

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
JULY 16, 2012  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:34 PM by President Powers.

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Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Brian E. Powers, Ryan Nowlin, Monique Smith,.

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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 Buckon, Director of Planning and Development/Assistant Director of Public Safety for Housing and Building Siley.

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Motion by Mr. Powers, seconded by Ms. Madigan, to approve the minutes of the Regular Meeting of Council held July 2, 2012 without the necessity of a reading.

Motion adopted. All members voting yea.

Without objection from Council items 7, 8, 9 and 10 were read respectively at the beginning of the agenda.

**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Public Works Committee Report regarding Resolution No. 8592-12. (To Be Provided)

**#1 Public Works Committee Report regarding Resolution 8592-12 - Juris**

The Public Works Committee met tonight to discuss Resolution 8592-12. Present were all members of the committee as well as Councilmembers Anderson and Nowlin as well as Director Siley. The resolution proposes that the city enter into an agreement with Greater Cleveland RTA to accept \$14,400 in grant funds for an enhanced waiting environment which includes covered seating and bike racks. This location was selected following analysis done during the Bike Master Plan which identified this as an underserved area for this kind of amenity. Council will note that of the total cost, \$4,600 will be provided from the city for labor and signs. While a match was not required, with the number of applicants this match made

Lakewood more competitive. The result being that Lakewood was one of only four applicants that were awarded the grant from the RTA. After review of this matter the Public Works committee moved to recommend adoption and that motion passed unanimously.

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

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2. **RESOLUTION NO. 8592-12** - A RESOLUTION 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, authorizing the Mayor on behalf of the City of Lakewood to enter into an agreement with the Greater Cleveland Regional Transit Authority (RTA) to accept funds in the amount of \$14,400 for the purchase and installation of an enhanced transit waiting environment for the bus stops in front of Lakewood City Hall. (REFERRED TO THE PUBLIC WORKS COMMITTEE 7/2/12) (Pg. 5)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8592-12.  
Motion adopted. All members voting yea.

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3. **RESOLUTION NO. 8587-12** – A RESOLUTION 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, authorizing the Mayor to enter into a settlement agreement with Ice Land USA-Lakewood, LLC and the Lakewood City School District Board of Education over the tax valuation of Winterhurst Ice Rink. (REFERRED TO THE FINANCE COMMITTEE 6/18/12, REPORTED OUT ON AND RECOMMENDED FOR ADOPTION 7/2/12) (Pg. 27)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8587-12.  
Motion adopted. All members voting yea.

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4. **ORDINANCE NO. 34-12** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council, or otherwise to take effect and be in force after the earliest period allowed by law, to modify Section 1306.29, Safety and Sanitation, of the Lakewood Codified Ordinances in order to increase on-site storm water management in Lakewood. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE HOUSING COMMITTEE 6/18/12, 2<sup>ND</sup> READING 7/2/12) (Pg. 40)

Motion by Mr. Powers, seconded by Ms. Madigan, to defer action on this Ordinance.  
Motion adopted. All members voting yea.

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**4B – Add-on – Housing Committee Report re: Ordinance. 36-12. (To Be provided)**

#4B (add-on) Housing Committee Report - Anderson

The Housing Committee met on the 9<sup>th</sup> of July at 6pm. Present were myself, Councilwoman Madigan, also present were Councilmembers Nowlin and Juris, various members of the community. Proposed ordinance 36-12 would exempt owners of vacant properties actively marketed for sale from the requirement that all utilities be disconnected. Council may recall that ordinance 55-10 required that properties vacant for at least six straight months file for and receive a license as a way for the City to keep track of vacant properties. Obviously it was recommended that one of the regulations was to have the electricity shut off to prevent fires in vacant properties, etc. The Law Director came to Council and suggested that the City is receiving many responses since the first wave of applications were sent out saying that electricity was needed for many properties being actively marketed for sale. Seemed very reasonable. The Committee had a couple of questions and I believe that we have come to the conclusion that we vote to recommend that the rules be suspended to allow for passage by full Council this evening.

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

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5. **ORDINANCE NO. 36-12** - 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 at the earliest period allowed by law, amending Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood for the purpose of updating vacant property license requirements. (REFERRED TO THE HOUSING COMMITTEE 7/2/12) (Pg. 44)

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 36-12 on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays; None  
Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 36-12.  
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith  
Nays; None  
Motion adopted. Ordinance No. 36-12 adopted.

**\*\*\*\*NEW BUSINESS\*\*\*\***

6. Communication from Councilmember Bullock regarding Woodward Avenue residents' petition for traffic calming. (Pg.49)

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

Councilmember Smith provided that Grandview, Ohio used speed cushions for traffic calming – indicating a favorable response to the approach. Ms. Smith further indicated that Woodward was one of many streets in Lakewood that could benefit from traffic calming. Ms. Smith thanked Mr. Bullock for his leadership on the issue.

Councilmember Anderson stated he wanted to recognize resident efforts to identify specific traffic calming approaches and thanked Mr. Bullock and the Administration for commissioning a traffic survey of the street.

Mr. Powers noted for the record minimal Council Office resources were used through Councilmember Bullock's participation in the effort.

Motion adopted. All members voting yea.

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7. Communication from Councilmember Juris regarding Commendation for St. Edwards High School Rugby. (Pg. 50)

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

Motion adopted. All members voting yea.

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8. **RESOLUTION NO. 8594-12** - A RESOLUTION recognizing and commending the St. Edward High School Rugby Team for winning the Division I State Championship capping a perfect season. (Pg. 51)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No.8594-12.

Motion adopted. All members voting yea.

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9. Communication from Mayor Summers regarding 2012 Grand Marshal of the 4<sup>th</sup> of July Parade – Suzanne Metelko. (Pg. 52)

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

Motion adopted. All members voting yea.

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10. **RESOLUTION NO. 8595-12** – A RESOLUTION to thank Suzanne Metelko for participating at the 2012 Grand marshal in the City of Lakewood 4<sup>th</sup> of July Parade. (Pg.)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8595-12.  
Motion adopted. All members voting yea.

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11. Communication from Mayor Summers regarding Participation in State-wide  
Multi-agency radio Communication System. (Pg. 54)

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

Motion adopted. All members voting yea.

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12. **RESOLUTION NO. 8596-12** - A RESOLUTION 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,  
authorizing the Mayor as Director of Public Safety to enter into an agreement  
with Cuyahoga County to accept an estimated 145 hand held radios, valued at  
\$2,500 each, which will enable the City of Lakewood to replace all existing  
handheld radios for emergency personnel and to participate in a state wide multi-  
agency radio communications system. (Pg. 55)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8596-12.  
Motion adopted. All members voting yea.

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13. **RESOLUTION NO. 8597-12** - A RESOLUTION 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,  
authorizing the Mayor, as Director of Public Safety, to enter into an agreement  
with Ohio Office of Information Technology, Multi-Agency Radio  
Communications System (MARCS) Program Office for the provision of voice  
and data radio subscription services through an IP Simulcast System. (Pg.57)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8597-12.  
Motion adopted. All members voting yea.

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14. Communication from Finance Director Pae regarding Acceptance of Donations.  
(Pg. 63)

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

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 37-12** - 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,

establishing Section 111.14, Authority to Accept Income or Other Things of Value, in order to provide for proper municipal control over the City's receipt of donations, grants, goods and services. (Pg. 64)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 37-12 on 1<sup>st</sup> Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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16. Communication from Fire Chief Gilman regarding Training & Equipment Grant Program of the Ohio Department of Public Safety. (Pg. 66)

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

Motion adopted. All members voting yea.

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**17. RESOLUTION NO. 8598-12** - A RESOLUTION 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, authorizing the Mayor, as Director of Public Safety, to accept and expend funds from the Ohio Department of Public Safety, Division of EMS, Training and Equipment Grant in the amount of \$2,500 for the purchase of Stryker power kits for patient cots. (Pg. 67)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8598-12.

Motion adopted. All members voting yea.

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Post Agenda remarks:

Lakeland Avenue resident indicated basketball court near his home caused him to call non-emergency number of police on numerous occasions, noise level high, the hours of operation were not followed. Indicates 3<sup>rd</sup> Year of "Executive Order" between Administration and LOBC. Indicates the activity – due to warm weather – happens all year long.

Mayor Summers responds there has been work in opening a second court o take some of the volume away form one court at Kauffman Park. Work is underway to raise about \$29,000; group about 2/3 of the way. Sound barrier was put up. Aware that sign was missing in May and had that corrected.

Councilmember Bullock indicated the Courts were closed entirely on Saturday and that he monitored the Court on occasion as a jogger and biker; and had not witnessed excessive (noise), indicating he did not think the City could guarantee absolute quiet anywhere in a dense community. He said that what would be fair, would be "reasonable" noise and recognized the subjectivity in that. He said that he thought there had been

progress made in that area. He indicated he didn't know if it was reasonable to have a goal of "absolute" quiet from any park.

Arlington Avenue resident indicating trucks for Nature's Bin are violating idling law.

Council President Powers addressed the departure of Legislative Liaison Amy Antel from the City Council Office, to work as a full time for the Administration in the City's Law Department. Mr. Powers made the following remarks:

We will miss you tremendously, Amy, it's been great working with you the past four or so years (on Council) and during my time on the Planning Commission.

Vice President Madigan indicated the following:

Amy, you are reliable and pleasant and fun and we are really going to miss you.

Councilmember Bullock indicated the following:

Amy, thank you for everything you've done, you've been a big help with research and coordinating different projects and tracking down best practices from other cities so I won't miss you because you'll still be in City Hall...

Council President Powers continued:

One of the things we do as Council is control the purse strings of the City so we're always worried about our taxpayers in Lakewood and our citizens receiving services in exchange for taxes and I can say, Amy, everything that you've done, you're as efficient as can be, the taxpayers of Lakewood, the citizens of Lakewood owe you a huge debt of gratitude as do we all personally. You're a tremendous public servant. We're glad you're not leaving the City. (Applause)

Ms. Antel responded:

I loved my job working for Council and am happy I am staying with the City loved working with everyone one of you.

Mr. Anderson announces, "Chataqua, summer; 2013 ."

Mayor Summers:

Provided review of July 4<sup>th</sup>; indicated review of communication capacity, improvements to fireworks. Recognized PA system that was once in the park and ways to revitalize that, however, upgrade in early warning system would be required. Social media would be utilized better – hard-line internet access would probably require (tweet and connect to Facebook) – Understood fully

Tomorrow – 4<sup>th</sup> landlord session (100 landlords - - usually have about 200) – “those are easy ones leaving about 700 who have not shown up at all and we’re going to have to take different strategies” to come in for training.

One of three Human Service summits. What service providers/providing – identifying gaps and overlaps. Hopefully to provide Council a view of a Human Services strategy. (Cost pressures and effectiveness)

Looking for six new school guards for next year. Tough position to fill, requiring short amount of time in a.m. and short amount of time in the day;

Lakewood Hospital Audit statements (pg. 23 at bottom) – says the following: “the trust indenture also contains certain restricted covenants including provisions related to maintaining certain debt ratios and other matters; as of December 31, 2011 the Hospital was in compliance with the debt service ratio covenants.” The first time we’ve done so in three years. The Mayor continued, “in terms of the financial performance of the Hospital recognizes significant gains, enormous amount of hard work to overcome a lot of pressures in terms of payer mix of who has insurance, who doesn’t and deferral of surgical procedures in competition with other folks. Hospital has come a long way, it’s in better shape today than it has been in three years.; small footnote indicates an important dimension of the viability of that Hospital.

Motion by .Mr. Powers, seconded by Ms. Madigan, to adjourn.

Motion adopted. All members voting yea.  
Meeting adjourned 8:35 PM.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT