

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
NOVEMBER 17, 2014
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:43 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, Public Works Director Beno, 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 November 3, 2014.

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

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 Committee of the Whole of 11/17/14; Ordinance 36-14. (To Be Provided) – Chair; Madigan

Tonight the Committee of the Whole met tonight before this evening’s meeting. We did a review with Director Beno on a couple of Public Works questions, we reviewed the agenda for tonight and we heard from Director Siley on ordinance 36-14 which is the work we have to do to repeal the existing chapter of the Zoning Code and replace it. There is a thorough report that connects us back to this community’s vision. We think there is a lot more to look at, to ask about, and to learn, so I’m going to move to defer that. Move to receive and 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. **ORDINANCE NO. 36-14** – AN ORDINANCE to repeal the existing Chapter 1143, Off-Street Parking, of the Zoning Code of the City of Lakewood and to enact a new Chapter

1143, Parking. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 10/20/14, 2nd READING 11/3/14) (Pg. 9)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to defer action on this item.

Motion adopted. All members voting yea.

3. Finance Committee Report regarding Ordinance 1-14D. (To Be Provided) Chair; Nowlin
Motion by Mr. Nowlin, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

4. **ORDINANCE NO. 1-14D** – 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 1-14C, adopted October 6, 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 otherwise provided by law. (**PLEASE SUBSTITUTE** for ORDINANCE 1-14D PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/3/14) (Pg. 32)

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

Motion adopted. All members voting yea.

5. Health & Human Services Committee Interim Report regarding Resolution 8781-14; Westshore Council of Government and MetroHealth. (To Be Provided) - Chair; Marx

Health & Human Services Committee Chair Marx indicated the The Health & Human Services Committee met November 10, 201, Councilmembers Marx & Juris. Councilmembers O’Leary & Bullock, Law Director Butler, Bruce Geiselman of NEOMG, Fire Chief Gilman, Matt Burke Fire Supervisor, Scott Russell Paramedic were also in attendance. After discussion it was determined that the Committee would make a recommendation after the Mayor had a chance to meet with the parties involved.

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

Motion adopted. All members voting yea.

6. **ORDINANCE NO. 37-14** – AN ORDINANCE amending Section 506.04 of the Codified Ordinances, Exception, Registration and Fee, for the purpose of eliminating the fees associated with the annual renewal of registrations of dangerous animals. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 11/3/14) (Pg. 38)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 37-14 on 2nd Reading.

Motion adopted. All members voting yea.

****NEW BUSINESS****

7. Communication from Council President Madigan regarding Recommendation for Council Salaries. (Pg. 42)

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

Motion adopted. All members voting yea.

8. **ORDINANCE NO. 38-14** – AN ORDINANCE to establish the salary of the office of Council pursuant to Article III, Section 3 of the Second Amended Charter, not to take effect during the current term of any councilmember. (Pg. 43)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 38-14 on 1st Reading & refer to the Committee of the Whole.

Motion adopted. All members voting yea.

9. Communication from Councilmember Anderson regarding Honoring Eagle Scout Kyle Jacob Masters. (Pg. 44)

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

Motion adopted. All members voting yea.

10. **RESOLUTION NO. 8782-14** –A RESOLUTION to commend Kyle Jacob Masters upon achieving the rank of Eagle Scout with the Boy Scouts of America. (Pg. 45)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8782-14.

Motion adopted. All members voting yea.

11. Communication from Law Director Butler regarding Resolution authorizing the Mayor to enter into agreement with the Cuyahoga County Board of Health for the provision of public health services in Lakewood in 2015. (Pg. 46)

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

Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8783-14** – 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 Mayor to enter into an agreement with the District Advisory Council of Cuyahoga County, Ohio General Health District for the provision of public health services within the City of

Lakewood in an amount not to exceed \$204,354.00 for a one-year period commencing January 1, 2015. (Pg. 47)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8783-14 to the Health & Human Services Committee.

Motion adopted. All members voting yea.

13. Communication from Law Director Butler regarding Submerged lands lease, 13474 Edgewater Drive. (Pg. 50)

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

14. **RESOLUTION NO. 8784-14** - A RESOLUTION approving the use of submerged lands for property located at and abutting 13474 Edgewater Drive, Lakewood, Ohio (a legal description of which is attached hereto as "Exhibit A"), in order to permit the owners the opportunity to undertake lakeshore protection measures. (Pg. 51)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8784-14 to the Public Works Committee.

Motion adopted. All members voting yea.

15. Communication from Law Director Butler regarding Update to Chapter 309, civil parking infractions. (Pg. 56)

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

16. **ORDINANCE NO. 39-14** - 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, amending Section 309.01, Definitions, of the Codified Ordinances of the City of Lakewood, in order to broaden the types of parking infractions to which Chapter 309 applies. (Pg. 57)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 39-14 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

17. Communication from Finance Director Pae regarding 2014 Year-End and 2015 Budget Ordinances. (Pg. 60)

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

Motion adopted. All members voting yea.

*Without objection from Council items 18 through and including 34 were read consecutively with a blanket motion to place on 1st Reading & Refer to the Finance Committee.

18. **ORDINANCE NO. 40-14** - 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, to establish appropriations for current expenses and other expenditures of the City of Lakewood, Ohio, for the fiscal year ending December 31, 2014. (Pg. 61)

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19. **ORDINANCE NO. 41-14** 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, law authorizing the transfer and advance of certain funds. (Pg. 74)

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20. **ORDINANCE NO. 42-14** - 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, to establish appropriations for current expenses and other expenditures of the City of Lakewood, Ohio, for the fiscal year ending December 31, 2015. (Pg. 76)

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21. **ORDINANCE NO. 43-14** - 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 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. 89)

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22. **ORDINANCE NO. 44-14** – 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 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 service contracts in accordance with the Administrative Code of the City of Lakewood for the Department of Planning & Development in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 93)

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23. **ORDINANCE NO. 45-14** - 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, 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 2015 Appropriation Ordinance and the

Administrative Code of the City of Lakewood, contracts not to exceed \$60,000 without separate Ordinance of Council. (Pg. 95)

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24. **ORDINANCE NO. 46-14** - 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, to amend section 915.01, Establishment of Rates, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting water rates charged against each lot, parcel of land or premises which may have an active water connection with the Municipal water system. (Pg. 99)

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25. **ORDINANCE NO. 47-14** - 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 section 902.04, Rates and Charges, of the Codified Ordinances of the City of Lakewood for the purpose of adjusting sewer rates charged against each lot, parcel of land or premises which may have an active sewer connection with the Municipal wastewater disposal system or which may otherwise discharge wastewater either directly or indirectly into such system or any part thereof. (Pg. 101)

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26. **ORDINANCE NO. 48-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Street Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 104)

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27. **ORDINANCE NO. 49-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Wastewater System and Treatment Improvement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 106)

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28. **ORDINANCE NO. 50-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of

the City of Lakewood for the **Water System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 108)

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29. **ORDINANCE NO. 51-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the administrative code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 110)

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30. **ORDINANCE NO. 52-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Vehicles, Machinery and Equipment** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 112)

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31. **ORDINANCE NO. 53-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 114)

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32. **ORDINANCE NO. 54-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Traffic Signs & Signals** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 116)

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33. **ORDINANCE NO. 55-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Parks & Pools Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 118)

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34. **ORDINANCE NO. 56-14** - 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 and directing 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 advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Sidewalk Improvement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 120)

*Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinances Nos. 40-14, 41-14, 42-14, 43-14, 44-14, 45-14, 46-14, 47-14, 48-14, 49-14, 50-14, 51-14, 52-14, 53-14, 54-14, 55-14, and 56-14 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

35. Communication from Fire Chief Gilman regarding MOU for restocking of EMS supplies. (Pg. 122)

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

36. **RESOLUTION NO. 8735-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to enter into agreements with Lakewood and Fairview Hospitals for the provision medication restocking necessary to operate our emergency medical response services. (Pg. 123)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8735-14.

Motion adopted. All members voting yea.

37. Communication from Fire Chief Gilman regarding MOU for Medical Control Services for Paramedics. (Pg. 128)

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

Motion adopted. All members voting yea.

38. RESOLUTION NO. 8736-14 - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of council or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to enter into an agreement with Lakewood Hospital for the provision of professional medical control services. (Pg. 129)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8736-14.

Motion adopted. All members voting yea.

39. Communication from Public Works Director Beno regarding ODNR Coastal Management Assistance Grant. (Pg. 134)

Discussion: In response to questions from Councilmembers Madigan and Nowlin, Director Beno clarified that the grant will pertain to all public and private Lake Erie coastline in the City. The grant is a 50/50 matching grant. The total grant would be \$100,000 and so the cost to the City approximately \$50,000. This is the third grant the City has applied for to perform this work. Previous grant applications were not received. Should the application be rejected, there is no cost to the City aside from the time spent assembling it.

Councilmember Bullock questioned the outcomes of the study and what the next steps will be after the coastline is assessed.

Director Beno replied that financing mechanisms will also be explored to assist private residents, given the high cost of addressing erosion.

Councilmember Bullock remarked on the public value of private lakefront property including historic significance, tax base, and community character.

Councilmember Anderson questioned the motivation for the application.

Director Beno responded that similar grants have not been received and the funds would be useful to the City.

Mayor Summers remarked that shore erosion is a public and private concern. Funds have been sought to respond.

President Madigan encouraged the administration to, in the future, clarify the dollar amount the City is required to match. She was agreeable to working with the given estimate in this instance. Councilmember Marx asked about the next steps based on the findings.

Director Beno replied that a local designer is on board as part of the project and his capabilities. Councilmember Anderson asked if findings of erosion obligate the City to act.

Director Beno replied that it depends on the individual circumstances, location, and ownership. The City would have to protect against erosion on public property.

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

40. **RESOLUTION NO. 8737-14** - 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 to file an application for Coastal Management Assistance with the Ohio Department of Natural Resources, Office of Coastal Management and to enter into any necessary agreements to accept funds awarded. (Pg. 135)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8737-14.
Motion adopted. All members voting yea.

41. Communication from Human Resources Director Yousefi regarding Salary Ordinance Revision. (Pg. 137)

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

42. **ORDINANCE NO. 57-14** - 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, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (Pg. 138)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place Ordinance No. 57-14 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

Announcements

Mayor Summers highlighted items included in the 2015 budget that will be discussed during future budget hearings. He linked budget investments to the City's strategic plans.

Councilmember Anderson asked for an update on the McKinley School development town hall meeting.

Director Siley stated that 40 residents attended. He summarized the nature of the topics addressed and questions asked. The development will be in front of the Planning Commission in December.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 8:23 PM.

Approved: _____

CLERK

PRESIDENT