

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

Regular Meeting of the Lakewood City Council called to order at 7:32 PM by President Powers.

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

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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 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 16, 2013.

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

Motion adopted. Six members voting yea.

Ms. Smith abstaining due to absence from that meeting.

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

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

1. Committee of the Whole Report regarding Meeting on September 30, 2013. (Pg. 6)

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

Motion adopted. All members voting yea.

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Committee of the Whole Report regarding McKinley Elementary School Purchase Agreement. (To Be Provided)

Dear Members of Council,

The Committee of the Whole met earlier this evening, before this meeting with the members of the school board to discuss the resolution regarding the McKinley Elementary School purchase agreement between the schools and the City. We had an open discussion. There did

not seem to be much disagreement, although clearly things are not done yet. The School Board President gave us a good review of what had happened prior. That helped to clear up any questions. The Resolution has been officially referred by this body to the Finance Committee. We heard a Finance Committee report. No action has yet been recommended by the Finance Committee. They will meet yet again on this issue and we will vote on it presumably at our next meeting which will have been three full readings in front of Council. Even though it is a resolution, we thought that this was an important enough one that we would make sure we had a full and fair opportunity to discuss it here and to have it read several times.

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

Motion adopted. All members voting yea.

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2. Finance Committee Report regarding McKinley Elementary School Purchase Agreement Resolution No. 8673-13 (To Be Provided)

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

Motion adopted. All members voting yea.

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3. **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. (REFERRED TO THE FINANCE COMMITTEE 9/16/13) (Pg. 8)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Resolution 8673-13 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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4. Rules & Ordinances Committee Report regarding Ordinance 23-13 by Initiative Petition. (Pg.11)

Councilmember Bullock referenced the report indicating he wanted to re-iterate that the vote to oppose the ordinance was due largely in part for mechanical reasons in that there was broad agreement for the sentiments expressed in the ordinance.

Gayle Wellman – 1544 Rockway Ave.

Ms. Wellman provided background on the national Move to Amend organization and the Supreme Court's Citizens United decision. Ms. Wellman and Move to Amend are strongly opposed to the Citizens United decision. Move to Amend aims to encourage Congress to amend the U.S. Constitution in order to reverse the impact of Citizens United. Ms. Wellman described

her concerns about the effect of the Supreme Court decision on elections and democracy. She described the local efforts of Move to Amend in Ohio.

Glenn Campbell – 15305 Lanning Ave.

Mr. Campbell remarked upon why he believes the Move to Amend agenda is non-partisan. He cited polling that indicated all political parties are concerned about the impact of Citizens United. He expressed concern about the impact of an influx of political money on the outcomes of state and local elections which are usually low-resource races. He stated that the Citizens United decision favors large corporations and not small businesses. Mr. Campbell called on Council to help communicate the problem to state and federal lawmakers.

Trudy Hutchinson – 2091 Lincoln Ave.

Ms. Hutchinson remarked that the Move to Amend agenda engages people across the spectrum of politics and interests. She spoke about her experience collecting signatures. She remarked that many people had stories about how they felt silenced and disenfranchised by the political process. She stated that people understand on a gut level the problem of the excess of money in politics.

Bonnie Sykes – 1673 Arthur Ave.

Ms. Sykes spoke about the proposed Democracy Day. She thought it would be a valuable tool to gather the community. She invited the public to attend a forum at the library on Friday at 7:00 p.m. to learn more about Move to Amend.

Mr. Powers indicated agreement with the sentiment of the ordinance but disagreed with the use of the City Council legislative process to gain publicity for political activity. He indicated he would not be voting for the ordinance.

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

Motion adopted. All members voting yea.

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5. **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 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/15/13, 2<sup>ND</sup> READING 9/3/13) (Pg. 12)

Motion by Mr. Bullock, seconded by Mr. Powers, to table Ordinance No. 23-13.

Motion adopted. All members voting yea.

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6. Housing Committee Report regarding (1) Property Maintenance and Safety Code and the Code Compliance Specialists and (2) Ordinance No. 27-13. (Pg.14)

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

Motion adopted. All members voting yea.

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7. **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 Clifton Pointe II 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. (**PLEASE SUBSTITUTE FOR ORDINANCE 27-13 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 9/3/13, 2<sup>ND</sup> READING 9/16/13**)(Pg. 17).

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 27-13.

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

Nays: None

Motion adopted. Ordinance No. 27-13 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 27-13 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 27-13 adopted as substituted.

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8. Communication from Planning & Development Director Siley regarding Zoning Code Chapter 1135 – Mixed Use Overlay, Proposed Modifications. (Pg.20)

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

Motion adopted. All members voting yea.

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9. **ORDINANCE 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 1<sup>ST</sup> READING & REFERRED TO THE PLANNING COMMISSION 6/3/13, 2<sup>ND</sup> READING 6/17/13) (Pg.21)

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

Motion adopted. All members voting yea.

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10. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 9/16/13) (Pg.28)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 28-13 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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

11. Communication from Councilmembers Anderson, Bullock, Madigan, Nowlin, Powers and Smith regarding Resolution in Support of Issue 84. (Pg. 34)  
Motion by Ms. Madigan, seconded by Mr. Powers, to receive and file the communication.  
Motion adopted. All members voting yea.

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12. **RESOLUTION NO. 8675-13** – A RESOLUTION in support of ballot Issue 84, a bond issue and permanent improvement levy for the Lakewood City School District, to be voted upon by the electorate on November 5, 2013. (Pg. 35)

Christine McCallum – St. Charles

Ms. McCallum referenced a history of efforts to place this item on the ballot. She praised Council for its support and for working cooperatively with the schools to improve the City.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8675-13.  
Motion adopted. All members voting yea.

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13. Communication from Council President Powers regarding Proposed Resolution Regarding “Lakewood Car Kulture Show”. (Pg. 36)

Jerry Koeningsmark – Mars Ave.

Mr. Koeningsmark thanked the City for recognizing the Car Kulture event. He expressed appreciation for the recognition. He thanked his wife and the event volunteers for their work on the event.

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

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14. **RESOLUTION NO. 8676-13** – A RESOLUTION to recognize the “Lakewood Car Kulture Show” as an important community event held annually in the City of Lakewood and to thank Jerry Koenigsmark for his ongoing contributions to our City. (Pg. 37)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8676-13.  
Motion adopted. All members voting yea.

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15. Communication from Councilmember Anderson regarding Lakewood Program for turning Distressed Houses back into Assets/Protecting Property values. (Pg. 38)

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

Motion adopted. All members voting yea.

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16. Communication from Mayor Summers and Councilmember Smith regarding Health and Welfare Benefits. (Pg. 40)

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

Motion adopted. All members voting yea.

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17. Communication from Mayor Summers regarding City of Lakewood 2014 and Beyond Strategic Plan. (Pg.41)

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

Six members voting yea.

Ms. Smith absent for vote.

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18. Communication from Mayor Summers regarding Ordinance authorizing Mayor to amend the Special Event Application. (Pg. 47)

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

Motion adopted. Six members voting yea.

Ms. Smith absent for vote.

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19. **ORDINANCE NO. 29-13** – 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, amending Section 557.04, Permit and Application, of the Codified Ordinances of the City of Lakewood to allow the Director of Public Safety to set the deadline for special event permit application. (Pg. 48)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 29-13 on 1<sup>st</sup> Reading and refer it to the Public Safety Committee.

Motion adopted. Six members voting yea.

Ms. Smith absent for vote.

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20. Communication from Fire Chief Gilman regarding Fallen Firefighter Memorial Day 2013. (Pg. 51)

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

Motion adopted. Six members voting yea.

Ms. Smith absent for vote.

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21. **RESOLUTION NO. 8677-13** – A RESOLUTION calling upon the citizens of Lakewood to join the Lakewood Fire Department in celebrating National Fallen Firefighter Memorial Day on Sunday, October 6, 2013. (Pg. 52)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8677-13.

Motion adopted. Six members voting yea.

Ms. Smith absent for vote.

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22. Communication from Fire Chief Gilman regarding Fire Prevention Week 2013. (Pg. 53)  
Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the communication.  
Motion adopted. Six members voting yea.  
Ms. Smith absent for vote.

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23. **RESOLUTION NO. 8678-13** – A RESOLUTION calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “Prevent Kitchen Fires,” as the 2013 Fire Prevention Week theme suggests. (Pg. 54)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8678-13.  
Motion adopted. Six members voting yea.  
Ms. Smith absent for vote.

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24. Communication from Fire Chief Gilman regarding Cleveland Clinic/Fairview Hospital EMS Ambulance restocking Agreement. (Pg.55)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the communication.  
Motion adopted. Six members voting yea.  
Ms. Smith absent for vote.

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25. **RESOLUTION NO. 8679-13** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor as Director of Public Safety to enter into an agreement with Fairview Hospital related to the Division of Fire’s emergency medical service units to participate in an exchange of controlled substances and supplies for patient care. (Pg.56)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution 8679-13 to the Public Safety Committee.  
Motion adopted. All members voting yea.

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26. Communication from Fire Chief Gilman regarding Acceptance and Expenditure of funds from the 2013 Training & Equipment Grant from Ohio Board of EMS & acceptance of an Automatic External Defibrillator from Cuyahoga County. (Pg.58)

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

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27. Communication from Planning & Development Director Siley regarding Sale of Parcel #315-22-086 (Plover Patch) (Pg.59)

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

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28. **ORDINANCE NO. 30-13** – 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 to convey by deed certain parcels of property that are no longer necessary for any public interest and the sale of which will further the public interest of the City of Lakewood. (Pg. 60)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 30-13 on 1<sup>st</sup> Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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29. Communication from Planning & Development Director Siley regarding Fiscal Year 2014 CDBG, ESG, and HOME. (Pg.62)

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

Motion adopted. All members voting yea.

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30. **RESOLUTION NO. 8680-13**- 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, authorizing and directing the Mayor to submit the Fiscal Year (FY) 2014 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG funds, HOME investment partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (Pg.65)

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

Motion adopted. All members voting yea.

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31. Communication from Public Works Director Beno regarding sale of street signs. (Pg. 68)

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

Motion adopted. All members voting yea.

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32. **RESOLUTION NO. 8681-13** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the sale of surplus street signs to members of the public at a price and on terms to be established by the Director of Finance. (Pg. 69)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive, file and refer Resolution 8681-13 to the Finance Committee.

Motion adopted. All members voting yea.

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33. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2013. (Pg. 71)

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

Motion adopted. All members voting yea.

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34. **ORDINANCE NO. 69-12B** – 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, amending Ordinance 69-12A, adopted May 20, 2013, authorizing 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 for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2013 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 72)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 69-12B on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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35. Communication from Law Director Butler regarding Renewed Moratorium on Businesses making short-term loans. (Pg. 78)

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

Motion adopted. All members voting yea.

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36. **RESOLUTION NO. 8682-13** – 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 at the earliest period allowed by law, to renew a moratorium on the granting of permits to operate businesses licensed under Ohio's Mortgage Loan law or Small Loan Law for a period not to exceed six months from the effective date of this resolution in order to allow Council and the Lakewood Planning Commission to review applicable litigation, case law, Ohio statute, criminal codes and the Lakewood Zoning Code relative to these establishments. (Pg. 79)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8682-13.

Motion adopted. All members voting yea.

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#### Non-Agenda Public Comment

Pam Slife – McKinley

Ms. Slife complained about excessive truck traffic on McKinley. She stated that the trucks she observed were over the weight/size limit to be legally on the road. She speculated that truck drivers were using their GPS devices and were unaware of the prohibition. She requested that a sign be installed to communicate the weight limit to truck drivers.

It was indicated that the Administration would respond to this concern after the meeting.

Announcements

Mayor Summers announced that the administration is working on the upcoming budget and that labor negotiations are currently underway.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:52 PM.

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

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CLERK

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PRESIDENT