

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
SEPTEMBER 16, 2013  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by President Powers.

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Present: Councilmembers David Anderson, Thomas R. Bullock, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian Powers.

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Also Present: Mayor Summers, Law Director Butler, Police Representative, 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 excuse the absence of Ms. Smith.  
Motion adopted. All members present voting yea.

Reading and Disposal of the minutes of the Regular Meeting of Council held September 3, 2013.  
Motion by Mr. Powers, seconded by Ms. Madigan to approve the minutes without the necessity of a reading.  
Motion adopted. All members present voting yea.

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

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

*{Without objection from Council, items 10 & 11 respectively were moved to the beginning of the agenda}*

1. Finance Committee Report regarding Ordinance Nos. 25 & 26-13 and Resolution 8671-13. (Pg.4)

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

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2. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 9/3/13) (Pg.5)

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. 25-13 on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers  
Nays: None  
Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 25-13.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers  
Nays: None  
Motion adopted. Ordinance No. 25-13 adopted.

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3. **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. REFERRED TO FINANCE COMMITTEE 9/3/13) (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8671-13.  
Motion adopted. All members present voting yea.

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4. **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. (PLACED ON 1<sup>ST</sup> READING & REFERED TO THE FINANCE COMMITTEE 9/3/13) (Pg. 9)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 26-13 on 2<sup>nd</sup> Reading.  
Motion adopted. All members present voting yea.

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5. Public Safety Committee Report regarding Ordinance 24-13 Mr. Nowlin; Chair. (Pg. 11)  
Motion by Mr. Nowlin, seconded by Mr. Powers, to receive and file the report.  
Motion adopted. All members present voting yea.

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6. **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 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 7/15/13, 2<sup>nd</sup> READING 9/3/13)(Pg. 12)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 24-13.  
Motion adopted. All members present voting yea.

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7. Public Works Committee Report regarding Ordinance 16-13, Sidewalk Inspection, Enforcement & Funding and Renaming Portion of Athens Avenue. (To Be Provided)

Dear Members of Council,

The Public Works Committee met tonight at 6:00 p.m. Committee members Bullock and Madigan were present as well as Councilmember Anderson and Directors Butler and Beno. Three items were on the docket this evening, one was proposed ordinance 16-13. The other two were follow ups of previous discussions to get those items resolved.

Ordinance 16-13 makes clarification to the Dogs in Parks; specifically dogs not being permitted near the basketball courts and skating areas. After discussion and follow up with Director Butler the Committee voted unanimously to recommend adoption by full Council this evening.

The second item was a follow up discussion on sidewalk enforcement and funding, which has been going on in the Committee and the administration for at least the past 18 months. That program is being rolled out and Director Beno was good enough to provide us with some updates of what the letter included which will be forwarded to the Council offices for each of the Councilmembers to be able to review and become familiar with. Essentially, this is a pretty dramatic change from what we've done in the past to manage sidewalks and ensuring compliance amongst our property owners.

The last item was a follow up discussion on the renaming of a portion of Athens Ave. This initially started as a renaming of a portion of Athens which has been adjusted to some sign markings which are being considered for placement at that property. That discussion will most likely move to the sign review and architectural review board.

Move to receive and file

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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8. **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 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/3/13, 2<sup>ND</sup> READING 6/17/13) (Pg. 14)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 16-13.  
Motion adopted. All members present voting yea.

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9. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 9/3/13(Pg. 18).

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 27-13 on 2<sup>nd</sup> Reading.

Motion adopted. All members present voting yea.

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

10. Communication from Councilmember Madigan regarding Cliffs Natural Resources. (Pg.21)

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

Motion adopted. All members present voting yea.

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11. **RESOLUTION NO. 8672-13** – A RESOLUTION recognizing Cliffs Natural Resources for its volunteer efforts in the City of Lakewood. (Pg.22)

Ian Andrews – 14701 Detroit Ave

Mr. Andres thanked Councilmember Madigan for sponsoring the Resolution and thanked Council for its support as well. He described the fantastic partnership between Cliffs and Lakewood Alive. 104 volunteers worked at 7 sites throughout Birdtown. He remarked that Councilmember Madigan participated. He recognized specific volunteers who helped. He thanked the City, the Historical Society, Director Siley, Director Beno, and Cliffs for the support.

Jim Bartolomucci, Chief Risk Officer of Cliffs Natural Resources – Cleveland

A representative from Cliffs stated that the company is particular about what organizations it partners. He thanked the City and Lakewood Alive and praised Mr. Andrews' volunteer team for its advance preparation to make the work day as efficient and productive as possible. Mr. Andrews ensured that needs were identified and the project was planned and properly executed. He remarked on the work conducted in advance of the work day by Lakewood Alive. He said that the volunteer day had been a success.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8672-13.

Motion adopted. All members present voting yea.

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12. Communication from Mayor Summers regarding McKinley Elementary School Purchase Agreement . (Pg.23)

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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13. **RESOLUTION NO. 8673-13** – 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 a purchase agreement with the Lakewood City School District Board of Education for the purchase of the real property and improvements located at 1351 West Clifton Blvd., identified by parcel number 311-22-028 and known as the McKinley Elementary School site, for \$100.00 and other good and valuable consideration. (Pg.24)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8673-13 to the Finance Committee.

Motion adopted. All members present voting yea.

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14. Communication from Public Works Director Beno regarding Stormwater Illicit Discharge. (Pg.27)

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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15. **ORDINANCE NO. 28-13** – AN ORDINANCE to enact new Chapter 917, Illicit Discharge and Illegal Connection Control, of the Codified Ordinances of the City of Lakewood. (Pg.28)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 28-13 on 1<sup>st</sup> Reading and refer it to the Public Works Committee.

Motion adopted. All members present voting yea.

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16. Communication from Planning & Development Director Siley regarding NSP III Municipal Grant. (Pg. 34)

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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17. Liquor Permit Application for new D1, D3, and D3A permit classes to Ohio Restaurant investment Corporation, 1572 W. 117<sup>th</sup> St, Lakewood, Ohio 44107. (Pg.35)

Law Director Butler indicated that the permit was withdrawn and was not in need of Council action.

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{Add-on}

18. **RESOLUTION 8674-13** – A RESOLUTION to take effect immediately declaring support of Lakewood Senior Citizens, Inc.'s and Cleveland Housing Network Inc.'s application to the Ohio Development Services Agency for an allocation of Ohio Historic Preservation Tax Credits for the rehabilitation of Westerly III Apartments senior housing at 14312 Detroit Avenue. (Pg. 36)

Curt Brosky – 2900 Lake  
CEO Lakewood Senior Citizens

Mr. Brosky stated that he is pleased that the Westerly is in the final stages of approval for receiving historic tax credits out of the National Park Service. The Westerly will be placed on the National Register of Historic Places and will result in additional funding for the building. This is not a competitive process. The Ohio Historic Preservation is a very competitive process. One of the elements of the process is showing collaboration and support from the local City. Mr. Brosky is asking Council for its support on an application due at the end of the month. The designation potentially offers several hundred thousand dollars. Recently, the Westerly's underlying costs have gone up because of interest rates which have caused the Westerly to search for funds elsewhere.

Kevin Brown – 17908 Lake Rd  
Director of Real Estate Development at Cleveland Housing network

In response to a question asked by Councilmember Juris about if and what strings may be attached to the Historic Preservation dollars, Mr. Brown stated that from the perspective of the City there was nothing with which to be concerned. The Westerly's goal is to place an application for the Ohio historic tax credit. If successful, it will have to comply with the requirements of the National Park service for the renovation of the building. The Westerly was planning to meet these criteria to qualify for the federal historic tax credits. The Westerly has submitted some application materials and is confident they will gain approval on the proposed renovations.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8674-13.  
Motion adopted. All members present voting yea.

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#### PUBLIC COMMENTS

Victor Jason – 2061 Brown Rd

Mr. Jason addressed Council with concerns about the sewer system. Mr. Jason complained that the Public Works Department was prohibiting him from watching work being performed. He indicated he had a letter from 1997 that he believed provides him with permission to observe public works activities in the City. He brought pictures with him indicating that portray unsafe conditions on the streets.

Motion by Mr. Powers, seconded by Ms. Madigan, to adjourn the meeting.  
Motion adopted. All members present voting yea.  
Meeting adjourned 8:25 PM.

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

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CLERK

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PRESIDENT