

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 6, 2014
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by President Madigan.

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.

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Reading and Disposal of the minutes of the Regular Meeting of Council held September 15, 2014.

Motion by Ms. Madigan, seconded by Mr. Nowlin to approve the minutes without the necessity of a reading.

Motion adopted. Six members voting yea. Mr. Juris abstaining.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

******OLD BUSINESS******

1. Committee of the Whole Report regarding Resolution No. 8765-14. (To Be Provided).

Today’s Committee of the Whole at which all members of Council were present, along with the Mayor, Director Butler and Director Siley. We discussed a couple pieces of old business and then discussed FY 2015 federal CDBG/ESG and HOME funds. We were reminded by a presentation from Director Siley and two members of the Citizens’ Advisory Committee that we, as a Council, rely on the advice of our citizens as we do so often here in Lakewood to make the best decision for the greatest number of people using these limited funds within a very complicated federal framework. We rely on these volunteers, the Citizens’ Advisory Committee, to make a forecasted recommendation to HUD, using dollars that we have to estimate based on history, need, and experience to get us through the next fiscal year. We think that we will be flat with dollars for next year from the federal government although we’re not sure. As we do in Lakewood so well, we are being rather conservative in our estimates. What we have before us tonight we will consider the recommendations that our citizen neighbors made. If we do end up having more or less funds to deal with we will go back to the Citizens’ Advisory Committee and revise what we believe needs to be done. We recognize that we’re always up against that

overlapping, complicated calendar. The Committee discussed the recommendations as presented and moved to recommend adoption to the full Council. Move to file that oral report.

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

2. **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). (REFERRED TO THE COMMITTEE OF THE WHOLE 9/15/14) (Pg.5)

Discussion: Director Siley thanked the members of the Citizens’ Advisory Committee for their time and dedication during the summer months. He acknowledged the Committee leadership for managing productive discussions. He remarked that all applicants were well prepared with impressive data.

President Madigan thanked CAC Co-Chairs Greg Mahoney and J.T. Neuffer.

Co-Chair Greg Mahoney – 1207 Marlowe

Mr. Mahoney thanked Council, the Administration, and recipients on behalf of the CAC for the transparent and collaborative process.

Councilmember Nowlin thanked members of the Committee.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8765-14.
Motion adopted. All members voting yea.

3. Finance Committee Report regarding Ordinances Nos. 24-14, 1-14C and 33-14. . Mr. Nowlin, Chair. (Pg. 8)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to receive and file the report.
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 delinquent obligors’ accounts. (**PLEASE SUBSTITUTE FOR ORDINANCE NO. 24-14 PLACED ON 1st READING & REFERRED TO THE FINANCE COMMITTEE 9/2/14, 2nd READING 9/15/14.**) (Pg. 10)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance No. 24-14.
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary
Nays: None
Motion adopted. Ordinance No. 24-14

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 24-14 as substituted.
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary
Nays: None
Motion adopted. Ordinance No. 24-14 adopted as substituted.

5. **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, 2ND READING 9/15/14) (Pg. 12)

Discussion: Councilmember Nowlin asked Director Beno to explain the increase in concrete purchases that necessitated this request.

Director Beno explained that there will be an increase in the purchase of low-strength mortar back fill. Changes were made this year to the process of backfilling utility excavations. Previously the process was done using stone. The low-strength mortar is more expensive but considered to be superior.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 1-14C.
Motion adopted. All members voting yea.

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, 2ND READING 9/15/14) (Pg. 18)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance 33-14.
Motion adopted. All members voting yea.

7. Rules & Ordinances Committee Report regarding Ordinance 32-14; Mr. O’Leary Chair (To Be Provided)

The Rules and Ordinances Committee met on Monday, October 6 to consider proposed Ordinance 32-14 all members were present as well all members of Council.

Proposed Ordinance 32-14 authorizes the City's codifier, Walter Drane Company, to update the City's ordinances, and does so in accordance with Council's action earlier this year providing for more frequent codification of the City's Ordinance to ensure that changes to the code are reflected as quickly as possible so that citizens, and everyone, can know our laws.

Councilmember Nowlin expressed his ongoing desire that the website through which Lakewood's code can be accessed have improved search functions such that those viewing the Code can easily find what they are looking for.

After very brief discussion, the committee voted unanimously to recommend adoption of Proposed Ordinance 32-14.

Motion by Mr. O'Leary, seconded by Mr. Nowlin, to receive and file the oral report.
Motion adopted. All members voting yea.

8. **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, 2ND READING 9/15/14) (Pg. 20)

Motion by Mr. O'Leary, seconded by Mr. Nowlin, to adopt Ordinance No. 32-14.
Motion adopted. All members voting yea.

9. Liquor Permit Notice for new C1 & C2 permits to Birdtown Beverage, 12118 Madison Avenue. (Deferred 9/15/14) (Pg. 22).

Discussion: Councilmember Madigan asked questions about a problematic gate at the property. Director Siley and Director Butler indicated it was being addressed.

Motion by Mr. Bullock, seconded by Mr. Nowlin, to file no objection.
Motion adopted. All members voting yea.

******NEW BUSINESS******

10. Communication from Councilmember Juris regarding Appointment of Jeremy Soditch to Animal Safety and Welfare Advisory Board. (Pg.23)

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

11. Communication from Law Director Butler regarding secondhand dealers chapter. (Pg. 24)

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

12. **ORDINANCE NO. 34-14** – AN ORDINANCE repealing Chapter 737, Pawnbrokers, and replacing it with Chapter 737, Secondhand Dealers, of the Codified Ordinances of the City of Lakewood, in order to discard outmoded provisions and institute timely regulations within the Code. (Pg. 25)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 34-14 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

13. Communication from Finance Director Pae regarding Memberships for 2014. (Pg.31)

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

14. **ORDINANCE NO. 35-14** – 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, amending Ordinance No. 38-13, adopted December 16, 2013, and 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 Memberships as authorized by the 2014 Appropriations Ordinance and the Administrative Code of the City of Lakewood, contracts not to exceed \$60,000 without separate Ordinance of Council. (Pg. 32)

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 No. 35-14 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 35-14.

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

Nays: None

Motion adopted. Ordinance No. 35-14.

15. Communication Human Services Director Gelsomino regarding Juvenile Diversion Program. (Pg. 39)

Discussion: Council President Madigan asked about the number of youths served in the Juvenile Diversion Program. Director Gelsomino responded that about 95 will be served in 2014.

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

16. Communication from Engineer Papke regarding Ohio Public Works Commission – Program Year 2015. (Pg. 40)

Discussion: Councilmember Juris asked clarifying questions. Director Beno responded that the project funding will likely be a combination of grant and loan funding. He addressed issues of ongoing maintenance.

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

17. **RESOLUTION NO. 8767-14** – 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 at the earliest period allowed by law, authorizing the Director of Public Works or designee to participate in the Ohio Public Works Commission State Capital Improvement and Local Transportation Improvement Programs and to execute contracts as required. (Pg. 41)

Discussion: Director Beno clarified that the resolution commits the City to submitting specific projects for funding. There is no guarantee that the projects will be funded. Without grant funding, the City would likely pursue these projects on a more limited scope.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8767-14.
Motion adopted. All members voting yea.

18. **RESOLUTION NO. 8768-14** – 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 at the earliest period allowed by law, authorizing the Director of Public Works or designee to participate in the Ohio Public Works Commission State Capital Improvement and Local Transportation Improvement Programs and to execute contracts as required. (Pg. 43)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8768-14.
Motion adopted. All members voting yea.

19. Liquor Permit Notice for D2, D1, D3, D3A, D6 transfer to Wayward Wolf, 17900 Detroit Avenue from Eddy & Iggy's same address. (Pg. 45)

Discussion: Councilmember Anderson asked for confirmation that the transfer represents a change of ownership. Director Siley confirmed this. The previous owners still own the building but no longer the business.

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

20. **RESOLUTION NO. 8769-14** – (Add-on) 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 and Director of Law to enter into an agreement with Hidden Village, LLC, in an amount not to exceed \$_____ for the full and final settlement of all claims raised in and related to the matter titled *Hidden Village, LLC v. City of Lakewood, Ohio, et al.*, Case No. 1:10-cv-00887-BYP pending in the U.S. District Court for the Northern District of Ohio. (To Be Provided) (Executive session is expected to be called.)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to enter into Executive Session for the purpose of discussing a pending court action.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary
Nays: None
Entered Executive Session 8:08
Exited Executive Session 9:13 PM

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Resolution No. 8769-14 by inserting the amount of \$507,500 in the blanks.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary
Nays: None
Motion adopted. Resolution No. 8769-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8769-14 as amended.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary
Nays: None
Motion adopted. Resolution No. 8769-14 adopted amended.

Announcements

President Madigan announced the Lakewood Community Service Center fundraiser to be held on Saturday.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 9:13 PM.

Approved: _____

CLERK

PRESIDENT