

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JUNE 6, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:33 PM by Council President Madigan.
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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, , Human Services Director Buckon, Assistant Planning & Development Director Siley, Human Services Director Yousefi, Public Works Representative Corrigan .

Motion by Ms. Madigan, seconded by Mr. Powers, to approve the Minutes of the Regular Meeting of Council held May 16, 2011.

Motion adopted. All members present voting yea.

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

1. Committee of the Whole Report regarding Resolution No. 8496-11 (TO BE PROVIDED)

#1 Committee of the Whole Report regarding Resolution 8496-11 - Madigan

Ladies and Gentlemen, tonight the Committee of the Whole, which is the entire body of Council, met to discuss a proposed resolution from Councilman Bullock and the Mayor regarding a resolution opposing Senate Bill 5. We voted to place on second reading and refer back to the Committee of the Whole which will be the second Monday of June or the next Council meeting.

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

Motion adopted. All members voting yea.

2. **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. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 5/16/11) (Pg.6)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8496-11 on 2nd Reading and refer it back to the Committee of the Whole.

Motion adopted. All members voting yea.

3. Rules & Ordinances Committee Report regarding Ordinance Nos. 13-11 & 21-11. (Pg.8)

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

Councilmember Powers asked that the clarification previously provided in Committee be restated for the record in front the whole Council regarding the phrase “sculpture easement area” within the ordinance. Law Director Butler responded that the initial intent was to create an easement but further determination showed that the selected area was owned by the library but within the City’s public right-of-way. Mr. Butler indicated “...rather than grant an easement within library property which wouldn’t really make sense under property law we decided to go the route of exempting the library from the provisions of this particular part of the Code that governs use of City right-of-way property, street property. When it was initially envisioned the library undertook a survey and the surveyor called it a “sculpture easement area” and only referred to it as that on the map. That’s just to show Council where the sculpture’s going to go.”

Motion adopted. All members voting yea.

4. **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, 2ND READING 4/18/11) (Pg. 10)

Motion by Ms. Madigan, seconded by Mr. Powers, to substitute Ordinance 13-11.

(It was indicated that the Section No. referenced was changed to 121.10)

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 13-11 as substituted.

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

Nays: None

Motion adopted. Ordinance No. 13-11 adopted substituted.

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 &

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Ordinance No. 21-11.

Motion adopted. All members voting yea.

6. Public Safety Committee Report regarding Resolution No. 8494-11, Ordinances 23-11, 22-11, and 24-11. (TO BE PROVIDED)

Public Safety Report regarding Resolution 8494-11, Ordinances 23-11, 22-11 and 24-11 - Smith
The Public Safety Committee met this evening and Councilmembers Anderson and Juris were present as well as Captain Hassing and Chief Gilman as well as Director Butler. The committee voted unanimously to recommend adoption of resolution 8494-11 which is the resolution supporting adoption of the Cuyahoga County Emergency Operations Plan. Chief Gilman talked a little bit about what that entails. It's going to allow us to bring some of our own practices and policies into better alignment with the County just by understanding what their current approach is. We also voted to defer ordinance 23-11 which would establish speed limits on certain streets. The Committee also voted unanimously to recommend adoption of ordinances 22-11 and 24-11 on the Council meeting on June 20th in order to ensure that they are effective at the same time. They are basically companion ordinances which deal with allowing special events permits and allowing consumption of alcoholic beverages on public property when special events permits are involved in accordance with the outdoor dining ordinance.

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

Motion adopted. All members voting yea.

7. **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, 2nd READING 5/2/11) (Pg.15)

Motion by Ms. Madigan, seconded by Mr. Powers, to adopt Resolution No. 8494-11.

Motion adopted. All members voting yea.

8. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/16/11) (Pg. 16)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 23-11 on 2nd Reading and refer back to the Public Safety Committee.

Motion adopted. All members voting yea.

9. **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, PLACED ON 2ND READING 5/16/11) (Pg. 18)

Motion by Ms. Madigan, seconded by Mr. Powers, to defer action on this item.
Motion adopted. All members voting yea.

10. **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. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 5/16/11) (Pg.20)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 24-11 on 2nd Reading.
Motion adopted. All members voting yea.

11. **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. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/16/11) (Pg.24)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 26-11 on 2nd Reading and refer back to the Finance Committee.
Motion adopted. All members voting yea.

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

12. Communication from Council President Madigan and Councilmember Bullock regarding Managing Lakewood's stray cat population more successfully and humanely by permitting the release of animals trapped and spayed or neutered pursuant to a city-approved program. (Pg. 26)

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

13. **ORDINANCE NO. 27-11** - AN ORDINANCE modifying Sections 505.02 and 505.11 of the Lakewood Codified Ordinances to permit the release and nutrition of animals trapped and spayed or neutered pursuant to a city-approved program. (Pg. 27)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 27-11 on 1st Reading and refer it to the Health & Human Services Committee.
Motion adopted. All members voting yea.

14. Communication from Councilmember Bullock Re: Demonstration project legislation to improve City-owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project. (Pg.30)

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

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8498-11** - A RESOLUTION declaring it necessary to improve City-owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto; and declaring an emergency. (Pg.31)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Resolution No. 8498-11 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

16. **ORDINANCE NO. 28-11** - An ordinance levying a special assessment to pay costs of an initial plan approved by the City in order to improve City-owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto, and declaring an emergency. (Pg.35)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 28-11 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

17. **ORDINANCE NO. 29-11** - An ordinance determining to proceed to pay costs of an initial plan approved by the City in order to improve City-owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto, and declaring an emergency. (Pg.37)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 29-11 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

18. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2011. (Pg.38)

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.

19. **ORDINANCE NO. 98-10A** - 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 amending Ordinance 98-10, adopted December 22, 2010 for the purpose of adding, deleting, and increasing contracting authority for the Mayor, the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2011 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 40)

Motion by Ms. Madigan, seconded by Mr. . Powers, to place Ordinance No. 98-10A on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

20. Communication from Finance Director Pae regarding 2012 Tax Budget Ordinance. (Pg.47)

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.

21. **ORDINANCE NO. 30-11** – AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members of Council, it shall take effect and be in force after the earliest period allowed by law approving the Tax Budget of the City of Lakewood, State of Ohio for the year 2012, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (Pg.48)

Motion by Ms. Madigan, seconded by MR. Powers, to place Ordinance No. 30-11 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

22. Communication from Public Works Director Beno regarding ODNR grants. (Pg.49)

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

Motion adopted. All members voting yea.

23. **ORDINANCE NO. 31-11** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members of Council, it shall take effect and be in force after the earliest period allowed by law authorizing the Director of Public Works to enter into an agreement with the Ohio Department of Natural Resources to accept a NatureWorks grant in the amount of Sixteen Thousand Forty-Eight Dollars (\$16,048.00) and will require a match from the City of Lakewood in the amount of Three Thousand Five Hundred Dollars (\$3,500.00), such match to be in the form of labor for the purchase and installation of a gazebo at Lakewood Park. (Pg.50)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 31-11 on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

24. **ORDINANCE NO. 32-11** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members of Council, or otherwise it shall take effect and be in force after the earliest period allowed by law authorizing the Director of Public Works to enter into an agreement with the Ohio Department of Natural Resources to accept a Community Development Grant in the amount of Twelve Thousand Three Hundred Thirty Dollars (\$12,330.00) and will require a match from the City of Lakewood in an equal amount for the purchase of equipment to streamline the collection of recyclable materials by the City of Lakewood. (Pg.52)

Motion by Ms. Madigan, seconded by Mr. Powers, to place Ordinance No. 32-11, on 1st Reading and refer it to the Public Works Committee.

Motion adopted. All members voting yea.

25. Communication from Police Chief Malley regarding Saturday, June 11, 2011 Bike Rodeo. (Pg.54)

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

Motion adopted. All members voting yea.

26. **RESOLUTION NO. 8499-11** - A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members of Council or otherwise, or otherwise it shall take effect and be in force after the earliest period allowed by law authorizing the Mayor (Director of Public Safety), on behalf of the City of Lakewood, is hereby authorized to give away up to (10) abandoned bicycles, that would otherwise be auctioned, for use as prizes to be given away at the Bike Rodeo hosted by the Lakewood Division of Police. (Pg.55)

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. 8499-11 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 8499-11.

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

Nays: None

Motion adopted. Resolution 8499-11 adopted.

27. Liquor Permit Application for a D5 transfer to Jammy Buggars 15625 Detroit Avenue to Bar 2 Inc, same address. (Pg.57)

Motion by Mr. Bullock, seconded by Ms. Smith, to file no objection to this liquor permit application.

Motion by Ms. Madigan, seconded by Mr. Powers, to reconsider item 27 due to Mr. Nowlin's request to register an abstention on the vote.

Motion adopted. All members voting yea.

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

Motion adopted. Six members voting yea.
Mr. Nowlin abstaining.

Two Lakeland residents spoke in reference to people playing basketball at the Kauffman Park basketball courts; the residents indicated incidents of players remaining past closing, profanity use, public urination, and menacing behavior in response to requests to curb language. A resident attributed an increase in property damage to nearby homes at the same time courts were opened in the area.

Council and the Mayor discussed briefly approaches to address the concerns from the residents.

Motion by Ms. Madigan, seconded by Mr. Powers, to adjourn the meeting.
Motion adopted. All members voting yea.
Meeting adjourned 8:37 PM.

Approved: _____

CLERK

PRESIDENT