

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 18, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:42 PM by Council President Butler

....

Present: Councilmembers, Thomas Bullock, Kevin Butler, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian Powers, Monique Smith,.

....

Also Present: Mayor Summers, Law Director Hurley, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Building Department's Ashby, Engineering's Bill Corrigan and Planning & Development Acting Director Siley,

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of the Special Meeting of Council held January 2, 2011 and the Regular Meeting of Council held January 3, 2011.

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 Council Appointments to Boards and Commissions - Butler

This evening and in meetings past the Committee of the Whole has met to discuss appointments to vacancies to our various citizen driven boards and commissions. Tonight we focused on two of those boards and commissions, the first being the Lakewood Heritage Advisory Board. We heard from our Assistant Planning Director Dru Siley and the chair of LHAB, Rick Sicha with respect to all the activities that board is undertaking and has undertaken over the past year. We will soon be receiving an annual report as well from LHAB. After our discussion, council unanimously voted to recommend the reappointments of Rick Sicha and Jim Dolce to the two seats that are currently vacant. Then we moved on to the Lakewood Hospital Board of Trustees. We had a discussion with the current chair of the hospital board, Tom Gable and one of our Community Trustees Ellen Brzytwa whose term is up for renewal. We in fact have four

vacant positions on the hospital board to fill and this evening, after discussion in Committee of the Whole, Council unanimously recommended to reappoint Ellen Brzytwa as a community trustee for a five year term ending December 31, 2015. We also recommended unanimously this evening to appoint Councilwoman Madigan, Vice President of City Council, to the vacancy created by the seat vacated by the now mayor Summers when he became mayor.

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

2. **RESOLUTION NO. 8458-10** – Resolution to appoint _____ as a member of the Governing Board of Lakewood Hospital for the unexpired two-year term, ending December 31, 2011. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (PG. 77)

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

3. **RESOLUTION NO. 8459-10** – Resolution to appoint _____ as a Special Trustee of the Lakewood Hospital Association Board for a full five-year term, ending December 31, 2015. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.8)

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

4. **RESOLUTION NO. 8460-10** – Resolution to appoint _____ as a Community Trustee for the Lakewood Hospital Association Board for a five-year term, ending December 31, 2015. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.9)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Resolution No. 8460-10 by inserting the name Ellen Bryztwa into the blanks.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution Amended.

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. 8460-10 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8460-10 as amended.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution adopted as amended.

5. **RESOLUTION NO. 8461-10** – Resolution to appoint _____ to the Lakewood Planning Commission for a full six-year term, ending December 31, 2016. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.10)

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

Motion adopted. All members voting yea.

6. **RESOLUTION NO. 8462-10** – Resolution to appoint _____ as a member of the City of Lakewood Audit Committee for a two-year term, ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.11)

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

Motion adopted. All members voting yea.

7. **RESOLUTION NO. 8463-10** – Resolution to appoint _____ as a member of the City of Lakewood Audit Committee for a two-year term, ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.12)

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

Motion adopted. All members voting yea.

8. **RESOLUTION NO. 8464-10** – Resolution to appoint _____ as a member of the Lakewood Heritage Advisory Board for the full four-year term, commencing January 1, 2011 and ending December 31, 2014. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.13)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Resolution No. 8464-10 by inserting the name Richard Sicha.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution Amended.

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. 8464-10 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8464-10 as amended.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8464-10 adopted as amended.

9. **RESOLUTION NO. 8465-10** – Resolution to appoint _____ as a member of the Lakewood Heritage Advisory Board for the full four-year term, commencing January 1, 2011 and ending December 31, 2014. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.14)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Resolution No. 8465-10 by inserting the name James Dolce.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution Amended.

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. 8465-10 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8465-10 as amended.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8465-10 adopted as amended.

10. **RESOLUTION NO. 8466-10** – Resolution to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for the unexpired two-year term, ending December 31, 2011. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.15)

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

Motion adopted. All members voting yea.

11. **RESOLUTION NO. 8467-10** – Resolution to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg. 16)

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

Motion adopted. All members voting yea.

12. **RESOLUTION NO. 8468-10** – Resolution to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.17)

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

Motion adopted. All members voting yea.

13. **RESOLUTION NO. 8469-10** - Resolution to appoint _____ as a member of the Municipal Income Tax Board of Review for a **three** year term ending December 31, **2013**. (PLEASE SUBSTITUTE RESOLUTION NO. 8469-10; TYPOGRAPHICAL ERROR CORRECTED BY THE CLERK 1/14/11) (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.18)

Motion by Mr. Butler, seconded by Ms. Madigan, to substitute Resolution No. 8469-10 for the original (typographical error corrected).

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Resolution substituted.

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

14. RESOLUTION NO. 8470-10 – Resolution appointing _____ to the Emergency Medical Services Commission for the full two year term. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.19)

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

Mr. Butler asked Fire Chief Gilman if he recalled any meeting of the Emergency Medical Services Commission Meeting at which Chief Gilman responded that he had not. Mr. Butler continued that it was his understanding the Commission was put into place when EMS was subsumed by the Fire Department. Mr. Butler indicated that Council may want to consider repealing the Codified Ordinance that had established the Commission.

Motion adopted. All members voting yea.

****NEW BUSINESS****

15. Communication from Council President Butler regarding unexpired Special Trustee to Hospital Board (To be provided)

As you heard me comment earlier, Committee of the Whole recommended....(recommendation followed)

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

16. RESOLUTION NO. 8478-11 - 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 Special Trustee of the Lakewood Hospital Association Board for the unexpired five-year term, ending December 31, 2013. (Pg.20)

Motion was made by Mr. Butler and seconded to amend Resolution No. 8478-11 by changing in both the title of the Resolution and in Section 1 by inserting the name Mary Louise Madigan in the blank and then by replacing a "Special Trustee" with the words an

“ex-officio” trustee, eliminating each instance of the words “five-year”, and changing the expiration year from 2013 to 2011.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8478-11 amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring the resolution to be read on three separate days.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8478-11 as amended. .

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8478-11 adopted as amended.

17. Communication from Council President Butler regarding Council Committee Assignments. (Pg.21)

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

Motion adopted. All members voting yea.

18. Communication from Councilmember Butler regarding Commendation Resolution for former Mayor Edward FitzGerald. (Pg.22)

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

Motion adopted. All members voting yea.

19. RESOLUTION NO. 8479-11 – A RESOLUTION to commend Edward FitzGerald for his public service as Mayor of the City of Lakewood. (Pg. 23)

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

Motion adopted. All members voting yea.

20. Communication from Councilmembers Nowlin and Juris regarding Resolution Recognizing First Federal of Lakewood. (Pg. 24)

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

Motion adopted. All members voting yea.

21. **RESOLUTION NO. 8480-11**- A RESOLUTION to recognize and honor First Federal of Lakewood for its successful acquisition of Century Bank and its 75-year headquarters in our city. (Pg.25)

Motion by Mr. Butler, seconded by Mr. Nowlin, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8480-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8480-11

Motion adopted. All members voting yea.

22. Communication from Councilmember Bullock regarding Resolution urging the Ohio General Assembly to renew the Ohio Historic Preservation Tax Credit. (Pg.26)

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

Motion adopted. All members voting yea.

23. **RESOLUTION NO. 8481-11** – A RESOLUTION urging the Ohio General Assembly to renew the Ohio Historic Preservation Tax Credit. (Pg. 28)

Motion by Mr. Butler, seconded by Mr. Bullock, to suspend the rules requiring this Resolution to be read on three separate days and placing resolution 8481-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Mr. Bullock, to adopt Resolution No. 8481-11.

Motion adopted. All members voting yea.

24. Communication from Mayor Summers and Councilmember Juris regarding Nine Month Moratorium on Approval of Solid Fuel Source Burning Appliances. (Pg.29)

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

Motion adopted. All members voting yea.

25. **ORDINANCE NO. 1-11** – 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 at the earliest period allowed by law, to place a moratorium on the granting of permits for the installation of solid fuel burning appliances designed for connection to a central heating systems for a period not to exceed nine months in order to allow Council and the Administration to review the impact of the installation and use of such devised on the community and environment. (Pg. 30)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 1-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

26. Communication from Mayor Summers regarding Lakewood Planning Commission Resolution. (Pg.32)

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

Motion adopted. All members voting yea.

27. **RESOLUTION NO. 8482-11** – A RESOLUTION commending Edward M. Graham for public service as a member of the Lakewood Planning Commission from January 1, 2005 through December 31, 2010. (Pg. 33)

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. 8482-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8482-1.
Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Resolution No. 8482-11 adopted.

28. Communication from Mayor Summers regarding Appointment to the Architectural Board of Review – Carl Orban. (Pg.34)

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

29. Communication from Public Works Director Beno regarding Civil War Veterans Memorial Boulder. (Pg.35)

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

30. **RESOLUTION NO. 8483-11** - 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 relocation of the Civil War Memorial Boulder within Lakewood Park to a new location near the new Veteran's Memorial. (Pg.36)

Motion by Mr. Bullock, seconded by Mr. Butler, to suspend the rules requiring this Resolution to be read on three separate days and placing Resolution No. 8483-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted.

Motion by Mr. Butler, seconded by Mr. Bullock, to adopt Resolution No. 8483-11.
Motion adopted. All members voting yea.

31. Communication from Human Services Director Buckon regarding Resolution Authorizing Westside Community House Agreement. (Pg. 38)

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.

32. **RESOLUTION NO. 8484-11** - 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 to allow the Mayor, or his designee, on behalf of the City, to enter into a Agreement with The West Side 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 for the period of January 1, 2011 to December 31, 2011 in an amount estimated to be \$52,000.00. (Pg. 39)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Resolution No. 8484-11 on 1st Reading and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

33. Communication from Human Services Director Buckon regarding Resolution of Partnership with West Side Community House - Co-location of Parent and Youth Advocates and Tapestry System of Care, Care Coordinators. (Pg.41)

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.

34. **RESOLUTION NO. 8485-11** - 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 to allow the Mayor, or his designee, on behalf of the City, to enter into a Agreement with The West Side Community House to co-locate Parent and Youth Advocates and a Tapestry System of Care (TSOC) Care Coordinator for the period of January 1, 2011 to December 31, 2011 and to receive reimbursement for costs associated with providing space for those positions in an amount currently estimated at \$18,000.00. (Pg.42)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Resolution No. 8485-11 on 1st Reading and refer it to the Health & Human Services Committee.

Motion adopted. All members voting yea.

35. Communication from Public Works Director Beno regarding ODOT - Lakewood Signals (Phase 3) (Pg.44)

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.

36. **ORDINANCE NO. 2-11** - 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, committing the City of Lakewood to participate in the upgrade and interconnection in the traffic signals along Detroit Avenue (U.S. 6A) from

Cleveland Metro Park Drive/Sloane Avenue to Lakeland Avenue AND SIGNALS
ALONG West Clifton Boulevard at Sloane Avenue and Arlington Road in the
City of Lakewood with the Ohio Department of Transportation. (Pg.45)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 2-11 on 1st
Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

37. Liquor Permit Application for D2, D2X, D3, D3A and D6 transfers to Midtown
Booths, d/b/a Drink Cafe, 16934 Detroit Road, from Billy's, d/b/a Drink Café,
same address. (Pg.48)

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

Motion adopted. All members voting yea.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:37 PM.

Approved: _____

CLERK

PRESIDENT