

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 16, 2014
7:30 P.M.**

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

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

Motion by Ms. Madigan, seconded by Mr. Nowlin to excuse the absence of Mr. Anderson. Motion adopted. All members present voting yea.

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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.

Reading and Disposal of the minutes of the Regular Meeting of Council held June 2, 2014. Motion by Ms. Madigan, seconded by Mr. Nowlin to approve the minutes without the necessity of a reading.

Motion adopted. All members present voting yea.

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

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

(without objection from Council 17 & 18 were read first in the agenda order)

1. Communication from Council President Madigan and Mayor Summers regarding Lakewood High School Varsity Baseball Team. (From previous meeting) (Pg. 5)

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

Motion adopted. All members present voting yea.

2. **RESOLUTION NO. 8746-14** – A RESOLUTION to commend Lakewood High School Varsity Baseball Team on capturing the West Shore Conference Crown. (Pg.)6

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

Motion adopted. All members present voting yea.

3. Finance Committee Report regarding Ordinances Nos. 24-14, 26-14 1-14B and Resolution 8744-14. (Pg. 7)

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

Motion adopted. All members present voting yea.

4. **ORDINANCE NO. 26-14** – 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 transfer and advance of certain funds. (PLACED ON 1ST reading & REFERRED TO THE FINANCE COMMITTEE 5/19/14, 2ND READING, 2ND READING 6/2/14)(Pg. 9)

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

Motion adopted. All members present voting yea.

5. **RESOLUTION NO. 8744-14** – A RESOLUTION to take effect immediately provided it received 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, approving the tax budget of the City of Lakewood, Ohio for the year 2015, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (REFERRED TO THE FINANCE COMMITTEE 5/19/14, DEFERRED 6/2/14), (Pg. 11)

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

Motion adopted. All members present voting yea.

6. **ORDINANCE NO. 1-14B** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law amending Ordinance 1-14A, adopted March 17, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 6/2/14) (Pg. 12)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on 2nd reading.

Motion adopted. All members present voting yea.

7. **ORDINANCE NO. 25-14** - 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 amend Section 144.03, qualifications for Applicants for Fire Department, within the Administrative Code of the City of Lakewood to increase the maximum age for a firefighter at hire to 40 years old. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14, REPORTED OUT ON, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION 6/2/14)(Pg. 18)

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

Motion adopted. All members present voting yea.

8. **ORDINANCE NO. 27-14** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14, REPORTED OUT ON, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION 6/2/14) (Pg. 20)

Motion by Mr. O’Leary, seconded by Ms. Madigan to adopt.

Motion adopted. All members present voting yea.

9. Public Works Committee Report regarding 20-14 & 21-14. (To Be Provided) – Mr. Juris.

Dear Members of Council,

The Public Works Committee met tonight, June 16th at 6:00 p.m. to discuss amendments proposed for ordinances 565.10 and 905.90. Present were all Committee members as well as Councilmembers Marx and Nowlin and Tree Task Force member John Palmer. Ordinance 20-14 proposes to eliminate wording to 565.10 which prohibits specific tree species of silver maple, poplar, elder, basswood, willow, or honey locust from being planted on tree lawns. It also would further recommend that these specific tree species be replaced with more the more general term of “tree” in cases where a tree on private property impacts public property. After discussion on the history and impact of this change the committee voted unanimously to recommend adoption of ordinance 20-14.

Ordinance 21-14 proposes to include volunteers specifically approved by the Director to the group of individuals who may post advertising devices in the parks. After some discussion of the controls in place to direct the potential education program for the purpose of posting educational materials regarding the benefits of trees, the Committee again voted unanimously to recommend adoption.

Motion by Mr. Juris, seconded by Ms. Madigan to receive and file.

Motion adopted. All members present voting yea.

10. **ORDINANCE NO. 20-14** – AN ORDINANCE amending Section 565.10, Prohibited Trees, of the Codified Ordinances of the City of Lakewood to revise and update an obsolete provision of local code that establishes overly prescriptive and outmoded bans on certain tree species. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 5/19/14, 2ND READING 6/2/14) (Pg. 22)

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

11. **ORDINANCE NO. 21-14** – AN ORDINANCE amending Section 905.09, Billposting; Permit for Erecting Structures or Decorations, of the Codified Ordinances of the City of Lakewood to authorize volunteer participation in a public education program of identifying tree species tags on public trees. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 5/19/14, 2ND READING 6/2/14) (Pg.24)

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

12. **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) (Pg. 26)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on 2nd reading.
Motion adopted. All members present voting yea.

****NEW BUSINESS****

13. Communication from Councilmember Bullock regarding two additional pieces of legislation to implement recommendations from the Lakewood Tree Task Force. (Pg. 106)

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

14. **RESOLUTION NO. 8747-14** – A RESOLUTION to endorse the principles for tree care and the urban forestry management goals recommended by the Lakewood Tree Task Force. (Pg. 107)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on 1st reading and refer to Public Works.
Motion adopted. All members present voting yea.

15. **ORDINANCE NO. 29-14** – AN ORDINANCE amending Section 565.01, Definitions, and Section 565.04, Placing Harmful Substances near Trees, of the Codified Ordinances of the City of Lakewood to prohibit actions harmful to the tree trunk flare zone. (Pg. 110)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on 1st reading and refer to Public Works.

Mr. Bullock remarked on the rationale for the ordinance.

Motion adopted. All members present voting yea.

16. Communication from Councilmember O’Leary regarding Appointment of Zach Brown to the Citizens’ Advisory Committee. (Pg. 113)

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

Motion adopted. All members present voting yea.

17. Communication from Councilmembers Anderson and O’Leary regarding Harding Middle School Power of the Pen. (Pg. 114)

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

Motion adopted. All members present voting yea.

18. **RESOLUTION NO. 8748-14** – A RESOLUTION commending the students of Harding Middle School on their outstanding achievements in the state-wide Power of the Pen competition. (Pg. 115)

The Clerk read the following whereas clause into the record:

Whereas the Harding team included – Nate Bilski, Ella Calleri, Emily Perry, Lalia Williams-Riseng, Samantha Stone and Nina Zanghi – 8th Grade: Casey Chanter, Micah Inak, Veronica Lee, Sophia Parker, Saige Rook and Claire Walkosak

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

Motion adopted. All members present voting yea.

Power of the Pen coaches, Ms. Pangrace and Ms. Sheils thanked Council for the invitation to the meeting and for all the support they’ve received.

19. Communication from Councilmember Juris regarding Amending Code Provisions on Insurance Requirements. (Pg. 116)

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

Motion adopted. All members present voting yea.

20. **ORDINANCE NO. 30-14** – AN ORDINANCE to amend certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements. (Pg. 117)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on 2nd reading and refer to the Public Safety Committee.

Motion adopted. All members present voting yea.

21. Communication from Finance Director Pae regarding 2015 Tax Advance Resolution and 2015 Tax Rate Resolution. (Pg. 127)

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

Motion adopted. All members present voting yea.

22. **RESOLUTION NO. 8749-14** – 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, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real property taxes, personal property taxes, estate taxes and special assessments collected in the year 2015 in such amounts as may be requested and available. (Pg. 128)

Motion by Ms. Madigan, seconded by Mr. Nowlin to place on 1st reading and refer to the Finance Committee.

Motion adopted. All members present voting yea.

23. **RESOLUTION NO. 8750-14** – 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, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (Pg. 130)

Motion by Ms. Madigan, seconded by Mr. Nowlin to refer to the Finance Committee.

Motion adopted. All members present voting yea.

24. Liquor Permit Application for a D5 TREX type to 15006 Detroit Avenue from Swanton Ohio. (Pg. 132)

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

Motion adopted. All members present voting yea.

Public Comment

Cindy Mackay, 12700 Lake Ave.

Ms. Mackay asked for a city ordinance to ban circuses in Lakewood. Ms. Mackay referenced the previous letters, packets, and video she has provided to Councilmembers. She stated that banning the circus is not a local issue. She referenced bills introduced in congress to institute a national ban. She remarked on the health issues effecting circus animals which can be transferred to the human population. She rejected the City's response that the matter is not relevant because Lakewood has not had a circus. She compared animal abuse to child abuse and stated that circuses sanction such violence.

Announcements

Mayor Summers remarked on the preparations taking place for 4th of July celebrations.

Motion by Ms. Madigan, seconded by Mr. Nowlin to adjourn the meeting.
Motion adopted. All members present voting yea.
Meeting adjourned 8:05 PM.

Approved: _____

CLERK

PRESIDENT