

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

Regular Meeting of the Lakewood City Council called to order at 7:33 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, 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 July 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.

*Without objection from Council items 8, 9, 10, 11 and 12 were read first in the agenda order.*

**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Committee of the Whole Report regarding Resolution 8759-14. Ms. Madigan, Chair. (To Be Provided)

The Committee of the Whole met tonight, Sept. 2, 2014 at 6:15 p.m. to begin a couple of discussions. On our agenda tonight was a discussion of Resolution 8759-14, received 7/21/14. Omni Lakewood, on Athens Ave. – the former Lake Erie Screw recently applied for an Economic Development Fund loan of \$100,000 to make safety improvements to the facility. The owner would contribute \$250,000 and the City would contribute \$100,000. These enhancements will bring the property into compliance with current fire and building codes. Most of us in the City, especially those of us in the neighborhood know that Omni purchased the Screw Factory in 2006 and since that time has been very successful in leasing space to a diverse tenant base. The building is home to 102 companies and 372 employees ranging from manufacturers to skilled craftsmen to local artists. The proposed safety improvements will provide the safest possible conditions for the current tenants. The Resolution before us tonight is for participation in the Lakewood Business Investment Program.

The second item of business we discussed were the proposed improvements to our lakefront. Director Siley took us through a review of what has been proposed so far and what will be going out to bid, and what we have to look forward to. The big question we have to answer is what do we do with our space? How do we use our valuable lakefront space better? Director Siley reminded us how we got the funding, what was left over from years ago and how we're proposing to use that wisely. Approximately \$1.5 million in improvements...I think that as Director Siley says, we're setting the DNA for the parks. That is the phrase that I'm coming out of here with. The DNA is how do we make it attractive? How do we make it safe? And how do we make it accessible? And we are well on our way to that. Those were the two items of business along with a review of the progress of Lakewood Alive.

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. **RESOLUTION NO. 8759-14** – A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with Omni Lakewood, Ltd. Or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five-year loan in the amount of \$100,000 (REFERRED TO THE COMMITTEE OF THE WHOLE 7/21/14) (Pg. 5)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8759-14.

Motion adopted. All members voting yea.

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3. Public Safety Committee Report regarding Ordinance 30-14. Mr. Bullock, Chair. (To Be Provided)

The Public Safety Committee held, over the August month, a very informative discussion regarding the City's various insurance requirements that were addressed in Councilman Juris' very thoughtful proposed ordinance. He worked, with great effect, with the Law Department – both Law Director Butler and Assistant Law Director Mladek. We had an educational and insightful Committee discussion about those proposals. What was proposed was to look at the City's various insurance requirements and consider improvements to them in a couple of different categories. First, to allow for establishing an insurance threshold at a level appropriate to current market conditions and to do so on a more flexible basis, rather than do what we've currently done, which is to put a specific dollar amount in the Lakewood Codified Ordinances in perpetuity and then require changes to those laws in the future. Secondly, to tighten the definitions of the types of insurance that we require so that we are ensuring that these policies are actually achieving their intended purpose and don't have gaps or exclusions that would provide a false sense of security. As an example of that, our current vacant property insurance requirements, the definitions currently on the books would be improved under the proposed ordinance in a couple of different ways and thereby ensure that a policy would provide for the purpose that we originally set out to achieve. The various categories of insurance that were addressed were vacant property, dangerous animals, contractor insurance for work done on commercial and residential property and one more which I may ask my Council colleague, the author of the ordinance to recall in a moment.

The other major issue that we discussed led to the development of the substitute ordinance and concluded our discussion by recommending to the Council full adoption of the substitute ordinance and that was to take the spirit of Councilman Juris' proposal and put it in a different

form that would, rather than delegate authority for setting insurance thresholds to the administration and its various directors, instead, retain that authority for City Council and instead adopt an annual fees and insurance thresholds ordinance alongside our annual budget process thereby bringing to a conscious discussion and allow Council to retain a voice in all of those decisions. As a practical matter I think we'll still have it that our risk advisor, an attorney on retainer with the Law Department, will make an expert recommendation in consultation with the administration and present that annually to us – since this is a technical field. But it will allow Council to retain a role in this policy matter. So, there was unanimity around this discussion. Councilman Juris graciously agreed to the substitute ordinance and so that we concluded by recommending the substitute for adoption.

Motion by Mr. Bullock, seconded - receive and file that oral report.

Councilmember Juris thanked the Public Safety Committee and for hearing the ordinance as well as the Law Department. He remarked that the other item that was supposed to be repealed was part of the City's self-insurance funds for the recreation side of things, which, he pointed out, ties into Council's earlier resolution of the liability exposures that exist when a lifeguard misses something. Over the years that policy has been purchased on the market and is not something that the City needs to self-insure for because that liability exposure is so great when someone does get injured in a public area. He explained that the spirit of the ordinance was to clean up the code and improve consistency in the law, making sure that dollar figures that are listed make sense and are practical and appropriate for the current year and that the consistency is set in place so that we can review those things periodically but don't find ourselves in a position where we have antiquated limits that have been established. He remarked that the ordinance was a step forward that there may be subsequent related ordinances to follow.

Councilmember Bullock recalled the fourth category of item addressed by the ordinance – general liability. He explained how it comes into play with outdoor dining permits.

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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4. **ORDINANCE NO. 30-14** – AN ORDINANCE to amend certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements. **(PLEASE SUBSTITUTE FOR ORDINANCE 30-14 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/16/14, 2<sup>ND</sup> READING 7/7/14, REFERRED BACK 7/21/14)** (Pg. 26)

Motion by Ms. Madigan, seconded by Mr. Bullock, to substitute Ordinance No. 30-14.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Ordinance No. 30-14 as substituted.

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

Nays: None

Motion adopted. Ordinance 30-14 adopted as substituted.

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5. Charter Review Commission Report & Proposed Third Amended Charter. (Pg.36)

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

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 31-14** – AN ORDINANCE authorizing the transfer and advance of certain funds (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 7/21/14) (Pg. 110)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 31-14 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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

7. Communication from Council President Madigan regarding Creating Healthy Communities Grant Opportunity. (Pg. 112)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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8. Communication from Councilmember Marx and Council President Madigan regarding Cotton Heritage Ohio Award for Best Commercial Rehabilitation Project 2014. (Pg.114)

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

Motion adopted. All members voting yea.

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9. **RESOLUTION NO. 8760-14** - A RESOLUTION TO COMMEND Stein and Cotton on receiving the award from Heritage Ohio for Best Commercial Rehabilitation Project of 2014. (Pg. 115)

Councilmembers Bullock, Anderson, Madigan and Juris remarked on Mr. Stein's contributions to a thriving downtown.

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 876-14.

Motion adopted. All members voting yea.

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10. Communication from Mayor Summers regarding Resolution Commending Adrianna Larimer (Pg.116)

Mayor Summers read and expanded upon his communication, describing the scenario in which Ms. Larimer saved the life of a young boy at Becks Pool and expressing his appreciation to her.

Ms. Larimer addressed Council and explained the circumstances of how she came to save the boy. She explained the life-saving strategies she used.

Councilmembers Bullock, Anderson, O’Leary, Marx and Madigan offered words of praise and gratitude for Ms. Larimer’s efforts.

Ms. Larimer spoke about the certification and continuing education process for lifeguarding.

Ms. Madigan asked for recognition of Ms. Larimer’s mother and sister.

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

Motion adopted. All members voting yea.

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11. **RESOLUTION NO. 8761-14** – A RESOLUTION to commend Adrianna Larimer, a Lakewood citizen. (Pg. 117)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8761-14.

Motion adopted. All members voting yea.

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12. Communication from Law Director Butler regarding 2014 quarterly codification ordinance. (Pg.118)

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

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 32-14** – 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. (Pg. 119)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 32-14 on 1<sup>st</sup> Reading & refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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14. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2014. (Pg. 121)

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. **ORDINANCE NO. 1-14C** 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, amending Ordinance 1-14B, adopted July 7, 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. 122)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance 1-14C on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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16. Communication from Finance Director Pae regarding Amend 2014 Capital Lease Authorization. (Pg. 126)

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. **ORDINANCE NO. 16-14A** – 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 amend Ordinance No. 16-14, adopted April 7, 2014, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood. (Pg. 129)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 16-14A on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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18. Communication from Finance Director Pae regarding Nature Works 21<sup>st</sup> Round Grant Application. (Pg. 133)

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. 8762-14** –A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to execute and file an application with the Ohio Department of Natural Resources for financial assistance through the NatureWorks program and to obligate the necessary funds for the grant. (Pg. 134)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopted Resolution No. 8762-14.

Motion adopted. All members voting yea.

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20. Communication from Finance Director Pae regarding Purchasing Consortiums. (Pg. 136)

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

Motion adopted. All members voting yea.

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21. **ORDINANCE NO. 33-14** – AN ORDINANCE to enact a new section 111.15, Purchasing Consortiums, of the Codified Ordinances of the City of Lakewood to permit the City to join and participate in various purchasing consortiums organized for the purpose of facilitating governmental purchasing. (Pg. 137)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 33-14 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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22. Communication from Police Chief Malley regarding Bureau of Justice Assistance Bulletproof Vest Program. (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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23. Communication from Fire Chief Gilman regarding Disposal of obsolete air packs and hose. (Pg. 140)

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. 8763-14** – 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 Director of Finance to sell, through trade, 2,000 feet of fire hose and six obsolete air packs with Cuyahoga Community College in exchange for training classes for firefighters valued at approximately \$4,000. (Pg. 141)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8763-14.

Motion adopted. All members voting yea.

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25. Communication from Human Services Director Gelsomino regarding Cuyahoga County Community Social Service Program. 2016-2016 (CSSP). (Pg. 143)

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. **RESOLUTION NO. 8764-14** – A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with Cuyahoga County to accept funds estimated to be \$153,640 for the provision of congregate meals and transportation for seniors through the Division of Senior and Adult Services. (Pg. 144)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8764-14.

Motion adopted. All members voting yea.

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27. Liquor Permit Notice of D2, D2X, D3 and D3A permits to O'Tooles Pub d/b/a Irish Kevins, 13601 Detroit from Hearn's Pub. (Pg.145)

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

Motion adopted. All members voting yea.

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28. Liquor Permit Notice for D1, D3, and D3A permits to Bevy In Birdtown, 12112 Madison Avenue from James J Mileti. (Pg.146)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit.  
Motion adopted. All members voting yea.

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29. Liquor Permit Notice for new C1 & C2 permits to Birdtown Beverage, 12118 Madison Avenue. (Pg. 147)

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

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30. Liquor Permit Application for a D5 permit to Manja, 13373 Madison Ave. (Pg. 148)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit.  
Motion adopted. All members voting yea.

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### Public Comment

Michael Kubek – 2094 Chesterland

Mr. Kubek addressed Council about sidewalk repairs needed on his property. At the time he took ownership of the home in October 2013 he was unaware that the City had sent a letter in August 2013 requiring repairs as a result of a tree. He provided arguments for why he should not be responsible.

Mayor Summers responded to the concerns, providing background on the objectives of the ten year sidewalk improvement plan and the City's strategy for funding it. He stated that more about funding the sidewalk program will be discussed during budget sessions. He urged residents to be patient while the City works through the issues.

### Announcements

Mayor Summers briefed Council on traffic conditions that are a result of the school construction and the solutions the City is pursuing. One police officer has been stationed at each school in addition to the regular number of crossing guards.

Mayor Summers announced that 4,700 Lakewood households are signed up on ReadyNotify. He established goals for sign up.

Council President Madigan announced the date of the Madison Park Community Festival and the Historical Society House Tour.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.  
Motion adopted. All members present voting yea.  
Meeting adjourned 8:44 PM.

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

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**CLERK**

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PRESIDENT