

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 3, 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, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian Powers, Monique Smith.

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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, Human Resources Director Yousefi, Human Services Director Gelsomino.

Reading and Disposal of the minutes of the Regular Meeting of Council held July 15, 2013

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

Reading and disposal of the minutes of the Special Meeting of Council held July 26, 2013.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Special Meeting of Council held July 26, 2013 without the necessity of a reading.

Motion adopted. Five members voting yea.

Mr. Juris and Mr. Nowlin abstaining due to r excused absences

Reading and disposal of the minutes of the Special Meeting of Council held August 9, 2013.

Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Special Meeting of Council held August 9, 2013.

Motion adopted. Six members voting yea.

Mr. Anderson abstaining due to excused absence.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

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

1. Rules & Ordinances Committee Report re: Ordinance 23-13; Mr. Bullock, Chair (TO BE PROVIDED)

The Rules & Ordinances Committee met tonight with Councilmember Anderson also present with law Director Butler on hand to assist the conversation. We heard from five citizen petitioners who filed an initiative petition for a proposal to annually hold Democracy Day in Lakewood and to have the City, or the City electorate (or both) make its views known on corporate personhood and the current equivalency of speech with campaign money. We had a lengthy substantive discussion. We had some good deliberation by Council members and the public. We also delved into potential options for how the proposal might move forward and I

think we need more deliberation. The Committee didn't make a motion or recommendation tonight. We will come back in two weeks, potentially four weeks (but no later than four weeks under the rules we have to abide by in this process) and we will reconvene the discussion.

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

2. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/15/13) (Pg. 5)

Motion by Mr. Powers, seconded by Mr. Bullock to place Ordinance No. 23-13 on 2nd Reading.

Motion adopted. All members voting yea.

3. Public Safety Committee Report regarding Ordinance 24-13 Mr. Nowlin; Chair. (TO BE PROVIDED)

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

Motion adopted. All members voting yea.

4. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 7/15/13)(Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 24-13 on 2nd Reading.

Motion adopted. All members voting yea.

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

5. Communication from Council President Powers regarding Concerns of Grace Avenue Residents. (Pg. 9)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive, file and refer the communication to the Committee of the Whole.

Motion adopted. All members voting yea.

6. Communication from Councilmember Bullock regarding Crosswalks, pedestrian conditions, and speed control. (Pg.10)

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

Discussion was had regarding some crosswalks providing a false sense of security if the issue was safety. Convenience issues were discussed as well as costs of installation and costs with analyzing other areas. The referral to Public Works Committee for further study was confirmed.

Pat McIntire – 1599 Woodward

Ms. McIntire thanked Council for discussing the matter of pedestrian safety. She cited statistics from a USDOT study from 1999 stating that an estimated 5% of pedestrians would be killed after being struck by a vehicle traveling at 20 MPH or less. Fatality rates increase to 40% when traffic is moving at 40 MPH. The report concluded that traffic calming is the best method for increasing pedestrian safety. Ms. McIntire stated that the speed limit on Woodward Ave is 25 MPH but that police reports cite an enforcement limit of 38 MPH – 150% of the speed limit. The LPD traffic reports show that Woodward has 40% more traffic than either of its neighboring streets. Twenty percent of cars are traveling in excess of 30 MPH, significantly increasing the likelihood of a pedestrian fatality. She stated that residents of the street submitted a petition signed by 71% of households at the July 2012 Council meeting to have the City study traffic calming on Woodward. She stated that the street would like to move forward with the City to implement a solution.

Ben VanLear – 1469 Woodward Ave

Mr. VanLear supported the comments of Ms. McIntire and urged the City to move forward with traffic calming measures on Woodward. He spoke about an experience he witnessed on Woodward where a speeding car swerved onto the curb and knocked over a fire hydrant in front of his house. He contemplated the potential for serious injury had a pedestrian been walking. He emphasized the seriousness of the issue. He spoke about the removal of the traffic light at Manor Park and Detroit. He said that removal of the light had the unintended consequence of making Lakewood less pedestrian friendly. He expressed that the same could occur with the upcoming Madison Ave. project. He spoke about the importance of creating an environment where people feel safe and comfortable walking.

Alicia Steindam – 1352 St. Charles Ave

Ms. Steindam spoke in support of Councilmember Bullock's views on pedestrian safety. She expressed concern that Lakewood was becoming less pedestrian friendly. She mentioned the recent accident on Detroit accident in which a pedestrian was struck. She disagreed with the current method of having to press a button to get a signal to cross the street. She spoke about the issue of motorists turning right on red while the crosswalk indicates for pedestrians to walk.

George Stragisher – 14306 Detroit Ave. (Westerly)

Mr. Stragisher identified himself as the "victim" of the pedestrian accident on Detroit Ave. He is displeased about the lack of accountability for the driver after the accident. The driver paid a fine to the City. Mr. Stragisher wanted the City to guarantee him that his medical expenses would be provided for. He was told by the City that the matter was civil in nature and needed to be taken up with the insurance companies. He expressed displeasure about being the one to have to initiate this. He complained about the treatment he received by staff at City Hall. He was

escorted out of the Law Department office by armed guards. He wanted to pursue assault charges against the driver and have a court determine that the driver would pay for his medical expenses. He wants to establish responsibility for the driver and complained about the burden of negotiating with insurance companies. He asked for people to stand up for senior citizens. He has received five letters from lawyers soliciting business. He wanted people to be aware of the problems after an accident. He pointed out that the driver was charged with failure to yield to a pedestrian but that getting hit is a more severe matter. He asked for a red light to be placed at the intersection.

Cheryl Duncan– 1477 Olivewood

Ms. Duncan expressed concerns about the crosswalk at Manor Park and Detroit. She described personal experiences of trying to cross there with her child. She noted the large number of seniors living in the buildings by the crosswalk. She asked for a traffic light to be put back at that intersection.

Susan Scully – 1504 Elmwood

She spoke about the changing dynamics on Elmwood. During Hurricane Sandy the street's flashing 20 MPH speed limit signs were damaged and removed. In 2008 Elmwood was widened and the tree lawns were narrowed. She noted the potential danger for pedestrians walking along while cars travel at 40 MPH. She remarked on her pattern of calling the police to report speeding. She says that she does it so often that she feels like a nuisance. She displayed signs that children on the street made to urge drivers to slow down. She asked for the 20 MPH flashing signs to be re-established. She asked for a stronger police presence on the street where they are using radar guns.

Wynne Antonio – 1509 Elmwood Ave

Ms. Antonio supported the statements of Ms. Scully, stating that Ms. Scully has the good of the community at heart. Ms. Antonio's kids grew up on Elmwood Ave. She spoke about the number of new children on the street and noted that the presence of the school, playground, and number of children necessitates special attention to speeding on the street.

Motion adopted. All members voting yea.

7. Communication from Councilmember Anderson regarding Meeting to discuss Property Maintenance and Safety Code and Code Compliance Specialists. (Pg.12)

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

Motion adopted. All members voting yea.

8. Communication from Mayor Summers regarding Labor Union bargaining Memorandum of Understanding & government workforce pay adjustment. (Pg.13)

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

Motion adopted. All members voting yea.

9. Communication from Mayor Summers regarding Authority to enforce the Sanitary Code. (Pg.15)

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

10. Communication from Human Services Director Gelsomino regarding City to accept \$4,545.45 Juvenile Diversion Funds. (Pg.16)

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

11. Communication from Finance Director Pae regarding 3rd Quarter Transfer Ordinance. (Pg.17)

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

12. **ORDINANCE NO. 25-13** – 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.18)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 25-13 on 1st Reading and refer it to the Finance Committee.
Motion adopted. All members voting yea.

13. Communication from Police Chief Malley regarding D.A.R.E. Program Funding. (Pg.20)

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

14. Communication from Planning and Development Director Siley regarding Charter One Grant for Madison Avenue Streetscape Amenities. (Pg.21)

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

15. Communication from Planning & Development Director Siley regarding Zoning Code Chapter 1135 – Mixed Use Overlay, proposed modifications. (Pg.22)

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

16. Communication from Planning & Development Director Siley regarding Lease of space at Lawther Center by Representative Kaptur for district office. (Pg. 23)

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

17. **ORDINANCE NO. 26-13** – 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 lease agreement with Marcy Kaptur, a member of the U.S. House of Representatives, for the lease of a portion of the real property located at 16022 Madison Avenue, known as the Lawther Center, pursuant to Section 155.08 of the Codified Ordinances. (Pg.24)

Motion by Mr. Powers, seconded by Ms. Madigan, to place on 1st Reading and refer Ordinance No. 26-13 to the Finance Committee.
Motion adopted. All members voting yea.

18. Communication from Planning & Development Director Siley regarding Cuyahoga County Brownfield Redevelopment Fund Community Assessment Initiative. (Pg. 26)

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

19. **RESOLUTION NO. 8670-13(A)** {*PLEASE NOTE ADDITION OF “A” due to number duplication*} – A RESOLUTION supporting the application of the City of Lakewood to the Cuyahoga County Brownfield Redevelopment Fund Community Assessment initiative in the City. (Pg.27)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8670-13A.
Motion adopted. All members voting yea.

20. Communication from Law Director Butler regarding Resolution ratifying one-year extension of collective bargaining agreements with the Western Cuyahoga Lodge No. 24, Fraternal Order of Police, Lakewood Division. (Pg.28)

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

21. **RESOLUTION NO. 8671-13** – 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, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Western Cuyahoga Lodge No. 25, Fraternal Order of Police Lakewood Division, for a one-year period commencing upon the date of ratification and ending December 31, 2013. (Pg.29)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No.8671-13 to the Finance Committee.

Motion adopted. All members voting yea.

22. Communication from Law Director Butler regarding Transfer of vacant parcel to Metropolitan Townhomes, LLC, from City of Lakewood Land Reutilization Program. (Pg.31)

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

Motion adopted. All members voting yea.

23. **ORDINANCE NO. 27-13** – 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 Director of Planning and Development, on behalf of the City of Lakewood Land Reutilization Program, to transfer the real property described herein, formerly bearing permanent parcel number 311-14-102, to Metropolitan Town homes, LLC, pursuant to Section 5722.07 of the Ohio Revised Code and Section 155.07 of the Codified Ordinances, for \$1 and other good and valuable consideration. (Pg. 32)

Motion by Mr. Powers, seconded by Ms. Madigan, to palace Ordinance No. 27-13 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

24. Liquor Permit Application for D5 & D6 transfers to Braised Lakewood, 11824 Detroit Ave from Wing Warehouse, 28 Park St. Berea Ohio 44017. (Pg.35)

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

Councilmember Nowlin explained for the record that he abstained from approving the meeting minutes because he was absent from the previous meeting.

Mayor Summers announced that the City had submitted a grant application to support storm water management.

Mayor Summers welcomed the new City Engineer.

Mayor Summers remarked that he looked forward to future conversations on pedestrian safety and housing compliance.

Director Beno announced that the sharrow project on Detroit is scheduled to begin tomorrow.

Vice President Madigan announced the Madison Park Community Festival on Saturday.

Motion by Mr. Bowers, seconded by Ms. Madigan, to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 8:59 PM.

Approved: _____

CLERK

PRESIDENT