

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

Regular Meeting of the Lakewood City Council called to order at 7:33 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 E. Powers, Michael P. Summers.

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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, Assistant Director Safety – Division of Building and Housing Ashby.

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Reading and disposal of the Minutes of the Regular Meeting of Council held July6, 2009.

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

Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding Ordinance No. 58-09 – 1383 Sloane Avenue. (To Be Provided).

#1 Committee of the Whole Report Regarding 58-09 – 1383 Sloane Ave. – Michael Dever / Nate Kelly

The Committee of the Whole met just prior to our meeting to discuss this property on Sloane Avenue which the administration would like to put on the market and try to sell. I'm going to let the Planning and Development Director, Nathan Kelly, explain what the intent is with the parcel.

Nate Kelly: Thank you Mr. President. We'd like to ask City Council's approval to put this property up for sale. It's a vacant parcel on Sloane, 1383 Sloane. It has been maintained by the city for...since 1983. We'd like to put it up for sale and see what offers come in and make a decision based on what offers come in, whether or not we want to sell.

Dever: Outstanding. So, on that note I'm going to make a recommendation to suspend the rules this evening and recommend adoption of this ordinance this evening.

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. **ORDINANCE NO. 58-09** - AN ORDINANCE authorizing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property, Permanent Parcel Number 311-15-011, located approximately 1383 Sloane Avenue for a period not to exceed 120 days, pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE of the whole 7/6/09) (Pg. 5)

Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 58-09 on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Rules suspended.

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 58-09 on final reading.

Yeas: Antonio, Bullock, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 58-09 adopted.

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3. **ORDINANCE NO. 56-09** – AN ORDINANCE to enact a new Section 331.47, Excessive Idling, of the Codified Ordinances of the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/6/09).(Pg. 6)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 56-09 on 2nd Reading and refer it back to the Rules & Ordinances Committee.
Motion adopted. All members voting yea.

4. Liquor Permit Application for a New D1 permit class to 14224 Madison Avenue d/b/a/ El Tango Taqueria, (deferred 6/15/09, 7/6/09) (Pg. 9)

Motion by Mr. Bullock, seconded by Ms. Madigan, to file no objection.
Motion adopted All members voting yea.

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5. Liquor Permit Application for C1 and C2 transfers to Convenience Management Services d/b/a AMPM 3614 located at 14718 Madison Avenue from BP Products North America d/b/a Site 5036 same address. (deferred 7/6/09) (Pg.10)

Motion by Mr. Bullock, seconded by Mr. Butler, to file no objection.

Motion adopted. All members voting yea.

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

6. Communication from Councilmember Antonio regarding Youth Programs (Pg. 11)

Councilmember Antonio indicated Councilmember Madigan was the person referred to in the letter as the Councilmember requesting updates on Programs; Youth Opportunities Unlimited and The Madison Park Youth Outreach & Early Childhood Drop In.

The following document was submitted and Human Services Director Buckon read an abbreviated version:

Youth Opportunities Unlimited
Background

Prior to establishment of the Department of Human Services, the Lakewood Youth Services office conducted CETA (Community Education and Training Act) activities for youth. When CETA funding was no longer available, the Division of Youth obtained a JTPA (Job Training and Preparation Act) grant to work with youth in the schools preparing them for employment. The City was also a worksite for JTPA students in the summer. Program eligibility requirements were disability and/or economic disadvantage. The City of Lakewood continued to be a JTPA worksite however the program was administered through the schools where they distributed applications to youth and monitored them in the workplace.

Approximately five years ago, Youth Opportunities Unlimited (Y.O.U.) took over county-wide administration of the program. They worked directly with Cleveland Public Schools and other county school districts in Cuyahoga County to identify eligible youth to participate in the program and also locate work-sites for youth placement. With an approximate total of 700 job slots per summer for the entire county, the majority of eligible students and job opportunities were located in Cleveland. In 2009, federal economic stimulus program funds were made available and increased the total number of job placement opportunities particularly focused on economically disadvantaged youth.

2009 Y.O.U. Process

In March, the Division of Youth was contacted by Y.O.U. to become a summer job worksite. Because of issues of confidentiality, summer youth could not be placed in the Youth office but other Human Services and city sites were explored through the Department of Human Resources and the Law Department. The Assistant Director in turn referred the Y.O.U. representative to other potential worksites in the Lakewood

Community including: Lakewood Hospital, Lakewood Public Library (Kim Paras and Judith Grabowski), Lakewood YMCA (Joe Cerny), Lakewood Public Schools (Rick Berdine and Jeff Patterson), Reverend Paula Maeder Connor and Lakewood Christian Service Center (Trish Rooney). Direct contact was made with Erin Fach at the Recreation Department, and 4 summer slots were secured at the concession stands at the park pools.

In May, Y.O.U. issued a county-wide notification of the recruitment, registration and application process, including public service announcements on radio and television. The Division of Youth mailed information to all eligible youth involved in the Division's programs. In addition, a Lakewood City Schools counselor issued flyers to students through the school system.

The initial registration process required youth to apply in person in one central location in downtown Cleveland during one designated date in May. The applicant lines were very long and the process could not accommodate all the waiting applicants. This necessitated a change in the registration process. At the end of May, the registration application was placed on the internet.

The Division of Youth assigned one staff person to facilitate registration of youth in Lakewood. This individual worked directly with Y.O.U. representative Craig Dorn. She worked with middle and high school guidance counselors to conduct outreach and work with students to submit the necessary application and paperwork to Y.O.U. She also worked with Catholic Charities Immigration and Refugee Program to assist with the application of several refugee youth attempting to access the program.

The following is a breakdown of youth placed at City sites. It does not include school, hospital and or other non profit sites:

City of Lakewood Y.O.U. Student Employee Roster (as of 7/6/09)

Public Works

- Four students in the first session and 5 in the second.
- Session 1 and 2 have a 4 week overlap.
- First session students spent most of their first couple weeks passing out flyers to households. This week we will have a couple working with a Water Department employee painting hydrants.
- Someone may work at the Animal Shelter since they only received 1 student.

Police – Animal Control

- One student the first session reported by Chief Malley,
- Public Works may relocate a student to the Animal Shelter
- Animal Control Officers were called by YOU that two more were coming on Tuesday.

Law

- One student first session
- Second session student failed to show and YOU was contacted.

Human Services

- Two students during the first session, one in Aging and one Early Childhood
- One student during second session at Aging.

Planning and Development-Division of Community Development

- One student first session
- One student second session

The Madison Park Youth Outreach & Early Childhood Drop In

Background

Based on issues raised by “the Friends of Madison Park”, the concerns of Councilwoman Madigan, and the potential of the Park being a work site for Y.O.U. summer employment, several outreach efforts have been made in the park by Department of Human Services personnel. The primary goal of the outreach efforts was to talk with youth and adults to see what their views were on how things could be better in the park, and how hopefully they could be part of making things better.

NOTE: The Lesbian, Gay, Bisexual, and Transgender Center outreach staff conduct periodic visits to parks in and around the Greater Cleveland area in an attempt to connect with at-risk youth around running away from home and/or drug use. They routinely visit Madison Park.

Summary of Outreach Visits

Mary Hall, Assistant Director, Division of Youth conducted outreach visits on five evenings during the month of June at Madison Park at a variety of times between the hours of 5:00 and 9:00 P.M. In general, the youth, many who were middle school-aged, indicated that they come to the park almost every night to ‘hang out’ with their friends. They are aware that they were not to use the playground equipment but they also felt this was not fair and that there is nothing in the park for them except for “picnic tables in the pavilion’. When asked for suggestions about what they would like to see at the Park they indicated volley ball and basketball courts and a skateboard park.

The youth were cooperative when asked to move their bikes off the playground, stay off of the equipment and avoid using profanity around the families with small children. Although some large groups of youth could be loud, occasionally using offensive language and behavior, the families with small children, when approached, did not see the youth in general as a problem but they also were not apt to approach them about these issues. Many of the youth were amenable to being part of any solutions developed for the Park.

The primary purpose of this effort was to observe conditions at Madison Park and talk with youth and families. Many of the behaviors exhibited are more of a nuisance rather than criminal in nature. This may most effectively be addressed by having an individual in the Park who, over time, can build relationships with the youth and families. No further evening outreach is planned however, the Division of Early Childhood will continue to hold Thursday morning drop in sessions for families with young children.

Outreach Efforts

June 11th, 6:30-7:15 P.M.

- Overcast night, threatening rain, not a lot of youth at the park. Three families on the playground.
- Several of the youth I spoke with were 11-14 yrs of age and said they come to the park almost every night to hang out with their friends.
- They claimed to be very much aware that they were not to be using the playground equipment, though they felt this was not fair.
- One of the parents of 2 young children that I spoke with did not feel the “teens” were causing any problems/concerns, though this was their first night coming to the park.

June 16th, 5:45-7:00 P.M.

- Large groups of middle school youth, some on bikes, some on foot, hanging around the pool fence talking with youth in the pool area. None were seen on the playground equipment.
- The youth were loud, and though they were only “fooling around” some of the bantering back and forth could easily be misinterpreted as arguments.
- At approximately 6:15 P.M. numerous families with young children were at the playground. When I introduced myself and asked them about their “park experience” their only complaint was with the litter and the pool of mud on the other side of the pavilion. With all the rain mud was getting tracked everywhere. They felt the teens needed to have a place to go, though they did not feel comfortable confronting the youth about language and/or behavior.

June 18th, 5:30-6:00 P.M.

- Stopped at the park prior to a parent support work related meeting. Again, numerous youth were around the pool fence and others on the playground, but not actually on any of the equipment. When I asked them to move their bikes out of /off of the playground area they were very cooperative.

8:00-9:15 P.M.

- Toni Gelsomino, Division of Early Childhood Program Manager and I returned to the park. We spoke with off duty Patrol Officer Foy who was working for the Library. He felt that there was not a serious problem at the park. The behavior of the youth could be at times annoying but neither dangerous nor illegal. He felt that if you just talk with the youth, you can redirect their behavior.
- Because of the hour there were **not** a lot of families on the playground, but there were a lot of children, many under the not so watchful eye of their teen siblings.(11-14yrs)
- Toni and I talked with approximately 8 to 10 youth regarding their ideas about the park and about how they feel they are perceived. Somewhat sarcastically they affirmed that they know they are not supposed to be on

the equipment, but feel that there is nothing in the park for them, except the picnic tables in the pavilion. Some of their suggestions were discussed, such as making the “mud pit” a volley ball court, putting up basketball courts, and building a skateboard park like the one at Lakewood Park. One girl reluctantly agreed to meeting with the “friends committee” to provide a youth voice. Many of the youth were connected by cell phone to home and seemed to be letting parents know where they were.

- When asked how they would respond if an adult asked them not to use profanity in front of small children, they all said they would comply and most of the time don't realize that what they are saying could be offensive.
- The public display of affection with these very young teens, while not inappropriate can be and often is disturbing to adults and parents.
- There was a lot of litter in and around the playground, and it was very reluctantly that a few of the youth responded to my request to help clean up the area. Their response was that “they didn't do it, so why should they clean it up”.
- There was a group of about 10 older adolescent girls on the bleachers by the soccer field watching an impromptu soccer match.
- There was an adult baseball game at Usher Field and a group of 5-6 adolescent males were in the south pavilion. They seemed to be just hanging out and singing rap songs. While there was no music involved, the lyrics of the songs could have offended some that might have overheard the youth. The lyrics were almost as offensive as the language from the male baseball players!
- At approximately 9:00 P.M. everyone was heading home with no incidents or problems.

June 23rd; 5:30-6:45 P.M.

- Three teens were on the playground equipment. When asked to get off, one pointed out “why didn't I tell the adult male on the swings to get off as well”. When I approached the dad who was sitting on the swings, his response was confrontational and intimidating. Further discussion with him seemed futile, and he eventually collected his youth and went home. Another parent that was there commented that if we continue to treat youth as “punks” they will continue to act that way.
- Another family that was in the pavilion said they loved the park and came here often. I asked the youth where they went to school and all 5 of them responded they were in Cleveland schools as they lived in Cleveland.

June 29th; 6:10-6:45 P.M.

- Bad weather made for a very short visit.
- Many of the same youth were in the pavilion and around the fence of the pool. They did not seem to be as willing to engage in conversation tonight.

- There was an incident on the slide with two 8-9 year old girls that ended up with one of the girls in tears.
- There was lots of litter in the park on this visit.

Madison Park Summer Family Room Drop in 9:30am-11:00am

June 15th:

- Cool and cloudy, rained a lot the Wednesday before, very muddy in the pavilion.
- Connected with about 9 families (on this morning all kids were with parents). Talked about outreach, park activities, and indoor options for Lakewood families raising young children. All but one family were Lakewood residents and the non-resident family had parents who still lived in Lakewood.

June 25th

- Warmer day, pavilion covered with dried mud.
- Connected with 10 families (2 fathers):
 - one dad just moving to Grace Ave from Huron in August
 - a mom who moved here from Cambodia 4 years ago
 - one mom from Cleveland with a Lakewood friend
 - rest of the families were from Lakewood
- This group went particularly well. People introduced themselves, started talking about Lakewood and shared family and community stories. They also talked about liking the park, but not understanding why it had not been finished (all the mud in proximity to play area and the pavilion). Also the garbage pick up needs some work, I picked up for the first 10 minutes I was there.

June 30th

- Raining; group met at the Family Room

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

Motion adopted. All members voting yea.

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7. Communication from Mayor FitzGerald regarding 2009 Grand Marshal of the 4th of July Parade Paula Reed. (Pg. 12)

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

Motion adopted. All members voting yea.

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8. **RESOLUTION NO. 8361-09** – A RESOLUTION to thank Mrs. Paula Reed, community Activist and Volunteer, for participating as the 2009 Grand Marshal in the City of Lakewood 4th of July Parade. (Pg. 13)

Motion by Mr. Dever, seconded by ms. Antonio, to adopt Resolution No. 8361-09.

Motion adopted. All members voting yea.

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9. Communication from Mayor FitzGerald regarding Abatement of Tall Weeds and Grass. (Pg. 14)

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

Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 59-09** - 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 1775, WEEDS of the Lakewood Codified Ordinance to allow the City of Lakewood to abate tall grass and nuisance vegetation conditions more quickly and efficiently. (Pg. 15)

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute Ordinance No. 59-09.

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

Nays: None

Motion adopted. Ordinance substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to amend the substituted Ordinance by

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

Nays: None

Motion adopted. Ordinance amended.

Motion by Mr. Butler, seconded by Ms. Antonio, to suspend the rules requiring this ordinance be read on three separate days and placing Ordinance No. 59-09 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to a adopt Ordinance No. 59-09 as substituted and amended.

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

Nays: None

Motion adopted. Ordinance adopted as substituted and amended.

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11. Communication from Law Director Hurley regarding Granting Limited Easement. (Pg. 19)

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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12. **ORDINANCE NO. 60-09** - AN ORDINANCE authorizing the Director of Law on behalf of the City of Lakewood to enter into agreements necessary to grant an Easement to Lisa J. Roth, owner of the property located at 2093 Clarence Avenue, Lakewood, Ohio to maintain an fence encroaching on City property located at 13201 Madison Avenue, Lakewood, Ohio (Madison Park). (Pg.. 20)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 60-9 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

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13. Communication from Law Director Hurley regarding Changing Date of Next Regularly Scheduled City Council Meeting. (Pg. 24)

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

Motion adopted. All members voting yea.

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14. **RESOLUTION NO. 8362-09** - 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, changing the date of the next regularly scheduled Lakewood City Council meeting to Wednesday, September 9, 2009 at 7:30 p.m. due to a scheduling conflict with the primary election to be held Tuesday, September 8, 2009. (Pg. 25)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8362-09.

Motion adopted. All members voting yea.

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15. Communication from Police Chief Malley regarding Mutual Aid Agreement for Rivers and Lake Patrols/Northern Border Initiative. (Pg. 27)

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

Motion adopted. All members voting yea.

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16. **ORDINANCE NO. 61-09** - 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 authorize the Mayor to enter into an agreement between the Cities Lakewood, Cleveland, Euclid and Cuyahoga County for the interchange of public safety marine patrol services in support of the Northern Border Initiative. (Pg. 28)

Motion by Mr. Dever, seconded by Ms. Madigan, to place Ordinance No. 61-09 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

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17. Communication from Police Chief Malley regarding Resolution for D.A.R.E. Program Funding. (Pg. 30)

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

Motion adopted. All members voting yea.

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18. **RESOLUTION NO. 8363-09** - A RESOLUTION supporting the grant application by the Division of Police to the Ohio Attorney General's Office for funding for the City's Drug Abuse Resistance Education program, and commending the Division of Police for its continued efforts to educate young people of the City of Lakewood as to the hazards of alcohol and drugs. (Pg. 31)

Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Resolution No. 8363-09.

Motion adopted. All members voting yea.

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19. Communication from Fire Chief Mroz regarding Resolution to Accept and Expend Funds from CERT Grant. (Pg. 33)

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

Motion adopted. All members voting yea.

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20. **RESOLUTION NO. 8364-09** - A RESOLUTION authorizing the Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Board of Cuyahoga County Commissioners to accept and expend funds from

the FY 2007 Homeland Security Grant Program for a Community Emergency Response Team Project. (Pg. 34)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution NO. 8364-09.
Motion adopted. All members voting yea.

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21. **ADD-ON** Communication from Mayor FitzGerald regarding Appointments to the Citizen Advisory Committee, Civic Service Commission, Nuisance Abatement Appeals Board, and Beck Center.

Motion by Mr. Dever, seconded by Mr. Butler, to receive and file the communication.
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 9:29 PM.

Approved: _____

CLERK

PRESIDENT