

MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 3, 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, Assistant Chief of Police, Fire Chief Mroz, Public Works Director Beno, Human Services Director Buckon, Planning & Development Director Kelly, Assistant Director of Public Safety for Building and Housing Ashby, Assistant Law Director Awadallah.

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of the Regular Meetings of Council held April 19, 2010, 2010.

Motion adopted. All members voting yea.

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

1. Public Works Committee Report regarding Ordinance 32-10. (To Be Provided)

#1 Public Works Committee Report Regarding Ordinance 32-10 – Mr. Bullock - Chair

The Public Works Committee met briefly tonight. All members of the committee, in fact all members of Council were in attendance. We had a good discussion with the Public Works Director and the Division Manager, Carol Rothgery about a proposed ordinance which would empower the Public Works personnel with a new ability to assess a fee in order to enforce our new refuse system rules and regulations so that it's done efficiently and so that the neighborhoods are kept clean. We've had a number of problems and the crews have been sending people warning letters and reminder letters but the Public Works Director is requesting, and I'm in agreement, that it would be helpful for practical enforcement ability to have a new ability to assess a fee. We discussed what level the fees should be and at what rate that fee should be assessed and what hourly rate it should be based upon. We did not come to a conclusion tonight. We agreed that we would meet again in two weeks after a little more research was done and facts were gathered. In addition, other members of council may look at a drafting change so, we didn't conclude tonight but stay tuned. Come back in two weeks and I think we have a final result.

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

2. **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 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 4/5/10, 2ND READING 4/19/10) (Pg. 5)

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

3. Public Safety Committee Report regarding Discussion Topics Previously Assigned to Committee including; Prevention of graffiti and other petty crime; mitigation of speeding offenses citywide; oversight of effectiveness and administration of chronic-nuisance ordinance; and discussion of enforcement of sidewalk snow-removal ordinance. Division Review - Police and Fire (To Be Provided)

#3 Public Safety Committee Report regarding Discussion Topics Previously Assigned to Committee Including; Prevention of graffiti and other petty crime; mitigation of speeding offences citywide; oversight of effectiveness and administration of chronic-nuisance ordinance; and discussion of enforcement of sidewalk snow-removal ordinance. Division Review – Police and Fire – Brian Powers – Chair.

I'll apologize for a slightly longer oral report than normal. The Public Safety Committee met unanimously on April 26th to do the annual review of the Public Safety departments and four items that were referred to us in our strategic planning session on a Saturday morning by the Committee of the Whole of this Council. Truly, it was one of the, in my two-and-a-half short years here on council, one of the more enlightening meetings I've had the pleasure of sitting through because of excellent preparation by the administration. There were many highlights but I'll mention a few here with respect to the Fire Department. We are down a total of six in terms of head count although we have added a couple of new firefighters recently. As we know the number of staff went from 24 to 20 and through that process and through other means of management, the community should know that overtime in the Fire Department is down 80%. Just very well done with no effect on the safety of our community. That's some of the highlights on Fire. On Police, every major crime statistic area in which we looked, for the most part, the statistics have been reversing in a trend upward that was occurring in '06-'07. Things have begun to go in the right direction in the last couple of years in each of those major categories in which we looked and I urge all the members of council to look at the reports that were prepared because they were very well prepared. We as a community have been absolutely blessed with two excellent chiefs, Chief Mroz and Chief Malley and we should continue to give them thanks for the thankless job that they often do. Because of the way their positions are in the City, they don't have to necessarily participate in all of the wonderful things that were proposed that they do 2 ½ years ago, but they've done them and have gone above and beyond what was proposed and really run amazingly efficient and excellent departments. That was the highlights of that meeting.

There were four issues referred to our committee. I'll go through them quickly. The graffiti issue we talked about in some depth. We may look at increasing penalties for graffiti although our policing at the moment seems to be working very, very well. There's no reason to make huge wholesale changes in the way we approach graffiti but we're going to continue to monitor the situation and look at potentially raising the fines, penalties. Second, the chronic nuisance law, we looked at and determined that through Andrea Rocco and others in the administration that we are having a very high success rate from a public policing standpoint. That does seem to be working well. The administration provided statistics on that to back that up. The third item that was referred to us was speeding. Enforcement is up. More citations are being issued. There are things we can do as councilmembers working with primarily the community police officers in each of the four wards. If we know of particular problem areas we should bring them to the attention of the police department but particularly those officers and they'll work with us to make sure if we know of particular speed issues. We can also request the speed trailer if we have certain areas we are concerned about. This is a good time of year to get that out there now that the winter has broken. That's always at our disposal as well...when it's working. The issue of snow removal, after years of really not doing much, the City did, in the first quarter of this year alone, 400 letters were sent out to businesses and to residents to remind them that we do have an ordinance on the books requiring people to remove snow from their sidewalks. We got some good success stories with those letters, from businesses that didn't apparently know it was an issue and jumped right on it. Now, the number of letters dropped off precipitously in April so I think we need to look at that. But all in all it was very well done.

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

Motion adopted. All members voting yea.

Please note Ordinance 34-10 was published in its entirety on the 4/19/10 Council docket and is published by first page only here. A complete copy of the ordinance is available for review during regular business hours in the clerk of council office

4. **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. (Placed on 1st Reading & Referred to the Rules & Ordinances Committee 4/19/10) (Pg. 7)

Motion by Mr. Butler, seconded by Ms. Madigan to place Ordinance NO. 34-10 on 2nd Reading and refer it back to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

Please note Ordinance 35-10 was published in its entirety on the 4/19/10 Council docket and is published by first page only here. A complete copy of the ordinance is available for review during regular business hours in the clerk of council office

5. **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. *(please note this ordinance was published in its entirety on the 4/19/10 Council docket and is published by first page only here. A complete copy of the ordinance is available for review during regular business hours in the clerk of council office)* (Placed on 1st Reading & Referred to the Rules & Ordinances Committee 4/19/10) (Pg. 8)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 35-10 on 2nd Reading and refer it back to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

6. **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. *(please note this ordinance was published in its entirety on the 4/19/10 Council docket and is published by first page only here. A complete copy of the ordinance is available for review during regular business hours in the clerk of council office)* (Placed on 1st Reading & Referred to the Rules & Ordinances Committee 4/19/10) (Pg.27) (Pg. 9)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 36-10 on 2nd Reading and refer it back to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

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

7. Communication from Mayor FitzGerald regarding Citizens Advisory Committee Appointments (Pg.10)

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

Motion adopted. All members voting yea.

8. Communication from Law Director Hurley regarding Update of Traffic Code. (Pg.11)

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.

Please Note: *because the following two Ordinances (37-10 & 38-10) are reduced for publication purpose the standard printed versions of these ordinances will be available for viewing at the Council Meeting or they can be emailed upon request. The larger print versions are also available for viewing in the Council Office during regular business hours*

9. **ORDINANCE NO. 37-10** – AN ORDINANCE to amend Title Seven, Parking 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. 12)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 37-10 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

10. **ORDINANCE NO. 38-10** – AN ORDINANCE to amend Title Nine, Pedestrians, Bicycles and Motorcycles, 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. 17)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 38-10 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

11. Communication from Law Director Hurley regarding Withdrawal of Objection for Richland Café Liquor Permit Transfer. (Pg.22)

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

Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8418-10** – 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 go into force after the earliest period allowed by law, withdrawing the objection to the transfer of ownership of D2, D2X, D3A and D6 liquor permits from Jay RRS Inc. to 14027 Madison Avenue LLC dba Richland Café located at 14027 Madison Avenue, City of Lakewood, Ohio 44107. (Pg. 23)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8418-10.

Motion adopted. All members voting yea.

13. Communication from Planning and Development Director Kelly regarding Sale of Multiple Properties. (Pg. 25)

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

Motion adopted. All members voting yea.

14. **ORDINANCE NO. 39-10** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1667 Waterbury (PP#315-06-148), 2070 Dowd (PP#315-23-199), 2107 Robin (PP#315-22-074), 13736 Madison Avenue (PP#315-03-031), 1482-84 W. 117th (PP#315-14-002), 1301 Cranford (PP#311-32-172), 1297 Cranford (PP#311-32-173), 1269 Westlake (PP#311-29-041), 1598 Wyandotte (PP#315-03-095) and about 1383 Sloane Avenue (311-15-011), for a period not to exceed 12 months, pursuant to Section 155.07 of the Codified Ordinances. (Pg.26)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 39-10 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

15. Communication from Fire Chief Mroz regarding Resolution authorizing the donation of a surplus fire alarm box to the Lakewood Firefighters Union. (Pg.28)

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

Motion adopted. All members voting yea.

16. **RESOLUTION NO. 8419-10** – A Resolution authorizing the donation of a surplus fire alarm box to the Lakewood members of the International Association of Firefighters to be raffled, with the proceeds to benefit the union members in their fundraising efforts to allow members of the Lakewood Division of Fire to participate in the Firefighter Combat Challenge. (Pg.29)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8419-10.

Motion adopted. All members voting yea.

17. Communication from Fire Chief Mroz regarding Resolution to proclaim May 24-28, 2010 an Emergency Medical Services Week. (Pg. 30)

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

Motion adopted. All members voting yea.

18. **RESOLUTION NO. 8420-10** – A RESOLUTION authorizing the Mayor, as Director of Public Safety, to proclaim May 24-28, 2010 as Emergency Medical Services Week. (Pg.31)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8420-10.

Motion adopted. All members voting yea.

19. Liquor Permit Application for a C1 transfer to China Garden, 14867 Detroit Avenue from FLA Forever, same address. (Pg.33)

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

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:14 PM.

Approved: _____

CLERK

PRESIDENT