

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
OCTOBER 21, 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, Monique Smith.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Police Representative from Police, Fire Chief Gilman, Public Works Director Beno, Planning & Development Director Siley, Human Services Director Gelsomino, Human Resources Director Yousefi.

Reading and Disposal of the minutes of the Regular Meeting of Council held October 7, 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.

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

{Without objection from Council Items 14 & 15 were brought forward to the beginning of the agenda}

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

1. Committee of the Whole Report regarding Ordinance 17-13. (To Be Provided)

Council President Powers submitted the following report.

Dear Members of Council,

The Committee of the Whole met earlier this evening to consider an ordinance that has come back to us from the Planning Commission. This ordinance involves some changes to our mixed-use overlay district portion of our codified ordinances. It specifically helps to address a situation of buildings that sit on residentially zoned properties and that have a unique commercial and/or residential history to them. The ordinance gives us the tools we need at the Planning Commission and the City to appropriately address such unique situations in a way that protects the surrounding neighborhood in a more direct route. Committee of the Whole unanimously

recommended to Council that we adopt this evening the substituted version. The substitution was simply one typo in 1135.03 to add an apostrophe. Move to receive and file this oral report.

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

Motion adopted. All members voting yea.

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2. **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, RECOMMENDED FOR ADOPTION FROM PLANNING COMMISSION AND REFERRED TO COMMITTEE OF THE WHOLE 10/7/13) (Pg.5)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 17-13.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 17-13 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 17-13 adopted substituted.

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3. Finance Committee Report regarding Resolution No. 8673-13, Ordinance 69-12B and Resolution 8681-13. (Pg. 12)

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

Motion adopted. All members voting yea.

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4. **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. (**PLEASE SUBSTITUTE** FOR RESOLUTION NO. 8673-13 REFERRED TO THE FINANCE COMMITTEE 9/16/13) (Pg. 14)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8673-13 as substituted.

Motion adopted. All members voting yea.

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5. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 10/7/13) (Pg. 31)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 69-12B on second reading.

Motion adopted. All members voting yea.

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6. **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. (REFERRED TO THE FINANCE COMMITTEE 10/7/13)(Pg. 37)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8681-13.

Motion adopted. All members voting yea.

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7. Public Works Committee Report regarding Stormwater Ordinance (Ord. 28-13); and Pedestrian Safety Communication. (Pg.39)

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

Motion adopted. All members voting yea.

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8. **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. (**PLEASE SUBSTITUTE** FOR ORDINANCE 28-13 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 9/16/13, 2<sup>ND</sup> READING 10/7/13) (Pg. 41)

Victor Jason – 2062 Brown Road

Mr. Jason expressed concerns about the City's sewers. He discussed invert plates, the impact of street sweeping, side walk issues, and a fire hydrant near his home.

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 28-13.

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

Nays: None

Motion adopted. Ordinance No. 28-13 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 28-13 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 28-13 adopted substituted

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9. Housing Committee Report regarding “Plover Patch” Ordinance 30-13. (Pg. 47)

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

Motion adopted. All members voting yea.

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10. **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. (PLACED ON 1<sup>ST</sup> READING 10/7/13) (Pg. 49)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 30-13 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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11. Public Safety Committee Report regarding Ordinance No. 29-13 & Resolution No. 8679-13. (TO BE PROVIDED)

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

Motion adopted. All members voting yea.

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12. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/7/13). (Pg. 51)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 29-13 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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13. **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. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/7/13) (Pg. 54)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this item.  
Motion adopted. All members voting yea.

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

14. Communication from Council President Powers regarding Office of Migration and Refugee Services (Pg. 56)

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

Tom Mrosko – 1545 Larchmont

Mr. Mrosko thanked his wife and community leaders for making his work possible. He provided history of the Catholic Charities organization. He stated that Catholics have always advocated for the fair treatment of migrants and refugees and has adapted to the changing needs of immigrants since their founding. The organization currently has 110 offices welcoming refugees. He thanked the City and the schools for being so welcoming.

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15. **RESOLUTION NO. 8683-13** – A RESOLUTION to honor the Office of Migration and Refugee Services of Catholic Charities as it celebrates 65 years of welcoming newly arriving refugees to Lakewood and Greater Cleveland. (Pg. 58)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8683-13.  
Motion adopted. All members voting yea.

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16. Communication from Council President Powers regarding Appointment to the Board of Building Standards/Architectural Board of Review. (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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17. **RESOLUTION NO. 8684-13** – A RESOLUTION to take effect immediately provided it received 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, to appoint \_\_\_\_\_ as a member of the City of Lakewood Board of Building Standards and Architectural Board of Review for the unexpired term ending December 31, 2014. (Pg. 60)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8684-13 to the Committee of the Whole.  
Motion adopted. All members voting yea.

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18. Communication from Planning & Development Director Siley regarding Lusso Cosmetics – 12903 Madison Ave. – Driveway Rezoning. (Pg. 61)

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

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19. **ORDINANCE NO. 31-13-** 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 a 10-foot-by-106 foot portion of the parcel located at 12903 Madison Avenue (PPN 315-23-020) from C2 (Commercial Retail) to R2 (Single and Two-family). (Pg. 64)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 31-13 on 1st Reading and refer to the Planning Commission.

Motion adopted. All members voting yea.

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20. Communication from Public Works Director Beno regarding Ohio Public Works Commission Funding 2014. (Pg.65)

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

Motion adopted. All members voting yea.

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21. **RESOLUTION NO. 8685-13** – 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 the Mayor of the City of Lakewood to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs and execute contracts as required. (Pg. 66)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8685-13.

Motion adopted. All members voting yea.

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#### Announcements

Councilmember Bullock announced the upcoming Landlord Training seminar and stated his intention to attend. There are 50 people signed up.

Mayor Summers announced that the Ohio Controlling Board voted today to expand Medicaid. He provided a brief summary of a recent meeting with the Ohio EPA regarding the City's ongoing efforts to reach compliance. He stated that the State and City agree on the goals but not necessarily on the method.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:19 PM.

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

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CLERK

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PRESIDENT