

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
FEBRUARY 22, 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 February 7, 2011
- Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Public Safety Committee Report regarding Ordinance No. 1-11. (To Be Provided)
2. **ORDINANCE NO. 1-11** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force at the earliest period allowed by law, to place a moratorium on the granting of permits for the installation of solid fuel burning appliances designed for connection to a central heating systems for a period not to exceed nine months in order to allow Council and the Administration to review the impact of the installation and use of such devises on the community and environment. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 1/18/11, 2ND READING 2/7/11) (Pg. 4)
3. Public Works Committee Report regarding Ordinance No. 2-11. (To Be Provided)
4. **ORDINANCE NO. 2-11** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, committing the City of Lakewood to participate in the upgrade and interconnection in the traffic signals along Detroit Avenue (U.S. 6A) from Cleveland Metro Park Drive/Sloane Avenue to Lakeland Avenue AND SIGNALS along West Clifton Boulevard at Sloane Avenue and Arlington Road in the City of Lakewood with the Ohio Department of Transportation. (PLACED ON 1ST READING & REFERED TO THE PUBLIC WORKS COMMITTEE 1/18/11, 2nd READING 2/7/11) (Pg.6)
5. Housing Committee Report regarding Ordinance 5-11. (To Be Provided)
6. **ORDINANCE NO. 5-11-** 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, authorizing the Mayor of the City of Lakewood to enter into an agreement with the Cuyahoga County Land Reutilization Corporation (CCLRC) to facilitate the cooperation of the CCLRC and the City of Lakewood in reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed or other real property within the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 2/7/11) (Pg.9)

7. **ORDINANCE NO. 3-11** – AN ORDINANCE to amend Sections 146.02, Membership and 146.03, Terms, of the Lakewood Codified Ordinances in order to enlarge the number of residents serving on the Lakewood Animal Safety and Welfare Advisory Board. (Pg. 11)

8. **ORDINANCE NO. 4-11-** AN ORDINANCE to amend Chapter 741, Peddlers, Vendors and Solicitors of the Codified Ordinances of the City of Lakewood in order to update the provisions and to better address citizen concerns with the current licensing and registration requirements. (PLACED ON 1ST READING & REFERRED TO THE)(Pg.13)

9. Communication from Councilmembers Bullock and Smith regarding Report from Saturday Lakewood Farmers market on its inaugural 2010 season. (DEFERRED 2/7/11) (Pg.23)

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

10. Communication from Councilmember Juris regarding Appointment of Joe Loboza to the Community Relations Advisory Commission. (Pg.24)

11. Communication from Councilmember Nowlin regarding Appointment of Veronica Youngblood-White to the Community Relations Advisory Commission. (Pg.25)

12. Communication from Finance Director Pae regarding 2011 1st Quarter Transfers (Pg.26)

13. **ORDINANCE NO. 6-11-** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to authorize the transfer and advance of certain funds. (Pg.27)

14. Communication from Human Services Director Buckon regarding Juvenile Diversion Program. (Pg.29)

15. **RESOLUTION NO. 8488-11** – A RESOLUTION 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 force after the earliest period allowed by law, authorizing the Juvenile Court to accept funds in an amount estimated at \$14,400.00 for the City's Juvenile Diversion Program. (Pg.30)

PLACED ON 1ST READING & REFERRED TO THE
PUBLIC SAFETY COMMITTEE 1/18/11.
PLACED ON 2ND READING 2/7/11.

ORDINANCE NO. ~~81-11~~

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force at the earliest period allowed by law, to place a moratorium on the granting of permits for the installation of solid fuel burning appliances designed for connection to a central heating system for a period not to exceed nine months in order to allow Council and the Administration to review the impact of the installation and use of such devices on the community and environment.

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; and

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 for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that there are multiple solid fuel burning appliances being used as a primary source of heat within the City of Lakewood already which are generating complaints from residents alleging poor air quality and the creation of nuisance conditions and therefore, this moratorium is necessary to protect those neighborhoods until further review of the impact of installation and use of such devices can be conducted. Now Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKEWOOD, OHIO

Section 1. Council hereby approves a moratorium of the granting of permits for the installation of solid fuel burning appliances designed for connection to a central heating system for a temporary period of time while it undertakes a review and/or study of the impact of the installation and use of such devices on the community and environment.

Section 3. No permit for the installation of any solid fuel burning appliance which is designed for the connection to a central heating system shall be granted to a property owner for the period of this moratorium. No valid existing solid fuel burning appliance designed for connection to a central heating system may be expanded to provide a source of hot water, or for other purposes, for the duration of the moratorium.

Section 4. The moratorium shall be in effect for a period of nine (9) months or until changes are enacted to amend the Codified Ordinances of the City of Lakewood to address these issues or until Council approves legislation explicitly revoking this moratorium.

Section 5. That 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) 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.

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

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

PLACED ON 1st READING & REFERRED TO THE
PUBLIC WORKS COMMITTEE 1/18/11.

PLACED ON 2ND READING 2/7/11.

ORDINANCE NO. 2-11

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, committing the City of Lakewood to participate in the upgrade and interconnection in the traffic signals along Detroit Avenue (U.S. 6A) from Cleveland Metro Park Drive/Sloane Avenue to Lakeland Avenue and signals along West Clifton Boulevard at Sloane Avenue and Arlington Road in the City of Lakewood with the Ohio Department of Transportation.

WHEREAS, the City of Lakewood and State of Ohio have identified the need for and proposed the improvement of the public highway which is described as follows:

Upgrade and interconnect traffic signals along Detroit Avenue (U.S. 6A) from Cleveland Metro Park Drive/Sloane Avenue to Lakeland Avenue and signals along West Clifton Boulevard at Sloane Avenue and Arlington Road in the City of Lakewood; and

WHEREAS, said portion of highway is within the municipal corporation limits.

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 for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments and for the scheduling of street improvement projects. Now Therefore,

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

Section 1. That it is declared to be in the public interest that the consent of said City be and such consent is hereby given to the Director of Transportation to construct the above described improvement.

Section 2. That the City shall cooperate with the Director of Transportation in the cost of the above described improvement as follows:

The City agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of the improvement from the funds allocated by the Federal Highway Administration, United States

Department of Transportation. And further, the City agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation.

The City agrees to pay one hundred percent (100%) of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 3. The City agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The City also understands that right-of-way costs include eligible utility costs, The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provision of 23 CFR 645 and the ODOT Utilities Manual.

Section 4. The City shall maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate fro public highway purposes.

Section 5. That the Mayor of the City of Lakewood is hereby empowered on behalf of the City to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Mayor is also empowered to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damaged due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 5. The City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

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 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.

Section 7. That 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) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 5-11

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, authorizing the Mayor of the City of Lakewood to enter into an agreement with the Cuyahoga County Land Reutilization Corporation (CCLRC) to facilitate the cooperation of the CCLRC and the City of Lakewood in reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed or other real property within the City of Lakewood.

WHEREAS, the City of Lakewood would like to establish a relationship with the CCLRC to allow them to demolish and rehab qualifying properties within the City of Lakewood; and

WHEREAS, an agreement with CCLRC will establish protocols for their projects within the City of Lakewood and ensure that local codes will be followed; and

WHEREAS, this partnership will give the City of Lakewood access to additional funding sources to resolve issues relative to vacant, abandoned, foreclosed, and nuisance properties; 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 the assistance available to the City of Lakewood from this agreement should be made available immediately. Now Therefore,

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

Section 1. That the Mayor of the City of Lakewood is hereby authorized to enter into an agreement with the Cuyahoga County Land Reutilization Corporation (CCLRC) to allow CCLRC and the City of Lakewood to work together toward the common goals of reclamation, rehabilitation, and reutilization of

vacant, abandoned, tax foreclosed or other real property 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 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.

Section 3. That 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 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 otherwise, it shall take effect and be in force after the earliest period allowed by law

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 3-11

BY:

AN ORDINANCE to amend Sections 146.02, Membership and 146.03, Terms, of the Lakewood Codified Ordinances in order to enlarge the number of residents serving on the Lakewood Animal Safety and Welfare Advisory Board.

WHEREAS, the Lakewood Animal Safety and Welfare Advisory Board has gotten off to a successful start; and

WHEREAS, given the strong community response to the Board and the large number of residents who have applied to participate, expansion of the Board seems appropriate. Now Therefore,

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

Section 1. That Section 146.02, Membership, of the codified Ordinances of the City of Lakewood, currently reading as follows:

146.02 MEMBERSHIP.

The Lakewood Animal Safety and Welfare Advisory Board shall be composed of seven members. One member shall be a member of Council and one member shall be the Director of Public Safety or his or her designee. The remaining five members shall be residents of the City of Lakewood with some area of expertise in animal behavior, animal safety or other experience that would bring diversity to the membership of the Board.

shall be and is hereby amended to read as follows:

146.02 MEMBERSHIP.

The Lakewood Animal Safety and Welfare Advisory Board shall be composed of thirteen (13) members. One member shall be the Director of Public Safety or his or her designee. The remaining twelve (12) members shall be residents of the City of Lakewood with some area of expertise in animal behavior, animal safety or other experience that would bring diversity to the membership of the Board.

Section 2. That Section 146.03, Terms, of the codified Ordinances of the City of Lakewood, currently reading as follows:

146.03 TERMS.

Board members shall serve a term of two years and receive no compensation for service. Council shall initially appoint two members to the Board for two year terms and one member to the Board for a one year term. The Mayor shall initially appoint one member to the Board for a one year term and one member to the Board for a two year term. Vacancies shall be filled by the initial appointing authority.

shall be and is hereby amended to read as follows:

146.03 TERMS.

Board members shall serve a term of two years and receive no compensation for service. Each member of council shall appoint one (1) member to the Board. The Mayor shall appoint five (5) members to the Board. Initial appointments shall be staggered so that approximately one-half of the membership's term expires each year. Vacancies shall be filled by the initial appointing authority.

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

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO.

4-11

BY:

AN ORDINANCE to amend Chapter 741, Peddlers, Vendors and Solicitors of the Codified Ordinances of the City of Lakewood in order update the provisions and to better address citizen concerns with the current licensing and registration requirements.

WHEREAS,

WHEREAS, . Now Therefore,

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

Section 1. That Chapter 741, Peddlers, Vendor and Solicitors of the codified Ordinances of the City of Lakewood, currently reading as follows:

741.01 DEFINITIONS.

(a) "Canvassing" or "soliciting", unless expressly provided for otherwise, means traveling from residence to residence within the Municipality, without having a previous appointment to visit the residence or residences for the purpose of exposing or offering for inspection or sale, goods, wares, merchandise, food stuffs, or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, food stuffs, or other property, tangible or intangible, of any nature whatsoever, for future delivery, or of services to be furnished or performed in the future.

(b) "Canvasser" or "solicitor" means any person who engages in canvassing or soliciting.

(c) "Temporary store or place" means a store or place opened and maintained for the sale to the public of goods, wares and merchandise where the seller or owner of such goods, wares and merchandise operates such store or place for a period of less than 120 days. Any such store or place which is opened, operated, and maintained in this Municipality from and after the date of the passage of this section shall prima-facie be presumed to be a temporary store or place within the meaning of this chapter but such presumption may be overcome by evidence satisfactory to the Building Commissioner that it is not a

temporary store, in which case the Building Commissioner shall not be required to impose a license fee.

741.02 LICENSE REQUIRED.

No person shall canvass or solicit within the Municipality without first being issued a license by the Director of Public Safety. A separate license shall be obtained for every solicitor, agent, or employee soliciting within the Municipality.

741.03 APPLICATIONS FOR LICENSE.

Each applicant for a license shall furnish the Director of Public Safety with the following information on forms provided by the Municipality:

- (a) Name, age and physical description of applicant;
- (b) Date of birth of applicant;
- (c) Complete permanent and local address of applicant;
- (d) Name and address of the person, firm, corporation or association for whom the solicitation is presently being made and any other person, firm, corporation or association for whom the applicant has solicited during the past three years;
- (e) A description of the nature of the business and the goods, services or wares to be sold or otherwise sufficient to identify the subject matter of the soliciting in which the applicant shall engage;
- (f) The proposed dates and times of the solicitations and the routes to be followed in conducting same;
- (g) Whether the applicant has ever been denied a license or permit to solicit or had such license or permit revoked, including the time and place of such denial or revocation; and
- (h) Whether the applicant has ever been convicted of a felony violation or a misdemeanor violation involving moral turpitude including the time and place of such conviction.

A nonrefundable fee in the amount of twenty-five dollars (\$25.00) shall be submitted with each application provided for herein.

741.04 ISSUANCE OF LICENSE; DURATION.

The Director of Public Safety shall issue a license to the applicant unless he has determined:

- (a) The applicant has made a false, misleading or deceptive statement in providing the information required under Section 741.03;
- (b) The applicant has been convicted of a felony violation or misdemeanor violation involving moral turpitude during the past five years.

Such license shall be valid for a period not to exceed one year. No license issued hereunder shall be assigned or transferred to any other person.

741.05 RESTRICTIONS.

Every person to whom a license to solicit and/or canvass is issued or a person registered with the Director of Public Safety under the terms of this chapter shall be governed by the following rules and regulations:

(a) No person subject to the provisions of this chapter shall canvass or solicit except between the hours of 9:00 a. m. and 9:00 p. m., Monday through Saturday. In addition, no person shall canvass or solicit on Sunday or on any legal holiday as defined in Ohio R.C. 1.14. (ord. 83-84. Passed 7-16-84.)

(b) No canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident in the Municipality without an express invitation from the occupant of the house or apartment.

(c) No canvasser or solicitor shall engage in or transact any type of business or solicitation other than that specified on the license application.

(d) No person shall canvass or solicit at any residence in the municipality upon which there is posted a sign which reads, "No Peddlers or Solicitors Allowed" or words of similar import which clearly prohibit peddlers or solicitors on the premises, unless such peddler or solicitor is, or has been invited upon the premises by the owner, lessee or occupant thereof.

741.06 LIMITATIONS UPON SOLICITATION.

(a) No person shall sell or offer for sale, barter, exchange or solicit the purchase or gift of any goods, wares, merchandise or other articles of value, or offer services for hire within the City in any area in which an authorized public exhibition is being held as defined in Section 725.01 except as authorized by the exhibition permit holder.

(b) No person licensed pursuant to this chapter shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations impede and inconvenience/he public.

741.07 SALE FROM VEHICLES ON STREETS PROHIBITED.

No person, firm or corporation shall sell, offer for sale or otherwise exchange any product, goods or merchandise from a motor vehicle, push cart or tricycle on any public street or sidewalk within the Municipality, while such public street or sidewalk is open to normal public use

741.071 DISPLAY FOR SALE OF HOUSEHOLD GOODS AND FURNISHINGS FROM NONRETAIL OCCUPANCIES.

(a) No person shall display for sale, any household goods, furnishings or personal effects, including clothing, in any area of nonretail occupied premises upon which such goods are displayed other than from the rear yard as defined in Section 1103.02(c)(c)(c) of the Zoning Code and/or the garage, if any, situated thereon.

(b) Under circumstances where it is shown that the premises occupied has no rear yard or a rear yard where in the judgment of the Building Commissioner, it would be impractical or impossible to have a yard sale, a special permit may be issued by the Commissioner allowing the sale in the side or front yard as he in his sole discretion may designate.

741.08 TEMPORARY STORE.

(a) Every person, whether principal or agent, who proposes to temporarily open a store or place for the sale of goods, wares and merchandise within the Municipality shall, before opening same and before offering for sale such goods, wares and merchandise, procure from the Director of Public Safety a license to open such store or place or conduct such sale.

(b) The applicant for a temporary store license shall furnish the Director of Public Safety with the following information on forms provided by the Municipality:

- (1) Name, age, any physical description of applicant;
- (2) Date of birth of applicant;
- (3) Complete permanent and local address of applicant;
- (4) Telephone number of applicant;
- (5) Number of employees;
- (6) Hours of operation; and
- (7) Layout of all equipment, counters, and other appurtenances that shall be used. (Ord. 52-82. Passed 2-7-83.)

(c) A nonrefundable one hundred dollar (\$100.00) fee for each location shall be paid at the time the application is made provided, however, such fee may be waived by the Director of Public Safety upon a showing satisfactory to the Director of Public Safety that the applicant is a nonprofit corporation qualified under Section 501(c) of the Internal Revenue Code and that the net proceeds of sales shall be used for community programs and projects which benefit the City.

741.09 SALE OF CHRISTMAS TREES.

No person, firm or corporation shall offer Christmas trees for sale out-of-doors or from temporary structures, to the general public, unless a permit

therefore has been obtained from the Director of Public Safety as set forth herein.

(a) Lakewood merchants who offer Christmas trees for sale at their regular place of business shall pay a fee of one dollar (\$1.00).

(b) All other persons, firms or corporations and all Lakewood merchants who offer such trees for sale from a location other than their regular place of business, shall pay a fee of ten dollars (\$10.00) and shall also deposit the sum of forty dollars (\$40.00) with the Director of Public Safety to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which such business is conducted are not cleaned and all merchandise, property, refuse and temporary structures removed therefrom by January 1 of the following year, the Director shall immediately cause such work to be done and the applicant shall forfeit the deposit.

741.10 EXCEPTIONS.

The provisions of Sections 741.02, 741.03 and 741.04 shall not apply to:

(a) A duly authorized person soliciting the purchase of goods, wares, merchandise, funds or gifts on behalf of any recognized nonprofit, educational, civic, religious, political or charitable organization. The aforementioned shall register with the Director of Public Safety, stating the name of the organization, the nature of the activity being conducted, the duration of such activity and shall furnish any other information deemed necessary by the Director of Public Safety.

(b) The solicitation by a newspaper carrier of customers for a newspaper which he regularly delivers' or shall regularly deliver shall not be subject to the provisions of this chapter.

shall be and is hereby amended to read as follows:

741.01 DEFINITIONS.

As used in this chapter:

(a) "Canvasser" means any person who obtains or seeks to obtain or influence the opinions of the residents of the City by traveling door to door, by foot, automobile, truck or other type of conveyance, upon private residences, including any house, apartment or other dwelling in the City, but who does not obtain or seek to obtain funds for any cause whatsoever.

(b) "Peddler" means any person traveling, by foot, automobile, truck or other type of conveyance, from place to place, door to door or street to street,

taking or attempting to take orders for profit by the sale of goods, wares and merchandise or personal property of any nature whatsoever, for immediate or future delivery or for services to be furnished or performed in the future.

(c) "Solicitor" means any person who obtains or seeks to obtain funds for any cause whatsoever by traveling door to door, by foot, automobile, truck or other type of conveyance, upon private residences including any house, apartment or other dwelling in the City.

(d) "Temporary store or place" means a store or place opened and maintained for the sale to the public of goods, wares and merchandise where the seller or owner of such goods, wares and merchandise operates such store or place for a period of less than 120 days. Any such store or place which is opened, operated, and maintained in this Municipality from and after the date of the passage of this section shall prima-facie be presumed to be a temporary store or place within the meaning of this chapter but such presumption may be overcome by evidence satisfactory to the Building Commissioner that it is not a temporary store, in which case the Building Commissioner shall not be required to impose a license fee.

741.02 LICENSE REQUIRED.

No peddler or solicitor shall peddle or solicit within the Municipality without holding a valid license issued a license by the Director of Public Safety. A separate license shall be obtained for every peddler or solicitor, agent, or employee soliciting within the Municipality.

741.03 APPLICATIONS FOR LICENSE.

Each applicant for a license shall furnish the Director of Public Safety with the following information on forms provided by the Municipality:

- (a) Name, age and physical description of applicant;
- (b) Date of birth and social security number of applicant;
- (c) Complete permanent and local address of applicant;
- (d) Name and address of the person, firm, corporation or association for whom the solicitation is presently being made and any other person, firm, corporation or association for whom the applicant has solicited during the past three years;
- (e) A description of the nature of the business and the goods, services or wares to be sold or otherwise sufficient to identify the subject matter of the peddling or soliciting in which the applicant shall engage;
- (f) The proposed dates and times of the peddling or solicitations and the routes to be followed in conducting same;

(g) Whether the applicant has ever been denied a license or permit to peddle or solicit or had such license or permit revoked, including the time and place of such denial or revocation; and

(h) Whether the applicant has ever been convicted of a felony violation; a misdemeanor violation involving moral turpitude; or an "offense of violence" as defined by §501.01(i) of the Lakewood Codified Ordinances along with the time and place of such conviction.

A nonrefundable fee in the amount of thirty-five dollars (\$35.00) shall be submitted with each application provided for herein.

741.04 ISSUANCE OF LICENSE; DURATION.

The Director of Public Safety shall issue a license to the applicant unless he has determined:

(a) The applicant has made a false, misleading or deceptive statement in providing the information required under Section 741.03;

(b) The applicant has been convicted of a felony violation; a misdemeanor violation involving moral turpitude; or an "offense of violence" as defined by §501.01(i) of the Lakewood Codified Ordinances during the past five years.

(c) Such license shall be valid for a period not to exceed ninety days.

(d) No license issued hereunder shall be assigned or transferred to any other person.

(e) Once issued, the license shall be carried by the licensee at all times.

741.05 RESTRICTIONS.

Every person to whom a license to peddle or solicit is issued, or a person registered with the Director of Public Safety under the terms of this chapter shall be governed by the following rules and regulations:

(a) No person subject to the provisions of this chapter shall peddle or solicit except between the hours of 9:00 a. m. and 8:00 p. m. or dusk, whichever is earlier, Monday through Saturday. In addition, no person shall peddle or solicit on Sunday or on any legal holiday as defined in Ohio R.C. 1.14.

(b) No peddler or solicitor shall enter or attempt to enter the house or apartment of any resident in the Municipality without an express invitation from the occupant of the house or apartment.

(c) No peddler or solicitor shall engage in or transact any type of business or solicitation other than that specified on the license application.

(d) No person shall peddle or solicit at any residence in the municipality upon which there is posted a sign which reads, "No Peddlers or Solicitors Allowed" or words of similar import which clearly prohibit peddlers or solicitors

on the premises, unless such peddler or solicitor is, or has been invited upon the premises by the owner, lessee or occupant thereof.

741.06 LIMITATIONS UPON SOLICITATION.

(a) No person shall sell or offer for sale, barter, exchange or solicit the purchase or gift of any goods, wares, merchandise or other articles of value, or offer services for hire within the City in any area in which an authorized public exhibition is being held as defined in Section 725.01 except as authorized by the exhibition permit holder.

(b) No person licensed pursuant to this chapter shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations impede and inconvenience/he public.

741.07 SALE FROM VEHICLES ON STREETS PROHIBITED.

No person, firm or corporation shall sell, offer for sale or otherwise exchange any product, goods or merchandise from a motor vehicle, push cart or tricycle on any public street or sidewalk within the Municipality, while such public street or sidewalk is open to normal public use

741.071 DISPLAY FOR SALE OF HOUSEHOLD GOODS AND FURNISHINGS FROM NONRETAIL OCCUPANCIES.

(a) No person shall display for sale, any household goods, furnishings or personal effects, including clothing, in any area of nonretail occupied premises upon which such goods are displayed other than from the rear yard as defined in Section 1103.02(c)(c)(c) of the Zoning Code and/or the garage, if any, situated thereon.

(b) Under circumstances where it is shown that the premises occupied has no rear yard or a rear yard where in the judgment of the Building Commissioner, it would be impractical or impossible to have a yard sale, a special permit may be issued by the Commissioner allowing the sale in the side or front yard as he in his sole discretion may designate.

741.08 TEMPORARY STORE.

(a) Every person, whether principal or agent, who proposes to temporarily open a store or place for the sale of goods, wares and merchandise within the Municipality shall, before opening same and before offering for sale such goods, wares and merchandise, procure from the Director of Public Safety a license to open such store or place or conduct such sale.

(b) The applicant for a temporary store license shall furnish the Director of Public Safety with the following information on forms provided by the Municipality:

- (1) Name, age, any physical description of applicant;
- (2) Date of birth of applicant;
- (3) Complete permanent and local address of applicant;
- (4) Telephone number of applicant;
- (5) Number of employees;
- (6) Hours of operation; and
- (7) Layout of all equipment, counters, and other appurtenances that shall be used.

(c) A nonrefundable one hundred dollar (\$100.00) fee for each location shall be paid at the time the application is made provided, however, such fee may be waived by the Director of Public Safety upon a showing satisfactory to the Director of Public Safety that the applicant is a nonprofit corporation qualified under Section 501(c) of the Internal Revenue Code and that the net proceeds of sales shall be used for community programs and projects which benefit the City.

741.09 SALE OF CHRISTMAS TREES.

Repealed.

741.10 EXCEPTIONS.

The provisions of Sections 741.02, 741.03 and 741.04 shall not apply to:

(a) A duly authorized person peddling or soliciting the purchase of goods, wares, merchandise, funds or gifts on behalf of any recognized nonprofit, educational, civic, religious, political or charitable organization. The aforementioned shall register with the Director of Public Safety, stating the name of the organization, the nature of the activity being conducted, the duration of such activity and shall furnish any other information deemed necessary by the Director of Public Safety.

(b) The solicitation by a newspaper carrier of customers for a newspaper which he regularly delivers or shall regularly deliver shall not be subject to the provisions of this chapter.

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



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

www.onelakewood.com

Lakewood City Council
KEVIN BUTLER, PRESIDENT
MARY LOUISE MADIGAN, VICE PRESIDENT

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

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

February 2, 2011

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Report from Saturday Lakewood Farmers Market on its inaugural 2010 season

Dear Members of Council:

Last summer, Lakewood's downtown benefited from the presence of a Saturday morning farmer's market for the first time in memory. Neighbors from across the city came together to shop and enjoy produce and baked goods from local vendors, and our downtown benefited from the increased walking traffic attracted to the area.

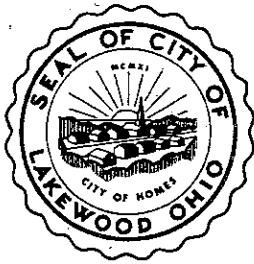
Since 2010 was the inaugural season of the Saturday Lakewood Farmers Market, we have invited two of the committed Lakewood residents who organized the effort to report to us on the performance of the market and to make recommendations for 2011 and beyond. Our community is fortunate to have leaders so committed, thorough, and professional.

Please join us in welcoming the Saturday Lakewood Farmers Market organizers Whitney Gersak and Jennifer Kelley --and in thanking them for their service.

Sincerely,

Thomas R. Bullock III
Member of Council, Ward 2

Monique Smith
Member of Council, At-Large



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Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Appointment of Joe LoboZZo to the
Community Relations Advisory Commission**

Dear Fellow Members of Council:

Dear Members of Council:

This letter confirms my appointment of Joe LoboZZo to the Community Relations Advisory Commission. His term will expire January, 2014. Mr. LoboZZo has been an active member on the Commission; recently organizing a Youth Forum at City Hall. His continuing dedication to the Commission's mission make him ideal for continuing in this role.

Sincerely,

Shawn Juris
Councilmember, Ward 3



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

www.oneLakewood.com

Lakewood City Council

KEVIN BUTLER, PRESIDENT

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Council at Large
RYAN NOWLIN
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MONIQUE SMITH

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

February 15, 2010

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Appointment of Veronica Youngblood-White to the
Community Relations Advisory Commission**

Dear Fellow Members of Council:

This letter serves to confirm that I have appointed Veronica Youngblood-White to serve on the Community Relations Advisory Commission. We had the opportunity to meet Ms. Youngblood-White during her recent Council interview, and I was impressed by her background, her skills, and her desire to serve our community. I am confident that Ms. Youngblood-White will serve the Commission well.

Sincerely,

Ryan P. Nowlin
Councilmember at Large



Jennifer R. Pae
Director of Finance

12650 DETROIT AVENUE • 44107 • 216/529-6092 • FAX 216/529-6806

February 22, 2011

Lakewood City Council
Lakewood, OH 44107


Re: 2011 1st Quarter Transfers

Dear Members of Council:

The 2011 1st Quarter Transfer Ordinance reflects 25 percent of the total anticipated transfers between funds that were included within the 2011 appropriations.

Please refer this to the Finance Committee for review and discussion.

Respectfully,



Jennifer R. Pae
Director of Finance



ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to authorize the transfer and advance of certain funds.

WHEREAS, this Council by a vote of at least five 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 the City in that the City must appropriate and record all financial transactions within the appropriate fiscal period. Now therefore,

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

Section 1. That the Director of Finance be and is hereby authorized to make the following transfers:

| | | 2011 | |
|-------------------------------|--------------------------------|---------------------|------------|
| | | 1st Quarter | |
| <u>Fund</u> | <u>Transfers Out</u> | <u>Transfers In</u> | |
| 101 | General Fund | \$ 244,650 | |
| Special Revenue Funds | | | |
| 250 | Office on Aging IIIB | | \$ 191,410 |
| Internal Service Funds | | | |
| 600 | Hospitalization | | \$ 45,055 |
| 601 | Workers' Compensation | | \$ 8,185 |
| Debt Service Payments | | | |
| 220 | Police Pension | \$ 51,500 | |
| 221 | Fire Pension | \$ 56,250 | |
| 101 | General Fund (HB 300 Lease) | \$ 56,090 | |
| 211 | SCMR (HB 300 & Capital Lease) | \$ 37,500 | |
| 260 | Lakewood Hosptl (HB 300 Lease) | \$ 300 | |
| 501 | Water (HB 300 Lease) | \$ 3,813 | |
| 510 | WWC (HB 300 Lease) | \$ 800 | |
| 511 | WWTP (HB 300 Lease) | \$ 18,750 | |
| 520 | Parking (HB 300 Lease) | \$ 1,125 | |
| 530 | Winterhurst (HB 300 Lease) | \$ 17,713 | |
| 301 | Debt Service Fund | \$ - | \$ 243,840 |
| 512 | WWTP Improvements | \$ 325,000 | |
| 301 | Debt Service Fund | | \$ 325,000 |

Section 2. That this ordinance is hereby declared to be an emergency measure necessary to provide 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 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.

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.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



DEPARTMENT OF HUMAN SERVICES
12650 DETROIT AVENUE • 44107
Telephone: (216) 529-6685
Facsimile: (216) 529-6654

DOROTHY M. BUCKON
DIRECTOR OF HUMAN SERVICES

February 22, 2011

Lakewood City Council
Lakewood, Ohio 44107

RE: Juvenile Diversion Program

Dear Members of Council:

Please find attached a Resolution authorizing the Mayor, or his designee, on behalf of the City, to enter into an Agreement with the Cuyahoga County Juvenile Court to fund the City of Lakewood Juvenile Diversion Program.

The Juvenile Diversion Program, a collaborative effort of the Divisions of Youth and Police and the Law Department, seeks to decrease the likelihood that youths will fall through the cracks of the juvenile justice system, assist them in taking responsibility for their behaviors, enable them to give back to their community and encourage continued community involvement. In 2010, 146 youth entered the program and provided 2,057 hours of community service.

I respectfully request approval of this Resolution for continuation of Lakewood's Juvenile Diversion Program.

Sincerely,

Dorothy M. Buckon



RESOLUTION NO.

BY:

A RESOLUTION 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, authorizing the Mayor, or his designee to enter into an Agreement with the Cuyahoga County Juvenile Court to accept funds in an amount estimated at \$14,400.00 for the City's Juvenile Diversion Program.

WHEREAS, the Cuyahoga County Juvenile Court desires to promote and develop the Community Diversion Program utilizing community resources to address juvenile misdemeanor and status offenders, and

WHEREAS, the City of Lakewood, Department of Human Services, Division of Youth has conducted the Juvenile Diversion Program since 1998, serving over 1,000 youth and their families, 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 completed contracts must be submitted no later than February 23, 2011. Now Therefore,

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

Section 1. That the Mayor, or his designee, for and on behalf of the City of Lakewood, be and he is hereby authorized and directed to enter into an Agreement with the Cuyahoga County Juvenile Court providing funding for the City's Juvenile Diversion Program for an amount estimated at \$14,400.00 for a twelve month period.

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 action were in meetings open to the public in compliance with all legal requirements.

Section 3. That 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 ordinance, 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 otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR