

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
DECEMBER 1, 2014
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 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 adopt the minutes without the necessity of reading.

Motion adopted. All members voting yea.

Reading and Disposal of the minutes of the Regular Meeting of Council held November 17 2014.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adopt the minutes without the necessity of 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 Civil Service Commission Recommendation - Council salary – – Chair; Madigan (Pg. 9)

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

Motion adopted. All members voting yea.

2. **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. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 11/17/14) (Pg. 10)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 38-14 on 2nd Reading.

Motion adopted. All members voting yea.

3. Finance Committee Report regarding 1) Ordinance 1-14D 7 2) Lakewood Alive funding sources - - Chair; Nowlin (Pg. 11)

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

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, 2ND READING 11/17/14) (Pg. 12)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to substitute Ordinance No. 1-14D.

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

Nays: None

Motion adopted. Ordinance No. 1-14D substituted.

Motion by M.s Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 1-14D as substituted.

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

Nays: None

Motion adopted. Ordinance No. 1-14D adopted. substituted.

5. Health & Human Services Committee Report regarding 1)Creating Healthy Communities Grant. (To Be Provided) - Chair; Marx

Lakewood Early Childhood Centers are fortunate to be benefactors of the Creating Healthy Communities Grant awarded to the Cuyahoga County Board of Health thanks to our own Lakewood resident's hard work, who is an employee of the County Board of Health, Annie Stahlheber.

With cooperation from our Department of Health and Human Services here in Lakewood worked with Annie in helping to gain this grant from Ohio Department of Health's Healthy Programs.

Lakewood has over 600 children in early childhood programs that will hopefully benefit from practical ways to make "wellness a natural part of playtime, mealtime and anytime". We would like to thank the County Board of Health and Annie Stahlheber for their efforts in applying for this grant and sharing it with Lakewood.

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

Motion adopted. All members voting yea.

6. Rules & Ordinances Committee Report regarding Ordinance 39-14. (Pg. 18)

Motion by Mr. O'Leary, seconded by Mr. Nowlin, to receive and file the report.

Motion adopted. All members voting yea.

7. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/17/14) Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 39-14 on 2nd Reading.

Motion adopted. All members voting yea.

8. Report from Animal Safety and Welfare Advisory Board regarding spay/neuter day. (Pg. 22)

Motion by Ms. Marx, seconded by Mr. Bullock, to receive, file and refer the report to the Animal Safety Welfare Advisory Board.

Motion adopted. All members voting yea.

*{ORDINANCE NOS. 40-14, 41-14, 42-14...57(-14) WERE PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 11/17/14}

**(Without objection from Council, items 9-26 were read consecutively with a blanket motion after item 26)

9. **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. 24)*

10. **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. 37) *

11. **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. 39)*
12. **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. 52)*
13. **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. 56) *
14. **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. 58) *
15. **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. 62) *

16. **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. 64) *
17. **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. 67) *
18. **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. 69) *
19. **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. 71) *
20. **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. 73) *

21. **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. 75) *
22. **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. 77) *
23. **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. 79) *
24. **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. 81)*
25. **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. 83) *

26. **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. 85) *

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinances shown in items 9 through and including 26 on second reading. Ordinances Nos. 40-14, 41-14, 42-14...57-14)

Motion adopted. All members voting yea.

****NEW BUSINESS****

27. Communication from Councilmember O'Leary regarding Appointment of Karolyn Isenhardt to the Animal Safety and Welfare Advisory Board. (Pg. 91)

Motion by Mr. O'Leary, seconded by Ms. Madigan, to receive and file the communication.

Motion adopted. All members voting yea.

28. Communication from Councilmember Bullock regarding CAC Appointment for Troy Bratz. (Pg. 92)

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

Motion adoption. All members voting yea.

29. Communication from Councilmember Bullock regarding LASWAB Appointment for Diane Gorsek. (Pg. 93)

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

Motion adopted. All members voting yea.

30. Communication from Councilmember Bullock regarding Placeholder Budget Resolution. (Pg. 94)

Councilmember Bullock added the Resolution can provide a way for Council to enumerate its priorities and express its will in the budget process. He suggested this would provide an alternative to making amendments to the budget ordinances or putting communications on the docket.

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

Motion adopted. All members voting yea.

31. **RESOLUTION NO. 8785-14** – A RESOLUTION to communicate policies and priorities for the 2015 budget for the City of Lakewood. (Pg. 95)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8785-14 to the Finance Committee.

Motion adopted. All members voting yea.

32. Communication from Law Director Butler regarding Update to Section 331.08 for the regulation of bus lanes. (Pg. 96)

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

Motion adopted. All members voting yea.

33. **ORDINANCE NO. 58-14** – 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 331.08, Driving in Marked Lanes or continuous Lines of Traffic, of the Codified Ordinances of the City of Lakewood, in order to enact code regulating the use of bus lanes. (Pg. 97)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 58-14 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

34. Communication from Law Director Butler regarding Ordinances establishing certain fees. (Pg. 101)

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

Motion adopted. All members voting yea.

35. **ORDINANCE NO. 59-14** – 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 minimum coverage limits and fees required under various sections of the Lakewood Codified Ordinances related to insurance. (Pg. 102)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 59-14 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

36. **ORDINANCE NO. 60-14** – 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 the annual fee required for a secondhand dealer’s license pursuant to Section 737.02 of the Lakewood Codified Ordinances. (Pg. 104)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 60-14 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

37. Communication from Human Services Director Gelsomino regarding 2015 Program Year Contract with Western Reserve area Agency on Aging, Title III of the Older American’s Act. (Pg. 106)

Councilmember Madigan asked Director Gelsomino to discuss the timing of the grant. Director Gelsomino explained that the grant was received days after the last Council meeting and due December 5th. The contract is effective Jan. 1st. She explained changes happening at the Agency on Aging, stating that this grant is a one year extension. Next year, the City will apply for a two-year grant. She explained the value and benefits to the City including home delivered and congregate meals.

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

Motion adopted. All members voting yea.

38. **RESOLUTION NO. 8786-14** - 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 or his designee to enter into a contract with the Western Reserve Area Agency on Aging to accept funds for the City’s programs covering social/supportive, transportation and nutrition services, such contract providing partial funding for supplemental programs under Title III of the 1965 Older Americans Act for the 2015 program. Year. (Pg. 107)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8786-14.

Motion adopted. All members voting yea.

39. Communication from Planning & Development Director Siley regarding FY 2015-FY 2019 Five year Consolidated Plan. (Pg. 109)

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

Motion adopted. All members voting yea.

40. **RESOLUTION NO. 8787-14** – 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 Five Year Consolidated Plan (Fiscal Year 2015-2019) as a required for receiving federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships (HOME) funding from the U.S. Department of Housing and Urban Development (HUD). (Pg.110)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to refer Resolution No. 8787-14 to the Committee of the Whole.

Motion adopted. All members voting yea.

41. Liquor Permit Notice for D2, D2X, and D3 transfers to Trios Bar, 13362 Madison Avenue from Lee & Lee Inc, same address. (Pg. 112)

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

Motion adopted. All members voting yea.

Announcements

Councilmember Nowlin announced that budget hearings will convene Saturday at 9:00 a.m. and the following Monday. He stated that a second Saturday meeting may be scheduled if needed.

Mayor Summers made the following announcements:

First training to be held this week for gold coast property managers.

The introduction of a new phone system at City Hall to improve technology and customer service.

Light Up Lakewood to be held Saturday Dec. 6th

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 8:07 PM.

Approved: _____

CLERK

PRESIDENT