

- **Resubmitted for approval 7/21/2014 (AMENDED MINUTES)**

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

Regular Meeting of the Lakewood City Council called to order at 7:40 PM by President Madigan.

Present: David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Cindy Marx, Ryan Nowlin, Samuel T. O'Leary.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Planning & Development Director Siley, Human Services Director Gelsomino, Human Resources Director Yousefi.

Reading and Disposal of the minutes of the Regular Meeting of Council held March 17, 2014. Motion by Ms. Madigan, seconded by Mr. Nowlin to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

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

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

1. Committee of the Whole Report regarding Recreation Task Force, Council Administration, Agenda Review. (TO BE PROVIDED)

Ladies and Gentlemen,

The Committee of the Whole met this evening at 6:45 p.m. We discussed the proposed Recreation Task Force. We will bring recommendations back to Council on April 21st. We did some Council administration housekeeping and we reviewed tonight's agenda. 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. **RESOLUTION NO. 8730-14** 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, appointing Councilmember _____ to the Lakewood Recreation Task Force. (5)

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer.
Motion adopted. All members voting yea.

3. **RESOLUTION NO. 8727-14** 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, appointing _____ to the Lakewood Recreation Task Force. (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer.
Motion adopted. All members voting yea.

4. **RESOLUTION NO. 8728-14** - 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, appointing _____ to the Lakewood Recreation Task Force. (Pg. 7)

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer.
Motion adopted. All members voting yea.

5. **RESOLUTION NO. 8729-14** 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, appointing _____ to the Lakewood Recreation Task Force. (Pg. 8)

Motion by Ms. Madigan, seconded by Mr. Nowlin to defer.
Motion adopted. All members voting yea.

6. **ORDINANCE NO. 16-14** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to enter into Equipment Leases in forms approved by the Director of Law on behalf of the city of Lakewood (“City”). (**PLEASE SUBSTITUTE** FOR ORDINANCE 16-14 PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/3/14, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION AFTER FULL THREE READINGS 3/17/14) (Pg. 9)

Motion by Mr. Nowlin, seconded by Ms. Madigan, to substitute Ordinance 16-14.
Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O’Leary
Nays: None
Motion adopted. Ordinance 16-14 substituted.

Motion by Mr. Nowlin, seconded by Ms. Madigan, to adopt Ordinance 16-14 as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Marx, Nowlin, O'Leary
Nays: None
Motion adopted. Ordinance 16-14 adopted as substituted.

7. Public Works Committee Report regarding March 17 & March 24th Committee meetings – (Pg. 12)

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

8. **ORDINANCE NO. 17-14** – AN ORDINANCE amending Section 905.07, Animals, of the Codified Ordinances of the City of Lakewood to allow leashed dog-walking in Madison Park pursuant to existing restrictions regarding leashed dog-walking. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 3/17/14) (Pg. 14)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 17-14 on 2nd Reading.
Motion adopted. All members voting yea.

9. Rules & Ordinances Committee Report regarding Resolution 8724-14. (To Be Provided), Mr. O'Leary.

Dear Members of Council,

The Rules and Ordinances Committee met on March 24th, 2014. All members of the Committee were present, as were Councilmembers Bullock, Juris, Anderson, Madigan, and Marx, and members of the public. The sole agenda item was Resolution 8724-14, a Resolution Disapproving of the State's Actions to Restrict Citizens' Access to the Ballot. There was vigorous discussion, and the Chair expressed a willingness to open the Resolution up to amendment should any member of Council be so inclined. However, the Committee also voted to recommend passage of Resolution 8724-14, in its current form.

As no amendments were forthcoming in the interim, the Rules and Ordinances Committee unanimously recommends that Council adopt Resolution 8727-14 in its present form.
Respectfully Submitted,

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

10. **RESOLUTION NO. 8724-14** - A RESOLUTION disapproving of the State's actions to restrict citizens' access to the ballot, urging the state to repeal these restrictions, and calling upon the state to instead work on increasing citizens' access to the ballot. (REFERRED TO THE RULES & ORDINANCES COMMITTEE 3/17/14) (Pg. 17)

Councilmember Anderson contributed the following comments:

I appreciate the opportunity to weigh in on this resolution, I think we had a pretty thorough and compelling conversation a couple weeks ago and I just wanted to weigh in on a couple of additional points. I'll speak for myself, I shouldn't be surprised historically oppressed groups often resent when privileged groups make changes to the rules by which the oppressed must participate in society and in this case; government. Now I am in the privileged group, however, as a self-proclaimed ally to the

historically oppressed I do call those who made these changes insensitive, insensitive to those who may have a completely different reality about living in America and participating in society in our collective, election process. These changes, I believe, have the effect of disenfranchising minorities. The privileged kept minorities from voting many, many years, they allowed them to vote only if they could pay a tax – then made some wholesale changes in the 60’s with the Voting Rights Act, so there is a complex interplay between historically oppressed groups and those who make the rules as to how minority groups must participate in the election process. Again, I appreciate the opportunity to consider this resolution as it will vote in favor of its adoption, thank you very much.

Councilmember Juris contributed the following comments:

I appreciate the discussion to this point. I believe all the things that legislator does is to create balance. There’s always a question, in this case, as far as voter access and what not, balancing access with cost and with exactly the intent is - where is far enough when you’re providing access? How far does it go before it becomes something that is not manageable anymore? And that’s not a position that I believe I’m in a position to make the decision on, it’s beyond my scope. With this resolution I do appreciate the conversation we had in Committee, I’m still not moved to back this resolution. I think that there were decisions that were equally against home rule when the decisions were made in 2008. I don’t think that this is something fundamentally different from that point of view. I understand of course that there’ll always be differences of opinion and my opinion is that that golden week is not necessary, something that was a very good idea so rolling that one back to make it so you can still vote early and register early and whatever that maybe it’s all well and good; pre-paid postage and established voting days and voting hours – there’s some point where we determine what that limit is; I could certainly be swayed on certain specifics within that as we discussed in Committee but to present this as something of disenfranchisement and oppression, and things of that nature I see as just purely, partisan politics and I’m not in to those types of those things so I will be voting against the resolution tonight.

Motion by Ms. Madigan, seconded by Mr. O’Leary, to adopt Resolution No. 8724-14.

Motion adopted. Six members voting yea.

Mr. Juris voting nay.

Resolution No. 8724-14 adopted.

11. Housing Committee Report regarding Resolution No. 8726-14. (To Be Provided) Mr. Anderson.

The Housing Committee met from 6:15 – 6:45 this evening: All members of the committee were present along with Director Siley, other members of Council and members of the public.

Resolution 8726-14 was the only item on the docket and would give authority to the administration to acquire property for \$60,000 or less for a new year cycle. (The current 3 – year cycle expires at the end of this month.

The Administration provided a profile of 10 properties purchased through the existing authority since 2011. As a reminder, these federal funds were intended to acquire the worst of the worst that are stalled on the private market. It is also worth it to say that the acquisition, rehabilitation of these properties and the administration of this program consumed zero general revenue dollars. While I ask that a copy of the composite spreadsheet accompany this oral report in the minutes of this Council session, know that, of the six properties of this list of 10 with complete datasets the acquisition cost was \$216,000. The sales figure for these 6 was \$430,000. So, this program has rescued at-risk properties from sure ruin, stabilized streets and neighborhoods, brought new homeowners into Lakewood and has acted to help sustain Lakewood’s property tax income for decades to come. It sure beats the alternative which is to declare the property a nuisance, absorb a \$10,000 bill to knock it down and be left with a vacant lot for perhaps ever.

Address	Acquisition	Rehab, holding, DPA	Total	Sale	Dev. Subsidy	Post rehab appraisal	Type	Funding Source
1549 Lakewood	\$16,963.61	\$145,018.62	\$161,982.23	\$115,000.00	(\$46,982.23)		New construction	HOME, CDBG, GF
2070 Dowd	\$0.00	\$203,351.16	\$203,351.16	\$115,000.00	(\$88,351.16)	128,000.00	New construction	HOME, CDBG
1195 Gladys	\$41,175.97	\$182,841.39	\$224,017.36	\$135,427.00	(\$88,590.36)	139,000.00	Acq, rehab, resale	NSP 1
1301 Cranford	\$57,874.14	\$151,224.38	\$209,098.52	\$134,000.00	(\$75,098.52)	144,000.00	Acq, rehab, resale	NSP 1
2060 Marlowe	\$45,000.00	\$155,288.72	\$200,288.72	\$117,000.00	(\$83,288.72)	139,000.00	Acq, rehab, resale	CDBG, HOME
1459 Lakewood	\$38,577.00	\$79,257.94	\$117,834.94	\$89,000.00	(\$28,834.94)	92,000.00	Acq, rehab, resale	NSP 3
1337 Hall	\$33,880.37	\$186,250.37	\$220,130.74	\$133,000.00	(\$87,130.74)	138,000.00	Acq, rehab, resale	NSP 3
1617 Alameda	\$2,000.00	\$60,498.01	\$62,498.01	NA	NA	TBD	Acq, rehab, resale	NSP 3
2126 Quail	\$56,855.55	\$500.00	\$57,355.55	NA	NA	TBD	Acq, rehab, resale	CDBG, HOME
2147 Dowd	\$52,393.54	\$500.00	\$52,893.54	na	na	TBD	Acq, rehab, resale	CDBG
	\$344,720.18	\$1,164,730.59	\$1,509,450.77		(\$71,182.38)	Average Dev. Subsidy		

Committee members and other members of Council provided feedback on questions not that lead me to think that an updated comprehensive profile of all properties/housing programs and outcomes would be well received. I have committed to working with Mayor Summers' team to make that happen.

The Committee voted unanimously to recommend Council's adoption of this resolution. Thank you and I ask that this communication be received and filed.

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

12. RESOLUTION NO. 8726-14 –A RESOLUTION to permit the purchase of real property for an amount not to exceed \$60,000 without advertising and competitive bidding or specific approval of Council as required by Lakewood Codified Ordinances §111.04 for a period of three years from the effective date of this legislation. (REFERRED TO THE HOUSING COMMITTEE 3/17/14) (Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to adopt Resolution No. 8726-14.
 Motion adopted. All members voting yea.

****NEW BUSINESS****

13. Communication from Councilmember Marx regarding Lakewood Animal Safety and Welfare Advisory Board (Pg. 21)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer the communication to the Animal Safety Welfare Advisory Board.
 Motion adopted. All members voting yea.

14. Communication from Councilmember Madigan regarding Tree Task Force. (Pg. 22)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8731-14** – A RESOLUTION extending the reporting deadline and expiration date governing the Lakewood Tree Task Force. (Pg. 23)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer Resolution No. 8731-14 to the Committee of the Whole.

Motion adopted. All members voting yea.

16. Communication from Councilmember Juris regarding Human Services Department Review. (Pg. 24)

Motion by Ms. Madigan, seconded by Mr. O’Leary, to receive, file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

17. Communication from Councilmember Juris regarding RTA Trolley. (Pg. 25)

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

Motion adopted. All members voting yea.

18. Communication from Law Director Butler regarding Ordinance enacting Chapter 148, Personal Information Systems. (Pg. 27)

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

Motion adopted. All members voting yea.

19. **ORDINANCE NO. 18-14** – 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, enacting Chapter 148, Personal Information Systems, of the Codified Ordinances of the City of Lakewood in order to comply with the Ohio Personal Information Systems Act. (Pg. 28)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Ordinance No. 18-14 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

20. Communication from Public Works Director Beno regarding Council Resolution – Madison Avenue – CUY-Lakewood Signals, Phase 4; PID 82796. (Pg. 34)

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

Motion adopted. All members voting yea.

21. **RESOLUTION NO. 8732-14** – 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, appropriating the estimated sum of \$695,896.00 for and authorizing the Mayor to enter into an agreement which will

allow the City of Lakewood to participate in the upgrade and interconnection of traffic signals along Madison Avenue in the City with the Ohio Department of Transportation. (Pg. 35)

Discussion was had regarding the estimated sum as having previously been approved in Budget and stating that the number is lower than estimated. It was indicated that number was over a million dollars in notes. It was further discussed that this did not include alternate; not decorative poles. Time estimate was discussed estimated for construction - project bid in May – end of May beginning of June. Clarence Avenue light was briefly discussed; Madigan Avenue would have consistent signal styling with other parts of City.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adopt Resolution No. 8732-14.
Motion adopted. All members voting yea.

22. Communication from Fire Chief Gilman regarding Acceptance of training reimbursement funds for 2014. (Pg. 37)

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

23. Communication from Police Chief Malley regarding Interchange of Public Safety and Marine Police Patrol Services. (Pg. 38)

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

24. **RESOLUTION NO. 8733-14** - 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, to authorize the Mayor, as Director of Public Safety, to enter into an agreement between the Cities of Lakewood and Rocky River and the Board of Park Commissioners of the Cleveland Metropolitan Park District for the interchange of public safety and marine police patrol services. (Pg. 39)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer Resolution No. 8733-14 to the Public Safety Committee.

Motion adopted. All members voting yea.

25. Communication from Human Resources Director Yousefi regarding Resolution Permitting Mayor Summers to enter into settlement of workers' compensation claim with former employee. (Pg. 46)

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

26. **RESOLUTION NO. 8734-14** – 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 agreement with Philip Yocabet in the amount of \$30,000.00, with an additional \$5,000 contributed by the Bureau of Workers' Compensation, for the full and final settlement of all state-fund and self-insured workers' compensation claims. (Pg. 47)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer Resolution NO. 8734-14 to the Finance Committee.

Motion adopted. All members voting yea.

27. Communication from Human Resources Director Yousefi regarding Resolution permitting Mayor Summers to enter into settlement of workers' compensation claim of former employee. (Pg. 48)

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

Motion adopted. All members voting yea.

28. **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 and be in force after the earliest period allowed by law, authorizing the Mayor to enter into agreement with William Fox in the amount of \$12,000.00 for the full and final settlement of all self-insured workers' compensation claims. (Pg. 49)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to receive, file and refer Resolution No. 8735-14 to the Finance Committee.

Motion adopted. All members voting yea.

29. Liquor Permit Notice for C1 & C2 stocks to 7 Eleven, 14718 Madison Avenue. (Pg. 50)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

30. Liquor Permit Notice for C1 & C2 transfers to JJM Beverage d/b/a Friendly Mini Mart, 16780 Detroit Avenue from Lakewood Beverage; same address. (Pg. 51)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

31. Liquor Permit Notice for New C1 & C2 permit classes to Lakewood One Stop, 13100 Madison Avenue. (Pg. 52)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

Public Comment

Grant Goodrich – 812 Huron Rd. Cleveland

Mr. Goodrich spoke on behalf of the Campaign to Keep Cleveland Strong in support of Ballot Issue 7 – to maintain the excise tax to support Cleveland’s sports facilities. Mr. Goodrich provided background on the history of the excise tax, stating that it was first instituted in 1990 and was renewed in 1995. The tax is due to expire in 2015 and County Council has placed it on the ballot. He explained the use of the tax, explaining that it pays for upkeep and maintenance of our publically owned facilities. He discussed the future anticipated repairs and the formal process of review. He asked that Council consider endorsing Issue 7.

Announcements

Mayor Summers announced that Lakewood will be hosting events as part of the Gay Games in August. The Mayor praised the recently passed ordinance that changed the process for special events. He announced that 28 events have been scheduled between now and December. He expressed enthusiasm for a very busy year.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 8:36 PM.

Approved: _____

CLERK

PRESIDENT