

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JULY 1, 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, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian Powers, Monique Smith.

Motion by Mr. Powes, seconded by Ms. Madigan, to excuse the absence of Mr. Bullock who is on his honeymoon.

Motion adopted. All members present voting yea.

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Also Present: Mayor Summers, Law Director Butler, 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 minutes of the Regular Meeting of Council held June 17, 2013.

Motion adopted. All members voting yea

Without objection from Council, items 15 & 16 were read first in the agenda order.

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

1. Ad-Hoc Committee on Board & Commission; Mr. Powers; Chair (Pg.5)

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

Motion adopted. All members present voting yea.

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2. **ORDINANCE NO. 64-12** – AN ORDINANC 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, chapter 158, Child Care Services Advisory Board, and Chapter 159, Lakewood Youth Commission, 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. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 64-12 PLACED ON 1<sup>ST</sup>

READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 11/19/12, 2nd READING 12/3/12, (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Ordinance 64-12 back to the ad-hoc Committee on Boards and Commissions Committee.

Motion adopted. All members present voting yea.

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*\*Motion by Mr. Powers, seconded by Ms. Madigan, to have items 3-6 read consecutively for a blanket motion.*

*Yeas: Anderson, Juris, Madigan, Nowlin, Powers, Smith.*

*Motion adopted.*

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3. **ORDINANCE NO. 19-13** – AN ORDINANCE amending Section 146.04, Advisory, of the Codified Ordinances of the City of Lakewood to further clarify the role and duties of the Lakewood Animal Safety and Welfare Advisory Board. (Pg.16)

\*{Blanket motion made after item 6 to place on 1<sup>st</sup> reading & refer to Ad Hoc Committee on Boards & Commissions }

4. **ORDINANCE NO. 20-13** – AN ORDINANCE amending Section 142.05, Advisory, and Section 142.09, Public Records; Reporting Duties, of the Codified Ordinances of the City of Lakewood to further clarify the role and duties of the Community Relations Advisory Commission. (Pg.18)

\*{Blanket motion made after item 6 to place on 1<sup>st</sup> reading & refer to Ad Hoc Committee on Boards & Commissions }

5. **ORDINANCE NO. 21-13** – AN ORDINANCE amending Section 145.02, Duties of the Codified Ordinances of the City of Lakewood to clarify the reporting duties of the Keep Lakewood Beautiful Board. (Pg. 20)

\*{Blanket motion made after item 6 to place on 1<sup>st</sup> reading & refer to Ad Hoc Committee on Boards & Commissions }

6. **ORDINANCE NO. 22 -13** – an ordinance AMENDING Section 113.04, Fair Employment Wage Board, of the Codified Ordinances of the City of Lakewood to disband the Board and assign the duties of the Board to the Civil Service Commission. (Pg.22)

\*Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinances Nos. 19-13, 20-13, 21-13 & 22-13 on 1<sup>st</sup> Reading and refer to the Ad Hoc Committee on Boards and Commissions.

Motion adopted. All members present voting yea.

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7. Finance Committee Report regarding Ordinances Nos. 14 & 15-13, & Communication from Mayor Summers regarding Parking Rates. – Ms. Madigan; Chair. (Pg.25)

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

Motion adopted. All members present voting yea.

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8. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 5/20/13, 2<sup>ND</sup> READING 6/3/13) (Pg. 27).

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 14-13.

Motion adopted. All members present voting yea. Ordinance No. 14-13 adopted.

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9. Public Works Committee Report regarding Automated Recycling Collection. Mr. Juris; Chair (To Be Provided)

Mr. Juris submitted the following report:

Dear Members of Council,

The Public Works Committee met on June 24<sup>th</sup>. Present were Committee member Madigan, myself, Council members Anderson and Nowlin as well as Law Director Butler, Public Works Director Beno, and Refuse Manager Perry.

The Committee continued the discussion of automated recycling collection. Since the budget was adopted for 2013, which included our approval of \$318,000 to purchase recycling totes, there have been a total of four Public Works Committee meetings to discuss this matter. As reported at the last council meeting, the administration has recently presented a proposal which will not require a parking ban but instead present residents with options of where bins may be placed so that collection may be completed without obstruction.

While the operations of our departments fall under the Executive Branch, it appears that there will potentially be further review pertaining to the defined distance which is acceptable between parked vehicles and bins which may be placed on the street. To add clarity, the placement of these bins in the public right of way is permitted by ordinance 1777 under the authority of the Public Works Director. As our ordinances detail numerous distances under 351.01 pertaining to parking a vehicle, it is anticipated that this section will be revised further to consider the necessity of an amendment.

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

Motion adopted. All members present voting yea.

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10. Public Safety Committee Report regarding Public Safety Review of Fire Department; Mr. Nowlin, Chair (To Be Provided)

Mr. Nowlin submitted the following report:

Tonight, the Public Safety Committee held a meeting at Fire Station #1 for the Fire Departmental Review. Present were Councilmember Anderson, myself, Chief Gilman, Legislative Liaison McHugh and various members of the public. The Agenda was to have a general review of the Fire Department, reviewing what the Department has been up to in the past year and a review of current and future projects. Chief Gilman led us through a presentation on these topics, including a breakdown of overtime and sick leave time compared over the past three years. Both of those numbers are down significantly from prior years. There was also a discussion on current projects including the purchase of new turn out gear, the development of a new employee training manual, revision of Department orders and rules and the planned purchase of a Lucas Chest Compression System. We spent some time talking through the presentation by Chief Gilman and had a question and answer session. Then the Committee went and viewed some of the equipment and trucks at the station. There was a rundown of all the purchases that had been made and the grants that made them possible, spearheaded by the Fire Department. There was a discussion on the effort made to find those grants and to seek out those avenues of revenue for those new projects and new equipment. After the tour, we wrapped up the session and concluded the Departmental review.

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

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11. **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 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 6/3/13, REPORTED OUT ON, PLACED ON 2<sup>ND</sup> READING & RECOMMENDED FOR ADOPTION 6/17/13) (Pg. 28)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 18-13.  
Motion adopted. All members present voting yea. Ordinance No. 18-13 adopted.

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12. Communication from Planning & Development Director Siley regarding Rezoning Request Clifton Point Phase II, Board and Commission Report to Council. (Pg.30)

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. **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 Point Phase 2. (PLACED ON 1<sup>ST</sup> READING & REFERED TO THE PLANNING COMMISSION 3/18/13, 2<sup>ND</sup> READING 4/1/13, REPORTED OUT ON FROM PLANNING COMMISSION, REFERRED TO THE COMMITTEE OF THE WHOLE 4/15/13, deferred 5/6/13) (Pg. 31)

Kevin Brown – 17908 Lake Road

Mr. Brown thanked Council for the opportunity to speak. He spoke in reference to Ordinance 08-13 to rezone Clifton Point Phase II. He stated that he has no objection to the project's aesthetics, number of units, proposed use, or the number of parking spaces. His concern is about the height – over four stories and 41 feet, the outdoor patios, the setbacks, the 100% tax abatement, and Lakewood's noticing requirements. He complained that his and his neighbors' concerns have not been taken seriously. Instead, he believes that the City and the developer have ignored neighbors' concerns. He expressed disappointment that neither the City nor the developer offered a compromise over the height of the development. He stated that outdoor fourth floor patios should have required a variance because they were not permitted in the zoning code. He expressed disappointment that the noticing requirements have not been changed and expanded as he requested they be. He stated that his property is less than 20 feet from the property and that he was not notified of the project.

Solvita McMillian – 17904 Lake Rd.

Ms. McMillian spoke in objection to the proposed zoning change. Ms. McMillian stated that she has invested a great deal into maintaining and improving her home and objects to the proposed zoning change. She stated that it would be detrimental to the neighborhood, negatively impact the surrounding residences, and decrease the property values. She stated that she would not have renovated her home had she known that the project would go forward. She stated that the project was inimical to the health, safety, and welfare of the community. She stated that the City has shown unlimited deference to the proponents of Clifton Point Phase II. She stated that the project sailed through the Architecture Review Board and did not apply the usual standard of scrutiny. She was troubled by the lack of notice to the community to abutting property owners. She expressed concerns about the visual impact and noise. She objected to the granting of variances for setbacks and height.

Motion Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance 8-13.

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

Nays: None

Motion adopted. Ordinance 8-13 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 8-13 as substituted.

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

Nays: None

Motion adopted. Ordinance 8-13 adopted as substituted.

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14. Liquor Permit Application for a D5 transfer to Brutella; 11729 Detroit Road from Moon Pie same address. (DEFERRED 6/3/13, 6/17/13) (Pg. 32)

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

Motion adopted. All members present voting yea.

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

15. Communication from Council President Powers regarding Proposed Resolution Regarding "Lakewood Reads". (Pg.33)

School Representative Mr. Peter Petto provided books to Council.

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

Motion adopted. All members present voting yea.

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16. **RESOLUTION NO. 8664-13** – A RESOLUTION to recognize "Lakewood Reads" as a City-wide event and to encourage participation by all Lakewood residents this summer. (Pg. 35)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8664-13.

Motion adopted. All members present voting yea. Resolution No. 8664-13 adopted.

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17. Communication from Finance Director Pae regarding 2014 Tax Advance Resolution, 2014 Tax Rate Resolution. (Pg.36)

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 8665-13** – 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 requesting the Cuyahoga County Fiscal Officers to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real; personal property; estate taxes and special assessments collected in the year 2014 in such amounts as may be requested and available. (Pg.37)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8665-13 to the Finance Committee.

Motion adopted. All members present voting yea. Resolution No. 8665-13 referred to Finance Committee.

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19. **RESOLUTION NO. 8666-13** – 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 accepting the amount and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them o the County Fiscal Officers. (Pg. 39)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8666-13 to the Finance Committee.

Motion adopted. All members present voting yea. Resolution No. 8666-13 referred to Finance Committee.

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20. Communication from Finance Director Pae regarding Local Government Innovation Fund Grant Award Notification. (Pg.41)

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

Motion adopted. All members present voting yea.

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21. **RESOLUTION NO. 8667-13** - 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 he Director of Finance, on behalf of the City, to enter into an Agreement with the Ohio Development Services Agency – Local Government Innovation Council to accept ufnds for Yellow-Belt training and Lean project support in the amount of \$41,725. The \$9,250 expended by the City in 2012 for Yellow-Belt training and Lean project support was considered as the project match. (Pg.42)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8667-13.

Motion adopted. All members present voting yea. Resolution No. 8667-13 adopted.

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22. Communication FROM Mayor Summers regarding Re-Appointment to Citizens Advisory Committee. (Pg. 44)

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

Motion adopted. All members present voting yea.

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## POST AGENDA COMMENTS

Mayor Summers announced that the state budget has been signed and the City anticipates that it will have a neutral effect on City finances. He stated that income tax, property tax, and the state budget determine the City's financial forecast. With income tax collections on target and the state budget being neutral, things appear optimistic. Property tax collections will be known in August. He stated that the City remains in a hiring freeze and is re-examining all open positions before refilling them.

Motion by Mr. Powers, seconded by Ms. Madigan, to adjourn.  
Motion adopted. All members present voting yea.  
Meeting adjourned 8:21 PM.

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

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CLERK

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PRESIDENT