

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 2, 2014
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 PM by President Madigan.

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

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Police Representative, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Human Resources Director Yousefi

Reading and disposal of the Minutes of the Regular Meeting of Council held May 19, 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 Active Living Recreation Task Force Vacancy (TO BE PROVIDED)

The Committee of the Whole met this evening at 7:02 p.m. All members were present. We broke into executive session to discuss an appointment for the Active Living Recreation Task Force vacancy. As some of you know, one member resigned because he was not able to commit the time. So the Committee met in executive session and discussed the very qualified citizens who offered to serve on the Task Force. The executive session ended at about 7:19 p.m. The Committee voted outside of executive session to put forward the name Chris Sinagra to serve on the Recreation Task Force.

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

Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8745-14** – 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.5)

Motion by Ms. Madigan, seconded by Mr. Nowlin to insert the name Chris Sinagra.

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

Nays: None

Motion adopted. Resolution 8745-14 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adopt as substituted.

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

Nays: None

Motion adopted. Resolution 8745-14 adopted as substituted.

3. Finance Committee Report regarding Resolution Ordinance 24-14, 26-14 and Resolution 8744-14. (TO BE PROVIDED)

Motion by Mr. Nowlin, seconded by Ms. Madigan to defer.

Motion adopted. All members voting yea.

4. **ORDINANCE NO. 24-14** - 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, to enact new Section 129.60, Collection Fees, within the Administrative Code of the City of Lakewood to authorize the recovery of any fees associated with collections from the obligor. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/19/14) (Pg.6)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on second reading.

Motion adopted. All members voting yea.

5. **ORDINANCE NO. 26-14** – 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, authorizing the transfer and advance of certain funds. (PLACED ON 2ND READING AND REFERRED TO THE FINANCE COMMITTEE 5/19/14)(Pg. 8)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on second reading.

Motion adopted. All members voting yea.

6. **RESOLUTION NO. 8744-14** – 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, approving the tax budget of the City of Lakewood, Ohio for the year 2015, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (REFERRED TO THE FINANCE COMMITTEE 5/19/14) (REFERRED TO THE FINANCE COMMITTEE 5/19/14) (Pg. 10)

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer.

Motion adopted. All members voting yea.

7. Rules & Ordinances committee regarding Ordinance 18-14, 25-14 and 27-14. (TO BE PROVIDED)

Dear Colleagues,

The Rules & Ordinances Committee met on Tuesday, May 27, 2014 to discuss proposed ordinances 18-14, 25-14, and 27-14 pertaining to personal information systems, age-related hiring requirements for firefighters, and the codification of Lakewood's ordinances, respectively.

The committee met with all members present, and first considered proposed ordinance 18-14 dealing with personal information systems. The committee met on a previous occasion to consider ordinance 18-14, however a substitute version was before the committee on May 27. Finding minor changes and additions to be agreeable, the committee recommended adoption of the substitute version of proposed ordinance 18-14 upon its third reading.

The committee next discussed proposed ordinance 25-14, which would increase the maximum age at which a firefighter may be hired in Lakewood to 40. The committee heard from Human Resources Director Yousefi and Secretary to the Civil Service Commission Jeanine Petrus before unanimously recommending adoption of proposed ordinance 25-14 upon its third reading.

Last, the committee considered proposed ordinance 27-14, which would allow the third-party codifier of Lakewood's ordinances to codify our ordinances on a more frequent basis. After brief discussion with Law Director Butler about the benefits of more frequent codification of the City's ordinances, the committee unanimously recommended adoption of proposed ordinance 27-14 upon its third reading.

Respectfully Submitted,

/s/ Sam O'Leary – Ward 2

Motion by Mr. O'Leary, seconded by Ms. Madigan to receive and file the oral report.

Motion adopted. All members voting yea.

8. **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. (PLEASE SUBSTITUTE FOR ORDINANCE 18-14 PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/7/14, 2ND READING 4/21/14) (Pg.11)

Motion by Ms. Madigan, seconded by Mr. Nowlin to substitute

Motion adopted. Ordinance 18-14 substituted.

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

Nays: None

Motion by Ms. Madigan, seconded by Mr. Nowlin to adopt

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

Nays: None

Motion adopted. Ordinance 18-14 adopted as substituted.

9. **ORDINANCE NO. 25-14** - 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, to amend Section 144.03, qualifications for Applicants for Fire Department, within the Administrative Code of the City of Lakewood to increase the maximum age for a firefighter at hire to 40 years old. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14)(Pg. 17)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on second reading.

Motion adopted. All members voting yea.

10. **ORDINANCE NO. 27-14** - 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, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14) (Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on second reading.

Motion adopted. All members voting yea.

11. **ORDINANCE NO. 20-14** – AN ORDINANCE amending Section 565.10, Prohibited Trees, of the Codified Ordinances of the City of Lakewood to revise and update an obsolete provision of local code that establishes overly prescriptive and outmoded bans on certain tree species. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 5/19/14) (Pg. 21)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on second reading.

Motion adopted. All members voting yea.

12. **ORDINANCE NO. 21-14** – AN ORDINANCE amending Section 905.09, Billposting; Permit for Erecting Structures or Decorations, of the Codified Ordinances of the City of Lakewood to authorize volunteer participation in a public education program of identifying tree species tags on public trees. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 5/19/14) (Pg.23)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on second reading.

Motion adopted. All members voting yea.

13. **ORDINANCE NO. 23-14** – Lakewood Initiative In Support Of the Movement to Amend the U.S. Constitution To Establish That Corporations Are Not People And Money Is Not Speech. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14) (Pg. 25)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on second reading.

Motion adopted. All members voting yea.

14. Liquor Permit Notice for D1, D2, and D3 Economic Development Transfer to“TREX” permit to Lakewood Siam d/b/a Brown Sugar 2 Thai Cuisine. 14725 Detroit Ave. Unit C2 Deferred 5/5/14) (DEFERRED 5/19/14) (Pg. 26)

Motion by Mr. Bullock, seconded by Ms. Madigan to file no objection.

Motion adopted. All members voting yea.

****NEW BUSINESS****

15. Communication from Mayor Summers and Council President Madigan regarding Lakewood High School Varsity Baseball. (Pg.27)

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer.

Motion adopted. All members voting yea.

16. **RESOLUTION NO. 8746-14** – A RESOLUTION to commend Lakewood High School Varsity Baseball Team on capturing the West Shore Conference Crown. (Pg.28)

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer.

Motion adopted. All members voting yea.

17. Communication from Finance Director Pae regarding 2014 2nd Quarter Transfers. (Pg.29)

Director Pae provided a substitute correspondence as follows:

Attached is an amended ordinance reflecting increased contracting authority in the amount of \$30,000 to increase the reforestation program from \$60,000 to \$90,000, included in the appropriation ordinance. Please refer to the Finance Committee for further discussion.

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

Motion adopted. All members voting yea.

18. **ORDINANCE NO. 1-14B** - 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 1-14A, adopted March 17, 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. 30)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on first reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

19. Communication from City Engineer Papke regarding Lakewood Codified Ordinances - Chapter 1339 (Pg.36)

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

Motion adopted. All members voting yea.

20. **ORDINANCE NO. 28-14** – AN ORDINANCE to amend Chapter 1339, Storm Water Management, of the Codified Ordinances of the City of Lakewood to update it in accordance with the model code of the Environmental Protection Agency. (Pg.37)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on first reading and refer to Public Works Committee.

Motion adopted. All members voting yea.

Public Comment

Ean Fakan – 1360 Lakeland Ave

Mr. Fakan asked for an update on the status of Kauffman Park.

Mike Deneen – 2225 Olive Ave.

Mr. Deneen addressed Council about re-opening the basketball courts at Kauffman Park as soon as possible.

Art Gold – 1098 Forest Cliff

Mr. Gold spoke as a founding member of the Lakewood Outdoor Basketball Committee. He remarked that Council recently honored the Lakewood High School men and women's basketball teams for their successful seasons, pointing out that many of those players have enjoyed the using the City's courts. He thanked Mayor Summers and Director Beno for opening up Wagar Park. He wanted assurance that the closure in Kauffman Park is temporary and not permanent. He acknowledged the Mayor's tough decision to temporarily close the courts. He spoke of the vitality that outdoor basketball has brought to the City. He hoped that the concern of a few neighbors do not cause the courts to disappear.

Roger Sikes – 1673 Arthur Ave.

Mr. Sikes spoke about the closure of the basketball courts at Kauffman Park. He remarked on his youthful experiences playing outdoor basketball in Lakewood and the benefits it brought to him including leadership skills. He described scenes from Lakewood and Kauffman Park of kids from all backgrounds playing basketball together and getting exercise. He expressed hope that the Kauffman courts be re-opened. He advocated for the general expansion of public hoops.

Sean Wheeler – 1517 Mars Ave

Mr. Wheeler spoke as a LHS teacher and City resident. He remarked on the benefits that basketball provides to students. He shared his observations of kids in the parks engaging positively with each other playing basketball. He stated that closing the courts cuts kids off from something vital to their growth and to the growth of the community. He supported the idea of locking the courts on time at 8:00 p.m. daily. He asked that the courts be re-opened and that the City recognize the vital role of athletics.

Councilmember Madigan thanked residents for their comments and clarified that Kauffman Park is not closed, only its basketball courts are.

Mayor Summers spoke on the issue of the Kauffman Park court closure. The Mayor stated that he closed the courts on May 21st due to a threat to safety. As Director of Public Safety, he had a responsibility to take action. He did not take the action lightly as he has supported outdoor basketball in the past. He noted the conflict of privacy issues and the public interest. The Mayor stood by his decision, stating that his reasons were valid and that after much reflection he would make the same decision today. He explained that he cannot and will not provide additional details about the threat due to privacy issues. He remarked on short term plans to set up hoops in Wagar Park. He stated that he looked forward to additional discussion on how the City can further expand outdoor basketball. The parks' master plans will be re-visited in 2014.

Councilmember Bullock thanked the Mayor and the residents who spoke. He stated that their comments about the need for vibrant parks and safe recreation for kids resonate with him. He pledged to continue working with residents to find a way to make the parks vibrant, growing in use, and safe. He remarked that Council and the Mayor are good partners that will stay focused on the issue. He noted that safety is number one and that everyone needs to continue to work together to find a solution.

Councilmember O'Leary commended the Mayor's comments he expressed enthusiasm for working with others to ensure that basketball can be played in Kauffman Park and also how to make Wagar Park successful. He expressed confidence at arriving at a better situation for recreational basketball in the City. He thanked Mayor Summers and Council for their openness in working toward these goals.

Councilmember Marx thanked residents who came to express their thoughts and concerns. She remarked on the importance of working together toward common goals. She thanked Mayor Summers for making a difficult decision to keep the community safe.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:56 PM.

Approved: _____

CLERK

PRESIDENT