

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 1, 2013
7:30 P.M.**

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

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, Acting Police Chief Hassing, Fire Chief Gilman, Public Works Director Beno, Planning & Development Director Siley, Human Resources Director Yousefi.

Motion by Ms. Madigan, seconded by Mr. Bullock, to approve the minutes of the Regular Meeting of Council held March 18, 2013 without the necessity of a reading.

Motion adopted. Six members voting yea.
Mr. Powers abstaining.

Without objection items 11, 12, 9 & 10 were brought to the beginning of the agenda in that order.

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

1. Committee of the Whole Report (April 1, 2013) regarding Resolutions 8640-13, 8643-13, and 8644-13 Mr. Powers Chair. (To Be Provided)

The Committee of the Whole met this evening. All members were present. Five items were on the agenda. The first was Resolution 8640-13 regarding the WECO fund micro-loan program being transferred to the City to administer as WECO shuts down. The Resolution calls for no additional expenditure of City funds, but rather deals with the management of the program. Committee of the Whole unanimously voted to recommend that Council adopt the resolution this evening.

Resolutions 8643-13 and 8644-13 are collective bargaining agreement extensions. Committee of the Whole met in executive session. Upon exiting executive session Committee of the Whole, the Committee unanimously voted to recommend to the full Council that Council adopt both resolutions this evening.

Committee of the Whole confirmed that Council will have a legislative planning session on April 13th at 9:30 AM at a place TBD. It will be publically noticed as a meeting of the Committee of the Whole. Committee of the Whole also conducted a procedural review of the agenda.

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

2. **RESOLUTION NO. 8640-13** - 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 Director of Planning and Development to enter into an agreement with WECO Fund, Inc. to accept the assignment of microloans that were made as a result of the Lakewood Start-up and Existing Entrepreneurial Development (SEED) Program; to assign the administration of the SEED Loan Program to the Division of Community Development; and to enter into necessary agreements to make and service loans under this program. (REFERRED TO THE COMMITTEE OF THE WHOLE 3/4/13) (Pg. 5)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8640-13.
Motion adopted. All members voting yea.

3. **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. (REFERRED TO THE COMMITTEE OF THE WHOLE 3/18/13) (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution 8643-13.
Motion adopted. All members voting yea.

4. **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. (REFERRED TO THE COMMITTEE OF THE WHOLE 3/18/13) (Pg.. 9)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8644-13.
Motion adopted. All members voting yea.

5. Committee of the Whole Report (March 25, 2013) regarding Resolution 8642-13 Arthur Avenue Lighting Project – Mr. Powers; Chair. (Pg. 11)

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

Motion adopted. All members voting yea.

6. **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. (REFERRED TO THE COMMITTEE OF THE WHOLE 3/18/13) (Pg. 13)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8652-13.

Sean McDermott
1490 Arthur Ave

Mr. McDermott spoke in support of the resolution and thanked Council for its willingness to take this step.

Motion adopted. All members voting yea.

7. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 3/18/13) (Pg. 16)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 7-13 on 2nd Reading.

Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERED TO THE PLANNING COMMISSION 3/18/13) (Pg. 23)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 8-13 on 2nd Reading.

Motion adopted. All members voting yea.

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

9. Communication from Council President Powers regarding Levy for Lakewood City Schools. (Pg.24)

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

Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8646-13** – A RESOLUTION in support of ballot issue number 14, Proposed Tax Levy for Lakewood City Schools, to be voted upon by the electorate on May 7, 2013. (Pg. 25)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8646-13.

Motion adopted. All members voting yea.

- Betsy Shaughnessy, Member, Board of Education
1268 Andrews Ave.

Ms. Shaughnessy thanked Council for its support of the levy. She remarked that the School District doesn't take lightly the task of asking for community support. She stated that the District has made cuts and also received cuts from the State. She stated that there is room for improvement in the school district and that the district will deliver.

- Ms. Emma Petrie Barcelona, Member, Board of Education
1085 Abbyshire

Ms. Petrie Barcelona thanked Council for its support. She remarked that she is a proud Lakewood High School graduate and sends her children to Lakewood Schools. She stated her pride in the

schools and in the community for supporting the schools. She remarked upon the great programs offered in the schools. She spoke about the Superintendent's efforts to speak with the community last year and hear the community's feedback about the importance of schools. She stated that the levy is critical to the schools fulfilling their pledge to maintain high standards.

- Tim Penton, Treasurer, Lakewood City Schools
17818 Riverside Dr.

Mr. Penton expressed praise for the successful working relationship between the School District and the City. He stated that the District takes the charge to improve very seriously. He remarked that he always emphasizes commitment and productivity. He recognized that community members work hard to earn the income to support the schools and that he emphasizes this to staff. He spoke about a culture of high expectations for staff and students. He thanked Council for their support and committed to continue to work on behalf of the community.

11. Communication from Councilmember Juris regarding Grace Roberson. (Pg.27)

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

Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8647-13** - A RESOLUTION commending Lakewood High School sophomore Grace Roberson on being named a national Gold Medal winner in the Scholastic Art & Writing Awards competition presented by the Alliance for Young Artists & Writers. (Pg. 28)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8647-13.

Motion adopted. All members voting yea.

Ms. Grace Roberson reads her poem; If Love Was Not A Question –

I.

I suppose if love was not a question, I would know why my heart pounds like a hammer, nailing a silence to my chest that I never knew existed.

II.

I am in a recession of my own, searching my pockets for spare change to pay for the use of small words with expensive meanings.

III.

If I ever loved you, you would dehydrate me. Loving you would be staring at a parched sheet of paper, screaming for a drop of a sentence. It would not stop until I choked out a novel.

IV.

If my heart were a typewriter, it would have stopped working by now. Frustration slams on my keys like the brakes of a car with a coughing engine, and the margin release pulls me off to the side of the road.

The poem was met with applause and praise from members of the public and Council.

13. Communication from Mayor Summers regarding Beck Center for the Arts. (Pg.29)

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

Motion adopted. All members voting yea.

14. Communication from Law Director Butler regarding Moratorium on businesses making short-term loans. (Pg.31)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8648-13** - 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 at the earliest period allowed by law, to impose a moratorium on the granting of permits to operate businesses licensed under Ohio's Mortgage Loan Law or Small Loan Law for a period not to exceed six months from the effective date of this resolution in order to allow Council and the Lakewood Planning Commission to review applicable litigation, case law, Ohio statute, criminal codes and the Lakewood Zoning Code relative to these establishments. (Pg. 32)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8648-13 to the Committee of the Whole.

Motion adopted. All members voting yea.

16. Communication from Finance Director Pae regarding 2013 1st Quarter Transfers and Advances. (Pg.35)

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

17. **ORDINANCE NO. 9-13** - 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, law authorizing the transfer and advance of certain funds. (Pg. 36)

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. 9-13 on final reading and adopt.

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. 9-13.

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

Nays: None

Motion adopted. Ordinance No. 9-13 adopted.

18. Communication from Finance Director Pae regarding Capital Lease Authorization. (Pg. 39)

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

Motion adopted. All members voting yea.

19. **ORDINANCE NO. 16-11C** - 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 No. 16-11 B, adopted October 29, 2012, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood ("City"). (Pg.40)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 16-11C on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

20. Communication from Police Chief Malley regarding iWatch Crime Reporting Funding. (Pg.50)

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

Motion adopted. All members voting yea.

21. Liquor Permit Application for C1 & C2 transfers to 7-Eleven – 14718 Madison Avenue from LeHigh Gas Ohio, same address. (Pg 51).

Motion by Mr. Nowlin, seconded by Mr. Bullock, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

22. Liquor Permit application for a New D1 class to Lindi Restaurants, 11850 Edgewater Drive. (Pg. 52)

Motion by Mr. Nowlin, seconded by Mr. Powers, to defer action on this item.

Motion adopted. All members voting yea.

POST AGENDA COMMENTS

Councilmember Smith announced Welcome To Lakewood Event April 24, Garfield Middle School 7PM to 9PM.

Council President Powers announced H2O Bikes and Bands Event April 13at Mahalls.

Councilmember Anderson expressed appreciation for Lakewood’s unique access to healthcare, affordable housing, transportation, education, access to jobs; made especially relevant in experience with International Refugee mentoring program.

Councilmember Juris announced collaborative event April 13 between Police, DARE, Schools, players – Basketball Tournament.

Mayor Summers announced Award for good workmanship - for Resurfacing Asphalt Paving Award – highest quality – superior workmanship and Mckinely Avenue Madison and Hilliard – Council President Powers asked congratulations be passed on to Mr. Bill Corrigan and his Team

Brent Butler

1437 Arthur Ave

Mr. Butler expressed concern about the process and communication efforts on the Arthur Ave. lighting project. He said the project had been discussed for 10 years and that he was shocked to learn it was moving forward at this time. He stated his opposition to the project and said the reasons for the project were not sound. He stated concerns about the financial burden of the project on himself and others.

Council President Powers indicated that the process from an official perspective from the City was only beginning.

Councilmember Bullock indicated the neighborhood meetings to bring the issue forward were transparent.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adjourn.
Motion adopted. All members present voting yea.
Meeting adjourned at 8:35 PM.

Approved: _____

CLERK

PRESIDENT