

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

Regular Meeting of the Lakewood City Council called to order at 7:41 by Council President Butler

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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, Police Chief Malley, Fire Chief Mroz, Human Services Director Buckon, Public Works Director Beno, Planning & Development Director Kelly, Housing's Jeff Ashby.

Motion by Mr. Butler, seconded by Ms. Madigan , to approve the Minutes of the Regular Meeting of Council held July 6, 2010.

Motion adopted. All members present voting yea

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

1. Committee of the Whole Report regarding Pending Claim by City regarding Water Charges. (To Be Provided)

#1 COW Report regarding pending claim by City regarding Water Charges - Butler

This evening the Committee of the Whole, which is the committee that consists of all seven members of council met to discuss a claim pending by the City of Lakewood with respect to a private property owner on Berea Road involving water charges. We went into executive session to discuss this as we are permitted to do under Ohio law since it's a pending claim and we received a thorough briefing by the City's law department on this potential settlement. The settlement involves the amount of money the City has paid for the expenditures, excuse me, for the purchase of water from the City of Cleveland. This water has been used at this property on Berea Road, 11750 Berea Road. Over the years the City has claimed that leaks in the...or usage at this property on Berea Road has cost the City close to \$160,000 in not only water charges but additional fines and fees. The City has asked Council to, the Law Department has asked Council for permission to settle

the claim by the City against the property owner for the cost of the water itself, which is approximately \$63,587. The reason the City has asked to so is because this is a years long dispute over whether or not the property owner is responsible for the amount of water used or lost to that particular property. Once Council left executive session we made a motion and approved a motion unanimously to recommend adoption of the following ordinance which permits the City of Lakewood to settle the outstanding claim for the amount the City has paid to the City of Cleveland for the purchase of the water used. Again, approximately \$63,587. That would be the amount the City collects from the property owner pursuant to this settlement agreement. The settlement agreement will also require the owner to make repairs at the property which would prevent further leaks in that particular water line.

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

2. **ORDINANCE NO. 54-10** 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 the Director of Law to enter into a Settlement Agreement with World West Limited Partnership for an outstanding water bill that was incurred as a result of multiple water leaks.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 54-10 on final reading.

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

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinance No. 54-10
Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nays: None
Motion adopted. Ordinance No. 54-10 adopted.

3. Rules & Ordinances Committee Report regarding Traffic Code Updates 34-10 35-10, 36-10, 37-10 and 38-10. (To Be Provided)

#3 R&O Report – Traffic Code Updates – Smith

The Rules & Ordinances committee met on Monday, July 12th and reviewed the revisions to the Traffic ordinances that our Law Department has been working for quite a while on. They have not been updated in a very long time and the purpose of updating them is to

sort of align them with Ohio Revised Code. After taking a look at it, having some discussion, we're recommending adoption of the substitutions that we see here on the docket of the five ordinances that are listed. We also want to just extend to the Law Department that if changes need to be made after this meeting we would authorize the Law Department to do those. Again, in order to bring the code in alignment with Ohio Revised Code. Also what was discussed during that meeting was the idea that we would possibly like to explore having a citywide assessment of some of our traffic laws, traffic and safety laws, things like speed, No Turn on Red, some of those things that maybe were put into place years ago might not exactly be relevant now based on where schools are located and based on changes in neighborhoods. So, something that we'd like to talk to the administration about and see if we can do that administratively rather than through Council and committee process.

Councilmember Bullock: On that latter point the Councilwoman raised, I was part of the Committee and part of that discussion, when fielding questions and concerns and issues in the neighborhoods raised by the residents, there's frequently a reactive footing that we're on about this or that street having a lot of cut through speeders, this or that intersection having too many near misses and I think we...it was... my thought was that rather than react piecemeal, it would be prudent to have a citywide or if not citywide, at least on the major routes and avenues with certain problem spots, an assessment. According to the testimony with some of the Public Safety personnel, nobody can remember the last time that was done. I know that we used to have on staff a traffic engineer now we work with an outside arrangement. There are state codes that apply here so for example if certain residential streets are determined in a certain category, the speed limit is 35 mph and our hands are tied. We don't have discretion to lower that to a more appropriate, what I would argue is a more appropriate 25 mph. So, all of these questions were raised and rather than try to amend the ordinances to make this or that change, the invitation is that we have sooner rather than later an analysis and a re-visitation of the ...one final point that came up is that there is a lot of No Turn on Reds specified in the ordinance which one may argue is not the best way to go about it because that ties our hands unless we make an ordinance change. That would be welcome from the administration.

Motion by Mr. Summers, seconded by Ms. Antonio, to receive and file the oral report.

Motion adopted. All members voting yea.

{Please note the following Traffic Code Update Ordinances are published in reduced size due to their extreme volume. Standard print versions are available for viewing in the Clerk of Council Office during regular business hours. The Ordinances may also be emailed to you directly upon request.}

{Without objection items 4-8 were read for one blanket motion}

4. **ORDINANCE NO. 34-10-** - AN ORDINANCE to take effect August 1, 2010 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 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. (**PLEASE SUBSTITUTE** for Ordinance No. 34-10 - Placed on 1st Reading & Referred to the Rules & Ordinances Committee 4/19/10, 2nd Reading 5/3/10) (Pg. 6)

* Blanket motion was made after item # 8 to substitute the ordinance and to adopt as substituted.

5. **ORDINANCE NO. 35-10** – AN ORDINANCE to take effect August 1, 2010 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 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 SUBSTITUTE** for Ordinance No. 35-10 - Placed on 1st Reading & Referred to the Rules & Ordinances Committee 4/19/10, 2nd Reading 5/3/10) (Pg. 12)

* Blanket motion was made after item # 8 to substitute the ordinance and to adopt as substituted.

6. **ORDINANCE NO. 36-10** – AN ORDINANCE to take effect August 1, 2010 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 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 SUBSTITUTE** for Ordinance No. 36-10 - Placed on 1st Reading & Referred to the Rules & Ordinances Committee 4/19/10, 2nd Reading 5/3/10) (Pg. 21)

* Blanket motion was made after item # 8 to substitute the ordinance and to adopt as substituted.

7. **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. (**PLEASE SUBSTITUTE** for Ordinance No. 37-10 Placed on 1st Reading & Referred to the Rules & Ordinances Committee 5/3/10, 2nd Reading 5/17/10)) (Pg. 45)

* Blanket motion was made after item # 8 to substitute the ordinance and to adopt as substituted.

8. **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. (**PLEASE SUBSTITUTE** for Ordinance No. 38-10 Placed on 1st Reading & Referred to the Rules & Ordinances Committee 5/3/10, 2nd Reading 5/17/10) (Pg. 50)

Motion by Mr. Butler, seconded by Ms. Antonio, to substitute Ordinance Nos. 34, 35, 36, 37, and 38(-10).

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

Nays: None

Motion adopted. Ordinances Nos. 34, 35, 36, 37 and 38 (-10) substituted.

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Ordinances 34, 36, 36, 37 and 38 (-10) as substituted.

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

Nays: None

Motion adopted. Ordinances Nos. 34, 35, 36, 37 and 38 (-10) adopted as substituted.

9. Health & Human Services Committee Report. (To Be Provided)

#9 Health & Human Services committee report – Antonio

The Health & Human Services Committee met this evening prior to this Council meeting. In attendance were members of the committee Powers and Butler as well as Director Ashby, Councilwomen Madigan and Smith, Ramona Redding, and Stephanie McConoughey from Cuyahoga County Board of Health and Amy Wainright from NOACA. We discussed three issues were addressed in the meeting. First of all the proposed substitute ordinance number 56-09 which Council will have before them tonight to reduce excessive idling. The Committee recommended for passage this evening with three small amendments for clarification. The second item was, we heard from our County Board of Health members regarding the testing and a program, an outreach program to communicate to the members of the community that there will be continued lead testing available for our families in Lakewood. The third item that we received a report on from Director Ashby regarding an update on Report-A-Problem phone tree. Those were our items.

Bullock: I applaud the Councilwoman's work on this issue. I do have a question. If you could walk us through operationally how this works. In other words, is this...how is this to be enforced? I, unfortunately didn't have the opportunity to attend the hearings where

you might have gone on through this but is this a ticket-able offence? Is it for commercial vehicles only? Is it for ...I know that that is a discussion point in different versions of this legislation. Different communities have handled it differently.

Antonio: I assume you were referring to the excessive idling ordinance. This is enacting a new section of the codified ordinances. This specific language in this ordinance very closely reflects language in many of the cities across northeast Ohio right now. As we go through the ordinance we can hear from Ms. Wainright who's from NOACA. One of the things we talked about was consistency in ordinances across the communities as much as possible. So, this goes into our ordinances that already exist. In terms of 56-09 which the section...it's not noise...it's part of traffic. So, I believe it is a ticket-able offence. What we're talking about here for the most part is giving...well if you read the ordinance point by point it's basically talking about not idling vehicles beyond five minutes. I guess that's the most substantive part of this. There are clearly defined exemptions for public safety vehicles in the process of performing an emergency. Basically it gives police another tool and an opportunity to approach a vehicle that is idling excessively as well as the main reason that we brought this and why I've been working on this for more than two years is to make sure that we do everything we can to reduce the amount of emissions that are in our air in terms of lead levels as well as providing a reduction in noise. I think a meeting or two ago I also talked about how this will help us with ... Lakewood Hospital has a policy not to have their vehicles idling and this helps them to reinforce that with all of the different drivers both their service vehicles as well as emergency vehicles when they are not engaged in addressing an emergency. There are penalties. It says "whoever violates this is" in section D 10 says penalty "whoever violates this section shall be guilty of a minor misdemeanor." Did I answer all your questions?

Bullock: Yes, and I support all the goals of the ordinance. The only follow up question that I have, this may be for the Police Chief, is how do we anticipate enforcing this. If we see someone in violation are we going to knock on the glass and write a ticket or is it a reminder or maybe we haven't gotten that far along.

Chief Malley: We really haven't gotten that far along as you said but certainly it would be at the discretion of the officer, different situations, what circumstances present themselves to them. Currently we have an unattended vehicle ordinance that we can also enforce if they are away from their car. So, it's going to be like any other citation, there won't be any difference to it.

Madigan: This has been a very long time coming. Councilwoman Antonio said she's been working on it for two years and for two years before that it's been in and out of Committee. Finally, I think, it's in some kind of shape where we're all in agreement. Like any other good or weak ordinance we pass as a body, we rely on our police and the involvement of citizens when they notice something wrong in whatever shape it is whether it's excessive idling in front of a window of a building or whatever but the point is if the police have a law they will enforce it in whichever way they can. We have to make sure we tell enough people about this that it actually makes a difference. It doesn't

matter if we pass it if enough people don't know to turn off their engines whether it's a tow truck company or RTA while they're waiting for a layover or someone who just wants to sit and listen to the radio while someone else is shopping in a store for 20 minutes. It's a waste of money. It's a waste of our City's money if our own fleets are doing it. So, I think this is at least one step along the way and it's certainly supported by NOACA. Certainly it's one thing we can do in our region to try to become a little bit greener.

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

10. 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, 2ND READING 7/20/09, REFERRED OUT OF RULES & ORDINANCES COMMITTEE TO HEALTH & HUMAN SERVICES COMMITTEE 3/15/10).(Pg. 55)

Motion by Mr. Butler, seconded by Ms. Antonio, to substitute Ordinance No. 56-09 with the one provided.

Council President Butler stated that the motion to substitute contained the three changes that the Committee voted on and recommended for adoption; 1) changing the language of D(1) in the second sentence (eliminating the second sentence of D(1) and replacing that with, "... , provided idling under these circumstances shall be limited to 10 minutes. 2) to add, "or" between "heaters" and "air conditioners" in D(2) and 3) D(3) remove the word, "at" between the words, "or" and "the".

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

Nays: None

Motion adopted. Ordinance No. 56-09 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 56-09

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

Nays: None

Motion adopted. Ordinance No. 56-09 adopted substituted.

11. Public Safety Committee Report regarding Ordinances Nos. 48-10 & 49-10. (To Be Provided)

11 Public Safety Committee Report regarding Ordinances 48-10 & 49-10 - Brian Powers

The entire Public Safety Committee met this evening along with our very special guest, President Butler serving as ex-officio capacity, added quite a bit to the discussion, thank you. Also present were our Fire Marshal Scott Gilman and Chief

Mroz. Appreciate the work from the Fire Marshal and the Chief on two very good, well considered pieces of legislation and work from the Law Department. However, we had some things that we still wanted to clear up in committee so we are making a recommendation this evening unfortunately, to defer on this. I realize summer is fire season and we're heading out to our own legislative recess but we will not get this accomplished before we head out for August. There are tools in the toolbox for the Fire Department to work with as they have for the last several years and they will continue to do that. We will get this right and right was more on the legislative body, not the excellent work of the Fire Department and the Law Department.

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

12. **ORDINANCE NO. 48-10** – AN ORDINANCE to enact new Chapter 1503, Open Burning within Part Fifteen, Fire Prevention Code, of the Codified Ordinances of the City of Lakewood for the purpose of regulating burning within the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/21/10, 2ND READING 7/6/10) (Pg. 58)

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

13. **ORDINANCE NO. 49-10** – AN ORDINANCE to amend section 1501.04, Enforcement, of the Lakewood Codified Ordinances, to authorize the issuance of misdemeanor citations for violation of any provision of Chapter 1501 of the Lakewood Fire Code by appropriate fire officials. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/21/10, 2ND READING 7/6/10) (Pg. 60)

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

14. Public Works Committee Report regarding Ordinance No. 50-10, Resolution No. 8430-10 & Special Improvement District Legislation. (To Be Provided)

#14 Public Works Committee Report regarding Ordinance 50-10, Resolution 8430-10 and Special Improvement District Legislation – Tom Bullock
The Public Works Committee met on July 13th and had a work session. We considered four ordinances and reported favorably on three of them. I'd like to go briefly through those right now. The next three items are on the docket and the fourth item is not on the docket. The first is 51-10 which we reported out favorably and after this report I'd welcome the comments of Director Beno who is the driver on this. In essence, this is an ordinance to increase the contracting authority for a project that we are currently

underway on. NOACA asked for an additional allocation for funds. In order to stay on schedule with that project we need to make room for that in the budget so we reported on that favorably on that item. Secondly, on item 16 on the docket, which is Resolution 8430-10, we recommend a substitute and then passage tonight. This essentially is a resolution asking for the Planning Commission to engage in a comprehensive, citywide pedestrian and bicycle planning process. That we have a systematic plan to consider more specific elements of our streetscapes such as bike parking or safety signs or bike routes. In the deliberations of the committee we heard from the Planning Director that this is a project that within about approximately a years time is a feasible time frame. It will also dovetail nicely with a Madison Ave. planning project that is also on the to-do list for this year. We made two small changes. One is to strike out a reference to snow removal on sidewalks and two is to add a little bit of, an additional month to time the Planning Commission has for giving Council a report on its work. The third item is a proposed ordinance on storm water management. There was deliberation between the Building Department and Public Works Department, the Engineers and the Building Inspectors. There needs to be a little more work to refine that proposal so we'll come back to that at a future hearing. But that's an important issue that Councilmembers will recall, ties into our rate study plan for storm water management and water fees. The final ordinance is one that we have talked about before in committee or in council rather and that is the advanced energy Special Improvement District. Tonight we're recommending, the committee recommends that we substitute, suspend the rules and pass. The substitute is simply to change the original ordinance into a resolution form which is the form that other municipalities have considered and adopted. If members of council recall, this, as constructed is proposed as a multi jurisdictional, special improvement district to allow people to finance energy projects on their home or business, actually their business because this applies to commercial properties. Six other communities have already adopted this. If we join them tonight as the seventh, we will have a vote on the governing body of this Special Improvement District. By being a charter member of the Special Improvement District you get a vote. After the creation of this Special Improvement District other communities and other property owners can join but they don't have a vote. It's important for quality control reasons such as overseeing the quality of contractors and fiscal quality of each contract that we have a seat at the table.

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

I ask that we hear from the Directors of Public Works and of Planning and Development if they have anything to add since they had two of the ordinances we just discussed.

Beno: Just to clarify the first ordinance is the final legislation to ODOT. The contracting authority is not changing. it's staying the same. It's just that the final dollar value that we have to put into escrow to ODOT needed to be passed.

Motion adopted. All members voting yea to receive and file the report.

15. ORDINANCE NO. 50-10 - 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 the City of Lakewood to participate in the construction of traffic signals, radio interconnect and video detection on Detroit Avenue in the City of Lakewood with the Ohio Department of Transportation. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/6/10)(Pg. 61)

Motion by Mr. Butler, seconded by Ms. Antonio, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 50-10 on final reading.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nay: None
Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 50-10.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nay: None
Motion adopted. Ordinance No. 50-10 adopted.

16. RESOLUTION NO. 8430-10 – A RESOLUTION directing the Planning Commission to devise a citywide comprehensive bicycle and pedestrian plan. (**PLEASE SUBSTITUTE** FOR RESOLUTION NO. 8430-10 PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/21/10, 2ND Reading 7/6/10) (Pg. 64)

Motion by Mr. Butler, seconded by Mr. Bullock, to substitute Resolution No. 8430-10.

Yeas: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers
Nays: None
Motion adopted. Resolution No. 8430-10 substituted.

Motion by Mr. Butler, seconded by Mr. Bullock, to adopt Resolution No. 8430-10 as substituted.

Mr. Powers makes a motion to amend the Resolution to eliminate the fourth “Whereas” clause which refers to children being driven to school. He stated the following, “we live in a community that does not provide buses for school children, live in a community which is located in bad weather part of the country when the school year’s often associated with tough weather circumstances ...live a community where at least two of our east/west roads, Clifton and Lake are basically for high speed suburbanites to get downtown all which make traffic difficult for children and parents without that “whereas” clause it doesn’t effect which is otherwise an excellent resolution. With that “whereas” clause I think it just rubs it in on parents a little bit, somewhat needlessly.

Mr. Butler indicates the amendment is to strike the fourth “Whereas” clause.
Ms. Madigan seconds the motion.

Mr. Bullock stated the following:

I do appreciate the point that Mr. Powers is making and I do of course acknowledge that a “Whereas” is not functional. The “Whereas” in there was suggested by a pedestrian safety person who is very much concerned about child safety and health and I think that it is a fact that a major feature of our morning rush hour and our afternoon rush hour traffic is parents going back and forth to get their kids. Part of the rationale of the resolution is that we would do a good job of planning such that that very thing would be reduced. That won’t always be possible for every single parent but is a system that is a very legitimate goal for a plan to examine that reality while they’re driving back and forth when walking or bicycling may be more possible if we make some of these changes that this plan would call for presumably.

Councilmember Madigan called for a vote.

Ms. Smith indicated the following:

One benefit in keeping (Whereas) this in the Resolution is that it’s just educational to the people who are driving their children to school even on a good weather day as an optional item. To me it’s even a good reminder to myself to think about whether or not I need to make short trips in the car and really utilize the walk-ability of the community so it could be helpful for educational reasons to keep it.

Councilmember Madigan stated the following:

At the very least, driving your child to school, I don’t know where you’re getting the data that that contributes to childhood obesity. So, at the very least, that would have to come out. I would just take out that entire fourth “Whereas” and get this moving.

Council President Butler stated the following:

...benefits to walking to school on the other hand we have plenty of programs in place in the City that show our resolute support for safe routes to school and I do believe that this particular effort from the Planning Commission will result in safer routes to school for schoolchildren who decided to walk and bike, despite the fact that providing safer routes to school doesn’t necessarily appear in our legislative intent in this particular ordinance so I’m in favor of the amendment.

On the motion to amend by deleting the fourth Whereas clause:

Yeas: Antonio, Butler, Madigan, Powers, Summers

Nays: Bullock, Smith

Motion adopted. Resolution amended

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8430-10 as amended.

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

Nays: None

Motion adopted. Resolution No. 8430-10 adopted as amended.

Mr. Bullock added that cooperation with the school district would supplement the intent of the Resolution.

17. **RESOLUTION NO. 8434-10** - 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 execution and delivery of a Petition and Approval of the Petition, Articles of Incorporation, and Initial Plan of the City of Cleveland-First Suburbs Development Council Advanced Energy Special Improvement District. (Pg. 66)

Motion by Mr. Bullock, seconded by Mr. Butler, to substitute (similar to ordinance previously published now presented as a resolution).

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

Nays: None

Motion adopted. Legislation substituted.

Motion by Mr. Butler, seconded by Mr. Bullock, to adopt as substituted.

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

Nays: None

Resolution No. 8434-10 adopted as substituted.

18. Economic Development Committee Report regarding Ordinance No. 53-10. (To Be Provided)

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

Motion adopted. All members voting yea.

19. **ORDINANCE NO. 53-10** - An Ordinance to amend Chapter 1329, Signs of the Codified Ordinances of the City of Lakewood for the purpose of regulating signs, including provisions to control the type, design, size, location, illumination and maintenance thereof, within the City of Lakewood. (PLACED ON 1ST READING & REFERED TO THE ECONOMIC DEVELOPMENT COMMITTEE 7/6/10) (Pg. 71)

Motion & second to defer action on this item.

Motion adopted. All members voting yea.

20. Housing Committee Report regarding Amending Property Maintenance & Safety Code. (Pg.76)

Motion by Mr. Butler, seconded by Mr. Summers to receive, file and refer the report to the Housing Committee.

Motion adopted. Six members voting yea.
Ms. Antonio absent for vote.

21. **ORDINANCE NO. 55-10** – AN ORDINANCE to amend Chapter 1306, Property Maintenance and Safety Code, of the Codified Ordinances of the City of Lakewood for the purpose of updating housing license requirements. (Pg.78)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 55-10 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

22. Liquor Permit application for D2, D2X, D3, D3A and D6 transfers to Put In Bay Bar, 18206 Detroit Avenue, from Lakewood Lanes. (DEFERRED 6/7/10, 6/21/10 & 7/6/10) (Pg. 87)

Motion by Mr. Butler, seconded by Mr. Powers, to file no objection to the liquor permit.

Motion adopted. All members voting yea.

23. **ORDINANCE NO. 51-10** - An Ordinance to amend the Building Line Map established by Lakewood Codified Ordinance §1105.03 to reflect a building line of 0-5 feet along Detroit Avenue and Madison Avenue within the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 7/6/10) (Pg. 88)

Motion by Mr. Butler, seconded by Ms. Antonio, to place Ordinance No. 51-10 on 2nd Reading and refer it back to the Planning Commission.

Motion adopted. All members voting yea.

24. **ORDINANCE NO. 52-10** - An Ordinance to amend Chapter 1127, Multiple-Family Residential Districts and Chapter 1161, Conditional Uses, of the Codified Ordinances of the City of Lakewood for the purpose of conditionally permitting restaurant uses within Multiple-Family Residential Districts within the City of

Lakewood. PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 7/6/10) (Pg. 92)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 52-10 on 2nd Reading and refer it back to the Planning Commission.

Motion adopted. All members voting yea.

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

25. Communication from Council President Butler regarding Resolution Commending St. Edward High School. (Pg. 97)

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

Motion adopted. All members voting yea.

26. **RESOLUTION NO. 8435-10** – A RESOLUTION to commend the St. Edward High School community for its many and varied accomplishments during the 2009-2010 school year. (Pg. 98)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8435-10.

Motion adopted. All members voting yea.

27. Communication from Councilmember Antonio regarding Uniting American Families Act. (Pg. 100)

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

Motion adopted. All members voting yea.

28. **RESOLUTION NO. 8436-10** – AN EMERGENCY RESOLUTION urging Congress to pass the Uniting American Families Act and supporting the removal of legal barriers to immigration by permanent same-gender partners. (Pg. 101)

Motion by Mr. Butler, seconded by Ms. Antonio, to adopt Resolution No. 8436-10.

Motion adopted. All members voting yea.

29. Communication from Councilmember Antonio regarding Norfolk & Southern Track Maintenance/Defoliate Spraying Notification (Pg.105)

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

Motion adopted. All members voting yea.

30. Communication from Mayor FitzGerald regarding companion Legislation to Civil Citations Ordinance for Parking Violations. (Pg.107)

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

Motion adopted. All members voting yea.

31. **ORDINANCE NO. 56-10** – AN ORDINANCE to take effect August 1, 2010, 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 allow by law, amending Section 309.06, Hearing Procedure, of the Codified Ordinances of the City of Lakewood for the purpose of allowing the civil collection of certain outstanding parking violations pursuant to the authority granted in Ohio Revised Code §4521.08. (Pg. 108)

Motion by Mr. Butler, seconded by ms. Antonio, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 56-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by ms. Antonio, to adopt Ordinance No. 56-10.

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

Nays: None

Motion adopted. Ordinance No. 56-10 adopted.

32. Communication from Mayor FitzGerald regarding Grand Marshal of the 4th of July Parade (Pg. 113)

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

Motion adopted. All members voting yea.

33. **RESOLUTION NO. 8437-10** – A RESOLUTION to thank Virginia Marti Veigh, for participating at the 2010 Grand Marshal in the City of Lakewood 4th of July Parade. (Pg. 114)

Motion by Mr. Butler, SECONDED BY Ms. Madigan, to adopt Resolution No. 8437-10.

Motion adopted. All members voting yea.

34. Communication from Fire Chief Mroz regarding Authority to Accept and use 2 Mobile Data Computers from St. John Medical Center. (Pg.115)

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

35. **RESOLUTION NO. 8438-10** 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 at the earliest period allowed by law authorizing the Mayor to accept, on behalf of the City of Lakewood, the donation of two (2) mobile data computers and software, valued at more than \$8,000, for use by the Lakewood Fire Department to enhance medical record keeping from St. John West Shore Hospital. (Pg. 116)

Motion by Mr. Butler, seconded by ms. Madigan, to suspend the rules requiring this Resolution be read on three separate days and placing Resolution No. 8438-10 on final reading.

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

Nays: None

Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8438-10.

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

Nays: None

Motion adopted. Resolution No. 8438-10 adopted.

36. Communication from Human Services Director Buckon regarding Lakewood 2010 Complete Count Committee. (Pg. 117)

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

37. Communication from Assistant Director of Public Safety Division of Housing & Building Ashby regarding Update of Building Code Chapter 1308 – Flood Damage Prevent. (Pg. 118)

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

Motion adopted. All members voting yea.

38. **ORDINACE NO. 57-10** -AN ORDINANCE to amend Chapter 1308, Flood Damage Prevention, of the Codified Ordinances of the City of Lakewood for the purpose of _____ (Pg. 119)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 57-10 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

Motion by Mr. Butler, seconded by Ms. Antonio, to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 9:38 PM.

Approved: _____

CLERK

PRESIDENT