

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MARCH 3, 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: 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.

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. Six members present voting yea.

Mr. Anderson abstaining.

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

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

1. Committee of the Whole Report regarding Tree Task Force Report, Recreation Committee, and Council Administration. (To Be Provided)

Ms. Madigan submitted the following report:

Ladies and gentlemen, and Members of the Administration,

This evening Council heard from the Lakewood Tree Task Force. A group of our neighbors who were empowered by Council to meet and make recommendations to this Council and the Administration on trees in Lakewood. They spent approximately six months working together, working with members of the Administration, consulting professionals to make recommendations to us about the future of our city and how and why trees are important to us. Currently for 36 years we have been a Tree City USA which is not easy designation to get but Lakewood has attained that and we've maintained that for quite awhile. We have over 12, 600 trees in the City and we need more. Due to our density; we need a collaborative, thoughtful, timely approach to maintaining trees. Trees are our infrastructure and investment is crucial. We

have to develop a master plan and we have to develop a long term maintenance plan. Now, some of that has been done because we have a park master plan, we have a City Vision, and we have an excellent Public Works Department that has four arborists on staff. Why do we need trees? We've learned over time, but we've certainly learned from our neighbors on the Tree Task Force trees clean the air. In Lakewood alone they've cleaned 45 tons of pollution, therefore preventing childhood asthma, helping people who have respiratory disease, they keep us healthy, trees keep us calm. This Task Force referred to at least six studies, national studies that tell us that trees are good for neighborhoods, reduce crime, increase civility, they capture water, they save storm water from overflowing and they help us manage storm overflow. Trees increase our property values, trees increase socialization and decrease anti-social behavior. This City, we now must act to create wise, and sensible policies for the next twenty years. The Tree Task Force has set a number of goals, 19 in fact and among those goals, to increase the percentage of trees overall, to increase the tree canopy by at least 20.5 percent in the next 10 years, to develop standards; they've suggested some legislative fixes, they've suggested training for tree care, and to ask the Tree Task Force to consider going forward and not ending the service in the next month. So those are all considerations we'll make. We will hear from the Tree Task Force again in one of the upcoming Monday's in March. Also on our Committee of the Whole agenda tonight we talked briefly about the Recreation Task Force, we discussed some Council housekeeping in administration, and did our Council agenda procedural review.

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

Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8696-13** – A RESOLUTION creating the Lakewood Recreation Task Force for the purpose of studying the current state of recreation offerings in the City of Lakewood and making recommendations for the future. (REFERRED TO THE COMMITTEE OF THE WHOLE 12/16/14) (Pg. 6)

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

Motion adopted. All members voting yea.

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3. Rules & Ordinances Committee Report regarding Ordinance 2-14. (To Be Provided)

Mr. O'Leary submitted the following report:

Dear Members of Council:

The Rules and Ordinances Committee met on February 18, 2014. All members of the Committee were present, as were Councilmember Marx, Law Director Butler, and members of the public. The sole item on the agenda was Proposed Ordinance 2-14, which would eliminate Lakewood Code Section 509.09. An outmoded and vague provision, Lakewood Code Section 509.09 makes illegal the presence of "suspicious persons" inside Lakewood's corporate boundaries. Beyond practical difficulties and other concerns relating to the enforcement of this provision of the code, Section 509.09 likely suffers from severe, constitutional infirmities.

Enforcement of Lakewood Code Section 509.09 being neither desirable nor possible, the Rules and Ordinances Committee unanimously recommends that Council adopt proposed Ordinance 2-14 upon its third and final reading.

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

Motion adopted. All members voting yea.

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4. **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, 2<sup>nd</sup> READING 2/18/14) (Pg. 8)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 2-14.

Motion adopted. All members voting yea.

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\*Motion by Ms. Madigan, to suspend the rules and require the Clerk to read items 5- 16 for a blanket motion after item 16.

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

Nays: None

Motion adopted. Items read consecutively -

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5. **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). (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 10)

\*Blanket motion made after item 16

6. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 12)

\*Blanket motion made after item 16

7. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 14)

\*Blanket motion made after item 16

8. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14)Pg. 27)

\*Blanket motion made after item 16

9. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14)(Pg. 35)

\*Blanket motion made after item 16

10. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 42)

\*Blanket motion made after item 16

11. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14)(Pg. 50)

\*Blanket motion made after item 16

12. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 57)

\*Blanket motion made after item 16

13. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 64)

\*Blanket motion made after item 16

14. **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(1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) signals and system on Franklin Street and Hilliard Street, between certain termini. (Pg. 72)

\*Blanket motion made after item 16

15. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 79)

\*Blanket motion made after item 16

16. **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. (1<sup>st</sup> READING, REFERRED TO FINANCE 2/18/14) (Pg. 87)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place items 5-16 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

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17. **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. (1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 2/18/14) (Pg. 95)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 15-14 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

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

18. Communication from Councilmember Madigan regarding Ordinance to Allow for Leashed Dog-Walking in Madison Park. (Pg. 125)

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

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19. Communication from Councilmember Anderson regarding Ordinance 16-12. (Pg. 126)

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

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20. Communication from Councilmember Bullock regarding CAC Appointment for Andrew A. Meyer. (Pg. 127)

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

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21. Communication from Councilmembers Bullock and Anderson regarding Support for proposed Clifton Boulevard “road diet” and pedestrian enhancement project. (Pg. 128)

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

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22. Communication from Councilmember Marx regarding Maureen Dostal to the Citizens Advisory Committee. (Pg. 130)

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

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23. Communication from Mayor Summers and Councilmember Juris regarding RFP City Facilities. (Pg. 131)

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

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24. Communication from Mayor Summers regarding Appointment to Lakewood Community Relations Advisory Commission. (Pg. 132)

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

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25. Communication from Mayor Summers regarding Appointment to Lakewood Audit Committee. (Pg. 133)

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

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26. Communication from Mayor Summers regarding Appointment to Lakewood Audit Committee. (Pg. 134)

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

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27. Communication from Law Director Butler regarding Resolutions approving three-year collective bargaining agreements with AFSCME public works and administrative unions. (Pg. 135)

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

Motion adopted. All members voting yea.

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28. **RESOLUTION NO. 8722-14** – 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 Local 1043 (Public Works Employees Unit), AFL-CIO and Ohio Council 8, American Federation of State, County and Municipal Employees for a three-year period commencing upon January 1, 2014 and ending December 31, 2016. (Pg. 136)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8722-14.  
Motion adopted. All members voting yea.

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29. **RESOLUTION NO. 8722-14A** – 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 Local 1043 (Administrative Employees Unit), AFL-CIO and Ohio Council 8, American Federation of State, County and Municipal Employees for a three-year period commencing upon January 1, 2014 and ending December 31, 2016. (Pg. 138)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8722-14A.

Motion adopted. All members voting yea.

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30. Communication from Finance Director Pae regarding 2014 Capital Lease Authorization.  
(Pg. 140)

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

Motion adopted. All members voting yea.

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31. **ORDINANCE NO. 16-14** – 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 enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood (“City”). (Pg. 141)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 16-14 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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32. Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg. 145)

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

Motion adopted. All members voting yea.

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33. **RESOLUTION NO. 8723-14** – A RESOLUTION authorizing the Mayor, as Director of Public Safety and on behalf of the City of Lakewood, to proclaim March 2-8, 2014, as Severe Weather Awareness Week. (Pg. 146)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8723-14.

Motion adopted. All members voting yea.

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34. Liquor Permit Application for C1 and C2 stock classes to 7 Eleven; 26741 at 14718 Madison Avenue. (Pg. 147)

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

Motion adopted. All members voting yea.

### **POST AGENDA COMMENTS/ANNOUNCEMENTS**

Lake Road resident spoke asking Council to support a plan for the section of Clifton Boulevard that runs through Clifton Park, bringing four lanes down to two lanes.

Clifton Road, supported the previous speaker’s plan regarding Clifton Boulevard.

Forest Road resident, supported plan for Clifton Boulevard “road diet”; requesting bike lane.

Approximately 20 members of the public attended the meeting supporting the speakers.



Council President Madigan responded that Council was committed to deliberative, open and fair process; committed to wise and timely funding, committed to bicycles, setting positive, welcoming tone on both sides of town, east and west entrances. She said she looked forward to having people back when there was something before Council.

Mayor Summers provided a the status of the plan. Indicating that as enthusiastic as ODOT is about the project, ODOT requires process also. He indicated there was science to managing traffic; commenting on issues such as monitoring any possible environmental concerns as NOACA overseas implementation of projects – have to oversee areas such as congestion, greater air pollution, noise (areas of concern).

The Mayor indicated talks - ODOT - start would be a traffic study. Rocky River ramp removal - Six traffic engineers – make award in April - April, May and June? Public Comment phase – participate – element of study – data – yield –

Complexity to be aware of - when two lanes heading west from Clifton – Chief and Captain Malley – merging traffic are generally concerns -

Feasibility of abandoning ramps – next issue – is when - Coordination with Rocky River has to be considered.

Recognition that there competing cities for NOACA funds – also a time consuming process;

The Clifton Repaving was referenced; indication from the Public Works Director Beno was it would most likely happen later in the summer, early fall. The City will need to pay 15% of cost; ODOT street.

The Mayor indicated awareness of three elements for Traffic Calming - design, education & enforcement for traffic calming.

Councilmember Anderson thanked the residents for coming out, thanked the Mayor for the update.

Councilmember Juris commented on an article from *Crains Business* and hearing about insurance claims in response to one of the worst winters in a long time. He indicated he wanted to give credit and recognition to Public Works Director Beno and the Public Works team, Streets crews; for their management of administering to pot holes under severe conditions.

Councilmember Juris further mentioned a burst water pipe in his neighborhood her heard through his neighbors that he was made aware of the next day – as his service was uninterrupted. He indicated the neighbors asked that Mr. Juris express their gratitude indicating they were greatly pleased with the rapid, courteous and professional response provided throughout the repair from the City crews.

Mayor Summers mentioned the State of the City to be had the next night at the Masonic Temple.

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Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.  
Motion adopted. All members voting yea.  
Meeting adjourned 8:32 PM.

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

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CLERK

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PRESIDENT