

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
MAY 5, 2014  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 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, , Human Services Director Gelsomino, Planning & Development Director Siley, Human Resources Director Yousefi, Public Works representative Papke.

Reading and Disposal of the minutes of the Regular Meeting of Council held April 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 Lakewood Alive – President Madigan, Chair (TO BE PROVIDED)

Ladies and Gentlemen, Members of Council,

We invited members of Lakewood Alive to come to our Committee of the Whole tonight to update us on recent past accomplishments and give us a sense of their vision for 2014 and beyond. In attendance were all members of Council, Lakewood Alive Director Ian Andrews, Board Chair Sean McDermott, and new Board Chair Bryan De...

Director Andrews and his current and soon to be Board Chair went over some of the accomplishments in the areas of housing outreach, their main street and commercial programming as well as internal administration. I think I can speak for all of Council that we agreed we are so very pleased with the work that Lakewood Alive does and we are very thrilled that their successful partnership with the City of Lakewood, particularly with the Department of Development and the Mayor's Office has resulted in a number of uniquely Lakewood projects that include an education series on homeownership and improving one's home, the Birdtown

rebate program, rehabilitation of dilapidated and abandoned homes, and certainly the downtown merchants association, which has helped us in so many ways. We are at a ten year mark for Lakewood Alive and they've done it with distinction.

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. Health & Human Services Committee Report regarding senior transportation – Ms. Marx, Chair (Pg. 4)

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

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3. Public Works Committee Report regarding Resolution 8740-14 – Mr. Juris, Chair (TO BE PROVIDED)

The Public Works Committee met on Monday April 28<sup>th</sup>. Present were Councilmembers Bullock, O'Leary, and myself as well as Councilmember Anderson and Director Beno. On the agenda were two items – resolution 8740-14 which would authorize the City to enter into an agreement with the Shelly Company and also to begin our discussion of the 2014 streets program. The resolution after some discussion was voted unanimously to recommend adoption. To hit a few other points that were discussed in Committee, to clarify from the communication we received last time – this contract is for asphalt material. It is not the entire streets contract. So it is material to be used for patch and utility fixes. There are some issues regarding the location from which we'd be picking up materials and it was found that the contract identified from Shelly would be able to save not only on materials but on the hours spent going to pick up those materials. Certainly a win-win situation in that case. The Committee moved to recommend full adoption.

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

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4. **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. (REFERRED TO PUBLIC WORKS COMMITTEE 4/21/14) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8740-14.  
Motion adopted. All members voting yea.

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5. Public Safety Committee Report regarding Resolution 8691-13 – Mr. Bullock, Chair (TO BE PROVIDED)

The Public Safety Committee met tonight for extensive deliberation on proposed ordinance 8691-13 which is a proposed ordinance to impose a moratorium on the granting of building permits or certificates of occupancy for any building structure use or change of use that would enable the sale of alternative nicotine products for a period through Aug. 2, 2014. All members of the Committee were present as were the rest of Council – Councilmembers Marx, O’Leary, Nowlin, and Juris. Law Director Butler reviewed the purpose of the proposal which is to safeguard the health and safety of Lakewood residents until a state law prohibiting the sale of alternative tobacco products, such as e-cigarettes to minors goes into effect Aug. 2<sup>nd</sup>. It would do so by imposing the proposed moratorium as I just described. After deliberation we entertained and recommended in the Committee an amendment to the proposed ordinance to change the date from Aug. 2 to May 19 as is appearing in front of you in the substitute version we distributed at the beginning of this meeting and discussed in the Committee deliberation.

The Committee in the end recommended that the full Council adopt that tonight. The essence of that change was this: that by doing so we could enable the moratorium to continue through that date and we could then allow ourselves to entertain legislation on May 19 that would in effect adopt the state’s policy of a ban on alternative nicotine products sales to minors between then and Aug. 2<sup>nd</sup>. After Aug. 2<sup>nd</sup>, that sale prohibition would be in effect state-wide. This is in part an accommodation to a business owner who came and discussed their work underway in front of the Building Department now. There was some effective deliberation by all of Council and the Law Director to that effect. I think that was a reasonable compromise and middle ground that can respect the reasonable efforts in good faith of the business owner and at the same time, doing the most important thing, which is to properly regulate tobacco and nicotine products. And in this case, really only nicotine products. There’s more to say but I’ll leave it at that. Committee adjourned without discussing the second item which was a communication that I had put on the docket regarding graffiti. We hope to get to that in the future.

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

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6. **RESOLUTION 8691-13** – 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 impose a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the sale of alternative nicotine products for a period through August 2, 2014, in order to allow state regulation relative to such use to become effective. (**PLEASE SUBSTITUTE** for RESOLUTION 8691-13 REFERRED TO THE PUBLIC SAFETY COMMITTEE 12/2/13, DEFERRED 12/17/13) (Pg. 10)

Motion by Mr. Bullock, seconded by Ms. Madigan, to substitute Resolution No. 8691-13.  
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary  
Nays: None

Motion adopted. Resolution 8691-13 substituted.  
Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt as substituted.  
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary

Nays: None

Motion adopted. Resolution No. 8691-13 adopted as substituted.

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

7. Communication from Councilmember O'Leary regarding Parks Safety, Climate and User Conduct (Pg. 12)

Motion by Mr. O'Leary, seconded by Ms. Madigan, to receive, file and refer the communication to the Public Safety Committee.

Discussion was held on the communication:

Councilmember Juris asked if Councilmember O'Leary has a solution in mind with his communication. He noted that offensive behavior is already under legislative control. He suggested that outstanding instances of offensive behavior are related to enforcement, identifying issues quickly and penalizing when appropriate. He asked what Council can accomplish legislatively through this discussion.

Councilmember O'Leary stated that he would not be introducing legislation. He explained that the purpose is to focus on the legislation in place, reviewing it and making sure that it's accomplishing what we'd like it to. He expressed interest in a conversation with community partners that the City has engaged in conjunction with law enforcement, parks security, and other resources to more fully deal with the spectrum of behaviors and issues that the City is facing. He does not attribute parks climate to any single group of parks users but encompasses a broader spectrum of uses and locations. While there may be a number of legislative approaches that have merit, Councilmember O'Leary recommended a conversation first.

Mayor Summers stated that the communication makes sharp points that deserve serious scrutiny. He read six questions that came to mind when reading the communication. He asked Councilmember O'Leary to keep them in mind to address during a meeting on the topic.

Councilmember Bullock noted the tradition of working as a partner with the administration to assess City policy and procedures for implementing them. He noted that park staffing has varied over the years and that he supports a greater adult presence in the parks.

Mayor Summers responded, stating that police patrols in the parks began May 1<sup>st</sup> – a \$25,000 commitment. Generally one officer will be in the park daily at various hours. Parks Public Works security detail has been established for the season. Two individuals working alternative schedules also police the parks. The City intends to retain a court supervisor for the basketball courts.

Councilmember Bullock thanked the Mayor for his response. He commended the increase of adult presence in the park. He expressed optimism for success in the parks.

Councilmember Juris remarked that Council has from time to time had discussions in committee that have been broad overlooks of the Executive Branch and how departments are performing. He expressed that it is a key role of Council to assess departments in relation to the budget, personnel, or a proposed ordinance. He expressed hesitation about issues outside of this scope, stating that these matters can be too broad. He remarked that it can be difficult to accomplish anything when addressing such broad topics. He recommended that items referred to committees be rooted in a central question. He recommended identifying an outcome for such discussions so that time can be well-spent.

Councilmember Bullock expressed his view on how policy is set in the City, stating that Council is a full partner in setting policy priorities. He remarked that he has no problem initiating an interest in a topic that's important to the community that councilmembers have a role in. He noted that councilmembers receive questions from the community. If he cannot answer resident questions, he feels responsible to understand what the city is doing and propose a change if necessary. He expressed support for the strategy of having a discussion before proposing a change rather than proposing a change first. He disagreed that initiating a conversation on council is less than appropriate.

Council President Madigan thanked Councilmember Juris for his perspective. She stated her intention to refer the communication to the Public Safety Committee to determine if any legislative action is appropriate. President Madigan acknowledged Councilmember Bullock's point that councilmembers are asked to answer resident questions. She expressed her expectation that Councilmember O'Leary be prepared to address the Mayor's questions.

Motion adopted. Communication referred to the Public Safety Committee.  
All members voting yea.

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8. Communication from Law Director Butler regarding Indoor use of alternative nicotine products (Pg. 13)

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.

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9. Communication from Planning and Development Director Siley regarding proposed modifications to the Zoning Code regarding hotel/motel use (Pg. 14)

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

Motion adopted. All members voting yea.

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10. **ORDINANCE 19-14** – 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, to include additional provisions for hotels and motels within commercial districts in the City. (Pg. 15)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 19-14 on 1<sup>st</sup> Reading and refer it to the Planning Commission.

Motion adopted. All members voting yea.

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11. Communication from Planning and Development Director Siley regarding U.S. Department of housing and Urban Development FY 2014 CDBG Allocations (Pg.20)

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

Motion adopted. All members voting yea.

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*\*Please Note number corrections underlined due to duplications*

12. **RESOLUTION NO. ~~8641-14~~ – (8741-14)** 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 and directing the Mayor to submit the revised Fiscal Year (FY) 2014 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and incorporates the City’s application for the CDBG funds and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (Pg. 21)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8741-14.

Motion adopted. All members voting yea.

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13. Communication from Planning and Development Director Siley regarding contracting authority for McKinley School demolition (Pg. 24 )

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

Motion adopted. All members voting yea.

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14. **RESOLUTION ~~8642-14~~ (8742-14)** 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 for the provision of demolition services related to McKinley Elementary School in an amount not to exceed \$300,000. (Pg. 25)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8742-14.

Motion adopted. All members voting yea.

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15. Communication from Public Works Director Beno regarding West 117<sup>th</sup> Street repairs (Pg. 27)

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

Motion adopted. All members voting yea.

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16. **RESOLUTION ~~8643-14~~ 8743-14**– 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, Ohio, and any other agreements with the County necessary to complete the planning and construction of the improvement of a portion of public highway located within the City described as the roadway rehabilitation of W. 117<sup>th</sup> Street from Bellaire Road to Lake Avenue, in an amount not to exceed \$150,000. (Pg. 28)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8763-14.  
Motion adopted. All members voting yea.

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17. Communication from Mayor Summers regarding Mayoral appointments to the Active Living/Recreation Task Force (Pg. 35)

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

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18. Liquor Permit Notice for D1, D2, and D3 Economic Development Transfer “TREX” permit to Srisiam Inc. d/b/a Brown Sugar 2 Thai Cuisine. 14725 Detroit Ave. Unit C2 (Pg. 36)

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

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Public Comment

Lake Avenue resident addressed Council about the number of road races taking place on Saturday and Sunday on Lake Ave. She described the effect on her and her family, stating that it was burdensome. During the period before and during the races, she cannot move her car. She mentioned that there were 8 races last year. She asked that the City consider relocating some races and to look at them more closely.

Lakeland Avenue resident addressed Council about the basketball courts. He complained of too much noise. He asked for them to be moved or shut down.

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Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.  
Motion adopted. All members voting yea.  
Meeting adjourned 8:47 PM.

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

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CLERK

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PRESIDENT

