

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 2, 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 18, 2011.

Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding Ordinance No. 55-10. (TO BE PROVIDED)

#1 Committee of the Whole Report regarding Ordinances No. 55-10 - Madigan

Ordinance 55-10 is an ordinance that began in the Housing Committee many months ago and made it to the Committee of the Whole where it currently sits. We are moving to refer it back to the Committee of the Whole for further discussion at a meeting next Monday, May 9th at 6:30. We welcome participation by any interested members of the public. This will affect all of our housing stock because it is focused largely on rental units.

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

2. **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, REFERRED TO THE COMMITTEE OF THE WHOLE
10/4/10) (Pg. 5)

Motion by Ms. Madigan, seconded by Mr. Powers, to refer Ordinance No. 55-10 back to the Committee of the Whole.

Motion adopted. All members voting yea.

3. Committee of the Whole Report regarding Animal Safety and Welfare Advisory Board Appointments. (TO BE PROVIDED)

#3 Committee of the Whole Report regarding Animal Safety and Welfare Advisory Board Appointments - Madigan

At tonight's Committee of the Whole, which all members were present, in addition, a couple members of the administration, particularly the Law Director, Kevin Butler. At this meeting all seven council people committed to and nominated a person to sit on Lakewood's Animal Safety and Welfare Advisory Board. In addition, the Mayor made one selection and will probably make another at the next council meeting I would imagine. In addition to that, we will have a councilperson who will be in agreement to sit on the board and represent Council at that board meeting.

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

Motion adopted. All members voting yea.

4. Finance Committee Report regarding Ordinances Nos. 89-10A and 20-11. (TO BE PROVIDED)

#4 Finance Committee Report regarding Ordinances 89-10A and 20-11 – Powers

The Finance Committee met this evening along with our special guests from the Public Works Committee given that two thirds of the committee is also on the Public Works Committee. That meant the addition of the chair of the Public Works Committee, Councilman Bullock. We had two items before us. The first proposed ordinance, 89-10A, this regards a grant towards the Refuse Building repairs that allows us to take \$250,000 and transfer it over to street improvements. We had some good questioning on that item and the committee voting unanimously to recommend with some slight amendments for some superfluous language in the ordinance, slight amendments but recommend suspending the rules and adopting tonight because there is some timeliness attached to this particular ordinance. We also considered proposed ordinance 20-11. This is a trade-in that allows the Finance Director to do certain trade-in of material without seeking approval from full council for items with small dollar amounts attached

to them. The committee considered and recommended that the full council pass this ordinance upon third reading. In other words we will not be asking to suspend tonight and pass but pass after the third reading which potentially be at the next council meeting.

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

5. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/18/11)(Pg. 14)

Motion by Mr. Powers, seconded by Ms. Madigan, to amend Ordinance No. 89-10A by deleting the words “elected to” and replacing with the word “of” in the first paragraph, replacing “elected thereto”, in the second paragraph (1st Whereas clause) with “of Council”, and eliminating, “elected to”, in section 4.

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

Nays: None

Motion adopted. Ordinance 89-10A amended.

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. 89-10A 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. 89-10A as amended.

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

Nays: None

Motion adopted. Ordinance No. 89-10A adopted as amended.

6. **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. PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 4/18/11) (Pg. 16)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 20-11 on 2nd Reading and recommend adoption after it has had all three readings on May 16, 2011.

Motion adopted. All members voting yea.

7. Planning Commission Report regarding Proposed Ordinance 12-11 Changes to the Zoning Code – Commercial Setback Requirements and Conditional use for Mixed Use Overlay in Residential Districts. (Pg. 18)

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

Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/21/11, 2nd READING 4/4/11) (Pg.19)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 12-11

Motion adopted. All members voting yea.

9. **RESOLUTION NO. 8494-11** –A RESOLUTION adopting the Cuyahoga County Emergency Operations Plan. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 4/18/11) (Pg. 23)

Motion by Ms. Madigan, seconded by Mr. Nowlin, to place Resolution No. 8494-11 on 2nd Reading.

Motion adopted. All members voting yea.

****NEW BUSINESS****

10. Communication from Councilmember Juris regarding Appointment of Bryan Schwegler to the Citizens Advisory Committee. (Pg.24)

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

11. Communication from Councilmember Nowlin regarding Appointment of John Mitterholzer to the Citizens Advisory Committee. (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 Mayor Summers regarding Update on Housing Initiatives (Pg.26)

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

Motion adopted. All members voting yea.

13. Communication from Law Director Butler regarding Ordinance permitting library sculpture. (Pg.27)

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

Motion adopted. All members voting yea.

14. **ORDINANCE NO. 21-11** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, to take effect and be in force after the earliest period allowed by law, exempting the Board of Trustees of Lakewood Public Library from the prohibitions of Section 901.18 of the Streets and Public Service Code of the Codified Ordinances of the City of Lakewood in order to permit the placement and/or construction of a sculpture within a portion of the public right-of-way located adjacent to Library property, described as the “Sculpture Easement Area” on the survey attached as Exhibit A, near the corner of Arthur and Detroit Avenues. (Pg.28)

Motion by Ms. Madigan, seconded by MR. Powers, to place Ordinance No. 21-11 on 1st Reading and refer it to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

15. Communication from Law Director Butler regarding Ordinance amending Section 529.10 to allow alcohol on public property in limited settings. (Pg.31)

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

Motion adopted. All members voting yea.

16. **ORDINANCE NO. 22-11** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members of Council or otherwise, to take effect and be in force after the earliest period allowed by law, amending Section 529.10, Possession, Sale or Consumption on Public Property, of the Codified Ordinances of the City of Lakewood to allow the possession, ale or consumption of alcoholic beverages on public property in conjunction with a Special Event Permit issued in accordance with Chapter 557, Parades and Special Events, of the Codified Ordinances, and to include a reference to the sale and consumption of alcohol in accordance with a Conditional Use Permit for Outdoor Dining issued under the authority of LCO Section 1161.03(t). (Pg.32)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 22-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

17. Communication from Fire Chief Gilman regarding Resolution to proclaim May 15-20, 2011 as Emergency Medical Services Week. (Pg. 34)

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

Motion adopted. All members voting yea.

18. **RESOLUTION NO. 8495-11** – A RESOLUTION authorizing the Mayor, as Director of Public Safety and on behalf of the City of Lakewood, to proclaim May 15-20, 2011 as Emergency Medical Services Week. (Pg.35)

Motion by Mr. Powers, seconded by Ms. Madigan, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8495-11 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 Resolution No. 8495-1

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

Nays: None

Motion adopted. Resolution No. 8495-11 adopted.

19. Liquor Permit Application for C1, D2 and D3 transfers to MJK Grill Inc. 18515 Detroit Avenue, from 3 Corners LLC d/b/a 3 Birds same address. (Pg.36)

Motion by Ms. Smith, seconded by Ms. Madigan, to defer action on this liquor permit application.

Motion adopted. All members voting yea.

20. Liquor Permit for a new D3A permit to MJK Grill Inc. 18515 Detroit Avenue. (Pg.37)

Motion by Ms. Madigan, seconded by Ms. Smith, to defer action on this liquor permit application.

Motion adopted. All members voting yea.

Resident from Robinwood spoke regarding concerns of traffic and street repair .

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

Motion adopted. All members voting yea.

Meeting adjourned 8:28 PM.

Approved:_____

CLERK

PRESIDENT