

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 22, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:36 PM by Council President Butler

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

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Also Present: Mayor Summers, Law Director Hurley, Finance Director Pae, Public Works Director Beno, Police Chief Malley, Fire Chief Gilman, Building Department's Ashby, Planning & Development Acting Director Siley, Human Services Representative Goverdovski.

Motion by Mr. Butler, seconded by Mr. Powers, to approve the Minutes of the Regular Meeting of Council held February , 2011.

Motion adopted. All members voting yea.

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

1. Public Safety Committee Report regarding Ordinance No. 1-11. (To Be Provided)

#1 Public Safety Committee Report Regarding Ordinance 1-11 - Smith

Tonight the Public Safety Committee met to discuss the ordinance regarding a possible moratorium on the granting of permits for the installation of solid fuel burning appliances. The committee voted and agreed to recommend to the full council that we adopt the ordinance on the docket tonight. There were many members of the public in attendance at the committee meeting and this is an issue that we'll probably have further discussion in the Public Safety Committee. We appreciate the folks from the public who have come to speak about this and participated in the committee meeting tonight.

Public Comment:

Paula Reed – 1208 Manor Park

I'm here tonight to talk about the wood burning furnace issue. There are several of them already in operation in the City and we've come to support the moratorium because we don't want other people to have to experience what we are living with now. There are three major issues. One of them, the first and most important is the health issues. In the research that I've done there is apparently no safe level of breathing wood smoke and there were a couple of people at the Public Safety Committee that came to speak about issues that they have had in their own families and people's health is being effected by it. Secondly, it's a quality of life issue. It stinks and we don't like smelling it inside our houses. Thirdly, it's a property value issue. Those are all the reasons that we think it's a really good idea to pass this moratorium and eliminate future uses within the City. Thank you.

Eric Lawry – 1560 Waterbury

I too would like to support this moratorium living with in the smoke boundaries of a wood burning furnace it is an insidious thing that works its way into your life that you have no real escape or control over. My wife and I both work out of our house. She's a designer, I'm a realtor so we find no respite from the constant soot, the constant burning of eyes, the constant sore throats that this produces. It is something that is uncontrollable for our life and so I would support this moratorium and hopefully you'll consider making it permanent.

Chris Trepal –

Good evening. I'm here also to speak in favor of the moratorium and I did prepare some written comments but I just wanted to read out a couple of paragraphs and also the hand outs that I gave to you I wanted to just point out that the American Lung Association, in their state of the air report give Cuyahoga County a failing grade for ozone and for 24 hour particle pollution and for annual particle pollution. Cuyahoga County is also ranked among the dirtiest counties in the US for the same emissions. We are under a federal study that is looking at our pollution because of the regions unique geographical position and also the overall poor air quality. So we're starting this discussion already under what we call non-compliance or non-attainment with the federal standards that are based on health based standards. This designation has really significant air quality, economic and public health impacts. Fires emit significant quantities of health damaging pollutants including several carcinogenic compounds. When wood burns it releases pollutants like carbon monoxide, oxygens of nitrogen, hydrocarbons from incomplete combustion and especially from green wood and particulate matter which is soot. These pollutants are irritants, asphyxiates and they're inflammatory and can be carcinogenic and mutagenic so there are serious issues. The smell of smoke no longer has that feel good, pleasant associations that we once had due to the overwhelming evidence of the adverse health effects. The health related problems and health care costs for individuals and for our community caused by inhaling smoke pollutants can be significant. Many health care professionals recommend if you or your family suffer from these chronic diseases or even repeated repertory problems; you should not burn wood at all. But we on Manor Park and around the other two, I'm going to call them incinerators, do not have that choice. My home is directly between the units on Manor Park and Bunts and the nuisance odors

to myself and my family occurs both outside and inside my home and if you can smell smoke it's likely that you are breathing and taking it in.

Wood furnaces can be used as incinerators, burning materials such as particleboard, paper, plastic, plywood, pallets, treated or painted wood and even garbage in some cases. We have an indoor smoking ban, our incinerators have been eliminated and we can't use coal in our homes anymore because of public health and safety reasons. So, now is really the time to address this. The moratorium is a good first step but we need to do more. We need to help Lakewood residents be good neighbors and eliminate the future wood burning furnaces and to retire or convert the existing units. Thank you.

Pamela Davis – 1616 Lauderdale

I've spent the last eight years of my career working on air quality issues. Currently I'm staffing the Greater Cleveland Clean Air Campaign. I'm here tonight as a resident of Lakewood but also to lend you my expertise with air quality issues. I'm in support of my neighbors on Manor Park and Bunts and Merle and on Woodbury and Franklin. I support the moratorium with the hope that you will ultimately out right ban these types of units. I've been working with the Ohio Environmental Council at the state level who's a non-profit advocacy organization, I've been working with the American Lung Association. What we know as all my people before me have mentioned, these are health issue problems. I would suggest that you also be strong in dealing with the three existing units as nuisances. The state is not going to be any help to you. The state is being guided by rural interests and rural interests want to use these outdoor wood-burning furnaces and so you're not going to get help from the state level. I would encourage the City to actually take a stand and be a leader in Ohio and provide the tools for the Fire Department and the Police Department and the Law Department so they actually can handle these three existing units as nuisances. We've taken the lead on the anti-idling reduction here in Lakewood. I think that this is one of those important issues as well. Thank you.

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

2. **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 devices on the community and environment. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 1/18/11, 2ND READING 2/7/11) (Pg. 4)

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 1-11.

Motion adopted. All members voting yea.

3. Public Works Committee Report regarding Ordinance No. 2-11. (To Be Provided)

Public Works Committee Report regarding Ordinance 2-11 – Tom Bullock

We had the chance to meet in the Public Works committee in the past week and hear from the administration about this ordinance which is contracting authority to proceed forward with the final phase on Detroit Ave. of the signalization project to take out what's there now and put in new radio connected traffic signals that will be more easily coordinated to more smoothly flow traffic through which among other things actually reduces particulate matter and soot and smog in the air. We had a chance to ask the administration about specific intersections, about the impact this project may have on the streetscape including any trees and also about the effective coordination of the timing of the traffic lights once they are installed and how to resolve any problems. Several of those questions spoke to other phases of the signalization work underway already in Lakewood. All of this was satisfactory so the committee unanimously recommended adoption of tonight's ordinance to the full council.

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

4. **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. (PLACED ON 1ST READING & REFERED TO THE PUBLIC WORKS COMMITTEE 1/18/11, 2nd READING 2/7/11) (Pg.6)

Motion by Mr. Bullock, seconded by Ms. Madigan, to adopt Ordinance No. 2-11.

Motion adopted. All members voting yea.

5. Housing Committee Report regarding Ordinance 5-11. (To Be Provided)

#5 Housing Committee Report regarding Ordinance 5-11 – ML Madigan

We had a committee meeting tonight at 6:45, that's why this is an oral report. Present were Councilman Juris, Acting Director Siley, Director Ashby and Councilman Butler. What we're discussing here tonight, ordinance 5-11, is basically an agreement to establish protocols for us, the City of Lakewood, in partnership with the Cuyahoga County Land Bank. This is going to allow the land bank to demolish any dilapidated, abandoned or nuisance properties in a

particular area, very strategic properties that we're talking about. If there is a possibility to reclaim them or rehab them, that may be done as well but we will work with the land bank using Federal neighborhood stabilization dollars to get rid of these nuisance properties. In addition, one of the important parts of this partnership is that this will be done following very closely all of our local codes, all of our local ordinances. We feel we have a very good partnership with the Cuyahoga County land bank. In committee we discussed it and voted unanimously to recommend passage and to suspend the rules so that we could do this tonight on second reading.

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

Motion adopted. All members voting yea.

6. **ORDINANCE NO. 5-11-** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor of the City of Lakewood to enter into an agreement with the Cuyahoga County Land Reutilization Corporation (CCLRC) to facilitate the cooperation of the CCLRC and the City of Lakewood in reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed or other real property within the City of Lakewood. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 2/7/11) (Pg.9)

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. 5-11 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 Ordinance No. 5-11.

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

Nays: None

Ordinance No. 5-11 adopted.

7. **ORDINANCE NO. 3-11** – AN ORDINANCE to amend Sections 146.02, Membership and 146.03, Terms, of the Lakewood Codified Ordinances in order to enlarge the number of residents serving on the Lakewood Animal Safety and Welfare Advisory Board. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 2/7/11) (Pg. 11)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 3-11 on 2nd Reading.

Motion adopted. All members voting yea.

8. **ORDINANCE NO. 4-11-** AN ORDINANCE to amend Chapter 741, Peddlers, Vendors and Solicitors of the Codified Ordinances of the City of Lakewood in order to update the provisions and to better address citizen concerns with the current licensing and registration requirements. (PLACED ON 1ST READING & REFERRED TO THE)((PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 2/7/11) Pg.13)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 4-11 on 2nd Reading.

Motion adopted. All members voting yea.

9. Communication from Councilmembers Bullock and Smith regarding Report from Saturday Lakewood Farmers Market on its inaugural 2010 season. (DEFERRED 2/7/11) (Pg.23)

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

Motion adopted. All members voting yea.

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

10. Communication from Councilmember Juris regarding Appointment of Joe Loboizzo to the Community Relations Advisory Commission. (Pg.24)

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

Motion adopted. All members voting yea.

11. Communication from Councilmember Nowlin regarding Appointment of Veronica Youngblood-White to the Community Relations Advisory Commission. (Pg.25)

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

Motion adopted. All members voting yea.

12. Communication from Finance Director Pae regarding 2011 1st Quarter Transfers (Pg.26)

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.

13. **ORDINANCE NO. 6-11-** 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 to authorize the transfer and advance of certain funds. (Pg.27)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 6-11 on 1st Reading and refer to the Finance Committee.

Motion adopted. All members voting yea.

14. Communication from Human Services Director Buckon regarding Juvenile Diversion Program. (Pg.29)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8488-11** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be force after the earliest period allowed by law, authorizing the Juvenile Court to accept funds in an amount estimated at \$14,400.00 for the City's Juvenile Diversion Program. (Pg.30)

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. 8488-11 on final reading.

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

Nays: None

Motion adopted. Rules suspend.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8488-11.

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

Nays: None

Motion adopted. Resolution adopted.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:17 PM.

Approved: _____

CLERK

PRESIDENT