

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 3, 2014
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:43 PM by President Madigan.

Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Cindy Marx, Ryan Nowlin, Samuel T. O’Leary.

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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 January 21, 2014. Motion by Ms. Madigan, seconded by Mr. Nowlin 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 Council Appointments (To Be Provided)

The Committee of the Whole met this evening at 6:45. All members were present as well as Law Director Butler and the Council Clerk. We discussed appointments to a number of extremely important Committees or Commissions for the City including the Audit Committee, the Charter Review Committee, of which there’s been quite a bit of discussion lately, the Hospital Association Governing Board, which we know is important, as well as the Board of Zoning Appeals. Recommendations were made in the open Committee of the Whole for some of those seats. In addition, we did go into Executive Session to discuss some appointments. Move to receive and file that oral report.

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

Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8703-14** - 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, appointing_____to the Audit Committee for a two-year term beginning January 1, 2014 and ending December 31, 2015. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg. 6)

Motion by Ms. Madigan, to amend Resolution No. 8703-14 by inserting the name Ray Cushing.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8703-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution No. 8703-14 adopted as amended.

3. **RESOLUTION NO. 8704-14** - 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, appointing_____to the Audit Committee for a two-year term beginning January 1, 2014 and ending December 31, 2015. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8704-14 by inserting the name Michelle McHugh.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8704-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution No. 8704-14 adopted as amended.

4. **RESOLUTION NO. 8705-14** - 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, appointing_____to a position on the 2014 Charter Review Commission. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg. 8)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8705-14 by inserting the name Stephen Davis.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8705-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution No. 8705-14 adopted as amended.

5. **RESOLUTION NO. 8706-14** - 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, appointing_____to a position on the 2014 Charter Review Commission. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg. 9)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8706-14 by inserting the name Scott Kermode.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8704-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution No. 8706-14 adopted as amended.

6. **RESOLUTION NO. 8707-14** - 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, appointing_____to a position on the 2014 Charter Review Commission. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg.10)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8707-14 by inserting the name Edward T. Monroe.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8707-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution No. 8704-14 adopted as amended.

7. **RESOLUTION NO. 8708-14** - 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,

appointing_____to a position on the 2014 Charter Review Commission. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg.11)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8708-14 by inserting the name Pam Smith.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8708-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution No. 8708-14 adopted as amended.

8. **RESOLUTION NO. 8709-14** - 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, appointing_____to a position on the 2014 Charter Review Commission. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg.12)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8709-14 by inserting the name Andrew Meyer.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8704-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution No. 8704-14 adopted as amended.

9. **RESOLUTION NO. 8710-14** - 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, appointing_____as a special trustee to the Lakewood Hospital Association Governing Board for the term beginning January 1, 2014 and ending December 31, 2018. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg. 13)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8710-14 by inserting the name John Litten.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly

Nays: None

Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8710-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly
Nays: None
Resolution No. 8710-14 adopted as amended.

10. **RESOLUTION NO. 8711-14** - 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, appointing _____ as a community organization trustee to the Lakewood Hospital Association Governing Board for the term beginning January 1, 2014 and ending December 31, 2018. (REFRRED TO COMMITTEE OF THE WHOLE 1/6/14) (Pg. 14)

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

Motion adopted. All members voting yea.

11. **RESOLUTION NO. 8712-14** – 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, appointing _____ to the Board of Zoning Appeals for the unexpired term ending December 31, 2017. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/21/14) (Pg. 15)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution, 8712-14 by inserting the name Andrew Meyer.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly
Nays: None
Resolution amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8712-14 by as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Reilly
Nays: None
Resolution No. 8712-14 adopted as amended.

12. Public Works Committee Report regarding Resolution 8715-14. Mr. Juris, Chair. (To Be Provided)

Tonight, the Public Works Committee was able to meet at 6:00 p.m. to discuss the resolution that was introduced at the last Council meeting regarding the Madison Ave. signalization project. Present were members of the Committee, Councilmembers Bullock, O'Leary, and myself, as well as Councilmember Nowlin. We were later joined by Councilmembers Anderson and Marx. Directors Beno, Siley, and CT Consultants were also present as well as several members of the public and the media. Tonight the discussion focused on the updated plan that we have for the Madison Ave. signalization project. We began with a review of the February 11 meeting that Public Works had, when that meeting was left we had a couple of items that were left unresolved

of how a couple of signals would be addressed – whether they were going to be funded locally or removed. The update of that discussion is that we will have three of the signals that currently exist on Madison Ave. to be funded locally. Those are located at Morrison, Belle Ave, and Lark. We were able to go back and successfully get approval for Lewis Drive. – to have that one funded outside of the City. One signal will be removed at Clarence Ave.

There was a good discussion from members of Council to discuss the location of the pedestrian crossing and some of the updates that would occur at that location at the corner of Grace and Madison to make sure that that is a safe crossing area and some of the distance between signals. Additionally, comments were made from members of the public and members of Council related to the ongoing open item currently in Public Works related to pedestrian safety in general, which we discussed was somewhat outside of the scope of tonight’s resolution that’s before Council. In the end, the Committee had moved and voted unanimously to make a motion to recommend to Council approval of this resolution.

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

13. **RESOLUTION NO. 8715-14** – 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 City of Lakewood to participate in the upgrade and interconnect of traffic signals along Madison Avenue in the City of Lakewood with the Ohio Department of Transportation. (REFERRED TO THE PUBLIC WORKS COMMITTEE 1/21/14)(Pg. 16).

Motion by Mr. Juris, seconded by Ms. Madigan, to adopt Resolution No. 8715-14.
Motion adopted. All members voting yea.

14. **ORDINANCE NO. 1-14** – 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 36-13, adopted December 16, 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 2014 Appropriations 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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 1/21/14) (Pg. 18)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to place Ordinance No. 1-14 on 2nd Reading.
Motion adopted. All members voting yea.

*****NEW BUSINESS*****

15. Communication from Councilmember Anderson regarding reappointment of J. Patrick Lang to the Citizens Advisory Committee. (Pg.24)

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

16. Communication from Councilmember Bullock regarding Congratulating Mr. Ryan J. Giermann on earning the rank of Eagle Scout. (Pg.25)

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

17. **RESOLUTION NO. 8716-14** – A RESOLUTION to honor Ryan John Giermann on his achievement in attaining the rank of Eagle Scout with the Boy Scouts of America. (Pg.26)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt resolution No. 8716-14.
Motion adopted. All members voting yea.

18. Communication from Mayor Summers regarding EPA Compliance Update. (Pg.27)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer the communication to the Committee of the Whole.
Motion adopted. All members voting yea.

19. Communication from Mayor Summers regarding Appointment to Lakewood Charter Review Commission. (Pg. 28)

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

20. Communication from Law Director Butler regarding Ordinance repealing prohibition of ‘suspicious persons’. (Pg. 29)

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

21. **ORDINANCE NO. 2-14** – AN ORDINANCE repealing Section 509.09, suspicious Persons, to eliminate an outmoded and vague provision from the Code. (Pg. 30)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 2-14 on 1st Reading and refer it to the Rules & Ordinances Committee.
Motion adopted. All members voting yea.

22. Communication from Finance Director Pae regarding General Obligation Bond Post-Issuance Compliance Procedures. (Pg. 32)

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

Motion adopted. All members voting yea.

23. **RESOLUTION NO. 8717-14** – 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, adopting certain written post-issuance compliance procedures relating to the city’s outstanding and future tax-exempt obligations. (Pg. 33)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8717-14 to the Finance Committee.

Motion adopted. All members voting yea.

24. Communication from Law Director Butler regarding 2014-16 collective bargaining agreement, police. (Pg.56)

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

Motion adopted. All members voting yea.

25. **RESOLUTION NO. 8718-14** – 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 three-year period commencing January 1, 2014 and ending December 31, 2016. (Pg. 57)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8718-14.

Motion adopted. All members voting yea.

26. Communication from Human Services Director Gelsomino regarding Neighborhood Collaborative Services. (Pg. 58)

Note: Correction was made to written communication in the following manner:

Dear Members of Council,

Attached for your approval is a resolution authorizing the Mayor or his designee to apply for and enter into an agreement with Cuyahoga County Division of Children and Family Services for Neighborhood Collaborative Services Funding. This program has been the heart and soul of Lakewood’s Youth and Family Services for eight years. On Jan. 21, 2014 Cuyahoga County released a request for proposal for the April 1, 2014 – March 31, 2017 grant period, which requires a corporate resolution authorizing signature of contract document. The grant application is due before Council’s Feb. 18th meeting. Therefore, I respectfully request your approval tonight to include this required document in our proposal prior to the Feb. 13th deadline. This grant will leverage a \$51,000/year local portion to yield \$320,000/year of Cuyahoga County money for our citizens. Thank you for your consideration.

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

Motion adopted. All members voting yea.

27. **RESOLUTION NO. 8719-14** – 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 e in force after the earliest period allowed by law, authorizing the Mayor or his designee to apply for and enter into an agreement with the Cuyahoga County Division of Children and Family Services for the Neighborhood Collaborative Services program through March 31, 2017. (Pg. 60)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8719-14.

Motion adopted. All members voting yea.

28. Liquor Permit Application for C1, C2 and D6 transfers to Lakewood Convenient; 12901 Detroit Avenue. (Pg. 62)

Motion by Mr. Bullock, seconded by Mr. Nowlin, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

Announcements from Administration

Mayor Summers remarked on a coastal resiliency grant. At the U.S. Conference of Mayors, there was a strong focus on resiliency. Every \$1 spent on resiliency saves \$4 in damages. There is a new interest in making investments. Lakewood will partner with ODNR on a planning grant to explore how the City can facilitate private investment in private land. The City wants to compel property owners to help themselves in the most effective way possible.

Mayor Summers provided an update on the Manor Park pedestrian crosswalk. NOACCA will have their traffic planners study the intersection Feb. 26. The City is hoping for both qualitative and quantitative analysis.

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

Motion adopted. All members voting yea.

Meeting adjourned at 8:06 PM.

Approved: _____

CLERK

PRESIDENT