

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 4, 2009
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by President Dever.

....

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

....

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

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

....

Reading and disposal of the Minutes of the Regular Meeting of Council held April 20, 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. Rules & Ordinances Committee Report re: Ordinance No 20-09 – Permitting Sale of Dairy, Meat and Eggs at Lakewood Farmers Markets. (To be Provided)

Mr. Butler submitted the following oral report.

#1 Rules & Ordinances Committee Report regarding Permitting Sale of Dairy, Meat & Eggs at Lakewood Farmers Market – Kevin Butler

The Rules and Ordinances Committee met this evening, after having met once before, on the ordinance that caused this communication. The Rules and Ordinances Committee is Councilman Powers and me, in attendance this evening were Councilman Bullock, Councilwoman Antonio, Councilwoman Madigan, as well as members of the administration and public. The ordinance that follows this communication permits the

sale of meat, dairy and eggs at Farmers Markets located within the City, in addition to the products that the vendors at those markets already sell. Councilman Bullock is the sponsor. In committee, over the past several weeks, we deliberated over some of the language in the ordinance. Council should note that some of the changes that were made in committee include adding emergency language so that the ordinance goes into effect immediately upon passage and the Mayor's signature. In addition to the removal of sections of our code that were no longer applicable in light of the fact that the City has disbanded our own health department function and contracted with the County Board of Health to perform those functions. We made two additional changes in committee this evening, which are reflected in the substitution that council members have before them. Those two changes are, remove the word, the first instance of the word "add" in the second WHEREAS clause and to add the word "in" in new section 727.07 (c) between the words "be" and "full". These are just typographical errors that we're correcting this evening. Because the ordinance proposes to expand our Farmers Markets, make them livelier, better attended and because the ordinance proposes to bring additional patrons to our downtown center, the Rules and Ordinances Committee, after having made these changes, recommended unanimously that Council adopt this ordinance on third reading this evening with the changes made. So, therefore I would recommend that Council first receive and file this communication and following this communication, that Council adopt the substituted ordinance it has before it. Move to receive and file.

Bullock: Thanks Mr. Chair. I wanted simply to add to Councilman Butler's summary and thank the Council for considering the change to Lakewood's code. This was actually initiated by the administration, so I was happy to work with Planning Director Kelly who's not here tonight, who, to his credit, initiated several steps towards expanding Lakewood Farmers Markets. Taking a step back, it makes good sense for Lakewood to be expanding as much as possible its walkability, its community life, and that includes farmers markets and street festivals and anybody who enjoyed Lakewood Walk & Roll and Lakewood Arts Festival last summer knows it just makes Lakewood the best it could be. In many neighborhoods we have great block clubs and block parties. So, what we're doing here is taking a step towards making a farmers market that's better and more lively and that is a competitive advantage frankly, for a city like Lakewood because that can be something we offer better than any other suburb or community in the region. So, in a simple way we are adding dairy, meat and eggs which is something that the vendors like, it will help us to attract more farmers to come and shop and sell in Lakewood and that gives us more offerings and we attract more buyers. What did not make it into this ordinance but what we hope to do in future ordinances is expand the hours or change the day to perhaps next year a weekend farmers market not tucked behind Drug Mart but on the main street area right on Detroit Ave. which would be perhaps an improvement because then instead of it being during business hours, which is good for some residents but not for all of us you could just enjoy it during your weekend hours. So, that's going to take future steps but this was all part of the conversation. Step one is accomplished here today thanks to my colleagues and also to Assistant Law Director Jen Mladek who I think is no longer here who put in a lot of work to get us ship shape for this change. Thanks.

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

....

2. **ORDINANCE NO. 20-09** – AN ORDINANCE to take effect immediately providing it receives the affirmative vote of at least five (5) members elected to Council, otherwise, it shall be in effect and be in force after the earliest period allowed by law, to strengthen Lakewood farmers markets by permitting sale of dairy, meat, and eggs. (PLACED ON 1ST READING 2/2/09, 2ND READING 2/17/09) (Pg. 5)

Motion by Mr. Butler, seconded by Mr. Dever, to substitute Ordinance No. 20-09.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers.
Nays: None
Motion adopted. Ordinance No. 20-09 substituted.

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinance No. 20-09.
Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers.
Nays: None
Motion adopted. Ordinance No. 20-09 adopted as substituted.

....

3. Health & Human Services Committee Report regarding Status of Lakewood's Preparedness re: Flu Pandemics. (To Be Provided)

Ms. Antonio submitted the following report.

#3 Health & Human Services Committee Report regarding Status of Lakewood's Preparedness re: Flu Pandemic – Nickie Antonio

The Human Services Committee met tonight. In attendance were myself, Council member Powers, Chief Mroz, Scott Gilman, Director Buckon, Terry Allan the Health Commissioner, and Marty Baier from the Health Department from Cuyahoga County. The central message that both the CDC and the County Health Department is recommending with regard to the swine flu or the H1N1 influenza is that citizens view this issue with concern rather than alarm. We have response plans in place, if needed, in our community and will benefit from the expertise both of our Human Services Director and staff and the coordinated efforts of our emergency preparedness and CERT teams should we need them to be in place when a vaccine becomes available in the fall should that happen. As well as coordinating our efforts with the County Board of Health. Move to receive and file this communication from our committee.

I would like to ask Director Buckon to just go over a few details that we discussed in the committee with regards to recommendations for the citizens, things that folks can do now.

Director Buckon: As of the latest information from the CDC and the Ohio Department of Health, there are three confirmed cases in the state of Ohio. Two in Franklin County, one in Elyria. There are also probable cases but across the county only 286 all together. What people can do are what we recommend prevention wise during any flu season which is, if you're feeling sick or a member of your family is feeling sick, keep your child home and they are talking about keeping your child home for seven days after the flu symptoms. Also, make sure people practice good hand washing, if they sneeze, they sneeze into their arm. The schools are work closely with the County Board of Health to monitor illness.

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

....

4. 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, Reported out on and Deferred 4/20/09) (Pg. 8)

Discussion was had about the changes the new owners intend to make at the new establishment. Tim Corrigan, a representative of the new company owner, confirmed those changes as well as a timeline for opening. Mr. Butler said that based on those representations, he would move to file no objection to the permit transfer.

Motion by Mr. Butler, seconded by Mr. Dever, to file no objection. Motion adopted. All members voting yea.

....

5. **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. (PLACED ON 1ST READING AND REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/20/09)(Pg. 11)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 45-09 on 2nd Reading and refer back to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

....

6. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 4/20/09)(Pg. 19)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 45-09 on 2nd Reading and refer back to the Housing Committee.

Motion adopted. All members voting yea.

....

7. **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. PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 4/20/09)(Pg. 21)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 47-09 on 2nd Reading and refer back to the Housing Committee.

Motion adopted. All members voting yea.

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

8. Communication from Mayor FitzGerald regarding St. James Church. (Pg.22)

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

Motion adopted. All members voting yea.

.....

9. Communication from Mayor FitzGerald regarding Beck Center. (Pg.23)

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

Motion adopted. All members voting yea.

....

10. Communication from Mayor FitzGerald regarding Resolution Commending Members for the Citizens Advisory Committee of Lakewood. (Pg.24)

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

Motion adopted. All members voting yea.

....

11. **RESOLUTION NO. 8342-09** – A RESOLUTION commending Colleen Clark-Sutton for public service as a member of the Lakewood Citizens Advisory Committee for federally funded grant program’s (Pg.25)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8342-09.
Motion adopted. All members voting yea.

....

12. **RESOLUTION NO. 8343-09** – A RESOLUTION commending Emily Jaratt for public service as a member of the Lakewood Citizens Advisory Committee for federally funded grant program’s (Pg.26)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution NO. 8343-09.
Motion adopted. All members voting yea.

....

13. **RESOLUTION NO. 8344-09** – A RESOLUTION commending Suzanne McCarty for public service as a member of the Lakewood Citizens Advisory Committee for federally funded grant program’s (Pg.27)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8344-09.
Motion adopted. All members voting yea.

....

14. **RESOLUTION NO. 8345-09** – A RESOLUTION commending Maria Parke for public service as a member of the Lakewood Citizens Advisory Committee for federally funded grant program’s (Pg.28)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8345-09.
Motion adopted. All members voting yea.

....

15. **RESOLUTON NO. 8346-09** – A RESOLUTION commending Gary Rice for public service as a member of the Lakewood Citizens Advisory Committee for federally funded grant program. (Pg. 28A)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8346-09.
Motion adopted. All members voting yea.

....

16. **RESOLUTION NO. 8347-09** – A RESOLUTION commending Paul Wasserbauer for public service as a member of the Lakewood Citizens Advisory Committee for federally funded grant program’s (Pg.29)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8347-09.
Motion adopted. All members voting yea.

....

17. Communication from Finance Director Pae regarding Identity Theft Prevention Program. (Pg. 30)

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

Motion adopted. All members voting yea.

....

18. **RESOLUTION NO. 8348-09** – 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 City of Lakewood to adopt an identity Theft Prevention Program. (Pg. 31)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer Resolution No. 8348-09.

Motion adopted. All members voting yea.

....

19. Communication from Public Works Director Beno regarding Refuse Rules and Regulations. (Pg.42)

Mr. Beno indicated the spelling error for Christmas would be corrected in the document.

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

....

20. Communication from Human Resources Director Yousefi regarding Amendment to Salary Ordinance. (Pg. 45)

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

Motion adopted. All members voting yea.

....

21. **ORDINANCE NO. 18-09A** - 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 provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners. (Pg. 50)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 18-09A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

....

22. Liquor Permit Application for a D5 classification to BAR 2 Inc.; 15625 Detroit Avenue. (Pg.52)

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

Motion adopted. All members voting yea.

....

Motion by Mr. Dever, seconded by Ms. Madigan, to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned 9:08 PM.

Approved: _____

CLERK

PRESIDENT