

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
OCTOBER 4, 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: Law Director Hurley, Finance Director Pae, Police, Public Works Director Beno, Chief Malley, Assistant Fire Chief Gilman, Human Services Director Buckon, Planning & Development Director Kelly, Housing's Jeff Ashby.

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of September 20, 2010 without the necessity of a reading.

Motion adopted. Six members voting yea.
Mr. Powers abstains due to previous absence.

Without objection, items 16, 23 and 24 respectively were read first in the agenda order.

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

1. Rules & Ordinances Committee Report regarding Ordinance No. 60-10. (To Be Provided)

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

2. **ORDINANCE NO. 60-10** – AN ORDINANCE to amend Section 905.21, Rental of City Property, and Section 905.15, Picnic Areas; Permit for Use of Picnic Pavilions, of the Lakewood Codified Ordinances in order to exempt the Lakewood Board of Education from paying security charges for the rental of city property and usage fees for the use of picnic pavilions. (PLACED ON 1ST

READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE
9/8/10, 2ND 9/20/10) (Pg. 6)

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

Motion adopted. All members voting yea.

3. Housing Committee Report regarding Ordinance 55-10. (Supplement to Be Provided) (Pg. 8)

Housing Report regarding Ordinance 55-10 – Amend Chapter 1306, Property Maintenance & Safety Code –Madigan

At our Housing Committee last week we just reviewed the correspondence that was submitted to Council at the last Council meeting in July before our August break.

(It was indicated that the ordinance would be referred to the Committee of the Whole)

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

Motion adopted. All members voting yea.

4. **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. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 7/19/10, 2ND READING 9/8/10) (Pg. 10)

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

Motion adopted. All members voting yea.

5. Public Works Committee Report regarding Ordinance 57-10 (To Be Provided)

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

Motion adopted. All members voting yea.

6. **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 _____ (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 7/19/10, 2ND READING 9/8/10) (Pg. 15)

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

Motion adopted. All members voting yea.

7. Public Safety Committee Report regarding Ordinance Nos. 62, 63, 64, & 70(-10)
(To Be Provided)

#7 Public Safety Committee Report regarding Ordinances 62, 63, 64 and 70-10 - Powers

The entire Public Safety Committee met this evening with our special guests Law Director Hurley and Fire Marshal Gilman to consider these ordinances. The first three were considered together. These are changes to the traffic code. This is 62-10, 63-10 and 64-10. Basically, these proposed changes go back to the prior penalties that we had in our code prior to changes we made this summer. Basically, this is on the recommendation of the Chief Prosecutor and the Law Director that we have slightly different penalties than are contained in the Ohio code because there are times when you want to have the discretion in law enforcement to charge either under the local code or under the state code. So, what we've done here is gone back, reverted back to the penalties we previously had which are a little bit tougher within the City of Lakewood. It just gives us another tool in our tool kit from a law enforcement standpoint. Upon consideration, members of the committee voted unanimously to recommend to the council that these three ordinances be passed this evening.

The fourth item on our agenda concerned lateral entry for firefighters. There are some slight changes we need to make to that legislation. We've recommended that it be referred back to the committee, placed on second reading and referred back to the committee for some slight modifications although this particular procedure is one, this law we passed with respect to the Police officers a year ago permitting lateral entry has been well received, this is basically the same version for the Fire Department. We thank Fire Marshal Gilman for bringing this to our attention. It is an excellent recommendation and it will save us money. We spend \$40,000 - \$45,000 training firefighters. This will allow us to hire firefighters who have already been trained on someone else's budget but have perhaps been laid off for example from their city or who otherwise would prefer to work in the City of Lakewood. It's a good a recommendation for us. The union, by the way, is fully supportive of this legislation. We will need to address it in committee one more time.

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

Motion adopted. All members voting yea.

8. **ORDINANCE NO. 62-10** – 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, amending Section 335.01, Drivers of Commercial Driver's License Required of the Codified Ordinances of the City of Lakewood for the purpose of returning the penalty for a violation of this section to a misdemeanor

of the first degree. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/8/10, 2ND READING 9/20/10) (Pg. 33)
Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 62-10.
Motion adopted. All members voting yea.

9. **ORDINANCE NO. 63-10** - 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, amending Section 333.021, Operation in Willful or Wanton Disregard of Safety, of the Codified Ordinances of the City of Lakewood for the purpose of returning the penalty for a violation of this section to a misdemeanor of the second degree. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/8/10, 2ND READING 9/20/10) (Pg. 35)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 63-10.
Motion adopted. All members voting yea.

10. **ORDINANCE NO. 64-10** - 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, amending Section 335.07, Driving Under Suspension or License Restriction and Section 335.072, Driving Under Financial Responsibility Law Suspension or Cancellation of the Codified Ordinances of the City of Lakewood for the purpose of keeping all driving under suspension penalties first degree misdemeanors. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/8/10, 2ND READING 9/20/10) (Pg. 37)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 64-10.
Motion adopted. All members voting yea.

11. **ORDINANCE NO. 70-10** - AN ORDINANCE to create new Section 144.15, Original Appointment to the Division of Fire, of the Codified Ordinances of the City of Lakewood to authorize and set out the method of Original Appointments to the Division of Police, to include a combination of appointment from a certified list and lateral entry hire. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 9/20/10) (Pg. 40)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 70-10 on 2nd Reading and refer back to the Public Safety Committee.

Motion adopted. All members voting yea.

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

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

13. 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 & REFERRED TO THE ECONOMIC DEVELOPMENT COMMITTEE 7/6/10, DEFERRED 7/19/10, 2ND READING 9/20/10) (Pg. 53)

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

14. RESOLUTION NO. 8442-10 – 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 to report the action of the Tax incentive Review Council (the “TIRC”) meeting of August 26, 2010 pursuant to Ordinance 47-04, adopted June 4, 2004 and Section 5709.85 of the Ohio Revised Code regarding the city’s TIF districts. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/8/10, REPORTED OUT ON, SUBSTITUTED, PLACED ON 2ND READING, RECOMMENDED FOR ADOPTION 9/20/10) (Pg. 56)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8442-10 as substituted.

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

Nays: None

Motion adopted. Resolution No. 8442-10 adopted as substituted.

15. Liquor Permit application for a C1, C2 and D6 transfer to Bedini Enterprises, d/b/a Lakewood Beverage & Deli, 15512 Madison Ave., from same, same address. (Pg. 57)

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

Motion adopted. All members voting yea.

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

16. Communication from Council President Butler regarding Foreclosure Mediation (Pg.58)

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

Motion adopted. All members voting yea.

17. Communication from Finance Director Pae regarding 2011 Tax Advance Resolution. (Pg. 61)

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

Motion adopted. All member voting yea.

18. **RESOLUTION NO. 8447-10** - 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 requesting the Cuyahoga County Auditor to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real; personal property; estate taxes and special assessments collected in the year 2011 in such amounts as may be requested and available. (Pg.62)

Motion by Mr. Butler, seconded by Ms. Antonio, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8447-10 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 Resolution No. 8447-10.

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

Nays: None

Motion adopted. Resolution No. 8447-10 adopted.

19. Communication from Finance Director Pae regarding Property Tax Resolution for 2011. (Pg.64)

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

Motion adopted. All members voting yea.

20. **RESOLUTION NO. 8448-10** - 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 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. (Pg. 65)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8448-10 on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8448-10.

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

Nays: None

Motion adopted. Resolution No. 8448-10 adopted.

21. Communication from Finance Director Pae regarding Updates to Chapter 128 of the City of Lakewood Codified Ordinances: Municipal Income Tax. (Pg.67)

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

Motion adopted. All members voting yea.

22. **ORDINANCE NO. 71-10** - AN ORDINANCE to amend Chapter 128, Municipal Income Tax, within the Codified Ordinances of the City of Lakewood for the purpose of updating the Code and to be consistent with Ohio Revised Code and Internal Revenue Code Changes. (Pg. 68)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 71-10 - on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

23. Communication from Planning & Development Director Kelly regarding Fiscal Year 2011 CDBG, ESG, and HOME. (Pg.111)

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

Motion adopted. All members voting yea.

24. **RESOLUTION NO. 8450-10** – 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 and directing the Mayor to submit the Fiscal Year (FY) 2011 One-year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Shelter Grant (ESG) funds, and incorporates the City’s application for CDBG funds, ESG funds, HOME Investment Partnership

funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD) (Pg 117)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Resolution No. 8450-10 on 1st reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

25. Communication from Human Services Director Buckon regarding Family to Family System of Care Expansion Project. (Pg. 114)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive file and refer the communication to the Health & Human Services Committee.

Motion adopted. All members voting yea.

26. **RESOLUTION NO. 8449-10** - 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 possible period allowed by law, authorizing the Mayor, or his designee, on behalf of the City, to enter into an Amended Agreement with the Cuyahoga County Department of Children and Family Services to accept and expend funds for the Family to Family System of Care Expansion Project in an amount estimated to be \$660,928.00. (Pg. 115)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Resolution NO. 8449-10 on 1st Reading and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

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

Motion adopted. All members present voting yea.

Meeting adjourned 8:44 PM.

Approved: _____

CLERK

PRESIDENT