

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

Regular Meeting of the Lakewood City Council called to order at 7:37 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 Law Director Hurley, Finance Director Pae, Assistant Chief of Police, Fire Chief Mroz, Public Works Director Beno, Planning & Development Director Kelly, Assistant Director of Public Safety for Building and Housing Ashby.

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of the Regular Meetings of Council held, 2010.

Motion adopted. All members voting yea.

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**\*\*\*\*OLD BUSINESS\*\*\*\***

1. Committee of the Whole Report regarding (1) Brief update on 2010 Energy Efficiency Block Grant Projects (2) Initial Discussion of April 6, 2010 Letter from Lakewood Hospital Association regarding Lakewood Hospital Lease. (TO BE PROVIDED)

#1 COW Report (1) Brief update on 2010 Energy Efficiency Block Grant Projects (2) Initial Discussion of April 6, 2010 Letter from Lakewood Hospital Association regarding Lakewood Hospital Lease.

Tonight the Committee of the Whole met, that's the committee that contains all seven members of Council. We heard from our Public Works Director regarding the City's participation in nearly \$450,000 in federal grants handed down to CBG eligible communities. These grants were targeted for energy efficiency upgrades throughout the city and we learned that there were 12 different that the city will use that amount of money for between now and approximately now and June, 2011. We also had our initial discussion of a letter that we received from executives within the Cleveland Clinic Foundation regarding amending services provided at Lakewood Hospital pursuant to the City's lease agreement with the Cleveland Clinic Foundation approximately in 1997. We're going to continue those discussions in the future.

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

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2. **ORDINANCE NO. 29-10** - AN ORDINANCE authorizing the Mayor, on behalf of the City of Lakewood, to sell and transfer title to a City owned access drive between the Joseph A. Misencik Funeral Home at 12500 Madison Avenue and 1645 Lakewood Avenue. The sale and transfer of title would be made to William and Lucy Greaney, the owners of the Joseph A. Misencik Funeral Home, for the purchase price of Eight Thousand Dollars (\$8,000). (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE ECONOMIC DEVELOPMENT COMMITTEE 3/15/10, 2<sup>ND</sup> READING; REPORTED OUT ON AND RECOMMENDED FOR ADOPTION 4/5/10) (Pg.5)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 29-10.  
Motion adopted. All members voting yea.

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3. Public Safety Committee Report regarding Ordinance No. 23-10. (TO BE PROVIDED)

### **#3 Public Safety Committee Report regarding Ordinance 23-10.**

Tonight the entire safety committee met. We were joined by Director Ashby, Chief Malley, Director Pae, Jen Mladek from the Law Department, Councilman Bullock, Council President Butler some from the business community and several others. The first item of business was the parking violations ordinance. We believe that law is set for passage except for the fact that we don't know yet the timing. We believe that passing it now and given the 40-day effective date wouldn't put us in the position to be ready and be most effective with the limitation of that law. So, we moved to defer that item from our agenda and to also recommend that Council defer item #4 on the whole Council's agenda this evening in anticipation that over the next week or so we will hear from some vendors and have a timing program in place and by next council meeting we will be in a position to recommend passage if that's what the committee decides to do. We're basically deferring and recommend deferring. On the second item before us, the resolution from Director Ashby and Councilmember Bullock concerning graffiti, we had discussion as you well know, Committee of the Whole also referred to the Public Safety committee the graffiti issue so we have graffiti on our agenda a couple of times, only once this evening. The resolution called for \$5,000 for receiving information to help the police. We discussed in committee that that perhaps wasn't the best way for us to go about allocating dollars, by resolution. So, we moved to table that item and we'll pick up the graffiti item again in our Public Safety Committee. That item is on already on our agenda for next week with respect to strategies for graffiti. Thus concludes our report.

Antonio: I just want to add that there's a third committee that touched on the issue of graffiti in that Health & Human Services is looking at the notification. So, there is yet another element in discussing graffiti and other things in yet another committee and

Jeff Ashby has been working with us on coming up with the best way to do that. Also the coordination piece is really important. Thank you.

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

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4. **ORDINANCE NO. 23-10** - AN ORDINANCE to enact a new Chapter 309, Parking Violations Bureau, within the Codified Ordinances of the City of Lakewood for the purpose of decriminalizing parking citations pursuant to the authority granted to municipalities in Ohio Revised Code Chapter 4521. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 3/1/10, 2<sup>ND</sup> READING 3/15/10) (Pg. 9)

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

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5. **ORDINANCE NO. 30-10** – 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 require candidates for municipal office in the City of Lakewood to electronically file reports on their campaign donations and expenditures with the Director of Law, and to require the Director of Law to make publicly available a searchable database of this information. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 4/5/10) (Pg.16)

Motion by MR. Butler, seconded by Ms. Antonio, to place Ordinance No. 30-10 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 31-10** - 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 strengthen ethical protections in the City of Lakewood against soliciting or receiving improper compensation. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE COMMITTEE OF THE WHOLE 4/5/10) (Pg. 18)

Motion by Mr. Butler, seconded by Mr. Bullock, to place Ordinance No. 31-10 on 2<sup>nd</sup> Reading.  
Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 32-10** - AN ORDINANCE to amend section 1777.02 within the Sanitary Code of the Codified Ordinances of the City of Lakewood for the purpose of creating civil penalties for noncompliance with rules and regulation promulgated pursuant to that section. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 4/5/10) (Pg.21)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 32-10 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 33-10** – AN ORDINANCE to amend Section 145.04, Membership, within Chapter 145, Keep Lakewood Beautiful, of the Codified Ordinances of the City of Lakewood to increase membership, increase the term of membership and to remove any restrictions on the number of terms that a member may serve. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/5/10) (Pg. 23)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 33-10 on 2<sup>nd</sup> Reading.

Motion adopted. All members voting yea.

\*\*\*\*\***NEW BUSINESS**\*\*\*\*\*

9. Communication from Law Director Hurley regarding Lakewood Codified Ordinance – Traffic Code Updates. (Pg. 26)

Motion by Mr. Butler, 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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10. **ORDINANCE NO. 34-10** - AN ORDINANCE to amend Title One, Administration of the Traffic Code, within the Codified Ordinances of the City of Lakewood for the purpose of updating and expanding the Code and to be consistent with the Ohio Revised Code. (Pg.27)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 34-10 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 35-10** – AN ORDINANCE to amend Title Three, Streets and Traffic Control Devices, within the Traffic Code, of the Codified Ordinances of the City of Lakewood for the purpose of updating and expanding the Code and to be consistent with the Ohio Revised Code. (Pg.37)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 35-10 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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{Please Note; because the following Ordinance - Ordinance 36-10 contains 180 pages it was reduced for publication purposes. A larger print version of the document will be available for viewing at the Council

**Meeting April 19, 2010 or it can be emailed upon request. The larger print version is also available for viewing in the Council Office during regular business hours}**

12. **ORDINANCE NO. 36-10** – AN ORDINANCE to amend Title Five, Vehicles, within the Traffic Code, of the Codified Ordinances of the City of Lakewood for the purpose of updating and expanding the Code and to be consistent with the Ohio Revised Code. (Pg.44)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 36-10 on 1<sup>st</sup> Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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13. Communication from Fire Chief Mroz regarding Resolution to accept and expend funds from the FY 2007 Urban Area Security Initiative. (Pg.67)

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

Motion adopted All members voting yea.

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14. **RESOLUTION NO. 8416-10** – 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 authorizing the Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Cuyahoga County Commissioners to accept and expend funds in the amount of \$6,000.00 for reimbursement of overtime within the Division of Fire for participation in an Urban Area Security Initiative. (Pg. 68)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8416-10.

Motion adopted All members voting yea.

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*{ Items 15 & 16 are add-ons having been received after docket deadline }*

15. Communication from Police Chief Malley regarding Accepting donation from Steel Valley Credit Union. (Pg.70)

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

Motion adopted. All members voting yea.

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16. **RESOLUTION NO. 8417-10** – A RESOLUTION authorizing the Mayor to accept on behalf of the City of Lakewood, \$455.00 fro Steel Valley Credit Union for the purchase of a Bike Rodeo Kit that will facilitate the operation of the Bike Rodeo and the instruction of youth in bicycle safety. (Pg.71)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8417-10.

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:13 PM.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT