

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
MAY 16, 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, Assistant Planning & Development Director Siley.

Motion by Ms. Madigan, seconded by Mr. Powers, to approve the Minutes of the Regular Meeting of Council held May 2, 2011.

Motion adopted. All members present voting yea.

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

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

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

55-10 is an ordinance that came up before Committee of the Whole after having first been in the Housing Committee. In October of 2010 it moved to Committee of the Whole because it's an item important enough for the entire Council body to consider. It's exactly what Councilman Bullock was referring to just a few moments ago. In recent weeks, after much debate, the Committee of the Whole arrived at a version that's before us this evening. If ordinance 55-10 were passed in its substitute form it would amend our current housing code as follows: With respect to vacant properties it would require for the first time, the registration and licensing of vacant properties. It would require license fees for vacant properties and monitoring fees for nuisance properties, both subject to late fees. It would broaden the information required on vacant property license applications to include, among other things, liability insurance information, a certificate that utilities have been disconnected and that the property has been winterized, the combination to a knox box type rapid entry system permitting our fire officials quick access in the event of a fire.

Now, with respect to properties occupied by renters. It would require updated license fees for certain housing licenses, subject to late fees. It would broaden the information required on housing license applications to include among other things, a certificate that the applicant has

done at least two of these three things: uses a written rental agreement for all tenants, uses a reputable screening service and/or attended a landlord training session approved by our Building officials. So, two of those three things. It would give information on the in-state person whom the City can serve legal process. For those of you who live next door to an absentee, way absentee landlord, like out of the state, you know how important that is. Also information on the location of the property manager, the agent or trustee and the person responsible for grass cutting and snow removal. Information to protect against overcrowding and tax avoidance. A certificate that each unit is equipped with smoke and carbon monoxide detectors and that no electrical hazards are present. That there is hot and cold running water servicing the unit among other safety certifications.

With respect to all vacant and rental properties, the ordinance would also void any license if the licensee was found to have been a chronic violator of our Building Code. And, if the property was found to be qualified as a criminal activity nuisance property within the past two years. This was a lot of work taken on by this entire council and by this administration.

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, REFERRED BACK TO COMMITTEE OF THE WHOLE 5/2/11) (Pg. 5)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance 55-10.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance Substituted.

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 55-10 as substituted.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance No. 55-10 adopted as substituted.

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

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

The Animal Safety and Welfare Advisory Board is finally well appointed. For the record the following people were appointed: Juleen Russell appointed by Mary Louise Madigan, Nancy Patterson appointed by David Anderson, Peter Grosetti appointed by Shawn Juris, Donna Clifford Klein appointed by Brian Powers – Ms. Klein's will be a 2 yr term, the three I just read

will be a one-year term, Karolyn Isenhardt appointed by Monique Smith for 2 years, Kim McCarty appointed by Tom Bullock, Melissa Linkeman appointed by Ryan Nowlin, Dr. Bo Rog appointed by Mayor Summers and Dawn Pyne appointed by Mayor Summers. In addition, the Councilperson who will serve on this Animal Safety and Welfare Advisory Board is David Anderson appointed by Council. Thank you Councilman Anderson for your service on this board and to each and every citizen who really does give a lot of time and really helps this Council assess information and come to some very good conclusions for the rest of the community.

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

Motion adopted. All members voting yea.

4. **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, REPORTED OUT ON, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION 5/2/11 .) (Pg. 14)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No.20-11.

Motion adopted. All members voting yea.

5. **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. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/2/11) (Pg. 16)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 21-11 on 2nd Reading.

Motion adopted. All members voting yea.

6. **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, sale 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). (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/2/11) (Pg. 19)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 22-11 on 2nd Reading.

Motion adopted. All members voting yea.

7. Liquor Permit Application for D1, D2 and D3 transfers to MJK Grill Inc. 18515 Detroit Avenue, from 3 Corners LLC d/b/a 3 Birds same address. (DEFERRED 5/2/11) (Pg. 21)

Motion by Mr. Anderson, seconded by Mr. Powers, to file no objection to the liquor permit application.

Motion adopted. All members voting yea.

8. Liquor Permit for a new D3A permit to MJK Grill Inc. 18515 Detroit Avenue. (DEFERRED 5/2/11) (Pg. 22)

Motion by Ms. Madigan, seconded by Ms. Smith, to file no objection to the liquor permit application.

Motion adopted. All members voting yea.

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

9. Communication from Councilmember Juris regarding Appointment of Peter Grossetti to Animal Safety and Welfare Advisory Board. (Pg. 23)

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

Motion adopted. All members voting yea.

10. Communication from Mayor Summers and Councilmember Bullock regarding Resolution opposing S.B. 5, a proposed state law that would unnecessarily and damagingly rewrite Ohio's collective bargaining law. (Pg.24)

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

Motion adopted. All members voting yea.

11. **RESOLUTION NO. 8496-11** – A RESOLUTION 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, opposing Senate Bill 5, a

proposed state law that would unnecessarily and damagingly rewrite Ohio's collective bargaining law. (Pg.26)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8496-11 on 1st Reading and refer it to the Committee of the Whole.

Motion adopted. All members voting yea.

12. Communication from Councilmember Bullock regarding Establishing 25 m.p.h. speed limits, consistent with other neighborhood streets, for Athens and Delaware Avenues. (Pg.28)

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

Motion adopted. All members voting yea.

13. **ORDINANCE NO. 23-11** – AN ORDINANCE modifying Section 313.02(f) of the Lakewood Codified Ordinances to establish 25 miles-per-hour for Athens and Delaware Avenues consistent with other neighborhood streets. (Pg.29)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 23-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

14. Communication from Mayor Summers regarding Appointments to the Animal Safety and Welfare Board. (Pg. 31)

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

Motion adopted. All members voting yea.

15. Communication from Mayor Summers regarding Appointment to the Nuisance Abatement Appeals Board. (Pg.32)

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

Motion adopted. All members voting yea.

16. Communication from Mayor Summers regarding Appointments to the Citizens Advisory Committee. (Pg.33)

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

Motion adopted. All members voting yea.

17. Communication from Law Director Butler regarding Ordinance amending Chapter 557 to expand the meaning of special events to include events on city streets, and to include the use of alcohol as a factor in administrative decisionmaking with respect to special events. (Pg. 34)

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.

18. **ORDINANCE NO. 24-11** - 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 after the earliest period allowed by law, amending Chapter 557, Parades and Special Events, of the Codified Ordinances of the City of Lakewood in order to allow special events to be held within the public right-of-way, in addition to Lakewood Parks, and to allow the Director of Public Safety to consider whether or not alcohol will be served at an event one of the determining factors in issuing a permit. (Pg.35)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 24-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

19. Communication from Finance Director Pae regarding 2011 2nd Quarter Transfers. (Pg.39)

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.

Please note Ordinance Number is corrected to read 26-11 due to previous duplication)

20. **ORDINANCE NO. 26-11** – 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 to authorize the transfer and advance of certain funds. (Pg.40)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 26-11 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

21. Communication from Fire Chief Gilman regarding Resolution recognizing the public service and retirement of Captain James Phelan. (Pg.42)

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

Motion adopted. All members voting yea.

Please note Resolution Number is corrected to read 8497-11 due to duplication

22. **RESOLUTION NO. 8497-11** – A RESOLUTION to commend Retired Fire Captain James D. Phelan for his public service as a member of the City's Division of Fire. (Pg.43)

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. 8497-11 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 Resolution No. 8497-11.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Resolution No. 8497-11 adopted.

23. Communication from Human Services Director Buckon regarding 2011 Ohio's Senior Farmers' Market Nutrition Program. (Pg.44)

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

24. **ORDINANCE NO. 25-11** - 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, authorizing the Mayor, or his designee to enter into a Contract with the Western Reserve Area Agency on Aging to serve as a Distribution Agent in the Senior Farmers' Market Nutrition Program which provides certain fresh, locally grown foods to eligible participants. (Pg.45)

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. 25-11 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 Resolution No. 8497-11.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Ordinance No. 25-11 adopted.

25. Communication from Assistant Planning & Development Director Siley regarding Tenth Annual Lakewood Heritage Preservation Awards. (Pg. 47)

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

26. Liquor Permit Application for a D5 transfer to Bonnie and Clydes, 13603 Madison Avenue, from Grafton Street Pub same address. (Pg.48)

Motion by Mr. Juris, seconded by Mr. Powers, to file no objection to this liquor permit application.
Motion adopted. All members voting yea.

Resident spoke about concern over hearing McDonalds Restaurant plan to move to Detroit Theater.

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

Motion adopted. All members voting yea.

Meeting adjourned 8:47 PM.

Approved: _____

CLERK

PRESIDENT