

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
APRIL 15, 2013  
7:30 P.M.**

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

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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, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Planning & Development Director Siley.

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

Motion adopted. Members voting yea.  
Mr. Powers abstaining due to his absence on that date.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held April 1, 2013.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Resolution No. 8648-13, Mr. Powers, Chair. (To Be Provided)

**Mr. Powers provided the following Committee of the Whole Oral Report regarding Resolution 8648-13**

Dear Members of Council,

The Committee of the Whole met this evening with the entire Council present. Also present were members of the administration including the Law Director. The Committee had two items to discuss. Resolution 8648-13 was discussed first, which was referred to the Committee at the April 1 meeting of Council. The Resolution proposes a moratorium to not allow permitting of businesses to make short-term

loans. After discussion, the Committee of the Whole voted unanimously to recommend to the full Council that the resolution be adopted this evening.

The other item was the usual procedural review.

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

Motion adopted. All members voting yea.

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2. **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. (REFERRED TO THE COMMITTEE OF THE WHOLE 4/1/13) (Pg. 6)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8648-13.

Motion adopted. Resolution No. 8648-13 adopted.

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3. Boards and Commissions ad-hoc Committee Report re: Ordinance No. 64-12. Mr. Powers, Chair. (To Be Provided)

Mr. Powers provided the following oral report:

Dear Members of Council,

The Ad-hoc Committee on Boards & Commissions met this evening. We had five items before us. The first was Ordinance 64-12 which was read twice last year. The Committee decided to take a look at the substitute version presented to Council tonight and decided to add to it.

The Committee discussed the Tree Task Force and determined that there was no further action necessary with respect to the Tree Task Force at this time.

We looked at the Youth Commission which has been inactive for some time. The Committee asked the Law Director to include the Youth Commission as one of the outmoded Boards and Commissions as part of ordinance 64-12.

We talked about the Dealers' License Revocation Appeals Board and decided that no action was necessary on that Board at this point in time.

We discussed the Fair Employment Wage Board and determined that we needed to take a deeper look at that Board in a future meeting.

There was no recommendation that Council take any action at this point in time. Move to receive and file that oral report.

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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4. **ORDINANCE NO. 64-12** - AN ORDINANCE repealing Section 135.12, SAVE Rewards Program, Section 137.16, Emergency Medical Services Commission, Chapter 141, Boxing and Wrestling Commission, Section 149.20, Incentive Awards, Chapter 151, Sundry Claims, and Chapter 158, Child Care Services Advisory Board, and amending Section 109.01, Open Meetings, and Section 127.02, Settlement Authorization, of the Lakewood Codified Ordinances, to eliminate instances of outmoded or unused committees, commissions or boards from the Code. (PLACED ON 1<sup>ST</sup> READING AND REFERRED TO THE BOARDS AND COMMISSIONS AD HOC COMMITTEE 11/19/12, 2<sup>ND</sup> READING 12/3/12) (Pg.9)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on Ordinance No. 64-12. Motion adopted. All members voting yea.

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5. Finance Committee Report regarding Ordinance No. 16-11C and Resolution 8641-13. Ms. Madigan, Chair. (Pg. 16)

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

Motion adopted. All members voting yea.

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6. **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"). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 4/1/13) (Pg. 17)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 16-11 on 2<sup>nd</sup> Reading. Motion adopted. All members voting yea.

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7. **RESOLUTION NO. 8641-13** - 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 Mayor to enter into an agreement with Medical Mutual of Ohio for a two-year term for the provision of administrative services and payment of medical claims presented in an amount not to exceed \$10,000,000. (REFERRED TO THE FINANCE COMMITTEE 3/4/13) (Pg. ) (Pg. 27)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8641-13.

Motion adopted. All members voting yea.

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8. Public Safety Committee Report regarding Ordinance No. 7-13. Mr. Nowlin, Chair. (To Be Provided)

Mr. Nowlin submitted the following oral report:

The public safety committee met several times regarding proposed Ordinance 07-13, defining and regulating the operation of bicycles. As you know, the discussion regarding quadricycles started after a municipal court decision which found that quadricycles were not defined under the Lakewood Codified Ordinances or the Ohio state traffic code. After some preliminary discussion, the committee entertained an ordinance that broadened the definition of bicycle to include quadricycles. The ordinance also modifies several other portions of the LCO, requiring quadricycles to have appropriate manufacturer designed restraints; that bicycles wider than two wheeled bicycles cannot ride more than one abreast on the street; that the director of public safety may require additional lights and reflectors on quadricycles; and that bicycles wider than two wheeled bicycles cannot ride on sidewalk. Recently, Gov. Kasich signed legislation which expanded the definition of bicycle to include quadricycles, and Ordinance 07-13 nearly mirrors that definition. However, the version before us tonight is a substitute version, which also defines toy vehicles as any device that has wheels and is designed for play, except that "toy vehicles" do not include bicycles or motorized bicycles. The substitute version added a whereas clause referencing the recent change of the state traffic code, changed language to track the state code, added the definition of toy vehicles, and removed a reference to "moved by human power" from the definition of a toy vehicle. After deliberation, the committee unanimously recommended adoption of the substitute version before you tonight to the full council.

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

Motion adopted. All members voting yea.

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9. **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 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 3/18/13, 2<sup>ND</sup> READING 4/1/13) (Pg. 29)

Motion by Mr. Powers, seconded by Mr. Nowlin, to substitute Ordinance No. 7-13 with the version approved this evening by the Public Safety Committee.

Law Director Butler requested one additional amendment on the floor providing context as follows:

The Title of Section 301.04 because it's in a portion of the Code that lists all the definitions – that title should be updated to read, “Bicycle; Motorized Bicycle; Toy Vehicle...” Now that we have added the definition of “toy vehicle”.

Law Director Butler was asked to clarify for the record:

“I ask to amend the substituted version that you have before you by inserting Section 301.04, Bicycle; Motorized Bicycle; Toy Vehicle in the title between “motorized bicycle” and the period”.

Motion to substitute was withdrawn. (Motion made and seconded all members voting yea)

Motion by Mr. Powers, seconded by Ms. Madigan, to amend as presented to us on the record by the Law Director.

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

Nays: None

Motion adopted. Ordinance is amended.

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute as amended.

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

Nays: None

Motion adopted. Ordinance is substitute as amended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 7-13 as substitute and amended.

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

Nays: None

Motion adopted. Ordinance 7-13 is adopted as substitute as amended.

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10. Housing Committee Report regarding Resolution No. 8645-13. Mr. Anderson, Chair. (Pg. 36)

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

Motion adopted. All members voting yea.

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11. **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. (**PLEASE SUBSTITUTE** for Resolution 8645-13 referred to the Housing Committee 3/18/13) (Pg. 38)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on Resolution No. 8645-13.  
Motion adopted. All members voting yea.

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12. Planning Commission Report regarding Rezoning Request Clifton Pointe Phase II -(Pg. 44 )

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

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13. **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 1<sup>ST</sup> READING & REFERRED TO THE PLANNING COMMISSION 3/18/13, 2<sup>ND</sup> READING 4/1/13) (Pg. 45)

Kevin Brown – 17908 Lake Rd

Mr. Brown stated that he lives immediately north of the Irish Cottage property. Mr. Brown was holding a plywood sign that he stated was left on his property by the contractors. He indicated it was thrown in his bushes. He stated that he has seen the contractor urinating near the construction site. He asked that City Hall please speak with the contractor and request that these behaviors stop.

President Powers stated that the City would be in contact with the developer about this matter.

Mr. Brown objected to the fact that he did not receive advance notice of the proposed zoning change. He stated that he lives within 200 feet of the proposed re-zoning and asked that Council consider adopting an ordinance to require such notification.

Director Siley clarified the requirements within the current ordinance as they pertain to notifications.

Mr. Brown stated his concern with the overall effect of the development. He remarked about the height and scale of the development and stated that it was inappropriate to zone a high-density zone next to a low-density zone. He stated concerns about the development's effect on Sloane Subway traffic and safety. He requested that Council consider 50% tax abatement.

John Forgetta – 18121 Clifton Rd.

Mr. Forgetta spoke in opposition to the re-zoning. He cited concerns about notification and grievances regarding the height and visual impact of the development on the neighborhood. He reported an unpleasant experience at the Planning Commission meeting and stated that the developer has been untruthful in certain statements to the City and the neighborhood.

Rhonda Loje - 18159 Clifton Rd

Ms. Loje expressed concern of the impact of the development on the safety of Sloane Subway. She noted that the road was under construction related to Phase I. She described a situation where one of the two lanes was closed and two-way traffic was directed to use one lane. In response to complaints, the developer closed Sloane Subway without notice. Ms. Loje expressed that the developer should have not closed the road but instead arranged for a flagman to safely direct traffic.

Frank Schwelik - 18164 Clifton Rd.

Mr. Schwelik expressed objections to the tax abatement offered to the developer. He expressed objection to Sloane Subway being closed without warning. He remarked about the density and its impact on the neighborhood. He advocated for trees to be replaced and landscaping.

Mayor Summers indicated he wanted to clarify the tax abatement plan. He indicated that new residents will not pay zero taxes; rather, they will pay taxes on the current assessed value. He remarked about the City's process for reviewing the housing proposal and the rigorous standards of the ARB and BZA. He stated that the development is the first investment in housing of this magnitude in decades and that the City is dedicated to providing these alternative housing options. He expressed shock over the behavior of the contractors as described by Mr. Brown.

Chief Malley and Director Siley addressed the rules and policies regarding road closures for construction.

Motion by Mr. Powers, seconded by Ms. Madigan, to receive, file and refer Ordinance 8-13 to the Committee of the Whole.

Motion adopted. All members voting yea.

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14. Planning Commission Report regarding Community Vision Update. (Pg.46).

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

Motion adopted. All members voting yea.

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15. Liquor Permit application for a New D1 class to Lindi Restaurants, 11850 Edgewater Drive.  
(deferred 4/1/130 (Pg. 71)

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

Motion adopted. All members voting yea.

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

16. **RESOLUTION NO. 8649-13** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to appoint \_\_\_\_\_ as a member of the City of Lakewood Board of Nuisance Abatement Appeals for the unexpired term, ending December 31, 2015. (Pg. 72)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8649-13 to the Committee of the Whole.

Motion adopted. All members voting yea.

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17. Communication from Councilmember Juris regarding St. Edward's Wrestling. (Pg. 73)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer items 17 & 18.

Motion adopted. All members voting yea.

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18. **RESOLUTION NO. 8650-13** – A RESOLUTION to honor St. Edward High School Wrestling Team on capturing their 28th state wrestling crown. (Pg. 74)

Item deferred per previous motion

19. Communication from Councilmember Anderson regarding appointment of J. Patrick Lang to the Citizens Advisory Committee. (Pg. 75)

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

Motion adopted. All members voting yea.

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20. Communication from Councilmember Smith regarding Appointment of Ed Monroe to the Citizens Advisory Committee. (Pg. 76)

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

Motion adopted. All members voting yea.

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21. Communication from Finance Director Pae regarding Clarification of the Homestead Exemption. (Pg. 77)

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

Motion adopted. All members voting yea.

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22. **ORDINANCE NO. 9-13**- AN ORDINANCE amending Section 902.12, Homestead Exemption, and Section 915.03, Homestead Exemption, and repealing Section 913.25, Homestead Exemption Sewer Rates, of the Codified Ordinances of the City of Lakewood to further clarify the income requirements necessary to qualify for the water and sewer rate exemptions offered therein, and to remove inconsistencies within the code. (Pg. 78)

Motion by Mr. Powers, seconded by Ms. Madigan. To place Ordinance No. 9-13 on 1<sup>st</sup> Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

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23. Communication from Finance Director Pae regarding Police and Fire Pension Fund Employee Contribution Amendments. (Pg. 80)

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

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24. **RESOLUTION NO. 8651-13** - 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 amending the pick-up of contributions by the employees who are members of the Ohio Police and Fire Pension Fund, through payroll reduction. (Pg. 81)

Motion by Mr. seconded by Ms. Madigan, to refer Resolution No. 8651-13 to the Finance Committee.

Motion adopted. All members voting yea.

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25. **RESOLUTION NO. 8652-13** - 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 amending the pick-up of contributions by the employees who are members of the Ohio Police and Fire Pension Fund, through payroll reduction. (Pg. 84)

Motion by Mr. seconded by Ms. Madigan, to refer Resolution No. 8652-13 to the Finance Committee.

Motion adopted. All members voting yea.

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26. Communication from Fire Chief Gilman regarding Resolution authorizing the acceptance and expenditure of funds from the 2012 Assistance to Firefighters Grant Program funded through FEMA. (Pg. 87)

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

Motion adopted. All members voting yea.

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27. **RESOLUTION NO. 8653-13** - 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 Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Federal Emergency Management Agency to accept funds for the purchase of new fire fighter turn out gear in the amount of \$130,000 and requiring a 20-percent match of City funds. (Pg.88)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8653-13.  
Motion adopted. All members voting yea.

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**POST AGENDA COMMENTS**

Councilmember Smith thanked Law Director Butler for personally informing Councilmembers of a public safety issue that was resolved without incident. It was indicated that the incident could have generated significant inquiry and praised Mr. Butler for taking the time to provide the information.

Councilmember Bullock complimented Administration; for a well run bicycle safety event in cooperation with Madison Park/Mahalls – an event that featured pre-teen rock bands while promoting bike safety.

**Brent Butler – 1437 Arthur Ave**

Mr. Butler spoke in opposition to the Arthur Avenue lighting project. Mr. Butler complained that he could not access the Facebook page for the Arthur Ave. lighting project. He compared the Arthur Ave. lighting project to the West End development years ago. He stated that the West End development polarized Lakewood in the same way that the Arthur Ave project will.

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Motion by Mr. Powers, seconded by Ms. Madigan, to adjourn.  
Motion adopted. All members present voting yea.  
Meeting adjourned at 8:40 PM.

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

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CLERK

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PRESIDENT