

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MAY 20, 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 Representative, 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 May 6, 2013.

Motion adopted. All members voting yea.

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{ Without objection from Council, item 14 was brought to the beginning of the agenda }

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

1. Committee of the Whole Report regarding Council appointment to Board of Nuisance Abatement Appeals; Chair Powers (To Be Provided)

Dear Members of Council, As you know the Committee of the Whole met this evening to consider two items. First was the procedural review. Second was an opening on the Nuisance Abatement Board. Committee of the Whole voted unanimously to insert the name Kimberlie Huff into the resolution and to recommend to Council adoption of the Resolution with the substitution made.

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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2. **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 Kimberlie Huff as a member of the City of Lakewood Board of Nuisance Abatement Appeals for the unexpired term, ending December 31, 2015. (REFERRED TO THE COMMITTEE OF THE WHOLE 4/15/13) (Pg. 6)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Resolution No. 8649-13 showing the insertion of the name Kimberlie Huff in the blanks.

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. 8649-13 adopted as substituted.

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

Nays: None

Motion adopted. Resolution 8649-13 adopted as substituted.

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3. Finance Committee Report regarding Ordinances 69-13, 6 9-12 A, Resolutions 861-13, 8652-13 & 8656-13. Chair Madigan (Pg.7 – Oral Report supplemented)

Dear members of Council, the Finance Committee met in full to discuss proposed ordinance 09-13, 8651-13, and 8652-13.

Ordinance 09-13 clarified the definition of Homestead Exemption as it relates to sewer rates. The intent of the ordinance is to close an existing loophole that permits a property owner not living in the effected unit to claim an exemption despite the original intention which is to give exemptions only to qualified owner-occupants. The Committee considered a substitute ordinance that clarifies the definition of employment so that we are more clear on what the exemption should be in order for a resident to have a sewer or water rate reduction. The Committee agreed to the substitution and recommends adoption of the substitute ordinance.

Resolutions 8651-13 and 8652-13 – Director Pae explained that that the resolutions reflect the state-level changes to the police and fire retirement pension systems. The resolutions acknowledged that the City will abide by the state codes and its changes. After discussion, the Committee voted to recommend adoption of Resolutions 8651-13 and 8652-13.

At this evening's Finance Committee meeting, which was attended by the full committee, members of the Administration and members of the public, the Committee considered communication from Mayor Summers and proposed Resolution 8656-13. The Resolution is regarding \$50,000 in Economic Development funds for resurfacing costs for storm water management design at the Beck Center for the Arts. The Committee considered that the City uses the parking lot. All were in favor of re-designing the parking lot and at the same time coming into compliance with the EPA stormwater management requirements. In consideration of the City's long-term economic development strategy, the Committee recommended to suspend the rules and pass Resolution 8656-13 at tonight's meeting.

The Committee also considered proposed Resolution 69-12A which amends the purchasing and contracting ordinance to reflect increased contracting authority of \$71,500 in addition to what was already agreed upon. \$40,000 is for communication services and technical assistance to be spent only as-needed for the dispatch center. The second expenditure is for \$15,000 for elevator maintenance. The third item is for \$15,000 for chemicals for the wastewater treatment plant. Pricing of sodium aluminate is adjusted quarterly and the City is experiencing increased costs. The last expenditure is \$1,500 for

water leak detection. The system uses acoustic devices to find leaks. Council recommended suspending the rules and adopting Resolution 69-12A tonight.

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

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4. **ORDINANCE NO. 9-13-A** - *NOTE: "A" added due to number duplication*) 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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 4/15/13, 2<sup>ND</sup> READING 5/6/13)(Pg. 9)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 9-13(-A corrected by the Clerk).

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance 9-13(-A) as substituted.

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

Nays: None

Motion adopted. Ordinance adopted as substituted.

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5. **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. (REFERRED TO THE FINANCE COMMITTEE 4/15/13) (Pg. 11)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8651-13.

Motion adopted. All members voting yea.

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6. **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. (REFERRED TO THE FINANCE COMMITTEE 4/15/13) (Pg. 14)

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

Motion adopted. All members voting yea.

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7. **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. (REFERRED TO THE FINANCE COMMITTEE 5/6/13) (Pg. 17)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8656-13.

Motion adopted. All members voting yea.

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8. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 5/6/13) (Pg. 19)

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. 69-12A on final reading.

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. 69-12A.

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

Nays: None

Motion adopted. Ordinance No. 69-12A adopted.

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9. Housing Committee Report regarding Ordinances 11-13 & 34-13. Chair; Anderson. (Pg. 25)

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

Motion adopted. All members voting yea.

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10. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 5/6/13) (Pg. 27)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 11-13 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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11. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/6/13) (Pg. 29)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 10-13 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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

12. Communication from Council President Powers and Planning & Development Director Siley regarding Lakefront Improvement Design – Lakewood Park. (Pg. 31.)

Brief discussion was had regarding source of funds, context of \$25,000 figure, timing of proposal, coordination with grant, landfill considerations.

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

Motion adopted. All members voting yea.

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13. **RESOLUTION NO. 8657-13** – 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 Director of Planning and Development to enter into one or more agreements with a consultant, following the receipt of proposals, for services related to designing improvements to the area within Lakewood Park near the waterfront, in an amount not to exceed \$25,000.00. (Pg. 32)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution 8657-13 to the Committee of the Whole.

Motion adopted. All members voting yea.

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14. Lakewood Heritage Advisory Board Annual presentation of Historic Preservation awards (To Be Presented)

**Lakewood Heritage Advisory Board Annual presentation of Historic Preservation Awards**

Rick Sicha 1519 West Clifton Blvd. is Chair of the Lakewood Heritage Advisory Board and presented the 12<sup>th</sup> Annual Historic Preservation Awards. He thanked Council, the Administration, the Historical Society, and the Chamber of Commerce. He introduced the Board members and also thanked the contractors, property owners and architects performing the projects in the community. He announced that there are nine awardees – two from wards one, three, and four and three awardees in ward two. He announced that May is National Historic Preservation Month. The theme is See, Save, and Celebrate. Mr. Sicha discussed the meaning of the theme. He announced the Historical Society's 4<sup>th</sup> annual scavenger hunt. He presented the attached presentation.

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15. Communication from Councilmember Bullock regarding Parks Needs Assessment. (Pg. 49)

Motion by Mr. Bullock, seconded by Mr. Powers, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

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16. Communication from Councilmember Anderson regarding Resolution to proclaim May 20-24 as Emergency Medical Services Week. (Pg. 50)

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

Motion adopted. All members voting yea.

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17. Communication from Fire Chief Gilman regarding Resolution proclaiming May 20-24, 2013 as Emergency Medical Services Week. (Pg. 51)

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

Motion adopted. All members voting yea.

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18. **RESOLUTION NO. 8658-13** – A RESOLUTION authorizing the Mayor, as Director of Public Safety and on behalf of the City of Lakewood, to proclaim May 20-24, 2013, as Emergency Medical Services Week. (Pg. 52)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8658-13.

Motion adopted. All members voting yea.

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19. Communication from Law Director Butler regarding Arthur Ave. lighting project; final assessment ordinance. (Pg.53)

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. **ORDINANCE NO. 12-13** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, determining to proceed with the improvement of Arthur Avenue (Detroit Avenue to Hilliard Road) in the City of Lakewood by the installation of 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.54)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 12-13 on 1<sup>st</sup> Reading and refer Ordinance No. 12-13 to the Committee of the Whole.  
Motion adopted. All members voting yea.

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21. Communication from Law Director Butler regarding Adoption of Program Guidelines for Westshore CERT. (Pg. 58)

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. **RESOLUTION NO. 8659-13** - 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, recognizing the Westshore Regional Community Emergency Response Team as a non-profit function of the Westshore Council of Governments and adopting guidelines for the operation of that program. (Pg.59)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution 8659-13 to the Public Safety Committee.

Motion adopted. All members voting yea.

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23. Communication from Finance Director Pae regarding 2013 2<sup>nd</sup> Quarter Transfers. (Pg. 64)

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. **ORDINANCE NO. 13-13** - 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 the transfer and advance of certain funds. (Pg.65)

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

Motion adopted. All members voting yea.

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25. Communication from Finance Director Pae regarding 2014 Tax Budget Ordinance. (Pg.67)

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

Motion adopted. All members voting yea.

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26. **ORDINANCE NO. 14-13** - AN ORDINANCE to take effect immediately provided it received 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, approving the Tax Budget of the City of Lakewood, Ohio for the year 2014, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (Pg. 68)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 14-13 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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27. Communication from Human Resources Director Yousefi regarding amending Salary Ordinance; City Architect Position (Pg.69)

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

Motion adopted. All members voting yea.

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28. **ORDINANCE NO. 65-12A** - 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 provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (Pg.73)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 65-12A on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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Public Comment

Vince Frantz – 1447 Lewis

Mr. Frantz spoke about his previous work on the skate park. He announced that professional skating team will visit the park on the evening of May 29<sup>th</sup>. He spoke about how the skate park is a model for other communities. He remarked that neighboring cities, including Cleveland, have been successful applying Lakewood’s new understandings and lessons learned. He wanted to take the time re-introduce the lessons learned to Council to continue to improve all City parks.

David Heller – 1371 Lakeland

Mr. Heller expressed concern about outdoor basketball. He remarked that there is a lack of supervision. He stated that he called the police 10 times in April and May. He stated that basketball was being played on days the courts were supposed to be closed and after hours. Mr. Heller blamed the Outdoor Basketball Committee for the problems. He spoke about how other solutions have failed. He asked for a solution.

Mayor Summers responded to Mr. Heller’s concerns.

Announcements

- Councilman Bullock commended the Fire Department for its brave work on two dangerous fires this week
- Mayor Summers announced that the City was keeping watch over the State budget to consider its possible effect on the City.
- Councilman Anderson announced Memorial Day events

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

Motion adopted. All members present voting yea.

Meeting adjourned at 8:47 PM.

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

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CLERK

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PRESIDENT