

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 19, 2010
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by Presiding Office Madigan.

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Present: Councilmembers Nickie J. Antonio, Thomas Bullock, Kevin Butler, Mary Louise Madigan, Brian Powers, Monique Smith, Michael P. Summers.

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Also Present: Mayor FitzGerald, Finance Director Pae, Law Director Hurley, Police Chief Malley, Fire Chief Mroz, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Kelly, Building Department's Ashby.

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of the Regular Meeting of Council held January 4, 2010, 2009.

Motion adopted. All members voting yea.

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

1. Committee of the Whole Report regarding Council Appointments to Boards and Commissions. (To Be Provided)

#1 Committee of the Whole Report Regarding Appointments – Kevin Butler

The Committee of the Whole met this evening to discuss the appointments that Council gets to make into various boards and commissions around the City. We have several that are currently open or up for renewal. Those would be to the Board of Zoning Appeals, the Lakewood Hospital Association Board. Appointments from within Council, Lakewood Hospital Association Board, the Animal Safety and Welfare Advisory Board and the Fair Employment Wage Board. There are resolutions that follow this communication, which would permit us to make those appointments were we ready to do so. Tonight Council voted to approve the appointment of Joe Gibbons who is a former Ward I councilman and current member of the Civil Service Commission, City of Lakewood to the vacant community trustee position in the Lakewood Hospital Association Board. And voted to appoint from within council, Councilman Powers and Councilman Summers for the two open Governing Board spots on that same board of Lakewood Hospital. We've also voted to defer our appointments to the Board of Zoning Appeals, Animal Safety and Welfare Advisory Board and the Fair Employment Wage Board. Motion to receive and file.

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the oral report.

Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8389-10** - 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 to appoint _____ as a member of the Lakewood Board of Zoning Appeals for the full five-year term ending December 31, 2014. (Pg. 5)

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

Motion adopted. All members voting yea.

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3. **RESOLUTION NO. 8390-10**- 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 to appoint _____ as a Community Trustee of the Lakewood Hospital Association Board for a full five-year term, ending December 31, 2014. (Pg.6)

Motion by Mr. Butler, seconded by Ms. Madigan, to insert the name Joseph Gibbons and adopt .

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers

Nays: none

Motion adopted Resolution amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt as amended.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers

Nays: none

Motion adopted Resolution No. 8390-10 adopted as amended.

4. **RESOLUTION NO. 8391-10** – 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 to appoint _____ as a member of the Governing Board of Lakewood Hospital for the full two-year term ending December 31, 2011. (Pg. 7)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Resolution No. 8391-10 – by inserting the name Brian Powers.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers

Nays: none

Motion adopted Resolution amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt as amended.

Yeas: Antonio, Bullock, Butler, Madigan, Smith, Summers

Nays: none

Abstention Powers

Motion adopted Resolution No. 8391-10 adopted as amended.

5. **RESOLUTION NO. 8392-10** – A RESOLUTOIN 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

appoint _____ as a member of the Governing Board of Lakewood Hospital for the full two-year term ending December 31, 2011. (Pg. 8)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Resolution No. 8392-10 – by inserting the name Michael Summers.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers

Nays: none

Motion adopted Resolution amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt as amended.

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

Nays: none

Abstention: Summers

Motion adopted Resolution No. 8391-10 adopted as amended.

6. **RESOLUTION NO. 8393-10** – 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, to appoint _____ and _____ as members of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2010. (Pg. 9)

Motion by Mr. Butler, seconded, to defer action on this Resolution.

Motion adopted. All members voting yea.

7. **RESOLUTION NO. 8394-10** – 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 approving Council's nomination and appointment of _____ as a member of the Fair Employment Wage Board for a three-year term, commencing February 1, 2010 and ending January 31, 2012. (Pg. 10)

Motion by Mr. Butler, seconded by Ms. Madigan, to defer action on this resolution.

Motion adopted. All members voting yea.

8. Public Safety Committee Report regarding Ordinance No. 95-09. (To Be Provided)

#8 Public Safety Report – Brian Powers

The entire Public Safety Committee met earlier this evening. In attendance were myself and Monique Smith the other member. Also in attendance were Chief Malley, Andrea Rocco and Jenn Mladek from the administration. We considered two issues spanning three items. The first was a communication from the Mayor regarding review of the current parking ticket collection system to potentially remove this as a criminal offense and make it a civil offense. We discussed the item, took it under advisement. There's no action needed because there's no ordinance currently pending but we look forward to the introduction of that ordinance in the near future. The second item was regarding the registration of bicycles and to basically remove from our ordinance the requirement of a fee. Chief Malley eloquently presented the case for that change. There is a very small, \$300 to \$500 impact on our budget each year that we would lose from the fees but we believe that the number of bikes that would actually get registered, as required by our

law, would increase dramatically. The police would be prepared to educate and communicate this out to the community primarily through the schools but any other avenue they could think of to get as many bikes as possible registered which helps us with stolen information, to get that information registered so you know when bikes are stolen we can report them and track them better. I believe this would be a good step forward. The committee unanimously recommended that this be passed by the entire council.

Motion by Mr. Powers, seconded, to receive and file the report.

Motion adopted. All members voting yea.

9. **ORDINANCE NO. 95-09** AN ORDINANCE to amend Section 373.17 License Application, 373.18 Issuance of License, and 373.19 Disposition of Fees, of the Codified Ordinances of the City of Lakewood to remove payment of a fee for the issuance of a bicycle license within the City of Lakewood in order to make bicycle licenses more accessible to residents. (PLACED ON 1ST READING & REFERRED TO PUBLIC SAFETY COMMITTEE 12/21/09, 2ND READING 1/4/10) (Pg. 11)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Ordinance No. 95-09 – by replacing the word “”sold” in 373.17 (B) with the word, “issued”.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers

Nays: None

Motion adopted. Ordinance No. 95-09 amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 95-09 as amended.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers

Nays: None

Motion adopted. Ordinance No. 95-09 adopted as amended.

10. Communication from Councilmembers Bullock & Butler regarding Resolution to congratulate Rozi’s Wine House on its 70th Anniversary. (Deferred 12-21-09) (Pg. 15)

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

Motion adopted. All members voting yea.

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11. **RESOLUTION NO. 8383-09** – A RESOLUTION congratulating Rozi’s Wine House on its 70th anniversary. (Deferred 12-21-09) (Pg. 16)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8383-09.

Motion adopted. All members voting yea.

12. **ORDINANCE NO. 2-10** - AN ORDINANCE authorizing the Director of Law on behalf of the City of Lakewood to enter into agreements necessary to grant an Easement to Spring Garden Properties, LLC, owner of the property located at 17526 Madison Avenue, Lakewood, Ohio to maintain an ADA accessible ramp on within the public right-of-way owned by the City of Lakewood and located directly adjacent to 17526 Madison Avenue,

Lakewood, Ohio. (PLACED ON 1ST & REFERRED TO THE PUBLIC WORKS COMMITTEE 1/4/10) (Pg. 17)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 2-10 on 2nd Reading and refer it back to the Public Works Committee.

Motion adopted. All members voting yea.

13. Liquor Permit Application for a D1 transfer to Lakewood Phoenix Inc., d/b/a The Root Café; 15118 Detroit Avenue, from Lakewood Phoenix Inc. 15108 Detroit. . (deferred 1/4/10)(Pg. 22)

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

Motion adopted. All members voting yea.

14. Liquor Permit Application for C1 and C2 transfers to LEHIGH GAS OHIO d/b/a BP AM PM; 14718 Madison Ave from BP Products North America same address. (deferred 1/4/10)(Pg.23)

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

Motion adopted. All members voting yea.

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

15. Communication from Council President Butler regarding Commendation for Michael W. Dever. (To Be Provided)

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

Motion adopted. All members voting yea.

16. **RESOLUTION NO. 8395-10** – A RESOLUTION to commend Michael W. Dever for this outstanding public service as a member of Lakewood City Council. (Pg. 24)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8395-10.

Motion adopted. All members voting yea.

17. Communication from Council President Butler regarding Committee Assignments. (Pg.25)

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

Motion adopted. All members voting yea.

18. Communication from Councilmember Bullock regarding Resolution to congratulate Ms. Mara Manke on Retirement from Service as Co-Captain of the Lakeland Avenue Block Club (Pg.26)

Motion by Mr. Bullock, seconded by Mr. Butler, to receive and file the communication.
Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8396-10** – A RESOLUTION to commend Mara E. Manke for her outstanding work in the area of community building, crime prevention and safety advocacy upon her retirement from service as co-captain of the Lakeland Block Club. (Pg.28)

Motion by Mr. Bullock, seconded by Mr. Butler, to adopt Resolution No. 8396-10.
Motion adopted. All members voting yea.

20. Communication from Councilmember Bullock regarding Revised Proposed Ordinance to Provide For a Pilot Program for Leashed Dog-walking in Lakewood Park and Kauffman Park. (Pg.29)

Motion by Mr. Bullock, seconded by Mr. Butler, to receive, file and refer the communication to the Public Works Committee.
Motion adopted. All members voting yea.

21. **ORDINANCE NO. 3-10** - AN ORDINANCE to take effect immediately provided 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 provide for leashed dog-walking in Lakewood parks. (Pg. 30)

Motion by Mr. Butler, seconded by Mr. Bullock, to place Ordinance No. 3-10 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

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22. Communication from Mayor FitzGerald regarding Appointment to Audit Committee. (Pg.33)

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

23. Communication from Human Services Director Buckon regarding Resolution authorizing an Agreement with the Westside Community House to provide wrap services under the Family to Family System of Care Program. (Pg.34)

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

24. **RESOLUTION NO. 8397-10** – 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, on behalf of the City, to enter into a Partnership Agreement with the Westside Community House to provide Wrap services under the Family to Family System of Care Program for those individuals residing outside of the City of Lakewood an amount estimated at \$51,000 for the 2010 calendar year. (Pg.35)

Motion by Ms. Madigan, seconded by to adopt Resolution No. 8397-10.
Motion adopted. All members voting yea.

25. Liquor Permit for a new D1 classification – to Tonia Kwiatkowski, d/b/a ICELAND USA LAKEWOOD, 14740 Lakewood Heights Blvd. (Pg.37)

Motion by Mr. Butler, seconded by Ms. Antonio, to defer action on this item.
Motion adopted. All members voting yea.

26. Liquor Permit for D5 and D6 stocks to 714 GRH LTD Partyroom & Patio – 11822 Detroit Avenue. (Pg.38)

Motion by Mr. Butler, seconded by Ms. Madigan, to defer action on this item.
Motion adopted. All members voting yea.

Motion by Ms. Madigan, seconded by Ms. Antonio, to adjourn.
Motion adopted. All members voting yea.
Meeting adjourned 9:18 PM.

Approved: _____

CLERK

PRESIDENT