

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
NOVEMBER 18, 2013
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by President Powers.

Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian E. Powers, Monique 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, Human Resources Director Yousefi.

Reading and Disposal of the minutes of the Regular Meeting of Council held November 4, 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.

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

1. Committee of the Whole Report regarding 1) Budget Hearing Schedule 2) Board of Building Standards Architectural Board of Review/Architectural Review Board Appointment. (To Be Provided)

Dear Members of Council,

The Committee of the Whole met this evening to cover those two items and a review of the docket agenda for this evening. On the first issue of budget hearing scheduling dates - our budget hearings are historically conducted under the auspices of the Finance Committee, conducted by the Chair of the Finance Committee and all members of Council typically attend. We discussed the budget hearing schedule dates in Committee of the Whole instead of Finance Committee simply for efficiency's sake because that was the time we were all together. We determined that the budget hearing schedule will set certain dates and we will issue notices accordingly. For now, to keep on hold:

- November 25
- December 7
- December 9

- December 14 (if absolutely necessary)
- December 16

These are the dates to keep on hold for now. It will perhaps be a fluid schedule but those are the dates we all agreed to hold onto. The Finance Chair will determine what will be covered at each session.

The Committee also had before it, an appointment to the Board of building Standards Architectural Board of Review and we determined that members of Council would take time before our next Committee of the Whole meeting to research the candidates and/or give them a call or get together with them if they'd like to do so. Because this is an important appointment, we wanted to make sure to take the time to do our homework before making that appointment and so we will not be making that appointment this evening.

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

2. **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. 6)

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

3. Ad-Hoc Committee on Boards & Commissions Report re: Ordinance 19-13. (To Be provided)

The Ad-Hoc Committee on Boards and Commissions conducted what will likely be its last meeting this evening. Present were members of the Committee, Vice President Madigan and Councilmember Juris also members of Council, Councilmembers Nowlin, Councilmember Anderson and various members of the administration and the public. We had one item before us and that was the Animal Safety and Welfare Advisory Board ordinance. We made a recommendation to the full Council to adopt a substituted version of that ordinance. The only change we made from the version published on the docket, and the Clerk has now before her, was to include the title of 146.01, the Chapter heading into the ordinance. It is a small change and we recommend it with that change that we substitute and adopt this evening the version that was approved by the Ad-Hoc Committee. Move to receive and file that communication.

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

4. **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, 2nd 7/15/13, DEFERRED 11/4/13) (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 19-13.

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

Nays: None

Motion adopted. Ordinance No. 19-13 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 19-13 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 19-13 adopted as substituted.

5. **ORDINANCE NO. 32-13** – 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, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/4/13) (Pg. 9)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 32-13 on 2nd Reading.

Motion adopted. All members voting yea.

****NEW BUSINESS****

6. Communication from Councilmember Smith regarding Hospitalization Coverage. (Pg. 15)

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

Motion adopted. All members voting yea.

7. **ORDINANCE NO. 33-13** – AN ORDINANCE amend Section 149.14, Hospitalization Coverage for Employees, of the Lakewood Codified Ordinance, to make it consistent with existing city policy and to codify the provision of health care coverage for employees' domestic partners and their children. (Pg. 16)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 33-13 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

8. Communication from Mayor Summers regarding Appointment to Lakewood Community Relations Advisory Commission. (Pg.18)

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

Motion adopted. All members voting yea.

9. Communication from Finance Director Pae regarding 2013 Year-end and 2014 Budget Ordinances. (Pg. 19)

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

Motion adopted. All members voting yea.

Motion by Mr. Powers, seconded by Ms. Madigan, to read items 10-27 consecutively with a blanket motion after item 27.

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

Nays: None

Motion adopted. The Clerk reads items 10-27 consecutively.

10. **ORDINANCE NO. 66-12A** – An Ordinance to establish appropriations for current expenses and other expenditures of the City for the fiscal year ending December 31, 2013. (Pg. 20)

*blanket motion made after item 27

11. **ORDINANCE NO. 34-13** – AN ORDINANCE authorizing the transfer and advance of certain funds. (Pg.33)

*blanket motion made after item 27

12. **ORDINANCE NO. 69-12C** – AN ORDINANCE amending Ordinance 69-12B, adopted November 4, 2013, authorizing contracts for professional services, 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. (Pg.35)

*blanket motion made after item 27

13. **ORDINANCE NO. 35-13** – AN ORDINANCE to establish appropriations for current expenses and other expenditures of the City for the fiscal year ending December 31, 2014. (Pg. 41)

*blanket motion made after item 27

14. **ORDINANCE NO. 36-13** – AN ORDINANCE authorizing 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 2014 Appropriation Ordinance and the Administrative Code. (Pg.54)

*blanket motion made after item 27

15. **ORDINANCE NO. 37-13** – AN ORDINANCE to enter into service contracts for the **Department of Planning & Development**, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 58)

*blanket motion made after item 27

16. **ORDINANCE NO. 38-13** – AN ORDINANCE authorizing contracts for Memberships as authorized by the 2014 Appropriation Ordinance, contracts not to exceed \$60,000 without separate Ordinance from Council. (Pg. 60)

*blanket motion made after item 27

17. **ORDINANCE NO. 39-13** – 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, to amend section 915.01, Establishment of Rates, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting water rates charged against each lot, parcel of land or premises which may have an active water connection with the Municipal water system. (Pg. 64)

*blanket motion made after item 27

18. **ORDINANCE NO. 40-13** – 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, to amend section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise discharge wastewater either directly or indirectly into such system or any part thereof. (Pg.66)

*blanket motion made after item 27

19. **ORDINANCE NO. 41-13** – AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for **Street Infrastructure Improvements**. (Pg.68)

*blanket motion made after item 27

20. **ORDINANCE NO. 42-13** – AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for the **Wastewater System and Treatment Improvement Program**. (Pg.70)

*blanket motion made after item 27

21. **ORDINANCE NO. 43-13** – AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for the **Water System Replacement Program**. (Pg.72)

*blanket motion made after item 27

22. **ORDINANCE NO. 44-13** - AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for **C.D.B.G. Fund Infrastructure Improvements.** (Pg. 74)

*blanket motion made after item 27

23. **ORDINANCE NO. 45-13** - AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for the purchase of **Vehicles, Machinery and Equipment.** (Pg.76)

*blanket motion made after item 27

24. **ORDINANCE NO. 46-13** – AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for **Buildings and Facilities Improvements.** (Pg. 78)

*blanket motion made after item 27

25. **ORDINANCE NO. 47-13** – AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for **Traffic Signs & Signals.** (Pg. 80)

*blanket motion made after item 27

26. **ORDINANCE NO. 48-13** – AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for **Parks & Pools Improvements.** (Pg. 82)

*blanket motion made after item 27

27. **ORDINANCE NO. 49-13** – AN ORDINANCE to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code for the **Sidewalk Improvement Program.** (Pg. 84)

*Motion by Mr. Powers, seconded by Ms. Madigan, to place items 10-27 on 1st Reading and refer them to the Finance Committee.

Motion adopted. All members voting yea.

28. Communication from Law Director Butler regarding submerged lands lease, 17848 Lake Road. (Pg. 86)

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

Motion adopted. All members voting yea.

{Note: Resolution number updated due to duplication}

29. **RESOLUTION NO. 8688-13** – A RESOLUTION approving the use of submerged lands for property located at and abutting 17848 Lake Road in the City of Lakewood, Ohio, so that the owner can undertake lakeshore protection measures. (Pg. 87)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive, file and refer Resolution No. 8688-13 to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

30. Communication from Law Director Butler regarding ordinance amending code relating to assistance dogs. (Pg. 89)

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

Motion adopted. All members voting yea.

31. **ORDINANCE NO. 50-13** – AN ORDINANCE amending Section 905.14, Dogs with Blind, Deaf or Mobility Impaired Persons, of the Lakewood Codified Ordinances, to make it consistent with a similar provision within the Ohio Revised Code and remove conflicts with the Americans with Disabilities Act (ADA). (Pg. 90)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 50-13 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

32. Communication from Law Director Butler regarding Resolution authorizing the Mayor to enter into agreement with the Cuyahoga County Board of Health for the provision of public health services in Lakewood in 2014. (Pg. 93).

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

Motion adopted. All members voting yea.

33. **RESOLUTION NO. 8687-13** – A RESOLUTION to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of Lakewood in an amount not to exceed \$204,354.00 for a one-year period commencing January 1, 2014. (Pg. 94)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution No. 8687-13 to the Finance Committee.

Motion adopted. All members voting yea.

34. Communication from Human Services Director Gelsomino regarding Juvenile Diversion Program. (Pg. 97)

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

Motion adopted. All members voting yea.

35. Liquor Permit Notice to Legislation Authority regarding permit class transfers to 13368 Tavern; 13376-80 Madison Avenue from Sullivans Irish Pub same address. (Pg. 98)

Motion by Mr. Nowlin, seconded by Mr. Powers, to file no objection to the liquor permit notice.

Motion adopted. All members voting yea.

Announcements

Councilmember Madigan announced a fundraiser to be held on Friday November 22 to benefit the Division on Aging.

Councilmember Smith requested an update on traffic calming and crosswalk issues.

The Mayor responded stating the issue was an ongoing issue of strategic review. The City determined that the number of pedestrians was sufficient to necessitate a crosswalk. Initially, the City considered removal of the crosswalk but determined that not to be feasible. Technical adjustments were made to keep the lights brighter during the day. It was determined that less than half of pedestrians push the crosswalk button. Better signage will be used to inform people. The City is exploring an island and improved lighting systems. The City aims to create a uniform crosswalk design throughout the City to limit confusion. It was affirmed that a traffic light is not needed.

Mayor Summers provided an update on House Bill 5. The bill passed the House on a partisan vote and has arrived in the Senate. The version passed had substantial improvements over where it started but certain concerns remain. He explained the impact on other Ohio communities from the restriction on loss carry forwards. He encouraged continued advocacy efforts. He credited the cooperation of many municipalities for helping to reduce the negative impact of the bill. He expressed optimism that the bill may create a favorable tax environment in the state and bring more business here.

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

Motion adopted. Meeting adjourned at 8:04 PM.

Approved: _____

CLERK

PRESIDENT