

**DOCKET  
OF A MEETING OF  
THE LAKEWOOD CITY COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS  
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE  
OCTOBER 17, 2011  
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and both branches of the Lakewood Public Library after noon on Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

**ADDRESSING COUNCIL** – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

**AGENDA ITEMS PROTOCOL:**

The Clerk will present the AGENDA ITEMS and Public Comment sign-in sheets to the President of Council. Speakers will be called to address Council by the Chair. For Agenda items, a person wishing to speak must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

**PUBLIC COMMENT PROTOCOL:**

Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A person wishing to speak must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- Pledge of Allegiance
- Moment of Silence
- Roll Call

Reading & disposal of the Minutes of the Regular Meeting of Council held October 3, 2011.  
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

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

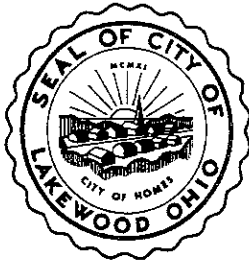
1. Public safety Committee Report regarding Ordinances Nos 35-11 and 37-11. (Pg.4)
2. **ORDINANCE NO. 35-11** - AN ORDINANCE amending Section 506.03 of the Codified Ordinances, Pit Bull Dogs or Canary Dogs; Section 506.08, Alternative Confinement; Section 506.09, Hearing by Director of Public Safety; Notice; Section 506.10, Evidence; Section 506.11, Decision of the Director of Public Safety; and Section 506.13, Disposition of Dangerous Animals, for the purpose of clarifying the definitions and hearing processes related to pit bull dogs, canary dogs, other dangerous dogs and vicious dogs. PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/20/11, 2<sup>ND</sup> READING 7/5/11, DEFERRED 7/18/11, RECOMMENDED FOR ADOPTION & REFERRED BACK TO COMMITTEE 9/19/11) (Pg. 35)
3. Liquor Permit Application for C1 & C2 transfers to Evans Investment Group, 14235 Madison Avenue, from D Madison Avenue Lakewood Gas same address. (DEFERRED 9/19/11, 10/3/11) (Pg. 14)
4. Liquor Permit Application for C1 & C2 transfers to SANVI Inc, d/b/a Madison Convenience; 15019 Madison Avenue from Deena & Nadeen Enterprises same address. (DEFERRED 9/19/11, 10/3/11) (Pg. 15)

*{Ordinance Number changed from first publication to classify as an Amending Ordinance}*

5. **ORDINANCE NO. ~~45-11~~ – 85-10A** 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 85-10, adopted December 22, 2010 to purchase additional equipment, 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 **Computers & Systems**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 10/3/11) (Pg. 16)
6. **ORDINANCE NO. 46-11** – AN ORDINANCE to amend Sections 529.07, Open Container Prohibited, and 905.13, Disorderly Conduct; Intoxication, of the Codified Ordinances of the City of Lakewood for the purpose of clarifying that alcohol may be permitted on public property in certain circumstances under the authority of a permit issued pursuant to Chapter 557 or a conditional use permitted by Chapter 1161. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 10/3/11) (Pg. 18)

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

7. Communication from Mayor Summers regarding The Business Attraction and Anti-Poaching protocol. (Pg.22)
8. **RESOLUTION NO. 8527-11** – A RESOLUTION authorizing the Mayor to enter into an agreement with the Cuyahoga County Executive committing the City of Lakewood to attract businesses in a manner comporting with that agreement, and urging the remaining communities in Cuyahoga County to do the same. (Pg. 23)
9. Communication from Police Chief Malley regarding Estate of Margaret Mihalek donation to the Lakewood Animal Shelter. (Pg.29)
10. **RESOLUTION NO. 8528-11** - A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members of Council or otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor to accept, on behalf of the City of Lakewood, a gift from the Estate of Margaret Mihalek in the amount of \$28,736.81 for use by the Lakewood Division of Police for the benefit of the Animal Shelter. (Pg.30)
11. Communication from Law Director Butler regarding Ordinance amending Section 902.09 of the Lakewood Codified Ordinances to change the word “Superintendent” to “Director of Finance or his or her designee”. (Pg.31)
12. **ORDINANCE NO. 47-11** – AN ORDINANCE amending Section 902.09 of the Lakewood Codified Ordinances to modernize the code by updating an outmoded title. (Pg.32)
13. Communication from Law Director Butler regarding Extension of Moratorium on Internet Gaming Café’s, Sweepstakes Gaming Café’s and Computer Game Centers. (Pg.34)
14. **ORDINANCE NO. 48-11** - 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 at the earliest period allowed by law, to extend the moratorium enacted by Ord. 72-10 on the granting of permits to operate an Internet Café, Sweepstakes Gaming Café or Computer Game Center for a period not to exceed six (6) months from October 18, 2011 in order to allow Council and the Lakewood Planning Commission to continue to review applicable case law, Ohio statute, criminal codes and the Lakewood Zoning Code relative to these establishments. (Pg.35)
15. Liquor Permit Application for a New D1 class to Hatim Boutros d/b/a Reagle Beagle; 17617 Detroit Avenue (Pg.38)
16. Liquor Permit Application for D5 and D6 transfers to Cordova & Detroit d/b/a Johnny Malloys Lakewood; from Yellamo 17103 Detroit Avenue. (Pg. 38)
17. Liquor Permit Application for C1 and C2 transfers to Lakewood Beverage d/b/a Friendly Mini mart; 16708 Detroit Avenue from TAP on Tap Inc/ same address. (Pg.)



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

[www.onelakewood.com](http://www.onelakewood.com)

Lakewood City Council

MARY LOUISE MADIGAN, PRESIDENT  
BRIAN POWERS, VICE PRESIDENT

**Council at Large**  
RYAN NOWLIN  
BRIAN E. POWERS  
MONIQUE SMITH

**Ward Council**  
WARD I – DAVID ANDERSON  
WARD II – THOMAS BULLOCK  
WARD III – SHAWN JURIS  
WARD IV – MARY LOUISE MADIGAN

October 17, 2011

Lakewood City Council  
Lakewood, OH 44107

Re: Public Safety Committee Report; Ordinance Nos. 35-11 and 37-11

Dear Members of Council:

On Monday, October 10<sup>th</sup>, the Public Safety committee met to discuss proposed changes to drafts of ordinances 35-11 and 37-11. In attendance were all committee members as well as Law Director Butler, members of LASWAB and other members of the public.

Both ordinances have been in committee for some time while members have actively worked to refine their language, so it may be useful to remind members of council and the public that ordinance 35-11 is focused on clarification of the hearing process associated with dangerous and vicious dog designations while 37-11 is focused on regulation of wood-burning furnaces.

The committee voted unanimously to recommend passage of ordinance 35-11 after discussing language additions and changes proposed by Director Butler and members of LASWAB. The version of the ordinance that the committee voted to support included Director Butler's addition of language around "competent, credible evidence" as a right of a dog owner or animal control officer to provide during an appeal of a dangerous dog declaration. The final draft of the ordinance also includes the addition of language proposed by LASWAB to exclude service animals from the category of dogs that can be designated as dangerous.

Ordinance 37-11 was discussed at length and new changes were proposed during the course of the meeting. Director Butler has agreed to prepare a version of the ordinance that reflects proposed changes around the height of a required smoke stack on existing wood-burning furnaces and the addition of a specific agency that may be used to define what an unacceptable air quality rating would be which would trigger a ban on the use of wood-burning furnaces until air quality improves. Changes are also being considered to allow owners of existing furnaces more flexibility to use their

Lakewood City Council  
PUBLIC SAFETY COMMITTEE REPORT  
October 17, 2011  
PAGE TWO

appliances if they have no other heat source for their homes. The committee voted to defer any recommendation on this ordinance until we are able to review a version of the ordinance that incorporates these changes.

Respectfully submitted,

Monique Smith, Chair  
David Anderson, Shawn Juris; Members  
**PUBLIC SAFETY COMMITTEE**

Placed on first reading and referred to the Public Safety Committee 6/20/11, second reading 7/5/11; deferred 7/18/11; recommended for adoption 7/25/11; referred back to Public Safety Committee 9/19/11; recommended substitute for adoption 10/10/11; please substitute for original.

ORDINANCE NO. 35-11

BY:

AN ORDINANCE amending Section 506.03 of the Codified Ordinances, Pit Bull Dogs or Canary Dogs; Section 506.08, Alternative Confinement; Section 506.09, Hearing by Director of Public Safety; Notice; Section 506.10, Evidence; Section 506.11, Decision of the Director of Public Safety; and Section 506.13, Disposition of Dangerous Animals, for the purpose of clarifying the definitions and hearing processes related to pit bull dogs, canary dogs, other dangerous dogs and vicious dogs.

WHEREAS, Chapter 506 of the Codified Ordinances, Dangerous and Vicious Animals, generally establishes the process of designation, notice and hearing as to whether a dog is dangerous or vicious and the rules for disposing of such animals; and

WHEREAS, the chapter was substantially altered with the passage of Ordinance 58-08, adopted July 21, 2008; and

WHEREAS, having engaged in due process related to Chapter 506 since the effective date of Ordinance 58-08, the City deems it advisable to clarify the responsibilities and rights of all parties to dangerous- and vicious-dog determinations, hearings, appeals and dispositions, including resolving any ambiguities between the provisions of the chapter related to those dogs deemed dangerous or vicious because of behavior and those dogs deemed dangerous or vicious because of type; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That Section 506.03 of the Codified Ordinances, Pit Bull Dogs or Canary Dogs, currently reading as follows:

**506.03 PIT BULL DOGS OR CANARY DOGS.**

- (a) All pit bull dogs and canary dogs (Perro de PresaCanario) are deemed to be dangerous animals even in the absence of a hearing by the Director of Public Safety or his or her designee.

- (b) As used in this section, "pit bull dog" means any Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier breed of dog, any dog of mixed breed which has the appearance and characteristics of being predominantly of such breeds, any dog commonly known as a pit bull, pit bull dog or pit bull terrier; or a combination of any of these breeds.
- (c) As used in this section "canary dogs" or "Perro de PresaCanario Dogs" also include any dog of mixed breed which has the appearance and characteristics of being predominantly of such breed.
- (d) In the event of a dispute as to whether or not a dog is a pit bull dog, a canary dog, or some other breed, the Director of Public Safety or his or her designee shall make the determination with or without a hearing, and the burden of proof that such dog is not a pit bull dog or canary dog shall be upon the owner or custodian.

shall be and hereby is amended to read as follows:

**506.03 PIT BULL DOGS OR CANARY DOGS.**

- (a) ~~Notwithstanding the provisions of Section 506.02, All-all pit bull dogs and canary dogs (Perro de PresaCanario) are deemed to be dangerous animals even in the absence of a hearing by the Director of Public Safety or his or her designee.~~
- (b) As used in this section, "pit bull dog" means any Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier breed of dog, any dog of mixed breed which ~~has~~ is the appearance and characteristics of being predominantly of one or more of such breeds, or any dog commonly known as a pit bull, pit bull dog or pit bull terrier as determined by an Animal Control Officer.
- (c) As used in this section "canary dogs" or "Perro de PresaCanario Dogs" also include any dog of mixed breed which ~~is has~~ the appearance and characteristics of being predominantly of such breed as determined by an Animal Control Officer.
- (d) ~~In the event of a dispute as to whether or not a dog is a pit bull dog, a canary dog, or some other breed, the Director of Public Safety or his or her designee shall make the determination with or without a hearing, and the burden of proof that such dog is not a pit bull dog or canary dog shall be upon the owner or custodian.~~

Section 2. That Section 506.08 of the Codified Ordinances, Alternative Confinement, currently reading as follows:

**506.08 ALTERNATIVE CONFINEMENT.**

- (a) In lieu of an animal being impounded, the Animal Control Officer may direct that the animal be confined at the owner's or custodian's expense, either in an approved veterinary facility, at the owner's or custodian's residence or outside the City. In such case, the owner or custodian shall not remove the animal from the veterinary facility or residence or bring the animal into the City without the prior written approval of the Animal Control Officer, and shall make the animal available for observation and inspection by police officers and health officers of the City, including the Animal Control Officer.
- (b) The Animal Control Officer may have such impounded or confined animal permanently identified by photo and other identification.

shall be and hereby is amended to read as follows:

**506.08 ALTERNATIVE CONFINEMENT.**

- (a) In lieu of an animal being impounded pursuant to Section 506.07, the Animal Control Officer may direct that the animal be confined at the owner's or custodian's expense, either in an approved veterinary facility, at the owner's or custodian's residence or outside the City. ....

Section 3. That Section 506.09 of the Codified Ordinances, Hearing by Director of Public Safety; Notice, currently reading as follows:

**506.09 HEARING BY DIRECTOR OF PUBLIC SAFETY; NOTICE.**

Within ten business days of an animal being impounded or confined, the Director of Public Safety or his or her designee shall conduct a hearing to determine whether or not the animal is a dangerous animal or a vicious animal. The City shall make residential service of notice of the time, place and purpose of the hearing, at least three days before the hearing, upon the owner or custodian of the animal, any person requesting notice and any person known to have relevant knowledge or information regarding the animal.

shall be and hereby is amended to read as follows:

**506.09 HEARING BY DIRECTOR OF PUBLIC SAFETY; NOTICE.**

- (a) Within ten business days of an animal being impounded or confined pursuant to Section 506.07 or Section 506.08, the Director of Public Safety or his or her designee shall conduct a hearing to determine whether or not the animal is a dangerous animal or a vicious animal. The City shall make residential service of notice of the time, place and purpose of the hearing, at least three days before the hearing, upon the owner or cus-

todian of the animal, any person requesting notice and any person known to have relevant knowledge or information regarding the animal.

(b) Within forty business days of a dog being deemed to be dangerous pursuant to Section 506.03, the Director of Public Safety or his or her designee shall conduct a hearing to determine whether or not the dog is dangerous as defined by that section. The City shall make residential service of such determination and the hearing date upon the owner or custodian of the dog at least thirty days before the hearing. The City shall provide the section of the Codified Ordinances under which the dog has been deemed dangerous. The notice shall inform the owner or custodian that the dog must be removed from the City within thirty (30) days of a written decision of the Director of Public Safety or his or her designee that the dog is a pit bull dog or canary dog, unless such removal date is reasonably extended by the City for good cause shown. On the request of the City or the owner or custodian, for good cause shown the hearing date may be continued by the Director of Public Safety or his or her designee. Any order to remove a dog from the City pursuant to this subsection shall be stayed pending appeal.

(c) Within five business days of such hearing, after considering all substantial, reliable and probative evidence accepted for review, the Director of Public Safety or his or her designee shall issue a written decision making a finding as to whether the animal is dangerous or vicious as defined in this chapter and shall serve the decision upon all parties. The decision shall be a final order and may be appealed to a court of competent jurisdiction.

Section 4. That Section 506.10 of the Codified Ordinances, Evidence, currently reading as follows:

**506.10 EVIDENCE.**

- (a) The Director of Public Safety or his or her designee may hear and consider relevant evidence offered by any person desiring to provide such evidence at a hearing to determine whether or not an impounded or confined animal is a dangerous animal or a vicious animal.
- (b) In making a determination as to whether or not such animal is a dangerous animal or a vicious animal, the following evidence may be considered:
  - (1) Any previous history of the animal attacking, biting or causing injury to human beings or domestic animals;
  - (2) The nature and extent of all injuries inflicted and the number of victims involved;

- (3) The place where the bite, attack or injury occurred;
  - (4) The presence or absence of any provocation for the bite, attack or injury;
  - (5) The extent to which clothing or other property was damaged or destroyed;
  - (6) Whether or not the animal exhibits any characteristic of being trained for fighting or attack, or other evidence to show such training or fighting;
  - (7) Whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domestic animals;
  - (8) The manner in which the animal has been trained, handled and maintained by its owner or custodian;
  - (9) Any other relevant evidence concerning the animal; and
  - (10) Any other relevant evidence regarding the ability of the owner or custodian or the City to protect the public safety if the animal is permitted to remain in the City.
- (c) Within three business days of such hearing, the Director of Public Safety or his or her designee shall issue a written decision based upon all of the facts known to the Animal Control Officer.

shall be and hereby is amended to read as follows:

**506.10 EVIDENCE.**

- (a) The Director of Public Safety or his or her designee may hear and consider ~~relevant-evidence~~ offered by any person desiring to provide such evidence at a hearing to determine whether or not an ~~impounded or confined animal~~ impounded or confined pursuant to Section 506.07 or Section 506.08 is a dangerous animal or a vicious animal.
- (b) In making a determination as to whether or not ~~an such animal~~ impounded or confined pursuant to Section 506.07 or Section 506.08 is a dangerous animal or a vicious animal, the following evidence may be considered:  

...
- (c) ~~Within three business days of such hearing, the Director of Public Safety or his or her designee shall issue a written decision based upon all of the facts known to the Animal Control Officer.~~ At any hearing held pursuant to Section 506.09(b), the Director of Public Safety or his or her designee may consider

any testimony of or evidence submitted by the City, the owner or custodian of a dog deemed dangerous, or a veterinarian, zoologist, specialist or other person as to whether the dog is a pit bull dog or canary dog. Competent, credible evidence accepted in support of the Animal Control Officer's finding that the dog is a pit bull or canary dog shall create a rebuttable presumption that the dog is of the type identified. Competent, credible evidence of the results of blood-drawn deoxyribonucleic acid testing submitted by the owner or custodian of the dog shall be accepted as evidence of whether the dog is a pit bull dog or canary dog.

Section 5. That Section 506.11 of the Codified Ordinances, Decision of the Director of Public Safety, currently reading as follows:

**506.11 DECISION OF THE DIRECTOR OF PUBLIC SAFETY.**

- (a) If the Director of Public Safety or his or her designee finds that the animal represents a continuing threat of serious harm to human beings or domestic animals, but that the public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Public Safety or his or her designee shall designate the animal to be a dangerous animal.
- (b) If the Director of Public Safety or his or her designee finds that the animal represents a continued threat of serious harm to human beings or domestic animals, and that the public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Public Safety or his or her designee shall designate the animal to be a vicious animal.
- (c) If the Director of Public Safety or his or her designee finds that the animal does not represent a continued threat of serious harm to human beings or domestic animals, the decision of the Director of Public Safety or his or her designee shall make no designation of the animal, and such animal shall be released to its owner or custodian. Such determination shall in no manner alter whether such animal may thereafter be deemed to be a dangerous animal or a vicious animal under Section 506.04.

shall be and hereby is amended to read as follows:

**506.11 DECISION OF THE DIRECTOR OF PUBLIC SAFETY.**

Following any hearing held pursuant to Section 506.09(a):

- (a) If the Director of Public Safety or his or her designee finds that the animal represents a continuing threat of serious harm to human beings or domestic animals, but that the public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Public Safety or his or her designee shall designate the animal to be a dangerous animal.

...

- (c) If the Director of Public Safety or his or her designee finds that the animal does not represent a continued threat of serious harm to human beings or domestic animals, the decision of the Director of Public Safety or his or her designee shall make no designation of the animal, and such animal shall be released to its owner or custodian. Such determination shall in no manner alter whether such animal may thereafter be deemed to be a dangerous animal ~~or a vicious animal~~ under Section ~~506.04~~506.03.

Section 6. That Section 506.13 of the Codified Ordinances, Disposition of Dangerous Animals, currently reading as follows:

**506.13 DISPOSITION OF DANGEROUS ANIMALS.**

- (a) Unless the Director of Public Safety or his or her designee, after a hearing, issues an order in accordance with the provisions of Section 506.04, he or she shall issue an order for the owner or custodian to remove any dangerous animal from the City within seven (7) calendar days after a hearing.
- (b) If the owner or custodian of the dangerous animal files a notice of appeal of the Director of Public Safety or his or her designee's decision with a court of competent jurisdiction, the order of the Director of Public Safety or his or her designee to remove the dangerous animal from the City or to impose reasonable terms, conditions and restrictions which the Director of Public Safety or his or her designee deems are necessary to protect the public health, safety and welfare shall not be stayed pending the appeal.
- (c) If the owner or custodian of an impounded or confined dangerous animal wishes to reclaim and remove it from the City, the Director of Public Safety or his or her designee shall release it, provided that the animal is taken to its new location outside the City immediately and directly upon its release. No person to whom such animal is released shall fail to remove the animal immediately and directly from the City.

shall be and hereby is amended to read as follows:

**506.13 DISPOSITION OF DANGEROUS ANIMALS.**

Following any hearing held pursuant to Section 506.09(a):

- (a) Unless the Director of Public Safety or his or her designee, after a hearing, issues an order in accordance with the provisions of Section 506.04, he or she shall issue an order for the owner or custodian to remove any dangerous animal from the City within seven (7) calendar days after a hearing.

Section 7. That Section 506.14 of the Codified Ordinances, Police Dogs, currently reading as follows:

**506.14 POLICE DOGS.**

The terms "dangerous animal" and "vicious animal," as used in this chapter, do not include police dogs that have been trained and may be used to assist law enforcement officers in the performance of their official duties.

shall be and hereby is amended to read as follows:

**506.14 POLICE DOGS; SERVICE ANIMALS.**

The terms "dangerous animal" and "vicious animal," as used in this chapter, do not include police dogs that have been trained and may be used to assist law enforcement officers in the performance of their official duties. Pit bull dogs and canary dogs do not include service animals as defined by the Americans with Disabilities Act and the regulations promulgated pursuant thereto.

Section 8. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
Mayor

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P. O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

2582219 <small>PERMIT NUMBER</small>		TRFO <small>TYPE</small>	EVANS INVESTMENT GROUP I INC 14235 MADISON AV LAKEWOOD OHIO 44107	
12	27	2010 <small>ISSUE DATE</small>		
09	06	2011 <small>FILING DATE</small>		
C1 C2 <small>PERMIT CLASSES</small>				
18	286	C	F06229 <small>RECEIPT NO.</small>	

FROM 09/08/2011

1800018 <small>PERMIT NUMBER</small>			D MADISON AVENUE LAKEWOOD GAS LLC 14235 MADISON AV LAKEWOOD OHIO 44107	
12	27	2010 <small>ISSUE DATE</small>		
09	06	2011 <small>FILING DATE</small>		
C1 C2 <small>PERMIT CLASSES</small>				
18	286			



MAILED 09/08/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/11/2011

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. **C TRFO 2582219**  
REFER TO THIS NUMBER IN ALL INQUIRIES \_\_\_\_\_  
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL  
12650 DETROIT AV  
LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

7737162		TRFO	SANVI INC	
PERMIT NUMBER		TYPE	DBA MADISON CONVENIENCE	
10	01	15019 MADISON AV		
ISSUE DATE		LAKEWOOD OHIO 44107		
09	08			
FILING DATE				
C1	C2			
PERMIT CLASSES				
18	286	C	F06241	
TAX DISTRICT			RECEIPT NO.	

FROM 09/12/2011

2013255			DEENA & NADEEN ENTERPRISES INC	
PERMIT NUMBER		TYPE	DBA MADISON CONVENIENCE	
10	01	15019 MADISON AV		
ISSUE DATE		LAKEWOOD OHIO 44107		
09	08			
FILING DATE				
C1	C2			
PERMIT CLASSES				
18	286			
TAX DISTRICT			RECEIPT NO.	



MAILED 09/12/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/13/2011

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.  
REFER TO THIS NUMBER IN ALL INQUIRIES **C TRFO 7737162**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL  
12650 DETROIT AV  
LAKEWOOD OHIO 44107

ORDINANCE NO. ~~XXXXXXXX~~  
85-10A

BY:

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 85-10, adopted December 22, 2010 to purchase additional equipment, 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 **Computers & Systems**, with contracts not to exceed the specified amounts shown without separate resolution of Council.

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary to provide for the usual daily operation of municipal departments in that certain capital improvements projects are to be undertaken beginning on or after January 1, 2011 in accordance with the Capital Improvement Plan for fiscal year 2011. Now therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That Section 1 of Ordinance 85-10, adopted December 22, 2010 currently reading as follows:

That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to engage architectural and/or engineering firms to provide professional services for the design, preparation of specifications, construction inspection, contract administration and to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood, for the following Infrastructure Improvements, contracts not to exceed the specified amounts shown, except as hereinafter provided:

**Computers & Systems**

**\$100,000**

Is hereby amended to read:

That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing

Manager is hereby authorized and directed to engage architectural and/or engineering firms to provide professional services for the design, preparation of specifications, construction inspection, contract administration and to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood, for the following Infrastructure Improvements, contracts not to exceed the specified amounts shown, except as hereinafter provided:

**Computers & Systems**

**\$200,000**

Section 2. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to enter into contracts as set forth above in amounts not to exceed the specified amounts without further action from Council; and to enter into contracts in excess of specified amounts only upon consent of Council evidenced by adoption of a resolution specifying the authorized amount.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
Mayor

ORDINANCE NO. 46-11

BY:

AN ORDINANCE to amend Sections 529.07, Open Container Prohibited, and 905.13, Disorderly Conduct; Intoxication, of the Codified Ordinances of the City of Lakewood for the purpose of clarifying that alcohol may be permitted on public property in certain circumstances under the authority of a permit issued pursuant to Chapter 557 or a conditional use permitted by Chapter 1161.

WHEREAS, Ordinance No. 22-11 was adopted in June 2011 amending Section 529.10, Possession, Sale or Consumption on Public Property, to allow alcohol to be served under the authority of a permit issued pursuant to Chapter 557, Parades and Special Events, and Chapter 1161, governing conditional uses for outdoor dining establishments on public property; and

WHEREAS, other sections of the Lakewood Codified Ordinances prohibit the sale or possession of alcohol on public property and need to be amended to remain consistent with the intent of Ordinance No. 22-11; and

WHEREAS, under Article XVIII of the Ohio Constitution, municipalities are given the authority to adopt charters and exercise all powers of local self-government; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. Section 529.07, Open Container Prohibited, of the Lakewood Codified Ordinances, currently reading as follows:

**529.07 OPEN CONTAINER PROHIBITED.**

(a) As used in this section:

- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 453.24.
- (2) "Street", "highway" and "motor vehicle" have the same meanings as in Chapter 301 of the Traffic Code and in Ohio R.C. 4511.01.

(b) No person shall have in his or her possession an opened container of beer or intoxicating liquor in any of the following places or under any of the following circumstances:

- (1) In a State liquor store;

(2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Ohio Department of Liquor Control;

(3) In any other public place;

...

(d) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of such a person, when all of the following apply:

(1) The person or guest is a passenger in the limousine;

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located;

(3) The limousine is located on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

(e) Whoever violates this section is guilty of a minor misdemeanor.

shall be and is hereby amended to read as follows:

**529.07 OPEN CONTAINER PROHIBITED.**

(a) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 453.24.

(2) "Street", "highway" and "motor vehicle" have the same meanings as in Chapter 301 of the Traffic Code and in Ohio R.C. 4511.01.

(b) No person shall have in his or her possession an opened container of beer or intoxicating liquor in any of the following places or under any of the following circumstances:

(1) In a State liquor store;

(2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Ohio Department of Liquor Control;

(3) In any other public place;

...

(d) This section ~~does~~ shall not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine

pursuant to a prearranged contract, or the guest of such a person, when all of the following apply:

- (1) The person or guest is a passenger in the limousine;
  - (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located;
  - (3) The limousine is located on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
- (e) This section shall not apply if any beer or intoxicating liquor is being sold or on public property in accordance with a special event permit issued pursuant to Chapter 557 or within the public right-of-way pursuant to a conditional use permit for outdoor dining issued under the authority of Section 1161.03(t), provided, however, such activity shall meet all other applicable laws and regulations for the possession, sale and consumption of beer or intoxicating liquor.
- (f) Whoever violates this section is guilty of a minor misdemeanor.

Section 2. Section 905.13, Disorderly Conduct; Intoxication, of the Lakewood Codified Ordinances, currently reading as follows:

**905.13 DISORDERLY CONDUCT; INTOXICATION.**

- (a) Sleeping or protracted lounging on the seats or benches, loud, boisterous, threatening, abusive, insulting or indecent language, disorderly conduct or behavior, or any act tending to a breach of the public peace, are prohibited in the parks.
- (b) No person shall take intoxicating liquor into any park. No intoxicated person shall enter or remain within any of the parks.

shall be and is hereby amended to read as follows:

**905.13 DISORDERLY CONDUCT; INTOXICATION.**

- (a) Sleeping or protracted lounging on the seats or benches, loud, boisterous, threatening, abusive, insulting or indecent language, disorderly conduct or behavior, or any act tending to a breach of the public peace, are prohibited in the parks.
- (b) No person shall take intoxicating liquor into any park. No intoxicated person shall enter or remain within any of the parks.
- (c) This section shall not apply if any beer or intoxicating liquor is being sold or on public property in accordance with a special event permit issued pursuant to Chapter 557, provided, however, such activity shall meet all other applicable laws and regulations for the possession, sale and consumption of beer or intoxicating liquor.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

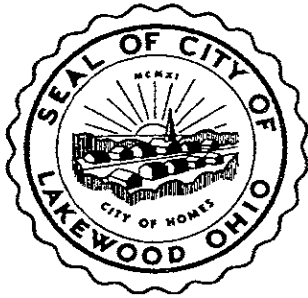
Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
Mayor



12650 DETROIT AVENUE • 44107 • 216/529-6600 • fax 216/529-5652  
Website: www.onelakewood.com

**MICHAEL P. SUMMERS**  
MAYOR

October 17, 2011

Lakewood City Council  
12650 Detroit Avenue  
Lakewood, Ohio 44107

Dear Members of Council,

County Executive Fitzgerald has asked Lakewood, and each of the other 58 communities in Cuyahoga County to agree and adhere to the letter and spirit of The Business Attraction and Anti-Poaching protocol.

The First Suburbs Consortium has worked diligently to understand the impact, scope, and procedural requirements of this proposed agreement. Shaker Heights Mayor Earl Leiken provided very effective leadership through this review. The agreement submitted to Lakewood City Council this evening is a much-improved version as a consequence of The First Suburbs work.

I believe Lakewood should sign on to this agreement. The elements of this agreement lay the foundation for better regional cooperation and advancement in a more equitable manner.

I have grown to understand and appreciate that Lakewood, and all Cuyahoga County communities need to transcend from viewing ourselves as being a community in Cuyahoga County towards a community that is part of Cuyahoga County.

This resolution asks for City council to grant me the authority to enter into this agreement, and to encourage other communities to do so. I ask that you refer this resolution to the appropriate committee for further discussion and review.

Respectfully Submitted,

*Michael P. Summers*  
Michael P. Summers,  
Mayor, City of Lakewood



RESOLUTION NO.

BY:

A RESOLUTION authorizing the Mayor to enter into an agreement with the Cuyahoga County Executive committing the City of Lakewood to attract businesses in a manner comporting with that agreement, and urging the remaining communities in Cuyahoga County to do the same.

WHEREAS, Cuyahoga County Executive Ed FitzGerald, through his office on regional collaboration, has proposed to all political subdivisions within Cuyahoga County a “Business Attraction and Anti-Poaching Protocol,” attached hereto as Exhibit A; and

WHEREAS, the overall purpose of the anti-poaching agreement is to encourage responsible, forward-thinking economic development activities by communities within Cuyahoga County at no great peril to the livelihood of neighboring communities; and

WHEREAS, the agreement identifies more specific purposes, including facilitating interactions between the county and communities to promote economic development; establishing a county-based “one-stop shop” for businesses considering location or expansion in Cuyahoga County; expressing the commitment of the participating communities that they will not actively pursue the relocation of a business that has not indicated that it is considering a move from its current location in another participating community; and in instances where a business is exploring a possible move, establishing procedures to balance the interests of the business’ home community and other participating communities; and

WHEREAS, in the spirit of increasing the prosperity of Lakewood and the region, the administration and this Council find that Lakewood’s participation in such an agreement is necessary and desirable, and also wish to encourage other communities to adopt it; and

WHEREAS, all contracts not specifically excepted by ordinance must be approved by Council pursuant to Section 111.02 of the Codified Ordinances; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. The Mayor is hereby authorized to enter into the agreement attached hereto as Exhibit A with Cuyahoga County Executive Ed FitzGerald committing the City of Lakewood to attract businesses in a manner comporting with that agreement.

Section 2. Lakewood City Council and the Mayor’s administration call upon all communities in Cuyahoga County to adhere to the aspirations of the County Executive’s anti-poaching protocol by entering into the same agreement, and hereby authorize the Clerk of Coun-

cil to announce the passage of this resolution in a manner that will notify other Cuyahoga County communities of such passage.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

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

\_\_\_\_\_  
Mayor

# CUYAHOGA COUNTY BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL

## Purpose

The communities of Cuyahoga County wish to enter a new era of regional collaboration to promote economic development. To that end, they hope to work closely with the county to make their communities and the region more attractive to business. While these communities want to encourage businesses to locate within their boundaries, they prefer not to do so at the expense of their neighbors. Inevitably, some businesses, for their own reasons, will choose to explore re-location from one community in Cuyahoga County to another. In such instances, a balance should be struck to allow the first community the opportunity to retain the business and the second community or communities the opportunity to attract it. However, if a business has not expressed an interest in re-locating, most believe that communities should not actively pursue or “poach” that company to encourage it to move from its current location.

The purpose of this Business Attraction and Anti-Poaching Protocol is to: (1) facilitate interactions between the county and the communities to promote economic development; (2) establish a county-based “one-stop shop” for businesses considering location or expansion in Cuyahoga County; (3) express the commitment of the participating communities that they will not actively pursue the re-location of a business that has not indicated that it is considering a move from its current location in another participating community; and (4) in instances where a business is exploring a possible move, establish procedures to balance the interests of the business’ home community and other participating communities.

## Principles and Protocols

In the interest of promoting the economic well-being and growth of our communities, Cuyahoga County, and Northeast Ohio, we, the undersigned, agree to the following economic development actions, principles and protocols (the “Agreement”):

- 1 **Business Retention and Expansion Advisory Council Established:** The undersigned agree to participate in Cuyahoga County’s Business Retention and Expansion Advisory Council (BREAC), a virtual organization that facilitates the distribution of leads from economic development organizations and site selectors to participating communities. BREAC is also a source for accessing County economic development resources and programs. Membership in BREAC is limited to those communities that enter into this Agreement (the “participating communities”) and is the County’s first step towards establishing a “one-stop shop” for businesses considering location or expansion in Cuyahoga County. In furtherance of that effort, the participating communities further agree to:

- a. Designate one person to the County's "deal team network" as the community's point of contact for all economic development matters.
  - b. Provide the community's updates to the County's "deal team database" of city resources, which provides information about participating communities' economic development programs and incentives.
  - c. Provide the community's updates to a central "available property" database.
  - d. Assist the County and economic development organizations, such as Team NEO and the Greater Cleveland Partnership, when economic development leads are identified.
- 2 **Business Attraction and Retention Principles:** Cuyahoga County's economy will be stronger if its communities work together, rather than against each other. These communities should focus their economic development efforts on the attraction of new businesses, the retention and expansion of existing businesses, and the promotion of their communities as good places to do business. While some businesses will choose, for their own reasons, to re-locate within the county, the focus of economic development efforts should not be on encouraging companies to move from one community to another within the county.
3. **Active Pursuit/"Poaching" of Businesses:** In keeping with the above principle, we agree that, where a business has not indicated that it is considering a move from its current location in a participating community, we will not actively pursue that business to encourage it to re-locate. "Actively pursue" means to initiate contact with the business directly, with the intent of luring the business, through cold calls, visits, mail solicitations, or marketing directed specifically at that business. This does not preclude a community from generally marketing itself as a good place to do business or generally advising its residents about the benefits of locating their businesses in their home communities.
- 4 **Protocol in the Event a Business Indicates That It Is Considering a Re-Location:** The following protocol applies to businesses with 25 or more full-time employees. In the event such a business residing in a different participating community contacts the mayor, manager, trustee, or economic development director of the undersigned community, either directly or through a representative, to discuss a possible re-location, we agree to follow the following protocol:
- a. We will advise the business that we want to assist the business so that they are successful.
  - b. We will ask the business whether it has advised the community in which it is currently located that it is considering a re-location and, if not, whether it objects to our advising the home community of the inquiry. If the home community has not been advised and the business does not object, we will promptly notify the mayor, manager, or trustees of the home community in writing of the inquiry.
  - c. We will not publicly propose or offer incentives to the business in support of a re-location until either the business verifies that it has notified the home community of the possible re-location or we have given that notice.
  - d. We will advise the business, if asked, that Cuyahoga County may condition the awarding of county incentives and assistance on the receipt of consent from the community in which the business is currently located.

- e We will agree to discuss the possible relocation with the mayor, manager, or trustees of the affected home community if asked by those officials.
  - f Without making any commitment to revenue share and noting that some signatories do not favor revenue sharing, we will agree to have a discussion about the possibility of a revenue sharing agreement with the mayor, manager, or trustees of the affected home community if asked by those officials
5. **Protocol in the Event a Business is Considering a Consolidation:** In the event a business with operations in one or more participating communities contacts a participating community to indicate that it is considering consolidating its operations in the contacted community, that community shall treat the situation as it would a potential re-location and follow the protocol outlined above.
  6. **Protocol in the Event the County Learns of a Re-Location or Consolidation from a Participating Community to a Non-Participating Community:** In the event the County learns that a business is considering relocating or consolidating operations from one or more participating communities to a non-participating community or communities, the County shall have the responsibility to execute the protocols listed above.
  7. **Effect of Non-Participation:** Cuyahoga County strongly encourages communities to participate in this Agreement. The County reserves the right to consider participation in this Agreement in evaluating applications under the proposed County Economic Development Fund and other programs.
  8. **Term:** The Agreement shall remain in effect until December 31, 2014, unless terminated earlier in accordance with Section 9(A) below.
  9. **General Provisions**
    - A. **Termination:** This Agreement may be terminated in its entirety by the mutual written agreement of all then-current participating communities. In the event a participating community wishes to terminate its participation, it shall provide notice of its intent to terminate to the county Executive and the other participating communities. Such termination shall be effective as of the date stated in such notice
    - B. **Amendment or Modification:** This Agreement may be amended or modified by the participating communities, provided that any such modification or amendment shall become effective only upon the written agreement by the authorized authority of each participating community
    - C. **Capacity to Execute:** The undersigned hereby certifies that all actions necessary to execute this Agreement were taken, and the person executing this Agreement is authorized to do so and has the power to bind the jurisdiction to the terms and conditions contained herein.
    - D. **No Cause of Action Created:** No cause of action (direct, derivative, taxpayer, third-party beneficiary, or any other kind) is created or intended to be created by this Agreement

**IN WITNESS WHEREOF**, each of the parties committing to the above principles and protocols has caused this Agreement to be executed by its duly-authorized representative as of the date indicated

**CUYAHOGA COUNTY, OHIO**

\_\_\_\_\_  
Edward FitzGerald  
County Executive

**DATE** \_\_\_\_\_

**JURISDICTION** \_\_\_\_\_

**BY:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



12650 Detroit Avenue • 44107  
Timothy J. Malley Chief of Police

Division of Police  
216-529-6750  
FAX 216-521-7727  
[www.onelakewood.com](http://www.onelakewood.com)

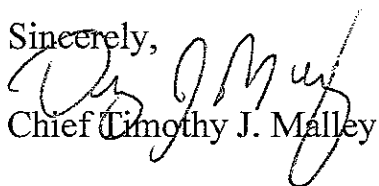
October 17, 2011

Lakewood City Council

Dear Members of Council:

The Lakewood Police Department has received a check from the Estate of Margaret Mihalek in the sum of \$28, 736.81. The check is made payable to the Lakewood Animal Shelter and we will deposit the funds into the Kennel Donation Fund to make improvements to the Lakewood Animal Shelter. The Estate of Margaret Mihalek also donated \$10,000 earlier this year to the shelter.

Sincerely,

  
Chief Timothy J. Malley



RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members of Council or otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor to accept, on behalf of the City of Lakewood, a gift from the Estate of Margaret Mihalek in the amount of \$28,736.81 for use by the Lakewood Division of Police for the benefit of the Animal Shelter.

WHEREAS, the funds will be used for improvements to the Lakewood Animal Shelter; and

WHEREAS, this Council by a vote of at least five (5) of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this legislation is necessary to include this gift in the budget of the City of Lakewood. Now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Mayor is hereby authorized to accept, on behalf of the City of Lakewood, a gift from the Estate of Margaret Mihalek in the amount of \$28,736.81 for use by the Lakewood Division of Police for the benefit of the Animal Shelter.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five (5) of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

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

\_\_\_\_\_  
Mayor



**LAW DEPARTMENT  
OFFICE OF PROSECUTION**  
12650 Detroit Avenue, Lakewood, Ohio 44107  
(216) 529-6030 | Fax (216) 228-2514  
[www.oneiakewood.com](http://www.oneiakewood.com)  
[law@lakewoodoh.net](mailto:law@lakewoodoh.net)

KEVIN M. BUTLER  
DIRECTOR OF LAW  
RICHARD NEFF  
CHIEF PROSECUTOR  
JENNIFER L. MLADEK  
ASSISTANT LAW DIRECTOR  
SCOTT CLAUSSEN  
ASSISTANT LAW DIRECTOR  
PAMELA ROESSNER  
ASSISTANT PROSECUTOR  
SALEH AWADALLAH  
ASSISTANT LAW DIRECTOR

October 17, 2011

Lakewood City Council  
12650 Detroit Avenue  
Lakewood, Ohio 44107

**Re: Ordinance amending Section 902.09 of the Lakewood Codified Ordinances to change the word ‘Superintendent’ to ‘Director of Finance or his or her designee’**

Dear Members of Council:

Please find attached an ordinance that, if adopted, would amend Section 902.09 of the Lakewood Codified Ordinances to change the last remaining instance of the word “Superintendent” to “Director of Finance or his or her designee.”

This ordinance follows Ord. 41-11, which you adopted October 3, 2011 and which modified that section of the code in the exact same way (as well as many other sections of the code by updating outmoded titles). It was my oversight not to have updated the last instance of the word “superintendent” when drafting Ord. 41-11.

I do not object to a committee discussion if Council sees fit to refer the matter. Otherwise, I ask for your suspension of the rules and passage this evening.

Very truly yours,

Kevin M. Butler

ORDINANCE NO.

BY:

AN ORDINANCE amending Section 902.09 of the Lakewood Codified Ordinances to modernize the code by updating an outmoded title.

WHEREAS, Lakewood City Council adopted Ordinance 41-11 on October 3, 2011, which updated outmoded municipal officials' and departmental titles and repealed antiquated and ineffectual language within the Codified Ordinances; and

WHEREAS, there remains one title, Superintendent, that should have been updated in Section 902.09; and

WHEREAS, Council endeavors to update the code accordingly; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 902.09 of the Lakewood Codified Ordinances, amended by Ordinance 41-11 to read as follows:

**902.09 SHUT-OFF FOR NONPAYMENT.**

- (a) The City shall endeavor to collect delinquent accounts promptly. In any case where satisfactory arrangements for payment have not been made, the Water Department may, after the procedural requirements of subsection (b) hereof have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent amounts due plus a fee for disconnection and reconnection of thirty dollars (\$30 00).
- (b) Procedure. Water shall not be shut off until notice and an opportunity for a hearing have first been given to the occupant of the premises involved. The notice shall be given by certified mail and shall state that if payment is not made before a date stated in the notice but not less than thirty days after the date on which the notice is given, the water supply to the premises shall be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter in which case the supply shall not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Director of Finance or his or her designee at least one week after the date on which the request is made. If as a result

of the hearing, the Superintendent finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this chapter, the City may shut off the supply.

shall be and hereby is amended to read as follows:

**902.09 SHUT-OFF FOR NONPAYMENT.**

- ...
- (b) Procedure. ... If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Director of Finance or his or her designee at least one week after the date on which the request is made. If as a result of the hearing, the ~~Superintendent~~ Director of Finance or designee finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this chapter, the City may shut off the supply.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

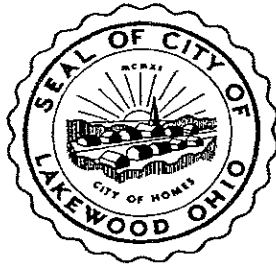
Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

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

\_\_\_\_\_  
MAYOR



**LAW DEPARTMENT  
OFFICE OF PROSECUTION**  
12650 Detroit Avenue, Lakewood, Ohio 44107  
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SCOTT CLAUSSEN  
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PAMELA ROESSNER  
ASSISTANT PROSECUTOR

SALEH AWADALLAH  
ASSISTANT LAW DIRECTOR

October 17, 2011

Lakewood City Council  
12650 Detroit Avenue  
Lakewood, Ohio 44107

**Re: Extension of Moratorium on Internet Gaming Cafés,  
Sweepstakes Gaming Cafés and Computer Game Centers**

Dear Members of Council:

Please find attached an ordinance that, if adopted, would extend the moratorium Council first imposed in October 2010 on the opening and operation of Internet Gaming Cafés, Sweepstakes Gaming Cafés and Computer Game Centers in the city (as those terms are defined in the ordinance).

An extension is required because the body of law in Ohio with respect to these facilities is changing rapidly and, despite recent court activity, is not yet developed to the extent Council, the administration and the Planning Commission would be able to make informed decisions on any modifications that may be necessary to the zoning code. Furthermore, the extension is necessary while the Ohio General Assembly considers H.B. 195, which would substantially regulate such businesses and would permit municipalities to impose complete bans on their offerings. Moratoria are appropriate and permissible under these circumstances.

In light of the fact that the prior stay will expire on or about October 18, 2011, we ask for Council's suspension of the rules and favorable vote on this ordinance this evening.

Very truly yours,

Kevin M. Butler

ORDINANCE NO.

BY:

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 at the earliest period allowed by law, to extend the moratorium enacted by Ord. 72-10 on the granting of permits to operate an Internet Café, Sweepstakes Gaming Café or Computer Game Center for a period not to exceed six (6) months from October 18, 2011 in order to allow Council and the Lakewood Planning Commission to continue to review applicable case law, Ohio statute, criminal codes and the Lakewood Zoning Code relative to these establishments.

WHEREAS, Ord. 72-10, enacted on October 18, 2010 and effective October 20, 2010, placed a six- (6-) month moratorium on the issuance of any occupancy permit or other permit that would allow the operation of an Internet Café, Sweepstakes Gaming Café or Computer Game Center in the City; and

WHEREAS, Ord. 11-11, enacted on April 18, 2011 and effective that date, extended the moratorium by six (6) months; and

WHEREAS, the law in Ohio involving Internet Cafés, Sweepstakes Gaming Cafés and Game Center Facilities is in its nascent stages, as courts begin to determine whether the operations of these facilities constitute illegal gambling, such that Council and the Planning Commission require additional time to undertake a review of all applicable case law and codes statewide; and

WHEREAS, 129 H.B. 195, introduced in April 2011 and currently pending in a committee of the Ohio General Assembly, would enact sweeping regulations on businesses of the type described herein and would permit municipalities to enact local bans on such business operations; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades; and

WHEREAS, the additional provisions of the preamble to Ord. 72-10 and Ord. 11-11 remain relevant in and to the City; and

WHEREAS, this Council by a vote of at least five (5) members thereof determines that this ordinance is an emergency measure and that this ordinance shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the

SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD and that it is necessary for the immediate preservation of the public property health and safety and to provide for the usual daily operation of municipal departments in that Internet Cafés, Sweepstakes Gaming Cafés and/or Computer Game Centers are opening across the greater Cleveland area, the extended moratorium expires on or about October 18, 2011, and due to the negative impact on surrounding neighborhoods, this moratorium is necessary to protect those neighborhoods until further review of criminal and zoning codes can be conducted; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby extends the moratorium enacted by Ord. 72-10 and Ord. 11-11 on the granting of permits to operate an Internet Café, Sweepstakes Gaming Café or Computer Game Center in order to allow Council and the Lakewood Planning Commission to continue to review applicable case law, state code, criminal codes and the Lakewood Zoning Code relative to these establishments.

Section 2. For the purpose of this ordinance, “Internet Café” or “Sweepstakes Gaming Café” or “Computer Game Center” shall have the same definitions as those found in Ord. 72-10, effective October 20, 2010.

Section 3. No occupancy permits or any other permits shall be granted to a business owner who intends to open or devote any floor area of the business to an Internet Café, Sweepstakes Gaming Café or Computer Game Center for the period of this moratorium. No valid existing business in the City may add any devices to the business which would establish an Internet Café or Sweepstakes Gaming Café or Computer Game Center within the existing business for the duration of the moratorium.

Section 4. The moratorium shall be in effect for a period of six (6) months from October 18, 2011 or until changes are enacted to amend the Codified Ordinances of the City of Lakewood to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever is first.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

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

\_\_\_\_\_  
MAYOR

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

3663167		NEW		HATIM BOUTROS LLC DBA REAGLE BEAGLE 17617 DETROIT AVE LAKEWOOD OH 44107
PERMIT NUMBER		TYPE		
ISSUE DATE				
01 10 2011				
FILING DATE				
D1				
PERMIT CLASSES				
18	286	C	Z52702	
TAX DISTRICT		RECEIPT NO.		

FROM 09/22/2011

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 09/22/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/24/2011

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING  
REFER TO THIS NUMBER IN ALL INQUIRIES **C NEW 3663167**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) -  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL  
12650 DETROIT AV  
LAKEWOOD OHIO 44107

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10/3

NOTICE TO LEGISLATIVE  
AUTHORITY

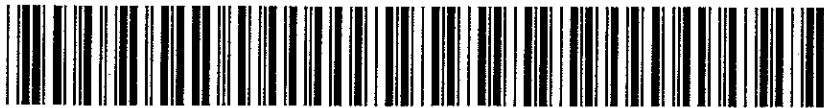
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)844-2360 FAX(614)644-3166

TO

1743129		TRFO	CORDOVA & DETROIT LLC DBA JONNY MALLOYS LAKEWOOD 17103 DETROIT AV LAKEWOOD OHIO 44107
PERMIT NUMBER		TYPE	
10	01	2010	
ISSUE DATE			
09	28	2011	
FILING DATE			
D5 D6		PERMIT CLASSES	
18	286	C	F06353
TAX DISTRICT		RECEIPT NO.	

FROM 09/30/2011

9828341			YELLAMO INC 17103 DETROIT AV LAKEWOOD OHIO 44107
PERMIT NUMBER		TYPE	
10	01	2010	
ISSUE DATE			
09	28	2011	
FILING DATE			
D5 D6		PERMIT CLASSES	
18	286		
TAX DISTRICT		RECEIPT NO.	



MAILED 09/30/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/31/2011

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(TRANSACTION & NUMBER)

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CLERK OF LAKEWOOD CITY COUNCIL  
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LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE  
AUTHORITY

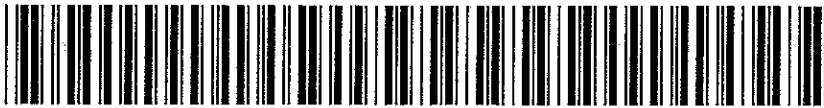
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

4981109		TRFO		LAKEWOOD BEVERAGE INC DBA FRIENDLY MINI MART 16708 DETROIT AV LAKEWOOD OHIO 44107
PERMIT NUMBER TYPE				
10	01	2011		
ISSUE DATE				
09	19	2011		
FILING DATE				
C1		C2		
PERMIT CLASSES				
18	286	C	F06298	
TAX DISTRICT		RECEIPT NO.		

FROM 09/21/2011

87692100001		T A P ON TAP INC		DBA FRIENDLY MINI MART 16708 DETROIT AV LAKEWOOD OHIO 44107
PERMIT NUMBER TYPE				
10	01	2011		
ISSUE DATE				
09	19	2011		
FILING DATE				
C1		C2		
PERMIT CLASSES				
18	286			
TAX DISTRICT		RECEIPT NO.		



MAILED 09/21/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN 10/24/2011

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
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(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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(Date)

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Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL  
12650 DETROIT AV  
LAKEWOOD OHIO 44107

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