

**MINUTES
 OF THE
 REGULAR MEETING
 OF
 LAKEWOOD CITY COUNCIL
 HELD IN COUNCIL CHAMBERS
 12650 DETROIT AVENUE
 SEPTEMBER 15, 2014
 7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:31 PM by President Madigan.

Present: David Anderson, Thomas R. Bullock III, 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, Human Resources Director Yousefi.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to excuse the absence of Mr. Juris. Motion adopted. All members present voting yea.

Reading and Disposal of the minutes of the Regular Meeting of Council held September 2, 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 Proposed Third Amended Charter. (To Be Provided).

Madam Clerk, Members of Council, Members of the Administration,

Committee of the Whole met today, September 15th to discuss the Charter, which was presented to us by the Charter Commission. Most of you on Council remember that in February 24th 2014, Dr. Keller donated his time to lead this Council in a retreat, or a class, or a seminar, or a work session. We are fortunate enough to have him. It focused on two issues 1. The role and responsibility of a municipal council; 2. The importance of the Charter, because, and I quote Dr. Keller, “it determines to a great extent what laws apply and how well a community is governed.” Our opportunity as a Council in 2014 is to appoint a Charter Commission smart enough to review and revise the document that embodies the values by which Lakewood is governed. The nine commissioners (5 appointed by Council and 4 by the

Mayor) spent nearly every Monday for six months working on the draft of the Third Amended Charter, presented to us on September 2nd. Tonight at Committee of the Whole we begin our public review of the draft and the conversation of when to present it to the voters. Dr. Keller expertly led the seven of us through a graduate level course that Saturday in February. He said that the product of the Commission ought to be, “a Charter, written in an elegant narrative that eschews legalese, is succinct, and uses the active voice.” We have that here in this draft. At tonight’s meeting we had the opportunity to ask questions, we got an overview from Commission Chair Tom Brown, we heard from other members of the Commission, and we had a fairly vibrant discussion. We heard from Director Kevin Butler about the next steps may be and how to fit those into a timeline that fits for this Council in this City. As usual, the work got done because dedicated, smart people took their duty seriously. On behalf of the 52,000 people who may or may not know how important this work is, this Council wants to thank (and I wish they were all here), Tom Brown, who served as Chairman, Jay Carson, Scott Kermode, Andrew Meyer, Ed Monroe, Pam Smith (another former Councilperson), Allison Urbanek, Tom Wagner and Steve Davis, who continued his service for a second time from the Commission established in 2004. Of course, Director Butler was there every step of the way, declaring himself one of those rare people who enjoys the academic and policy work of creating a Charter. Director Butler, we thank you for that. Director Pae, and all the Directors and Commission members who helped that Charter Commission come up with such a fine product, we thank all of you. We are fortunate to have all of those members as neighbors.

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

Motion adopted. All members present voting yea.

2. Finance Committee Report regarding Ordinance 31-14, 1-14C, 16-14A, Res. 8762-14, & 33-14. . Mr. Nowlin, Chair. (To Be Provided)

Tonight the Finance Committee met to discuss various items on its agenda. Present were members Councilman Bullock and myself. Outside of the Committee were Councilmember Marx, Councilmember Anderson, Finance Director Pae, Assistant Finance Director Chittock, and Law Director Butler. We discussed Ordinance 16-14A which is an ordinance that authorizes the City to enter into equipment leases regarding one automated side refuse truck and 6,000 residential recycling containers. Essentially, this ordinance was proposed to move up the timeline about 9 months for the City to acquire the truck as well as the additional recycling containers attributed to the demand that the residents who don’t yet have recycling containers have made, to be part of the program. The timing is also sensitive because the City is able to get better pricing on the equipment. To that end, Finance Director Pae asks that we consider adopting the ordinance on second reading due to the timeliness of the order and the ability of us to get the price break on the equipment itself. This equipment was already appropriated for in our capital plan. After significant deliberation on the ordinance, both members present voted unanimously to recommend adoption of 16-14A to full Council tonight.

We also continued our discussion on ordinance 24-14 but adjourned with the expectation to continue discussion on that ordinance.

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

3. **ORDINANCE NO. 31-14** – AN ORDINANCE authorizing the transfer and advance of certain funds (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 7/21/14, 2ND READING 9/2/14) (Pg. 4)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to terminate Ordinance 31-14 from Committee to address on the floor.

Yeas: Anderson, Bullock, Madigan, Marx, Nowlin, O’Leary
Nays: None
Motion adopted.

Council President Madigan stated the purpose of the motion to terminate from the Committee was to allow the item to be addressed that night as it was not reported out on last meeting, and not on the Committee Notice agenda. To consider passage, Council will move to adopt it and have discussion on the floor.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 31-14
Discussion: Director Pae explained that the ordinance was the third quarter transfer ordinance, effective September 30th. She stated that nothing out of the ordinary is contained in the ordinance. It is what was appropriated. The ordinance is routine in nature.

President Madigan remarked on the time-sensitive nature of the ordinance.

Yeas: Anderson, Bullock, Madigan, Marx, Nowlin, O’Leary
Nays: None
Motion adopted. Ordinance 31-14 adopted.

4. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/2/14) (Pg. 6)

Motion by Mrs. Nowlin, seconded by Ms. Madigan, to place Ordinance No. 1-14C on 2nd Reading.

Motion adopted. All members present voting yea.

5. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/2/14) (Pg. 12).

Motion by Ms. Madigan, seconded by Mr. Nowlin, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance 16-14A on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by MR. Nowlin, to adopt Ordinance No. 16-14A.

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

Nays: None

Motion adopted. Ordinance No. 16-14A adpted.

6. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/2/14) (Pg. 16)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to place Ordinance No. 33-14 on 2nd Reading.

Motion adopted. All members present voting yea.

7. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 9/2/14) (Pg. 18)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 32-14 on 2nd Reading.

Motion adopted. All members present voting yea.

8. Liquor Permit Notice for new C1 & C2 permits to Birdtown Beverage, 12118 Madison Avenue. (Pg. 20)

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

****NEW BUSINESS****

9. Communication from Councilmember Anderson regarding consideration of financial contribution to LakewoodAlive. (Pg. 21)

Motion by Mr. Anderson, seconded by Mr. Nowlin, to receive, file and refer the communication to the Finance Committee.

Motion adopted. All members present voting yea.

10. Communication from Councilmember Marx regarding Update on Lakewood Animal Safety and Welfare Board. (Pg. 22)

Motion by Ms. Marx, seconded by Ms. Madigan, to refer the communication to the Committee of the Whole.

Motion adopted. All members present voting yea.

11. Communication from Planning & Development Director Siley regarding Fiscal Year 2015 Federal CDBG, ESG, and HOME Funds. (Pg. 23)

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

Motion adopted. All members present voting yea.

12. **RESOLUTION NO. 8765-14** – 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 Fiscal Year (FY) 2015 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds, and incorporates the City’s application for CDBG funds, ESG funds, HOME investment Partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (Pg.26)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8765-14 to the Committee of the Whole.

Motion adopted. All members present voting yea.

13. Communication from Police Chief Malley regarding Resolution for D.A.R.E. Program Funding. (Pg. 29)

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

Motion adopted. All members present voting yea.

14. **RESOLUTION NO. 8766-14** – A RESOLUTION supporting the grant application and authorizing any necessary agreements required by the Division of Police with the Ohio Attorney General’s Office for funding of the City’s Drug Abuse Resistance Education program, and commending the Division of Police for its continued efforts to educate young people of the City of Lakewood as to the hazards of alcohol and drugs. (Pg. 30)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8766-14.
Motion adopted. All members present voting yea.

15. Communication from Police Chief Malley regarding Accepting Operation of Vehicles under the Influence (OVI) Grant increase. (Pg. 31)

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

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adjourn the meeting.
Motion adopted. All members present voting yea.
Meeting adjourned 8:00 PM.

Approved: _____

CLERK

PRESIDENT