

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
NOVEMBER 7, 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 17, 2011.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Finance Committee Report regarding Resolution No. 8526-11 & Ordinance 85-10A. (To Be Provided)
2. **RESOLUTION NO. 8526-11** - 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 and directing the Mayor to submit the Fiscal Year (FY) 2012 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG funds, HOME investment Partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (REFERRED TO THE FINANCE COMMITTEE 10/3/11) (Pg. 5)
3. **ORDINANCE NO. 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 1ST READING & REFERRED TO THE FINANCE COMMITTEE 10/3/11, 2ND READING 10/17/11) (Pg. 8)
4. Public Safety Committee Report regarding Ordinance 37-11. (Pg.10)
5. **ORDINANCE NO. 37-11** – 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 at the earliest period allowed by law, to enact new Section 521.18, Wood-Fired Boilers, for the prevention and control of air pollution from the use of wood-fired boilers, also known as wood-fired furnaces and wood-burring appliances. (**PLEASE SUBSTITUTE** for Ordinance No 37-11 Placed on 1st Reading & Referred to the Public Safety Committee 7/18/11, 2nd Reading 9/6/11) (Pg. 11)
6. Public Works Committee Report regarding Ordinance No. 33-11. (To Be Provided)
7. **ORDINANCE NO. 33-11** – AN ORDINANCE to amend Section 351.26 of the Codified Ordinances, Emergency During Heavy Snow Storms, for the purpose of increasing the snowfall amount in a 24-hour period that is required to trigger a prohibition against parking on City streets from two inches to four inches. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/20/11, 2ND READING 7/5/11, DEFERRED 7/18/11, REFERRED BACK to PUBLIC WORKS COMMITTEE 9/19/11) (Pg.17)

8. Economic Development Committee Report regarding Resolution 8527-11. (To Be Provided)
9. **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. (**PLEASE SUBSTITUTE** for Resolution No. 8527-11 referred to the Economic Development Committee 10/17/11. (Pg. 19)
10. 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, 10/17/11) (Pg. 25)
11. **ORDINANCE NO. 47-11** – AN ORDINANCE amending Section 902.09 of the Lakewood Codified Ordinances to modernize the code by updating an outmoded title. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 10/17/11) (Pg.26)

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

12. Communication from Councilmembers Smith and Powers regarding Lakewood City Schools Commendation. (Pg.28)
13. **RESOLUTION NO. 8529-11** – A RESOLUTION commending Lakewood City Schools for achieving an “Excellent” rating for the 2010-2011 school year by the Ohio Department of Education. (Pg.29)
14. Communication from Councilmember Bullock regarding Proposed ordinance to provide clearer regulation for composting in Lakewood to allow successful adoption and management of composting on a broader scale. (Pg.30)
15. **ORDINANCE NO. 49-11** – AN ORDINANCE amending Section 1783.12, Composting, for the purpose of providing clearer regulation related to composting activity in Lakewood. (Pg.31)
16. Communication from Police Chief Malley regarding Resolution for University Hospitals Health System OVI Prevention Task Force Grant. (Pg.35)
17. **RESOLUTION NO. 8530-11** - AN 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, as Safety Director, to enter into agreements on behalf of the City to accept an expend grant funds, in an amount not to exceed \$10,377.47, from University Hospitals Health Systems for the purpose of providing saturation patrols to enforce OVI laws within the City of Lakewood. (Pg.36)

18. Communication from Human Resources Director Yousefi regarding Salary Ordinance Revisions; Adding Title of Part-time Dispatcher with Grade; Establishing Chief Prosecutor as a full-time Position & fixing Grade. (Pg.38)
19. **ORDINANCE NO. 50-11** - 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 after the earliest period allowed by law, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (Pg. 39)
20. Communication from Human Services Director Buckon regarding Family to Family Neighborhood System of Care Program. (Pg.45)
21. **RESOLUTION NO. 8531-11** - 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 or his designee to enter into an amendment to an agreement with the Cuyahoga County Department of Children Family Services for the Family to Family Neighborhood System of Care program which will increase funding to the City of Lakewood estimated to be \$80,116.00. (Pg.46)

RESOLUTION NO. 8526-11

BY:

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 and directing the Mayor to submit the Fiscal Year (FY) 2012 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG funds, HOME investment Partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD).

WHEREAS, the Secretary of HUD is authorized by various Federal Acts to make grants to units of general local government to finance community development programs; and

WHEREAS, HUD requires units of general local government to incorporate the Comprehensive Housing Affordability Strategy into a Consolidated Plan; and

WHEREAS, the City is annually required, with the participation and approval of its Citizens Advisory Committee (CAC), to submit a One-Year Action Plan update of its Consolidated Plan to serve as a planning document and application for fiscal year allocations for various HUD programs, including CDBG funds, ESG funds, HOME Investment Partnership funds, and community development objectives and projected use of funds, and which contains local objectives, a description of activities to be undertaken, a budget, and certifications in the form of assurances; 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 in order to meet the annual HUD application deadline for Federal funds. Now therefore,

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

Section 1. The Mayor is hereby authorized and directed to submit to HUD the FY 2012 One-Year Action Plan of the Consolidated Plan, as reviewed and approved by the CAC which incorporates the City's application for federal CDBG funds, ESG funds, HOME investment Partnership funds, as indicated in Exhibit A, and all amendments thereto and all understandings and assurances contained therein.

Section 2. The FY 2012 One-Year Action Plan of the Consolidated Plan, as reviewed and approved by the CAC, will reflect a multi-year certification for the expenditure of CDBG funds for FY 2011, FY 2012 and FY 2013.

Section 3. The Mayor is hereby authorized and directed to act in connection with submission of the FY 2012 One-Year Action Plan of the Consolidated Plan, to provide such additional information as may be required and to enter into any and all agreements necessary to accept funds under these programs.

Section 4. 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.

Section 5. 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 proved it receives the affirmative vote of at least five (5) of its members, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

**EXHIBIT A -
FY 2012 Applications**

COMMUNITY DEVELOPMENT BLOCK GRANT				
Applicant	Program Name	Fund Type	Request Amount	CAC Recommendation
Department of Planning and Development	CDBG Program Administrative Costs	Administration	\$380,000	\$373,077
Department of Planning and Development	Section 108 repayment	Section 108 Loan	\$45,000	\$45,000
City of Lakewood, Department of Public Works	CDBG Street Reconstruction	LMA Public Facility	\$850,000	\$662,852
Dept. of Public Works, Div of Parks & Public Properties	Madison Park Improvements	LMA Public Facility	\$50,000	\$21,154
Division of Community Development	HOME Administration Program	LMH Housing	\$40,000	\$36,923
Department of Planning and Development	Project Pride Code Enforcement Program	LMH Housing Program	\$150,000	\$138,672
Division of Community Development	Vacant Property Redevelopment Program	LMH Housing Program	\$100,000	\$95,500
Lakewood Alive	Paint Program	LMH Housing Program	\$21,560	\$19,815
Lakewood Alive	Housing Outreach Program	LMI Public Service	\$40,316	\$40,316
Division of Community Development	Demolition Program	SBA Housing	\$100,000	\$81,692
Division of Community Development	CPR- Storefront	SBA Businesses	\$150,000	\$142,692
Lakewood Community Services Center	Food Pantry/Food Service Delivery	LMI Public Service	\$22,100	\$19,292
Lakewood Community Services Center	Case Management for LMI residents	LMI Public Service	\$83,900	\$53,562
Department of Human Services Division of Early Childhood	Family Literacy	LMA Public Service	\$8,000	\$7,000
Department of Human Services Division of Early Childhood	Childcare Scholarship Assistance	LMI Public Service	\$90,000	\$60,000
Department of Human Services, Division of Aging	Yard Service Program	LMI Public Service	\$7,000	\$0
Department of Human Services, Division of Aging	Outreach and Case Management Services for Older Adults	LMI Public Service	\$35,385	\$30,978
Div. of Refuse & Recycling	Special Refuse Collection	LMI Public Service	\$20,000	\$0
Domestic Violence & Child Advocacy Center	Advocacy for Lakewood Victims of Domestic Violence	LMI Public Service	\$20,500	\$13,827
Lakewood Foundation	Community Snow removal	LMI Public Service	\$7,000	\$0
North Coast Health Ministry	Medical Assistance	LMI Public Service	\$77,000	\$57,647
GDBG TOTAL			\$2,297,761	\$1,900,000
Total public services		maximum 15%		14.9%
Total SBA		maximum 30%		15.1%
Total Administration		maximum 20%		19.6%
Total LMI Benefit		minimum 70%		85%

EMERGENCY SOLUTIONS GRANT				
Applicant	Program Name	Program Type	Request Amount	CAC Recommendation
YMCA of Greater Cleveland/Y-Haven	Y-Haven, Transitional Housing	Shelter Services	\$18,000	\$17,581
Domestic Violence and Child Advocacy Center	Emergency Shelter	Shelter Services	\$31,500	\$29,072
Lakewood Community Services Center	Short-term Temporary Housing for Homeless Residents	Shelter Services	\$22,400	\$21,057
Lakewood Community Services Center	Prevention of Homelessness Activities	Homelessness Prevention	\$30,000	\$29,290
ESG TOTAL			\$101,900	\$97,000

PLACED ON 1~~ST~~ READING & REFERRED TO THE
FINANCE COMMITTEE 10/3/11.

SECOND READING 10/17/11.

ORDINANCE NO. ~~XXXXXX~~
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.

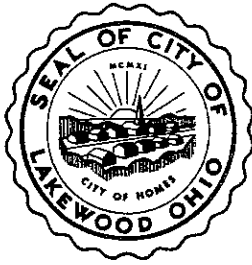
Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.one.lakewood.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

November 7, 2011

Lakewood City Council
Lakewood, OH 44107

RE: **ORDINANCE NO. 37-11** - 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 at the earliest period allowed by law to enact new Section 521.18, Wood-Fired Boilers, for the prevention and control of air pollution from the use of wood-fired boilers, also known as wood-fired furnaces and wood-burning appliances.

Dear Members of Council,

The Public Safety Committee met four times the past few months and recently October 24, 2011 to discuss the above referenced Ordinance. Through the process of several revisions the Committee's final version provides the attached ordinance with following substantive changes:

- Sets the burning season as November 1, through April 30
- Establishes no-burn days when the Air Quality Index as published by the Northeast Ohio Areawide Coordinating Agency (NOACA) is unhealthy or very unhealthy.
- Further defines a solid fuel source as "clean, seasoned wood".

The Committee heard from neighbors of the woodburning appliances stressing the appliances emit unreasonable smoke and present short and long-term health hazards. Woodburning appliance owners shared their desire to maintain a low cost heat source for their homes. The Committee agreed that existing appliances could not be banned but that reasonable guidelines could be put in place. The discussion as to regulating similar appliances in the future as a safeguard for our densely populated city would continue. The Committee voted to substitute and adopt Ordinance 37-11.

Respectfully submitted,

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

Placed on 1st reading and referred to the Public Safety Committee 7/18/11, 2nd reading 9/6/11; substitute version recommended for adoption 10/24/11; please substitute for original.

ORDINANCE NO. 37-11

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 at the earliest period allowed by law, to enact new Section 521.18, Wood-Fired Boilers, for the prevention and control of air pollution from the use of wood-fired boilers, also known as wood-fired furnaces and wood-burning appliances.

WHEREAS, the enactment of Section 521.18, Wood-Fired Boilers, clarifies the definition of solid fuel-burning boilers, acceptable materials to be burned, proximity to adjacent properties, and time elements of burning; and

WHEREAS, because of the density of Lakewood, the use of these solid fuel-burning boilers may negatively impact others ranging from a nuisance to health hazards; and

WHEREAS, these appliances have grown in popularity due to the increasing cost of gas and electricity, as well as the desire to find alternatives to traditional heating sources; and

WHEREAS, the United States Environmental Protection Agency recognizes the negative impact that can result from the use of such appliances; and

WHEREAS, this Council recognizes the negative health impact that can result from the use of such appliances; and

WHEREAS, the Ohio Environmental Protection Agency recently considered regulating wood-fired boilers, but declined to do so determining that the most efficient regulation would be by individual communities based on localized conditions such as population density, topography, distance between homes, etc.; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; and

WHEREAS, this Council by a vote of at least five (5) of its members determines that this ordinance is an emergency measure and that it 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 owners, operators and installers of wood-fired boilers must prepare for the cold-weather months and other residents

must be mindful of the going-forward ban prior to purchasing such appliances; now, therefore,

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

Section 1. That Section 521.18, Wood-Fired Boilers, of the Codified Ordinances of the City of Lakewood, be enacted to read as follows:

521.18 WOOD-FIRED BOILERS.

- (a) This section applies to the installation and use of all wood-fired boilers within the City of Lakewood. This section shall not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances; burning in a stove, furnace or fireplace; the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities or outdoor burning as defined in Chapter 1503.
- (b) Purpose and scope. The Council of the City of Lakewood has determined that air pollution from wood-fired boilers may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of the City of Lakewood. It is hereby declared to be a policy of the City to safeguard the citizens of the City from such air pollution.
- (c) Definitions. The following words, terms, and phrases, when used in this section, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:
 - (1) "Clean wood" means natural wood that has no paint, stains or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote or pentachlorophenol. "Seasoned wood" is wood that has been allowed to age at least a year in a covered enclosure other than under a tarp or other sheeting.
 - (2) "Stack" means any vertical structure enclosing a flue or flues that carries off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.
 - (3) "Wood-fired boiler," also known as wood-fired furnace or wood-burning appliance, means a fuel-burning device:
 - (A) designed to burn clean, seasoned wood or other approved solid fuels; and
 - (B) that the manufacturer specifies for indoor or outdoor installation or installation in structures not normally occupied by humans; and
 - (C) which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

(d) New installations. On or after the effective date of this ordinance, no person shall install a wood-fired boiler.

(e) Existing wood-fired boilers.

(1) No person shall use or operate a wood-fired boiler unless it has a permanent attached stack with a minimum stack height that extends at least five (5) feet above the highest peak of any residence located less than one hundred fifty (150) feet from the stack.

(2) Fuel requirements. No person who operates a wood-fired boiler shall use a fuel other than the following:

- (A) clean, seasoned wood; or
- (B) wood pellets made from clean wood; or
- (C) home heating oil, natural gas, propane or fuel that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired wood-fired boilers; or
- (D) a fuel recommended by the manufacturer of the wood-fired boiler, provided it adheres to the minimum quality standards within this subsection (e)

which fuel must be readily available for inspection by the City and may be subject to further regulations promulgated by the Director of Public Safety or his or her designee to mitigate nuisance conditions created by such operation.

(3) Prohibited fuels. No person shall burn any material not listed in subsection (e)(2) above, including but not limited to any of the following items, in a wood-fired boiler:

- (A) treated or painted wood, or clean wood that is not seasoned;
- (B) furniture;
- (C) garbage;
- (D) tires;
- (E) lawn clippings or yard waste;
- (F) material containing plastic or coated in wax;
- (G) material containing rubber;
- (H) waste petroleum products;
- (I) paints and paint thinners;

- (J) chemicals;
- (K) any hazardous waste;
- (L) coal;
- (M) glossy colored paper;
- (N) construction and demolition debris;
- (O) plywood;
- (P) particleboard;
- (Q) salt water driftwood;
- (R) manure;
- (S) animal carcasses; or
- (T) asphalt products.

- (4) Dates of operation. No person shall operate an existing wood-fired boiler between the dates of May 1 and October 30, except that this provision shall not apply on days when the outdoor air temperature is below fifty (50) degrees Fahrenheit or when operation is necessary to prevent a safety or health emergency. Notwithstanding the date or outdoor temperature, no person shall operate an existing wood-fired boiler on any day on which the Air Quality Index in Lakewood, as determined by the Northeast Ohio Areawide Coordinating Agency, is forecasted as unhealthy, very unhealthy or hazardous.
- (5) Nuisance conditions. The emission or escape of air contaminants into open air from any wood-fired boiler in such a manner or in such amounts as to endanger or tend to endanger the health, comfort, safety or welfare of the public, or that is reasonably offensive and objectionable to the public, or that shall cause unreasonable injury or damage to the property or interfere with the comfortable enjoyment of property or normal conduct of business, is hereby found and declared a public nuisance. No person shall cause, permit or maintain any such public nuisance using a wood-fired boiler.

(f) Enforcement.

- (1) The Director of Public Safety or his or her designee shall have the power to enforce the provisions of this section.
- (2) The City may issue such orders as are necessary to aid in the enforcement of the provisions of this section. These orders shall include, but shall not be limited to orders requiring persons to cease the use of wood-fired boilers in violation of any provision of this ordinance; orders to take corrective action or to abate a public nuisance regardless of whether the operation

of the wood-fired boilers is otherwise in conformity herewith; or orders requiring production of information. Such an order may be issued if the City finds that any person is in violation of any provision of this section.

- (3) The City may, in its order, require compliance with this section.
- (4) An order issued under this section shall take effect upon notice, unless the order specifies otherwise. The person affected may appeal an order to the Board of Building Standards and Building Appeals. An appeal to the Board of Building Standards and Building Appeals of the City of Lakewood's order shall not act as an automatic stay of enforcement, provided, however, that, upon application and for cause shown, the Board of Building Standards and Building Appeals may issue such a stay under rules established by the board.
- (5) The authority of the City of Lakewood to issue an order under this section is in addition to any remedy or penalty that may be imposed pursuant to this section. The failure to comply with any such order is hereby declared to be a public nuisance.

(g) Penalties.

- (1) Whoever refuses, neglects or fails to comply with an order of the Director of Public Safety or his or her designee issued in accordance with this section or violates any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) dollars nor more than one-thousand dollars (\$1,000.00) for a first offense, and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.
- (2) The imposition of any penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to restrain, correct or abate a violation, or to require compliance with the provisions of this Code, or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Director of Public Safety or Board of Building Standards and Building Appeals.

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.

Section 3. 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.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

ORDINANCE NO. 33-11

BY:

AN ORDINANCE to amend Section 351.26 of the Codified Ordinances, Emergency During Heavy Snow Storms, for the purpose of increasing the snowfall amount in a 24-hour period that is required to trigger a prohibition against parking on City streets from two inches to four inches.

WHEREAS, currently the Lakewood Codified Ordinances provide for a parking ban on City streets where there is a snowfall of two inches or more in a 24-hour period; and

WHEREAS, many residents of the City are required to utilize on-street parking at their residence or place of employment; and

WHEREAS, City officials have determined that the current threshold of two inches of snow in a 24-hour period is too restrictive on these residents and a more realistic snowfall requiring a parking ban is four inches; 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 351.26 of the Codified Ordinances, Emergency During Heavy Snow Storms, currently reading as follows:

351.26 EMERGENCY DURING HEAVY SNOW STORMS.

- (a) Whenever, during any period of twenty-four hours or less, snow falls in the City or in a section thereof to a depth of two inches or more, an emergency is declared to exist in that such a heavy snow storm constitutes a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health and police protection, and other vital facilities of the City. Such emergency shall continue until an announcement by the Director of Public Safety that snow plowing operations have been completed, which announcement shall be made in the same manner as outlined in Section 351.27.
- (b) On streets posted as emergency snow ban streets, an emergency shall exist without announcement as specified in Section 351.27 whenever two or more inches of snow has fallen within a twenty-four hour period and such emergency shall continue until plowing operations are completed or until twenty-four hours following the cessation of snow fall, whichever is earlier.

- (c) On streets posted as 8:00 a.m. to 4:00 p.m. emergency streets, an emergency shall exist without announcement as specified in Sections 351.27 whenever two or more inches of snow accumulates prior to 8:00 a.m. of a specific day and shall continue until plowing operation are complete or until 4:00 p.m. that day, whichever is earlier.

shall be and is hereby amended to read as follows:

351.26 EMERGENCY DURING HEAVY SNOW STORMS.

- (a) Whenever, during any period of twenty-four hours or less, snow falls in the City or in a section thereof to a depth of four inches or more, an emergency is declared to exist in that such a heavy snow storm constitutes a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health and police protection, and other vital facilities of the City. Such emergency shall continue until an announcement by the Director of Public Safety that snow plowing operations have been completed, which announcement shall be made in the same manner as outlined in Section 351.27.
- (b) On streets posted as emergency snow ban streets, an emergency shall exist without announcement as specified in Section 351.27 whenever four or more inches of snow has fallen within a twenty-four hour period and such emergency shall continue until plowing operations are completed or until twenty-four hours following the cessation of snow fall, whichever is earlier.
- (c) On streets posted as 8:00 a.m. to 4:00 p.m. emergency streets, an emergency shall exist without announcement as specified in Sections 351.27 whenever four or more inches of snow accumulates prior to 8:00 a.m. of a specific day and shall continue until plowing operation are complete or until 4:00 p.m. that day, whichever is earlier.

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 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

Introduced and referred to the Economic Development Committee 10/17/11; substitute version recommended for adoption 11/2/11; please substitute for original.

RESOLUTION NO. 8527-11

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five (5) members of Council, or otherwise to take effect at the earliest period allowed by law, 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; 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 it 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 the City wishes to show its leadership on the anti-poaching protocol in the nascent stage of its existence vis-à-vis other communities invited to enter into it; 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 Council 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.

Section 4. 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) members of Council this resolution 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.

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: _____

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

FROM 09/08/2011

1800018			D MADISON AVENUE LAKEWOOD	
PERMIT NUMBER		TYPE	GAS LLC	
12 27 2010		14235 MADISON AV		
ISSUE DATE		LAKEWOOD OHIO 44107		
09 06 2011				
FILING DATE				
C1 C2				
PERMIT CLASSES				
18	286			
TAX DISTRICT			RECEIPT NO.	



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

PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE.

ORDINANCE NO. 47-11

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



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

November 7, 2011

Lakewood City Council
Lakewood, OH 44107

Re: Lakewood City Schools Commendation

Dear Members of Council:

Attached is a Resolution commending Lakewood City Schools for achieving a rating of "Excellent" from the Ohio Department of Education. This rating is a testament to the hard work and dedication of our students, teachers, administrators and School Board. In addition to the positive recognition that this achievement generates, it also has a positive economic impact due to the financial award to Lakewood City Schools from the State of Ohio that accompanies such a high rating, as well as a potential increase in home values that may be driven by this sort of recognition. .

We ask you to join us in congratulating Lakewood City Schools by passing the Resolution this evening.

Sincerely,

Monique Smith
Councilmember-At- Large

Brian E. Powers
Vice President of Council
Councilmember-At-Large

RESOLUTION NO.

BY:

A RESOLUTION commending Lakewood City Schools for achieving an "Excellent" rating for the 2010-2011 school year by the Ohio Department of Education.

WHEREAS, Lakewood City Schools has a long-standing tradition of academic excellence, adding immeasurably to the vitality of our community, and

WHEREAS, the rating of "Excellent" from the Ohio Department of Education boasts of our highly skilled and dedicated educators, along with the devoted efforts of Lakewood's involved parents, school administration, and school board as well as the students themselves, and

WHEREAS, the "Excellent" rating we so proudly honor in this resolution registers the progress of our student body, which is comprised of a richly diverse population of children from every walk of life and even throughout the world, and

WHEREAS, having met 23 of 26 state indicators this year and superceding advanced ratings from the year before shows Lakewood City Schools continues to set the bar higher and higher every year, and

WHEREAS, an "Excellent" or "Excellent with Distinction" rating has a positive monetary impact on schools by earning the district a bonus of about an additional \$100,000 for the district under a new state budget provision, and

WHEREAS, the future strength and quality of our City depends heavily on the quality of our schools; now, therefore,

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

Section 1. That this Council and Mayor, hereby commend Lakewood City Schools on receiving an "Excellent" rating for the 2010-2011 school year.

Section 2. That the Clerk of Council be and she is hereby authorized and directed to fowrad a certified copy of this Resolution to Superintendent Jeffrey W. Patterson and that a copy of this resolution be spread upon the minutes of this meeting.

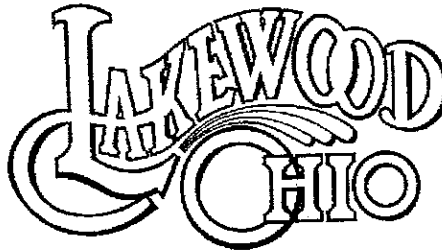
Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



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

www.onelakewood.com

Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
BRIAN E. POWERS, VICE PRESIDENT

Ward Council
WARD I - KEVIN BUTLER
WARD II - THOMAS BULLOCK
WARD III - SHAWN JURIS
WARD IV - MARY LOUISE MADIGAN

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

11-1-11

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Proposed ordinance to provide clearer regulation for composting in Lakewood to allow successful adoption and management of composting on a broader scale

Dear Members of Council:

Composting is an inexpensive way property owners can add nutrients to their soil; improve its texture, structure, aeration ability and water-holding capacity; and reduce the time and money spent on yard waste bags. When adopted on a broader scale, composting not only saves individual property owners money, but can reduce City waste disposal fees by reducing the amount of solid waste being shipped to and disposed of in landfills.

Lakewood City Ordinance 1783.12 currently allows composting in the rear yard if it is a reasonable distance from thoroughfares, kept in orderly condition, and doesn't blow around or emit objectionable odors. In September, the City co-sponsored with the Cuyahoga County Solid Waste District a well-attended compost seminar and bin sale to train residents on composting. Recent experience by the City in inspecting compost piles, however, has identified compliance problems on a (limited) number of properties and therefore suggests some improvements to our current law are needed.

In my view, we want composting to be more broadly adopted by Lakewood residents, and we also want composting to be successfully managed to prevent or remediate neighbor problems. Accordingly, I introduce for your consideration the attached proposed ordinance, which would provide clearer regulation for composting in Lakewood so that the City can require key features needed to properly manage compost piles (such as an enclosed bin and regular maintenance to remediate odor and weeds), thereby enabling us to promote ever-broader adoption of composting.

I would like to thank several City staff members who worked to create this proposed ordinance: Litter Control Officer Mary Simon, who raised the need for updating our Code and provided feedback from her enforcement efforts; Legislative Liaison Amy Antel for reviewing multiple composting ordinances from other cities and drawing together an outline of legislative provisions for our consideration; and Law Director Keven Butler for doing even more than his usual superb job of crafting the legislative language to execute the intent of the ordinance. It was truly a team effort!

I respectfully request a referral to an appropriate committee.

Sincerely,

Thomas R. Bullock III
Member of Council, Ward 2

ORDINANCE NO.

BY:

AN ORDINANCE amending Section 1783.12, Composting, for the purpose of providing clearer regulation related to composting activity in Lakewood.

WHEREAS, Section 1783.12, Composting, makes certain provisions for the proper way to compost certain kitchen and yard waste in Lakewood; and

WHEREAS, additional definition and regulation is necessary to ensure the City maintains modernized code provisions accounting for the most updated techniques, guidance and environmentally responsible practices; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; and

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

Section 1. Section 1783.12, Composting, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1783.12 COMPOSTING.

- (a) All composting shall be required to be conducted in the rear yard of properties. All composting piles shall be kept a reasonable distance from any thoroughfare. All composting piles shall be kept in an orderly condition to prevent blowing debris and objectionable odors. The Director of Public Works or the Director of Public Safety or a designee may cause to be promulgated such reasonable rules and regulations as he or she deems necessary to insure the safe, healthy and sanitary use of composting piles.
- (b) No owner, agent, lessee, tenant or occupant of any lot or land located within the City shall do any of the following with respect to compost piles:
 - (1) Keep or leave human waste, refuse or bodies of dead animals in the compost pile.
 - (2) Deposit, store or dispose of substances which will attract vectors.
 - (3) Store, discharge or deposit sewage, human waste, wash water or other substance which will make a compost pile a potential transmission agent of disease.

- (4) Store or deposit any waste or substances which will pollute water or soil.
- (c) Whoever violates any provision of this section shall, upon discovery thereof be issued a warning by the Director of Public Works or the Director of Public Safety or a designee for a first offense. For a second or subsequent violation of this section, an offender shall be fined not more than twenty-five dollars (\$25.00). For each subsequent offense an offender shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

be and hereby is amended to read as follows:

1783.12 COMPOSTING.

- (a) Definition. For the purpose of this section, "composting" means the controlled decomposition of organic solid wastes under aerobic conditions to produce a relatively stable, inert material that may be incorporated into the soil without producing any adverse impact to the soil or to the public health.
- ~~(a) All composting shall be required to be conducted in the rear yard of properties. All composting piles shall be kept a reasonable distance from any thoroughfare. All composting piles shall be kept in an orderly condition to prevent blowing debris and objectionable odors. The Director of Public Works or the Director of Public Safety or a designee may cause to be promulgated such reasonable rules and regulations as he or she deems necessary to insure the safe, healthy and sanitary use of composting piles.~~
- (b) Regulations.
- (1) All composting shall conform to such reasonable rules and regulations promulgated by the Director of Public Works and the Director of Public Safety to insure sufficient safety, health and sanitation in the City, provided those rules are otherwise in conformity with this section.
- (2) Composting shall be permitted only in approved composting containers designed and constructed specifically for that purpose. Approved composting containers are those that are designed to minimize access to compost by animals, rodents and insects; that do not exceed five (5) feet by five (5) feet by five (5) feet in size; that are enclosed, with no opening greater than a half-inch; and that are accessible from all sides. Composting containers shall not be visible from the public right of way and are not permitted in any front or side yard or located closer than five (5) feet from any side or rear property line.
- (3) No person shall perform composting that is detrimental to the public safety, health or general welfare, or of such nature as to interfere with the value of or enjoyment thereof by the owners, occupants or persons in charge of or control of any property within the immediate vicinity by reason of any noxious odors emanating therefrom, or which is of such character or nature as to create or spread disease or cause an unsanitary and unhealthful condition, or which by its character or nature is likely to attract rodents, vermin or other disease-carrying pests, animals or in-

sects. No person shall keep or leave human waste, refuse or bodies of dead animals in the compost pile; store, discharge or deposit sewage, human waste, wash water or other substance which will make a compost pile a potential transmission agent of disease; or store or deposit any waste or substances which will pollute water or soil. Composting that violates any of these provisions is hereby declared to be a public nuisance.

~~(b) No owner, agent, lessee, tenant or occupant of any lot or land located within the City shall do any of the following with respect to compost piles:~~

~~(1) Keep or leave human waste, refuse or bodies of dead animals in the compost pile.~~

~~(2) Deposit, store or dispose of substances which will attract vectors.~~

~~(3) Store, discharge or deposit sewage, human waste, wash water or other substance which will make a compost pile a potential transmission agent of disease.~~

~~(4) Store or deposit any waste or substances which will pollute water or soil.~~

(c) Violations.

(1) Whoever violates any provision of this section shall, upon discovery thereof be issued a warning by the Director of Public Works or the Director of Public Safety or a designee for a first offense. For a second or subsequent violation of this section, an offender shall be fined not more than twenty-five dollars (\$25.00). For each subsequent offense an offender shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(2) The Director of Public Works or the Director of Public Safety or a designee shall have the power to enforce the provisions of this section. The City may issue such orders as are necessary to aid in the enforcement of the provisions of this section. These orders shall include, but shall not be limited to orders requiring persons to cease composting in violation of any provision of this ordinance; orders to take corrective action or to abate a public nuisance regardless of whether the composting is otherwise in conformity herewith; or orders requiring production of information. Such an order may be issued if the City finds that any person is in violation of any provision of this section.

(3) The City may, in its order, require compliance with this section.

(4) An order issued under this section shall take effect upon notice, unless the order specifies otherwise. The person affected may appeal an order to the Board of Building Standards and Building Appeals. An appeal to the Board of Building Standards and Building Appeals of the City of Lakewood's order shall not act as an automatic stay of enforcement, provided, however, that, upon application and for cause shown, the Board of Building Standards and Building Appeals may issue such a

stay under rules established by the board.

(5) The authority of the City of Lakewood to issue an order under this section is in addition to any remedy or penalty that may be imposed pursuant to this section.

(6) The imposition of any penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to restrain, correct or abate a violation, or to require compliance with the provisions of this Code, or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Director of Public Works or the Director of Public Safety or Board of Building Standards and Building Appeals.

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



12650 Detroit Avenue • 44107

Division of Police
216-521-6773
216-521-7727 FAX
police@lakewoodoh.net
www.one.lakewood.com

November 7, 2011

Lakewood City Council
Lakewood, Ohio

RE: Resolution for University Hospitals Health System OVI Prevention Task Force Grant

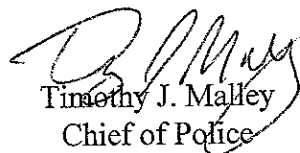
Dear Members of Council:

Attached please find a resolution for your consideration authorizing the City of Lakewood to enter into an Agreement with the University Hospitals of Cleveland to accept and expend grant funds in the amount of \$10,377.47 for saturation patrols to enforce OVI laws.

This grant will provide an opportunity to direct enforcement efforts towards operating while under the influence offenses at specific times and days in 2012 in conjunction with other law enforcement agencies throughout the county. These efforts will include informational news releases to further the efforts to reduce operating under the influence offenses.

Thank you for your consideration.

Sincerely


Timothy J. Malley
Chief of Police



RESOLUTION NO.

BY:

AN 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, as Safety Director, to enter into agreements on behalf of the City to accept an expend grant funds, in an amount not to exceed \$10,377.47, from University Hospitals Health Systems for the purpose of providing saturation patrols to enforce OVI laws within the City of Lakewood.

WHEREAS, the acceptance of these funds will facilitate directed enforcement efforts toward OVI offenses in conjunction with other law enforcement agencies throughout the county; 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 these funds should be made available immediately for inclusion in the 2012 budget. Now, therefore,

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

Section 1. That the Mayor, as Safety Director, to enter into agreements on behalf of the City to accept an expend grant funds, in an amount not to exceed \$10,377.47, from University Hospitals Health Systems for the purpose of providing saturation patrols to enforce OVI laws within the City of Lakewood

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 deliberation of the Council and any of its committees that resulted in such formal action were in meetings open to the public and 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.

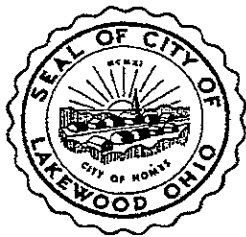
Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE • 44107 • 216/529-6613 • FAX 216/529-5669
Website: www.onelakewood.com

Jean M. Yousefi, PHR
Director of Human Resources

November 7, 2011

Lakewood City Council
12650 Detroit Avenue
Lakewood, OH 44107

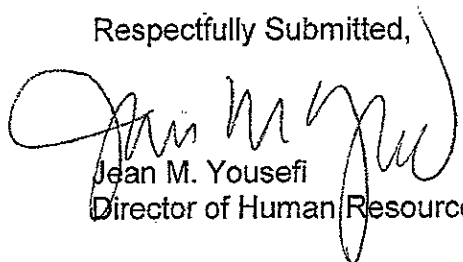
Dear City Council Members:

I am submitting the attached revisions to the Salary Ordinance for your approval. The Salary Ordinance is reviewed on a regular basis to determine necessary changes. Two changes are requested in this revision. The first is the addition of the title of part-time Dispatcher and establishment of a grade equivalent to the Collective Bargaining Agreement rate for full-time Dispatchers.

The second change establishes the Chief Prosecutor as a full-time position in salary grade 35. The current part-time, Chief Prosecutor is a position in grade 29. The higher salary grade is a necessary adjustment due to market demands and reflects the salary for a full-time, Chief Prosecutor. Additionally, the words part-time are added to the Chief Prosecutor title in grade 29.

Adoption of this ordinance revision will ensure consistency with the negotiated contracts and minimum wage regulations, as well as more accurately reflect the make up of the work force. I appreciate your assistance with this matter.

Respectfully Submitted,


Jean M. Yousefi
Director of Human Resources

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 after the earliest period allowed by law, to provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners.

WHEREAS, the addition of title Part-Time Dispatcher is being added to the salary ordinance in order to allow the hiring of individuals in such position; and

WHEREAS, the addition of the title Chief Prosecutor (Full Time) is being included to add flexibility with respect to the hiring of a chief prosecutor, a position traditionally filled by a part-time attorney; and

WHEREAS, this Council by a vote of at least five (5) of its members 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 these changes need to be incorporated prior to the beginning of the 2012 budget year. Now, therefore,

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

Section 1. Classifications, rates of pay, pay grades, levels and certain other supplemental compensation for non-probationary full-time and certain part-time, annual salaried and hourly rate employees not covered by a collective bargaining agreement are hereby authorized, effective January 1, 2012, in the several departments, divisions and offices of the City of Lakewood, as modified herein, and with the approval of the Department Director, Director of Finance, Director Human Resources and Mayor as follows:

Section 2. Classification/Pay Grade Assignments and Pay Schedules.

<u>Grade</u>	<u>Classification Assigned to Pay Grade</u>	<u>Minimum Rate</u>	<u>Maximum Rate</u>
25	Property/Evidence Technician	\$27,620	\$39,049 Annual
26	Legislative Liaison Part-time Administrative Assistant	\$30,429	\$42,973 Annual
27	Project Specialist I Human Resource Associate	\$32,302	\$45,734 Annual
28	Administrative Assistant to the Mayor Civil Service/Mediation Program Coordinator Human Resource Specialist Legal Secretary	\$34,174	\$48,280 Annual
29	Assistant Law Director/Prosecutor I Chief Prosecutor (<u>Part Time</u>) First Assistant Law Director	\$36,047	\$51,994 Annual
31	Budget Analyst Clerk of Council Project Specialist II	\$41,665	\$58,785 Annual
32	Nutrition Supervisor Part-time Grants Administrator	\$43,537	\$60,726 Annual
33	Assistant Building Commissioner Assistant Law Director/Prosecutor II Project Manager Public Works Unit Manager Senior Center Manager Tax Office Supervisor Finance Manager Clinical Manager	\$46,344	\$65,364 Annual

<u>Grade</u>	<u>Classification Assigned to Pay Grade</u>	<u>Minimum Rate</u>	<u>Maximum Rate</u>
34	Building Commissioner Programs Manager Traffic Signs & Signals Manager Development Officer	\$49,622	\$70,139 Annual
35	Assistant Director/Human Services Assistant Director/Planning and Development Chief Assistant Law Director <u>Chief Prosecutor (Full Time)</u> Executive Assistant to the Mayor/Community Relations Executive Assistant to the Mayor Project Administrator Public Works Division Manager	\$53,836	\$75,975 Annual
36	Assistant Director Finance I	\$58,517	\$80,431 Annual
37	Assistant Director/Finance II Assistant Director, Safety – Building and Housing	\$67,880	\$84,515 Annual
38	City Engineer Deputy Fire Chief Information Systems Manager	\$70,689	\$88,284 Annual
39	Fire Chief Police Chief	\$74,434	\$101,850 Annual

Section 3. Pay Grade Assignments for Certain Unclassified Positions.

LEVEL I (Minimum \$52,015 – Maximum \$96,773)

Director of Finance
 Director of Law
 Director of Human Resources
 Director of Human Services
 Director of Planning and Development
 Director of Public Works

LEVEL II (Minimum as statutorily required– Maximum \$20.62/hour)

Bus Driver
Cleaning Aide
Clerk/Receptionist
Complaint Investigator
Education Specialist
Kitchen Aide
Law Clerk
Legal Assistant I
Photo Lab Technician
Programmer/Scheduler
School Guard
Security Guard
Student Laborer
Student Police Cadet
Student Technician
Utility Inspector

LEVEL III (Minimum \$9.05/hour -- Maximum \$20.22/hour)
(Classifications contained in the AFSCME II labor agreement)

Part-time Assistant Home Health Aide
Part-time Customer Service Representative
Part-time Human Services Case Manager
Part-time Juvenile Diversion Program Coordinator
Part-time Office Assistant
Part-time Staff Assistant
Part-time Tax Auditor
Part-time Tax Collection Specialist

LEVEL IV (Minimum \$21.21/hour --Maximum \$28.92/hour)

Part-Time Police Officer

LEVEL V (\$4,120/year)

Civil Service Commissioner

LEVEL VI (Minimum \$16.24/hour – Maximum \$20.31/hour)

Part-time Dispatcher

All full-time employees are in a classification that has been assigned to a specific grade or level within the compensation system as identified herein. Newly hired full-time employees shall be placed at a pay rate within the pay grade or level to which their classification has been assigned in accordance with the Human Resources Department Policy and Procedures. All full-time employees may advance through the

pay grade in accordance with the Human Resources Department Policy and Procedures.

Section 4. Additional Annual License/Certification Supplement.

Full-time administrative employees working in a classification that requires a below listed license/certification shall receive the following license/certification supplements in biweekly or hourly increments as applicable:

<u>License/Certification</u>	<u>Amount</u>
Chief Building Official License	\$1,000
Master Plumber's License	\$1,000
Plumbing Inspector's License	\$1,000
Electrical Inspector's License	\$1,000
Class III Field Inspector's License	\$1,000
Class I Wastewater Treatment License	\$750
Class II Wastewater Treatment License	\$1,000
Class III Wastewater Treatment License	\$1,500
Class IV Wastewater Treatment License	\$2,000
Class I Water Distribution License	\$500
Class II Water Distribution License	\$1,000
Class I Water/Wastewater Collection License	\$500
Class II Water/Wastewater Collection License	\$1,000
ISA Certified Arborist	\$500
Licensed Independent Social Worker	\$500
Licensed Social Worker	\$500
Registered Nurse	\$500
Licensed Practical Nurse	\$200
Certified Home Health Aide	\$200
Licensed Professional Counselor	\$500
Communication Technician License	\$1,000
Certified Chemical Dependency Counselor III	\$500
Registered Sanitarian	\$500
Certified Lead Risk Assessor	\$500
Certified Pool Operator	\$200
Two (2) or more ASE (Automotive Service Excellence) Certificates	\$500

Section 5. Compensation for full-time salaried employees and for Level V part-time employees provided for herein shall be paid in equal biweekly installments. Compensation for part-time employees provided for herein shall be at an identified hourly rate of pay for all hours worked in a particular pay period.

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.

Section 7. 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 pre-amble 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.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



DEPARTMENT OF HUMAN SERVICES
16024 MADISON AVENUE 44107
Telephone: (216) 529-6685 Facsimile: (216) 529-5937
Web site: www.onelakewood.com

DOROTHY M. BUCKON
DIRECTOR OF HUMAN SERVICES

November 7, 2011

Lakewood City Council
Lakewood, Ohio 44107

RE: Family to Family Neighborhood System of Care Program

Dear Members of Council:

Attached for your approval is a Resolution authorizing the Mayor or his designee, on behalf of the City, to enter into an Amended Agreement with the Cuyahoga County Department of Children and Family Services (DCFS) to accept and expend funds for the Family to Family Neighborhood System of Care Program. The current contract will expire on December 31, 2011. In order to maintain these services at the neighborhood level, DCFS is extending the funding period through the first three months of 2012.

Through the Division of Youth, three hundred seventeen unduplicated families were provided services under this program from January through June 2011. Approximately half of these families were referred directly by DCFS. Your favorable action tonight will allow continuation of these critical services for Lakewood families until a final grant award is determined. Thank you for consideration of this request.

Sincerely,

Dorothy M. Buckon
Director, Human Services

RESOLUTION NO.

BY:

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 or his designee to enter into an amendment to an agreement with the Cuyahoga County Department of Children Family Services for the Family to Family Neighborhood System of Care program which will increase funding to the City of Lakewood estimated to be \$80,116.00.

WHEREAS, the City of Lakewood has received notification from the Cuyahoga County Department of Children and Family Services of an increase in grant funds for the Family to Family Neighborhood System of Care program; and

WHEREAS, the City of Lakewood has no matching funds required for this program; 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 or his designee is hereby authorized to enter into an amendment to an agreement with the Cuyahoga County Department of Children Family Services for the Family to Family Neighborhood System of Care program t increase funding to the City of Lakewood in the amount estimated to be \$80,116.00. Said amendment will be substantially in the form of the document attached as "Exhibit A."

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

EXHIBIT A

**CUYAHOGA COUNTY
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
CONTRACT FOR
FAMILY TO FAMILY NEIGHBORHOOD
SYSTEM OF CARE**

**AMENDMENT NO. 3
CE-1000012-01**

THIS Amendment is to Contract **CE-1000012-01** which was approved by Cuyahoga County, Ohio, is between the Cuyahoga County, Ohio, on behalf of its Department of Children and Family Services and **City of Lakewood**, a private, not for profit entity, identified as the Provider.

WHEREAS, the county selected this provider through RFP # RQ15027 and entered into a twenty-four (24) month contract.

WHEREAS, the contract identified, in the caption, established a funding level for a twenty four (24) month period (1/1/2009 thru 12/31/2011).

WHEREAS, the funding level to extend the current contract has now been established and this Amendment is to reflect funding for the first three (3) months of 2012..

Amendment, Part 1,

2. CONTRACT

A. This amendment increases a total of **\$80,116.00** changing the Maximum Dollar Amount from **\$660,928.00. to \$741,044.00.**

Amendment, part 2: Remainder of Contract CE-1000012-01

The original contract, any other Amendments which may exist, and this Amendment are subject to all other terms, conditions and obligations set forth in the original agreement that have not been modified by the terms of this Amendment or modified based upon the purpose for this Amendment.

Amendment, part 3: Notice of Electronic Signature of County

BY ENTERING INTO THIS AMENDMENT, PROVIDER AGREES ON BEHALF OF THE CONTRACTING OR SUBMITTING BUSINESS ENTITY, ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, SUBGRANTEES, AGENTS OR ASSIGNS, TO CONDUCT THIS TRANSACTION BY ELECTRONIC MEANS BY AGREEING THAT ALL DOCUMENTS REQUIRING COUNTY SIGNATURES MAY BE EXECUTED BY ELECTRONIC MEANS, AND THAT THE ELECTRONIC SIGNATURES AFFIXED BY THE COUNTY TO SAID DOCUMENTS SHALL HAVE THE SAME LEGAL EFFECT AS IF THAT SIGNATURE WAS MANUALLY

AMENDMENT # 3

Page 2

AFFIXED TO A PAPER VERSION OF THE DOCUMENT. PROVIDER ALSO AGREES ON BEHALF OF THE AFOREMENTIONED ENTITIES AND PERSONS, TO BE BOUND BY THE PROVISIONS OF CHAPTERS 304 AND 1306 OF THE OHIO REVISED CODE AS THEY PERTAIN TO ELECTRONIC TRANSACTIONS, AND TO COMPLY WITH THE ELECTRONIC SIGNATURE POLICY OF CUYAHOGA COUNTY.

Wherefore, the parties have entered into Amendment No. 3 and Amendment No. 3 has been approved by Cuyahoga County, Ohio..

CUYAHOGA COUNTY, OHIO:

Authorized Signature or Electronic Signature
which may appear on this document

Date

PROVIDER:

(Authorized Signature)

Date

Name (printed) and Title