

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MARCH 21, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:31 PM by Council President Madigan.

Present: Councilmembers, David Anderson, Thomas Bullock, Shawn Juris, Mary Louise Madigan, Brian Powers, Monique Smith,.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Human Resources Director Yousefi, Public Works Director Beno, Human Services Director Buckon, Police Chief Malley, Housing's Ashby, Assistant Fire Chief Dargay, Assistant Planning & Development Director Siley.

Motion by Ms. Madigan, seconded by Mr. Powers to excuse the absence of Councilmember Nowlin.

Motion adopted. All members present voting yea.

Reading and disposal of the Minutes of the Regular Meeting of Council held March 7, 2011.

Motion by Ms. Madigan, seconded by Mr. Powers, to approve the Minutes of the Regular Meeting of Council held March 7, 2011.

Motion adopted. All members present voting yea.

Without objection from Council item 23 was addressed first in the agenda order.

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

1. Finance Committee Report regarding Ordinance Nos. 6-11, 8-11, 9-11 and 10-11 (Page 5)

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

Motion Adopted. All members present voting yea.

2. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/22/11, 2nd READING 3/7/11) (Pg. 7)

Motion by Mr. Powers, seconded by Ms. Madigan to adopt Ordinance No.6-11

Motion Adopted. All members present voting yea.

3. Fiscal Officer's Certificate; \$1,238,000 Streets Improvements. (Page 9)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the Fiscal Officer's Certificate.

Motion adopted. All members present voting yea.

4. **ORDINANCE NO. 8-11** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,238,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING ARLINGTON ROAD, LAKELAND AVENUE, LARCHMONT AVENUE, MADISON AVENUE, MORRISON AVENUE, OVERLOOK ROAD, WASCANA AVENUE AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, BY RESURFACING, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/7/11/) (Pg. 10)

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 8-11 on final reading. .

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Ms. Madigan to adopt Ordinance No. 8-11.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 8-11 adopted.

5. Fiscal Officer's Certificate. \$701,000 Detroit Road Traffic Signals (REFERRED TO THE FINANCE COMMITTEE 3/7/11) (Pg. 17)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the Fiscal Officer's Certificate.

Motion adopted. All members present voting yea.

6. **ORDINANCE NO. 9-11** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$701,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING DETROIT AVENUE, BETWEEN CERTAIN TERMINI, BY PROVIDING NEW TRAFFIC SIGNALIZATION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/7/11) (Pg. 18)

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 9-11 on final reading. .

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Ms. Madigan to adopt Ordinance No. 9-11.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 9-11 adopted.

7. Fiscal Officer's Certificate. \$161,000 (REFERRED TO THE FINANCE COMMITTEE 3/7/11) (Pg. 25)

Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the Fiscal Officer's Certificate.

Motion adopted. All members present voting yea.

8. **ORDINANCE NO. 10-11** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$161,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE MUNICIPAL GARAGE VENTILATION SYSTEM, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/7/11) (Pg. 26)

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules requiring this ordinance to be read on three separate days and placing Ordinance No. 10-11 on final reading. .

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Ms. Madigan to adopt Ordinance No. 10-11.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 10-11 adopted.

9. Public Safety Committee Report regarding Ordinance Nos. 3-11, 4-11, and 7-11. (Pg. 32)

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

Motion Adopted. All members present voting yea.

10. **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. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 3-11 PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 2/7/11, 2ND READING 2/22/11) (Pg. 34)

Motion by Mr. Bullock, seconded by Ms. Madigan, to substitute Ordinance No. 3-11.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 3-11 substituted.

Motion by Ms. Madigan, seconded by Mr. Powers to adopt Ordinance No. 3-11 as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 3-11 adopted as substituted.

11. **ORDINANCE NO. 7-11** – AN ORDINANCE to allow leashed dog-walking in Lakewood Park and Kauffman Park, and to codify certain rules, restrictions and prohibitions related thereto. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 3/7/11) (Pg.36)

Motion by Ms. Madigan, seconded by Mr. Powers, to place on second reading.

Motion Adopted. All members present voting yea.

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

12. Communication from Council President Madigan regarding Resolution to Welcome New Residents. (Pg 40)

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

Motion adopted. All members present voting yea.

13. **RESOLUTION NO. 8491-11** – A RESOLUTION to welcome you as a new resident of the City of Lakewood. (Pg. 41)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Powers to adopt Resolution No. 8491-11.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8491-11 adopted.

14. Communication from Councilmember Powers regarding Appointment of Kelly Mohar to the Citizens Advisory Committee. (Pg.42)

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

Motion adopted. All members present voting yea.

15. Communication from Law Director Butler regarding Extension of Moratorium on Internet Gaming Cafés, Sweepstakes Gaming Cafés, and Computer Game Centers. (Pg.43)

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

Motion adopted. All members present voting yea.

16. **ORDINANCE NO. 11-11** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, to extend the moratorium enacted by Ord. 72-10 on the granting of permits to operate an Internet Café, Sweepstakes Gaming Café or Computer Game Center for a period not to exceed six (6) months from April 18, 2011 in order to allow Council and the Lakewood Planning Commission to continue to review applicable

case law, criminal codes and the Lakewood Zoning Code relative to these establishments. (Pg. 44)

Motion by Ms. Madigan, seconded by Mr. Powers, to place on 1st reading and refer to Committee of the Whole.

Motion adopted. All members present voting yea.

17. Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg.46)

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

Motion adopted. All members present voting yea.

18. **RESOLUTION NO. 8492-11** – A RESOLUTION proclaiming March 21, 2011 through March 25, 2011 as “Severe Weather Awareness Week”. (Pg. 47)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Powers to adopt Resolution No. 8492-11.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8492-11 adopted

19. Communication from Public Works Director Beno regarding NOPEC Powering Our Communities grant award. (Pg.48)

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

Motion adopted. All members present voting yea.

20. **RESOLUTION NO. 8493-11** - 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 in force after the earliest period allowed by law, authorizing the Mayor to accept, on behalf of the City of Lakewood, Six Hundred Eleven Thousand Dollars (\$611,000) from the Northeast Ohio Public Energy Council (NOPEC) through its Powering Our Communities Program for energy efficient updates to the City of Lakewood's refuse and recycling drop off facility. (Pg. 49)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules requiring this Resolution to be read on three separate days and placing Resolution No. 8493-11 on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith
Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Powers to adopt Resolution No. 8493-11.

Yeas: Anderson, Bullock, Juris, Madigan, Powers, Smith
Nays: None
Motion adopted. Resolution No. 8493-11 adopted

21. Communication from Assistant Planning & Development Director Siley regarding Changes to the Zoning Code – Commercial Setback Requirements and Conditional Use for Mixed Use Overlay in Residential Districts. (Pg.50)

Motion by Ms. Madigan, seconded by Mr. Powers, to receive, file and refer the communication to the Planning Commission.

Motion adopted. All members present voting yea.

22. **ORDINANCE NO. 12-11**- An Ordinance to amend Section 1129.06 Minimum Yard Requirements for Principal Uses; Section 1121.04, Conditionally Permitted Uses; Section 1123.04, Conditionally Permitted Uses of the Codified Ordinances of the City of Lakewood to correct prior drafting errors and to keep these sections consistent with other provisions of the Code. (Pg.51)

Motion by Ms. Madigan, seconded by Mr. Powers, to place on 1st reading and refer to the Planning Commission.

Motion adopted. All members present voting yea.

23. Communication from Human Services Director Buckon regarding 2010 City of Lakewood Census. (Pg.55)

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

Motion adopted. All members present voting yea

Resident spoke about trees on Clifton, the condition of the streets, the dog park and welcomed new councilmembers.

Motion by Ms. Madigan, seconded by Mr. Powers, to adjourn the meeting.

Motion adopted. All members present voting yea.

Meeting adjourned 8:17 PM.

Approved: _____

CLERK

PRESIDENT