

**MINUTES OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 17, 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.

....

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 June 3, 2013.

Motion adopted. All members voting yea.

Without objection from Council items 12 & 13 were read first in the agenda order.

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

1. Committee of the Whole Report regarding Ordinance No. 12-13 - - Chair Powers (To Be Provided)

Committee of the Whole met this evening. The Committee had two items on its agenda. The first was a procedural review of tonight's Council meeting. The second was a review of ordinance 12-13 regarding Arthur Ave streetlight project. The Committee was presented with a slightly revised copy of the ordinance with two changes in it. One, the price of the lighting to be charges to residents over a ten year period, broken down into twenty payments was increased by a total of \$47.00 divided over twenty payments. The second change in the ordinance was the insertion of a new section 10 to make clear that this was a process driven by resident petition, which changes the number of Council members needed to pass the ordinance in order for it to become effective. I appreciate the Law Director, the Finance Director, and the Public Works Director's help and assistance getting the ordinance to this point. Committee of the Whole voted unanimously to recommend to the full Council that it adopt the ordinance tonight on the third reading as substituted. Move to receive and file the oral report.

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

Motion adopted. All members voting yea.

2. **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. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 5/20/13, 2ND READING 6/3/13) (Pg. 5)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 12-13.

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 No. 12-13.

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

Nays: None

Motion adopted. Ordinance 12-13 adopted as substituted.

3. Housing Committee Report regarding Ordinance 18-13. Mr. Anderson; Chair (Pg.8)

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

4. **ORDINANCE NO. 18-13** - 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 1337 Hall Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 6/3/13) (Pg. 10)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 18-13 on 2nd Reading.

Motion adopted. All members voting yea.

5. Public Works Committee Report regarding Automated Recycling Collection/Amending 905 Dogs in parks. Mr. Juris; Chair (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. 16-13** - AN ORDINANCE amending Section 905.07, Animals, and Section 905.98, Authority of the Director of Public Works, of the Lakewood Codified Ordinances, to clarify certain rules governing use of the parks within the Code. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/3/13) (Pg. 14)

Motion by Mr. Juris, seconded by Mr. Powers, to place Ordinance No. 16-13 on 2nd Reading. Motion adopted. All members voting yea.

7. Public Safety Committee Report regarding Resolution 8659-13 – Westshore Regional Community Emergency Response Team/ Park Hours of Operation. Mr. Nowlin; Chair (To Be Provided)

Tonight the Public Safety Committee met. All members were present as well as Council President Powers, various members of the administration and members of the public, including Trisha Granfors of CERT leadership and several members of the CERT team. At tonight's meeting we discussed two items, the first of which was proposed resolution 8659-13 which is regarding adopting guidelines for the Westshore Regional Community Emergency Response Team, or CERT. That resolution formally establishes the guidelines for our city's participation in the Westshore Council of Governments CERT team. All Westshore governments to date have adopted these types of guidelines governing their participation in CERT and we are obligated to do the same. Adopting these guidelines would help Council in matters related to fundraising, volunteer staffing and coordination of efforts. Tonight we discussed what CERT does, the various ways it is an asset to the community, including assisting with disasters like Superstorm Sandy, dealing with downed wires, gas leaks, and things of that nature where members of CERT can supplement the efforts of our public safety forces to help control disasters and deal with assisting our residents in those times. Generally speaking, CERT is Lakewood at its best in terms of volunteer citizens helping out when Lakewood needs assistance the most, as well as the rest of the Westshore communities. There was a substitute version of the resolution provided tonight by the Law Director. [Law Director Butler addressed Council to explain the nature of the substitute language]. The Committee unanimously recommended adoption of the substitute version to the full Council tonight.

The Committee also dealt with a recent communication from Council president Powers and Mayor Summers regarding park hours of operation in Kauffman Park and Madison Park. As Council may recall, last year, the hours in those parks were more limited than what they had been previously. Council President Powers and Mayor Summers had the foresight to reexamine that issue. We had a good discussion about the background for reasons why we should take another look at those issues at this point about a year out from the time we originally passed the ordinance to limit hours of operation in the parks. We discussed what items the Committee needs

in terms of reports and statistics from the administration to determine what effect those limited hours had over the past year. I committed to ensuring that the Public Safety Committee will revisit this topic again soon and engage in more dialogue with the administration and with Council about how we may move forward.

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

8. **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. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/20/13) (Pg. 18)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Resolution No. 8659-13.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Resolution No. 8659-13 substituted

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8659-13.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Resolution No. 8659-13 adopted substituted.

9. **ORDINANCE NO. 15-13**- 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, authorizing and directing the Mayor to enter into an amended and restated lease agreement with IceLand USA-Lakewood, LLC for the lease of the real property located at 14740 Lakewood Heights Boulevard, known as Serpentine Arena at Winterhurst, pursuant to Section 155.08 of the Codified Ordinances. (PLACED ON 1ST READING & REFERED TO THE FINANCE COMMITTEE 6/3/13) (Pg. 23)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 15-13 on 2nd Reading.
Motion adopted. All members voting yea.

10. **ORDINANCE NO. 17-13** - AN ORDINANCE to amend Chapter 1135, Mixed Use Overlay District, of the Codified Ordinances of the City of Lakewood to allow the application of Chapter 1135 to residentially zoned properties and to establish hours of operation for properties to which Chapter 1135 is applied. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 6/3/13)(Pg. 25)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 17-13 on 2nd Reading.

Motion adopted. All members voting yea.

11. Liquor Permit Application for a D5 transfer to Brutella; 11729 Detroit Road from Moon Pie same address. (DEFERRED 6/3/13) (Pg. 32)

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

Motion adopted. All members voting yea.

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

12. Communication from Councilmember Smith regarding Cleveland Pride Week. (Pg. 33)

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

Motion adopted. All members voting yea.

13. **RESOLUTION NO. 8661-13** – A RESOLUTION to proclaim the week of June 23, 2013 as Dignity of Human Rights Pride Week and recognizing the LGBT community for its many and varied contributions that have enriched our civic life and aided in creating a more accepting and diverse society and community. (Pg. 34)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8661-13.

Motion adopted. All members voting yea.

14. Communication from Councilmember Madigan regarding honoring Ralph Lukich and Maria Shinn. (Pg.35)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8662-13** – A RESOLUTION honoring Lakewood Ward 4 business owner Ralph J. Lukich on being named 2013 Business Person of the Year by the Lakewood Chamber of Commerce. (Pg.36)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8662-13.

Motion adopted. All members voting yea.

16. **RESOLUTION NO. 8663-13** – A RESOLUTION congratulating Ward 4 business owner Maria Shinn on receiving the Outstanding New Member award from the Lakewood Chamber of Commerce. (Pg. 37)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution 8663-13.

Motion adopted. All members voting yea.

17. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Animal Safety Welfare Advisory Board. (Pg.38)

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

18. Communication from Mayor Summers regarding Parking rate Adjustments at two Downtown Lots. (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. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Citizens Advisory Committee. (Pg.40)

Mayor Summers makes the correction to have the communication read, “Laura Hampton”.
Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the communication.
Motion adopted. All members voting yea.

20. Liquor Permit Application for D5 & D6 transfers to John A. Defrasia; d/b/a The Symposium from Michele K. Defrasia, 11794-96 Detroit Avenue. (Pg. 41)

Motion by Mr. Nowlin, seconded by Mr. Powers, to file no objection to this liquor application.
Motion adopted. All members voting yea.

POST AGENDA COMMENTS:

Guy Sheaffer – 1092 Kenneth Dr.

Mr. Sheaffer thanked Council for its consideration of the resolution. He spoke about his experience volunteering during Superstorm Sandy and his support for CERT.

DL Meckes – 1596 Onondaga Ave.

Ms. Meckes explained some of the situations in which CERT is deployed such as Superstorm Sandy or doing crowd control at City events. She spoke about her roles guarding live wires and setting up shelters. When CERT is deployed usually 60 members show up. She has been a volunteer since 2006 and has found value being a service to the City and other cities. She noted that Lakewood is the last City to pass the guidelines and she voiced her support for passage.

Carole Giberson – 1552 Cordova Ave

Ms. Giberson has been a volunteer for seven years. She remarked on the rapid growth of CERT. She spoke about her experience volunteering during Superstorm Sandy and the goodwill of the volunteers with whom she works.

Announcements

Powers – congratulations to Councilmember Bullock on recent nuptials.

Mayor Summers – Announcement that 50 trees were planted this spring

Director Pae – Director Pae announced that Lakewood received a \$41,000 Local Government Innovation Grant to promote LEAN training. The City will be reimbursed for its expenses on LEAN training so far this year.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:10 PM.

Approved: _____

CLERK

PRESIDENT