

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

Regular Meeting of the Lakewood City Council called to order at 7:30 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, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Human Services Director Gelsomino, Planning & Development Director Siley, Assistant Law Director Mladek, Human Resources Director Yousefi.

Reading and Disposal of the minutes of the Regular Meeting of Council held June 16, 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. Communication from Council President Madigan and Mayor Summers regarding Lakewood High School Varsity Baseball Team. (From previous meeting) (Pg. 5)

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

Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8746-14** – A RESOLUTION to commend Lakewood High School Varsity Baseball Team on capturing the West Shore Conference Crown. (Pg.6)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8746-14.

Motion adopted. All members voting yea.

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3. Committee of the Whole Report regarding Tree Task Force Recommendation Review. (Pg.7)

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. Rules & Ordinances Committee Report regarding Ordinance 23-14. Mr. O’Leary; Chair. (To Be Provided)

July 7, 2014

Dear Members of Council,

The Rules and Ordinances Committee met on June 9, 2014, and again on July 7, 2014, to consider Proposed Ordinance 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.

At the first meeting, the committee heard from the citizens group, as well as members of Council, and the law department and received their thoughts and input. At the second meeting on July 7, 2014, the Rules and Ordinances Committee, in consultation with the citizens’ committee that proposed the ordinance to Council, voted to recommend that Council table the proposed ordinance. It is the intention of the committee that this proposed ordinance be tabled so that language reflecting the sentiment of the proposed ordinance may be incorporated into a Resolution, and introduced to the full Council at its next meeting on July 21, 2014. Therefore, it is the recommendation of the Rules & Ordinances Committee that Council table Proposed Ordinance 23-14.

Respectfully Submitted,

/s/ Sam O’Leary

Council – Ward 2  
Rules and Ordinances Committee, Chair

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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5. **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 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14, 2<sup>ND</sup> READING 6/2/14) (Pg. 8)

Motion by Mr. O’Leary, seconded by Ms. Madigan, to lay Ordinance 23-14 on the table.  
Motion adopted. All members voting yea.

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6. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 6/2/14, 2<sup>ND</sup> READING & RECOMMENDED FOR ADOPTION 6/16/14) (Pg. 9)

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

Motion adopted. All members voting yea.

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7. Finance Committee Report regarding Resolutions 8749-14 & 8750-14. Mr. Nowlin; Chair. (TO BE PROVIDED)

Finance Committee met tonight, July 7, 2014. Present were committee members Bullock and Juris, as well as Councilmembers O'Leary, Anderson, Marx, Council President Madigan, Finance Director Pae, and Assistant law Director Mladek. We first considered resolution 8749-14. That resolution requests that the Cuyahoga County Fiscal Officer draw on the Treasurer to pay the City an advance on all real property taxes, personal property taxes, estate taxes and special assessments collected in 2015 in such amounts that are available. This resolution is ministerial in nature and is required by the Ohio Revised Code. We had some discussion about it and the Committee unanimously recommended adoption of the resolution tonight to the full Council.

We next considered resolution 8750-14. Again, this resolution is very straightforward and ministerial in nature. It accepts the amounts and rates as determined by the budget commission and authorizes the necessary tax levies and certifies them to the County Fiscal Officer. After discussion the Committee unanimously recommended adoption of this resolution.

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

Motion adopted. All members voting yea.

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8. **RESOLUTION NO. 8749-14** – 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, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real property taxes, personal property taxes, estate taxes and special assessments collected in the year 2015 in such amounts as may be requested and available. (REFERRED TO THE FINANCE COMMITTEE 6/16/14) (Pg. 15)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Resolution No. 8749-14.

Motion adopted. All members voting yea.

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9. **RESOLUTION NO. 8750-14** – 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, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (REFERRED TO THE FINANCE COMMITTEE 6/16/14) (Pg. 17)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Resolution No. 8750-14.

Motion adopted. All members voting yea.

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10. Civil Service Commission Report regarding Recommendation for Council Members and Mayor Salaries. (Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer the report to the Committee of the Whole.

Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 29-14** – AN ORDINANCE amending Section 565.01, Definitions, and Section 565.04, Placing Harmful Substances near Trees, of the Codified Ordinances of the City of Lakewood to prohibit actions harmful to the tree trunk flare zone. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/16/14)(Pg. 45)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 29-14 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 30-14** – AN ORDINANCE to amend certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/16/14) (Pg. 48)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 30-14 on 2<sup>nd</sup> Reading.

Motion adopted. All member voting yea.

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13. Liquor Permit Application for a D5 TREX type to 15006 Detroit Avenue from Swanton Ohio. (DEFERRED 6/16/14) (Pg. 58)

Motion by Ms. Bullock, seconded by Mr. O’Leary, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

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

14. Communication from Councilmember Marx regarding Lakewood Animal Safety Welfare Advisory Board. (Pg. 59)

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

Motion adopted. All members voting yea.

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15. Communication from Mayor Summers regarding Appointment to Lakewood Animal Safety & Welfare Advisory Board. (Pg. 71)

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. Communication from Finance Director Pae regarding Purchase through Consortium. (Pg.72)

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

Motion adopted. All members voting yea.

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17. **RESOLUTION NO. 8751-14** – 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, Director of Finance and the Purchasing Manager to enter into an agreement with and purchase supplies or services through a **Purchasing Consortium to Purchase Sodium Chloride** consisting of the cities of Beachwood, Brecksville, Broadview Heights, Brooklyn, Brooklyn Heights, Independence, North Royalton, Seven Hills and Valley View without the necessity of advertising and bidding as required in Lakewood Codified Ordinances §111.04 Bidding. (Pg. 73)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8751-14 to the Public works Committee.

Motion adopted. All members voting yea.

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18. Communication from Human Services Director Gelsomino regarding PASSPORT Program. (Pg. 75)

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. **RESOLUTION NO. 8752-14** – 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 or his designee, on behalf of the City, to enter into an agreement with the Western Reserve Area Agency on Aging to accept and expend PASSPORT Program funds for the fiscal period covering July 1, 2014 through June 30, 2016 and ratifying any and all prior agreements to accept and expend funds for this project. (Pg. 76)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8752-14.  
Motion adopted. All members voting yea.

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20. Liquor Permit Application for D5 and D6 stock to North Coast Dining Group LLC;  
16719 Detroit Avenue, Lakewood, OH. (Pg. 78)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to the liquor permit application.

Motion adopted. All members voting yea.

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Public Comment

No public comment

Announcements

President Madigan announced the presence of her family members, including her 8 year old niece, visiting from Baku, Azerbaijan.

Mayor Summers thanked the Public Works and Public Safety Departments for their excellent work over the Fourth of July celebrations.

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Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.  
Motion adopted. All members present voting yea.  
Meeting adjourned 7:52 PM.

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

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CLERK

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PRESIDENT