

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
FEBRUARY 18, 2014  
7:30 P.M.**

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

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

Motion by Ms. Madigan, seconded by Mr. Nowlin, to excuse the absence of Mr. Anderson. Motion adopted. All members present voting yea.

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Also Present: Law Director Butler, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Human Services Director Gelsomino.

Reading and Disposal of the minutes of the Regular Meeting of Council held February 3, 2014. Motion by Ms. Madigan, seconded by Mr. Nowlin to approve the minutes without the necessity of a reading.

Motion adopted. All members present 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, EPA Status Update (To Be Provided)

Ladies and Gentlemen,

The Committee of the Whole, which is the entire Council, met this evening along with the Law Director, the Finance Director, the attorney the City has hired to help us work through the state and federal EPA compliance issues, two of our engineering consultants as well as members of the public. What we discussed tonight was the very important and often uninteresting business of water and sewer infrastructure in the City but it's incredibly important and extremely timely right now. The City of Lakewood is about to embark on a pilot project. What we are trying to do is reduce untreated sewage that flows into our waterways – which are Lake Erie and the Rocky River. We in Lakewood have done an excellent job complying with state and federal EPA consent order to reach the Clean Water Act goals, which are to improve our common good, to

increase public health, to contribute to environmental stewardship, to be fiscally responsible, and to engage the public. We have been way ahead on the innovative plan and compliance with the state and federal EPA requirements. What we have to do now is study how water gets from houses to the street – that is the storm and sanitary sewer systems. So, we are going to look at a particular neighborhood that happens to be on the west end to determine how cost efficient it would be to fix the connections of the houses to get to the proper pipes. A good way to think of it is that we are trying to get to the mid and long-term objective of separating storm water from sanitary material so that any untreated discharges end up just being storm and rainwater. We are trying to stop all pollution into Lake Erie and Rocky River – frankly, we’re way ahead of most communities on this.

The City, through the Mayor sent out an invitation to all neighbors in the demonstration project area, inviting them on Wed. Feb. 26<sup>th</sup> to a public meeting at Harding Middle School to discuss this pilot project. Everybody’s questions will be addressed and answered and while it may not be the first thing you would think of doing on a Wednesday night, it’s incredibly important. For those of us on Council it is our job to ask all of our neighbors to attend that meeting especially if they are in that pilot study footprint.

I do not have a report out on the Council appointment but will make a motion from the floor. 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 present voting yea. .

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2. **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, DEFERRED 2/3/14) (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Resolution No. 8711-14 by inserting the name Gary Pritts into the blanks.

Yeas: Bullock, Juris, Madigan, Nowlin, Powers, O’Leary

Nays: None

Resolution No. 8711-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8711-14 as amended.

Yeas: Bullock, Juris, Madigan, Nowlin, Powers, O’Leary

Nays: None

Resolution No. 8711-14 adopted as amended.

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3. Finance Committee Report regarding Ordinance 1-14 & Resolution 8717-14. Mr. Nowlin, Chair (Pg. 9)

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

Motion adopted. All members present voting yea. .

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4. **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 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 1/21/14, 2<sup>ND</sup> READING 2/3/14) (Pg. 9)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance 1-14.

Motion adopted. All members present voting yea. .

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5. **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. (REFRRED TO THE FINANCE COMMITTEE 2/3/14) (Pg. 15)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Resolution No. 8717-14.

Motion adopted. All members present voting yea. .

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6. **ORDINANCE NO. 2-14** – AN ORDINANCE repealing Section 509.09, suspicious Persons, to eliminate an outmoded and vague provision from the Code. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/3/14) (Pg. 38)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 2-14 on 2<sup>nd</sup> Reading.

Motion adopted. All members present voting yea. .

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

7. Communication from Councilmember Nowlin regarding appointing JT Neuffer to the Citizens Advisory Committee. (Pg. 40)

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

Motion adopted. All members present voting yea. .

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8. Communication from Councilmember Juris regarding Appointment of Brock Close to Community Relations Advisory Commission. (Pg. 41)

Motion by Mr. Juris, seconded by Mr. Bullock, to receive and file the communication.

Motion adopted. All members present voting yea. .

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9. Communication from Mayor Summers regarding Appointment to Lakewood Charter Review Commission. (Pg. 42)

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

Motion adopted. All members present voting yea. .

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10. Communication from Mayor Summers regarding Appointments to Lakewood Citizens Advisory Committee. (Pg. 43)

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

Motion adopted. All members present voting yea. .

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11. Communication from Mayor Summers, Council President Madigan and Finance Chair Nowlin regarding Estate Tax Collection. (Pg. 44)

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

Motion adopted. All members present voting yea. .

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12. **ORDINANCE NO. 3-14** –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, establishing new Section 129.60, Budget Reserve Account, within the Codified Ordinances of the City of Lakewood for the purpose of establishing such account within the General Fund pursuant to Ohio Revised Code § 5705.13(A)(1).(Pg. 45)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 3-14 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea. .

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13. Communication from Finance Director Pae regarding 1<sup>st</sup> Quarter 2014 Transfers and Advances Ordinances Amended 2014 Appropriations Ordinance. (Pg. 47)

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

Motion adopted. All members present voting yea. .

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14. **ORDINANCE NO. 4-14** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, law authorizing the transfer and advance of certain funds. (Pg. 48)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 4-14 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea. .

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15. **ORDINANCE NO. 5-14** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2014. (Pg. 50)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 5-14 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members present voting yea. .

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16. Communication from Finance Director Pae regarding \$6,202,000 Renewal of 2011, 2012, and 2013 Various Purpose General Obligation Bond Anticipation Notes (GO BANs) \$6,690,000 in 2014 GO BANs for new capital projects. (Pg. 63)

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

Motion adopted. All members present voting yea. .

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**\*Motion by Ms. Madigan, seconded by Mr. Nowlin, to suspend the rules and allow Items 17-34 to be read consecutively for a blanket motion.**

**Yeas: Bullock, Juris, Madigan, Marx, Nowlin, O’Leary**

**Nays: None**

**Motion adopted – Clerk reads items –**

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17. **ORDINANCE NO. 6-14** - 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, providing for the issuance and sale of notes in the principal amount of \$6,202,000, in anticipation of the issuance of bonds, to pay costs of various improvements. (Pg. 64)

**\*Blanket motion made after item 34**

18. Fiscal Officer’s Certificate – \$6,202, 000. (Pg. 71)

**\*Blanket motion made after item 34**

19. **ORDINANCE NO. 7-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$50,000, in anticipation of the issuance of bonds, to pay additional costs of replacing a salt storage facility, together with all necessary appurtenances thereto. (Pg. 72)

**\*Blanket motion made after item 34**

20. Fiscal Officer's Certificate - \$50,000. (Pg. 78)  
**\*Blanket motion made after item 34**
21. **ORDINANCE NO. 8-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$1,500,000, in anticipation of the issuance of bonds, to pay costs of resurfacing Donald Street, Cranford Street, Woodward Street, Nicholson Street, North Marginal Street, South Marginal Street and Clifton Boulevard, and other streets located within the city, between certain termini, together with all necessary appurtenances thereto. (Pg. 79)  
**\*Blanket motion made after item 34**
22. Fiscal Officer's Certificate - \$1,500,000. (Pg. 86)  
**\*Blanket motion made after item 34**
23. **ORDINANCE NO. 9-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$500,000, in anticipation of the issuance of bonds, to pay costs of improving sidewalks within the city. (Pg. 87)  
**\*Blanket motion made after item 34**
24. Fiscal Officer's Certificate - \$500,000. (Pg. 93)  
**\*Blanket motion made after item 34**
25. **ORDINANCE NO. 10-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$1,400,000, in anticipation of the issuance of bonds, to pay costs of replacing pedestrian signals and traffic signals on Madison Avenue between certain termini, together with all necessary appurtenances thereto. (Pg. 94)  
**\*Blanket motion made after item 34**
26. Fiscal Officer's Certificate - \$1,400,000. (Pg. 100)  
**\*Blanket motion made after item 34**
27. **ORDINANCE NO. 11-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$650,000, in anticipation of the issuance of bonds, to pay costs of improving parks within the city, including Lakewood Park, Wagar Park and the Lakewood Park Skate House, together with all necessary appurtenances thereto. (Pg. 101)  
**\*Blanket motion made after item 34**

28. Fiscal Officer's Certificate - \$650,000. (Pg. 108)

**\*Blanket motion made after item 34**

29. **ORDINANCE NO. 12-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$250,000, in anticipation of the issuance of bonds, to pay costs of upgrading the city's traffic signals and system on Franklin Street and Hilliard Street, between certain termini. (Pg. 109)

**\*Blanket motion made after item 34**

30. Fiscal Officer's Certificate - \$250,000. (Pg. 115)

**\*Blanket motion made after item 34**

31. **ORDINANCE NO. 13-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$340,000, in anticipation of the issuance of bonds, to pay costs of the West End Sewer Separation Project, together with all necessary appurtenances thereto. (Pg. 118)

**\*Blanket motion made after item 34**

32. Fiscal Officer's Certificate - \$340,000. (Pg. 123)

**\*Blanket motion made after item 34**

33. **ORDINANCE NO. 14-14** - 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, providing for the issuance and sale of notes in a principal amount not to exceed \$2,000,000, in anticipation of the issuance of bonds, to pay costs of constructing a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto. (Pg. 124)

**\*Blanket motion made after item 34**

34. Fiscal Officer's Certificate - \$2,000,0000. (Pg. 131)

**\*Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive and file fiscal officer's certificates.**

**Motion adopted. All members present voting yea. .**

**\*\*Motion by Ms. Madigan, seconded by Mr. Nowlin, to place items 17, 19, 21 ,23, 25, 27, 29, 31, and 33 on 1<sup>st</sup> Reading and refer them to the Finance Committee.**

**Motion adopted. All members present voting yea. .**

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35. Communication from Law Director Butler regarding 2014-16 collective bargaining agreement, dispatchers. (Pg. 132)

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

Motion adopted. All members present voting yea. .

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36. **RESOLUTION NO. 8720-14** - 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 Fraternal Order of Police/Ohio Labor Council (FOP/OLC), Inc. (Dispatcher Unit), for a three-year period commencing January 1, 2014 and ending December 31, 2016. (Pg.133)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No.8720-14.

Motion adopted. All members present voting yea. .

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37. Communication from Police Chief Malley regarding Edward Byrne Memorial Grant. (Pg. 135)

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

Motion adopted. All members present voting yea. .

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38. **RESOLUTION NO. 8721-14** – 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, authorizing the Mayor (director of Public Safety) to enter into an agreement to accept a grant from the Federal Bureau of Justice Services through the Ohio Criminal Justice Services Office in the amount of \$8,000 and requiring a match by the City of Lakewood in the amount of \$888.89. (Pg. 136)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8721-14.

Motion adopted. All members present voting yea. .

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39. Communication from Planning & Development Director Siley regarding Revisions to Zoning Chapter 1134 – Historic Preservation Districts & Historic Properties. (Pg. 138)

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

Motion adopted. All members present voting yea. .

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40. **ORDINANCE NO. 15-14** – AN ORDINANCE to repeal and replace Chapter 1134, Historic Preservation Districts (HPD) and Historic Properties (HP), of the codified Ordinances of the City of Lakewood. (Pg. 139)

Motion by Ms. Madigan, seconded by Mr. Anderson, to place Ordinance No. 15-14 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Councilmember Bullock asked Law Director Butler to share a brief summary/views on what was at stake in the proposed revision.

Law Director provided the following comments:

... the Planning Commission had recently taken several applications for historic preservation, and gone through the process and seen where the chapter has worked well and not worked as well. One of the revisions, overarching revisions to this chapter that they suggested is to clarify that applications come - always should come through the Lakewood Heritage Advisory Board and Lakewood Heritage Advisory Board should substitute itself for the applicant, help the applicant prepare the application, determine whether or not the property or district is of enough historical significance to warrant a designation and then bring it before the Planning Commission for the initial nomination process which is the first in the two step process between the property existing as it is and a property ultimately being deemed historic. So the chapter would clarify that LHAB, Lakewood Heritage Advisory Board should in most instances be the applicant seeking nomination and then designation. Where LHAB declines to accept that role for whatever reason then the chapter would clarify that. LHAB could be bypassed only by either the property owner if it's an historic property or if the property in question is one property or by a majority of owners within a proposed historic district. And that is the only way for these applications to get to Planning Commission. Planning Commission wants to avoid situations where anyone else could approach the Planning Commission with an application because they think it's just much better managed by LHAB. That's the first change. The second change I would suggest is to clarify that it is a two-step process. It begins with nomination, it ends with designation. The chapter was somewhat unclear in that regard previously. And then finally one of the major changes in the chapter that the Planning Commission is proposing is that where there is not unanimous consent, either consent of the property owner for a property or the consent of the unanimous ownership within a proposed district, the voting requirements to designate a property or district historic increase. Very similar to what Council experiences when it asked to pass a special assessment. Where there's not enough unanimity in the special assessment provision of the Charter, Council's voter requirements are augmented, you've got to have a super majority. Similarly here, the Planning Commission would be required to vote by a super majority to approve of a property or district as historic if there's not consent of the property owner. And what that does is send the message to the community that this is that important to us, that we would declare historic over the objection of an owner. Hope that helps, there are lots of changes, we really cleaned up that chapter during this process and I'm going to provide Council a full length red-lined version with a summary as you meet in Committee.

Councilmember Bullock commented as follows:

Wanted to say on the record that I view historic preservation is important and positive and something that we ought to be succeeding at and not backing away from so your explanation helped me understand that proposed - the Administration was one to refine and improve our process, not back away from it.

Motion by Ms. Madigan, seconded by Mr. Anderson, to place Ordinance No. 15-14 on 1<sup>st</sup> Reading and refer it to the Committee of the Whole.

Motion adopted. All members present voting yea. .

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

Motion adopted. All members voting yea.

Meeting adjourned at 8:10 PM.

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

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CLERK

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PRESIDENT