

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 21, 2014
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:34 PM by President Madigan.

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, Human Services Director Gelsomino.

Reading and Disposal of the minutes of the Regular Meeting of Council held April 7, 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 Recreation Task Force, Extending deadline for Tree Task Force, Agenda Review. (TO BE PROVIDED)

The Committee of the Whole met earlier this evening to discuss extending the Tree Task Force to go until Dec. 31, 2014. Recommend amending the resolution before us tonight to extend to Dec. 31, 2014. That motion was approved and the recommendation was made. In addition, the Committee discussed the Recreation Task Force and adding a number of appointments, discussing who the appointments would be, and in addition we had the agenda review. The recommendations for the Recreation Task Force we will go through tonight when we make our motions but we recommended appointing five spots and amending the resolution. 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. Communication from Council President Madigan and Mayor Summers regarding Lakewood Recreation Task Force. (Pg.5)

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

3. **RESOLUTION NO. 8737-14** – A RESOLUTION to amend the appointing authority for the Lakewood Recreation Task Force and to increase the number of members for the task force to nine. (Pg.6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8737-14.

Motion adopted. All members voting yea.

4. **RESOLUTION NO. 8730-14** 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 Councilmember _____ to the Lakewood Recreation Task Force. (DEFERRED 4/7/1)(7)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Resolution 8730-14 by inserting the name Mary Louise Madigan.

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

Nays: None

Motion adopted. Resolution 8730-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8730-14 as amended.

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

Nays: None

Motion adopted. Resolution 8730-14 adopted as amended.

5. **RESOLUTION NO. 8727-14** 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 Lakewood Recreation Task Force. (DEFERRED 4/7/14)
(Pg. 8)

Moving to amend for the following three reasons:

adding, “and 8737-14 following 8696-13” in the first whereas clause. Where going to change three to five in the same whereas clause and we’re going to insert the name Monique Smith.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Resolution 8727-14 by inserting the name Monique Smith.

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

Nays: None

Motion adopted. Resolution 8727-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8727-14 as amended.
Yeas Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary

Nays: None

Motion adopted. Resolution 8727-14 adopted as amended.

6. **RESOLUTION NO. 8728-14** - 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 Lakewood Recreation Task Force. (DEFERRED 4/7/14)

(Pg. 9)

Moving to amend for the same three reasons:

adding, "and 8737-14 following 8696-13" in the first whereas clause. Changing three to five in the same whereas clause and we're going to insert the name Maureen Powers.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Resolution 8728-14 by inserting the name Maureen Powers.

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

Nays: None

Motion adopted. Resolution 8728-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8730-14 as amended.

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

Nays: None

Motion adopted. Resolution 8728-14 adopted as amended.

7. **RESOLUTION NO. 8729-14** 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 Lakewood Recreation Task Force. (DEFERRED 4/7/14)

(Pg. 10)

Amending by adding, "and 8737-14 following 8696-13" in the first whereas clause. Changing three to five in the same whereas clause and we're going to insert the name Ryan Rustad.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Resolution 8729-14 by inserting the name Ryan Rustad.

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

Nays: None

Motion adopted. Resolution 8729-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8729-14 as amended.

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

Nays: None

Motion adopted. Resolution 8729-14 adopted as amended.

8. **RESOLUTION NO. 8736-14** 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 Lakewood Recreation Task Force. (Pg. 11)

Amending by adding, "and 8737-14 following 8696-13" in the first whereas clause. Changing three to five in the same whereas clause and we're going to insert the names Mike Callahan and Stephanie Toole.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Resolution 8736-14 by inserting the names Mike Callahan and Stephanie Toole.

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

Nays: None

Motion adopted. Resolution 8736-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8736-14 as amended.

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

Nays: None

Motion adopted. Resolution 8736-14 adopted as amended.

9. **RESOLUTION NO. 8731-14** – A RESOLUTION extending the reporting deadline and expiration date governing the Lakewood Tree Task Force. (REFERRED TO THE COMMITTEE OF THE WHOLE 4/7/14). (Pg.12)

Motion by Ms. Madigan, seconded by Mr. Nowlin to amend Resolution 8731-14 to read, "...to extend the time for the Task Force to Report to December 31, 2014."

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

Nays: None

Motion adopted. Resolution 8731-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adopt Resolution 8731-14.

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

Nays: None

Motion adopted. Resolution 8736-14 adopted amended.

10. Public Works Committee Report regarding Ordinance 17-14– Mr. Juris; Chair (Pg. 13)

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

Motion adopted. All members voting yea.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 3/17/14, 2ND READING 4/7/14) (Pg. 14)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 17-14.
Motion adopted. All members voting yea.

12. Public Safety Committee Report regarding Resolution 8733-14. (To Be Provided) Mr. Bullock.

The Public Safety Committee met tonight with all members present, as well as Chief Malley, Law Director Butler, and Councilpersons Juris, Nowlin, Marx and O’Leary. We heard from the Chief that adopting the proposed resolution would expand our current law enforcement capacity by adding a patrol boat presence in joint operation with Rocky River and the Cleveland Metroparks. This is something that we now have trained officer capacity to manage and conduct – which is new in recent years for Lakewood’s police force. By adopting the resolution and entering into this mutual agreement we would be taking some but not all of the costs of this additional patrol time but we’d also increase our capacity to look out for boater safety and other safety concerns on the lake frontage that extends across Lakewood and over to the mouth of the Rocky River. There was a discussion with Councilmembers that began, although may not have completed. We may have some discussion tonight. We concluded by recommending adoption of this resolution by the full Council. Move to receive and file that oral report.

Motion by Mr. Bullock, seconded by Mr. Nowlin, to receive and file the oral report.
Motion adopted. All members voting yea.

13. **RESOLUTION NO. 8733-14** - 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, to authorize the Mayor, as Director of Public Safety, to enter into an agreement between the Cities of Lakewood and Rocky River and the Board of Park Commissioners for the Cleveland Metropolitan Park District for the interchange of public safety and marine police patrol services. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 4/7/14) (Pg. 17)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8733-14.
Motion adopted. All members voting yea.

14. Finance Committee Report regarding Resolutions 8734-14 & 8735-14. (Pg. 24) Mr. Nowlin; Chair

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

15. **RESOLUTION NO. 8734-14** – 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 Mayor to enter into agreement with Philip Yocabet in the amount of \$30,000.00, with an additional \$5,000 contributed by the Bureau of Workers’ Compensation, for the full and final settlement of all state-fund and self-insured workers’ compensation claims. (REFERRED TO THE FINANCE COMMITTEE 4/7/14)(Pg. 25)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8734-14.
Motion adopted. All members voting yea.

16. **RESOLUTION NO. 8735-14** – 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 Mayor to enter into agreement with William Fox in the amount of \$12,000.00 for the full and final settlement of all self-insured workers’ compensation claims. (REFERRED TO THE FINANCE COMMITTEE 4/7/14) (Pg. 26)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution 8735-14.
Motion adopted. All members voting yea.

17. **ORDINANCE NO. 18-14** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, enacting Chapter 148, Personal Information Systems, of the Codified Ordinances of the City of Lakewood in order to comply with the Ohio Personal Information Systems Act. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/7/14) (Pg. 27)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 18-14 on 2nd Reading.
Motion adopted. All members voting yea.

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

18. Communication from Councilmembers Bullock and Juris regarding Recognizing the achievement of Lakewood High School men’s and women’s basketball teams in the 2013-14 season. (Pg. 33)

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

19. **RESOLUTION NO. 8738-14** - A RESOLUTION to commend Lakewood High School Women’s Basketball Team for an outstanding 2013-2014 basketball season. (Pg.34)

Motion by Mr. Bullock, seconded by Ms. Madigan, to substitute Resolution 873-14 and adopted.

Motion adopted. All members voting yea.

20. **RESOLUTION 8739-14A** (Note “A” due to duplication) – A Resolution to commend Lakewood High School Women’s Basketball Team for an outstanding 2013-2014 basketball season.

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Resolution 8739-14-A.

Coach Mike Harper thanked the City Council for the recognition. He noted that it was special to be invited by Council for the opportunity to be recognized. He introduced two of the team Captains Megan Barrett and Erin Hoffert. He thanked other coaches for helping to create a season to remember. He thanked the team parents for their support of the team and the program. He thanked his coaching staff.

Megan Barrett addressed Council. She remarked that it is an honor for the City to share in the team’s success. She stated that the team’s success comes from its commitment and not from a lack of effort. She said that she was happy to share the team’s success with the City.

Erin Hoffert addressed Council. She remarked that the team played for reasons deeper than themselves and the team, but for Lakewood as a community. She attributed the team’s success to pride in where they came from and support of a common goal. She remarked on how nice it is to have the school, parents and community supporting the team. She expressed optimism for the future of the team.

Tori Milicevic, a third captain on the team addressed Council. She spoke about how welcoming the team has been to her and her plans to continue playing basketball in college.

The captains read the names of all the varsity players on the team. All players present raised their hands.

Coach Harper recognized the freshmen and JV players and spoke about the success of their seasons. He recognized those players present.

Motion adopted. All members voting yea. Resolution No. 8739-14-A adopted.

21. Communication from Councilmember Bullock regarding Graffiti Removal. (Pg.36)

Motion by Mr. Bullock, seconded by Mr. Nowlin, to receive, file and refer the communication to the Public Safety Committee.

Motion adopted. All members voting yea.

22. Communication from Mayor Summers regarding Accepting \$10,000 Donation from Pete Ramney’s Next Generation Foundation. (Pg.38)

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

23. Communication from Planning & Development Director Siley regarding Cuyahoga County US EPA Brownfield Revolving Loan Fund. (Pg. 39)

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

24. **RESOLUTION NO. 8739-14** – 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 Mayor to enter into an agreement with Cuyahoga County for a sub-grant of U.S. Environmental Protection Agency Brownfield Funds for the removal and abatement of asbestos at McKinley School in the amount of \$100,000. (Pg. 40)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8739-14.
Motion adopted. All members voting yea.

25. Communication from City Engineer Papke regarding asphalt contract without competitive bidding. (Pg. 70)

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

26. **RESOLUTION NO. 8740-14** – 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 Public Works to enter into an agreement with the Shelly Company without the necessity of bidding in accordance with Lakewood Codified Ordinances. (Pg. 71)

Motion by Ms. Madigan, seconded by MR. Nowlin, to refer Resolution No. 8740-14 to the Public Works Committee.
Motion adopted. All members voting yea.

Announcements

Councilmember Bullock announced that he is hosting an Earth Day screening of the film Chasing Ice at Lakewood Public Library on 4/29 at 7:00 p.m. he also thanked Mayor Summers for the follow up on traffic calming on Woodward Ave.

Mayor Summers announced a public meeting on 5/13 at Harding Middle School at 7:00 p.m. about the Woodward traffic calming plans. Residents of the street will receive a letter and picture of the plan this week. He recognized the work of the City's police force to control an incident that occurred on Sat. evening. He explained that 23 people were arrested at once and that an

investigation is unfolding. None were Lakewood residents. He commended the police for having 12 police cars on the scene within minutes to control the situation.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:34 PM.

Approved: _____

CLERK

PRESIDENT