

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
DECEMBER 2, 2013
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:34 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 18, 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 Board of Building Standards/Architectural Board of Review/Appointment. (To Be Provided).

Dear Members of Council,

The Committee of the Whole met this evening. Before us were two items. One was the resolution regarding the Board of Building Standards/Architectural Board of Review appointment. The Committee of the Whole recommended unanimously to the full Council that we insert the name Daniel Musson into the blank on the resolution and that we adopt the resolution this evening.

We also did our agenda review.

Motion 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 Daniel Musson 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. (REFERRED TO THE COMMITTEE OF THE WHOLE 10/21/13, DEFERRED 11/18/13) (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Resolution No. 8684-13.

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

Nays: None

Motion adopted. Resolution substituted with the name of Daniel Musson

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution NO. 8684-13 as substituted.

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

Nays: None

Motion adopted. Resolution No. 8684-13 adopted as substituted.

3. Finance Committee Report regarding Ordinance No. 32-13 – Ms. Madigan, Chair. (Pg. 8)

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

Motion adopted. All members voting yea.

4. **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. (**PLEASE SUBSTITUTE FOR ORDINANCE NO. 32-13 PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/4/13, 2ND READING 11/18/13**) (Pg. 9)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance 32-13.

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

Nays: None

Motion adopted.

Motion by Mr. Powers, seconded by Ms. Madigan, adopt Ordinance No. 32-13 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 32-13 adopted as substituted.

5. Rules & Ordinances Committee Report regarding 17848 Lake Road lakeshore protection measures. Mr. Bullock, Chair(To Be Provided)

The Rules & Ordinances Committee met tonight to consider a resolution and an ordinance that were ministerial in nature, in other words, part of our legal housekeeping duties. The first was to bring our City Ordinances relating to assistance dogs in line with state law changes dating back to 2006. That would bring the City into compliance with the Americans with Disabilities Act, adding one new classification for hearing impaired individuals to public accommodation requirements and also to clarify that certificates or documents for the assistance dog cannot be asked for in keeping with state law. Rules and Ordinances recommended this ordinance for adoption.

Secondly, The Committee considered a resolution required by the Ohio Department of Natural Resources for shoreline erosion projects to go forward. In this case, a privately owned property has designed a project to rebuild part of a revetment. Or erosion control wall, and a staircase. Our City Engineer and Public Works Director has reviewed the project and confirmed that the area is not needed for any City or Port of Lakewood function and that the project would not interfere with the same. As this is a routine resolution needed to proceed with a project to maintain a lakefront property and responsibly manage the shoreline, the Committee unanimously recommended adoption.

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

Motion adopted. All members voting yea.

6. **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. (REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/18/13) (Pg. 15)

Motion by Mr. Powers, seconded by Mr. Bullock, to adopt Resolution No. 8688-13.

Motion adopted. All members voting yea.

7. **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). (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/18/13,) (Pg. 17)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 50-13 on 2nd Reading.

Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 20)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 33-13 on 2nd Reading.

Motion adopted. All members voting yea.

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules and reading items 9-26 respectively for one blanket Motion.

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

Nays: None

Clerk reads 9-26

9. **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.(PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 22)

*blanket motion to place on 2nd Reading made after item 26

10. **ORDINANCE NO. 34-13** – AN ORDINANCE authorizing the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg.35)

*blanket motion to place on 2nd Reading made after item 26

11. **ORIDNANCE 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg.37)

*blanket motion to place on 2nd Reading made after item 26

12. **ORIDNANCE 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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 43)

*blanket motion to place on 2nd Reading made after item 26

13. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 56)

*blanket motion to place on 2nd Reading made after item 26

14. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 60)

*blanket motion to place on 2nd Reading made after item 26

15. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 62)

*blanket motion to place on 2nd Reading made after item 26

16. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 66)

*blanket motion to place on 2nd Reading made after item 26

17. **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 direction or indirectly into such system or any part thereof. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg.68)

*blanket motion to place on 2nd Reading made after item 26

18. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 70)

*blanket motion to place on 2nd Reading made after item 26

19. **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.** (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg.72)

*blanket motion to place on 2nd Reading made after item 26

20. **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.** (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg.74)

*blanket motion to place on 2nd Reading made after item 26

21. **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.** ((PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) Pg. 76)

*blanket motion to place on 2nd Reading made after item 26

22. **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.** (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg.78)

*blanket motion to place on 2nd Reading made after item 26

23. **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.** (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 80)

*blanket motion to place on 2nd Reading made after item 26

24. **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.** (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 82)

*blanket motion to place on 2nd Reading made after item 26

25. **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**. ((PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) Pg. 84)

*blanket motion to place on 2nd Reading made after item 26

26. **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**. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 86)

*Motion by Mr. Powers, seconded by Ms. Madigan, to place items 9-26 on 2nd Reading.

Motion adopted. All members voting yea.

27. **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. (REFERRED TO THE FINANCE COMMITTEE 11/18/13) (Pg. 88)

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

Motion adopted. All members voting yea.

****NEW BUSINESS****

28. Communication from Councilmember Bullock regarding Bedbugs: coordinating and improving inspection, enforcement and remediation. (Pg. 91)

Motion by Mr. Powers, seconded by Mr. Bullock, to receive, file and refer the communication to the Human Services Committee.

Motion adopted. All members voting yea.

29. Communication from Mayor Summers and Councilmember Bullock regarding Resolution Supporting LEEDCo's "Icebreaker" project. (Pg. 92)

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

Motion adopted. All members voting yea.

30. **RESOLUTION NO. 8689-13** – 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, to support the effort of the Lake Erie Energy Development Corp. (LEEDCo) to build an offshore wind power industry in Ohio. (Pg. 95)

Eric Deamer -12060 Lake, #406

Mr. Deamer is a former employee of LEEDCo and came to express support for the resolution. During the summer and fall he collected signatures of citizens in support of the offshore wind project. The next step is to approach lakeshore communities to get the community support for the project. The Department of Energy grant will help the viability of the project. The project will make the Cleveland area a leader in offshore freshwater wind. Of all the wind resources in North America, 21% is on Lake Erie and most is on the eastern half. Lake Erie is the shallowest of the Great Lakes so it would be the easiest to set up the infrastructure. The reduction in emissions would be equivalent to 13,000 cars off the road. Construction is scheduled to start in 2015 and be operational in 2017. Some households will be able to get a portion of their electricity from the project. This project is just the beginning. Mr. Deamer thanked Council for their support of the resolution.

Councilmember Juris indicated he preferred to refer the item to committee for further review.

Motion by Mr. Bullock, seconded by Mr. Powers, to adopt Resolution No. 8689-13.

Motion adopted. Six members voting yea.

Mr. Juris voting nay.

31. Communication from Mayor Summers regarding Proposed Resolution regarding Substitute House Bill 5. (Pg. 97)

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

Motion adopted. All members voting yea.

32. **RESOLUTION NO. 8690-13** – 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, **OPPOSING THE** State of Ohio's attempt to impose a one-size-fits-all tax code on Ohio cities as proposed in Sub. H.B. 5, which would render powerless the City of Lakewood's right to govern its own finances. (Pg. 98)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8690-13.

Motion adopted. All members voting yea.

33. Communication from Police Chief Malley regarding \$3,000 grant for targeting and enforcement of Operating of Vehicles Under the Influence violations. (Pg. 100)

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

Motion adopted. All members voting yea.

34. Communication from Law Director Butler regarding Moratorium on sales of e-cigarettes and other alternative nicotine products. (Pg. 101)

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

Motion adopted. All members voting yea.

35. **RESOLUTION NO. 8691-13** – 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, to impose a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the sale of alternative nicotine products 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 Ohio statutes, criminal codes and the Lakewood Zoning Code relative to such use. (Pg. 102)

Motion by Mr. Powers, seconded by Ms. Madigan, to refer Resolution NO. 8691-13 to the Public Safety Committee.

Motion adopted. All members voting yea.

{Add-on items 36 & 37}

36. Communication from Public Works Director Beno regarding Emergency sewer repair at Madison and Woodward. (Pg. 104)

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

Motion adopted. All members voting yea.

37. **RESOLUTION NO. 8692-13** - 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, declaring it necessary that the Director of Public Works be permitted to enter into a contract with Marra Services, Inc. in the approximate amount of \$23,000 without the requirement of competitive bidding in order to meet a sewer-related emergency in the City.(Pg. 105)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8692-13.

Motion adopted. All members voting yea.

Public Comment

Eric Ritter

Mr. Ritter is the communications and strategy manager for LEEDCo. He thanked Council for passing the resolution in support of the “icebreaker” project. He explained LEEDCo’s funders and partners as well as its mission. He spoke about the opportunity to win a \$46 million federal grant. He described the challenges ahead and explained that the Council resolution is valuable in demonstrating community support for the project. He made himself available to answer questions.

Patrick Ginley – 1492 Northland

Mr. Ginley retired from the Air Force in 2008 and served in Iraq in 2006. Recently, Mayor Summers invited Mr. Ginley to shadow him for a day attending meetings at City Hall. Mr. Ginley expressed his appreciation and his belief that the City is well run by exceptional leaders. He stated that while he was away serving the country he felt peace of mind knowing that his family was well protected in Lakewood by the City’s police and fire departments. He expressed great pride in being a Lakewood citizen. He presented a flag and a photo to Mayor Summers.

Announcements

Councilmember Madigan addressed the TV audience that watches the broadcasts of the meetings. She reminded Councilmembers about the scheduled Saturday budget hearings.

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

Motion adopted. All members present voting yea.
Meeting adjourned at 8:47 PM.

Approved: _____

CLERK

PRESIDENT