

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
APRIL 20, 2009
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:37 PM by President Dever.

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Present: Councilmembers Nickie J. Antonio, Thomas R. Bullock III, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Brian Powers.

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Also Present: Mayor FitzGerald, Law Director Hurley, Finance Director Pae, Police Chief Malley, Fire Representative, Public Works Director Beno, Human Services Director Buckon, Planning & Development Director Kelly, Assistant Director, Safety – Division of Building and Housing Ashby.

Motion by Mr. Dever, seconded by Ms. Antonio, to excuse the absence of Mr. Summers.
Motion adopted. All members present voting yea.

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Reading and disposal of the Minutes of the Regular Meeting of Council held April 6, 2009.

Motion by Mr. Dever, seconded by Ms. Madigan, to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Board of Nuisance Abatement Appeals. (To Be Provided)

Mr. Dever submitted the following report

COW Report regarding Board of Nuisance Abatement Appeals

Members of Council, the Committee of the Whole met this evening to discuss a listing of candidates for the position of Board of Nuisance Abatement Appeals. A number of people submitted names or recommendations by Council members. The Council agreed on two outstanding and well-qualified individuals. Ms. Kristen Karkutt for the four-year term, which will be commencing immediately and concluding on December 31, 2012. And then for the other position on the board, the recommendation was Lorri Stewart for the three-year term, which would be concluding on December 31, 2011. Move to receive and file that oral report.

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

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2. **RESOLUTION NO. 8338-09** - 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 appoint _____ as a member of the City of Lakewood Board of Nuisance Abatement Appeals for a three-year term, ending December 31, 2011. (Pg. 6)

Motion by Mr. Dever, seconded by Ms. Antonio, to amend Resolution NO. 8338-09 by inserting the name Lorri Stewart.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers.

Nays: none.

Motion adopted. Resolution No. 8338-09 amended.

Motion by Mr. Butler, seconded by Ms. Antonio to adopt Resolution No. 8338-09 as amended.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers.

Nays: none.

Motion adopted. Resolution No. 8338-09 adopted amended.

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3. **RESOLUTION NO. 8339-09** - 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 appoint _____ as a member of the City of Lakewood Board of Nuisance Abatement Appeals for a four-year term, ending December 31, 2012. (Pg. 7)

Motion by Mr. Dever, seconded by Ms. Madigan, to amend Resolution No. 8339-09 by inserting the name Kristin Karkutt.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers

Nays: None

Motion adopted. Resolution No. 8339-09 amended.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8339-09

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers

Nays: None

Motion adopted. Resolution No. 8339-09 adopted amended.

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4. Committee of the Whole Report regarding Detroit Avenue Traffic Signal Warrants (To Be Provided)

Mr. Dever submitted the following report:

COW Report regarding Detroit Ave. Traffic Signal Warrants -

Dear Members of Council, COW met this evening also to discuss Detroit Avenue traffic signals between Cove Ave. and Arthur Ave. The City is going to be participating in the rebuilding of these traffic signals between those two areas. The four signalized intersections that are not warranted by the Department of Transportation are located at Waterbury, Manor Park, Marlow and Mars. If the City decides to move forward with installing those signalized intersections, that would be 100% cost borne by the City which is approximately \$480,000 to

do those four signals at \$140,000 a piece. The City is going to be in conversation with the Ohio Department of Transportation later this week and we hope to have a further committee meeting within the next few weeks to discuss this further. We need to determine if we are going to expend that \$480,000 at a maximum or at a minimum, approximately \$100,000 for upgrades on those intersections. If anyone has any comments or thoughts on this, please feel free to inform us about it. Council will have to make a decision on this expenditure in the near future. I know we'd like to provide some direction to the administration on this expenditure. Move to receive and file that oral report.

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

Motion adopted. All members voting yea.

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5. Public Works Committee Report regarding Communication from Mayor FitzGerald; Lakewood Earth & Food Community L.E.A.F.

Mr. Dever submits the following report:

Public Works Committee report regarding LEAF –

Dear Members of Council, the Public Works committee met this evening to discuss the communication from Mayor FitzGerald concerning the Lakewood Earth & Food Community. Currently there are four locations in the City that the LEAF group utilizes. They have approached the administration about looking at possibly a multi-year agreement to utilize some property. Those four properties are Cove, Webb, Madison and Kauffman Park. The City will be continuing to have discussions with the LEAF community about working out an arrangement to utilize those properties for multiple years. We're going to get back together again possibly in the next few weeks to discuss what kind of lease arrangements might be worked out. I'm not sure if the Mayor wanted to expand on that at all.

Mayor FitzGerald: The sites that are currently being utilized by LEAF will continue to be utilized by them for 2009. They are looking for some kind of assurance that they can have some type of gardening there that be more than a year so they could plan on it for two, three or more years or more. That's understandable because some of their investment in some of the individual plots. As I mentioned in the committee meeting, our Planning and Development department is on the verge of finally doing a master park plan for the entire City and I say finally because it's been discussed for over a decade, we're going to begin undertaking that starting in 2009. So, my concern was to not, right now, sign any kind of lease agreement, which we'd have to see the whole thing with the LEAF group for the next year or two but we could sign something for this year and next planting season and then begin to incorporate into the master plan process that we're going to start this year. Director Kelly, when do we think we're going to start? I didn't give them anything specific about the master plan process.

Planning & Development Director Kelly: The parks planning process is to started by doing inventory of what we have in place and working with the department of Public Works in creating a maintenance schedule. We should be ready this summer to talk about a launch for the parks planning process that includes community input and would set then a time line for what the results would be. The principles though, will be that we will expect to set our planning process to be commensurate and consistent with potential funding. So, some of it of course we will continue to pursue money for it but how we can get grant money for it but how we can use

capital to be consistent with the planning project so we're not simply putting up pretty pictures and hope we can plan the finance part too.

Mr. Dever: Thank you. I appreciate that. The LEAF community has over 130 plots available and feel free to contact them. They have a fund raising activity actually coming up very shortly. I just thought I'd pass that on. Move to receive and file that communication.

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

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

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6. Public Safety Committee Report regarding Liquor Permit Application for Cronies. (To Be Provided)

Mr. Bullock submitted the following Report:

Public Safety Committee report regarding liquor permit application for Cronies

Thanks, Mr. Chair. The Public Safety Committee this past week and the Ward Councilman, Councilman Butler, Ward I, who represents the business in question also attended. We discussed a number of concerns raised from the track record of some of the individuals involved in the business. We didn't make a motion or recommendation one way or the other. I believe our motion would be to defer this matter and there will be some effort by some from the City and perhaps the Ward Councilman also to meet with the owners of the business. We do have time, I understand from the Law Director, we have time to make a motion on Council one way or the other and we can do so at our next meeting so we are ok deferring for this particular session. Any further comments from Councilmen Butler or Powers?

No further comment provided.

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

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7. Liquor Permit Application for D1, D2, D3, D3A and D6 transfers to DRH Holdings LLC d/b/a Cronies 17900 Detroit Avenue from JMH Entertainment Inc; same address. (Deferred 3/16/09, referred to Public Safety Committee 4/6/09) (Pg. 8)

Motion by Mr. Dever, seconded by Ms. Antonio, to defer action on this liquor permit.
Motion adopted. All members voting yea.

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8. Housing Committee Report regarding Ordinances 39-09 & 40-09 – Demolition of Unsafe Structures. (To Be Provided)

Ms. Madigan submitted the following report:

Housing Committee report regarding Ordinances 39-09 & 40-09 –Demolition of Unsafe Structures

The Housing Committee met on Wednesday the 15th to consider two ordinances. At that meeting were Councilman Summers, Jeff Fillar, Nate Kelly, Nora Hurley, Sal Awadallah, Jeff Ashby and members of the public. After much consideration and work by the Law Department , Building Department, Department of Development, Council was presented with these two draft ordinances. One is to clarify the definition of public nuisance property and to streamline the process of condemnation and demolition, that's 40-09. The second one is simply to repeal the law that's currently on the books, which is 39-09. Currently, an unsafe structure is declared a nuisance only after three separate processes. One that involves the Building Department, one that involves the BBSBA which stands for the Board of Building Standard and Board of Appeals, and finally, the City Council, your elected City Council, confirming what the BBSBA found. So, each of these steps takes time and it drags out the process to well over 90 days, possibly much longer and I'll ask Law Director Hurley to make comments on anything she wants to later on. But, that's too much time and it's way too much bureaucracy, I think. The proposed ordinance, 40-09 cuts down the steps and it cuts down the time. The Building Commissioner will still determine whether a structure is a public nuisance. The BBSBA, that's again the Board of Building Structures and Board of Appeals, will still review the findings of the Building Commission. The owner can still appeal that decision to the Cuyahoga County Court of Common Pleas but the big changes here are that the City Council is taken out of the decision-making which we believe is a wise move – in our opinion. The period of time in which repairs must be made is another one of the big changes. The period of time in which either repairs must be made or demolition can occur will run concurrently. That forces the property owner to address the problems much quicker, which is better for our neighborhoods. I just want to make it really clear that the property owner can still appeal. They do not lose their right to appeal during any part of this process. They still have the right to appeal the declaration of nuisance all along the way. But, what we are working with here is the housing initiative brought forward by this administration and supported by this City Council, this process relies on the judgment and past experience of the professionals in our building department and the department of development. These professionals are, the inspectors in Lakewood are all certified by the Board of Building Standards for the State of Ohio. So, we are putting the consideration into the hands of people who know what they're doing. We're doing this to strengthen our housing stock and to strengthen our neighborhoods. We also want to point out that these two ordinances, the new ordinance and the ordinance that we are proposing to take off the books, work very closely with the criminal activities nuisance which was passed, was strengthened, in January of this year I believe. We would just say that these two nuisances together, as a wise person on the staff at City Hall said, "one set of ordinances deals with the nuisances on the inside of the house and another set of ordinances deals with the nuisances on the outside of the house". This is all to strengthen our neighborhoods so that we have a strong housing stock over the next 50 to 70 to 100 years.

Motion to receive and file....

Ms. Madigan added the following:

The Housing Committee, we recommend to move this, with favorable consideration, to the Committee of the Whole. The Law Department had suggested that with the importance of this, that we bring it to the attention of the entire Council before it's passed at a Council meeting.

Motion was amended as follows:

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

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 39-09** - 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, repealing Lakewood Codified Ordinance §1306.521, Repair or Demolition of Unsafe Structures. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 4/6/09) (Pg. 9)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 39-09 on 2nd Reading and refer it back to the Committee of the Whole.

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 40-09** - 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, adapting section 1306.521, Public Nuisance Buildings and Structures, Repair or Demolition thereof, for the purpose of adapting a clear and concise method for the repair or demolition of unsafe structures of nuisance properties. (PLACED ON 1ST REDING & REFERRED TO THE HOUSING COMMITTEE 4/6/09) (Pg. 15)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 40-09 on 2nd reading and refer it back to the Committee of the Whole.

Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 42-09** - 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 repeal Section 149.07, Longevity Compensation, of the Lakewood Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 4/6/09) (Pg. 23)

Motion by Mr. Dever, seconded by Mr. Butler, to place Ordinance No. 42-09, on 2nd Reading and refer it back to the Committee of the Whole.

Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 43-09** - 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 enact new Section 149.07, Merit Bonus Awards, of the Lakewood Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 4/6/09) (Pg. 26)

Motion by Mr. Dever, seconded by Mr. Butler, to place Ordinance No. 43-09 on 2nd Reading and refer it back to the Committee of the Whole.

Motion adopted. All members voting yea.

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

13. Communication from Finance Director Pae regarding Contracting Authority Additions. (Pg. 28)

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

Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 91-08A** - 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, amending Ordinance 91-08, adopted December 22, 2008 for the purpose of adding the Cleveland Restoration Society, authorizing 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 enter into service contracts in accordance with the Administrative Code of the City of Lakewood for the **Division of Planning & Development** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 29)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 91-08A on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 91-08A.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers

Nays: None

Motion adopted. Ordinance No. 91-08A adopted.

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15. **ORDINANCE NO: 89-08A** - 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, amending Ordinance 89-08, adopted December 22, 2008 for the purpose of adding, deleting, and increasing contracting authority for 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 enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2009 Appropriation Ordinance and the Administrative

Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 32)

Motion by Mr. Dever, seconded by Ms. Antonio, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 89-08A on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Mr. Butler, to adopt Ordinance No. 89-08A.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers

Nays: None

Motion adopted. Ordinance No. 89-08A adopted.

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16. Communication from Police Chief Malley regarding Northern Border Initiative. (Pg. 39)

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

Motion adopted. All members voting yea.

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17. **RESOLUTION NO. 8340-09** - AN EMERGENCY RESOLUTION authorizing the Chief of Police, on behalf of the City, to enter into an Agreement with the Board of Cuyahoga County Commissioners to accept and expend funds in the amount of \$9,500 for the participation in the Northern Boarder Initiative through the Ohio Department of Public Safety, Office of Homeland Security in the form of officer overtime reimbursement. (Pg. 40)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8340-09.

Motion adopted. All members voting yea.

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18. Communication from Public Works Director Beno regarding Ordinance 903; Sidewalks and Curbs. (Pg.42)

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

Motion adopted. All members voting yea.

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19. **ORDINANCE NO. 45-09** - AN ORDINANCE 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 amend Chapter 903, Sidewalks and Curbs of the Codified Ordinances of the City of Lakewood to update enforcement and inspections contained within this Chapter. (Pg. 43)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 45-09 on 1st Reading and refer it to the Rules 7 Ordinances Committee.

Motion adopted. All members voting yea.

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20. Communication from Planning & Development Director Kelly regarding Renewal of Mixed Use Rental Assistance Program (MURAL) Funding. (Pg. 51)

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

Motion adopted. All members voting yea.

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21. **ORDINANCE NO. 46-09** - AN ORDINANCE authorizing the Mayor to enter into an agreement with the Cuyahoga County Housing Consortium for the Lakewood Mixed Use Rental Assistance Program "MURAL" Program to be funded with HOME Program funds. (Pg. 52)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 46-09 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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22. Communication from Planning & Development Director Kelly regarding Renewal of Senior Deferred Loan Program. (Pg. 54)

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

Motion adopted. All members voting yea.

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23. **ORDINANCE NO. 47-09** – AN ORDINANCE authorizing the Mayor, on behalf of City, to enter into an agreement with the Cuyahoga Housing Consortium ("Consortium") for Deferred Payment & Interest Loans for Seniors in an amount not to exceed \$200,000. (Pg. 55)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 47-09 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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24. Communication from Planning & Development Director Kelly regarding Homeless Prevention and Rapid-Rehousing Grant. (Pg. 56)

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

Motion adopted. All members voting yea.

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25. **RESOLUTION NO. 8341-09** – AN EMERGENCY RESOLUTION authorizing and directing the Mayor on behalf of the City, to apply for and accept funds for the Homeless Prevention and Rapid Re-Housing Program (HPRP) through the submission of a Substantial Amendment to the Consolidated Plan 2009 Action Plan, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD) in a manner compliant with the federal regulations stated in the American Recovery and Reinvestment Act of 2009. (Pg. 57)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8341-09.
Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Ms. Madigan, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 9:12 PM.

Approved: _____

CLERK

PRESIDENT