

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MARCH 17, 2014  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 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 Representative, 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 March 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 Proposed Ordinance 15-14. (TO BE PROVIDED)

The Committee of the Whole met this evening to discuss ordinance 15-14 to repeal and replace Chapter 1134 of the Lakewood Codified Ordinances. The Chapter addresses historic preservation districts and historic properties. As the Planning Commission had already taken several applications for historic preservation and gone through the process, a lot was learned and several revisions were suggested. There are a number of changes but a few of the major changes are that Lakewood Heritage Advisory Board, also known as LHAB, should in most instances be the applicant seeking nomination and then designation. In the words of our Law Director, they will be considered the gatekeeper for making this work smoothly for all of Lakewood. Where LHAB declines to accept that role for whatever reason, this Chapter would clarify that. LHAB could be bypassed only by the property owner if it's a historic property or by a majority of owners within a proposed historic district. The path for the applicants to get to the Planning Commission is LHAB. To get this done, LHAB worked with the Planning Commission, with the Director of Development in order to manage this and to get these changes done.

Another change is to clarify that this is a two-step process. It begins with nomination and ends with designation. This chapter was somewhat unclear, particularly in regard to that. Another change is where there is not unanimous consent by the property owner for a property or consent of unanimous ownership of a propose district, the voting requirements to designate that property have increased. So, the Commission must pass that designation by a super-majority of 5 of the 7. That is a significant change to the Chapter. Mr. Butler and Mr. Siley helped lead the process through the Planning Commission working with LHAB and almost every one of its members. Another member, John Pike, one of our Lakewood residents who was a part of this. All parties believe that the intent of this is clear and the law is better.

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

Motion adopted. All members voting yea.

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2. **ORDINANCE NO. 15-14** – AN ORIDNANCE 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, 2<sup>nd</sup> 3/3/14) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 15-14.

Richard Sicha  
1519 West Clifton Blvd.

Mr. Sicha spoke as Chair of the Lakewood Heritage Advisory Board to express appreciation to the Law Director, the Planning Commission and Director Siley. He remarked on the background that motivated the changes and expressed his support for the changes.

Motion adopted. All members voting yea.

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3. Committee of the Whole Report regarding Creating Recreation Task Force – Resolution 8696-13. (Pg. 36)

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

Motion adopted. All members voting yea.

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4. **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. (**PLEASE SUBSTITUTE** FOR RESOLUTION 8696-13 REFERRED TO THE COMMITTEE OF THE WHOLE 12/16/14, DEFERRED 3/3/14) (Pg. 37).

Motion by Ms. Madigan, seconded by Mr. Nowlin, to substitute Resolution 8696-13.

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

Nays: None

Motion adopted. Resolution No. 8696-13 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adopt Resolution 8696-13 as substituted.

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

Nays: None

Motion adopted. Resolution No. 8696-13 adopted as substituted.

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5. Finance Committee Report regarding March 3<sup>rd</sup> & March 10<sup>th</sup> Finance Committee Meetings. Mr. Nowlin; Chair. (Pg. 39)

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

Motion adopted. All members voting yea.

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6. **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, 2<sup>nd</sup> READING 3/3/14) (Pg. 41)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 3-14.

Motion adopted. All members voting yea.

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7. **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, 2<sup>ND</sup> READING 3/3/14) (Pg. 43)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 4-14.

Motion adopted. All members voting yea.

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8. **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, 2<sup>ND</sup> READING 3/3/14) (Pg. 45)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 5-14.

Motion adopted. All members voting yea.

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9. **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, 2<sup>ND</sup> READING 3/3/14)(Pg. 58 )

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 6-14.  
Motion adopted. All members voting yea.

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10. **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, 2<sup>ND</sup> READING 3/3/14)(Pg. 66)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 7-14.  
Motion adopted. All members voting yea.

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11. **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, 2<sup>ND</sup> READING 3/3/14) (Pg. 73)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 8-14.  
Motion adopted. All members voting yea.

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12. **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, 2<sup>ND</sup> READING 3/3/14)(Pg. 81)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 9-14.  
Motion adopted. All members voting yea.

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13. **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, 2<sup>ND</sup> READING 3/3/14) (Pg. 88)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 10-14.  
Motion adopted. All members voting yea.

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14. **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, 2<sup>ND</sup> READING 3/3/14) (Pg. 95)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 11-14.  
Motion adopted. All members voting yea.

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15. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO FINANCE 2/18/14, 2<sup>ND</sup> READING 3/3/14) (Pg. 103)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 12-14.  
Motion adopted. All members voting yea.

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16. **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, 2<sup>ND</sup> READING 3/3/14) (Pg. 110)

Motion by Ms. Madigan, seconded by Mr. Anderson, to adopt Ordinance No. 13-14.  
Motion adopted. All members voting yea.

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17. **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, 2<sup>ND</sup> READING 3/3/14) (Pg. 118)

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

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18. **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”). **(PLEASE SUBSTITUTE FOR ORDINANCE 16-14 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 3/3/14)** (Pg. 126)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 16-14 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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19. Liquor Permit Application for C1 and C2 stock classes to 7 Eleven; 26741 at 14718 Madison Avenue. (DEFERRED 3/3/14)(Pg. 129)

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

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

20. Communication from Councilmember Madigan regarding Ordinance to allow leashed Dog-walking in Madison Park. (Pg. 130)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

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21. **ORDINANCE NO. 17-14** – AN ORDINANCE amending Section 905.07, Animals, of the Codified Ordinances of the City of Lakewood to allow leashed dog-walking in Madison Park pursuant to existing restrictions regarding leashed dog-walking. (Pg. 131)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 17-14 on 1<sup>st</sup> Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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22. Communication from Councilmember Marx regarding appointing Kara Lasher to Animal Safety and Welfare Advisory Board. (Pg. 134)

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 regarding disapproval of State's actions to restrict citizens' access to the ballot. (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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24. **RESOLUTION NO. 8724-14** - A RESOLUTION disapproving of the State's actions to restrict citizens' access to the ballot, urging the state to repeal these restrictions, and calling upon the state to instead work on increasing citizens' access to the ballot. (Pg. 136)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer Resolution 8724-14 to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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25. Communication from Mayor Summers regarding appointment to Lakewood Citizens Advisory Committee. (Pg. 138)

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 Finance Director Pae regarding Local Government Innovation Fund Grant Application. (Pg. 139)

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. **RESOLUTION NO. 8725-14** – 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 Director of Finance, on behalf of the City, to seek funding, and if awarded, to enter into an Agreement with the Ohio Development Services Agency – Local Government Innovation Council to accept funds for Green-Belt training in the amount of \$21,600 through the Local Government Efficiency Program, with no matching funds required for this project. (Pg. 140)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8724-14.

Motion adopted. All members voting yea.

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28. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2014. (Pg. 142)

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

Motion adopted. All members voting yea.

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29. **ORDINANCE NO. 1-14-A** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law amending Ordinance 1-14, adopted February 18, 2014, 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 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 143)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance 1-14-A on final reading.

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

Nays: None

Motion adopted. Rules suspend.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 1-14-A.

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

Nays: None

Motion adopted. Ordinance No. 1-14-A adopted.

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30. Communication from Fire Chief Gilman regarding Acceptance of training reimbursement funds for 2014. (Pg.150)

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. Communication from Planning & Development Director Siley regarding Purchasing Real Property under Sixty Thousand Dollars. (Pg.151)

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

Motion adopted. All members voting yea.

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32. **RESOLUTION NO. 8726-14** –A RESOLUTION to permit the purchase of real property for an amount not to exceed \$60,000 without advertising and competitive bidding or specific approval of Council as required by Lakewood Codified Ordinances §111.04 for a period of three years from the effective date of this legislation. (Pg. 152)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer Resolution No. 8726-14 to the Housing Committee.

Motion adopted. All members voting yea.

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PUBLIC COMMENT

Brockley Ave resident asked for referrals and advice on behalf of a neighbor in distress with a housing issue. She has spent a significant amount of time voluntarily advocating for her neighbor making phone calls and accompanying her to different service agencies. She asked to be directed to anyone in the City who can assist.

President Madigan arranged for Human Services Director Gelsomino to speak with her after the meeting.

ANNOUNCEMENTS

- Councilmember Bullock announced the Jig and Jog road race on Saturday.
- Mayor Summers announced that Congresswoman Marcy Kaptur would be at the Women’s Pavilion tomorrow at 9:00 a.m. to award Toledo, Lorain, Cleveland and Lakewood with grants focused on great lakes restoration initiatives. Lakewood’s grant will focus on storm water designs in the parking lot between Gladys and Cook and Madison Park.
- Mayor Summers announced that Director Pae, Director Siley, President Madigan and the Mayor traveled to Chicago to meet with Moody’s to maintain its AA2 bond rating.
- Councilmember Juris briefed Council on an initiative he is pursuing to arrange for an RTA circulator on Saturday evenings funded by restaurant and bar owners. The purpose is to relieve parking congestion. He asked Council to reach out to business owners

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

Motion adopted. All members voting yea.

Meeting adjourned 8:36 PM.

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

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CLERK

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PRESIDENT