

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
SEPTEMBER 4, 2007
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:38 PM by President Seelie.

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Present: Councilmembers Nickie J. Antonio, Kevin Butler, Ryan Patrick Demro, Michael W. Dever, Edward FitzGerald, Mary Louise Madigan, Robert M. Seelie.

Also Present: Mayor George, Law Director Corrigan, Finance Director Pae, Police Chief Malley, Fire Marshall Gillman, Human Services Representative Hall, Public Works Director Beno, Planning & Development Director Jordan.

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Motion adopted. All members present voting yea.

Motion by Mr. Seelie, seconded by Mr. Dever, to approve the minutes of Regular Meeting of Council held July 2, 2007 and July 16, 2007.

Motion adopted. All members voting yea.

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

1. Housing Committee Report regarding Outdoor Dining (To Be Provided).

Councilmember Antonio submitted the following report:

The Housing Committee met tonight, September 4th at 5:30 with Committee member Madigan and myself joined by Assistant Law Director Jennifer Mladek, Fire Marshall Scott Gillman and a member of the public. The Committee reviewed the following proposed ordinances – 70-07, 71-07, 72-07 and 73-07 and recommends placing them on first reading and because of the need for further review to refer these items back to the Housing Committee.

Motion by Ms. Antonio, seconded by Mr. Dever, to receive, file and refer the report to the Housing Committee.

Motion adopted. All members voting yea.

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2. Communication from Councilmember Antonio regarding Amending Zoning Code re: Sidewalk Dining. (Pg. 8)

Motion by Ms. Antonio, seconded by Mr. Demro, to defer action on this communication.

Motion adopted. All members voting yea.

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3. **ORDINANCE NO. 70-07** – AN ORDINANCE to amend Section 1129.02, Principal and Conditional Permitted Uses, of the Zoning Code of the City of Lakewood to allow sidewalk dining within Commercial Districts in the City of Lakewood. (Pg.9)

Motion by Mr. Demro, seconded by Ms. Antonio, to place Ordinance No. 70-07 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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4. **ORDINANCE NO. 71-07** – AN ORDINANCE to create a new Section 1129.17, Supplemental Regulations for Sidewalk Dining, of the Zoning Code of the City of Lakewood to allow sidewalk dining within Commercial Districts in the City of Lakewood. (Pg.16)

Motion by Ms. Antonio, seconded by Mr. Demro, to place Ordinance No. 71-07 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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5. **ORDINANCE NO. 72-07** –AN ORDINANCE to amend Section 1103.02, Definitions, of the Zoning Code of the City of Lakewood to allow sidewalk dining within Commercial Districts in the City of Lakewood. (Pg. 18)

Motion by Ms. Antonio, seconded by Ms. Madigan, to place Ordinance No. 72-07 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 73-07** – AN ORDINANCE to create a new subsection x within Section 1161.03, Supplemental Regulations for Specific Uses, of the Zoning Code of the City of Lakewood to allow sidewalk dining within Commercial Districts in the City of Lakewood. (Pg. 34)

Motion by Ms. Antonio, seconded by Mr. Seelie, to place Ordinance No. 73-07 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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7. Housing Committee Report regarding Property Maintenance Code. (To Be Provided).

Councilmember Antonio submitted the following report:

The Housing Committee also reviewed information regarding the Property Maintenance Code earlier tonight and as proposed in Ordinance No. 63-07 and 64-07 the Committee recommends placing on second reading and referring back to the Housing Committee.

Motion by Mr. Demro, seconded by Mr. Seelie, to receive and file the Report.

Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 63-07** – AN ORDINANCE to create a new Section within Chapter 1306, Property Maintenance and Safety Code, titled Maintenance of Interior Structure, of the Codified Ordinances of the City of Lakewood to prohibit the use of flags, sheets, newspapers or other materials not intended or designed as window treatments to be hung in windows. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 7/16/07). (Pg. 37)

Motion by Ms. Antonio, seconded by Mr. Butler, to place Ordinance No. 63-07 on 2nd Reading and refer it back to the Housing Committee.

Motion adopted. All members voting yea.

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9. Housing Committee Report regarding Front or Side Yard Grilling. (To Be Provided).

Motion by Ms. Antonio, seconded by Mr. Demro, to defer action on this Report.

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 64-07** – AN ORDINANCE to create a new Section 1501.17, Front or Side Yard Grilling, of the Codified Ordinances of the City of Lakewood prohibit grilling within fifteen feet of the public right-of-way. (PLACED ON 1ST READING & referred to the Housing Committee 7/16/07). (Pg.38)

Motion by Ms. Antonio, seconded by Ms. Madigan, to place Ordinance No. 64-07 on 2nd Reading and refer back to the Housing Committee.

Motion adopted. All members voting yea.

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11. Housing Committee Report regarding Maximum Occupancy Loads. (TO BE PROVIDED).

Councilmember Antonio submitted the following report:

The Housing Committee also reviewed proposed Ordinances which create the ability to take punitive action and establishes penalties for establishments who violate maximum load occupancies. The Committee recommends placing on second reading and referring back to the Housing Committee.

Motion by Mr. Demro, seconded by Ms. Antonio, to receive, file and refer the report to the Housing Committee.

Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 65-07** – AN ORDINANCE to create a new Section 1501.15, Maximum Occupancy Loads, of the Codified Ordinances of the City of Lakewood to create a violation for permitting occupancy load limits to be exceeded. (PLACED ON 1ST READING & REFERRED TO THE HOUSING & PUBLIC SAFETY COMMITTEES 7/16/07).(Pg. 39)

Motion by Ms. Antonio, seconded by Mr. Dever, to place Ordinance No. 65-07 on 2nd Reading and refer back to the Housing Committee.

Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 66-07** – AN ORDINANCE to amend Section 1501.99, Penalty, of the Codified Ordinances of the City of Lakewood to create a penalty for occupancy load limit violations. (PLACED ON 1ST READING & REFERRED TO THE HOUSING AND PUBLIC SAFETY COMMITTEES 7/16/07). (Pg. 40)

Motion by Ms. Antonio, seconded by Mr. Demro, to place Ordinance No. 66-07 on 2nd Reading and refer back to the Housing Committee

Motion adopted. All members voting yea.

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14. Liquor Permit Application for a new D1 classification to AED Enterprises d/b/a Deweys Pizza, 18516 Detroit. (Deferred 6/18/07 & 7/2/07, 7/16/07) (Pg.43).

Motion by Mr. FitzGerald, seconded by Mr. Dever, to defer action on this item.

Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 67-07** – AN ORDINANCE to create a new Section 115.01, Photo Identification Required, within a new Chapter 115, Administrative Requirements, of the Codified Ordinances of the City of Lakewood to allow representatives of the City of Lakewood to require an individual doing business with the City of Lakewood to show photo identification in order to complete the requested transaction. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 7/16/07). (Pg.44)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 67-07 on 2nd Reading and refer it back to the Public Safety Committee.

Motion adopted. All members voting yea.

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16. **ORDINANCE NO. 68-07** – 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 time permitted by law, amending Section 915.03 Homestead Exemption of the Codified Ordinances of the City of Lakewood, the special homestead exemption for water rates for persons over 65 years of age, or persons permanently and totally disabled, by increasing the income eligibility amount to \$35,000. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/16/07) (Pg.45)

Motion by Ms. Antonio, seconded by Mr. Seelie, to place Ordinance No. 68-07 on 2nd Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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17. **ORDINANCE NO. 69-07** - 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 time permitted by law, to enact new Sections within Chapter 902, Charges for Wastewater Disposal and Industrial Pretreatment to create a homestead exemption and summer sprinkling program within wastewater disposal. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/16/07) (Pg.47)

Motion by Ms. Antonio, seconded by Mr. Seelie, to place Ordinance No. 69-07 on 2nd Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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

17A. Communication from Councilmember Antonio regarding Calling On The United States Government to Commit to and Develop a Firm Strategy and Timetable to Begin

the Orderly and Comprehensive Withdrawal of U.S. Military Personnel and Bases from Iraq. (Pg 48A)

Motion by Ms. Antonio, seconded by Mr. Dever, to receive and file the communication.
Motion adopted. All members voting yea.

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17B. **RESOLUTION NO. 8203-07** - A RESOLUTION calling on the United States government to commit to and develop a firm strategy and timetable to begin the orderly and comprehensive withdrawal of U.S. military personnel and bases from Iraq. (Pg. 48B)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8203-07.
Motion adopted. Six members voting yea.
Mr. Demro abstains.

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18. Communication from Councilmember Madigan regarding Lakewood Business Incentive Within Request for Proposal Language. (Pg. 49)

Motion by Ms. Madigan, seconded by Mr. FitzGerald, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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19. Communication from Mayor George and Councilmember Antonio regarding Michelle Sikes. (Pg. 50)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive and file the communication.
Motion adopted. All members voting yea.

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20. **RESOLUTION NO. 8195-07** – A RESOLUTION to congratulate Michelle Sikes on representing the United States in the 5,000 Meter Run at the 2007 World Track and Field Championships in Osaka, Japan. (Pg. 51)

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Resolution No. 8195-07.
Motion adopted. All members voting yea.

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21. Communication from Councilmember Demro regarding Clifton Boulevard Parking. (Pg.52)

Motion by Mr. Demro, seconded by Ms. Antonio, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

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22. **ORDINANCE NO. 74-07** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) elected members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, repealing and replacing Chapter 351.11 of the General Offenses Code of the Codified Ordinances of the City of Lakewood relating to parking on Clifton Boulevard. (Pg.53)

Motion by Mr. Seelie, seconded by Mr. Demro, to place Ordinance No. 74-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea

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23. Communication from Public Works Director Beno regarding Storm Water Ordinances. (Pg.55)

Motion by Mr. Dever, seconded by Ms. Madigan to receive, file and refer the communication to the Public Works Committee.

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

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24. Add-On **ORDINANCE NO. 80-07** – 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 create new a Chapter titled Construction Site Soil Erosion and Water Runoff within Part Nine, Streets, Utilities and Public Service of the Codified Ordinances of the City of Lakewood to regulate construction water runoff for the protection of the City’s storm sewer. (Pg.55 A)

Motion by Mr. Dever, seconded by Mr. Seelie, to place Ordinance No. 80-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. Six members voting yea.

Ms. Antonio absent for vote.

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25. Add-On **ORDINANCE NO. 81-07** – 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 create new a Chapter titled Construction Water Quality Runoff within Part Nine, Streets, Utilities and Public Service of the Codified Ordinances of the City of Lakewood to regulate post-construction water runoff for the protection of the City’s storm sewer. (Pg.55 Z (3))

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 81-07 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. Six members voting yea.
Ms. Antonio absent for vote.

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26. Communication from Law Director Corrigan regarding Removing the Lakewood School District From the Jurisdiction of the Lakewood Civil Service Commission. (Pg.56)

Motion by Mr. Seelie, seconded by Mr. Dever, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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27. **ORDINANCE NO. 75-07** – AN ORDINANCE to create a new section within Chapter 144, Civil Service Commission, of the Codified Ordinances of the City of Lakewood to remove the Lakewood City School District from the jurisdiction of the City of Lakewood Civil Service Commission. (Pg. 59)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 75-07 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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28. Communication from Finance Director Pae regarding 2008 Tax Budget Resolution. (Pg.60)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive, file and refer the communication to the Finance Committee.

Motion adopted. All members voting yea.

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29. **RESOLUTION NO. 8196-07** – A RESOLUTION to take effect immediately provided it received 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 approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2008, and authorizing the filing of same with the Auditor of Cuyahoga County. (Pg. 61)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive, file and refer the Resolution to the Finance Committee.

Motion adopted. All members voting yea.

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30. Communication from Finance Director Pae regarding September 2007 (Phase 2) Capital Lease Authorization. (Pg.62)

Motion by Mr. Seelie, seconded by Ms. Madigan, to receive, file and refer the communication to the Finance Committee.

Motion adopted. All members voting yea.

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31. **ORDINANCE NO. 76-07** - 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 Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood ("Lessee"). (Pg.63)

Motion by Mr. Seelie, seconded by Mr. Dever, to place Ordinance No. 76-07 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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32. Communication from Human Services Director Buckon regarding 2008 & 2009 Program Year Application Title III of the Older American's Act. (Pg.66)

Motion by Mr. Seelie, seconded by Ms. Madigan, to receive and file the communication.
Motion adopted. All members voting yea.

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33. **RESOLUTION NO. 8197-07** – A RESOLUTION 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, authorizing the Mayor, or his designee to enter into a Contract with the Western Reserve Area Agency on Aging to accept funds for the City's programs covering Social/Supportive and Nutrition Services, such contract providing partial funding for supplemental programs under Title III of the 1965 Older Americans Act for the 2008 and 2009 program years. (Pg. 67)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8197-07.

Motion adopted. All members voting yea.

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34. Communication from Human Services Director Buckon regarding Juvenile Diversion Program Tracks Are For Trains Initiative. (Pg.68)

Motion by Mr. Seelie, seconded by Ms. Madigan, to receive and file the communication.
Motion adopted. All members voting yea.

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35. **RESOLUTION NO. 8198-07** – A RESOLUTION authorizing and directing the Mayor for and on behalf of the City of Lakewood to enter into an Agreement with the Cuyahoga County Juvenile Court to accept funds for the City’s Juvenile Diversion Program Tracks Are for Trains Initiative. (Pg.69)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8198-07.
Motion adopted. All members voting yea.

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36. Communication from Human Services Director Buckon regarding Early Literacy Consultation Services. (Pg.70)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive and file the communication.
Motion adopted. All members voting yea.

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37. **RESOLUTION NO. 8199-07** – A RESOLUTION 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, authorizing and directing the Mayor or his designee, for and on behalf of the City of Lakewood to enter into an Agreement with the Lakewood Board of Education to accept funds for early literacy consultation services of the Department of Human Services, Division of Early Childhood for their Temporary Assistance for Needy Families Grant for the Lakewood Able Plus Program. (Pg. 71)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8199-07.
Motion adopted. All members voting yea.

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38. Communication from Human Services Director Buckon regarding Criminal Justice Service Agency Agreement for Youth Summer Programming. (Pg.72)

Motion by Mr. Dever, seconded by Ms. Antonio, to receive and file the communication.
Motion adopted. All members voting yea.

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39. **RESOLUTION NO. 8200-07** – A RESOLUTION 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, authorizing and directing the Mayor or his designee, on behalf of the City, to

enter into an Agreement with the Criminal Justice Service Agency to accept and expend funds for the Youth Enrichment Consortium Special Event 2007 Summer Program. (Pg.73)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8200-07.
Motion adopted. All members voting yea.

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40. Communication from Planning & Development Director Jordan regarding Tax Incentive Review Council Meeting of August 9, 2007. (Pg.74)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive and file the communication.
Motion adopted. All members voting yea.

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41. **RESOLUTION NO. 8201-07** – A RESOLUTION to take effect immediately provided it received 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 report the action of the Tax Incentive Review Council (the “TIRC”) meeting of August 9, 2007 pursuant to Ordinance 47-04, adopted June 4, 2004 and Section 5709.85 of the Ohio Revised Code regarding Rockport Square, Vedda Printing and The Cliffs. (Pg.75)

Motion by Mr. Seelie, seconded by Mr. Dever, to adopt Resolution No. 8201-07.
Motion adopted. All members voting yea.

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42. Communication from Mayor George regarding Westshore Council of Governments Central Dispatch. (Pg.76)

Motion by Mr. Seelie, seconded by Ms. Madigan, to receive and file the communication.
Motion adopted. All members voting yea.

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43. **ORDINANCE NO. 77-07** –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, authorizing the Mayor to enter into an Amended Westshore Council of Government Agreement to allow the City of North Ridgeville to participate in the Central Fire Dispatch Center along with the Cities of Bay Village, Rocky River, Fairview Park and Westlake. (Pg. 77)

Motion by Ms. Antonio, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance be read on three separate days and placing Ordinance No. 77-07 on final reading.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Seelie, seconded by Ms. Antonio, to adopt Ordinance No. 77-07.

Yeas: Antonio, Butler, Demro, Dever, FitzGerald, Madigan, Seelie

Nays: None

Motion adopted. Ordinance No. 77-07 adopted.

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44. Communication from Mayor George regarding Northeast Ohio Mayors and City Managers Association Regional Economic Study. (Pg.78)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive and file the communication.

Motion adopted. All members voting yea.

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45. Communication from Law Director Corrigan regarding Erosion Control Measures at 1003 Parkside Drive, Lakewood, Ohio. (Pg.79)

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

Motion adopted. All members voting yea.

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46. **RESOLUTION NO. 8202-07** –A RESOLUTION approving the use of submerged lands for property located at and abutting 1003 Parkside Drive in the City of Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A”) so that the owner can undertake lakeshore protection measures. (Pg.80)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8202-07.

Motion adopted. All members voting yea.

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47. Communication from Law Director Corrigan regarding Codification Ordinance. (Pg. 82)

Motion by Mr. Seelie, seconded by Ms. Antonio, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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48. **ORDINANCE NO. 78-07** – 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 approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matters. (Pg. 83)

Motion by Mr. Seelie, seconded by Ms. Madigan, to place Ordinance No. 78-07 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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49. Communication from Law Director Corrigan regarding Enabling City to Respond to New State Cable/Video Law. (Pg. 85)

Motion by Mr. Seelie, seconded by Mr. Dever, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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50. **ORDINANCE NO. 79-07-** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members elected to Council, otherwise, it shall take effect and be in force after the earliest period allowed by law, determining the fees to be paid by any person offering video service in the City pursuant to a State-issued video service authorizing, and authorizing the Mayor to give notice of the fee to the video service provider. (Pg. 86).

Motion by Mr. Seelie, seconded by Ms. Antonio, to place Ordinance No. 79-07 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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51. Liquor Permit Application for a D5 transfer to BAR 2 Inc., 15625 Detroit Ave from ARIANA Inc, same address. (Pg. 89)

Motion by Mr. FitzGerald, seconded by Mr. Dever, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

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52. Liquor Permit Application for new C1 and C2 permits ALDI INC. Ohio d/b/a ALDI INC 33 located at 1600 W. 117th St. (Pg. 90)

Motion by Mr. FitzGerald, seconded by MR. Demro, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

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Motion by Mr. Seelie, seconded by Mr. Demro, to adjourn the meeting.

Motion adopted. All members present voting yea.
Meeting adjourned 10:25 PM.

Approved: _____

President

Clerk