted.

2. **ORDINANCE NO. 1-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,948,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF VARIOUS IMPROVEMENTS, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 8)

*see blanket motion made on this item after item 13

3. Fiscal Certificate - \$3,948,000. (Pg.15)

*see blanket motion made on this item after item 13

4. **ORDINANCE NO. 2-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RESURFACING ARTHUR AVENUE, BLOSSOM PARK AVENUE, LEWIS DRIVE, SUMMIT AVENUE, LAKELAND AVENUE, OLIVE AVENUE, MARLOWE AVENUE, COVE AVENUE AND WOODWARD AVENUE, AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 16)

*see blanket motion made on this item after item 13

5. Fiscal Certificate - \$1,500,000. (Pg. 22)

*see blanket motion made on this item after item 13

6. **ORDINANCE NO. 3-13** - -AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RECONSTRUCTING MADISON AVENUE, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 23)

*see blanket motion made on this item after item 13

7. Fiscal Certificate - \$150,000. (Pg.29)

*see blanket motion made on this item after item 13

8. **ORDINANCE NO. 4-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF REPLACING A SALT STORAGE FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 30)

*see blanket motion made on this item after item 13

9. Fiscal Certificate - \$225,000. (Pg. 36)

*see blanket motion made on this item after item 13

10. **ORDINANCE NO. 5-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING A SHEET PILE BULKHEAD, DOCKS AND A PARKING AREA, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND READING 3/4/13) (Pg. 37)

11. Fiscal Certificate - \$225,000. (Pg. 43)

*see blanket motion made on this item after item 13

12. **ORDINANCE NO. 6-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING PARKS, TOGETHER WITH ALL NECESSARY

APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1st READING 2/19/13, 2ND 3/4/13) (Pg. 44)

*see blanket motion made on this item after item 13

13. Fiscal Certificate - \$400,000. (Pg. 50)

† *Motion made by Ms. Madigan, seconded by Mr. Bullock, to adopt items 2-13. Motion adopted. All members present voting yea.

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

14. Communication from Councilmember Bullock and Council President Powers regarding Arthur Avenue (Detroit to Hilliard) Lighting Project. (Pg. 51)

The following residents spoke on this resolution. Two residents opposed the resolution and seven residents supported the resolution.

- Jennifer Elaban – 1465 Arthur Ave
- Richard Peck – 1503 Arthur Ave
- Patty Ryan – 1522 Arthur Ave
- Sean McDermott – 1490 Arthur Ave
- Todd Mesek – 1532 Arthur Ave
- Donna Andrew – 1526 Arthur Ave
- Richard Foote – 1576 Arthur Ave
- Cory Bruow – 1446 Arthur Ave
- John Lamparyk - 1562 Arthur Ave

Residents who opposed the resolution remarked that the assessment was unfair to those who could not or did not wish to pay it. They remarked that the flat assessment method was unfair because it does not consider neighbors' differing financial circumstances. It was pointed out that there are more serious maintenance issues on the street than lighting. It was stated that this assessment will divide neighbors against one another.

Residents who supported the resolution cited the reasons of neighborhood pride, aesthetics, quality of life, enhanced pedestrian safety, reduction of power outages, and a potential increase in property values. Residents in favor also complimented the process as open and transparent and stated appreciation for the efforts to reduce the project's expense.

Motion by Mr. Bullock, seconded by Ms. Madigan, to receive, file and refer the communication to the Committee of the Whole.

Motion adopted. All members present voting yea.

15. RESOLUTION NO. 8642-13 - 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, declaring it necessary to improve Arthur Avenue (from Detroit Avenue to Hilliard Road) by replacing the existing street lighting system and installing decorative lighting fixtures and associated infrastructure including the necessary removal of existing utility poles and overhead wires and associated appurtenances and the installation of underground conduits, lampposts, lighting fixtures, electrical transmission devices and controls, together with the performance of any necessary tree lawn repair, and including all necessary appurtenances thereto. (Pg. 100)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Resolution No. 8642-13 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting yea.

16. Public Safety Committee Report regarding Defining Quadricycle – Mr. Nowlin; Chair. (Pg. 103)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to receive and file the report.

Motion adopted. All members present voting yea.

17. **ORDINANCE NO. 7-13** - 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, amending Section 301.04, Bicycle; Motorized Bicycle; Section 373.02, Riding upon Seats; Handle Bars; Helmets and Glasses; Section 373.04, Riding Bicycles and Motorcycles Abreast; Section 373.06, Lights and Reflector on Bicycle; Brakes; and Section 373.10, Riding on Sidewalk, of the Codified Ordinances of the City of Lakewood to define and regulate the operation of bicycles. (Pg. 104)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 7-13 on 1st Reading and refer to the Public Safety Committee.

Motion adopted. All members present voting yea.

18. Housing Committee Report regarding Housing Initiatives/programs–Mr. Anderson; chair (Pg. 111)

Motion by Mr. Anderson, seconded by Ms. Madigan, to receive and file the report.

Motion adopted. All members present voting yea.

19. Communication from Councilmember Juris regarding Appointment of JT Neuffer to the Citizens Advisory Committee. (Pg.113)

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

Motion adopted. All members present voting yea.

20. Communication from Councilmember Nowlin regarding Re-appointment of John Mitterholzer to the Citizens Advisory Committee. (Pg. 114)

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

Motion adopted. All members voting yea.

21. Communication from Mayor Summers regarding Mayoral appointment to the Audit Committee. (Pg. 115)

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

Motion adopted. All members present voting yea.

22. Communication from Law Director Butler regarding Resolution ratifying one-year extension of collective bargaining agreements with the IAFF Local 382 (Lakewood Association of Firefighters) and the OPBA Corrections Officer Unit. (Pg. 116)

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

Motion adopted. All members present voting yea.

23. **RESOLUTION NO. 8643-13** - 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Lakewood Association of Firefighters, IAFF Local 382, for a one-year period commencing upon the date of ratification and ending December 31, 2013. (Pg. 117)

Motion by Ms. Madigan, seconded by Mr. Bullock, to receive, file and refer Resolution No. 8643-13 to the Committee of the Whole.

Motion adopted. All members present voting yea.

24. **RESOLUTION NO. 8644-13** – 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, ratifying and authorizing

the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Ohio Patrolmen's Benevolent Association Corrections Officer Unit for a one-year period commencing upon the date of ratification and ending December 31, 2013. (Pg.119)

Motion by Ms. Madigan, seconded by Mr. Bullock, to receive, file and refer Resolution No. 8644-13 to the Committee of the Whole.

Motion adopted. All members present voting yea.

25. Communication from Planning and Development Director Siley regarding Clifton Pointe Phase II – Irish Cottage Parcels. (Pg.121)

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

Motion adopted. All members present voting yea.

26. **ORDINANCE NO. 8-13** - AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 18828 Sloane Avenue (PP#'s 311-14-018, 311-14-019 and 311-14-102) also known as the Clifton Pointe Phase 2. (Pg. 122)

Motion by Ms. Madigan, seconded by Mr. Bullock, to place Ordinance No. 8-13 on First Reading and refer it to the Planning Commission.

Motion adopted. All members present voting yea.

27. Communication from Planning & Development Director Siley regarding proposed Amendment to Community Reinvestment Area #4. (Pg. 123)

Motion by Ms. Madigan, seconded by Mr. Anderson, to receive, file and refer the communication to the Housing Committee.

Motion adopted. All members present voting yea.

28. **RESOLUTION NO. 8645-13** - 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, implementing Sections 3735.65 through 3735.70 of the Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of Lakewood. (Pg. 124)

Motion by Ms. Madigan, seconded by Mr. Bullock, to refer Resolution No. 8645-13 to the Housing Committee.

Motion adopted. All members voting yea.

29. Liquor Permit transfers (C2, D1, D3, D3A, D6 and D8) to DAMIJU from Patrick Sullivan; 13368 Madison Avenue. (Pg. 130)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to final no objection to this liquor permit transfer.

Motion adopted. All members voting yea.

POST AGENDA COMMENTS:

Mayor Summers referenced Clean Water Act compliance grant for low interest loan Discussion of House Bill 5 on radio the next day

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

Motion adopted. All members present voting yea.

Meeting adjourned at 8:33 PM.

Approved: _____

CLERK

PRESIDENT