

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

Regular Meeting of the Lakewood City Council called to order at 7:30 PM by Council President Madigan.

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

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

Motion by Ms. Madigan, seconded by Mr. Powers, to approve the Minutes of the Regular Meeting of Council held April 4, 2011.

Motion adopted. All members present voting yea.

* Without objection from Council, Item 12 was read first in the agenda order.

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

1. Committee of the Whole Report regarding Ordinance No. 11-11 - Extending Moratorium on Internet Gaming Cafes. (Pg.5)

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

Motion adopted. All members voting yea.

2. **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. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 3/21/11, 2ND READING 4/4/11) (Pg. 6)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 11-11.
Motion adopted. All members voting yea.

3. Housing Committee Report regarding Ordinances Nos. 18-11 & 19-11. (Pg.8)

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

4. **ORDINANCE NO. 18-11** - 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 and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1667 Waterbury (PP#315-06-148), 2070 Dowd (PP#315-23-199), 2107 Robin (PP#315-22-074), 13736 Madison Avenue (PP#315-03-031), 1482-84 W. 117th (PP#315-14-002), 1301 Cranford (PP#311-32-172), 2060 Marlowe (PP#314-19-062), 1269 Westlake (PP#311-29-041) and 1383 Sloane Avenue (PP#331-15-011) pursuant to Section 155.07 of the Codified Ordinances. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 4/4/11) (Pg. 9)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 18-11. on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 18-11.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance No. 18-11 adopted.

5. **ORDINANCE NO. 19-11** – AN ORDINANCE to permit the purchase of real property for an amount not to exceed \$60,000 without advertising and competitive bidding or specific approval of Council as required by Lakewood Codified Ordinance §111.04 for a period of three years from the effective date of this legislation. (PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 4/4/11) (Pg. 11)

Motion by Ms. Madigan, seconded by Mr. Powers, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 19-11. on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 19-11.

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

Nays: None

Motion adopted. Ordinance No. 19-11 adopted.

6. Finance Committee Report regarding Ordinances Nos. 15-11 & 16-11. (To Be Provided)

**#6 Finance Committee Report regarding Ordinances Nos. 15-11 & 16-11 - Powers
Dear Members of Council,**

The Finance Committee met this evening along with our honored guest Director Pae. Before us were two items, Ordinance 15-11 which expands the number of organizations through which the City may exercise joint purchasing arrangements. It was unanimously recommended by the committee that the full council tonight suspend the rules and pass this ordinance this evening. The second item before us was Ordinance 16-11, a capital lease authorization. This is a lease agreement with Key Bank for \$3.5 million related to vehicles and equipment that have already been reviewed by this council as part of our overall capital plan. This did go to bid. There were a number of responses and although Key Bank was not the lowest, it was the best as selected by the administration because it is an Ohio institution with which we do have experience. Again, the committee, voting unanimously to recommend to the full council that we suspend the rules this evening and pass tonight on second reading.

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

Motion adopted. All members voting yea.

7. **ORDINANCE NO. 15-11** – AN ORDINANCE authorizing the Director of Finance to enter into agreements with various purchasing agencies to create more efficient purchasing within the City of Lakewood and to permit direct purchasing from said agencies without the necessity of advertising and bidding as required in Lakewood Codified Ordinance §111.04, Bidding. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/4/11) (Pg.15)

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. 15-11. on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 15-11.

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

Nays: None

Motion adopted. Ordinance No. 15-11 adopted.

8. **ORDINANCE NO. 16-11** –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 authorize the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood (“City”). (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/4/11) (Pg. 16)

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. 16-11. on final reading.

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

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 16-11.

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

Nays: None

Motion adopted. Ordinance No. 16-11 adopted.

9. Public Works Committee Report regarding Ordinance No. 17-11. (To Be Provided)

#9 Public Works Committee Report regarding Ordinance 17-11- Bullock

The Public Works Committee met tonight with all members present as well as with Councilman Anderson and Councilwoman Smith present. The committee voted unanimously to recommend to the full Council, at the request of the Public Works Director, suspension of the rules tonight and passage on second reading of ordinance 17-11 so that the City can meet NOACA’s contracting timeline and so construction can remain on schedule. This ordinance would authorize the Director of Public Works to enter into a contract for \$472,084 which represents the City’s 20% cost share of the third

phase of a Detroit Ave. wide traffic signalization replacement and upgrade project which our regional transportation agency, known as NOACA, has prioritized and for which it has committed to pay the majority of costs. Just as with our previously completed traffic signalization upgrade work on Clifton, on Detroit NOACA wants to replace and refurbish the signal mast arms and foundations and more importantly upgrade the signal control equipment for radio interconnections that allow for greater efficiency.

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

10. ORDINANCE NO. 17-11 – 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 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 4/4/11) (Pg. 20)

Motion by Mr. Bullock, seconded by Ms. Madigan, to suspend the rules requiring this Ordinance to be read on three separate days and placing Ordinance No. 17-11 on final reading.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Rules suspended.

Motion by Mr. Bullock, seconded by Mr. Powers, to adopt Ordinance No. 17-11.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance No. 17-11 adopted.

11. ORDINANCE NO. 13-11 – AN ORDINANCE modifying Section 121.10 of the Lakewood Codified Ordinances to bring that section in line with the provisions of the Second Amended Charter regarding the passage of resolutions of City Council. (SUBSTITUTED, PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/4/11) (Pg.23)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 13-11 on 2nd Reading.

Motion adopted. All members voting yea.

****NEW BUSINESS****

12. Communication from Councilmember Anderson regarding The National Children's Study. * (Pg.25)

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

Motion adopted. All members voting yea.

13. Communication from Finance Director Pae regarding Amended Streets Capital Contracting Authority Ordinance. 89-10. (Pg.26)

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

Motion adopted. All members voting yea.

14. **ORDINANCE NO. 89-10A** – 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 and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Street Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 27)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 89-10A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

15. Communication from Finance Director Pae regarding Disposal of City Fixed Assets through Trade-in. (Pg.29)

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

Motion adopted. All members voting yea.

16. **ORDINANCE NO. 20-11** - 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, enacting new Section 111.13, Sale Through Trade-In, of the Codified

Ordinances of the City of Lakewood, authorizing Director of Finance to sell, through trade-in various obsolete vehicles, machinery and/or equipment having estimated values in excess of scrap value for the purchase of replacement/new vehicles, machinery and/or equipment. (Pg.30)

Motion by Ms. Madigan, seconded by MR. Powers, to place Ordinance No. 20-11 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

17. Communication from Fire Chief Gilman regarding Resolution Adopting the Cuyahoga County Emergency Operations Plan. (Pg. 32)

Motion by Ms. Madigan, seconded by Mr. Powers, to receive, file and reer the communication to the Public Safety Committee.

Motion adopted. All members voting yea.

18. **RESOLUTION NO. 8494-11** –A RESOLUTION adopting the Cuyahoga County Emergency Operations Plan. (Pg.33)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8494-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

Public Comment portion. A resident expressed concern about Atkins speeding, bicycle safety in respect to bike lanes, police enforcement of cell phone use, and loud music from cars.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:07 PM.

Approved:_____

CLERK

PRESIDENT