

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

Regular Meeting of the Lakewood City Council called to order at 7:43 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, Human Services Director Gelsomino.

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

Motion adopted. Six members voting yea
Mr. Bullock abstains (due to July 1, 2013 excused absence)

Without objection from Council items 16 & 17 were read first consecutively in the agenda order.

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

1. Committee of the Whole Report regarding 1) Resolution No. 8654-13 Lakewood Community Vision, and 2) Hotel Study ; Mr. Powers; Chair (TO BE PROVIDED)

The Committee of the Whole met this evening. All members were present. We had three items before us this evening; the first was continued discussion of Resolution 8654-13, a resolution to concur with the Lakewood Planning Commission upon its adoption of the updated Lakewood Community Vision. Committee of the Whole unanimously recommended to Council that we adopt the resolution this evening. The second item before us was the Hotel and Travel Industry Study. Our discussion this evening was primarily a procedural one as to what the next steps will be formally for Council. The determination was that we would leave the study on the docket of the Committee of the Whole for the time being but take no action as a Council, rather, leave it in the able hands of the Administration including the Director of Planning and Development Dru Siley and the Mayor to take the study, use it as a tool to help us with business attraction and other economic development issues as we move forward. The third item before us was our regular agenda procedural review.

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

2. **RESOLUTION NO. 8654-13** – A RESOLUTION to concur with the Lakewood Planning Commission in the adoption of the updated Lakewood Community Vision. (Pg. 5)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8654-13.
Motion adopted. All members voting yea.

3. Finance Committee Report - regarding 1) Ordinance No. 15-13; Winterhurst lease, 2) Resolutions 8665-13; & 8666-13; tax advance and tax rate resolutions Ms. Madigan Chair (TO BE PROVIDED)

The Finance Committee met on July 8, 2013. Present were Councilmembers Juris, Nowlin, and Madigan. Also present were Finance Director Pae, Law Director Butler as well as members of the public. The Committee discussed resolutions 8665-13 and 8666-13 which are both standard procedural actions. Resolution 8665-13 authorizes the county fiscal officer to advance our city the taxes it expects to collect this year. Resolution 8666 is a resolution in which the city states its tax rate which is forwarded to the county and then to the state. Both actions are required by Ohio Revised Code. The City's tax rate has stayed constant for over 18 years at the rate of 17.4 mills. The Chair moved and the Committee unanimously recommended passage of both resolutions. In addition, the Committee received an update on the status of the Winterhurst negotiations over the terms of its lease with the City. Because those negotiations were continuing, the Committee took no action on July 8th and met again tonight at 5:45. For a complete report I would like to have the Law Director summarize.

Director Butler: We have been negotiation with Iceland USA Lakewood LLC, which is our current tenant under our lease agreement that we entered into in 2008 for the lease of Winterhurst. Those negotiations have gone on for a period of months. Iceland was permitted to simply renew the existing lease agreement, the one that is in effect from 2008 through September 1, 2013, for another three additional terms for the existing terms. Iceland approached the City and proposed to negotiate some terms in a new lease agreement and to clarify terms in the existing agreement. We have arrived at an amended and restated lease agreement. The changes that are before you this evening are largely over the rent structure, the City's maintenance responsibilities, utilities, and taxes. The rent structure would change from a minimum rent of \$75,000 annually plus 10% of net revenues to a fixed rent of \$77,500 for the first lease year to be increased every year by \$2,000 for the remainder of the lease. This is a five year agreement scheduled to end in 2018. It could be renewed at the tenant's option for three additional five year terms. Any year during which the lease is in effect, the rent goes up by \$2,000. The City has agreed to service the Zambonis at cost. The Zambonis are owned by the City and used by the tenant. We have agreed to this because the cost of sending the machines out for service far exceeds the cost at which the City can provide this service. We agreed to define what maintenance responsibilities are those of the tenant and those of the landlord. The City

has agreed to take on the maintenance of sub-floor piping. We have capped the free water provided to the tenant at no more than 9,000 ccf per year. The tenant's average has been about 7,000 ccf per year. We capped it so that everyone is on the same page about how much water usage is customary and to ensure that the tenant fixes leaks and/or notifies the City of leaks. In the original lease agreement, all parties assumed that the property would not be taxable once it was leased to a private entity. Following a ruling that the property is taxable, we have clarified that all taxes shall be paid by the City but reimbursed fully by the tenant. With those changes identified, I ask for Council's approval of the amended and restated lease agreement.

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

Motion adopted. All members voting yea.

4. **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, 2ND READING 6/17/13) (Pg. 6)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 15-13.

Motion adopted. All members voting yea.

5. **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 Treasure 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. (REFERRED TO THE FINANCE COMMITTEE 7/1/13) (Pg. 8)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8665-13.

Motion adopted. All members voting yea.

6. **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 to the County Fiscal Officers. (REFERRED TO THE FINANCE COMMITTEE 7/1/13) (Pg. 10)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8666-13.

Motion adopted. All members voting yea.

7. Public Safety Committee Report regarding Public Safety overview - Division of Police. Mr. Nowlin; Chair. (TO BE PROVIDED)

Tonight the Public Safety Committee met. All members were present as well as Councilwoman Madigan and Chief Malley. The Committee met for a Police Department review. The Committee reviewed the 2012 Police Department Annual Report which is available on the Police Department page of the City's web site. Chief Malley added commentary to the report which covered everything from a year-by-year breakdown of departmental sick time to police response times by level of call priority. The report also included a review of the first six months of 2013 which notably included an uptick in breaking and enter incidents mainly due to theft of copper piping. We had some discussion on the impact of that the reasoning for it. This review provided an opportunity for all members of the Committee, members of Council and the public to ask questions of Chief Malley directly about the state of the Police Department. It did help us understand better how the Police Department is interacting with our community.

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

Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13) (Pg.12)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 19-13 on 2nd Reading.

Motion adopted. All members voting yea.

9. **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. (PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13) (Pg.14)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 20-13 on 2nd Reading.

Motion adopted. All members voting yea.

10. **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. (PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13) (Pg. 16)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 21-31 on 2nd Reading.

Motion adopted. All members voting yea.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13) (Pg. 18)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 22-13 on 2nd reading.

Motion adopted. All members voting yea.

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

12. Communication from Councilmembers Madigan and Powers regarding Charter Review Commission. (Pg.21)

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

13. Initiative Petition - Clerks Certification (Pg.22)

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

14. **ORDINANCE NO. 23-13** – Lakewood Initiative In Support of Movement to Amend the U.S. Constitution To Establish That Corporations Are Not People and Money Is Not Speech. (Pg. 23)

Motion by Mr. Bullock, seconded by Mr. Powers, to place Ordinance No. 23-13 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

15. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Citizens Advisory Committee. (Pg.25)

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

16. Communication from Mayor Summers regarding 2013 Grand Marshal of the 4th of July Parade H2O Service Organization. (Pg.26)

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

17. **RESOLUTION NO. 8668-13** – A RESOLUTION to thank H2O Service Organization for participating as the 2013 Grand Marshal in the City of Lakewood 4th of July Parade. (Pg. 27)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8668-13.
Motion adopted. All members voting yea.

18. Communication from Law Director Butler regarding Ordinance authorizing Mayor to enter into lease and MOU with Clifton Lagoon and Clifton Park trustees for fire boat dock. (Pg. 28)

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

19. **ORDINANCE NO. 24-13** – 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 a memorandum of understanding and lease agreement for a single boat dock located in the Clifton Lagoon with the Trustees of Clifton Lagoon and the Trustees of Clifton Park Trust pursuant to Section 155.08 of the Codified Ordinances. (Pg. 29)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 24-13 on 1st Reading and refer it to the Public Safety Committee.
Motion adopted. All members voting yea.

20. Communication from Planning and Development Director Siley regarding Revised Resolution to establish a primary bikeway by designating funding for bike infrastructure improvements on Detroit Ave and Franklin Blvd. (Pg.31)

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

21. **RESOLUTION NO. 8669-13** – 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 and directing 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 not to exceed \$35,000.00 for materials and services required to establish bicycle “sharrows” on Detroit from the Intersection with W. 117th Street in the east to the city’s western terminus, and for related bike infrastructure improvements in compliance with the City of Lakewood Bicycle Master Plan. (Pg.32)

Motion by Mr. Bullock, seconded by Mr. Powers, to adopt Resolution No. 8669-13.
Motion adopted. All members voting yea.

PUBLIC COMMENT

Elisa Bowles
Euclid

Ms. Bowles introduced herself as a Public Interest Fellow from Cleveland Marshall School of Law. She is spending her summer promoting the Cleveland Mediation Center and mediation as tool in general. She explained what mediation is and how it has potential to impact disputes related to neighborhood issues such as barking dogs, property lines, family issues and landlord-tenant issues. She explained that the services of the Cleveland Mediation Center are free. She shared examples of successful mediation.

ANNOUNCEMENTS

Councilmember Smith made an announcement about the farmer's market on Saturday mornings and encouraged all to attend.

President Powers announced a Committee of the Whole meeting for Monday July 22, 2013.

Motion by Mr. Powers, seconded by Ms. Madigan, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned at 8:33 PM.

Approved: _____

CLERK

PRESIDENT