

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 6, 2013
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, 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, Human Resources Director Yousefi.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held April 15, 2013.

Motion adopted. All members voting yea.

{Without objection from Council, items 9, 10, 17, and 18 were brought to the beginning of the agenda and read in that order}

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

1. Committee of the Whole Report regarding (1) Ordinance 8-13 Clifton Pointe Phase 2, & (2) Board Vacancy; Mr. Powers, Chair (Pg.6)

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

Motion adopted. All members voting yea.

2. **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, 2ND READING 4/1/13, REPORTED OUT ON FROM PLANNING COMMISSION, REFERRED TO THE COMMITTEE OF THE WHOLE 5/6/13) (Pg. 7)

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

3. Boards & Commissions ad-hoc Report; Mr. Powers, Chair. (Pg. 8)

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

4. Public Works Committee Report regarding April 8th Committee Meeting (1) Rename Part of Athens Templar (2) Automated Recycling (Pg 9)

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

5. Public Works Committee Report regarding April 22nd Committee Meeting - Automated Recycling (Pg. 12)

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

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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/1/13, REPORTED OUT ON, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION on THIRD READING 4/15/13) (Pg. 17)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 16-11C.
Motion adopted. All members voting yea.

7. Housing Committee Report regarding Resolution No. 8645-13. Mr. Anderson, Chair. (Pg. 27)

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

8. **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, DEFERRED 4/15/13) (Pg. 29)

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

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

Nays: None

Resolution No. 8645-13 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8645-13 as substituted.

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

Nays: None

Resolution No. 8645-13 adopted as substituted.

9. Communication from Councilmember Juris regarding St. Edward's Wrestling. (Pg. 35)

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

Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8650-13** – A RESOLUTION to honor St. Edward High School Wrestling Team on capturing their 28th and 29th state wrestling crown (The First annual OHSAA Dual Meet State Championship and the 76th annual OHSAA Wrestling Individual Tournament) this season. (RE-SUBMITTED for 5/6/13 docket) (Pg. 36)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8650-13.

Motion adopted. All members voting yea.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/15/13)(Pg. 37)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 9-13 on 2nd Reading.

Motion adopted. All members voting yea.

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

12. **RESOLUTION NO. 8654-13** – A RESOLUTION to concur with the Lakewood Planning Commission in the adoption of the updated Lakewood Community Vision. (Pg. 39)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8654-13 to the Committee of the Whole.

Motion adopted. All members voting yea.

13. Communication from Councilmember Madigan regarding Appointing Chris Varano to the Citizens Advisory Committee. (Pg.40)

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

14. Communication from Councilmember Smith regarding appointment of Karolyn Isenhardt to Lakewood Animal Safety & Welfare Advisory Board. (Pg. 41)

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

15. Communication from Councilmember Nowlin regarding appointment of Melissa Limkemann to Lakewood Animal Safety & Welfare Advisory Board. (Pg.42)

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

16. Communication from Councilmember Juris regarding Walkable Neighborhoods Initiative. (Pg.43)

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

17. Communication from Councilmembers Bullock and Juris regarding Lakewood Alive Volunteer Recognition. (Pg.45)

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

18. **RESOLUTION NO. 8655-13** – A RESOLUTION to commend LakewoodAlive Volunteer Champion Award recipients for their selfless, dedicated service to the City of Lakewood. (Pg.46)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8655-13.
Motion adopted. All members voting yea.

19. Communication from Councilmembers Bullock and Smith regarding Basketball Courts at Lakewood Park. (Pg. 47)

Motion by Mr. Powers, seconded by Mr. Bullock, to receive, file and refer the communication to the Committee of the Whole.
Motion adopted. All members voting yea.

20. Communication from Mayor Summers regarding Economic Development funds to the Beck Center for the Arts. (Pg.48)

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

21. **RESOLUTION NO. 8656-13** – A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into various agreements with Beck Center for the Arts, an Ohio non-profit corporation, which govern the rights and obligations of the parties relative to parcels of land identified as permanent parcel numbers 311-24-066 and 311-24-067; document the City's contribution of \$50,000.00 to the Beck Center's parking lot resurfacing project under certain terms including those related to stormwater management; and reaffirm the parties' commitment to the Beck Center's long-term viability within the City. (Pg. 50)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8656-13 to the Finance Committee.

Motion adopted. All members voting yea.

22. Communication from Mayor Summers regarding Mayoral Appointment to the Loan Approval Board. (Pg.52)

Motion by Mr. Powers, **SECONDED BY** Ms. Madigan, to receive and file the communication.

Motion adopted. All members voting yea.

23. Communication from Mayor Summers regarding Appointments to the Citizens Advisory Committee. (Pg. 53)

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

Motion adopted. All members voting yea.

24. Communication from Law Director Butler regarding Editing and Inclusion of Ordinances into the Codified Ordinances. (Pg.54)

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

Motion adopted. All members voting yea.

25. **ORDINANCE NO. 10-13** - 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 to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (Pg.55)

Motion by Mr. Powers, seconded by Ms. Madigan, to place on 1st Reading and refer Ordinance No. 10-13 to the Rules & Ordinances Committee .

Motion adopted. All members voting yea.

26. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2013 (Pg.57)

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

27. **ORDINANCE NO. 69-12A** - AN ORDINANCE to take effect immediately provided it receives 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 amending Ordinance 69-12, adopted December 17, 2012, authorizing 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 for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2013 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 58)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 69-12A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

28. Communication from Planning & Development Director Siley regarding Sale Ordinance for 1436 Grace Avenue and 1446 Mars Avenue. (Pg.64)

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

29. **ORDINANCE NO. 11-13** - 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, 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. (Pg. 65)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 11-13 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

30. Communication from Public Works Director Beno regarding Cuyahoga County Emergency Trailer. (Pg.67)

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

Motion adopted. All members voting yea.

31. Liquor Permit application for D2, D2X, D3, D3A, and D6 transfers to Tres Amigos Lakewood d/b/a Barrio, 15527-33 from Jumping Jackolantern Holdings d/b/a Old Stand same address. (Pg.68)

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

Motion adopted. All members voting yea.

32. Liquor Permit application for new C1 & C2 permit classes to Discount Drug Mart; 13123 Detroit Avenue. (Pg. 69)

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

Motion adopted. All members voting yea.

33. Liquor Permit Application for D5F and D6 transfers to Big Show, d/b/a Emerald Necklace Marina Grille, 1500 Scene Park Drive, from Create Cafes d/b/a Waterside Grill, same address. (Pg.70)

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

Motion adopted. All members voting yea.

POST AGENDA COMMENTS

Cuyahoga County Councilmember Dale Miller spoke on the following:

Presentation to Lakewood City Council

Dale Miller

May 6, 2013

Thank you very much for the opportunity to serve as your representative on Cuyahoga County Council. Here is an update on what is currently going on in County government.

1. The Medical Mart/Convention Center project continues to be ahead of schedule and under budget. It will open in time for the Senior Games in August this summer.
2. The County has started demolition in preparation for construction of our new county headquarters, which will be at the Ameritrust Complex. The County sold the Ameritrust Complex to the Geis Companies for \$27 million. They will demolish two of the existing buildings, construct the new 8-story headquarters building, and lease it back to us. The historic rotunda will be preserved.
3. The County passed the college scholarship program, which will open a college savings account program with an initial deposit of \$100 for every child entering kindergarten in Cuyahoga County, starting with the class entering this fall. We are the first county in the United States to do this on a countywide basis. San Francisco and a few other communities have already started similar programs.

4. The 9-member Charter Review Commission, appointed by Executive Fitzgerald, is doing the first comprehensive review of the County's Charter, and is required to make their recommendations to County Council by July 1 of this year. Topics being considered include the following:
 - (a) Improving the language on how the Board of Revision is organized,
 - (b) Whether the Clerk of Court should be appointed by the Executive or Judges,
 - (c) Whether the Treasurer should be a separate office or under the Fiscal Office, and
 - (d) Whether the Council President should succeed the Executive in the event of a vacancy, or whether there should be an executive line of succession.
5. The General Fund is in excellent shape with healthy reserves and receipts expected to exceed expenditures by \$5 to \$10 million this year.
6. The Health and Human Services Levy Fund also has healthy reserves, but expenditures are currently exceeding receipts by about \$20 million, which is about 10%. This is clearly not a sustainable situation, and it will have to be corrected in the next few years.
7. The Executive's \$100 million Economic Development Fund is working and we have done more and better deals than under the prior government. Some of the sub-programs are still being rolled out. New programs this year focus on entrepreneurship.
8. In promotion of regional efficiency, the County is developing a major list of services that we can provide to municipal and other local governments by contract, such as sewer maintenance, Human Resources functions, preventive road maintenance, web design, IT services, and bulk contracting.
9. The Fiscal Office has been totally reorganized. It combines what was previously the Auditor, Treasurer, Recorder, and some functions of the Clerk of Courts. The new office is about half the size and half the cost of the prior offices.
10. The County completed the sexennial property tax reappraisal at lower cost, by contracting directly with appraisers, and returned about \$5 million in unused taxes to municipalities, school boards, and other local governments.
11. I recently attended the workshop put on by the Northeast Ohio Sustainable Communities Consortium (NEOSCC). The workshop is part of a year-long effort to develop a long range plan for dealing with urban sprawl and abandonment between now and 2040. According to their projections, the future does not look good unless we take action to get on a different path. They will have additional planning meetings in July, August, and September.
12. During the last 2 and one-half years, the County has cleaned up corruption and put solid structures in place, but we now need to move to big picture thinking. Our future depends on:
 - (a) Building a better educated and more entrepreneurial population,
 - (b) Heading off crime, violence, addiction, poor health and mental health habits on the front end,
 - (c) Better land use planning and environmental stewardship, and
 - (d) Better collaboration and regional efficiency.

Thanks again for the opportunity to serve in County Council. Please let me know if I can be of assistance.

Brent Butler; stated the Facebook page set up for Arthur Avenue Street Light Project could not be claimed as a publication tool as it required access by invitation only. He provided general remarks in opposition to the Street Lighting Proposal for Arthur Avenue.

Council President Powers clarified for the record that the website being referenced was not a City sponsored website and that the City's process would be fully transparent and that comments would heard as it went forward.

Mr. Powers called on the name of a person who had signed up to speak on ordinance 8-13 and hearing no response directed the Clerk to follow up with the email provided by the signer to indicate the item had been deferred and future opportunity to speak on the issue would be had. .

Motion by Mr. Powers, seconded by Ms. Madigan, to adjourn.
Motion adopted. All members present voting yea.
Meeting adjourned at 8:37 PM.

Approved: _____

CLERK

PRESIDENT