

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

Regular Meeting of the Lakewood City Council called to order at 7:34 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 December 1, 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.

Without objection from Council items 35-40 were read first in the agenda order.

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

1. Committee of the Whole Report regarding appointment update – 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. Finance Committee Report regarding Budget Hearings; end of year legislation {40-14 to 57-14 & Res.8785-14; Chair Nowlin (To Be Provided)

The Finance Committee met on five separate occasions to discuss the several budget related ordinances regarding 2015 for the City. It met on November 24th, December 6th, December 8th, December 13th, and December 15th. All members were present with the exception of the meetings on the 6th and 8th in which Councilmember Bullock was excused due to the joyous

event of the birth of his son. The Committee had an extensive discussion of the City's finances and its priorities and the various aspects of the budget for 2015. We covered a lot of ground and had great discussions on the direction the City is headed and where we are going next year. Many thanks to Mayor Summers and Director Pae and her staff for leading the charge into the budget season and putting together the entire package for us as well as to the rest of the administration for participating in the various interviews and letting us ask questions about where things are going and where we've been this past year.

This evening we discussed proposed Resolution 8785-14 which involves the concept of listing out the budget priorities of 2015, introduced by Councilman Bullock. We agreed we would revisit that Resolution in early 2015 in the Finance Committee. We discussed potential substitutions to ordinances – 40-14, 41-14, 42-14, and 57-14. There was a motion to recommend adoption of the ordinances as substituted, which was unanimously adopted. There was a motion to recommend adoption of the remaining budget-related ordinances – 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 – all of which were unanimously recommended for adoption by the full Council.

That is pretty much the summary of our budget discussions. As we go through the substitute ordinances we will discuss the reasons for those substitutes. Move to receive and file this oral report.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to receive and file the oral report.
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, 2ND READING 12/1/14}***

- 3. 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. 10)

Discussion: Councilmember Nowlin explained the reason for the substitution, stating that it allows for the financial books to be closed.

Councilmember Bullock clarified that a hand-out that was distributed is associated with Ordinance 40-14.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance No. 40-14.

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

Nays: None

Motion adopted. Ordinance 40-14 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 40-14 as substituted.

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

Nays: None

Motion adopted. Ordinance 40-14 adopted as substituted.

4. **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. 23)

Discussion: Councilmember Nowlin explained the reason for the substitute, stating that it allows for the incorporation of updated figures.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance No. 41-14.

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

Nays: None

Motion adopted. Ordinance 41-14 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 40-14 as substituted.

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

Nays: None

Motion adopted. Ordinance 41-14 adopted as substituted.

5. **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. 25)

Discussion: Councilmember Nowlin explained the reason for the substitute, stating that it allows for the incorporation of updated figures.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 42-14.

Motion adopted. All members voting yea.

6. **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. 38)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to amend Ordinance 43-14 to read 2015 in the preamble.

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

Nays: None

Motion adopted. Ordinance 43-14 amended.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 43-14 as amended.

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

Nays: None

Motion adopted. Ordinance 43-14 adopted as amended.

7. **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. 42)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 44-14.

Motion adopted. All members voting yea.

8. **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. 44) *

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 45-14.

Motion adopted. All members voting yea.

9. **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. 48)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 46-14.
Motion adopted. All members voting yea.

10. **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. 50)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 47-14.
Motion adopted. All members voting yea.

11. **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. 53)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 48-14.
Motion adopted. All members voting yea.

12. **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. 55)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 49-14.
Motion adopted. All members voting yea.

13. **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. 57)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 50-14.
Motion adopted. All members voting yea.

14. **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. 59)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 51-14.
Motion adopted. All members voting yea.

15. **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. 61)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 52-14.
Motion adopted. All members voting yea.

16. **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. 63)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 53-14.

Motion adopted. All members voting yea.

17. **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. 65)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 54-14.

Motion adopted. All members voting yea.

18. **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. 67)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 55-14.

Motion adopted. All members voting yea.

19. **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. 69)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance No. 56-14.

Motion adopted. All members voting yea.

20. **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. 71)

Discussion: Councilmember Nowlin explained the reason for the substitute, stating that the substitute includes a correction in the salary bands and ads in a position recently approved by the Civil Service Commission.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance No. 57-14.

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

Nays: None

Motion adopted. Ordinance 57-14 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 57-14 as substituted.

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

Nays: None

Motion adopted. Ordinance 57-14 adopted as substituted.

21. **RESOLUTION NO. 8785-14** – A RESOLUTION to communicate policies and priorities for the 2015 budget for the City of Lakewood. (REFERRED TO FINANCE COMMITTEE 12/1/14) (Pg. 77)

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

Motion adopted. All members voting yea.

22. Health & Human Services Committee Report regarding Resolution 8783-14. Chair Marx (Pg. 78)

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

Motion adopted. All members voting yea.

23. **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. (REFERRED TO THE HEALTH & HUMAN SERVICES COMMITTEE 11/17/14) (Pg. 79)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8783-14.
Motion adopted. All members voting yea.

24. Public Works Committee Report regarding Resolution 8784-14, Ordinance 28-14, Ordinance 58-14. Chair Juris (To Be Provided)

The Committee met twice to discuss two of the following three items. The Committee met on December 8th at 6:00 p.m. Present were Committee members Sam O’Leary and myself. Councilman Bullock was excused. Additionally in attendance were Councilmembers Madigan, Anderson, and Marx as well as Directors Beno and Butler. The first item that was discussed at the December 8th meeting was Resolution 8784-14 which is a Resolution to approve the use of submerged lands located at a specific property. That location was not found to be anything that was in conflict with existing projects in the City. Seeing no reason to object to this, the Committee unanimously recommended adoption of that resolution.

Secondly, we met this evening at 6:15 p.m. We discussed Ordinance 28-14. Present were all members of Council with the exception of Council President Madigan, as well as Directors Beno and Butler. This was to discuss the amendment of Chapter 1339 regarding storm water management. We discussed a substitute ordinance that Councilmembers received via email and today’s docket, which is essentially substituted just to clean up the chapter in preparation for the code book. There were no changes of substance that were in these substitutes. We discussed through the items and once again, unanimously recommended adoption to full Council.

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

25. **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. (REFERRED TO THE PUBLIC WORKS COMMITTEE 11/17/14) (Pg. 82)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8784-14.
Motion adopted. All members voting yea.

26. **ORDINANCE NO. 28-14** – AN ORDINANCE to amend Chapter 1339, Storm Water Management, of the Codified Ordinances of the City of Lakewood to update it in accordance with the model code of the Environmental Protection Agency. (PLACED ON 1ST

READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/2/14, 2ND READING 6/16/14: **Note** – *Because Ordinance 28-14 is a 79 page document and was published in its entirety 6/2/14 and 6/16/14 – it is published here by first page only. Should you wish to review the complete Ordinance it is available in the Clerk of Council Office or may be emailed to you at your request* (Pg. 87)

Motion by Mr. Juris, seconded by Ms. Madigan, to substitute Ordinance No. 28-14.

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

Nays: None

Motion adopted. Ordinance 28-14 substituted.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 28-14 as substituted.

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

Nays: None

Motion adopted. Ordinance 28-14 adopted as substituted.

27. **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. (PLACE ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 12/1/14) (Pg. 88)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 58-14 on 2nd Reading.

Motion adopted. All members voting yea.

28. Public Safety Committee Report regarding Ordinance No. 37-14 Resolution No. 8780-14. Chair Bullock (To Be Provided)

The Public Safety Committee met tonight and has met on previous occasions to discuss both Ordinance 37-14 and Resolution 8780-14. On the Resolution, we’ll plan to move to defer since that proposal will receive more work and deliberation, first by me, and then presumably by the Public Safety Committee.

On the ordinance, the Committee adopted a motion to recommend to full Council adoption of the Ordinance. So I will move, after this report, to do so. A brief recap of the rationale behind that recommendation is that the annual renewal of dangerous dogs registered in the City of Lakewood under current law is assessed a \$50 fee. Under our City fines and fee schedule, fees are intended not to be a punitive measure but an administrative recouping measure. For several years now when we’ve asked the question to our Animal Control personnel how much administrative time and effort really is incurred in the renewal of the registrations the answer has come back that it’s a very minimal level, in which case, in my view, the City shouldn’t therefore charge a fee for that renewal registration. So this Ordinance would make that correction.

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

29. **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, 2ND READING 11/17/14) (Pg. 92)

Motion by Mr. Bullock, seconded by Mr. Anderson, to adopt.

Councilmember Nowlin. As I mentioned during the Public Safety Committee tonight, I'm not a member of the Committee, had the pleasure of chairing that Committee the last couple years, and this was an issue that was taken up I believe in 2013 and my viewpoint on it has not changed since that time. And that is, this is not about the merits of the underlying ordinance but it is about the propriety of removing the will of the prior Council without any change of circumstances between now and when it was originally passed. I was not present for the debate regarding this original ordinance and I think it's a little unclear as to why the fee was meted out as it was at that time. We have a little difference of opinion to why that was. To me it's unclear and it was part of a very contention and difficult discussion and I don't assume that it's to keep going in perpetuity unless there was some sort of change intervening to call for it to be waived and as a result I will not be supporting this ordinance tonight.

Councilmember Marx. I also was not on Council at the time in that discussion however I do agree with Councilman Bullock, in that what I feel is important with the dangerous dogs ordinance is that they are registered with the County and they do carry liability insurance in the event that their dog would bite someone. I don't see the merit of substantiating this \$50.00 annual fee and I think that when Council levies these permit fees that they should be clear why they're levying them to there's clarity on Council moving forward so I would agree with Councilman Bullock on this position.

Councilmember O'Leary: As I also mentioned in committee my thoughts on this proposed ordinance are that with an eye towards trying to get citizens to comply with Council to achieve the desired effect of knowing where dangerous animals in Lakewood are it strikes me that by eliminating the renewal fee but keeping the initial fee we both achieve the ends of alleviating the City's initial administrative burden that might be on the City the first year and by eliminating the renewal fee we encourage compliance among residence who might be otherwise disinclined to pay \$50.00 every single year. So in that I would support this ordinance and also and finally I would add that although I was not personally present for discussion of the underlying ordinance where the legislative record is silent as to Council's reasoning I simply don't believe that that gives rise to an irrebuttable presumption of infallibility so I will be supporting this ordinance tonight.

Councilmember Juris: Aside from the merits for or against and those types of details, I'm sure well intended individuals can disagree on just a practical point here as I read the amendment and again, I apologize if this was discussed at the first public safety meeting I was on it as I read it this grants authority to the Public Safety Director to make a determination as to whether or not the fee will be charged? What criteria are we instructing the Public Safety Director to weight out. I mean, again, it seems to me that we are essentially granting leeway, which we do in many cases but if I could just get a bit of review on that and maybe do something on the public; open record – committee of the whole meeting here. If it's not required then what is the criteria that if, as I mentioned in the meeting earlier today – if there is a dangerous dog that has a bite history that for some reason we allow a second opportunity for that animal owner to register their dog, be able to keep it, maybe against our better judgment, at what year would a public safety director in 2020, 2021 determine they're not going to charge a fee? What's the instruction for the Administration, if I may?

Law Director Butler: I just want to be sure I understand the question, Councilman Juris. Under the proposed ordinance, dogs that have been determined, deemed dangerous, as a result of their bite history, are not subject to animal registration \$50.00 annual fee, only the dogs that are deemed dangerous by virtue of their composition under 506.03 are subject to those regulations; annual registration and \$50.00 fee so this ordinance will only effect those dog owners, the ones that are deemed dangerous based on their breed, what we'll call their breed. Dogs that are deemed dangerous as a result of their bite history undergo a different administrative process. They come in for a hearing. The designee of the Director of Public Safety hears the case and has the opportunity to amend her opinion as to whether or not the dog is dangerous and then gets to impose restrictions on the dog and dog's owner that are designed to protect the public. I have not been a part of this and you Councilman Juris have a request for information pending which we've compiled about 90 percent of it but I have not been part of a hearing where the hearing officer has required a fee. Certainly, nothing that's before Council this evening – in terms of registration fee. Hearing officer has imposed other restrictions; muzzles for example, leashes, small leashes, signs, but that's it. We have no fees that I can recall in my tenure here so I just want to point out that in response to your question, the \$50.00 fee that we're talking tonight doesn't have to deal with dangerous dogs based on their bite history it has to do with dangerous dogs based on their breed. I hope that clarified things for you in terms of your question. If not, I'm happy to answer any questions.

Councilmember Juris, then again I guess what this is asking to give latitude to the Administration to determine whether or not a fee is being applied. It sounds like a fee is already being applied - that the flexibility is already in play. Certainly, if we have dangerous dogs that have gone through a hearing process and have been deemed by that process to say look, there's been behaviors that within that animal, it is considered dangerous, and we can discuss whether or not provoked or unprovoked, bites or what – however, if we have a dog that seems to be a public safety risk, and we're not requiring a \$50.00 registration fee I think that opens up a bigger can of worms of why we're not requiring that if we have a Code here that describes dangerous dogs and we're not doing that already. What authority do we not charge that registration fee?

Law Director Butler: I would imagine that the Director of Public Safety could impose some sort of animal fee for the registration of dangerous animals based on their bite history, animals

deemed dangerous based on their bite history. That hasn't happened, so far as I can tell. But there is no Code section that mandates it. And the Code section that is before Council this evening only applies to dogs under 506.03 and that's the breed determination section. The dogs that are dangerous based on their bite history don't fall under 506.03 they fall under separate sections of the Code in chapter 506. So you see in that particular passage before you this evening it mentions references 506.03 - that's the basis for my answer to you.

Councilmember Juris: Well again, in general I guess I'm confused after this many years to go back and suddenly determine that a fee is no longer necessary once again we get back into the more philosophical debates about shared risks and insurance pools and whether or not one individual should have to be individually determined to get a commensurate return of service for the fee that they paid. You know I think some of the discussion so far has been a question of how much does each of these individual dogs have fallen under this particular Code; received a return or how long did it take yet if one of those dogs incurs a much, much larger amount of service than how would that be offset? I don't think we have that in place at this point. Just like in the same way that I'm sure that the BMV doesn't necessarily calculate what you truly get whatever their number is - \$50.00? \$70.00 of service out of the registration that you stick on the back of your car. I think it's a pooled fund of resources and again, \$500.00 or whatever we'd have each year - to waive that simply to satisfy a handful of people it seems to be misguided to me. And thank you again, for the clarification on the section of the Code.

Councilmember Marx: Director Butler, if you can clarify something for me. As I understand, this that is before us tonight refers to those dogs only that are grandfathered in at the particular time this ordinance was written. Is that correct?

Law Director Butler: I'd say that's 99% correct. Council made a, when I was on Council made a modification that permitted certain dogs that had been in the City at the time of ban but hadn't registered in time to remain in the City. We permitted those owners to demonstrate good faith and register after the fact. So that maybe a few of the registered dangerous dogs that came in after the -that -- I shouldn't say came in - they were in the City prior to the ban going into effect, they were registered after the original deadline to register those animals so -

Councilmember Marx: So there have not been any new dogs registered past, permitted and paying the \$50.00 other than those who were originally grandfathered in. Is that correct?

Law Director Butler: That's correct.

Councilmember Marx: If I could also clarify in regards to Councilman Juris's question. If a dog does have a bite history, it may not fall under the dangerous, those dogs that are listed under the dangerous dog could be a chihuahua that has a bite wouldn't it be deemed a dangerous dog just because it has a bite history?

Law Director Butler: It could.

Councilmember Marx: So it would be up to the Safety Director to make that determination?

Law Director Butler: Correct

Councilmember Marx: And then anyone who would own that dog, that breed of dog – would have to?

Law Director Butler: No, pardon me. Let me clarify that. If the dangerous dog hearing process is intended for all breeds all types of dogs and that takes into account the dog's bite history.

Councilmember Marx: That individual dog's bite history

Law Director Butler: That individual dog's bite history. Not a breed, a dog's bite history or tendency to bite.

Councilmember Marx: Right, I understand, so this is very particular to the breed of these that are considered dangerous and bite prone.

Law Director Butler: Right.

Council President Madigan: I'm not going to be supporting this because I was here when this Council at least two people voted to declare that breed dangerous were on it and it was not an oversight. Fifty dollars was agreed upon, I don't know where it came from, but it was from the idea that that was the administrative cost. I don't know what's changed, there isn't that much that's changed. I don't see how we do this with one fee and not look at all of the fees that are throughout the City. This is picking one out because there's an active group of people who are lobbying for this and I understand that, I think \$50.00 for their dog that was declared dangerous at one point in their ownership might be a burden and in that case I would hope that someone who could start a scholarship for people who can't afford it but I don't think it is wise for us to take this particular issue and say you are no longer going to charge a fee for. I think it's not a good precedent to set. What about all those years in between time too, if there's only a cost associated with it for one year, how many years have those people registered their dogs, of which I think there are about ten left. I don't think it's wise for us to do that but I appreciate that it was brought forward and went through the readings and brought forward some information that you thought backed it up and just was not persuasive to me. I also will not be supporting it.

Councilmember Bullock: In response to the discussion. Councilman Juris, in this case, to this section the Council or the Law – the Council adopted an ordinance which hardwired the specific amount and there is no discretion, it simply, "shall be \$50.00" annually so that's part of the answer to his question. I do think there's basis or at least partial basis for us to consider tonight, Council President Madigan, I'd certainly welcome, looking on a broader scale, as we said in Committee revisiting in a more comprehensive, holistic sense all fees and asking ourselves is the fee for the purpose justified at the level currently assessed, should it be raised for cost of living, an inflation, for example housing licenses and so forth or should it be lower if it turns out in this case that is the fee charged ostensibly for administrative costs that it turns out that the costs aren't really there. So I do welcome that invitation from you, this proposed ordinance isn't an attempt to take on the whole world there but just this first step. Third thing I'd like to address an implicit discussion that has come up several times in our deliberations this year and that is the

idea that residents who petition their City government are somehow not worth requests posed to us is not worth as much or equal consideration as others simply because they have a point of view. I've heard it said from several folks that there's special interest groups in Lakewood. I'd like to rebut that. Special interest group is a corporate entity that throws around a lot of campaign money typically to influence elections often not to the benefit of the general public. What we're talking about in Lakewood is not a special interest group. We're talking about residents doing what they have a legally, democratic right to do which is petition their government and step forward and that's what they're doing and in my view it's legitimate for us to respond. I don't agree with everything that I'm asked by all residents at all times but I use my judgment as each of us do. So I'd like us to recognize that our neighbors when they talk to us are our neighbors they may disagree with us, we may disagree with them but it's not a illegitimate to consider the request of a quote unquote vocal group.

Motion by Mr. Bullock, seconded by Mr. Anderson, to adopt Ordinance No. 37-14.

Yeas: Anderson, Bullock, Marx, O'Leary

Nays: Juris, Madigan, Nowlin

Motion adopted. Ordinance No. 37-14. Adopted.

30. RESOLUTION NO. 8780-14 – AN EMERGENCY RESOLUTION authorizing Director of Public Safety to establish a one year graffiti prevention pilot program with expenditures not to exceed \$5,000 for the purpose of acquiring information to aid law enforcement activities related to graffiti-related offenses. (REFERRED TO PUBLIC SAFETY COMMITTEE 11/3/14) (Pg. 96)

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

Motion adopted. All members voting yea.

31. 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, REPORTED OUT ON, PLACED ON 2ND READING AND RECOMMENDED FOR ADOPTION 12/1/14) (Pg. 98)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Ordinance No. 38-14.

Motion adopted. All members voting yea.

32. 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, REPORTED OUT ON, PLACED ON 2ND READING AND RECOMMENDED FOR ADOPTION 12/1/14) Pg. 99)

Motion by Ms. Madigan, seconded by Mr. O'Leary to adopt Ordinance No. 39-14.

Motion adopted. All members voting yea.

33. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/1/14) (Pg. 102)

Motion by Mr. O’Leary, seconded by Ms. Madigan, to place Ordinance 59-14 on 2nd Reading.

Motion adopted. All members voting yea.

34. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/1/14) (Pg. 104)

Motion by Mr. O’Leary, seconded by Ms. Madigan, to place Ordinance NO. 60-14 on 2nd Reading.

Motion adopted. All members voting yea.

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

35. Communication from Council President Madigan regarding Firefighters Ryan Birth, Christian Flores and Michael Tripodi. (Pg. 106)

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

Motion adopted. All members voting yea.

36. **RESOLUTION NO. 8788-14-** A RESOLUTION honoring Firefighters Ryan Birth, Christian Flores and Michael Tripodi for their inspiring work raising funds for the Josette Beddel Memorial Foundation. (Pg.107)

President Madigan commended the firefighters for selling 851 t-shirts to raise funds. She pointed to their civic engagement as an example to which the audience’s high school members might aspire.

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8788-14.

Motion adopted. All members voting yea.

37. Communication from Councilmember Bullock regarding commending Lakewood High School Athletes. (Pg. 108)

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

38. **RESOLUTION NO. 8789-14** – A RESOLUTION to commend Lakewood High School Boys Varsity Cross Country Team on capturing the Division 1 District Cross Country Championship. (Pg. 109)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8789-14.
Motion adopted. All members voting yea.

39. **RESOLUTION NO. 8790-14** –A RESOLUTION honoring The Lakewood High School Boys Varsity Soccer Team for their outstanding season. (Pg. 110)

Motion by Ms. Madigan, seconded by Mr. Bullock, to adopt Resolution No. 8790-14.
Motion adopted. All members voting yea.

40. **RESOLUTION NO. 8791-14** – A RESOLUTION commending the Lakewood High School Girls Soccer Team for its outstanding achievements in 2014. (Pg. 111)
Councilmember Bullock remarked that the LHS Girls Soccer Team achieved its best ever season record since the program’s inception. He acknowledged the individual achievements of a key player. He also congratulated the team’s coach.

Girls Soccer Coach Vladimir Godosev expressed his pride in the players and their achievements. He stated that they deserve all of their success and that working with them is a joy. He acknowledged the achievements of the Boys team.

Cross Country Coach Stephanie Toole remarked on the record-breaking season. She thanked Council for honoring the students and for inviting them to be present.

Councilmember Bullock asked the audience to acknowledge two stand-out athletes.

President Madigan and Mayor Summers made congratulatory remarks to the teams.

Motion by Mr. Bullock, seconded by Mr. Nowlin, to adopt Resolution No. 8791-14.
Motion adopted. All members voting yea.

41. Communication from Councilmember Anderson regarding appointing Nancy Patterson to serve on the Lakewood Animal Safety and Welfare Advisory Board. (Pg. 112)

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

42. Communication from Law Director Butler regarding 2014 quarterly codification ordinance. (Pg.113)

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

43. **ORDINANCE NO. 61-14** – 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 matters. (Pg. 114)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to place Ordinance No. 61-14 on 1st Reading and refer it to the Rules & Ordinances Committee.
Motion adopted. All members voting yea.

Public Comment

Richard Horning – 12417 #1 Madison

Mr. Horning presented questions and expressed concerns about the Council pay raises.

Brian Bardwell – 2119 Belle Ave

Mr. Bardwell expressed concerns about the Justice Department’s report on Cleveland Police. He stated that his experience with Lakewood Police has been positive but that he would like to see the City take a proactive approach to ensure against the problems seen among the Cleveland PD.

President Madigan thanked Mr. Bardwell for raising the issue. She suggested that the matter might be an appropriate topic of discussion in the Public Safety Committee.

Mayor Summers responded and stated how LPD is distinguished from other departments.

Richard Horning – 12417 #1 Madison

Mr. Horning described ongoing issues between himself and the LPD, stating that he is involved in an ongoing civil lawsuit. He began to read the badge numbers of officers. He expressed support for the use of body cameras.

President Madigan advised Mr. Horning that he could speak with Councilmembers in private about the matter.

Announcements

Councilmember Marx thanked Finance Director Pae for guiding Council through the budget and acknowledged her hard work and abilities.

Councilmember Nowlin wished everyone a happy holidays and congratulated Councilmember Bullock and his wife Molly Bullock on the birth of their son.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 8:56 PM.

Approved: _____

CLERK

PRESIDENT